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

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AFRICA

NORTH AFRICA

Libya

Libyan security forces violently break up migrant protest (Al Jazeera)

January 10, 2022

Security forces arrested hundreds of migrants protesting outside a shuttered UN centre, activists and migrants said.

Libyan security forces have raided and violently broke up a protest sit-in by migrants outside a shuttered UN community centre in the capital of Tripoli, activists and migrants said.

The troops came overnight, smashed up the protest site and arrested hundreds, said activist Tarik Lamloum on Monday. Those detained were sent to a detention centre in the nearby town of Ain Zara. Others managed to flee from the raid, he said.

Western powers urge Libya to set new election date 'swiftly'

Lamloum, who works with the local Belaady Organization for Human Rights, said at least one migrant community leader was shot during the raid.

The migrants, including women and children, had camped outside the centre in Tripoli since October, seeking protection following a massive crackdown on refugees and asylum seekers, and demanding better treatment at the hands of Libyan authorities.

Aiysha, a Sudanese migrant, was part of the sit-in protest along with her family since October. The mother of two said police beat and detained migrants. She was among those detained.

"We were caught off guard," she said, speaking to The Associated Press by phone from the detention centre in Ain Zara. She gave only her first name, fearing for her safety. "They burned the tents, burned everything."

The Norwegian Refugee Council and the International Rescue Committee said more than 600 people were detained in the raid.

"This is the culmination of a disastrous situation that has deteriorated" since the mass detention of migrants in October, said Dax Roque, the NRC's Libya director.

Both groups urged Libyan authorities to immediately release those detained and provide them protection from further violence.

A government spokesman did not answer phone calls and messages seeking comment.

In the October crackdown, Libyan authorities rounded up more than 5,000 people, including hundreds of children and women – dozens of them pregnant, according to the United Nations.

Authorities at the time described it as a security operation against illegal migration and drug trafficking. The people detained were taken to overcrowded detention centres, prompting an outcry from the UN and human rights groups.

A NATO-backed uprising toppled and killed longtime leader Muammar Gaddafi in 2011, plunging oil-rich Libya into chaos, which has persisted ever since.

The North African country has emerged in recent years as the dominant transit point for refugees and asylum seekers fleeing war and poverty in Africa and the Middle East, hoping for a better life in Europe.

Traffickers have exploited the chaos and often pack desperate families into ill-equipped rubber or wooden boats that stall and founder along the perilous Central Mediterranean route. Thousands have drowned along the way, others have been intercepted and returned to Libya.

Those detained on land and others returned to shore are often taken to government-run detention centres, rife with torture, sexual assault and other abuses.

UN-commissioned investigators said in October that abuse and ill-treatment of migrants at sea, in detention centres and at the hands of traffickers in Libya amount to crimes against humanity.

Libya: Hundreds detained in renewed crackdown on migrants and refugees (Norwegian Refugee Council)

January 10, 2022

The Norwegian Refugee Council (NRC) and the International Rescue Committee (IRC) are alarmed by the detention of more than 600 migrants, refugees, and asylum seekers in front of the former Community Day Centre in Tripoli early this morning. The centre used to provide humanitarian assistance to refugees and asylum seekers before it was permanently closed in December.

Dax Roque, the Norwegian Refugee Council's Libya Country Director, said:

"We are alarmed by the detention of hundreds of migrants, refugees, and asylum seekers, including women and children, that were camped out in front of the former Community Day Centre in Tripoli. Witnesses have told us they were met with violence this morning and that makeshift tents were burnt down. This is the culmination of a disastrous situation that has deteriorated over the last few months. Since the mass detention of thousands of migrants, refugees, and asylum seekers in October of last year, the situation for this population in Libya has only got worse."

Thomas Garofalo, the International Rescue Committee's Country Director, said:

"Our medical teams have been supporting those injured during this morning's arrests, including one person suffering from a gunshot wound. We understand that hundreds of people, including many women and children, have now been sent onwards to detention centres where conditions are often already dire. As we enter a new year, the events unfolding should act as yet another reminder that the current situation for migrants and refugees in Libya is untenable and requires a new approach that respects the rights of people on the move."

The humanitarian agencies call on the Libyan authorities to immediately release those detained – particularly women, children, and refugees - and protect them from further violence. They also urge the international community to immediately expand resettlement and other safe and regular pathways for refugees, asylum seekers and other migrants who wish to leave Libya.

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CENTRAL AFRICA

Central African Republic

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

Three Tanzanian peacekeepers injured in Central African Republic (UN News)

December 31, 2021

Three Tanzanian peacekeepers serving on the United Nations' mission in Central African Republic (MINUSCA) were injured on Thursday, when their vehicle struck an unidentified explosive device.

One of the soldiers was seriously hurt, and needed to be evacuated to Bouar for treatment and then on to the capital, Bangui, MINUSCA informed.

The 'blue helmets' were in the village of Batouri Bole, in Mambéré-Kadéï, in the southwest of the country, when the incident happened.

It took place around 11:00 a.m., local time, as their convoy left the town of Berbérati for the Force's temporary military outposts in Gbambia and Amada-Gaza, which are located around 100 kilometers northeast of Berbérati.

The Special Representative of the Secretary-General and head of MINUSCA, Mankeur Ndiaye, wished a speedy recovery to the wounded peacekeepers.

"Despite the difficult conditions our peacekeepers face on the ground, aggravated by the appearance of improvised explosive devices, MINUSCA remains resolutely determined to carry out its mandate for peace and stability," he said.

Series of attacks This is the third time that MINUSCA peacekeepers have fallen victim to explosive devices detonating beneath UN vehicles.

Back in November, a rogue attack by elements of the presidential guard against a vehicle from the mission, left ten unarmed Egyptian blue helmets injured in Bangui.

At the time, UN Secretary-General, António Guterres, urged authorities to spare no effort in investigating the "unacceptable attack."

More than 14,000 uniformed personnel serve with MINUSCA, which has been in the country since 2014, following the eruption the previous year of deadly inter-communal violence between mainly Christian and mainly Muslim militias, which destabilized CAR.

The Government declared a unilateral ceasefire in October, and although much of the country remains in the grip of armed groups, positive steps have been made this year to strengthen democracy and the rule of law.

20 Skeletons Discovered In Yidere, Central African Republic (HumAngle Media) By Bisong Etahoben
January 7, 2022

Local authorities in the Central African Republic locality of Yidere suspect they might have uncovered a war crimes scene following the discovery of a mass grave containing 20 skeletons in the locality situated in the Mambere-Kadei prefecture, about 60 km from Lamy-Point in the west of the country.

Locals in the area believe the skeletons were the remains of victims of a retaliatory attack carried out by Russian mercenaries in October last year against rebels of the Coalition of Patriots for Change (CPC) following an ambush which resulted in the death of three Wagner Security Group operatives in the village of Banga within the Haute-Bombe council.

A civil society activist told HumAngle the "remains present signs of a violent massacre."

A victim has been identified by his family through his shoes, he said, adding that the skeletons were discovered in the forest by herders.

"The discovered skeletons constitute veritable evidence of a mass massacre perpetrated by men of the Wagner Security Group against the population of the Central African Republic," he said.

Central African Republic peanut farmers decry armed groups (Africa News)
January 7, 2022

Paoua in the Central African Republic's northwest is famous for peanut farming. But production of the crop has been affected by the presence of armed groups in recent years.

"This year, with the insecurity, there have been too many threats and thefts. We had to sell the crop very quickly and at low prices", said Célestine Inforo, a farmer.

Like most of the local population, the young woman depends on peanut farming for survival, but regular attacks by armed groups - including the 3Rs (Return, Reclaim, Rehabilitate), one of the most powerful - have prevented her from exporting the goods.

The groups have taken advantage of the security crisis in the countryside to harass farmers, and take control of the peanut trade.

"What is preventing us from developing further peanut farming in Paoua is insecurity", Jean-Paul Ndopaye, manager of a peanut store said.

"When we want to send our goods to Bangui, to Berberati, or even to Bouar, we might run into road bandits", he added.

Many armed groups have found safe havens in the rural areas of the vast country with the central government struggling to govern beyond the capital Bangui.

Sudan & South Sudan

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

Sudan security forces shoot four protesters dead in Khartoum's Umm Dorman district (The National News) By Hamza Hendawi

December 30, 2021

Security forces on Thursday shot dead four anti-coup protesters in the Khartoum district of Umm Dorman and fired tear gas on crowds trying to march to the Nile-side presidential palace at the heart of the Sudanese capital, witnesses and a medical group linked to the country's pro-democracy movement said.

The four fatalities were reported by the Central Doctors Committee, whose meticulous tallying and verifying of victims of political violence since 2018 has earned it widely-acknowledged credibility.

It said all four were killed by live rounds causing wounds to the head and chest. At least 29 other protesters sustained gunshot wounds, also from live rounds.

In the capital's district of Bahri, tear gas was also fired at protesters approaching a Nile bridge blocked by security forces, according to the witnesses. They were chanting: "As much as we sacrifice and die, we won't be ruled by the boot [military]."

Thursday was the 11th day of major demonstrations since a military coup on October 25 led by army chief Gen Abdel Fattah Al Burhan upended Sudan's democratic transition nearly three years after the toppling of dictator Omar Al Bashir's 29-year regime. Tens of thousands were out on the streets, chanting slogans against military rule and Gen Al Burhan, according to the witnesses.

They said the use of force was more excessive than in previous, post-coup rallies, with heavy use of tear gas, rubber bullets and stun grenades. Live rounds appeared to have been used only in Umm Dorman. The witnesses said television news crews were beaten by members of the security forces and in some cases had their equipment confiscated.

Thursday's deaths and the use of excessive force by the security forces were likely to further fuel the protests and deepen the country's political crisis.

At least 52 protesters, including Thursday's four, have been killed and hundreds injured in the past two months.

Most bridges to Khartoum were closed on Thursday, many of them blocked with shipping containers and barbed wire, according to the witnesses.

Roads leading to the army headquarters and the Republican Palace, both in central Khartoum, were also closed off to traffic with concrete barriers and barbed wire as thousands of security forces were stationed throughout the city, they said. Authorities also cut off internet and telephone services in an apparent attempt to prevent protesters from co-ordinating their action or persuading more people to take to the streets. A powerful pro-democracy group in Sudan said on Thursday that eight of its senior members had been arrested by the security forces hours before the start of the street rallies it called for to protest against the military takeover.

The group, the Resistance Committees, said the arrests over the past two days were made by plainclothes security men who arrived at the members' homes in vans without licence plates. Gen Al Burhan's coup triggered a series of mass street rallies across Sudan calling on the military to step aside and allow a civilian government to take the reins of power. It also drew strong international condemnation and the suspension of hundreds of millions of dollars' worth of aid by western donors and international agencies.

News of the arrests came a day after a spokesman for Gen Al Burhan confirmed to Suna, the official Sudan news agency, that security agencies had been authorised to search private homes, make arrests and carry out surveillance operations under the

state of emergency declared the day of the coup.

These powers had been taken away from the security agencies and police after Al Bashir's removal in April 2019 following a popular uprising. Until their restoration last week, police could not make arrests without a judicial warrant and security agencies were authorised only to gather intelligence.

"These powers don't threaten freedoms or the right to protest, but rather to cut off the sabotaging hands that don't want to see a stable transition or a genuine shift to democracy," Brig Gen Al Taher Abu Haga told Suna.

"It is not logical for the state to stand idly by while facilities are damaged, streets ruined and people's business is disrupted."

Police last week said they had arrested more than 50 people during protest rallies on December 25.

The Umma Party, one of Sudan's largest, said this week it had proposed a political road map to end Sudan's political crisis. Leaders of the party met Gen Al Burhan on Wednesday to discuss the proposals, but there was no word on whether the discussions made any progress. The proposals, published by the Umma Party, included the swift creation of an assembly to function as a transitional parliament and a resumption of the partnership between the military and pro-democracy groups during the remainder of the transitional period.

It also suggested that the power-sharing document signed by the two sides in 2019 be amended to ensure that the military-led Sovereignty Council, which in theory operates as a collective presidency, does not encroach on the powers and authority of the civilian-led government.

The proposals also stipulate that Al Bashir be handed over to the International Criminal Court to be tried for genocide and war crimes in the Darfur region during the 2000s and that the question of normalising relations with Israel be decided after the transitional period.

The proposals include the naming of a new committee to investigate the killing of at least 100 protesters by security forces when they moved to break up a sit-in protest in June 2019. Activists and relatives of the victims believe the military's top brass have stymied the committee because the findings were likely to incriminate them.

They made no mention of Abdalla Hamdok, the prime minister of the civilian-led government Gen Al Burhan dismissed when he seized power. He reinstated Mr Hamdok on November 21 and mandated him to form a new government of independent technocrats. Five weeks later, that government has yet to be formed amid intensifying speculation that the prime minister intends to resign.

Mr Hamdok, once firmly backed by the pro-democracy movement, is now labelled by some activists as a traitor or a fig leaf for direct military rule. Of the 52 protesters killed since October 25, 10 were killed after his deal with the military.

Gen Al Burhan has promised an investigation into the killing of protesters since his October coup but has not said who will conduct the investigation or when the findings will be published. He has denied the army's involvement in the killings, but the police insist they do not use live rounds.

A meeting last week by the Al Burhan-led Sovereignty Council said allegations that at least eight women were raped during protests on December 19 would be investigated by the relevant bodies. Again, no details were given.

How to Stop Darfur's Descent Into Darkness (Foreign Policy) By Volker Perthes
December 30, 2021

Over the last two months, the world has seen many images from Sudan's capital, Khartoum, of its Oct. 25 military coup, the return of Sudanese Prime Minister Abdalla Hamdok on Nov. 21 under a fraught and tenuous agreement, and the hundreds of thousands of Sudanese people marching on its streets to demand democracy and full civilian rule. But there has been much less reporting of the situation in Sudan's peripheries, outside of the capital and its surroundings. A staggering rise in violence illustrates the fragility of the transition underway in the country.

The people of Darfur, a region in Sudan's west about the size of France, have already borne witness to so much violence over the past two decades: ethnic cleansing, rape and other gender-based crimes, child soldiers, and other exploitation of youth. Now, they are experiencing a resurgence in conflict. In Darfur alone, more than 400,000 people have been displaced this year, four times more than in 2020, making them vulnerable during the rise in intercommunal conflict and armed attacks. With a reduction in social and protective networks, an alarming and all-too-predictable pattern of sexual violence has also emerged: Reports of some 200 cases this year alone points to a concerning trend. When women and girls are displaced and do not have

a proper home to protect themselves, it is not uncommon to see a rise in sexual violence as they become more vulnerable under such precarious conditions.

Some of the violence we see today in Darfur is due to seasonal migration, with routes often from and along the border with Chad, south toward the Central African Republic and South Sudan, and north toward Libya—and worsened by climate change. Continued attacks on civilians appear to be a pattern aimed at displacing farmers from their villages for occupation by nomadic communities. Armed banditry and criminality are also to blame. The return of fighters from Libya's battlefields—where some 9,000 Sudanese have been fighting on different sides of the civil war—and beyond has added to a massive proliferation of guns and heavy weapons. Many of those returning from Libya and possibly also those returning from Chad engage in illegal activities, such as armed banditry and smuggling, leading to further destabilization in Darfur. Some of the armed groups who signed the Juba Agreement for Peace more than a year ago between the authorities and rebel factions have experienced some degree of rebellion and defection within their ranks as a result of this volatile situation. Observers also blame government forces, including the mainly locally recruited Rapid Support Forces, of either standing by or actively supporting one side in local conflicts and being generally unaccountable for crimes committed.

Moreover, local violence often has or takes on a political dimension. Intercommunal tensions have been exploited by many political actors. Also, and not less importantly, in the course of the Oct. 25 coup, almost all Sudanese actors, the government, and armed groups have concentrated on the political struggle in Khartoum. Withdrawing some of their best trained forces from Darfur to the capital thereby contributed to instability and insecurity in the region. The situation in the country's capital, Khartoum, remains challenging, but this is no excuse for withdrawing state capacities from the region. Sudan's authorities have the responsibility to safeguard their own people from harm while trying to resolve the center's political crisis brought about by the coup.

Until Dec. 31, 2020, the United Nations-African Union Mission in Darfur (UNAMID) was mandated to contribute to the security of civilians in the region with at its height, close to 20,000 troops and 6,000 police and civilian staff. This mission has come to an end, and while a residual team was still packing up the last remaining camp and handing installations and equipment over to North Darfur State authorities, the site was overrun by thousands of people, including armed groups and security forces, stripping the base of its contents, which were meant to eventually go to state agencies for the protection of civilians. Similarly, a World Food Program warehouse was looted this week, emptying its contents of food items meant for the most vulnerable.

Since the UNAMID mandate has ended, the Sudanese state can no longer “outsource” the security of its citizens and refugees. The new U.N. mission in Sudan—the United Nations Integrated Transition Assistance Mission in Sudan, which I lead—is much smaller, its mandate is focused on all of Sudan, and as a special political mission, it does not have any executive function to run the country, which U.N. missions like those in Cambodia or East Timor had. We do work with Sudan's law enforcement agencies as well as with local governments and community networks by giving advice on civilian protection. But actual security provisions and physical protection of civilians are the sovereign tasks of the Sudanese government.

In the transition period's first two years after the fall of former Sudanese dictator Omar al-Bashir, Hamdok's government developed a National Plan for the Protection of Civilians, led by then-Cabinet Affairs Minister Khalid Omar Yousif. Key to the plan's success was strengthening legitimate state capacities. The police, not the military or militias, should be the primary agent to protect any country's citizens. The current absence—since the Oct. 25 military takeover—of a functioning government exacerbates the situation of a state whose presence in the peripheries has always been weak.

There is no longer a civil war in Darfur. The 2020 Sudanese Peace Agreement brought Sudan's main armed groups into the political fold. It gave them seats of power in government and expected them to bring their militias into a joint security keeping force.

Unfortunately, most of these security arrangements have yet to come to life, other than the U.N.-led Permanent Ceasefire Committee, a rare bright light that continues to operate despite the political morass in Khartoum. The Ceasefire Committee, however, as it was originally envisaged, does not have the means to protect civilians and cannot lead to sustained peace in Darfur.

Concerted action is now needed if Sudan is to manage these risks and avoid further escalation, thereby preventing a return to the situation in Darfur that horrified the world 20 years ago. The Sudanese military seized power expecting not to face resistance at home or abroad. That's wishful thinking.

My mission continues to push the military, the Sudanese Peace Agreement's signatories, and who remains in Hamdok's government to live up to the No. 1 expectation of any state: to protect its own citizens. It is critical that security arrangements provided for in the Sudanese Peace Agreement are stood up as a matter of urgency. The achievements made since the horrors of the early 2000s must be preserved. I raised this in the U.N. Security Council earlier this month.

Setting up a new cabinet and government to oversee the security agencies tasked with protecting civilians and enforcing the rule of law would go some way toward ensuring more Sudanese lives are not lost, creating the means to hold perpetrators accountable through responsive justice mechanisms for Darfur.

The international community must also not lose sight of what's afoot in Darfur. We should seek to hold the Sudanese authorities accountable for progress made against these commitments, and we should fund projects to train and capacitate the Sudanese security forces to do their job properly. In addition, a whole of Darfur conference is being planned and should be supported by our international partners to drive resources to those in need. For our part, the U.N. mission and its agencies, funds, and programs in the country are prepared to redouble our efforts in the region. The U.N. mission has sought additional support to execute our mandate, especially in protecting civilians, and we are working to support local actors to ensure more lives are not lost.

What we are witnessing in Darfur should be heard. We are all on notice that the rise in violent conflict in Darfur requires immediate attention to end impunity and save lives. We—the United Nations, the international community, and (most importantly) the Sudanese themselves—should recommit ourselves to these goals. The world, but mostly Sudan, cannot afford to see an erosion of the gains made over the last decade. In spite of the country's current delicate state, the Sudanese people deserve peace and prosperity.

UN food agency suspends North Darfur operation after attacks (Al Jazeera)

December 31, 2021

The World Food Programme (WFP) has suspended its operations across Sudan's North Darfur state following attacks this week on all three of its warehouses in the capital, El Fasher, including the theft of more than 5,000 metric tons (tonnes) of food.

The move is expected to affect close to two million people in the area in 2022, the United Nations' food agency said in a statement on Thursday.

"We have been forced to suspend WFP operations in North Darfur, effective immediately," said David Beasley, WFP executive director.

"This theft has robbed nearly two million people of the food and nutrition support they so desperately need. Not only is this a tremendous setback to our operations across the country, but it endangers our staff and jeopardises our ability to meet the needs of the most vulnerable families."

WFP has urged Sudanese authorities to recover the looted stocks and guarantee the security and safety of its operations in North Darfur.

Sudan is one of the poorest countries in the world, with nearly 11 million people in need of food security and livelihood assistance in 2022.

The country's state-run news agency SUNA reported that a number of suspects were arrested in El Fasher after they were seen riding trucks and animal-drawn carts loaded with food stocks allegedly stolen from the WFP warehouses.

WFP said the losses in El Fasher cannot be replenished with stocks currently in Sudan without compromising assistance meant for vulnerable people in other parts of the country.

The suspension comes amid political upheaval that followed a military coup in October.

The power grab has derailed a transition that began after long-ruling President Omar al-Bashir was overthrown following popular protests in 2019.

Huge crowds of people have taken to the streets nationwide to protest against military rule since the October 25 coup. They have been met with violent repression, with more than 50 people killed by security forces, according to medics.

Conflict in South Sudan and Sudan border leaves 24 dead (The East African) By David Mayen

January 6, 2022

At least 24 people have been killed in the last few days following clashes between Messiraya nomads from Sudan and residents of Aweil East County of Northern Bahr-el-Ghazal State of South Sudan, the state's Information Minister confirmed on Wednesday.

Speaking to The EastAfrican on the phone, Northern Bahr-El-Ghazel Information Minister William Anyuon Kuol said fresh clashes on Wednesday morning left 15 more killed. “We have been having a series of attacks on civilian settlements,” he added.

Mr Kuol said the national army repulsed the attackers. However, the South Sudan People Defense Forces is yet to confirm the incident.

“Up to now we have been told they are still there and we don’t know what will happen next. That area has no network coverage. We are relying on radio communication with military garrisons in that area,” he claimed.

Aweil is near the Sudan and South Sudan border.

On Tuesday, Aweil East County commissioner Kiir Yor Lual said at least nine people were killed in separate attacks in the last five days in the area.

He called on the national government to engage neighbouring authorities to resolve the crisis. Efforts to get Sudan’s authorities for comments were not successful.

However, the representative of the Messiraya community in Northern Bahr el Ghazal State, Ibrahim Marek, who is also a senior member of the border peace committee comprised of the Dinka Malual and Messiraya, condemned the attacks and called on the Sudanese government to immediately intervene to avoid further escalation.

Past attacks in Aweil have been associated with conflict over grazing land between the Sudanese Messiraya nomads and the South Sudanese Aweil locals.

Due to season change in Sudan, Messiraya nomads with their herds of cattle normally move to South Sudan’s Aweil and Abyei areas in search of water and pasture.

Several peace conferences between Dinka Malual and Messiraya have been held in the past, resulting in resolutions of maintaining peace, monitoring crime, and payment of blood compensation in case of murder.

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Democratic Republic of the Congo

Official Website of the International Criminal Court

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

As Violence In The Congo Escalates, Thousands Are Effectively Being Held Hostage (News Concerns) By Leo Wilson

January 10, 2022

In a bare and violent patch of land in the Democratic Republic of the Congo, 75,000 people are living in what one UN field officer described as “hellish conditions”. Food and water are scarce. Even the flimsiest shelters are in short supply and sanitation is nonexistent. Girls have been raped by militiamen while attempting to find food in fields around the site. Ibrahim Cisse of Unicef says people here are effectively being held hostage.

Rhoe – a remote camp of internally displaced people (IDP) approximately 45km northeast of Bunia, the capital of DRC’s Ituri province – is “a tragedy waiting to happen”, according to those who have visited.

Ituri province is home to what is possibly Africa’s largest unexplored gold reserve, and in diplomatic circles has been called “the bloodiest corner of DRC”. But even by Ituri standards Rhoe camp is grim, and the significance of the UN’s appeal for urgent support here should not be underestimated. For many in Rhoe it will be not the first or even second time they have become refugees in their own land.

The three DRC warlords convicted at the international criminal court (ICC) for their part in the ongoing violence – Thomas Lubanga, Germain Katanga and Bosco Ntaganda, the subjects, respectively, of the ICC’s first ever conviction, in March 2012,

first case in which crimes of sexual violence including rape and sexual slavery were charged (although he was acquitted) and the longest sentence ever issued – began their killing careers here.

In 2003, the EU deployed its first autonomous military intervention in Ituri. It was an attempt to shield a population not being protected by government or international peacekeepers.

Now Ituri is burning again. A militia group known as the Cooperative for the Development of Congo, or Codeco, which distinguishes itself by its copious use of machetes and flamethrowers against civilians, is terrorising the population.

According to UN briefings seen by the Guardian, the situation started to deteriorate on 12 November when Codeco began ramping up attacks on villages and within camps, placing pressure on already struggling relief operations.

In one attack, in Tsuya, 1,296 houses were destroyed by Codeco militia. No one knows how many died. At around the same time, Codeco men armed with ageing AK-47s attacked the villages of Buki, Ngazba, Kpaluba, Tata and Litsinga; opening fire at random and torching houses. In Reta, in the furrows of Djugu territory, not far from the Drodro camp, a two-month-old baby girl was killed during a Codeco attack. Unicef says militiamen also destroyed three hospitals and two schools in the area, and have made any kind of humanitarian assistance impossible. Those who survived the assaults fled to camps at Tch  and Drodro. On 21 November, Tch  was attacked; 950 shelters were destroyed. Codeco also attacked Drodro, killing at least 35 and destroying 14 of the 18 housing blocks that sheltered IDPs. Over the last eight weeks militiamen have attacked at least four IDP camps in Ituri.

These accounts shed light not only on the violence unfolding in Ituri but also reveal that at least 35,000 children, almost half of Rhoe's population, are at risk of death through starvation or disease.

What will happen to people without any food, including the 19 breastfeeding women who gave birth in the camp in December?

Built to shelter 6,000 households, Rhoe was already a humanitarian tinderbox, hopelessly over capacity. Aid agencies can reach the camp only by helicopter.

In December, Unicef counted over 14,000 households in the camp, making up a total of 75,000 people; there is one toilet for every 1,300 people and sewage flows openly.

Three cases of measles have been identified. People are dying of respiratory illnesses, diarrhoea and malaria. There is no equipment to hold funerals. There is also only one clinic, run by Doctors Without Borders, with an adjacent two metre sq. delivery room for women in labour.

These conditions are alongside impunity-fuelled violence, starvation and displacement that has festered since 1996, leaving the government unable to keep its citizens safe, secure or fed. More than 27 million are facing starvation. Approximately 5.5 million people, including 3.2 million children and 1.2 million women, have now been displaced from their homes because of violence.

In May 2021 DRC's president, Felix Tshisekedi, declared a state of emergency in Ituri and neighbouring North Kivu. Yet Tshisekedi has appointed Floribert Ndjabu as his evoy for the region, a man who served 15 years in preventive detention on suspicion of the murders of nine UN peacekeepers in 2005. Last August, he employed another former rebel leader, Tommy Tambwe, three months before Tambwe's militia gang M23 allegedly attacked Bukavu.

Tshisekedi has promoted many figures the UN has labeled "red generals," some of whom are under UN and EU sanctions for human rights violations, including Gen Gabriel Amisi, Gen Muhindo Akili Mundos, Fall Sikabwe Asinda, Thierry Ilunga Kibambi and Egide Ngoy. How can you protect civilians from violence if the very men who caused it are in power?

Unicef says it needs \$356m (£260m) to hold back hunger and disease in Ituri, including Ebola, measles, meningitis and cholera. But there has been no indication from London, Washington or Brussels that any programme will be funded.

Everyone of course understands that money will only address the symptoms and not the fundamental problem. It is largely a question of political will: whether or not to send-in UN lawyers – not troops – to end the impunity still fuelling the ongoing violence, starvation and displacement.

'Criminals' in top state jobs in DR Congo, says Mukwege (Agence France-Presse) By Lucie Peytermann
January 12, 2022

Campaigning Congolese doctor Denis Mukwege is urging his country's government to do more to bring war criminals to justice, alleging that many offenders hold positions of power and are blocking investigations.

Mukwege, who co-won the Nobel Peace Prize in 2018, is the Democratic Republic of Congo's best-known human rights campaigner.

He made his name treating rape victims at the Panzi Hospital in Bukavu in the country's war-torn east.

The 66-year-old gynaecologist and author, who has faced multiple assassination attempts, has long supported the idea of an international tribunal for Congo to try the people responsible for nearly three decades of atrocities and war.

"I have to be frank: I think we can do better," he told AFP in Paris when asked if President Felix Tshisekedi's government was doing enough to pursue militia leaders or military commanders responsible for massacres and rape.

"I do not see how we can build peace without justice," he added.

"There have been so many crimes, and unfortunately the criminals are in senior positions in the army, in the police. They also hold political positions. And the fact that they are in these roles means they do everything to hush up the truth," he said.

Tshisekedi came to power in 2019 after disputed elections, vowing to root out corruption and tackle militia groups.

He succeeded Joseph Kabila, whose 18-year rule saw a bid to end fighting in the east by inviting militiamen to join the army in exchange for laying down their weapons.

A landmark investigation published in 2010 by the United Nations, known as the Mapping Exercise Report, found evidence of abuses that could amount to crimes against humanity over the period of 1993 to 2003.

It pointed the finger at local armed groups, the Congolese army, as well as the soldiers of Congo's neighbours, above all Rwanda's, which played a key role in the Congo Wars of the late 1990s.

In an interview with AFP in May, Tshisekedi urged the international community to build on the Mapping Report, "because we need justice to be delivered to our victims." Violence has ravaged the country since the middle of the 1990s, fuelled by competition for the country's mineral, forest and precious metal wealth, according to Mukwege and other human rights campaigners.

The DRC and Ugandan armed forces are currently engaged in a fight against one of the deadliest armed groups currently, the Allied Democratic Forces (ADF).

The group is blamed for thousands of killings in North Kivu province and for recent bomb attacks in Uganda.

French help?

Mukwege, who met French Foreign Minister Jean-Yves Le Drian on Tuesday, called on Paris to help in the fight against the "impunity" of war criminals in his country, a former Belgian colony. "We think that France's involvement can make a difference: we are counting on France to help advance the issue of transitional justice," he said.

"France knows the Congo the best out of all countries except for Belgium, which is not on the UN Security Council," Mukwege added.

Several Congolese warlords have been tried and convicted by the International Criminal Court in the Hague, but Mukwege's campaign for a special tribunal for his country has failed so far to gain traction internationally.

Rwandan leader Paul Kagame, a close Western ally with whom French President Emmanuel Macron has sought to forge a relationship, denies war crimes were committed by his soldiers in Congo.

Mukwege's efforts to push for justice and his outspoken condemnation of Congolese authorities, militias, as well as Rwandan authorities, means he lives under UN protection at his hospital in South Kivu province.

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

Nigeria labels bandit gangs 'terrorists' in bid to stem violence (AlJazeera)

January 6, 2022

Nigeria has branded criminal gangs known locally as bandits that are blamed for mass abductions of schoolchildren as "terrorist" groups, a designation aimed at containing growing insecurity in the north.

The country's northwest and north-central states have long been afflicted by violence fuelled by disputes over access to land and resources, among other factors. Heavily armed gangs have taken advantage of the lack of effective policing to launch attacks, pillage villages, steal cattle and kidnap for ransom.

But violence has recently become more widespread, piling pressure on the federal government – already battling the Boko Haram armed group and its offshoot in the northeast for more than a decade – to do more to halt the attacks.

In the official gazette on Wednesday, President Muhammadu Buhari's government labelled activities of Yan Bindiga and Yan Ta'adda – references in the Hausa language to bandit gunmen – "as acts of terrorism and illegality".

"I think the only language they understand – we have discussed it thoroughly with the law enforcement agencies; the security chiefs, the inspector general of police – is to go after them," Buhari told Channels Television, according to its website on Wednesday.

"We labelled them terrorists ... we are going to deal with them as such."

The official gazette referred to criminal gangs who carry out mass kidnappings of students, abduction for ransom, cattle rustling and destruction of property, among other crimes.

The definition will mean tougher sanctions under the terrorism prevention act for suspected bandit gunmen, their informants and supporters such as those caught supplying them with fuel and food.

Nigerian daily newspapers often carry stories about bandit raids on villages and communities, where they steal cattle, kidnap families and terrorise residents.

Security forces have announced a crackdown, including air raids and a telecoms shutdown in parts of the country's northwest in an attempt to flush criminal gangs from their forest hideouts.

On Tuesday, police announced they had rescued nearly 100 kidnap victims in two raids on bandit camps in northwestern Zamfara state.

Last year, bandit gangs made international headlines with a series of high-profile attacks of schools and colleges to kidnap scores of pupils for ransom. Some of those students are still being held.

The criminal gangs behind the abductions seem to not be driven by ideological motives but by financial gains. Between June 2011 and March 2020, at least \$18m was paid to kidnappers as ransom, according to a report (PDF) by SB Morgen.

Nigeria's bandit violence has its roots in clashes between nomadic cattle herders and sedentary farmers over land and resources. But tit-for-tat attacks have over the years spiralled into broader criminality.

At least 200 villagers killed by bandits in north-west Nigeria (The Guardian) By Emmanuel Akinwotu

January 9, 2022

At least 200 people are believed to have been killed in villages in the north-western Nigerian state of Zamfara, in some of the deadliest attacks by armed bandits at large in the region.

Gunmen, themselves fleeing from airstrikes by the Nigerian army, attacked villages for days, opening fire and burning homes between Tuesday and Thursday. Some residents who fled returned to the villages on Saturday after the military organised mass burials. The state government said 58 people had been killed during the attacks, yet distraught residents reported far higher death tolls.

Ummaru Makeri, who lost his wife and three children during the attack, said about 154 people had been buried, including several armed vigilantes, who engaged the gunmen. Residents said the total death toll was at least 200.

Balarabe Alhaji, a community leader in one of the affected villages, said: “We buried a total of 143 people killed by the bandits in the attacks.”

Babandi Hamidu, a resident of Kurfa Danya village, said the militants were shooting “anyone on sight”.

“More than 140 people were buried across the 10 villages and the search for more bodies is ongoing because many people are unaccounted for,” Hamidu said.

On Friday it was reported that more than 100 people had been killed by suspected “bandit” militants in Zamfara, the state most in the grip of a security crisis in north-west and central Nigeria. There have been relentless attacks and mass killings inflicted on villages and rural towns – amid a severe lack of rural security.

In the attacks in Zamfara – like many that occur across the region – gunmen on motorbikes arrived in large numbers in as many as nine communities between Tuesday and Thursday night, opening fire on residents and burning homes and harvested produce.

The military said it had conducted airstrikes in the early hours of Monday on targets in the Gusami forest and west Tsamre village in the east of Zamfara state, killing more than 100 militants, including two of their leaders.

Several bandit groups, each with hundreds of gunmen, have waged attacks from hideouts in forests that span central and north-west Nigeria and parts of Niger. The heavily armed groups – many made up of ethnic Fulanis – have carried out thousands of abductions, killings, thefts and acts of sexual violence.

The groups emerged from a historical conflict that has worsened dramatically, between largely Fulani pastoralists and farmers of varying ethnic groups, over access to water and land and the boundaries between private farmland and grazing areas.

In recent weeks, the Nigerian military has increased airstrikes on their forest hideouts in the east of Zamfara, according to Yusuf Anka, a security analyst based in the state. Yet airstrikes often prompted fear in local communities wary of reprisal attacks, he said.

“History shows that the bandits will likely move against these [communities] after ops. That’s why people are losing hope because military operations actually lead to attacks. The military come in and leave within a few weeks and the people pay the price, so there needs to be proper protections, rather than simply coming, doing operations for some weeks, and then going,” Anka said.

The airstrikes are often too narrow to be effective, as bandits often flee attacks and move into other parts of the region.

“What the military needs to do is launch operations across the entirety of these forest areas so that bandits don’t simply move from one place to another,” Anka said.

The president, Muhammadu Buhari, said in a statement on Saturday that the military had acquired more equipment to track down and eliminate criminal gangs who had been subjecting people to a reign of terror, including through the illegal imposition of taxes on communities under siege.

“The latest attacks on innocent people by the bandits is an act of desperation by mass murderers, now under relentless pressure from our military forces,” Buhari said, calling for communities to be patient.

On Wednesday, the Nigerian government officially labelled bandits as terrorists, to bring tougher sanctions against convicted gunmen, their informants and supporters.

Yet many in Zamfara and the wider region are in despair after years of continuous attacks by armed groups, exploiting a lack of rural security.

In addition to the despair at the killings, the destruction of property and displacement of more than 10,000 people, many of whom are reliant on their farmland to make ends meet will exacerbate poverty, Anka said.

“The only means of livelihood for people in this area is through farming. Now we are just coming out of the rainy season. Whatever they have cultivated has just burned to ashes.”

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Mali

Mali Junta’s Misleading Rebuttal to West African Sanctions (Polygraph) By Nisan Ahmado
January 12, 2022

On January 9, Mali’s government spokesman, Abdoulaye Maiga, said on state TV that his country would take all necessary measures to respond to the new sanctions imposed that day by the Economic Community of West African States (ECOWAS).

Maiga said his government “deplores” ECOWAS’ “inhumane” measures, which he said will hurt Malians already suffering from security and health crises. He called on the armed forces and the people to “redouble their vigilance and to remain mobilized.”

The fresh sanctions came after Mali’s military-dominated transitional government backed off its promise to hold presidential elections on February 27, 2022. ECOWAS’ 15 member states have recalled their ambassadors and closed their land and air borders with Mali.

Maiga said Mali would recall its ambassadors from the ECOWAS countries and shut down its borders in response.

“The government of Mali regrets that West African sub-regional organizations are being manipulated by extra-regional powers with ulterior motives,” he said.

But that claim is misleading. Malian officials are sidestepping the elections issue with baseless accusations about anonymous outside interference, a tried-and-true disinformation tactic.

The Malian government sent a letter to ECOWAS proposing a new date for holding presidential elections – in December 2025. ECOWAS called this “unacceptable.”

“This calendar simply means that an illegitimate military transition Government will take the Malian people hostage during the next five years,” the group said in a statement.

“The Authority [ECOWAS] reiterates its call for the transition authorities [military government] to focus on activities geared towards an expeditious return to constitutional order and to defer key reforms within legitimate elected institutions to be established after the elections.”

On January 11, the head of Mali’s military-controlled government, Col. Assimi Goita, called on ECOWAS to reconsider the sanctions. In a televised speech, he invited a dialogue.

“Even if we regret the illegitimate, illegal and inhumane nature of certain decisions, Mali remains open to dialogue with the Economic Community of West African States to find a consensus,” said Goita.

Mali’s standoff with the West African bloc has been escalating for almost two years.

On June 2020, protesters, angered by years of corruption and mismanagement of the economy, took to the streets of Bamako, Mali’s capital, demanding the resignation of then-President, Ibrahim Boubacar Keita. Earlier that year, during Mali’s March 2020 parliamentary elections, opposition leaders were kidnapped and polling stations attacked.

On April 2020, the country's constitutional court overturned the results of elections for several dozen parliamentary seats. The decision handed more seats to Keita's political party, making it the largest parliamentary bloc, and sparked another wave of protests.

These demonstrations were led by a coalition of religious leaders and civil society known as the 5 June Movement – Rally of Patriotic Forces (M5-RFP).

In August, the military, led by Goita, detained Keita and other government officials. Keita resigned and dissolved the parliament. The African Union and the United Nations condemned the military coup, and ECOWAS suspended Mali's membership and seized its financial assets with the bloc.

The military and the M5-RFP movement then entered into negotiations to discuss a transitional period, but M5-RFP leaders rejected a proposed charter and condemned the junta's actions as "antidemocratic" and "unfair."

In response, Goita promised elections in February 2022. Negotiations led to formation of an interim government headed by President Bah Ndaw and Prime Minister Moctar Ouane, who were tasked with leading the country to full civilian rule.

Goita served as vice president in the transitional government. But in May 2021, Goita launched a second military coup to overthrow the interim government after claiming he had not been consulted in the formation of a new cabinet, which excluded military figures.

Mali's constitutional court then named Goita as president of the transitional government.

Elections have been a moving target since.

In September, Mali's interim prime minister, Choguel Maiga, said elections initially set for February 2021 will be postponed. However, he did not specify a definite timeline and said a final decision on the date for elections would be made in October 2021.

Then, in November, the junta walked back that pledge and said it would propose another timeframe – the end of January 2022. Goita said he wanted a national consultation to "create the conditions for transparent and credible elections."

The consecutive coups raised global fears of instability in Mali, where there is an ongoing fight against jihadist groups linked to Islamic State (IS) and al-Qaida in the Sahel region.

The security situation became more fragile in June 2021 after France announced a draw down of troops it had deployed to Mali in 2013 to fight terrorist groups. Jihadists have spilled over into Burkina Faso and Niger. Islamic State continues to launch deadly attacks in Mali.

Reuters reported last September that Mali had made a deal to hire 1,000 mercenaries from Russia's private Wagner Group, which has been accused of war crimes. While Bamako denied a deal, Mali's defense ministry said public opinion in Mali was "in favor of more cooperation with Russia" because of the security needs.

A Malian army officer, who requested anonymity, told AFP, about 400 Russian mercenaries are operating in the country. Mali's government says "Russian trainers" are supporting its security operational capacity.

Daniel Eizenga, a research fellow at the Africa Center for Strategic Studies, told Al Jazeera: "The junta leaders are looking for the support necessary to keep them in power beyond the deadline for the transition to conclude. Cultivating a relationship with another international benefactor, like Russia, might pave the way for this."

On January 11, Vasily Nebenzya, the Russian Permanent Representative to the United Nations, said in a U.N. security council session that the Malian people have every right to cooperate with different partners on security.

"The hysteria around a Russian private military company is another example of double standards because it is a well-known fact that Western countries have a monopoly on the market that offers such services," said Nebenzya.

On January 10, the Washington Post reported that Goita said elections in Mali should be postponed until the military gets control of the security situation. The newspaper said Goita claims that millions of Malians "cannot vote because extremists control their towns."

As of April 2021, more than 1,000 people had been killed in terrorist attacks in the Sahel, while in 2020 a total of 2,400 civilians were killed in Mali, Niger and Burkina Faso together, according to research by Rida Lyammouri of the Middle East Institute.

Liberia

Liberia: Monrovia Central Prison Superintendent Says Government is Violating the Rights of Inmates at Various Prison Facilities (Front Page Africa) By Obediah Johnson

January 5, 2022

The Superintendent of the Monrovia Central Prison, Varney G. Lake, says the Ministry of Justice, through its Bureau of Correction and Rehabilitation (BCR) is “running an old age prison system” in the wake of food shortage confronting inmates at various prison facilities across the country.

In recent times, parents, friends and relatives of inmates incarcerated at various prison facilities are constrained to go the extra mile by providing food for their relatives and loved ones on a regular basis due to the shortage of food at various prison facilities across the nation.

As a result of the situation, prison authorities are no longer accepting inmates or convicts to be detained or served their sentences at the Monrovia, Bong, Kakata and Grand Cape Mount central prisons, among others.

Speaking when he participated on the OK Morning Rush Show via telephone on Tuesday, January 4, Supt. Lake confirmed the shortage of food at the Monrovia Central Prison in the wake of over crowdedness.

The prison was originally constructed for the intake of 370 inmates, but it is holding about 1386 inmates presently.

He pointed out that the previous ration supplied to the prison facility by the Ministry was “overused” due to the influx of inmates at the facility.

Supt. Lake, however, alarmed over the high level of bureaucracy surrounding the acquisition of ration and others from the Ministry of Justice for the adequate management of the prison facility and inmates

“Absolutely, there is no food; the Bureau of Correction food depends on the budgetary allotment provided by the Ministry of Justice. Whatsoever we do, we must apply to central administration for everything and we know the bureaucracy in getting these things”.

“We were supplied rice from September to December and the food was consumed because the inmates’ population has increased. We used to cook 15 to 17 bags but when the inmates increased, we started cooking 20 to 22 bags. So, the number of rice that was supplied, we started to overuse it”.

He said despite the huge population at the prison facility, President George Manneh Weah recently presented about 100 bags for inmates at the Monrovia Central Prison.

He denied reports that food ration being supplied to the facility are being taken away by prison authorities, adding that, “we never played with inmates food”.

Violating rights

Supt. Lake noted that the over crowdedness of the prison violates the rights of the inmates.

“Every prison facility has the capacity of that institution; the 1386 inmates we have at the Monrovia Central Prison-that alone is a human right violation. We into prison management, we take these things into consideration because, accommodation matters. You know what it means for inmates to go without food?”

Avoiding eventuality

Supt. Lake pointed out that authorities at the facility are compelled to intensify their inter-personal relationship with the inmates to avoid eventuality.

“Yesterday we went out appealing and talking to them; they are human and they are my people. I know what I can do with them”.

He pointed out that authorities at the prison are not accepting any inmate or convict until the situation is addressed.

He named adequate accommodation, feeding, appearance of inmates in court as the hallmark of a proper prison management and as such, Liberia should continue to uphold these tenets because the nation remains a signatory to key conventions and protocols on the protection of the rights of inmates.

Supt. Lake maintained that it is quite unimaginable for inmates at the country’s largest prison facility to go without food for days.

He noted that inmates’ right to have food while in prison is also being violated and as such, authorities at the Monrovia Central Prison are now concerned about decongesting the facility currently.

In keeping with this, Supt. Lake pointed out that about seven inmates were released from the facility on Monday, January 3.

Commending “Jeety”

He named top Indian business tycoon Dr. Upjit Sachdeva, commonly known as “Jeety” as the only foreign businessman who continues to provide food for the inmates during difficult times.

“Jeety” has been providing hot cooked meal, drinks and others to the inmates on a regular basis.

He recently provided running water in all of the housing units at the Monrovia Central prison and a generator.

Supt. Lake added that despite the situation, he will continue to talk and calm down the inmates.

Looming security threats

The Monrovia Central Prison is presently hosting bulk of Liberia’s notorious armed robbers, criminals, among others.

The current situation at the prison facility, if not handled or addressed promptly, would lead to jail break and the influx of these convicts and inmates into the communities.

Already, there is a growing wave of insecurity in the post conflict nation as a result of partial dispensation of justice, disrespect for the rule of law and the influx of disadvantaged youths snatching cell phones and other valuables from peaceful Liberian citizens on the principle streets of Monrovia and its environs.

If nothing is done to address the shortage of food at various prison facilities across the country, the possibility of inmates finding flimsy excuse by going on the rampage in search of food remains certain.

Liberia: LCC Wants Government to End War Crimes Court Debate (All Africa) By Lincoln G. Peters and Jonathan Browne
January 6, 2022

The Liberia Council of Churches (LCC) says the sanctioning of Liberian government officials by the international community is a wake-up call for Liberians to do their homework by determining between the establishment of a War and Economic Crimes court and the government's proposed Transitional Justice Tribunal to end impunity here.

Speaking recently in Monrovia, LCC President Bishop Kortu Brown said, it's time that Liberia addresses the hard questions to ensure that what happened during the country's civil war never re-occur.

"We do not rejoice when anyone Liberian is sanctioned by the international community but the reality is that it's for the greater good of the country. What will keep this country stable is our concern. What can we do to address these war crimes is what we have to deal with and those sanctioning needs to be taken seriously against our public officials because it is a wake-up call", Bishop Brown added.

He said the quest of some Liberians desiring the establishment of War and Economic Crimes court and the government's proposed Transitional Justice Tribunal are issues that should be addressed this year so that the country can resolve where it wants to go to addressing her homework.

Bishop Brown, who pastors the New Water in the Desert Pentecostal Ministry, explained that if Liberians are not willing to address those unresolved questions, "our foreign friends or international community has shown to us that they are willing to help us do it."

He said going forward, it's important that Liberians know what they want and find a solution to last year's discussion of the government's proposed Transitional Justice Tribunal and calls for the establishment of the war crimes court that most citizens see as a means of accounting for the past.

Bishop Brown: "All those things are about doing our homework because Liberia cannot run away from her past therefore, we need to make a decision as to where we go from here as a country and people."

He said those public officials sanctioned for crimes against humanity and corruption, are something that needs to be addressed seriously because these are the sources of war.

He named lack of adequate distribution of natural resources or wealth, corruption, amongst others as things that should be addressed in order to prevent a re-occurrence of the past, adding that since the war ended, Liberia has not been able to take the necessary actions to end the many arguments and quests to end impunity.

"The issues of War and Economic Crimes court, how do we call into question the actors of the civil war so that it serves as a precedent against us going back to civil war. We have to make sure we do that home works for our destiny as a country."

The Pentecostal Bishop further indicated that due to Liberia's inability to address the wrong and answer the many questions, "we are walking in the day as if it's night on these questions because we have homework to do that we are running away from."

He also stressed a need to address corruption, wage abuse and war crimes because these are serious concerns, saying "those sanctioning our people are suggesting that if we are not able to sanction our own people, they will sanction them for us."

Liberia: Armed Men Attack GMCS Mining Site in Rivercess County (Front Page Africa)

January 6, 2022

Cogent information reaching this paper revealed that several gunmen allegedly headed by Mr. Moses Mayer, Traditional Council Inspector of Rivercess County at about 1:00am on December 5, 2021 entered the GMCS Mining site and carried out massive looting and hurt two private security officers, who are assigned at the mining site.

According to an eye witness, who confided to this paper revealed that the total amount of equipment looted from the mining site value at US\$283,600.

It was established that one Mohamadi N. Iria, who is believed to be the main perpetrator of the attack used a false survey map to encroach on GMCS operational area, which the Ministry of Mines and Energy (MME) had issued Licenses.

GMCS complained to the Ministry of Mines and Energy, after which the ministry conducted a field investigation and ruled in favor of GMCS on November 30, 2021.

Investigation further revealed that when Mohamadi N. Iria get the information that GMCS has paid for surveyors from the Liberia Geological Survey to conduct survey on the site, on December 5, 2021, Mohamadi N Iria mobilized funds and send money to the Traditional Council Inspector, Moses Mayers for him to organize people with gun and knives purposely to stop the survey for GMCS and to scare GMCS workers in order to abundance the GMCS Mining Site.

Immediately after the attacked workers of GMCS informed the police in Rivercess County and three suspects were arrested and confessed that they are the one who carried out the act. The suspects said that the ring leader is one Moses Mayer.

They narrated that on the day of the attack they gathered at the commissioner house and eat there before going to GMCS mining site. They further explained that Moses Mayer provided five bag of rice for them to cook.

One of the suspects confessed that Moses Mayer told him that Mohamadi N. Iria is the one who send money through mobile money to Moses Mayer to conduct this act.

One of the key ways for Liberians to benefit more from their resources is for trusted Liberian companies to also participate in the mining sector, reasoning that smacks of President George Manneh Weah's pledge that "Liberians should not be spectators in the economy." This would allow Liberians to head corporations, keep capital in the country which encourages more development, create value and empower more Liberians. One of such companies GMCS Mining Incorporated.

Former Sierra Leone Special Court Guard Tells War Crimes Court Massaquoi Escape Possible (Front Page Africa) By Mae Azango

January 10, 2022

After nearly a year of hearings, including five months in Liberia and Sierra Leone, the ground-breaking trial of Gibril Massaquoi, a Sierra Leonean rebel charged with committing war crimes in Liberia, looks set to end this month. From there the fate of the 51-year-old former commander of the Revolutionary United Front will be in the hands of four judges of the District Court of Tampere, Finland's second largest city.

Since the trial resumed in Tampere in October, after a second, unexpected set of hearings in Liberia, there have been just four sessions. The prosecution and defense teams have wrestled with new evidence, including notes, Finnish police say were illegally obtained, from an interrogator of the United Nations-backed Special Court for Sierra Leone after the interrogation of a Liberian witness who has accused Massaquoi of torturing him.

The court has also sought to have two key officials from the Special Court appear. Alan White, the former Chief Investigator of the Special Court, and Saleem Vahidy, the former chief of the court's Witness and Victims Unit, are seen as key to answering a central, explosive question of this trial: did Massaquoi escape the Special Court witness protection program in Sierra Leone where he was giving evidence against Liberian President Charles Taylor and others about their crimes in Sierra Leone, to travel to Liberia between June and August 2003 to commit war crimes on behalf of Taylor?

After months of negotiations, both men have declined to appear according to Presiding Judge Juhani Paiho. White "was not willing to testify" said the judge by email and Vahidy is "not able to testify due to personal reasons not related to the case."

The idea the Special Court would have a protection system in place that allowed their star witness to leave the safehouse to travel to Liberia at the risk of murder by Taylor (who, according to testimony in the trial, had already killed others he suspected of informing to the Special Court including RUF general Sam Bockarie) or to inform Taylor what was happening inside the investigation, would seem preposterous.

Massaquoi took the stand himself to tell the court as much. Under questioning by defense lawyer Kaarle Gummerus, Massaquoi systematically rejected the prosecution's accusations.

A Finnish researcher, who has appeared in the trial previously, returned to repeat his assertions that travel on main routes between Monrovia and Freetown at that time would have been nearly impossible because of the heavy presence of LURD, the opposing rebel group that would go on to overwhelm Taylor's forces and force the president into exile in August.

And yet dozens of Liberian witnesses in the Liberia hearings were adamant that they had seen Massaquoi, whom they knew by the name "Angel Gabriel", murdering civilians and directing the murder, rape and torture of civilians in Bo Waterside in Monrovia and in villages in Lofa County between June and August 2003 as the forces of the LURD rebel movement closed in on President Taylor's last strongholds.

In earlier testimony former Massaquoi allies had described the Special Court security as lax, saying people came and went from the safe houses where Massaquoi and his family were held. In the final hearing of 2021 the court heard from a former guard of the safe houses in which Massaquoi and his family lived from 2004 until they were relocated to Finland in 2008 in a widely criticized immunity deal with the Special Court. The witness, whose identity is being withheld by the court for his security, did not guard Massaquoi during the 2003 period in question. He described a witness protection program that gave Massaquoi surprising freedom given his admissions of violence, the threats to his life and the importance of his testimony. He testified that the security would not have been any better during the June to August 2003 period in question. New Narratives was unable to travel to the court because of Covid restrictions but relied on court transcripts provided by Civitas Maxima, the Swiss-based justice advocates that helped gather evidence for the investigation of Massaquoi that are regarded as accurate by court watchers. They record the witness saying Massaquoi was protected by just one guard, who was not armed, in the first years of his detention which began in March 2003. Only later, after an attack on the safehouse that the witness believed was staged, did the Special Court move Massaquoi and his family to a more secure house and assign an armed guard around the clock.

Under prosecution questioning the former guard said there was definitely a possibility for Massaquoi to leave the houses that the witness guarded without the protection officers knowing.

Prosecutor Laitinen: "Did Massaquoi have the possibility to leave without the security becoming aware of it?"

Witness: "Sometimes the protection officer was present, sometimes not."

Laitinen: "How did you make sure that whether Massaquoi was present in the Kington safe house or not?"

Witness: “When he came downstairs, or I went upstairs. There were no cameras in the safe house and no device on Massaquoi to monitor if he went out or not.”

Laitinen: “Did Massaquoi have an obligation to let you know that he was there?”

Witness: “No. We have a notebook in which we sign when a protection officer comes to work.”

Laitinen: “Was Massaquoi able to leave the safe house ... just by notifying you so that you were aware that he leaves?”

Witness: “Yes, if he notified that he wanted to go somewhere he was picked up.”

Laitinen: “So he did not leave alone but with another protection officer?”

Witness: “He might have been there or might have not. We did not have a device to monitor him.”

The witness told the court that Saleem Vahidy, the Witness Unit chief, was ultimately responsible for loopholes in the safe house system.

The court’s finding on that matter could have much bigger implications for international justice and the Special Court.

“If new evidence determines that, though Massaquoi was a high-profile witness, his protection was porous—the next question would be, how widespread was this practice?” asked Aaron Weah, an expert on transitional justice in Liberia and Sierra Leone when this question first arose in hearings last year.

“If the court finds that Massaquoi’s witness protection scheme was violated on the watch of the Special Court monitoring, it raises a much bigger questions about the Court’s integrity and how it impacted on certain outcomes.”

The Special Court convicted nine men of crimes against humanity, war crimes and/or violations of international law for their roles in Sierra Leone’s civil war. They included former Liberian President Charles Taylor who is serving a 50-year prison term in the United Kingdom. Several others are serving 50 year sentences in Rwanda.

The court’s return visit to Liberia in August 2021 came after prosecutors amended the dates of the indictment to include the June to August 2003 period once it became clear that dozens of Liberian witnesses were adamant that “Angel Gabriel”, whom the prosecution allege is Massaquoi, had directed atrocities on Taylor’s behalf in the Waterside area of Monrovia as the then-President was defending the city against the advancing forces of LURD.

The role of Special Court Chief Investigator Alan White, already under a cloud over the question of Massaquoi’s escape from the safe house, became even more murky after three witnesses came forward to accuse Hassan Bility, head of the Global Justice Research Project and a key player in gathering evidence to support the Finnish prosecutor’s case, of offering them bribes to testify against Massaquoi and two other alleged war criminals facing prosecution in international jurisdictions. Bility strongly rejected the accusations and Milton Blahyi, another former warlord whom the witness alleged was also offered bribes, denied he had ever met Bility, let alone been offered a bribe.

Bility has been such a key figure in the convictions of war criminals in the United States and Switzerland and in ongoing cases in Europe and the United States, that prosecutors there became alarmed that the accusations could taint their cases. But White’s actions came into question again when all three witnesses admitted that the American, who is based in Texas, had called them before they testified to discuss the case.

Another controversial element in these hearings was the defense team’s submission of notes taken by a Special Court interrogator of his interrogation of a key Liberian witness during the investigations of the Special Court. The Finnish police and prosecutors strongly opposed the admission of the notes which they said had been obtained illegally. Interrogation notes are not publicly available or admissible as evidence and were seen only by a small group of key Special Court officials. The defense did not divulge who provided them.

The judges allowed the document as evidence and defense lawyer Gummerus used it to question the credibility of the witness (identity concealed) who had a key role in implicating Massaquoi and in gathering evidence for the case against him. In earlier testimony the witness had told the court that Massaquoi had tortured him at Taylor’s direction. But the interrogator in these notes said the witness had said that a woman had tortured him as Massaquoi looked on.

The court heard the following passage from the document:

“About an hour later, Taylor stopped. If he wouldn’t stop, Taylor would give him to someone else who could get him to talk. He invited someone else. A person and his/her husband seriously tortured the witness by using electric shocks to his testicles. He

was also hit with a stick. He was held captive for six months. He was transferred to 13 different prisons, especially a place called Clay's. He was tortured several times.”

Prosecutor Tom Laitinen rejected Gummerus's assertion, underscoring that these were the notes taken by the interrogator only and were not signed by the witness. Laitinen also argued that, given the focus of the interrogation was Taylor and not Massaquoi, it was not reasonable to rely on this evidence in Massaquoi's case. He also said this was just one of more than fifty torture and interrogations endured by the witness.

The trial resumes on Monday but, with the refusal of the Special Court officials to appear, it is not clear there will be any more witnesses. If that is the case, the court will move to final statements before the judges begin their deliberations.

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EAST AFRICA

Uganda

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

Uganda army says it has captured six ADF camps (The East African) By Julius Barigaba
January 3, 2022

Uganda's army leadership says it is running a tight ship of its operation against the Allied Democratic Forces (ADF) and claims it has "already degraded the enemy's capacity" after it overran at least six camps of the rebel group in eastern DR Congo.

This comes one month since the Uganda Peoples Defence Forces (UPDF) launched aerial strikes, followed by joint ground operations with Congolese military, Forces Armees de la Republique Democratique du Congo (FARDC), against the rebel group.

UPDF spokesperson Brig Flavia Byekwaso says the army incursion into eastern DRC has dislodged and scattered the ADF from their camps, but also killed 100 rebels, captured at least 43 and a further 61 surrendered.

Bases taken The joint forces captured Kambi Ya Yua, described as the headquarters and main training base of the ADF, just before Christmas. Other bases taken are Belu I, Belu II, Mombasa, Kambi Erumu in North Kivu and Ituru provinces in eastern DR Congo.

The operation was first hampered by poor access to the vast territory, in addition to coordination issues.

“The beginning of this intervention was very slow and made difficult by problems of coordination between UPDF and FARDC. It took the FARDC until a few days to appoint an interim commander for the operation. It looks that they were themselves surprised when the first bombs landed,” says Pierre Boisselet, coordinator of Kivu Security Tracker.

“Given the terrain and the jungles, what we have done so far is already a success. In the first days it took us 11 hours to cover a distance of about four kilometres,” Brig Byekwaso said at the half point of “Operation Shujaa”, whose memorandum of understanding requires that it is reviewed after two months.

Despite claims that many rebels have been killed, captured or have surrendered, the UPDF has not paraded any insurgents, claiming that most of these are being held by the FARDC and that for security purposes the operation cannot parade them yet.

As the operation enters its second month, the army says the remaining ADF have fled to other camps, which are yet to be located.

“Intelligence and surveillance keeps discovering more camps, so yes [ADF] are hiding in those other camps,” said Brig Byekwaso.

On November 30, 2021, UPDF launched airstrikes from Ugandan territory, hitting targets inside the DRC, after which the military deployed ground troops to hunt down the rebel group that has in recent years become affiliated to the terrorism-linked Islamic State in Syria and Iraq.

IS-affiliated The eastern DRC-based ADF became the Central Africa Province of the IS, which claimed responsibility for three bomb attacks in Kampala, including the deadly twin blasts of November 16 that killed four people and injured scores.

The 2013 final report by the UN Group of Experts on the DRC, which cites Ugandan officials and UN sources, said the ADF had an estimated strength of 1,200 to 1,500 armed fighters located in north-east Beni territory of North Kivu Province, close to the border with Uganda.

They estimated ADF's total membership — including women and children — to be between 1,600 and 2,500.

Due to military offensive by FARDC and the UN peacekeeping operation in 2013 and 2014, ADF dispersed its fighters to numerous smaller bases, and moved women and children to areas west of Beni, and along the Ituri-North Kivu border.

The Congo Research Group estimated that the rebel outfit had 200 to 300 fighters in 2016 as the size fluctuated in response to military pressure.

110 fighters in 2012 before diminishing to as few as 60 by 2014 and regaining strength to roughly

Some accounts say the size of the ADF has fluctuated significantly over time, often declining in response to military pressures.

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Kenya

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

'Bodies burned beyond recognition': Al-Shabaab militants torture, behead Christians in Kenya; at least 6 killed (Christian Post) By Anugrah Kumar

January 4, 2022

Suspected al-Shabaab militants tortured and killed at least six Christians, five of whom were reportedly beheaded, in a terror attack on a village in Kenya's coastal Lamu region that borders Somalia, according to reports.

"It is an ugly sight of people's bodies lying dead and houses smoking with fire. This is undeniably an awful terrorist attack," said Pastor Stephen Sila, who was at the site of the attack in Widhu village in Lamu West on Monday morning, the U.S.-based persecution watchdog International Christian Concern reported.

"I counted seven houses that were torched down, four bodies of people burned beyond recognition inside the houses," he was quoted as saying. "A body shot dead right outside a burned house and another beheaded body next to it. Other villagers escaped into the dark and the police are still looking for them."

The attack took place at about 4 a.m. local time while people were still sleeping, Lamu County Commissioner Samson Macharia told local media.

Five of the six killed had their hands tied from behind before they were beheaded, reported Kenya's The Standard newspaper. "All the deceased persons had their hands tied from behind. Also several houses were torched within the locality and property of unknown value burned," it said, citing a police report.

The pastor who spoke to ICC added: "The residents have gathered and are asking why the security officers were not doing enough to protect the Christians from being attacked by the Somali militants. There is a standoff now, but more police officers are arriving to pick the bodies and also evacuate those who need emergency medical attention."

Commissioner Macharia also called it a terror attack and said security forces were hunting for the militants in a nearby forest,

where they might have disappeared after the attack.

In the country's northeast, the al-Shabaab terrorist group has been a constant threat.

Al-Shabaab has fought for years to overthrow the Somali government. The group has been responsible for attacks on both sides of the Somalia and Kenya border as it has long vowed to retaliate against Kenya for sending in troops to Somalia to fight the group.

In April 2015, al-Shabaab carried out one of its deadliest attacks when it stormed the campus of Garissa University. On that occasion, militants were said to have separated Muslims from non-Muslims and proceeded to execute all non-Muslim students. At least 148 people were killed in the attack.

Kenya was ranked 49th on Christian support organization Open Doors USA's 2021 World Watch List of countries where it is most difficult to be a Christian.

While it's a Christian-majority country, persecution has spread in Kenya, Open Doors says. "Particularly, Christians with a Muslim background in the northeast and coastal regions live under constant threat of attack — even from their closest relatives. Our research revealed that Christians were attacked and forced to flee their villages, and Islamic extremist group al-Shabaab has infiltrated the local population to monitor the activities of Christians in those areas."

Organized crime is also a serious problem in the country, Open Doors adds. "Corrupt officials often fail to take measures against persecutors — increasing the potential for further incidents against Christians."

A church leader overseeing the Lamu West Africa Inland Churches told ICC that believers are still at risk in the country.

"The enemy is still roaming free within our region," he said. "We are saddened that six Christians have lost their lives and left their families, and the entire body of Christ is hurting. We call upon the government to heighten its commitment to protecting the people of this great nation of Kenya."

4 police officers killed in ambush in Kenya (Anadolu Agency) By Andrew Wasike
January 7, 2022

NAIROBI, Kenya— Four police officers on routine patrol in Eastern Kenya were killed in an ambush on Friday suspected of being carried out by the terrorist group al-Shabaab, a senior official confirmed.

Coastal Lamu County, located along the porous Somalia border, has been the site of multiple al-Shabaab terrorist attacks over the years, and was under a curfew following a deadly attack on Monday. The terrorist group mostly targets police forces.

Coast Regional Commissioner John Elungata confirmed the incident, saying the police vehicle was attacked and hit by "an explosive device that destroyed their vehicle."

He added that the police are unsure if their vehicle was hit by an improvised explosive device or a rocket-propelled grenade.

Some policemen in the vehicle were also injured, and they retaliated against the attackers, injuring some of them, he claimed, adding that they attempted to chase the attackers, who fled into a nearby forest.

Although the area was under curfew, the incident occurred in the morning along the Lamu-Garsen road in Lamu County.

On Monday, Interior Minister Fred Matiang'i declared a dusk-to-dawn curfew in the county, following the killing of seven villagers by al-Shabaab terrorists earlier that day.

The terrorist group has long used improvised explosive devices to target security forces patrolling the porous Kenya-Somali border.

In 2018, more than 100 Kenyan police officers were killed in separate IED attacks along the Kenya-Somalia border.

Last year, saying it was focused on ensuring the safety of its troops fighting al-Shabaab insurgents, the Kenyan army placed an order for 118 high-performance armored personnel carriers (APCs) from Turkiye.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

The RPF and moral legitimacy (The New Times) By Lonzen Rugira
January 11, 2022

The RPF's greatest achievement is that it stopped the genocide against the Tutsi amidst international indifference to the killing of over a million men, women and children. This was the moral basis of its claim for power in 1994. However, the RPF itself has never made that claim. It says that its legitimacy is derived from putting in place a competent and accountable state that is committed to the greater good. According to reports from the country, the Supreme Court sees no legal obstacle to extraditing Jean Paul Micomyiza, 49, to Rwanda where he is accused of involvement in the 1994 genocide.

Its opponents do not address themselves to this source of legitimacy. Instead, they are convinced that to defeat the RPF, it is essential to demystify its greatest achievement in the eyes of the majority of Rwandans. Here's why.

Having stopped the genocide against the Tutsi in the context of international indifference, the RPF could assert its moral right to preventing the occurrence of another genocide. The general indifference made it difficult to convince the RPF and Rwandans that they could rely on anyone but themselves to ensure that there could be no recurrence.

As a result, the RPF has made sectarianism as a basis for political organisation a no-go area in Rwanda. Sectarianism was the ground on which the road to genocide was laid. If the consultations that informed the framing of the post-genocide constitution are anything to go by, the vast majority of Rwandans agree with the RPF that this would be a dangerous path to take. This can also be seen in the pressure against government to "do something" whenever would-be politicians or political activists take to sectarianism-laced political discourse as some do on YouTube.

Here is a predicament, however. Given that stopping the genocide is the RPF's moral centre of gravity, those who seek to remove it from power know that this is what they must destroy precisely because they cannot make an equally potent counter claim in their pursuit of political power.

If you can't outcompete the RPF on the moral plane, you are left with only one option: destroying the ground on which it stands. The double genocide conspiracy aims to do just that. It is a classic case of trying to trade places.

The claim that there were two genocides aims to create a moral equivalence between the RPF and perpetrators of the genocide against the Tutsi. It is supposed to culminate in the claim that given both sides killed, neither can claim any moral pedestal. Further, it seeks to free the genocidaires and their supporters, among them relatives, from the burden of shame they carry ever since the mass atrocity they seek to disown or dissociate themselves from.

As the RPF appeals to the offspring of genocide perpetrators to dissociate themselves from the crimes of their parents, those who seek to demystify the RPF make the opposite appeal, calling on them to justify the actions of their parents and to even defend their "honour." Ambiguity around the facts of the genocide against the Tutsi and its outright denial are in effect used as tools to hold the relatives and children of genocide perpetrators hostage.

In such a context, those who are eager to establish the facts constitute the biggest threat to this movement. This was evident when a young man, Innocent Habumugisha, recently testified that he had been lied to by his parents and others about what really transpired in 1994. In his own estimation, taking the time to inform himself freed him from captivity. He is not alone.

Before that, Senator Marie Rose Mureshyankwano had repeatedly given her personal testimony that brought clarity to the issue of the genocide. So did Nelly Mukazayire who testified at the United Nations, distancing herself from the actions of her mother who is serving life in prison for genocide crimes.

As expected, those who would rather distort the story treated them as traitors to the "ethnic cause". The result were attacks of all kinds on social media. Apparently, they had been bought off by the RPF.

And then there is Victoire Ingabire. While the RPF insists that her prosecution and conviction to a jail term were linked to the nature of her crimes and the ideological divide they reflect, which presents Rwandans with an existential threat that makes confrontation unavoidable, Ingabire insists that her Hutuness, and by extension that of millions of other Rwandans, is the real

issue.

Ambiguity around the facts of the genocide serves one more purpose. It is used in a bid to prove that the RPF is no better than the government it overthrew, a regime that had ethnicity as the moral basis for its claim to power.

In other words, the ultimate goal of demystifying the RPF's main achievement is to reintroduce ethnicity as a legitimate platform for pursuing political power in Rwanda. This is the terrain that the ethnicity entrepreneurs who would demystify the RPF are most comfortable with. They see it as a sure route through which to acquire power.

Going by their reasoning, once the moral foundation of politics in Rwanda is reduced to ethnicity, the RPF's claims to legitimacy can only be assessed on ethnic grounds; thereby making it legitimate, only to Tutsis. They see it as a smart way to reintroduce ethnic politics through the backdoor, which is necessary given the front door has been shut by law and kept locked by the aspirations of all right-thinking Rwandans who have taken lessons from our tragic history.

As we head towards the 2024 elections, the conscience of the nation continues to revolve around the 1994 genocide against the Tutsi. Those who saved people have a special standing because of their display of moral courage. They include the RPA soldiers and ordinary citizens who despite the danger they faced, actively put their own lives on the line so that others may live.

They represent the value system Rwandans cherish as they deepen their cohesion around shared values. The best way to counter these divisive narratives that seek to undermine the gains of the last 27 years, is to reaffirm the facts around the genocide and the values shared by those who defeated the genocidal forces.

Keeping Rwandans united around these shared values requires of every Rwandan of goodwill to amplify the courageous voices that reject ambiguity. This endeavour ought to transcend the potential political benefits the RPF would reap since, as argued before, genocide ideology is society's underbelly regardless of which party is in power. When they seek to demystify the RPF, its detractors mean not only to erase these fountains of courage either literally through violence, or figuratively by drowning them out, but also, and most importantly, to erase the memory of the people we lost while also setting the ground for a recurrence.

Since those committed to confrontational western political models are here to stay, and if constructive criticism is what they aim for, then Rwanda needs an opposition that innovates around a complementary moral gravity of its own without feeling the need to destroy the one upon which the RPF stands.

Otherwise, no responsible and conscientious Rwandan, let alone the RPF (or even its political partners who together with it constitute Rwanda's post-genocide political landscape), would countenance allowing such a discourse to pollute the air in our society.

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Somalia

Somalia's Al-Shabab Fighters Kill at Least 7 in Attack Near Capital (Voice of America) December 30, 2021

Fighters from Somalia's al-Shabab militant group attacked a town north of the capital, Mogadishu, on Thursday, killing at least seven people as they battled government security forces, a resident and police said.

The attack happened amid a political dispute between Somalia's president and prime minister which its international partners worry has distracted the government from the fight against the insurgents.

Police and residents in Balad, 30 km (18 miles) north of Mogadishu, said fighters from the al-Qaida-linked group attacked and overran government forces guarding a bridge at a town entrance early in the morning.

"We were in a mosque praying when a heavy exchange of gunfire took place at the bridge. Al-Shabab thus captured the town, overrunning the soldiers at the bridge," Hassan Nur, a shopkeeper in Balad, an agricultural town that links Somalia's Middle

Shabelle region to Lower Shabelle, told Reuters by telephone.

"There were few police forces in the town. (The police) were missing. When the firing started people ran into their houses. I counted five dead soldiers and two civilian women," he said.

Police captain Farah Ali said the fighters stayed briefly in the town after the attack but then left.

"Al-Shabab did not come to our station but captured the entire town in the fighting and left without patrolling," he told Reuters.

"I understand there are about eight people dead including soldiers."

Al-Shabab aims to topple the government and impose a strict version of Islamic law. It often carries out bomb attacks on government targets but also on civilians. It also targets African Union peacekeeping troops.

Somalia, which has had only limited central government since 1991, is trying to reconstruct itself with the help of the United Nations.

The United Nations and various countries have urged its prime minister, Mohammed Hussein Roble, and President Mohamed Abdullahi Mohamed to settle their dispute, which has raised fears of conflict.

The president on Monday tried to suspend the prime minister's powers for suspected corruption. The prime minister described the move as a coup attempt and he asked all security forces to take orders from his office, not the president.

Car bomb hits outside Mogadishu airport in Somalia; 8 killed (Associated Press) By Hassan Barise
January 12, 2022

A car bomb exploded Wednesday outside the international airport in Somalia's capital, Mogadishu, killing at least eight people and wounding nine others, a local doctor said. The al-Shabab extremist group claimed responsibility for the attack, saying it was targeting "white officials" passing by.

Dr. Abdulkadir Adam with the Medina hospital told The Associated Press about the death toll. Witnesses at the scene said a passing U.N. convoy appeared to be the target in the blast near a checkpoint leading to the heavily fortified airport, but the U.N. mission said there were no U.N. personnel or contractors in the convoy.

The al-Qaida-linked al-Shabab extremist group, which controls parts of Somalia, said via its Radio Andalus that a convoy of "white officials" had been the target. The extremist group often carries out bombings at high-profile locations in the capital.

Mogadishu's deputy mayor, Ali Abdi Wardhere, told reporters at the scene that his own convoy had been driving nearby at the time but was unharmed. He said an investigation was underway and gave a toll of five soldiers killed and five civilians injured.

The international airport hosts the U.S. Embassy, among other diplomatic offices.

The blast occurred amid the latest period of political and security uncertainty in Somalia, the Horn of Africa nation where tensions are rising over an election that has been delayed for almost a year.

The African Union peacekeeping mission has been asked to contribute security outside Somalia's presidential palace, where opposing armed factions supporting President Mohamed Abdullahi Mohamed and Prime Minister Mohamed Hussein Roble have been present. The two leaders disagree over, among other issues, who should be in charge of security in the country.

The president late last month tried to limit the powers of the prime minister, who called it an attempted coup.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

War crimes prosecutor indicts nine for killing Muslims during Bosnia War (Jurist) By Gabrielle Wast
December 30, 2021

A war crimes prosecutor Wednesday indicted nine Bosnian Serbs for killing about 100 Muslim Bosniaks during the Bosnian War, according to Reuters.

All nine are men who served in the Bosnian Serb army and are accused of killing dozens of Muslim civilians, including seven entire families, women, the elderly and children. The civilians they allegedly targeted lived in the southeastern town of Nevesinje.

The Bosnian War occurred in Bosnia and Herzegovina from 1992 to 1995 as part of the dissolution of former Yugoslavia. Still today, Bosnia searches for the remains of some of the tens of thousands who were killed during the war. Of the seven families allegedly killed by the indicted Bosnian Serbs, 47 people's remains have yet to be located.

This year, a Bosnian Serb soldier and an army commander were convicted of war crimes and failure to prevent war crimes, respectively. In addition, the Court of Bosnia and Herzegovina, the nation's highest court, also upheld a war crime conviction against a Bosnian Serb soldier and the indictment of eight Bosnian Serb soldiers for crimes against humanity during the conflict.

Despite these legal victories, the country faces a political crisis between Republika Srpska (RS) and the Federation of Bosnia and Herzegovina. Earlier this month lawmakers in the RS National Assembly voted to begin pulling their republic out of Bosnia's armed forces, judiciary and tax system. The move prompted condemnation from the embassies of the US, UK, France, Germany and Italy, which stated:

[The] decision by the Republika Srpska National Assembly to begin the drafting of legislation to create parallel institutions in the Republika Srpska is a further escalatory step. Members of the governing coalition in the RS must be aware that continuing this dead end path of challenging the Dayton framework is damaging the economic prospects of the entity, threatening the stability of the country and the entire region and jeopardizing BiH's future with the EU.

The indictment against the nine Bosnian Serbs will require approval from the state court to continue.

Bosnian Serb Ex-Soldiers Plead Not Guilty to Prison Camp Crimes (Balkan Transitional Justice) By Aida Trepanic
January 12, 2022

Milomir Djuricic and Vukadin Spasojevic entered not guilty pleas at the Bosnian state court on Wednesday, denying involvement in unlawful detention, torture, abuse and other inhumane acts against civilian prisoners in the Visegrad area of eastern Bosnia between May 1992 and the end of September 1993.

Both men were members of the Visegrad Brigade of the Bosnian Serb Army at the time of their alleged crimes, according to the charges.

The indictment accuses Djuricic, alias Djure, and Spasojevic, alias Mico and Era, of persecution on national, ethnic and religious grounds as part of a widespread and systematic attack targeted against the Bosniak civilian population in the municipality of Visegrad.

The prosecution alleges that Djuricic committed the crimes as manager of the Uzamnica detention camp and Spasojevic as a guard in the detention camp.

"On several occasions, they undertook actions of unlawful detention, torture, abuse and other inhumane acts against the detained civilians, including the rape and sexual abuse of victims in extremely humiliating ways, as well as keeping the detainees in extremely inhumane conditions, leaving permanent physical and mental consequences for the victims," the prosecution said in a statement when the charges were raised in December.

"Spasojevic has also been accused of having ordered the abuse of victims," the prosecution added.

The court will schedule the beginning of the trial within the next 60 days.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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Domestic Prosecutions In The Former Yugoslavia

Serbia: War Criminals Convicted in The Hague, Glorified in Belgrade (Balkan Transitional Justice)

By Milica Stojanovic
December 30, 2021

The UN court in The Hague this year secured its first ever convictions of top Serbian officials for crimes during the wars that broke out during the break-up of Yugoslavia.

“The trial chamber finds proven beyond reasonable doubt that [Jovica] Stanisic and [Franko] Simatovic are responsible for aiding and abetting the crimes of persecution, murder, deportation, and forcible transfer committed by Serb forces in Bosanski Samac,” said the verdict that was handed down by the Mechanism for International Criminal Tribunals in June 2021.

After a retrial, former Serbian State Security chiefs Stanisic and Simatovic were sentenced to 12 years in prison each for aiding and abetting crimes committed by a State Security Service special fighting unit in the Bosanski Samac area during the Bosnian war in 1992, but acquitted of responsibility for other crimes committed by Serb units elsewhere in Bosnia and in Croatia during the conflicts there.

The two men have since announced that they will appeal.

The verdict confirmed more details that establish that Serbian state officials and the regime of Slobodan Milosevic did play a direct role in the conflicts in Croatia and Bosnia and Herzegovina in the early 1990s, even though Serbia has long denied any direct involvement.

Serbian President Aleksandar Vucic sought to undermine the verdict by accusing the tribunal of “changing practices” since Stanisic and Simatovic were acquitted in their original trial in 2013 and Croatian generals Ante Gotovina and Mladen Markac were acquitted in 2012.

Vucic described the tribunal’s verdicts as “revenge that was carried out against the Serbian people and the Serbian state”, although he added that “I do not want to say that we were angels and that there were no crimes on the Serbian side”.

Despite its apparent importance for Serbia, the Stanisic and Simatovic verdict got less media coverage in Serbia than the Hague court’s ruling a couple of weeks earlier that upheld the conviction and life sentence handed down to Bosnian Serb Army commander Ratko Mladic for genocide and other wartime crimes.

The conviction of Mladic led to a bitter dispute in the Serbian capital Belgrade between nationalists and human rights activists that continued for months afterwards. After the verdict in July, a large mural of Mladic in uniform, giving a military salute,

was painted on a building in Belgrade's Vracar municipality.

The municipality inspection service ordered the residents of the building on which the mural was painted to remove it in September – but no company wanted to accept the job.

The Belgrade-based Youth Initiative for Human Rights called on people to gather on November 9, the International Day against Fascism and Anti-Semitism, to remove the mural from the wall. But the Interior Ministry banned all gatherings at the spot, saying that there might be clashes.

Activists then staged two assaults on the mural – one with eggs and the other with white paint. In the first incident, police arrested two female activists. Each time, right-wingers cleaned up the mural afterwards, and young, unidentified men started to gather there each day to protect it from further defacement.

On December 20, the Vracar municipality obliterated the mural by painting it over, but the young nationalists then cleaned it up again within two hours. Meanwhile pro-Mladic graffiti and symbols also appeared on walls in other locations in central Belgrade.

The Mladic graffiti started to proliferate after Serbian officials criticised the UN court's conviction of the Bosnian Serb military chief. Interior Minister Aleksandar Vulin described Mladic's life sentence as "revenge, not a verdict". Serbian officials do not accept that the massacres of Bosniaks from Srebrenica by Bosnian Serb forces led by Mladic constituted genocide.

European lawmakers proposed a motion in the European parliament in December condemning what they described as "the role of hooligan groups in the protection of the mural of the convicted war criminal Ratko Mladic in Belgrade, and corresponding incidents which have exposed close links between hooligans and the police".

Meanwhile the chief prosecutor at the Mechanism for International Criminal Tribunals in The Hague, Serge Brammertz, said in a speech to the UN Security Council in that murals of Ratko Mladic in Belgrade show that "there are still those who deny, relativise and minimise the judicially-established facts of genocide, crimes against humanity and war crimes".

"How can so many still see Mladic as a hero of the Serbian people, after his conviction to life imprisonment in a court of law based on immense evidence of his crimes?" Brammertz asked.

The Serbian government in October adopted a new five-year national strategy for processing war crimes. But court cases in the country often become stalled and there are frequent postponements of hearings in major trials. The trials of Serbs accused of committing war crimes continue to drag on for years.

The Serbian authorities caused a brief dispute with neighbouring Bosnia and Herzegovina when they arrested a former senior Bosnian police official, Edin Vranj, at the border in September. The arrest sparked angry reactions from ministers in Bosnia and Herzegovina, and after high-level meetings between Serbian and Bosnian officials, Vranj was released and his case transferred to Bosnia and Herzegovina.

The incident sparked accusations that while arresting Bosniaks like Vranj, Serbia has been protecting Serbs who have been accused or convicted of war crimes and genocide in Bosnia and Herzegovina either by refusing to extradite them or by giving them Serbian citizenship.

Meanwhile BIRN revealed in May this year that the Serbian Constitutional Court made a ruling that it is not possible to prosecute someone in Serbia for having command responsibility for crimes committed by subordinates during the Kosovo war.

The Constitutional Court said that this is because the concept of command responsibility was only introduced into the Serbian criminal code in 2006, while the alleged crimes in Kosovo took place in 1999.

Neither is it possible to prosecute someone for crimes against humanity allegedly committed before 2006, for the same reason, the Constitutional Court ruled.

The Belgrade-based Humanitarian Law Centre described the ruling as a blow to any further attempts to prosecute generals for wartime crimes.

"Such a decision will serve as an excellent justification for the war crimes prosecutor's office to continue the current practice of not charging anyone on the basis of command responsibility," said the Humanitarian Law Centre's director, Ivana Zanic.

Meanwhile convicted war criminals continued to be given platforms by Serbian media. In one incident in March, two convicted war criminals, former Yugoslav deputy prime minister Nikola Sainovic and Yugoslav Army general Vladimir Lazarevic, appeared on a show on the public broadcaster Radio-Television Serbia about the anniversary of the start of NATO

bombing of Yugoslavia, and denied that they committed the crimes of which they were convicted.

Incidents like this have angered the UN tribunal in The Hague. In October, the Hague court granted early release to former Serbian police general Sreten Lukic, but made it a condition that he does not deny war crimes.

Kosovo Protesters Urge Serbia to Free War Crimes Defendant (Balkan Transitional Justice) By
Rinesa Osmanaj
January 10, 2022

A group of relatives and supporters of Nezir Mehmetaj, an ethnic Albanian who has been in detention in Serbia for two years and went on trial last year on war crime charges, demonstrated on Monday in front of the government building in Kosovo's capital Pristina.

Mehmetaj's relative Verona Mehmetaj said that he was clearly innocent because he was not in Kosovo during the 1998-99 war.

"He has been employed in Switzerland for 30 years, and was not involved in the recent war in Kosovo," Verona Mehmetaj said at the protest.

Nezir Mehmetaj was arrested two years ago at the Merdare border crossing between Kosovo and Serbia. He has been in detention in Serbia ever since.

He is accused of participation in war crimes against civilians in the village of Rudice in the Klina municipality of Kosovo in June and July 1999.

The prosecution claims he was involved in killing seven people and burning and looting ten houses belonging to non-Albanians in Rudice as a member of the Kosovo Liberation Army, KLA.

He is also accused of harassing members of the Roma and Egyptian ethnic minorities in Rudice.

Mehmetaj has denied the accusations.

He told Belgrade Higher Court in April 2021 that he left Kosovo in 1987 and went to Switzerland to work.

He said he only returned to visit his family once a year and did not go to Kosovo during the war in 1999.

Kosovo has called on Serbia to release Mehmetaj. In April 2020, then Foreign Minister Glauk Konjufca asked EU foreign policy representative Josep Borrell to use his authority to request Mehmetaj's release.

In July 2020, then Justice Minister Selim Selimi asked the then head of the EU office in Kosovo, Nataliya Apostolova, to use her diplomatic power to convince the Serbian authorities to send Mehmetaj back to Kosovo.

Selimi argued that because he is not a citizen of Serbia and the alleged crimes occurred in Kosovo, Serbia has no jurisdiction over the case.

Selimi also claimed that evidence had already proved Mehmetaj is not the person who allegedly committed the crimes as a member of the KLA.

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Turkey

ANCA Campaign Urges Biden, Congress to Hold Azerbaijan and Turkey Accountable for War Crimes (Asbarez) January 11, 2022

Armenian Americans and allies across the U.S. are joining the Armenian National Committee of America's call on President Biden and Congressional leaders to fundamentally reset U.S. policy toward the South Caucasus, taking concrete steps to: protect Artsakh's security; defend Armenia's sovereignty, hold Baku and Ankara responsible for their war crimes and ongoing hostility; strengthen the U.S.-Armenia strategic partnership, and; lock-in permanent U.S. government-wide remembrance

of the Armenian Genocide.

The ANCA-led online campaign has been used by tens of thousands to share community outrage that U.S. leaders have “failed to openly condemn and materially confront the aggression, war crimes, and human rights abuses committed by dictatorial Azerbaijan and its Turkish/ISIS allies against democratic Artsakh and Armenia. Our government – against all evidence – refuses to condemn the very violence that Azerbaijan’s President Ilham Aliyev proudly boasts of having visited upon Armenians living peacefully in their indigenous homeland.”

The ANCA outlines seven decisive ways President Biden and Congressional leaders can end U.S. complicity in Azerbaijan’s ongoing aggression against Armenia and Artsakh, including:

Ending the Presidential waiver of Section 907 of the FREEDOM Support Act, fully enforcing this statute, and ceasing any and all U.S. military or security assistance to Azerbaijan, including Section 333 (Capacity Building), Foreign Military Financing, and International Military Education and Training – on the basis of Section 502B(a)(1) of the Foreign Assistance Act, the Leahy Laws, Section 907, and other provisions of U.S. law.

Providing at least \$100,000,000 in immediate, direct U.S. humanitarian aid to the more than 100,000 Armenians ethnically cleansed by Azerbaijan from their Artsakh homeland, helping these families rebuild their lives and resettle in safety upon their indigenous Armenian homeland.

Directing the Department of Treasury’s Office of Foreign Asset Control to enforce Global Magnitsky sanctions against senior Azerbaijani officials guilty of committing war crimes against Artsakh and Armenia, among them President Ilham Aliyev, Defense Minister Zakir Hasanov, and former Chief of the General Staff Sadikov Najmeddin Huseynoglu.

Condemning Azerbaijan’s illegal detention and documented abuse of Armenian prisoners of war, demanding their immediate and unconditional release, under the Third Geneva Convention and other instruments of international law. This call should be unilateral, publicly and prominently highlighting the fact that Azerbaijan is the only party to the conflict to hold prisoners of war.

Conducting a comprehensive investigation – consistent with the National Defense Authorization Act for Fiscal Year 2022 – regarding Turkey’s recruitment of Syrian terrorist mercenaries, Azerbaijan’s use of illegal cluster bombs and white phosphorous, and potential violations of U.S. arms export and other laws related to the discovery of U.S. parts in the Turkish drones deployed by Azerbaijan against Artsakh.

Denouncing Turkey’s material military backing of Azerbaijan’s ethnic-cleansing of Artsakh and ongoing aggression against Armenia, and actively countering Ankara’s attempts to arm-twist Armenia into “normalizing” bilateral ties at the expense of Artsakh’s independence and justice for the Armenian Genocide.

Censuring Azerbaijan’s destruction of Christian Armenian churches, monasteries, cemeteries, and other holy sites, and providing the full range of U.S. satellite and other monitoring resources to academic and civil society organizations tracking this cultural and religious desecration.

“Azerbaijan’s aggression and ongoing anti-Armenian actions are clearly consistent with President Ilham Aliyev’s public threats to conquer Armenia, including its capital Yerevan and its Sevan and Sunik regions as “historic Azerbaijani territory.” The intentions of Azerbaijan – and its enabler Turkey – are manifestly evident: To continue their aggression against Armenia and Artsakh with the ultimate goal of the genocidal destruction of the first Christian nation,” states the letter to U.S. leaders.

Less than two weeks into the New Year, Azerbaijan ramped up attacks against Artsakh civilians on January 10th in three separate incidents in Martuni, Askeran, and the Goris-Stepanakert Highway. Shots were reported in Martuni’s Karmir Shuka village, resulting in the explosion of a car parked near the local kindergarten. In Askeran, Russian forces intervened to stop Azerbaijani attacks on Armenian pomegranate farmers, who were forced to flee to safety, leaving behind farm equipment damaged in the incident. Armenian motorists reported being struck by rocks thrown by Azerbaijani forces onto the Goris-Stepanakert Highway, near the Shushi exit. The Artsakh Foreign Ministry condemned the attacks, stating they once again prove that “the ‘peace-loving’ statements of the Azerbaijani authorities have nothing to do with the real terrorist and expansionist goals of that country towards Artsakh, the Armenian people and the region.”

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Kosovo Specialist Chambers

Specialist Chambers confirms Kadri Veseli was granted custodial visit to Kosovo (Express) January 10, 2022

The Kosovo Specialist Chambers (KSC) has confirmed that due to compelling humanitarian grounds, the Pre-Trial Judge has instructed the Registry to manage a custodial visit of Kadri Veseli to Kosovo to meet family.

The KSC said in a statement that the accused remains in pre-trial detention and in the custody of the Specialist Chambers. “EULEX and Kosovo Police are supporting the Kosovo Specialist Chambers,” according to the KSC statement.

The KSC has not provided additional details on Veseli’s custodial visit. “Due to operational reasons and to respect the privacy of Mr. Veseli we cannot provide additional information for the custodial visit in Kosovo,” the KSC spokesperson Michael Doyle told Gazeta Express.

Former speaker of Kosovo Assembly, Kadri Veseli, arrived Monday in Kosovo when he visited the grave of his mother who passed away on Friday. He was seen Monday entering his family house in Mitrovica South escorted by the EULEX and Kosovo Police. Kadri Veseli is in the Kosovo Specialist Chambers detention in the Hague facing war crime charges for his role in KLA during 1998-1999 Kosovo war. In May 2021, Kadri Veseli was granted permission by the Kosovo Specialist Chambers to visit his dying father at the regional hospital in Mitrovica South after he suffered a stroke. He passed away in July 2022. Kadri Veseli and three other senior KLA commanders, Hashim Thaci, Rexhep Selimi and Jakup Krasniqi are being held in detention since November 2020 facing war crime charges. The indictment, as confirmed by the KSC, states that the war crimes of illegal or arbitrary arrest and detention, cruel treatment, torture, and murder, and the crimes against humanity of imprisonment, other inhumane acts, torture, murder, enforced disappearance of persons, and persecution were committed from at least March 1998 through September 1999.

Kosovo Veterans’ Deputy Leader: ‘Nothing New’ in Leaked War Court Files (Balkan Transitional Justice) By Xhorxhina Bami
January 11, 2022

The deputy leader of the Kosovo Liberation Army Veterans’ Organisation, Nasim Haradinaj, told his trial in The Hague that there were no new revelations in leaked documents from war crimes cases that caused the charges against him.

Nasim Haradinaj testified on Tuesday at the Kosovo Specialist Chambers in The Hague that the information in documents from the Hague court that were leaked to the Kosovo Liberation Army Veterans’ Organisation was already known to the public.

“There was nothing hidden,” Haradinaj told the court.

Haradinaj told the court that the documents from the Kosovo Specialist Chambers that were sent to the KLA War Veterans’ Organisation office in Pristina in 2020 contained “what had been spoken about [in the media] two months previously and looked like the draft indictment of [Kosovo’s former President Hashim] Thaci”.

Haradinaj told the court that he read the names of Thaci and his co-accused, former Kosovo guerrillas turned politicians Kadri Veseli, Jakup Krasniqi, and Rexhep Selimi, in the files. The four men have since been charged with war crimes and have pleaded not guilty at the Kosovo Specialist Chambers.

Haradinaj insisted that he has never mentioned any other name from the confidential files in public.

Haradinaj and the leader of the KLA War Veterans’ Organisation, Hysni Gucati, are accused of obstruction of justice and witness intimidation because they received the documents, which contained confidential information about protected witnesses in the cases against KLA ex-guerrillas, and urged the media to publish extracts from them. They have both pleaded not guilty.

During his testimony on Tuesday, Haradinaj said he and Gucati were justified in distributing the documents to media at a series of press conferences in Pristina for the sake of transparency. He said that the facts about the documents had been “manipulated by journalists, which is not our responsibility”.

Haradinaj also told the court he never tried to contact any of the witnesses that were mentioned in the documents.

He went on to say that the Specialist Prosecutor’s Office could have stopped the distribution of the documents to the media if it had wanted to because the announcements of the press conferences were public.

“As we saw the day of [Haradinaj and Gucati’s] arrest, over 50 armed [officers] with masks, without masks, with long rifles and snipers had the capacity to take [the documents] and no one would have stopped them, because we never stopped them from taking the documents,” Haradinaj said.

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

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

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

The Kosovo Specialist Chambers were set up, under pressure from Kosovo’s Western allies, to try crimes allegedly committed during and just after the Kosovo war from 1998 to 2000. They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals and are widely resented by Kosovo Albanians who see it as an insult to the KLA’s war for liberation from Serbian rule.

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

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Azerbaijan

Azerbaijan continues to hold about 200 Armenian POWs, distorting their status - law signed by Biden (ArmenPress) December 30, 2021

The National Defense Authorization Act for Fiscal Year 2022 signed by US President Joe Biden contains important provisions on the Armenian-Azerbaijani conflict, which particularly emphasizes that Azerbaijan continues to hold about 200 Armenian prisoners of war, distorting their status, emphasizing that Azerbaijan should immediately and unconditionally return all captured persons. ARMENPRESS reports the law is published on the official website of the Congress.

The law points out the conclusions of the Congress on the 44-day war, in particular:

(A) On September 27, 2020, Azerbaijan, with support from Turkey and foreign militia groups, launched a military assault on Nagorno-Karabakh, also known as Artsakh, resulting in the deaths of thousands and displacing tens of thousands of ethnic Armenian residents.

(B) On November 9, 2020, Azerbaijan, Armenia, Russia signed a tripartite statement to end the conflict.

(C) In signing the November 9 statement, all parties agreed that the “exchange of prisoners of war, hostages and other detainees as well as the remains of the fatalities shall be carried out.”

(D) The Third Geneva Convention, of which Azerbaijan is a signatory, and customary international law require the release of prisoners of war and captured civilians upon the cessation of hostilities and require that all detainees be treated humanely.

(E) Despite Azerbaijan's obligations under the Geneva Conventions and their commitments in signing the November 9 statement, long after the end of the conflict, the Government of Azerbaijan continues to detain an estimated 200 Armenian prisoners of war, hostages, and detained persons, misrepresenting their status in an attempt to justify their continued captivity.

(F) Human Rights Watch reported in December 2020, that Azerbaijani military forces had mistreated ethnic Armenian prisoners of war and subjected them to “physical abuse and humiliation”.

(G) Columbia University's Institute for the Study of Human Rights issued a report on the conflict that “document[s] crimes against humanity and other atrocities committed by Azerbaijani armed forces and Turkish-backed Islamist fighters against Armenians”, including beheadings, summary executions, and the desecration of human remains.

(H) There is limited reliable information about the condition or treatment of prisoners of war and captured civilians, and there is significant concern that female detainees in particular could be subject to sexual assaults and other mistreatment.

(I) The continued detainment of prisoners of war and captured civilians by Azerbaijan calls into serious question their commitment to human rights and negotiating an equitable, lasting peace settlement.

(J) Armenia has fulfilled its obligations under the November 9 statement and international law by returning Azerbaijani prisoners of war.

(K) The United States is a co-chair, along with France and Russia, of the Organization for Security and Co-operation in Europe Minsk Group, which was created to seek a durable and peaceful solution to the Nagorno-Karabakh conflict.

Sense of congress.-- It is the sense of Congress that-- (A) Azerbaijan must immediately and unconditionally return all Armenian prisoners of war and captured civilians; and (B) the Biden Administration should engage at all levels with Azerbaijani authorities, including through the Organization for Security and Co-operation in Europe Minsk Group process, to make clear the importance of adhering to their obligations, under the November 9 statement and international law, to immediately release all prisoners of war and captured civilians.

Deadly clashes break out once more at Armenia-Azerbaijan border (France24) January 12, 2022

Armenia said Wednesday that the number of its soldiers killed in border clashes with Azerbaijan had risen to three, in the most serious outbreak of fighting between the ex-Soviet adversaries in months.

Azerbaijan previously said one of its soldiers died in the fighting on Tuesday along the disputed and volatile border region, where tensions are still high in the wake of a war between the Caucasus nations in 2020.

Armenia's defence ministry said in a statement Wednesday that the body of an Armenian serviceman was discovered with fatal gunshot wounds in the vicinity where "intense skirmishes" had erupted on the previous day.

Two soldiers wounded in the fighting were in a stable condition, the defence ministry added.

Both sides have accused the other of initiating "provocations" that sparked the exchange of fire that left one Azerbaijani soldiers and the three Armenian troops dead.

Armenia said earlier that its military had been targeted by artillery and drones in its eastern border area, a claim Azerbaijan denied.

The deaths represent a serious threat to a ceasefire implemented with Russia's help in November 2020 that brought an end to six weeks of brutal warfare that claimed the lives of 6,000 people on both sides.

The war centred around control for Nagorno-Karabakh, a sparsely-populated and mountainous separatist region inside Azerbaijan that had been controlled for decades by Armenian fighters.

As part of the ceasefire agreement, Armenia handed back large areas that the breakaway region had controlled for decades, including Kalbajar, where Azerbaijan said its soldier had been killed in the recent escalation.

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MIDDLE-EAST

Syria

Sweden brings war crime charges against mom who took 12-year-old to fight in Syria (Jurist) By

Ingrid Burke Friedman
January 4, 2022

A Swedish woman has been charged with war crimes for bringing her young son to Syria, where he was enlisted as a child soldier, and ultimately killed in the country's long-simmering conflict, prosecutors announced Tuesday.

The Swedish Prosecution Authority alleges the unidentified woman brought her son to Syria in August 2013, when he was 12 years old. From then until May 2016, the child engaged directly and consistently in hostilities perpetrated by various armed groups, including the Islamic State, prosecutors say.

"The investigation has shown that while he was living at home, the son was educated and trained to participate in hostilities, that he was provided with military equipment and weapons, and that he was used in combat and for propaganda purposes, as well as for other operations related to warfare," prosecutor Reena Devgun said, as quoted in the statement.

The case will be heard by the Stockholm District Court. The defendant, who returned to Sweden from Syria in December 2020, maintains her innocence. This is the first time Swedish prosecutors have brought war-crime charges in the country related to the recruitment of child soldiers, the statement said.

The boy died in 2017, when he was 16 years old. The facts underlying the war crimes charges focus on his involvement in the Syrian conflict between the ages of 12 and 14, due apparently to the fact that the use of child soldiers under 15 years old is proscribed internationally by both treaty and customary law, and is defined as a war crime in the Rome Statute of the International Criminal Court. Although international law provides various protections for soldiers under the age of 18, those under 15 are afforded more comprehensive legal cover, as explained by the International Committee of the Red Cross.

Syria is a hotbed for the recruitment of child soldiers. According to a 2021 UN report on children in armed conflict, between July 2018 and June 2020, upwards of 1,400 children were recruited or used for conflict-related purposes by at least 25 different parties to the country's long-simmering conflict.

The Islamic State is known for having prioritized the recruitment of child soldiers. According to a 2020 report by the Middle East Initiative, the organization recruited children by offering monthly stipends for the families of each child recruit, as well as free "educational" programming, which comprised indoctrination efforts and basic military training.

Turkish proxies arrest Syrians protesting poor living conditions in occupied zone (Ahval)

January 9, 2022

Turkish proxies in northern Syria have arrested a number of local civilians, who gathered to protest against what they see as their declining standards of living, local Syrian outlet Northern Press Agency (NPA) reported on Saturday.

Six civilians in the city of Tel Abyad, north of Raqqa, northern Syria were arrested by members of the Turkish-backed Syrian National Army (SNA) after hundreds gathered to demonstrate against their quality of life and the corruption of local authorities. The protesters raised slogans saying, "No to starvation, no to monopoly," and "We are at the mercy of the mafias."

A local source, who spoke to NPA on condition of anonymity, said that Turkish forces participated in a post-demonstration sweep of local homes to make the arrests. They added that those who were detained were taken to the SNA headquarters in Tel Abyad.

Turkey took control of this region in 2019 following Operation Euphrates Shield, which it launched to drive the Kurdish-dominated Syrian Democratic Forces (SDF) from the area to secure the Turkish border regions of Syria. After an agreement with Russia in the aftermath of the operation, Turkey was able to establish this "safe zone" from which its proxies would continue to operate against Kurdish militants.

Tel Abyad and its surrounding areas were added to other chunks of northern Syria that were seized by Turkish forces between 2016 and 2018 from either Kurdish forces or Islamic State militants.

These occupied zones have been administered by Turkish officials, but residents often complain about the criminality of their local proxies. Turkish-backed forces have been accused of committing war crimes in northern Syria, including looting of civilian property, according to U.N. commission report published in 2020

These regions' integration with Turkey has also left them prone to suffer the repercussions of its economic turmoil. After switching to the Turkish lira amidst the sharp devaluation of the Syrian pound, residents are continuing to find themselves struggling to just get by and meet their day to day needs because of the current troubles facing the Turkish currency.

Seeking Justice for Syria: How an Alleged Syrian Intelligence Officer was Put on Trial in Germany (Human Rights Watch)

January 6, 2022

It was a chilly, overcast February day in 2015 when Anwar R. walked into a Berlin police station to file a complaint. An alleged former Syrian military intelligence officer now living in Germany, Anwar R. believed that Syrian government operatives were following him in Berlin, he said. He feared being kidnapped. At the bottom of his written complaint, he signed his name using his military title – “Colonel.”

The police were unable to find evidence he was being followed. But they did carefully note the slivers of information Anwar R. shared about his alleged intelligence career.

Today, Anwar R., 58, is on trial in Koblenz, a small city in western Germany, charged with crimes against humanity allegedly committed before his defection in 2012. The trial began in April 2020. He is charged with 4,000 counts of torture, 58 killings, and for rape and sexual assault committed while he allegedly headed investigations at a military intelligence facility known as “Branch 251” in Damascus. The verdict and sentence are expected in January.

Anwar R. (Germany’s privacy laws require that an accused’s full name be withheld) is the most senior alleged former Syrian government official to be tried in Europe for crimes against humanity committed in Syria.

This trial came about thanks to a combination of individual initiative, dogged group efforts, and innovative technology – as well as sometimes chance encounters and human foibles.

But the stage for the Koblenz trial was set long before Anwar R.’s arrest in 2019. German authorities have been investigating crimes in Syria since the uprising in the country began in 2011. Then, in 2015, large numbers of Syrians from all over the country arrived in Germany. While seeking a fresh start in a new home, their personal histories from war-torn Syria could not be erased. This also meant that previously unavailable victims, witnesses, material evidence – and even some suspects – came within reach of European judicial authorities.

Another essential element: Germany’s laws allow serious crimes to be tried there, even without a German connection to the crimes, a principle known as “universal jurisdiction.” It can feel like sheer chance that this trial took place.

This trial is unique in other ways, too.

Roughly a decade after the war began, fighting in Syria has nearly stopped. President Bashar al-Assad and other government officials have tightened their grip on power and recaptured most of the country. Accordingly, when it comes to criminal responsibility for crimes in Syria, the idea of fair trials within the country is inconceivable. At the same time, attempts to involve the International Criminal Court or ad-hoc international tribunals have been thwarted. With zero accountability, grave abuses by all sides continue unimpeded. Meaningful justice in Syria – for now, at least – is not possible.

So why does a case against an alleged mid-level intelligence operative thousands of miles away from where the atrocities took place even matter?

The Trial

a. The Witness

Amer Matar, a Syrian journalist and documentary filmmaker, walked into the courtroom in Koblenz to confront the man who he alleges had tortured him a decade earlier. It was April 7, 2021 – day 67 of the hearings against Anwar R.

Matar, 34 at the time, sat at a table facing the five judges. Anwar R. was to his right at another table.

“I made the conscious choice from the beginning not to direct any of my speech or any of my testimony toward Anwar R.,” Matar told Human Rights Watch in October 2021. He also told us that he had long repressed what he said happened to him at Branch 251. But in court, as he prepared to address the judges, the details of the room – the tall windows, the clear Covid-19 dividers between desks, the wall of books behind the judges – faded. “I was back in jail in the prison cell and Syria,” he said.

When antigovernment protests erupted in Damascus, Syria’s capital, in early 2011, Matar threw himself into the fray, he testified in court, reporting on the demonstrations and discussing them on television.

Then, on March 28 that year, security forces raided his home, he told the court. In that moment, Matar thought his life was over, he said. Syrian security forces hit him, insulted him, and searched everything. He was arrested, and his laptop and other

equipment were seized and searched, he testified. Then he said he was taken to Branch 251.

On his laptop, the security services found a photo he had taken of Anwar R., Matar testified.

At that point, Matar said he knew Anwar R. by sight, but not by name.

In February 2011, Anwar R. was among the officers who accosted two of Matar's friends, he said in court. They had planned to protest near Parliament in Damascus, he said. When some of the officers started beating up his friends, Matar said he walked up to Anwar R., who was standing by, and asked him to intervene. Instead, Anwar R. hit him, too, he said.

Not long after this alleged run-in, Matar said he spotted Anwar R. at the funeral of Syrian documentary filmmaker Omar Amiralay, a well-known critic of the Syrian government. Matar took a photograph of Anwar R., he said, saving it to his computer with the caption "the evil one."

Matar testified that he was afraid and nervous about taking that shot. Simply attending the funeral was a risk, he explained, as filming security agents is not a trivial matter in Syria.

Once the protests began in March 2011, security officers including Anwar R. would show up at demonstrations. Matar suspected they wanted to memorize protesters' faces, he told Human Rights Watch in 2020.

Matar said that at Branch 251 he was detained in an underground room with no natural light. He told Human Rights Watch that he had been "degraded, blindfolded and handcuffed and beaten by multiple people."

He compared the experience to being "buried in a tomb" and said, "you're being tortured without any logic."

At first, interrogators beat him with a cable, he said in court. Later, they used a whip. He begged them to stop. At one point, he testified that interrogators ordered him to stand up, but he couldn't.

All the while, he heard the screams of detainees in other interrogation rooms.

Matar was held in several cells at Branch 251, he told the court, some with 20 or 30 people.

There was no space. Sometimes people had to stand up so that others could sleep, Matar testified. Sometimes guards wouldn't let them fall asleep, which Matar called mental torture. He could see people in other cells handcuffed to bars across the windows, he said, which prevented them from sitting down.

At one point he said he was blindfolded, and an interrogator asked him, "Whose photo is on your laptop?" Matar said he answered, "I don't know."

The man took off Matar's blindfold, called him a "son of a bitch" and hit him in the face. It was Anwar R., Matar explained to the court.

According to Matar, Anwar R. put Matar's blindfold back on. At that point, Matar said, he feared for his life.

But he survived. After 12 or 13 days in Branch 251, Matar was transferred to another prison, he said. A few days later, he and roughly 100 other detainees were taken to the prison's courtyard, called traitors and criminals by officials, and then told they were released on an amnesty order from the president. They were transported to buses, Matar told the court, and he went to a friend's apartment, never returning to his own home again.

He reached Germany in 2012.

Testifying at Anwar R.'s trial was "one of the hardest experiences that I have ever gone through," he told Human Rights Watch. It forced him "to confront that past all over again." He had migraines for weeks after testifying, he said.

But the act of testifying is something that Syrians like him who want "truth and reconciliation" simply "have to put ourselves through," he said.

Background

The war in Syria has killed at least 350,000 people, forced over 12 million to abandon their homes, and left more than 12.3 million Syrians hungry. While parties on all sides to the conflict have committed serious crimes, Syrian government and pro-government forces account for the majority of atrocities committed against civilians.

There is the violence above ground: the bombing of hospitals, markets, and schools, as well as the deadly chemical weapons

attacks against civilians, including children. But there is also the violence that is not readily visible: the hidden prisons and torture centers, into which tens of thousands of Syrians have disappeared – sometimes to re-emerge years later, sometimes never to be heard from again.

The court heard about torture and other violations committed in intelligence detention centers. Since the reign of Hafiz al-Assad began in 1971, the state's intelligence agencies have helped lock in government rule, the judges heard during the trial. Intelligence officers monitored the population, conducting searches, arrests, and interrogations – including violent ones. They tracked the activities of religious groups, universities, and companies. Departments within the intelligence services were identified by their three-digit number.

Branch 251 was one of 27 detention facilities run by Syrian intelligence agencies that Human Rights Watch identified and located in 2011 and 2012, when Anwar R. was in Syria. (This report, as well as another by Human Rights Watch, was referred to in court). Because Branch 251 was located in the inner-city Damascus neighborhood of al-Khatib, people often informally called it the “al-Khatib branch.” According to witnesses in Koblenz, the Branch's prison and interrogation rooms were located in the basement of a building.

b. The Accused

Anwar R. is accused of playing a role in this clandestine part of Assad's machinery of war and repression. The court in Koblenz heard that he joined the Syrian secret service in 1993. From 2006 to 2008 he worked in intelligence before being transferred to Branch 251. Judges were told by witnesses that by January 2011, he was the head of interrogation at the detention center.

He fled Syria in 2012 following a massacre in his hometown of Houla, in Homs governorate, and after a grandchild was killed, the court heard. At the time, many countries across the Middle East and North Africa were engulfed in major political upheaval. Protests had toppled the government in Tunisia in early 2011. Soon after, Egypt's decades-old government had fallen and Libya's leader, Muammar Gaddafi, had been captured and killed.

He and his family first escaped to Jordan in December 2012, according to court testimony. He joined the opposition and in 2014 he participated in a peace conference in Geneva as an opposition representative, the court heard. That same year, on the recommendation of Syrian opposition leaders, the German Foreign Office granted him a visa.

At his trial, Anwar R. never took the stand. But on May 18, 2020, the fifth day of hearings, his lawyers read a prepared statement to the court. In it, Anwar R. listed nearly 20 people whose accounts prosecutors relied on in building their case. Then he attempted to negate their stories. Reem Ali, a Syrian artist, said Anwar R. had interrogated her, the statement read. Anwar claimed they had a friendly chat over coffee and that she was not interrogated. H. Mahmud said Anwar R. beat him; Anwar said it was not true. An anonymous witness claimed to have been incarcerated for 45 days and had seen a prisoner die every day. Anwar said he was merely in his office.

“I never had anything to do with torture,” Anwar R.'s lawyer read.

Patrick Kroker, a lawyer affiliated with the Berlin-based European Centre for Constitutional and Human Rights (ECCHR) and who represents a number of Syrians at Anwar R.'s trial, “was surprised” that Anwar R.'s statement was only a “flat denial” of the crimes he is accused of. Still, “It's his right,” to make such a statement, he told Human Rights Watch.

Anwar R. isn't the first former alleged government official on trial in Germany. He was tried together with a low-level employee from Branch 251, Eyad A., who on February 24, 2021, was sentenced to 4 years and 6 months for aiding and abetting crimes against humanity for his role in transporting protesters to Branch 251, despite knowing of the systemic torture there.

Eyad A.'s sharing of knowledge of the internal structure of Branch 251 and Anwar R.'s role there was a mitigating factor in his sentencing, since it was valuable evidence that contributed to the indictment of Anwar R., the judges said.

c. The Lawyer

The Syrian activist and lawyer Anwar al-Bunni had his own insider information about torture in Syria's intelligence facilities, and he says he knew about Anwar R. long before the Koblenz trial, when he testified in court on June 4 and 5, 2020.

In 2006 in Damascus, al-Bunni was arrested. Men pulled him into a van, beating him. Although he never hit al-Bunni, Anwar R. was one of these men, he said in court.

Al-Bunni, born in 1959 to a political family in Hama governorate in Syria, took up the activism mantle early on, he told a Human Rights Watch researcher. His work defending political prisoners made him a target of the Assad government.

After this arrest in 2006, al-Bunni went to prison for five years, until May 2011. He was tortured while in detention, he told

Human Rights Watch.

His family fled Syria and al-Bunni arrived in Germany not long after. Shortly thereafter, he and his wife were shopping near the Berlin Marienfelde refugee center where they lived, when al-Bunni spotted someone he thought looked very familiar but couldn't place, he said.

It was only later, when a friend told him that Anwar R. was also staying in Marienfelde, that al-Bunni made the connection. It was Anwar R., he told Human Rights Watch.

Al-Bunni had continued his activism in Germany. He, like other Syrians in Europe, including lawyer Mazen Darwish who testified in Koblenz, continued to strive for justice in Syria. They worked with the ECCHR, he said, collecting accounts of abuse from Syrians to share with German police and prosecutors who investigated serious crimes committed abroad. In 2017, ECCHR submitted a criminal complaint to German authorities on behalf of several Syrians against six high-level Syrian officials, including Ali Mamluk, who, as the head of the National Security Bureau and a personal advisor to al-Assad, allegedly oversaw the country's intelligence detention facilities.

When asked about seeing Anwar R. in Berlin, al-Bunni said: "This is not a personal issue. It is not about if this person detained me or not, hit me or not. It is about the regime and what it does."

The Struggle for Justice

What the Syrian government has done is destroy entire neighborhoods, with barrel bombs, and use prohibited chemical weapons against thousands of civilians. In order to regain control of territory, the Syrian government created alliances with Russian and Iranian forces, all of which used horrific and unlawful tactics to take ground. Both Syrian and Russian forces have been accused of serious crimes, as have other parties to the conflict like the Islamic State (ISIS) and al-Qaeda affiliates.

More than 6 million Syrians have been forced to flee the country because of the war. Most live in Turkey, Jordan, and Lebanon. Another 6.7 million Syrians are internally displaced – together, more than half of Syria's total 2010 population. Today, more than 80 percent of the population lives below the poverty line.

There is no sign that the Syrian government will stop the violence or reform, especially with the Assad government increasingly regaining diplomatic recognition. Multiple countries, such as the United Arab Emirates, have thawed their relationship with Assad, while Jordan has re-established contact at the highest level and re-opened its borders with Syria.

Holding a trial like Anwar R.'s in today's Syria is inconceivable. Other paths to justice have also been blocked. The International Criminal Court in the Hague does not have an automatic mandate, as Syria isn't a member of the court. The UN Security Council, the body in charge of maintaining peace and security, could give the court jurisdiction, but China and Russia vetoed this action in 2014.

This leaves national trials in foreign countries as the only means for criminal justice at this time.

The case against Anwar R. has been brought in Germany because the country recognizes "universal jurisdiction." This grants German authorities the power to investigate and prosecute some of the most serious crimes, such as war crimes and crimes against humanity, no matter where they were committed and regardless of the nationality of the suspects and the victims.

Germany is one of several countries in the world, like Sweden, the Netherlands, and France, that has laws of this kind.

Germany, of course, has its own history with serious crimes. The Nuremberg trials were a "breakthrough for the modern notion of international criminal law," said Claus Kress, an international and criminal law professor at the University of Cologne, referring to the 1945-1946 trials that held Germans accountable for crimes committed during World War II.

The Making of a Trial

The Koblenz courthouse sits on a street near where the Rhine and Mosel Rivers meet, not far from a 19th century Prussian fortress and an easy walk to the medieval old town area. It is the highest court in the German state of Rhineland-Palatinate. Koblenz is a quieter city, and it feels jarring to "step out into this idyllic scenery after hearing brutal testimony in the courtroom," said Alexander Suttor, a lawyer at Clifford Chance, a law firm that observed the trial for Human Rights Watch.

Anwar R.'s trial has been built on evidence painstakingly gathered and corroborated, on the fine sifting of facts from leads.

Along with interviewing witnesses, police investigators also needed to establish the context of Anwar R.'s alleged crimes. What was happening in Syria in 2011 and 2012?

Swathes of people have documented Syria's war: human rights researchers, journalists, UN investigators, police investigators,

as well as Syrian nongovernmental organizations like Syrian Center for Media and Freedom of Speech, the Syria Legal Center, and the Caesar Files Group.

Since its creation by the UN Human Rights Council in 2011, the UN Commission of Inquiry has compiled troves of material – survivor interviews, forensic reports, videos, and satellite imagery – of war crimes and crimes against humanity in Syria. Two of these reports, one from 2011 and 2012, were read in court in Koblenz.

“You’re trying to do your best to amplify the voices of victims,” said James Rodehaver, a former coordinator with the UN’s Syria Commission of Inquiry, who now works on Myanmar. He and his team documented human rights violations and breaches of the laws of war by interviewing countless witnesses and corroborating their stories. When possible, they also identified the parties responsible for the crimes they documented.

The UN, along with many other groups documenting crimes in Syria, was also using technology in innovative ways. For example, Human Rights Watch, which authored two reports referred to in court, has relied on open-source material and satellite imagery to document what we learned about intelligence prisons, as well as crimes committed in Syria that are not being tried in Koblenz, such as chemical weapons attacks and massacres. We Skyped people who witnessed massacres and used Google Earth – which shows aerial and on-the-ground images of cities – to walk witnesses through what happened.

“I would ask them to show me on the map” where they saw security forces or dead bodies, said Diana Semaan, former Human Rights Watch research assistant, now Syria researcher for Amnesty International. Then the Human Rights Watch team would geolocate the location and have satellite imagery taken of the spot.

But how did this evidence help bring a man, who ended up in Germany, to trial for crimes against humanity in Syria?

a. The Police Investigators

It helps when the accused perpetrator brings himself to the attention of German police.

On August 30, 2017, Martin Holsky, a chief inspector of the Baden-Württemberg state police, was interviewing Anwar R. in order to gather evidence against another Syrian suspected of firing on civilians during a demonstration in Hama, Holsky testified in court. Anwar R. told him that in the early days of the uprising, the Syrian Republican Guard had arrested 17,500 people and cycled them through Anwar R.’s department, Holsky said. They were questioned and the majority were released while others were locked up and tortured, Anwar R. had told him.

Holsky testified that when he asked more specifically about torture, Anwar R. replied: “With this many interrogations in one day, you can’t always be polite. With armed groups, you sometimes need to be stricter.”

Anwar R. also told Holsky about the time that more than 700 people, including corpses, were brought to Branch 251. Anwar R. then told Holsky that, as the man in charge of investigations, he had nothing to do with dead bodies.

The information was bumped up to Manuel Deusing of the German federal police, who then opened an investigation into Anwar R.

Deusing contacted the Berlin state police, he testified in court, who told him what they learned about Anwar R. when he suspected Syrian intelligence officers were tailing him in 2015. Deusing also asked the Center for International Justice and Accountability to share with him any documents smuggled out of Syria related to Anwar R. The group sent Deusing notes on prisoner interrogations that Anwar R. had allegedly submitted to the head of his department, Deusing said. The documents also identified Anwar R. as a member of the “Central Interrogation Committee.”

Coordination with other European authorities helped drive the investigation, Deusing said in court. German law enforcement established a joint investigation with French authorities, sharing information and interviewing witnesses in France. Swedish and Norwegian authorities facilitated interviews with witnesses living there.

In all, the German federal police interviewed more than 70 people while investigating Anwar R., Deusing said.

Deusing then tapped Anwar R.’s phone and had his home searched, he said. Police officers confiscated smartphones, a laptop, and CDs. They found a notebook with a small address book containing contact information for high-ranking Syrian officials and copies of his badge from the General Intelligence Directorate.

On February 12, 2019, Anwar R. was arrested together with Eyad A.

b. The School Headmaster

The arrest was more than the result of inspired sleuthing by the German police, it was the culmination of nearly 10 years of

painstaking documentation of crimes in Syria. Many involved in this work did so by speaking with thousands of Syrians who told the stories of what happened to them, their friends, and their relatives in villages in cities across the country.

Deusing described in court how his team of investigators had used reports by Amnesty International and Human Rights Watch that documented the deaths and disease caused by prison conditions in Syria: the overcrowding, the terrible sanitation, the lack of food and medicine – and the torture.

These reports are comprised of firsthand observation, accounting, and analysis by researchers on the ground – and the work of local Syrians, who understand the area’s political and geographic landscape, and who decided to help researchers and journalists identify survivors to interview in the hope of exposing violations that could lead to change. Without these Syrians, the work of organizations like Human Rights Watch and that of many foreign correspondents would not be possible.

Mahmoud Mosa, a refugee who fled his home in the Syrian state of Idlib for Turkey in 2011, assisted numerous news outlets as well as Human Rights Watch researchers. A former headmaster and English teacher, Mosa helped sneak people safely across the ever-changing crossing points of the Syrian-Turkish border, often relying on agents, some of whom were his former students. For Mos, it was imperative that the world knew what was happening in Syria, the villages destroyed, the people killed.

He also helped get journalists into Kurdish areas of Syria and even into the city of Aleppo after it was occupied by the Islamic State (ISIS).

In 2011, two Human Rights Watch researchers worked with Mosa in refugee camps in Turkey. They interviewed Syrians who had been held in Assad’s detention centers, including Branch 251, and who had overheard and memorized the names of officers or other people working in the prisons. These interviews fed into Human Rights Watch’s 2012 report documenting Syria’s military prisons, the torture methods used there, and even who ran them.

The report was read in the Koblenz court. It shows what tremendous effort by one man, Mos, can achieve – even almost ten years after the report was published – and the power of Syrians who are able to tell their stories.

c. The Photographer and His Friend

And then the court considered the “Caesar” photos.

Before the uprising, Caesar (a codename) worked as a photographer for the military police in Damascus and later defected. Not long after the demonstrations started in 2011, he and his team were assigned to photograph the dead bodies of protesters who had been shot by government forces in Daraa, a key city in the anti-Assad uprising, according to Garance Le Caisne, a French journalist who was among the first and few to interview Caesar directly. Over the following months, they were told to photograph bodies of people who had died in detention, Le Caisne told Human Rights Watch.

Caesar wanted to desert, Le Caisne said, but his best friend Sami, who opposed Assad’s government, convinced him to stay put in order to duplicate the photos and document the abuses. Between May 2011 and August 2013, Caesar is thought to have copied some 53,000 shots of corpses. Sami saved them on a hard drive at home. The photos were then smuggled out of Syria.

Some of Caesar’s photos, which became public in 2014, were admitted as evidence in the trials of Anwar R. and Eyad A. (In 2015, Human Rights Watch identified 27 of the victims in the photographs, verifying their authenticity). Dr. Markus Rothchild, a forensic expert from the University of Cologne, examined the photos and showed them to the courtroom while explaining his findings.

Rothschild testified that his team had analyzed nearly 27,000 shots of 6,821 people. He estimated that 110 of those people had been detained at Branch 251, based partly on a number that had been written on their foreheads.

Of the 110 dead from Branch 251, he said that many had gone hungry and 7.3 percent had probably starved to death. Fifty-five showed injuries, predominantly from blunt force, from hitting, pushing, or kicking.

Rothschild testified on November 3, 2020. His use of photos in explaining how the detainees presumably died deeply affected people in the courtroom.

The photos’ power even persuaded one of the accused to speak out. On December 9, Eyad A.’s lawyer read a prepared statement by Eyad A. – the only time he addressed the courtroom. “My feelings on the images are this: They broke my heart,” his lawyer read. “During the drive back to the prison, I cried.”

When the presiding judge handed down the sentence against Eyad A. in February, she said about the Caesar photos: “A personal note on this: I will not forget those images.”

“People talk about the Caesar files and people talk about Caesar,” Le Caisne said. “But I’d like to say that there are hundreds of Caesars in Syria, really” – people who stand up to the Syrian government and do whatever possible to document and denounce its crimes.

What the Trial Means to Syrians Like millions of other Syrians, today Caesar is a refugee living outside of his homeland.

But in recent years, the conversation around Syrian refugees has shifted dangerously. The pressure is building in countries like Denmark, Lebanon, and Turkey, which had previously opened their doors to refugees (however hesitantly), to force them back home to Syria despite the danger.

To these countries, the Syrian conflict is “over.” But the reality is that the underlying causes of the conflict – the repression, the arbitrary abuse, the constant fear for one’s life – is still real. Human Rights Watch and others have documented how refugees from Lebanon and Jordan who returned to Syria have faced enforced disappearances, torture, and even sexual violence at the hands of the Syrian government and affiliated militias.

Last December, Germany’s interior ministry discussed whether it was safe to send Syrians convicted of crimes in Germany back to Syria, despite the dangers they risk on return. These discussions sparked concern among Syrians that German authorities may be seeking to normalize relations with the Syrian government.

For refugees, it’s already “difficult to build an existence,” let alone doing so while knowing the discrepancy between how German politicians “trying to win” elections describe Syria versus the reality there, said Bente Scheller, the head of the Middle East and North Africa division for the Heinrich Böll Foundation.

Eyad A.’s trial was also tricky for some people. Media reports following Eyad A.’s verdict show that his conviction and sentencing divided Syrians, even though German authorities are under an obligation to prosecute individuals suspected of committing serious crimes. Some Syrians wanted Eyad A. in prison much longer. Others wondered why German authorities even bothered bringing a case against Eyad A. – he was so low-level, and how many people had done as much or worse?

As with Anwar R., a question with Eyad A. for some Syrians was, can you change sides? And if you are guilty of crimes, does changing sides absolve you of this guilt? Some Syrians worried that in prosecuting defectors, other Syrian officials would be afraid of prosecution, meaning they won’t share their inside information of the violations committed. And together with witness testimony, this inside information is what helps build trials.

Syrian refugees are facing another challenge when it comes to the Koblenz trial: There is no Arabic interpretation available. True, Anwar R. and Syrian witnesses all have translators, but that doesn’t help the Syrians sitting in the courtroom’s public gallery. Additionally, the court’s press releases are not translated into Arabic.

“It was really frustrating,” said Ameenah Sawwan, an activist with the Syria Campaign, who despite speaking decent German could not understand the legal courtroom language. However, when Eyad A.’s verdict was read in both German and Arabic – an exception to the rule – it “made a huge difference,” she told Human Rights Watch.

Until August 2020, proceedings were only translated into Arabic for formal parties to the case. Though the German Constitutional Court in response to a petition issued a temporary order extending translation to pre-accredited Arabic-language journalists, the trial remains inaccessible to non-German speakers in the public gallery. The written verdicts will also only be available in German, and no transcript in any language will emerge once the historic trial concludes.

Still, a number of Syrians have attended the trial, and it is impossible to count how many more followed it. But what does the trial mean to them?

a. The “Disappeared”

When Wafa Mustafa heard about the trial, she realized it could be an opportunity to draw attention to enforced disappearances in Syria.

Mustafa, 30, misses her father. On a sunny July day during Anwar R.’s trial, she sat cross-legged on the sidewalk outside the Koblenz courthouse, holding up a portrait of her father, Ali, who was disappeared in 2013. Mustafa has a presence, drawing people to the scores of framed photos of Syrian loved ones of people she knows or works with. These people have gone missing and have been presumed forcibly disappeared by Syrian forces, if not taken by ISIS or other groups.

That July day, Syrians who visited her memorial walked away in tears, according to Alexander Dünkelsbühler from Clifford Chance, observing the proceedings.

An untold number of people have been forcibly disappeared in Syria, most of them into detention centers. Some of the people

re-emerge and are reunited with their families. Others do not.

Mustafa's father took her to her first protest when she was 9 or 10 years old, she told Human Rights Watch. When the protests started in 2011 in Damascus, she went. "It wasn't a question," she said.

Shortly after her father was arrested in her hometown, Wafa and her sister were also detained by Syrian officers, but in Damascus, she said. They were quickly released, and shortly afterwards they fled the country. Mustafa separated from her family and came to Germany in 2016.

Mustafa's father has been missing for a little over 8 years. Every morning, she shares on Twitter the number of days he has been gone. "I'm not sure how healthy that sounds, but everything I do in my life is centered around my dad," she said.

She is using the media attention created by the trial to remind the world that people are still being forcibly disappeared in Syria, and that a decade on, the international community cannot continue to hear about atrocities in Syria and fail to act. It has a role to play in stopping abuses – including by releasing detainees.

"There are still people who we can save" from death by torture or from contracting Covid-19 in prison, she said. Including, she hopes, her father.

Samaa Mahmoud is also mourning a disappeared relative, her uncle, Hayan. Her father, Hassan Mahmoud, is a represented victim in Anwar R.'s trial and has accused Anwar R. in court of torturing his brother, Hayan, who was forcibly disappeared in 2012. In his testimony, Hassan Mahmoud said he heard secondhand that Hayan was taken to Branch 251 and that he died there.

Samaa Mahmoud fled Syria as a child and arrived in Germany in 2015 where she is now studying social work at a German university. She is proud of her father for fighting for Hayan and for speaking of his own two arrests (he was not detained in Branch 251), she told Human Rights Watch. She reads all the articles on the trial, but she hasn't gone in person. "I can't, mentally that is," she said.

The fact that former detainees are able to face Anwar R. in court, she says, "is truly something worth being optimistic about." She thinks the trial "is going to change our lives, even if only a little bit, but for the better."

"The road to Damascus has to be built" After more than a year-and-a-half of hearings, including testimony from over 60 witnesses, Anwar R.'s trial is set to conclude in January.

Neither the bleakness of the testimony – including firsthand accounts of torture or mass graves – nor the out-of-the-way location of Koblenz stopped some Syrians from coming to the court.

Khaled Rawwas attended 11 sessions of the trial by July 2020. A mechanical engineer, he says he was arrested twice in Syria for protesting (he was never taken to Branch 251), and he fled the country in 2013. He has been in Germany for five years and now works in the shipbuilding industry.

"Once upon a time, I was being held and I was being interrogated in a way that does not resemble the way Anwar R. was being interrogated," Rawwas told a Human Rights Watch researcher. "To be honest, I had a kind of envy," watching how Anwar R. was treated in the Koblenz court, how his rights were protected, he said.

Rawwas described to us his own time in a courthouse, in Syria: "It was for two minutes. The judge asked me one question."

For him, a high point of the trial was the German prosecutor's opening statement, which called the 2011 protests and the ensuing conflict in Syria "a revolution."

"For me this is something very huge," Rawwas said. To him, what happened in Syria wasn't a civil war, it was "a revolution against a corrupt system."

Rawwas told us that the trial's being held in Germany rather than Syria was "a sort of heartbreak."

"But," he added, "at least it did start something." For victims of violence or repression, like him, and for others, too.

Mokhtar (not his real name), a Syrian, runs a small restaurant in Germany. It has wooden tables and chairs, and pictures of Syria on the walls. Tomatoes and cucumbers sit behind the counter; falafel fry away, with a loud spitting sound. The menu includes makali sandwich wraps, but also pizza and fries.

Mokhtar is not involved in the Anwar R. trial, nor was he detained in Syria, he told Human Rights Watch. He left after witnessing a massacre, he said. It took two years, but the German government eventually recognized his asylum claim.

At first, the idea to open a restaurant was a “joke” with his friends, he said. After all, he had only €1,000. But he borrowed money from friends, and soon he opened the place. “A year and a half later, I had paid back everyone in full,” he said. Today, he sends 20 percent of his earnings to people in need in Idlib and Damascus.

The UN’s James Rodehaver argues that “the road to Damascus has to be built.” And that road might run through Koblenz. The trial of Anwar R. is, Rodehaver says, “the first paving stone” for rebuilding justice in Syria.

When thinking about his hometown of Damascus, Mokhtar, the restaurant owner, says, “I am proud of our revolution, and I am proud of my people that miraculously stood up to a dictator.”

Additionally, the trial sends a message to other officials and agents of the Syrian government. “Even if they go to the end of the world, someone will get them,” he said. “I am very happy about that.”

Yazidis Laud France, Sweden for Launching Joint Probe to Prosecute IS Fighters (VOA News) By Sirwan Kajjo
January 12, 2022

Yazidi groups and activists are welcoming France and Sweden's recent decision to organize a joint investigation team to assist in the prosecution of former Islamic State soldiers who perpetrated crimes against members of the persecuted religious minority in Syria and Iraq.

The two European countries formed a joint investigation team last week to look into crimes against humanity and war crimes committed against Yazidis by foreign militants linked to IS during the group's ruthless rule over parts of Iraq and Syria.

French and Swedish investigation efforts are being coordinated by the European Union Agency for Criminal Justice Cooperation (Eurojust). The group said the joint team seeks to organize those efforts and enable information and evidence to be shared more effectively.

"The main aim of the JIT [Joint Investigation Team] will be to identify FTFs [foreign terrorist fighters] who were involved in core international crimes, such as genocide, crimes against humanity and war crimes, primarily perpetrated against members of the Yazidi minority during the armed conflict in Syria and Iraq," Eurojust said in a statement.\

Jabir Jendo, a Yazidi volunteer who has helped Yazidi women and children who were rescued from IS in Syria, said the effort shows there is still time to get justice for Islamic State's victims.

"Moves like this give the Yazidis hope that those who committed crimes against us cannot escape the judicial system and will be held accountable for their horrendous actions," he told VOA, adding that France and Sweden's initiative "should be an incentive for other countries in Europe and elsewhere to put their efforts together in pursuit of justice for the Yazidi community."

Jendo said the "the presence of some of these individuals in Europe is a direct threat to many Yazidi survivors who live there now and continue to suffer from the trauma that these very individuals have probably inflicted on them."

Pursuit of justice

Yazidis are a Kurdish-speaking religious minority viewed as infidels by IS extremists.

In August 2014, IS carried out a massive attack on Sinjar, once home to the largest Yazidi community in the world. At least 5,000 Yazidis, mostly men and boys, were killed during the attack on the northern Iraqi city.

IS then kidnapped thousands of Yazidi children and women, who subsequently were used as sex slaves and child soldiers.

Some of those kidnapped were rescued following the territorial defeat of IS in March 2019, but rights groups say nearly 3,000 Yazidi women and children remain missing to date.

In May 2021 a U.N. investigations team said "there is clear and convincing evidence that the crimes" perpetrated by IS "against the Yazidi people clearly constituted genocide."

According to Ali Issa, director of the Ezdina Foundation, a group that advocates Yazidi rights, the formation of a joint team by Eurojust Agency "is a real step forward in pursuit of the terrorists who participated in the genocide campaign against the Yazidis."

"It can now be said that the terrorists, some of whom fled to the European Union, no longer have a place of refuge after the formation of this team," he told VOA, "Because one of its main powers is to obtain a bank of information on the suspects, and thus there will be effective cooperation between this team and the intelligence authorities of EU members."

Isso urged other countries to follow suit "in order to tighten the screws on the remnants of the terrorist organization" in Europe, the Middle East and elsewhere.

Eurojust said authorities in several EU countries already have brought charges for terrorism and core international crimes related to IS, also known as ISIS. In a German court, for example, an Iraqi man was sentenced to life in prison in November for his involvement in crimes against the Yazidis.

The United States has repatriated more than two dozen Americans who supported Islamic State and brought criminal charges against some of them. However, the Biden administration has not publicly indicated whether it supports a broad investigation into Islamic State atrocities. Last year, the United States and 17 other countries issued a joint statement expressing their willingness to help Yazidis displaced by Islamic State and advocate for their rights.

Six years late

Some experts said while the establishment of this joint investigation team is an important development in the search for justice for Yazidi victims, it is six years late.

"The ISIS atrocities and genocide were well known and documented already by 2015 when many mass graves were found in and around Sinjar," said Seth Frantzman, the author of the book "After ISIS," who has written extensively about the Yazidis.

"That it has taken six years to do basic work means that the forensic evidence is gone, memories may fade, the thousands of missing Yazidis will likely not be found, and the ISIS criminals have long since begun to fade back into the societies they came from," he told VOA.

Frantzman said, however, that "if this task force and coordination can produce several symbolic trials it will be worth it. It is important to create an archive of survivors' testimonies and commemorate the victims of ISIS and show that there is no impunity for the perpetrators."

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Yemen

A New Year Added to the Age of Bloody Conflict: Press Briefing on the Situation of Human Rights in Yemen, 2021 (Mwatana)

January 6, 2022

Mwatana for Human Rights documented about 839 incidents of harm to civilians and civilian objects in Yemen in which more than 782 civilians were killed and injured between January 1 and December 31, 2021, Mwatana said today in its annual briefing on the human rights situation in Yemen.

Mwatana said that the scale of violations against civilians is increasing with each new year adding to the age of the war in Yemen. This disastrous situation did not come about as an arbitrary consequence of the war, but rather as a direct consequence of how warring parties ignore international humanitarian law and international standards governing armed conflicts, which is increasingly complicating Yemenis' ability to survive. The warring parties have killed and wounded civilians, and exercised arbitrary detention, enforced disappearance and torture, denial of humanitarian access, child recruitment, and occupied schools and hospitals, and attacked health and humanitarian personnel.

The parties to the conflict in Yemen- namely, the Iranian-backed Ansar Allah group (Houthis), the Saudi/UAE-led coalition, the forces of the internationally recognized government of President Abd Rabbu Mansour Hadi and armed groups loyal to it, the UAE-backed Southern Transitional Council (STC), and the UAE-backed Joint Forces on the Western Coast, and Saudi ground forces. – all, have committed incidents documented by Mwatana across of the country during 2021. Many of these violations may amount to war crimes and serious violations of international humanitarian law.

The vote to end the mandate of the Group of Eminent Experts (GEE) at the 48th session of the Human Rights Council in October 2021, represented a serious setback in Yemen's overall accountability and redress efforts in an environment dominated by a climate of impunity. On December 2, 2021, Mwatana and more than 60 civil society organizations called upon the General Assembly to act expeditiously to "establish an investigative mechanism to collect and preserve evidence of serious violations of human rights and the laws of war in Yemen." In a joint statement, the organizations said that "the international community cannot stand by and allow that vote to be the final word on accountability efforts for violations and war crimes in Yemen."

Radhya Al-Mutawakel, the chairperson of Mwatana for Human Rights, said: "2021 was a witness to the failure of the international community for supporting accountability and redress efforts for victims in Yemen. It was obvious in the scandal surrounding the Human Rights Council's decision to terminate the Group of Eminent Experts mandate on Yemen. Instead of giving the green light to the parties to the conflict to continue their violations, the UN General Assembly should establish an international criminal investigation mechanism to investigate serious human rights violations in Yemen."

As Yemenis were racing against time to overcome the hardships of the war in 2021, hostilities have escalated and the scope of violence has expanded in the provinces of Marib, Shabwa, Al Hudeidah, Al Bayda, and Taiz, which led to the death of hundreds of civilians. The war has left hardships for the inhabitants of those areas, causing tens of thousands to flee, especially from Marib and Al Hodeidah. The escalating violence has also left widespread devastation on critical infrastructure, including hospitals and service facilities.

In early October 2021, Aden and its neighborhoods were the scene of many bloody events, which left civilians dead and wounded, including women and children. Acts of violence, including detonating explosive devices and car bombs, terrorizing the civilian population, and spreading a state of lawlessness and insecurity in the city, have worsened poor living conditions.

Escalation of Violence in Ma'rib

Since early 2021, the armed conflict in Marib province has intensified, as Ansar Allah group (Houthis) escalated their military operations towards the city. Mwatana documented ground attacks and airstrikes and landmine laying, committed by Ansar Allah (Houthis), Saudi-UAE-led coalition forces, and the internationally recognized government forces. In 2021, densely populated civilian neighborhoods in Ma'rib's city were subjected to ground shelling with ballistic missiles launched by Ansar Allah group "Houthis". Meanwhile, The Saudi-UAE-led coalition fighter jets launched booms on scattered areas of Ma'rib.

Warring parties have been implicated in committing multiple types of violations on the ground, including practices of enforced disappearances and arbitrary detention of civilians, the recruitment of child soldiers, and targeting humanitarian organizations with restrictions and harassment that affected their operations and necessary interventions towards civilians stranded in the midst of the escalating fighting.

Osamah Alfakih, the director of Advocacy at Mwatana, said: "The suffering of civilians in Yemen continued during 2021 with the lack of concern of the conflict parties in Yemen. Their persistence in committing criminal acts in violation of international law is clear evidence of this. Yemenis deserve nothing less than justice, accountability, and redress. The international community can achieve that if there is a political will."

Mwatana conducts in-depth investigations in the field, including direct inspections of attack and incident sites and interviews. During 2020, research for the documented incidents included at least 1585 interviews in Arabic with witnesses, relatives of victims, survivors, and doctors, in addition to the examination of documents, photos, videos, and other material evidence.

Air Attacks

The Saudi/UAE-led coalition's airstrikes continued to kill and wound civilians and destroy civilian objects. Among them are a residential neighborhood, a service facility, farms, a water tank, warehouses, public roads, and civilian cars. In 2021, Mwatana documented at least 18 airstrikes. These airstrikes killed at least 17 civilians, including 7 children, and 2 women. At least 43 civilians were wounded, including 11 children and 8 women.

Ground Attacks

Shelling on populated areas has resulted in significant damage to civilian objects and severe civilian casualties. In 2021, Mwatana documented approximately 64 ground shelling that killed 49, including 31 children and 3 women, and injured at least 173 civilians, including 71 children and 32 women. Ansar Allah group (Houthis) bears responsibility for 43 incidents, While the Saudi border guards are responsible for 12 incidents, the UAE-backed joint forces groups are responsible for 6 incidents, while the government forces committed two incidents, and the UAE-backed Transitional Council forces committed one incident.

Landmines and Unexploded ordnance

In 2021, Mwatana documented approximately 36 mine explosion incidents, which killed approximately 23 civilians, including 10 children and 3 women, and injured 82, including 46 children and 16 women. The Ansar Allah (Houthi) group was responsible for planting all of the mines in the documented incidents. Also, Mwatana documented approximately 47 Unexploded ordnance incidents, which killed approximately 23 civilians, including 19 children and a woman, and injured 124, including 49 children and 10 women., Mwatana was unable to identify the violating parties.

Child Recruitment and Use

Mwatana verified the recruitment and use of at least 121 children, including at least one girl, during 2021. (Mwatana) found that 88 percent of these children were recruited by Ansar Allah group (Houthis). The percentage of children recruited by the government and pro-government forces was approximately 8 percent. The percentage of children recruited by the UAE-backed STC reached 2 percent, and the UAE-backed joint forces in the West Coast are responsible for the recruitment of 2 percent of the total. In 2021, it was noted that the rates of child recruitment among the parties to the conflict increased as a result of the high level of violence across the country.

Denial of Humanitarian Access

In 2021, Mwatana documented at least 86 incidents whereby the parties to the conflict obstructed access of humanitarian aid and basic materials to civilians. Ansar Allah group (Houthis) bears responsibility for 73 incidents including the detention of 6 aid workers, and UAE-backed STC is responsible for 7 incidents including the killing of an aid worker and wounding another, while government forces committed 5 incidents, And the UAE-backed joint forces committed one incident.

Attacks on Migrants

In a horrific incident, Ansar Allah group “Houthis” caused death and injury to dozens following a deadly fire in a detention center crowded with African migrants and refugees in Sana’a on March 7, 2021. After the outbreak of the fire, Ansar Allah group (Houthis) detained a number of wounded migrants, denied humanitarian access, and prevented family members of migrants from visiting their relatives.

Attacks on Schools

The increasing violations of the parties to the conflict have caused serious damage to schools and educational facilities in 2021. “Mwatana” documented at least 82 incidents of attacks on schools or their use for military purposes. Ansar Allah group (Houthis) bears responsibility for 72 attacks, while the UAE-backed STC forces bear responsibility in 5 incidents. The government forces and Ansar Allah group (Houthis) bear joint responsibility in 3 incidents: ground shelling and occupation. While the UAE-backed STC forces and government forces bear joint responsibility in one incident, the UAE-backed joint forces in West Coast and Ansar Allah (Houthis) committed jointly one incident: ground shelling and occupation. The number of violations against schools increased in 2021 due to the concentration on mobilization campaigns and child recruitment in schools.

Attacks on Health Care

Throughout 2021, Mwatana documented 20 incidents that caused damage to the health care system, including 2 incidents of denial of access to medical assistance, one incident of ground shelling that damaged medical facility, 14 incidents of armed attack which killed 2 health workers, and occupation. And 3 incidents of arrests of 3 health workers. Ansar Allah group “Houthis” bears responsibility for 6 incidents, while government forces bear responsibility for 6 incidents, and the UAE-backed STC is responsible for 6 incidents, while the joint responsibility in commission one incident is on government forces and STC. Extremists’ groups are responsible for one incident.

Torture

Mwatana documented 26 incidents of torture for 40 civilian victims including two children and one migrant woman during 2021. UAE-backed STC forces are responsible for 14 torture victims, including four who died in a detention center. while government and loyalist forces bear responsibility for 17 victims. While the Ansar Allah group (Houthis) bears responsibility for 9 victims and one of them died in the detention center.

Sexual Violence

In 2021, Mwatana documented 10 sexual violence incidents, including 9 cases of rape and one attempted rape. Among the victims of sexual violence were 4 girls, 5 boys, and a woman. Ansar Allah group (Houthis) bears responsibility for 6 incidents, government forces bear responsibility for two incidents, and the UAE-backed STC bears responsibility for two incidents.

Enforced Disappearance

Mwatana documented 41 incidents of enforced disappearance for 89 civilian victims during 2021. Ansar Allah group (Houthis) committed enforced disappearance against 30 victims, while the forces of the UAE-backed Southern Transitional Council are responsible for forcibly disappear of 13 victims, while government forces and forces loyal to them bear responsibility for the enforced disappearance of 28 victims. While the Eritrean forces committed the enforced disappearance of 18 fishermen that they detain in the Red Sea.

Executions

On Saturday, September 18, 2021, following a trial lacking minimum fair trial requirements, Ansar Allah group (Houthis) executed nine people, one of whom is believed to have been a minor while in custody, in the case of the assassination of the group's leader, Saleh Al-Sammad. The death sentence was carried out in the presence of a number of journalists and hundreds of attendees in Tahrir Square in Sana'a. Reprimanding was reinforced by cheering, chanting and dancing, in a terrifying attempt to normalize killing and turn it into something like a celebration.

Arbitrary Detention

In 2021, Mwatana documented 131 arbitrary detention incidents of 217 victims, including 8 children and 8 women. Ansar Allah group (Houthis) is responsible for detaining 86 victims, and government forces and affiliated groups have detained 83 victims. While the UAE-backed Southern Transitional Council detained 41 victims. The joint forces on the West Coast are responsible for arresting 7 victims.

In 2021, Mwatana for Human Rights provided legal support to victims of arbitrary detention in 18 Yemeni governorates through 24 field lawyers by providing legal aid and advice in 610 cases. The team's continuous follow-up aims to release victims of arbitrary detention, or improve detention conditions: "Detainee's environment, medical treatment, etc.", as well as pushing to move on with detention proceeding in accordance with national and international laws. 168 arbitrary detainees, whose cases were documented by Mwatana throughout the conflict, including detainees for whom Mwatana provided legal support, were released, while many victims are still in custody.

Other Attacks on Civilians

Civilians were killed and wounded by conflicting parties in other ways. In 2021, Mwatana documented 21 incidents in which civilians were run over by military vehicles, killing 13, including 7 children, and wounding 21 others, including 10 children and 4 women. Government forces are responsible for 3 incidents, while Ansar Allah forces (Houthis) committed 8 incidents, UAE-backed joint forces in the West Coast committed two incidents, while the UAE-backed STC committed 8 incidents. During 2021, Mwatana also documented 53 civilians killed by live ammunition, including 18 children and two women, and 142 civilians wounded, including 58 children and 18 women. Mwatana was unable to determine the liability of the violating parties in these incidents.

Violations against the press

During 2021, the parties to the conflict continued to commit arbitrary detention, enforced disappearance, inhuman treatment and torture against journalists. Mwatana documented 4 violation incidents that affected 5 journalists and media workers. The UAE-backed Southern Transitional Council forces are responsible for arresting one journalist, and Ansar Allah group (Houthis) bears responsibility for arresting two journalists. While bear government forces arrested two journalists. Ansar Allah (Houthis) continues to arbitrarily detain 4 journalists, and the journalist Waheed Al-Sufi has been forcibly disappeared since 2015. The Four journalists are still facing the death penalty after being unfairly tried in the Houthi-held Specialized Criminal Court in Sana'a in April 2020.

Violations against Minorities

Ansar Allah (Houthis) continues to arbitrarily detain Libi Marhabi, a member of the Yemeni Jews minority. Marhabi was arrested in 2016 for allegations related to assisting in the passage of a Torah scroll from Yemen to Israel. Despite an appeals court decision of Public Funds Court in 2019, the appeal court supported the decision of the Public Funds Court (Court of First Instance); imprisonment with time served. Until now, Marhabi is still in prison unlawfully.

Restrictions on Freedom of Movement

In 2021, Mwatana documented 5 incidents of restrictions on the freedom of movement of civilians in different areas of Yemeni. Ansar Allah group (Houthis) is responsible for two incidents, while the UAE-backed Southern Transitional Council committed two. And government forces committed one incident.

Mwatana documented the killing of Abdul Malik Al-Sanabani (30 years old) at the hands of armed elements affiliated with the

UAE-backed STC after his arrest at the Al-Farsha post of the Tor Al Baha district in Lahj province, on Wednesday morning, September 8, 2021, while he was on his way to visit his family In Sana'a after arriving at Aden International Airport from the US, where he has been living for seven years.

Attack on Peaceful Assembly

During 2021, Mwatana documented 2 incidents of assault on peaceful assembly. On February 18, government forces arrested 15 protesters in the city of Mukalla. In another incident, on November 16, the Southern Transitional Council forces arrested 3 protesters in Lahj.

Attacks on Women's Personal Freedoms

During 2021, violations of women in areas controlled by Ansar Allah group (Houthis) have grown more acute. The armed group has become engaged in multiple and systematic patterns of abuse, which perpetuates the dominance of the group and threatens rights and freedoms in general. On January 23, 2021, Ansar Allah group (Houthis) gunmen broke into a restaurant in Sana'a, expelled women workers from it, and searched it without producing any written legal search warrant. The gunmen took some workers and one of the restaurant's managers to the police station, where the official was forced to write a pledge "not to hire women in any branch of the restaurant" This incident threatened the income means of 30 women. Some were back to their jobs at different times later on.

On January 24, 2021, the Ministry of Public Health and Population of the Ansar Allah group (Houthis) issued a decision to prohibit the use of "family planning methods" as consistent with what it called "faith identity." During 2021, Mwatana for Human Rights had access to 11 incidents, in just two days, restricting women's freedom of movement in the province of Hajjah, all under the pretext of a circular prohibiting the travel of women without a mahram (male relative), especially in aid organizations' cars; a restriction on the right of movement and a violation of women's right to work.

Mwatana obtained a document issued by entities and prominent dignitaries affiliated to Ansar Allah "Houthis" group on September 12, 2021, prohibiting girls from carrying smartphones, and wearing makeup as they go to events such as weddings and parties. The document also prohibits any woman from taking a car without a mahram. Those who violate this order may be fined a heavy financial penalty, let alone denying girls entry into employment with relief organizations.

Background to the armed conflict in Yemen

The armed conflict in Yemen began in September 2014, when the Iranian-backed Ansar Allah group (Houthis) and forces loyal to former President Ali Abdullah Saleh took control of the capital, Sana'a, by force of arms. The pace of the conflict intensified in March 2015 when the Saudi – UAE led coalition launched its military operations against the Houthi and Saleh forces in support of the internationally recognized government of President Abd Rabbuh Mansour Hadi.

The statistics contained in this annual briefing are preliminary and are intended to provide an overview of the high-profile patterns of violation of civilians during 2021. "Mwatana" continues to document a number of other incidents that occurred during 2021 in order to issue a detailed annual report on the human rights situation later in 2022.

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Special Tribunal for Lebanon

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

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Israel and Palestine

2021 was the deadliest year since 2014, Israel killed 319 Palestinians in oPt 5-year record in house demolitions: 895 Palestinians lost their homes (B'Tselem)

January 4, 2022

Fatalities In 2021, Israeli security forces killed 313 Palestinians, including 71 minors: 236 in the Gaza Strip, 232 of them during Operation Guardian of the Walls; and 77 in the West Bank (including East Jerusalem). Three other Palestinians were killed either by armed settlers or by soldiers who were escorting them; another Palestinian minor was shot by an Israeli civilian and later by Border Police officers; and two Palestinians were killed by armed settlers.

Nine Israeli civilians, including two minors, were killed by Palestinians, six of them by rocket fire from the Gaza Strip during Operation Guardian of the Walls. Three foreign nationals were also killed by rockets. Two members of the Israeli security forces were killed by Palestinians.

Twenty-seven Palestinians were killed by Palestinians: 25 in the Gaza Strip, 20 of them, including seven minors, by rockets fired at Israel that landed within Gaza during Operation Guardian of the Walls, and two in the West Bank by Palestinian Authority security forces during their arrest.

Regarding eight Palestinians who were killed during Operation Guardian of the Walls, six of them minors, B'Tselem was unable to determine whether they were killed by Israeli attacks or by Palestinian rocket fire.

In the West Bank (including East Jerusalem), 83 Palestinians were killed, including 17 minors and five women, 77 by Israeli security forces

Thirty-two of the fatalities killed by the Israeli security forces, including nine minors, were killed at or near demonstrations or in incidents in which Palestinians hurled stones at Israeli security forces or civilians. Among them were Islam Dar Nasser, 16, and Muhammad Tamimi, 17, whom soldiers shot from behind.

14 May 2021 was the deadliest day in the West Bank since 2002: 13 Palestinians were killed (two died of their wounds in the following days). Among them were Nidal Safadi, 'Awad Harb and Isma'il Tubasi – all three killed by armed settlers or by soldiers escorting them during incursions into their villages' land. These incidents are several examples of the spike in settler violence in the past year. In 2021, B'Tselem investigated 336 incidents of settler violence, as opposed to 251 in 2020. These incidents make it abundantly clear that settler violence is not a private initiative but another, less formal tool that Israel's apartheid regime uses to take over more and more Palestinian land.

Eight of the fatalities in 2021 were killed at or near protests against the establishment of the Eviatar outpost on land belonging to the villages of Beita, Qablan and Yatma - demonstrating the means Israel's apartheid regime takes over Palestinian land for the purpose of establishing Jewish settlements. Seven of the persons killed were residents of Beita, including two minors. Since the outpost was established, the Israeli military has prevented Palestinian farmers from accessing hundreds of dunams of their land adjacent to the outpost, blocked agricultural roads and damaged them repeatedly. Another resident of Beita was fatally shot by a soldier near the village's water valves.

Thirty-six Palestinians, including four minors and five women, were killed in incidents in which they attacked, attempted to attack or allegedly attacked Israeli security forces or civilians with a car, a knife or a firearm. Clearly, even such cases do not automatically justify lethal fire. Two blatant examples of unlawful and unjustified shooting under such circumstances are the killing of Osama Mansur, who was not endangering the soldiers' lives and was mistakenly suspected of trying to run them over, and of Fahmeyeh al-Hrub, 60, who was slowly advancing towards the soldiers who killed her.

During the May fighting in the Gaza Strip, Israel killed 232 Palestinians, including 54 minors and 38 women. At least 137 of them did not participate in hostilities, including 53 of the minors and all women. Three other Palestinians, including 'Omar Abu a-Nil, 13, were killed during protests along the perimeter fence, and a fourth was killed while hunting birds several dozen meters from the fence.

Israel's lethal, wanton, unlawful open-fire policy resulted in the killing of hundreds of Palestinians this past year. About 70% were killed in the Gaza Strip when the criminal policy of bombarding densely populated areas was implemented. Israel reverts to this policy in every round of fighting, despite the horrendous, predictable outcome.

Senior Israeli officials – government ministers, military commanders and legal advisors – justify the open-fire policy. They

insist that lethal fire is used as a last resort, in accordance with Israeli and international law, and stress that the incidents are investigated. Yet the facts show otherwise: lethal shootings are a routine affair, and no one is held accountable.

Demolition of homes and other structures

In the West Bank and in East Jerusalem, 895 Palestinians, 463 of them minors, were left homeless this year after 295 residential structures were demolished – the highest number since 2016.

Throughout the year, another 548 non-residential structures were demolished on Israeli authorities' orders, including cisterns, warehouses, agricultural structures, businesses and public structures – the highest number since 2012.

In East Jerusalem alone, 160 structures were demolished, 96 of which were homes. In the West Bank, recent years have seen a steady increase in home demolitions: in 2021, Israeli forces demolished 199 structures, as opposed to 151 residential structures in 2020 and 104 in 2019.

These demolitions are not a matter of “law enforcement”, as Israel claims, and Palestinians who build without permits are not “criminals.” The Israeli apartheid regime blocks almost all Palestinian development in vast parts of the West Bank, including East Jerusalem – while building massively for Jews. This policy leaves Palestinians no choice but to build without permits, so as to have a roof over their heads. At that point, the Israeli authorities issue the structures demolition orders. Whether the orders are fulfilled or not – they leave the residents in a permanent state of uncertainty regarding their future.

State Archive Error Shows Israeli Censorship Guided by Concerns Over National Image (Haaretz)

By Ofer Aderet

January 5, 2022

Minister's remarks in 1948 that he can 'forgive instances of rape' and Ben-Gurion's assertion that some Palestinian villages must be 'wiped out' were censored from unclassified docs, but exposed due to technical error

What are the State Archive's considerations in deciding to censor historical documents? Officially, it's a matter of state security and Israel's foreign relations, or personal privacy. But quite a few historians who peruse archival materials assume that the censor might be too quick to protect other interests, like Israel's good name or the image of its leaders.

A peek at censorship behind the scenes is provided by a document from the War of Independence that the State Archive posted on its website recently. The document is the minutes of a meeting held in July 1948, when members of the provisional government discussed, among other things, war crimes committed by Jewish soldiers and civilians against Arabs. A few sentences from the minutes were censored, blacked out, by the Archive. But due to a technical glitch, a click of the mouse could remove the blackout and reveal the hidden text.

It turns out that Israel's first agriculture minister, Aharon Zisling, who was a signatory to the Declaration of Independence, said in 1948 that he “can forgive instances of rape” committed by Jews against Arab women. Seventy-four years have gone by since then, but the State Archive still believes that the public must not know this. Here is the entire statement: “Let us say that instances of rape occurred in Ramle. I can forgive instances of rape, but I will not forgive other acts.” The next statement, which was not blacked out, now gains additional significance, and explains what the minister considered an act more serious than rape: “When they enter a city and forcibly remove jewelry from women and from their necks – that is a very serious matter.”

Twenty pages later, in the same discussion, once again the State Archive censor blacked out sentences. In that case, by a click on the mouse the blackout can be removed and the censored sentence revealed. This time it was Prime Minister David Ben-Gurion who was speaking. In the censored version he said: “I am against the wholesale demolition of villages.” Now, the full statement is revealed. It turns out that he then added: “But there are places that constituted a great danger and constitute a great danger, and we must wipe them out. But this must be done responsibly, with consideration before the act.”

The minutes were posted at the request of Akevot Institute, which documents the Israeli-Palestinian conflict and fights to uncover censored archival materials that have public and research importance. Its publication is presented in continuation of the research of the historian Adam Raz, a researcher at Akevot, who is following crimes committed by Jews against Arabs in the War of Independence, as he described in an article recently published in Haaretz.

The fact that the State Archive chose to censor the agriculture minister's remarks about the rape of Arab women and the prime minister's call to “wipe out villages” makes one wonder: Remarks in a similar vein, including identical sentences, have been published many times in articles, books and archival documents that are open to the public. A quick search of Google Books reveals that Zisling's remarks about the rape of the women can also be read in their complete form in a catalog of an exhibition at the Haifa Museum of Art, which is found on the shelves of the large public libraries in Israel, including the National Library.

Alongside the blacked-out parts that can be revealed, the other 50 pages of the minutes now posted on the State Archive website are also interesting. Particularly harsh are the remarks by Minorities Minister Bechor-Shalom Sheetrit on the matter of ties between Jews and the Arab citizens in villages and cities conquered by the Israel Defense Forces. He said that he had hoped that as a minority “which suffered for thousands of years in the Diaspora, we would know to appreciate the minorities and set a humane and fair policy toward them. ... We always declared our desire to live in peace with the Arabs, we declared that in our state there would be no racial or religious discrimination whatsoever, between one citizen and another.” But according to Sheetrit, this hope was set aside: “Unfortunately I must note that everything that was done (and this is well known to you) is not likely to be encouraging.”

Sheetrit subsequently describes expulsion, destruction, looting and false arrests. “We were all shocked at the first revelations of lawlessness and robbery, in which civilians also took part,” Ben-Gurion responded. “This happened especially in Jaffa and Haifa. All circles took part in this without exception. In Jerusalem educated circles took part.”

Ben-Gurion added that not only the army had transgressed. “I oppose those who attribute the robbery only to the army. The affliction is much deeper. The best of our people transgress in this. Non-combatants rob as much as combatants. I was shocked at this phenomenon. I did not think it would be this way, but that’s the way it is,” he said. However, he qualified his statement by saying that people are working too hard to “save themselves” because the official orders of the government prohibit these actions. The army, he added “is much fairer” in its attitude to the conquered people than “many veteran armies.” This statement was actually never censored.

The State Archive responded: “The State Archive decided to reveal and fully publish the stenogram, without any blackouts and confidentiality of the information in the text. A technical error led to the appearance of the blackouts – this error led to the possibility of moving them and reading the text beneath them. The State Archive is strict and will be strict to cover any information that the legislature has determined a reason exists to conceal it.”

Two Palestinians killed in separate incidents in the occupied West Bank (Middle East Eye)

January 6, 2022

Bakir Hashash, 21, was shot dead by Israeli forces near the Balata refugee camp, while Mustafa Falaneh, 25, was reportedly run over by a settler west of Ramallah

Two Palestinians were killed in separate incidents in the occupied West Bank on Thursday, with one man shot dead by the Israeli army at the entrance to the Balata refugee camp, near Nablus, and another man reportedly run over by a settler west of Ramallah.

Bakir Hashash, 21, was shot in the head after the Israeli army entered the Nablus suburb of Balata al-Balad, Palestinian medical and security sources said.

Security sources told the Palestinian news agency Wafa that Israeli soldiers had opened fire towards Palestinian youths, critically wounding Hashash who later succumbed to his wounds at a Nablus hospital.

He was the first Palestinian to be killed by Israeli forces in 2022.

The Israeli army said its troops had shot at an armed man who fired on soldiers during an operation to arrest a wanted suspect in Nablus.

"A casualty was identified," the army said, adding that there were no casualties among its troops, AFP reported.

Palestinian President Mahmoud Abbas said: "All sides must bear responsibility before the situation spirals out of control."

Abbas's security forces organised a military funeral march for Hashash in Nablus, attended by hundreds of Palestinians.

Meanwhile, Wafa reported that Mustafa Falaneh, 25, was run over by a settler at the Israeli Beit Sira checkpoint, west of Ramallah.

The news agency said Falaneh, from the village of Safa, was travelling to his workplace inside the 1948 territories.

According to a relative, Falaneh, the father of a one-and-a half-year-old girl, was crossing the street when he was run over by the settler.

Israeli Supreme Court will hear the Bakr Boys case re: the closure of the investigation into their killing by the Israeli military during 2014 Gaza War (Adalah)

January 6, 2022

The conduct in this case involving the killing of four boys on the Gaza beach reflects a policy of total impunity for Israeli soldiers and commanders.

On Monday, 10 January 2022 at 11:30 am, the Israeli Supreme Court will hear a petition filed by the parents of four children from the Bakr family for the first time.

Update following the hearing (10 January 2022): After reviewing secret evidence, outside of the presence of the lawyers for the petitioners, the Supreme Court stated that it was convinced that the Israeli military had sufficient intelligence to determine that the perimeter of the area was indeed a military target. Chief Justice Esther Hayut further stated that the military collected the intelligence shortly before the attack.

At the hearing, the petitioners refuted these claims and argued that the beach area was a civilian area, with children and with hotels nearby where many foreign journalists covering the War were staying, and who witnessed the killings firsthand.

The petitioners further argued that even if the military had intelligence indicating that it was a military area, they are obliged under international humanitarian law (IHL) to verify that the targets are combatants and not civilians and are not subject to special protection – such as children. In fact, the respondents did not argue that the Bakr boys were armed prior to or during the attack; there is no dispute that they were unarmed. These facts indicate that the military's attack violated the basic IHL duty of distinction – that the military must distinguish between civilians and combatants. For the military, it was sufficient that the area served Hamas in the past, to justify shooting at any persons entering or leaving that area, under the assumption that they are all combatants. This conduct violates international law, and the army did not respond to these arguments. A decision will be issued in an unspecified date.

A decision will be issued on an unspecified date.

On 16 July 2014, during the Israeli military offensive in Gaza termed "Operation Protective Edge", the Israeli air forces fired missiles that killed four children of the Bakr family while they were playing on the fishing beach west of Gaza City. After five years, on 9 September 2019, the Attorney General (AG) announced that he had fully adopted the Military Advocate General's decision to close the investigation. Following this decision, Adalah – The Legal Center for Arab Minority Rights in Israel, Al Mezan Center for Human Rights and The Palestinian Center for Human Rights (PCHR) filed a petition on behalf of the family demanding that the Israeli Supreme Court overturn it, and order the opening of a criminal investigation that will lead to the prosecution of those responsible for the killing. In the petition, the human rights organizations argued that the investigative materials show that the Israeli air force intentionally opened deadly fire at the children in serious violation of the laws of war and criminal law, since they aimed at the children directly without identification and without taking the necessary precautions.

The petition was filed by Adalah General Director, Attorney Dr. Hassan Jabareen and Attorney Muna Haddad.

Case Citation: HCJ 8008/20, Atef Ahad Subhi Bakr et al v. Military Advocate General et al

The organizations argued in the petition that the AG's decision is extremely unreasonable, as it did not give due weight to the flaws in the probe conducted by the Military Police Criminal Investigation Division ("MPCID") and the many contradictions in the testimonies and investigation materials. Adalah's legal team that examined the materials, including military video footage, which was censored, concluded that they do not confirm the military's version of the killings.

The petitioners further argue that the Military AG has a conflict of interest as he plays a dual role: he provides legal advice to the army before and during military operations, and at the end of the fighting, he also decides whether or not to open a criminal investigation and how to conduct it. To date, the Military AG and the AG have refused to conduct any criminal investigations that led to an indictment in cases in which civilians in the Gaza Strip have been killed. The petitioners argued that the conduct of the Israeli investigation mechanism, in this case, indicates a clear policy of total impunity for Israeli soldiers and commanders. The AG's approval of the Military AG's decision, in light of the serious questions raised by this incident, justifies the Supreme Court's intervention, the petitioners stressed.

The killing of the four Bakr children received wide public attention, as it was witnessed first-hand and written about by numerous international journalists, none of whom were ever questioned by the Israeli military. This case is one of scores of civilian killings: According to a report by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), into the 51-day operation in 2014, 2,251 Palestinians were killed in Gaza, the vast majority of them civilians, including 299 women and 551 children. The extensive destruction left in Gaza following the operation includes 18,000 destroyed homes along with additional civilian property including hospitals and vital infrastructure.

The UN Independent Commission of Inquiry on the 2014 Gaza Conflict, with which Israel refused to cooperate, used the Bakr boys' case as a case study. In its final report published on 22 June 2015, the UN Commission concluded that in this case, the

Israeli military violated the principles of international humanitarian law.

Adalah stated:

"The decisions of the Israeli investigation mechanisms are all based on testimonies of soldiers who participated in the deadly attack, and not on legal tests. The AG approved the closure of the cases unreasonably, as the Israeli military has clear obligations under international law that have been unequivocally violated. This conduct shows that Israel is unable or unwilling to properly conduct proceedings concerning the criminal liability of those involved in this incident, as well as others, as the nature of the Israeli investigation mechanisms, to date, have not led to a single indictment for the killing of innocent civilians in Gaza by the Israeli military."

Al Mezan stated:

"With continued impunity for targeted military attacks against civilians, including children, this apparent policy will remain a key feature of Israel's conduct against the Palestinian population in the Gaza Strip. Indeed, a resumption of this unlawful practice was clearly documented in Israel's May 2021 offensive when scores of Gaza civilians were directly targeted, and 60 children were killed. The Bakr family deserves justice for the deadly attack against their children seven years ago; accountability must also be fully realized in order to deter the State's continued policy to target civilians."

The Palestinian Center for Human Rights (PCHR) stated:

"The Military Attorney General cannot play the role of respondent and judge; the person who gives the legal order legitimizing military targets cannot also act the part of investigator. It was the Military Attorney General who authorized Israel's list of targets in the Gaza Strip, including the missile fire at the children of the Bakr family. The Israeli judiciary is providing legal cover for the systemic, orchestrated commission of crimes by the Israeli occupation army against Palestinian civilians, of which the case of the Bakr children is the most flagrant example. The Israeli judicial system is whitewashing crimes perpetrated against Palestinian civilians, and consequently the proper source of accountability in such cases is the International Criminal Court."

Elderly Palestinian man dies during arrest by Israeli army (Al Jazeera) By Zena Al Tahhan
January 12, 2022

An elderly Palestinian man has died during his arrest and assault by the Israeli army in the village of Jiljilya on the outskirts of Ramallah in the occupied West Bank, according to his family and local Palestinian officials.

Omar Abdulmajeed Asaad, 80, was driving home at around 2:30am on Wednesday when he was stopped by Israeli soldiers during a military operation in the area.

His nephew told local media from Ramallah hospital that "soldiers handcuffed him and blindfolded him, and dragged him on the ground", and "when they saw that he died, they left".

The family said he had breathing problems and died of a heart attack at the scene. Head of the Palestine Medical Complex in Ramallah, Ahmad Bitawi, told Al Jazeera that Asaad had arrived dead at around 5:30am.

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Gulf Region

Abolish 153: the long road to ending honor killings in Kuwait (New Europe) By Fay El-Jean
January 1, 2022

On July 6, 2021, Kuwait's judiciary issued one of its most-anticipated decisions of recent times. The case concerned the killing of Farah Hamzah Akbar, a 32-year-old Kuwaiti single mother of two. What made this particular case unnerving was not merely the brazen nature of the murder: the killer, Fahad Subhi Mohammed—a 30-

year-old naturalised Kuwaiti—kidnapped Farah in broad daylight with her two young daughters in the car, and stabbed her repeatedly in the chest in the highly-populated suburb of Kuwait, Sabah al-Salem, before coolly driving to a hospital and dumping her body and her distraught children at the hospital entrance.

Nor was it the fact that her murder highlighted the failure on the part of the authorities to take any meaningful actions to protect her despite the palpable threat of violence: Fahad had stalked and threatened to kill Farah for months following her family's refusal of Fahad's marriage proposal, prompting her as a last resort to alert the police and file a formal complaint against him. He was arrested, but, despite earnest entreaties to the judge by Farah's sister—a lawyer—to keep Fahad incarcerated since Fahad was intent on killing her sister, the judge ordered Fahad's release on bail. The same day as his release, Farah was murdered.

It wasn't simply any of these. Rather, it was the tangible feeling that killing of women in Kuwait had now become a mundane occurrence. It was the realisation that, despite a domestic violence law issued in 2020, Kuwait's courts had systematically failed to provide punishments of convicted murderers that were commensurate with the crimes or that would deter future perpetrators.

For over a year since Farah's murder, the "Sabah Al Salem" case has riveted across Kuwait's population, prompting visceral reactions across social media, mainly from the younger and liberal segments of Kuwait's tight-knit community. There has been notable silence from the more conservative tribal and religious segments.

At a large street protest against domestic violence immediately after Farah's murder, someone held a banner with the names of 10 Kuwaiti women who had been killed in recent years, along with the message: "These are women who were killed silently and we did not mention their names." [1] Most banners simply read: "I will not be silent," in reference to the outpouring of testimonies from Kuwaiti women about being stalked, harassed or assaulted emerging online in February, focusing on the Instagram account "Lan Asket", Arabic for "I will not be silent".

For women, waiting for justice to be served has been like waiting for Godot.

For years, the movement to take sterner measures penalising domestic violence in Kuwait has been spearheaded by Abolish 153, a grassroots movement founded and led by Alanoud Al Sharekh. The campaign aims to abolish Article 153 from Kuwait's penal code, a provision that renders the killing of a woman as a misdemeanor, punishable by a maximum of three years imprisonment and/or a fine of 3,000 rupees (just \$50) if she is killed by a husband, father, brother or son who catches her in an unsavory act with a man. The antiquated provision excuses and renders justifiable honor killings of women. In so doing, it recognises the authority of men over their female kin.

It is a common misperception that Abolish 153—and similar provisions in Middle Eastern legal codes—is premised on Islamic shariah. Indeed, proponents of the provision often cite religious arguments for its continuance. The truth, however, is that Article 153 springs from secular law.

Kuwait's legal system following independence was based principally on Egyptian law, which was modeled on the French civil code. [2] Article 324 of the French Penal Code of 1810—which France repealed in 1975—declared that murder of spouses is illegal, but that "in the case of adultery...murder committed upon the wife as well as upon her accomplice, at the moment when the husband shall have caught them in the fact, in the house where the husband and wife dwell, is excusable." [3]

While the French law applied to a spouse killing his wife, the Egyptian legislator significantly expanded the scope of the provision to excuse not just a husband, but a father, son or brother. In short, while the French law sought to excuse crimes of passion, the Egyptian law sought to excuse honor killings by male family members.

Although Kuwait is generally considered one of the more progressive countries in the Middle East, with a vocal Parliament and press freedoms, it has sorely lagged behind other countries in the Middle East in enacting needed legislation to punish femicide.

In 2011, Lebanon annulled its honor killing law (Article 562). Similar annulments have occurred in Tunisia and Palestine, and, in 2020, the UAE not only abolished its lenient laws surrounding honor killings, but also eliminated all sexist aspects from its inheritance laws and family laws. [4]

The only notable achievement in Kuwait, to date, has been the passage of a Domestic Violence Law in August 2020. The legislation, drafted by Parliament's Women and Family Committee, aims to "set the minimum standard and legal protection procedures for victims of domestic violence, in a way that maintains the family unity without threatening its stability in the society," as reported by the state's news agency, KUNA.

In terms of its scope, the law does achieve some important aims. First, it calls for the establishment of a National Family

Protection Committee that would recommend measures to tackle the spread of domestic violence in Kuwait, as well as the review and amendment of existing national laws that perpetuate the violence. It also requires mandatory training programmes for all government sectors involved in family protection, awareness programmes on detection, reporting and survivor advocacy, and issuing an annual report about domestic violence statistics. Second, it calls for activating a domestic violence shelter offering rehabilitation and advisory services, while also mandating the punishment of those who try and coerce survivors not to report abuse. Third, it gives important provision for cooperation with civil society organisations, such as Abolish 153, which are working on this issue. Although Kuwait already has several governmental bodies supposedly dealing with ending violence against women, in reality it has been grassroots movements, such as Abolish 153, which have been more effective in dealing with the plight of abuse survivors in Kuwait.[5]

Less than a month after the law's approval by Parliament, however, Kuwait was roiled by the killing of a pregnant woman. She was brutally shot in the head and killed by one of her brothers while she was recovering in the intensive care unit of a hospital, after having been shot by her brother the day before. The reason? She had married without her sibling's consent, even though her father had accepted the marriage. The killing was a sore reminder that, despite the recent achievement of the domestic violence law, Kuwait still has a long way to go to end the scourge of honor killings. Indeed, Article 153 remains the law.

No doubt, the failure of legislators in Kuwait to act more decisively in abolishing Article 153 is affected by the attitudes of their constituents. In a national survey conducted for Abolish 153 in 2016, exactly half of Kuwaitis studied (51% of Kuwaiti men and 50% of Kuwaiti women) agreed with the statement, "It is justified to use violence against a woman who has committed adultery." Almost one-third (35% of men and 40% of women) support "a law legalising physical violence against a woman caught in an act of adultery."

As expected, attitudes towards violence against women were strongly related to respondents' demographic attributes, especially religiosity and tribal orientation.[6] There are attitudinal challenges to reform that clearly require further education and awareness among the general populace. Given the tribal composition of Kuwait, these challenges are expected.

What has been less expected, however, has been the role of Kuwait's judiciary. Rather than limiting the leniency in sentencing for honor killings to the narrow parameters as contemplated by Article 153, Kuwait's judiciary has exercised judicial discretion and gone quite far in expanding the scope far beyond what was originally envisaged. On numerous occasions, Kuwaiti judges have exercised discretions to either reduce or eliminate sentencing altogether in cases involving femicide. This expansion can be summarised as follows:

More Remote Male Relatives Are Entitled to Benefit from Lenient Sentences, Including Relatives Who Were Involved in the Act of Indecency with the Victim

While Article 153 is expressly meant to apply solely to husbands, fathers, sons or brothers, Kuwaiti judges have used their discretionary powers in sentencing to also reduce sentences for more remote male relatives. One notable case involved the inhumane assault and murder of a minor girl by her brother and uncle. The girl became pregnant and gave birth to a child out of wedlock, after being raped by her married uncle (the first defendant). After giving birth, she returned home, and was immediately assaulted by her uncle. The following day, she was killed by her uncle and brother who wanted "to avoid the scandal she had caused."

According to the court, "The first defendant [the uncle] strangled her with a scarf while she was facing him. He then turned her around and continued strangling her with the scarf while he placed his knees against her back to reinforce the intensity of the pressure of his stranglehold. The second defendant [the brother] hit the victim with a shoe on her head once. He then removed a metal rod and hit her several times on her head. The victim fell to the ground while the first defendant [the uncle] continued to strangle her with the scarf until she died. The second defendant [the brother] then tied the victim by the scarf to the ceiling fan to make it appear as if she committed suicide." [7]

Both the brother and the uncle appealed their convictions before the Kuwait Court of Cassation (Kuwait's highest court) on the ground that the girl's father had agreed to release all claims against the defendants. The father, distraught at having lost his daughter, did not wish to lose his son as well.

The Court rejected the defence on the grounds that a lawful guardian of a victim can only waive civil claims on behalf of the victim, not criminal claims which belong to the state. Nonetheless, the Court did sympathise with the victim's father, and therefore exercised its judicial discretion to reduce the sentence against the victim's brother from a death penalty to a 15-year prison sentence.

While the reduced sentence for the brother was expected, what was remarkable, however, was the fact that the Court went on to also reduce the sentence for the victim's uncle, stating, "The Court deems that, as a result of the release of claims by the victim's father, the first defendant (the uncle) should be given more sympathy. As the appealed judgment afforded the second

defendant (the brother) with more sympathy, this justifies an equivalent sentence for both defendants.”

Astonishingly, the Court believed that the interests of parity in sentencing outweighed any alternative considerations. Indeed, the court’s ruling made scant mention of consideration of ensuring justice for the victim, and no mention whatsoever of deterring future similar acts of brutal, cold-blooded murder. What is perhaps more remarkable, however, is that, while Article 153 specifically contemplates a fairly narrow exclusion for killings by husbands, brothers and sons who act out of moral outrage in killing a woman involved in an unsavory act, this case confirms that Kuwait’s courts are prepared to exercise judicial discretion even in cases where Article 153 is inapplicable. This is to ensure the reduction in sentences for more remote male relatives—such as uncles—even in circumstances where the male relative is the one who himself may have been involved in the unsavory act with (or the rapist of) the victim.

More Lenient Sentencing Even When the Killing is Not Done Spontaneously While Article 153 is meant to apply solely to crimes of passion in which the killer acts “in the heat of the moment” as a result of discovering the victim in an unsavory act, Kuwait’s courts have shown significant willingness to also reduce sentences for male defendants in circumstances where the killing was determined to be pre-meditated (i.e., not in the heat of the moment).

Kuwait’s Court of Cassation set a clear definition for “pre-meditation,” stating, “Premeditation is the state of mind of the perpetrator. It is identifiable by facts and circumstances. Intent is achieved by preparing the methods of the crime, implementing it without being controlled by emotional frenzy, but being calm and calculating.”[8]

Even where the existence of premeditation is determined, Kuwait’s judges have been willing to reduce sentences, thus blurring the distinctions in sentences between murder and lesser, non-violent crimes. For example, in the case of the brother and uncle aforementioned, the court determined that there was premeditation, stating, “At that time, the second accused (her brother) came to him and requested him to get rid of the victim by slaughtering her to avoid the scandal she had caused. The next day, the two convicts agreed to kill the victim in a manner as if she had committed suicide in her room.”[9]

Despite this finding of premeditation, and the horrific nature of the murder, the sentences were reduced to 15 years for both defendants instead of capital punishment or life imprisonment, as would be customary for a murder conviction. The 15-year sentence is equivalent to sentences in Kuwait for embezzlement of public funds crimes.

Similarly, in another notable case, Kuwait’s Court of Appeal was asked to rule on a 19-year old man who killed his mother, a divorced woman with six children. Prior to her murder, the victim had waived her parental rights after divorcing the boy’s father. This led to a second marriage which left her widowed, living alone.

According to the Court, “She became notorious for her misconduct, and she engaged in her behavior to the point that she was famous for her misconduct and for staying out of her house until late hours.”[10] As a result, “Her son began observing his mother, with the intention of discovering the truth behind the claims of misconduct. There, he observed men driving her home late at night. This prompted him to knock on her door in the hopes of convincing her to reside with her brother due to her reputation. However, when he arrived at her home, his mother’s maid had informed him that she was still out. After leaving and returning near to 8:00pm, her son asked the maid to leave him alone with his mother, leading him to an inside hall. After he brought his concerns to her attention, his mother refused him and walked towards the door as her son closely followed. As her hand approached the doorknob, her son grabbed a knife, once concealed in his clothes, and stabbed her twice on the back. As she fell to the ground, her son continued to stab her 37 times in notable areas such as the abdomen, neck, legs, thighs, and chest.”

According to testimonies made by witnesses, and the confession of the defendant himself, the defendant decided to kill his mother two weeks prior to the murder after observing her conversing with a stranger outside her house. According to him, he had attempted to turn to God and prayed for guidance, and eventually decided that if she did not agree to live with the family, he would kill her with a knife he planted under his clothing.

Despite this admission of advanced planning, the Court of Appeal shockingly decided that there was no premeditation, stating, “The Court observes that, with the age of the defendant and as he is a young man, he is proud of his youth and the values of the society in which he lives. With these circumstances and his peers reproaching him for his mother’s behavior and speaking about her which affects his honor, she humiliated him in his youth and did not leave him any opportunities to coexist with his peers. Therefore, the Court considers that, with these circumstances and his immaturity, no matter how long it took him to think about the crime, this was surrounded with the anger which always affected him and prevented him from proper thinking. In view of the above, predetermination does not exist.”[11]

While, thankfully, this decision was reversed by the Kuwait Court of Cassation, the ruling of the Kuwait Court of Appeal was notable for a host of reasons. Firstly, the son did not act out of anger at seeing his mother in an unsavory act with a man, as required by Article 153. Rather, there was no man present when she was killed, other than the son. Second, the Court of Appeal sought to justify leniency by concluding that it was the defendant’s youth and the pressures of being taunted by his

peers that prevented him from thinking properly and controlling his behavior. Neither of these factors is envisaged by Article 153. Finally, in justifying the leniency, the Court of Appeal tellingly attempted to demonise the victim by making statements such as “She became notorious for her misconduct, and she engaged in her behavior to the point that we was famous for her misconduct and for staying out of her house until late hours.”

The implicit undertone of this conclusion is one of disapproval and casting blame at the victim. This is evident in the further statement in a ruling that, “She was wearing a transparent gown with suspenders,” which was, seemingly, meant to underscore her lasciviousness and depravity. In contrast, the defendant was simply a God-fearing lad concerned about his place in society and who prayed to God for guidance before murdering his mother.

The scope of judicial activism is beyond concerning since it is proceeding entirely in the wrong direction. Rather than confine leniency in cases involving honor killings to those narrow parameters as envisaged by Article 153, Kuwait’s judges have been far too willing to expand it even further. Consequently, protections for honor killings are much broader. This represents a worrying development.

It is perhaps not surprising, however, that, in all of these cases, there was not a single female judge. Indeed, until less than one year ago, there were no female judges in Kuwait at all. In September 2020, however, eight female judges were finally sworn in. According to Dharar al Asousi, Kuwait’s attorney general, the decision was taken, not to promote a female voice within the judiciary, but to nationalise the judiciary in order to replace non-Kuwaiti judges. [12]

This was also confirmed by the head of the Court of Appeals, Mohammed bin Naji, who warned that Kuwait needs to urgently replace non-Kuwaiti judges in the short term to address the large backlog of cases.[13] Whatever the rationale, one can only hope that the participation of women in the judiciary provides a much-needed amplification of women’s interests.

The inclusion of female judges, alone, however, is no panacea. The fight against honor killings requires more seriousness of purpose by both Kuwait’s legislature, as well as by Kuwait’s judiciary. To the extent that courts continue to issue light sentences in cases involving honor killings, Kuwait’s Parliament should consider legislation imposing mandatory minimum sentences in order to rein in such judicial discretions. For that to happen, however, it is clear that more work needs to be done in educating constituencies in order to bring political pressure to bear.

Until then, however, Kuwait ought to at least take the simplest and least controversial step in abolishing Article 153 and sending a signal to both the international community and its own populace it will not consider the intentional killing of women as misdemeanors, no matter what the circumstances.

GCC Chief Blasts Hijacking of UAE Cargo Ship (News of Bahrain)

January 4, 2022

Gulf Cooperation Council (GCC) Secretary-General Dr Nayef Al-Hajraf has condemned as an “act of terrorism” the hijacking of the UAE-flagged vessel Rwabee by the Houthi militias while en route from Yemen to Saudi Arabia.

“This crime of robbery and piracy put in grave peril the international maritime navigation in Bab al-Mandab Strait and the southern Red Sea,” he said in a statement.

“This act of terrorism is tantamount to a war crime as it hinders the free shipping movement and jeopardizes the safety of international navigation. It is a blatant violation of the international humanitarian law, the United Nations Convention on the Law of the Sea of 1982 and the UN Convention against Transnational Organized Crime of 2000.”

On behalf of the GCC member countries, he stated support to, and solidarity with, the United Arab Emirates in whatever measures it might take to protect its interests against such “brutal aggressions,” Kuwait News Agency (KUNA) reported.

Dr Al-Hajraf urged the international community to shoulder its responsibility and deter the terrorist Houthi militias from persisting in such hostile practices.

Rwabee was hijacked late on Sunday as it was carrying medical equipment from a decommissioned field hospital in Socotra Island in the Arabian Sea to Jazan Port in southwest Saudi Arabia.

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Afghanistan

Legacy of the “Dark Side,” the Costs of Unlawful US Detentions and Interrogations Post-9/11 (Human Rights Watch) By Letta Tayler and Elisa Epstein
January 9, 2022

Two decades after the attacks of September 11, 2001, and the arrival of the first terrorism suspects at Guantánamo Bay on January 11, 2002, many Americans may not recall details of the systematic abuses carried out by the United States Central Intelligence Agency (CIA) and US military against hundreds if not thousands of Muslims detained as part of what President George W. Bush swiftly declared a global “War on Terror.” Yet for many people in countries outside the United States, memories of the US government’s brutal treatment of detained Muslims remain potent. And some abuses continue, handing a recruitment card to Islamist armed groups and lowering the bar for treatment of terrorism suspects worldwide.

With the participation of at least 54 governments, the CIA secretly and extrajudicially transferred at least 119 foreign Muslims from one foreign country to another for incommunicado detention and harsh interrogation at various CIA black sites. At least 39 of the men were subjected to “waterboarding,” “walling,” “rectal feeding” – a form of rape – and other forms of torture. The US military also held thousands of foreign Muslim security detainees and prisoners-of-war – including some women and boys – at its detention centers abroad including Abu Ghraib in Iraq, Bagram Air Base in Afghanistan, and its naval base at Guantánamo, and also subjected many to physical and psychological abuse. As of January 6, 2022, the US was still detaining 39 of the nearly 800 men and boys it brought to Guantánamo from 2002 to 2008. Twenty-seven of those who remain have never been charged. Many lack adequate medical care and even access to their medical records, making the prison a living legacy of the rights violations spawned by 9/11. The military commission system created to prosecute suspects at Guantánamo is fundamentally flawed. As a result, the five prisoners accused of plotting the 9/11 attacks have yet to be brought to trial, depriving them of due process and the survivors and the families of the nearly 3,000 people who died in the attacks of their right to justice.

Popular culture has often glossed over the cruelty and failures of these measures. For example, the 2012 blockbuster movie *Zero Dark Thirty* and a 2019 “interrogation” exhibit at the International Spy Museum in Washington, DC – only partially revised after an outcry by human rights activists and lawmakers – trivialized the abuses inflicted on suspects and suggested, erroneously, that the torture worked.

Today, even when the US decries unlawful practices abroad, it appears to have lost the moral authority that might compel other countries to curb them. Moreover, although President Barack Obama declared an end to secret detention and torture upon taking office in 2009, cruel and unlawful US counterterrorism practices adopted in response to 9/11 continue to this day, as do their repercussions.

No US government officials have been held accountable for creating, authorizing, or implementing the CIA’s secret detention and torture programs. All but a heavily redacted summary of the landmark 2014 US Senate Intelligence Committee report on the covert CIA program (the “Torture Report”) remains classified. The portions that have been released make clear that the torture was as useless in producing actionable intelligence as it was brutal. Like Presidents Obama and Donald J. Trump before him, President Joseph R. Biden has shown no appetite for releasing the Torture Report, much less criminally investigating the architects of the Rendition, Detention, and Interrogation (RDI) program or other post-September 11 abuses. Biden also opposes allowing the International Criminal Court to include abuses by US nationals in its investigation on grave human rights crimes in Afghanistan.

Abroad, the US has continued abusive practices against terrorism suspects including transferring them to countries that torture, and, in at least some cases, unlawfully detaining them at US-run sites abroad or at sea. Although such US detention-related counterterrorism violations have dramatically decreased, Washington has replaced capture with kill, conducting air strikes – often with armed drones that have killed thousands of civilians, including outside recognized battlefields. Its counterterrorism campaign has spread to 85 countries with scant transparency or oversight. Meanwhile, some US allies in the

fight against armed groups like Al Qaeda, the Islamic State (ISIS), and Boko Haram are carrying out torture and other crimes against terrorism suspects, including children, and detaining them inhumanely and, in many cases, indefinitely. Some allies have executed suspects following flawed trials.

This paper assesses the massive costs of US extraordinary renditions, unlawful detentions, and torture after September 11 – including to the victims and suspects, to US taxpayers, and to US moral authority and counterterrorism efforts worldwide, ultimately jeopardizing universal human rights protections for everyone. It argues that significant counterterrorism reforms, including closing the prison at Guantánamo, strengthening measures to protect civilians from death and harm, increasing transparency and accountability for the crimes the US has committed, and addressing religious and racial biases, are critical steps toward mitigating the damage.

The Taliban's return to power and the US military withdrawal from Afghanistan in August 2021 will test the US government's legal rationale for indefinite law-of-war detentions at Guantánamo, as well as the Biden administration's commitment to adopting a more rights-respecting approach to counterterrorism. Thus far, Biden administration actions raise sobering questions about its commitment to ending the so-called "War on Terror." Measures of concern that we outline below include the Justice Department's willingness to side-step critical legal questions on habeas rights for the men held at Guantánamo and to block certain testimony related to CIA torture, and Biden's apparent intent to continue using lethal force outside recognized war zones with drone strikes and special forces raids euphemistically rebranded as "over the horizon" operations. Key Recommendations

Biden should take bold steps to repair the damage from abusive US interrogations and detentions, starting with the closure of the US prison at Guantánamo. Among other measures, the President should release the Torture Report, and authorize the attorney general to appoint a special prosecutor to hold abusers to account. Biden should increase transparency and accountability for other crimes and violations perpetrated in the name of countering terrorism, including unlawful air strikes and raids that kill and injure civilians both in and out of recognized war zones. He should officially apologize and provide redress to victims. Anything less not only inadequately addresses the suffering and death wrought by the US, but also risks perpetuating cycles of violence by fueling the narrative of groups like the Islamic State and Al Qaeda that the West is at war with Islam.

Torture and the Global "War on Terror"

On September 11, 2001, coordinated strikes by Al Qaeda members who hijacked four airliners killed nearly 3,000 people, surpassing Pearl Harbor as the deadliest attack on US soil. Most of the dead were from the US but more than 300 were from 84 other countries. The death toll continues to rise among first responders and attack survivors. On September 16, President George W. Bush declared a "crusade," a "war on terrorism" – a term he swiftly amended to a "War on Terror" – against Al Qaeda and all terrorist groups, unleashing a series of events that lowered the bar for human rights protections around the world.

On September 17, Bush issued a secret memo empowering the CIA to covertly capture and detain individuals "posing a continuing, serious threat of violence or death to US persons and interests or planning terrorist activities." A day later, Bush signed into law the 2001 Authorization for the Use of Military Force (AUMF), passed by Congress four days earlier. The AUMF granted the executive near-limitless and indefinite power to wage war against any "nations, organizations or persons" linked to the attacks – a power that Bush, as well as his successors Donald J. Trump and Barack Obama used as a blank check to wage a war without boundaries against groups such as Al Qaeda and the Islamic State (ISIS). Three weeks after enacting the AUMF, the US led a coalition that invaded Afghanistan to rout out Al Qaeda leader Osama bin Laden, and his forces, after the ruling Taliban refused to hand him over to the US. On January 11, 2002, the first 20 men to be imprisoned at Guantánamo were flown to the base aboard a US military plane. In March 2003, a US-led coalition invaded Iraq, in what Bush justified in part as a mission to "end [Iraqi leader] Saddam Hussein's support for terrorism."

Renditions, Detentions, and Interrogations

The memo signed by Bush days after the 9/11 attacks led to the Rendition, Detention, and Interrogation RDI program, under which the CIA and, at the agency's behest, US allies, covertly detained at least 119 Muslim terrorism suspects whom they had captured or abducted in Pakistan, Afghanistan and other foreign countries. Often aided by foreign security agents, the CIA held or transferred the detainees to undisclosed prisons known as "black sites" that it operated in countries including Afghanistan, Lithuania, Romania, Poland, and Thailand, in an apparent attempt to keep them outside the reach of US and international law. The CIA also secretly held prisoners inside US-run military prisons including Guantánamo. A number of black sites or prisons holding the detainees were run by other foreign security services including in Afghanistan, Egypt, Jordan, and Morocco. The prisoners were held incommunicado in cruel, inhuman, or deeply degrading conditions for months or years.

In addition, the CIA subjected at least 39 of these men to torture and other ill-treatment that it euphemistically referred to as

“enhanced interrogation techniques,” according to the Senate Torture Report. These included forcing the detained men to maintain painful stress positions for hours, submerging their heads in water to the point of near suffocation (“waterboarding”), denying them sleep for days, “walling” (slamming a detainee’s head into what was supposed to be a flexible wall), sensory deprivation, sexual assault including “rectal feeding” (forcing pureed food into a detainee’s anus, a procedure that has no nutritional or medical value), forced nudity, and psychological abuse including threats of rape and other violence against them and their family members. At least nine FBI agents were temporarily transferred to the CIA to participate in the interrogations, according to information that became public in November 2021.

The CIA also tortured opponents of then-Libyan leader Muammar Gaddafi before sending them back to Libya where they were abused anew, according to accounts by former detainees and documents from the CIA and United Kingdom’s Secret Intelligence Service (MI6). They also kidnapped an Egyptian cleric and sent him to Cairo, where he alleges he was repeatedly tortured and raped.

At least 54 governments participated to varying degrees in the RDI program, according to a comprehensive 2012 Open Society Foundations report. In addition to hosting CIA black sites, forms of assistance included detaining, interrogating, or abusing the prisoners, permitting the use of airspace and airports for CIA flights that secretly transferred the detainees across borders, and sharing intelligence.

The US military also held thousands of foreign Muslim security detainees and Iraqi prisoners-of-war at detention centers it controlled abroad. The CIA operated black sites or had access to some of the detainees in these prisons as well, including at Guantánamo and in sections of Bagram Air Force Base in Afghanistan and Abu Ghraib in Iraq. Most of the prisoners were men, but the CIA or US military also detained women and boys, some of whom were reportedly among those sexually abused.

From 2002 to 2005, the peak years of the US detention and torture program, at least 17 people died wholly or partly from abuse while in the custody of the CIA or US military in Afghanistan, or the CIA and US or British forces in Iraq. Nine men died at Guantánamo, seven from what the US military said were suicides, and two from natural causes. The military called three deaths on June 10, 2006 a group suicide, but others have alleged they were homicides. Lawyers and family members of the others said they took their own lives in despair over indefinite confinement and abusive conditions.

Many of those who survived remain physically or psychologically scarred. In a 2016 investigation, The New York Times found that at least half of the 39 people known to have been subjected to CIA torture in the wake of 9/11, including many who are now free, continued to suffer from conditions such as depression, post-traumatic stress disorder, paranoia, or psychosis. Former detainees also described permanent headaches as well as nightmares and other sleep disturbances.

Bush administration officials deliberately sought to circumvent domestic and international legal prohibitions on torture – actions that warrant criminal investigations. In 2002, the CIA even sought advance promises from the Justice Department’s Criminal Division that it would not prosecute its planned “aggressive interrogation” of one detainee. When the Criminal Division refused the request, the CIA turned to another Justice Department division, the Office of Legal Counsel, which obligingly issued two memos advising that interrogation techniques only constituted torture under domestic or international law if they inflicted pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” By 2003, the late John Rizzo, then CIA acting general counsel and a torture program architect, was sufficiently confident of Office of Legal Counsel cover that he brushed aside concerns from a colleague that an undisclosed form of “pressure” during interrogation might violate the Geneva Conventions, a series of treaties providing minimum standards for humane treatment of civilians, prisoners of war, and soldiers who are otherwise unable to fight. The US is among the 196 countries that have ratified the Geneva Conventions. The Office of Legal Counsel “has demonstrated an ingenious ability to interpret over, under and around” the Geneva Conventions, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, “and other pesky little international obligations,” Rizzo wrote in a subsequently declassified memo.

Abuses at Guantánamo

Around the world, Guantánamo remains one of the most enduring symbols of the injustice, abuse, and disregard for the rule of law that the US unleashed in response to the 9/11 attacks. Since January 11, 2002, the US has held at least 780 foreign Muslim males there, 15 of them boys at the time of their capture. The US military continues to detain 39 men rounded up in the wake of 9/11 at Guantánamo. As of January 2, 2022, 27 of them had never been charged.

Most of the detainees were handed over to the US in the aftermath of 9/11 by Pakistan or the Northern Alliance, a coalition of anti-Taliban militias in Afghanistan. Bush’s Vice President Dick Cheney called the Guantánamo detainees “the worst of the worst.” But according to Jane Mayer’s *The Dark Side*, Maj. Gen. (ret.) Michael Dunlavey, a former operational commander at Guantánamo, estimated that at least half the prisoners were held by mistake. A Seton Hall University Law School study concludes that at least 55 percent of the prisoners held at Guantánamo never engaged in any hostile acts against the US and only 8 percent had any association with Al Qaeda. Many allege that they were taken into custody in return for bounties based

on false evidence.

The late Defense Secretary Donald Rumsfeld infamously labeled the first men and boys to be sent to Guantánamo “unlawful combatants” who “do not have any rights under the Geneva Convention.” By holding these foreigners abroad, the Bush administration hoped to avoid US jurisdiction and law, prompting legal challenges that resulted in landmark, if imperfect, rebukes by the Supreme Court.

Torture and other Inhumane Treatment

During the Bush presidency the US military subjected the prisoners to torture and other ill-treatment that included placing them in stress positions, holding them in extended solitary confinement, threatening them with torture and death, siccing attack dogs on them, depriving them of sleep, and exposing them for prolonged periods to extreme heat, cold, and noise. Many of the men transferred to Guantánamo – including more than half of those who remain – had already spent extended periods in secret CIA black sites. One black site, which CIA agents nicknamed “Strawberry Fields” because detainees could conceivably remain there “forever,” was actually at Guantánamo, adjacent to the main prison compound. (The CIA secretly placed four men it considered to be among its highest-value detainees, including two 9/11 suspects, in Strawberry Fields in 2003 after subjecting them to torture at other black sites. Six months later the agency secretly flew the four men back to farther-flung black sites, hoping to evade a Supreme Court ruling that would give prisoners at Guantánamo access to lawyers. In 2006, after media exposed the black site network, the men were again flown to Guantánamo and placed in the main prison compound, where they remain.)

Failure to Close Guantánamo

Immediately after taking office Obama promised to close the prison at Guantánamo within one year, but backed down following opposition from Congress, and failed to pursue executive actions that could have bypassed congressional funding freezes on transferring prisoners to the US for prosecution in federal courts. Trump did not fulfill his campaign vow to “load up [Guantánamo] with some bad dudes.” Nevertheless, he promptly reversed his predecessor’s order to close the prison at Guantánamo, failed to transfer any of the five men who had been cleared for release by the Obama administration, and only cleared one additional detainee for release.

Just weeks after taking office, President Joseph R. Biden initiated a review of operations at Guantánamo with the aim of closing the prison before his term ends. However, as with his approach to lethal targeting, his administration’s actions thus far raise the prospect that Biden will default to the status quo of flawed trials and indefinite detentions.

The day after Biden’s inauguration, the Pentagon sought charges against three men held at Guantánamo whom it alleged were implicated in two sets of bombings in Indonesia – of Bali nightclubs in 2002 and a J.W. Marriott hotel in Jakarta in 2003 – suggesting prosecutions at Guantánamo would continue. The Biden administration also cleared eight men for transfer, bringing to 13 the number of detainees remaining at Guantánamo despite being approved to leave, three of them more than a decade ago. However, as of January 2, 2022 it had only transferred one man, a Moroccan who had spent 19 years at Guantánamo without charge and had been cleared to leave in 2016. At time of writing, the Department of Defense was building a second courtroom for military commission trials at Guantánamo, suggesting that the Biden administration has no plans to shut down operations there any time soon.

Due Process Violations

The Guantánamo detainees have been denied due process rights and redress for abuses. More than six years passed before the US Supreme Court, in *Boumediene v. Bush* (2008), affirmed that the constitutional right of detained people to challenge the lawfulness of their detention applied to the men at Guantánamo, striking down amendments to the federal statute to eliminate habeas jurisdiction for any “enemy combatant” in US custody. However, the Supreme Court did not articulate a standard of review beyond directing lower courts to provide a “meaningful” opportunity for petitioners to challenge the basis for their detention. Although lower US district courts granted many Guantánamo detainees habeas relief, a federal appeals court reversed nearly all but one of those decisions that came before it and imposed a standard of review that made it virtually impossible for detainees to win their cases. In a closely watched case, the full federal appeals court heard oral arguments in September 2021 on the question of “meaningful” review. The 10 men at Guantánamo who have been criminally charged include the five alleged September 11 co-conspirators, all of whom were tortured. They also include three men accused of links to the Bali and Jakarta bombings in 2002 and 2003.

The 27 men held without charge include Abu Zubaydah, the first “ghost prisoner” who, during four and a half years in CIA black sites before his transfer to Guantánamo, was waterboarded 83 times, held naked and in stress positions, deprived of sleep, confined in small, coffin-like boxes, deprived of solid food, and physically assaulted. The US has argued that releasing Zubaydah would constitute too great a risk to national security. The two other men still held at Guantánamo are serving sentences after being convicted in flawed military commission system created for prisoners prosecuted there. Bush authorized

the creation of the military commission system at Guantánamo in November 2001 to try “certain non-citizens in the war against terrorism.” Despite subsequent reforms, including by Congress, the commissions remain fundamentally broken. Among their many flagrant due process violations, the commissions have deprived defense counsel of the means to prepare an effective defense, prevented the accused from seeing all evidence introduced against them, and failed to adequately guarantee that information obtained via torture or ill-treatment would not be used as evidence. They have been plagued by recurrent allegations of government interference including eavesdropping on confidential client-attorney conversations. Such irregularities would be grounds for dismissal in a US federal court. The pre-trial hearings at the military commission for the five men charged in connection with the 9/11 attacks have dragged on for 13 years, plagued by due process violations and prosecution efforts to use evidence derived from torture. Presiding military judges have come and gone, and many were unqualified to oversee capital cases although the prosecution continues to seek the death penalty for all five men. The three men accused of connections to the Indonesia attacks were arraigned before a military commission only in August 2021, 18 years after they were apprehended, in proceedings marred by translation problems as well as defense allegations that the accused were tortured. In 2013, a pre-trial hearing in the 9/11 case was disrupted when a red censorship light unexpectedly flashed and the audio feed to the courtroom’s gallery was abruptly cut without advance notice to – much less permission from – the judge. The unilateral cut-off was later traced to the CIA. In 2020, defense counsel in the 9/11 case accused the CIA of using a monitoring device in the courtroom to direct the prosecution, not exclusively to prevent spills of classified information. The defense lawyers only discovered the device accidentally as the judge had approved it without their knowledge in an ex parte session with the prosecution. In another example, defense counsel inadvertently learned in 2016 that the judge in the 9/11 case had approved, also in an ex parte session with the prosecution, the destruction of a CIA black site where prisoners had been tortured as well as evidence inside it. The defense was under the impression that the judge had granted its request to block the site’s destruction. In 2020, the prosecution in the 9/11 case invoked national security privilege to block the defense from questioning James Mitchell, the psychologist who designed the CIA’s so-called “enhanced interrogation techniques” with his partner Bruce Jessen, about portions of a book he published on the RDI program, even though the CIA had cleared that material for publication years earlier. In October 2021, the graphic testimony of detainee Majid Khan about his torture at the hands of the CIA in three black sites in the early 2000s was so harrowing that a jury of US military officials took the extraordinary move of writing a hand-written rebuke to the US government, calling Khan’s treatment “a stain on the moral fiber of America.” The letter, from seven of the eight jurors, urged clemency for Khan even though he had pleaded guilty to terrorism-related charges including serving as an Al Qaeda courier. Although the Biden administration has sought to curb some of the prosecution abuses, it has stopped short of robust reform. As of January 2, 2022, prosecutors had not fully retracted a motion they made the previous March that led the judge in the USS Cole case to rule that under certain conditions, a judge could consider statements obtained through torture in pretrial proceedings. (In September, a Pentagon appeals panel overturned the judge’s ruling regarding the case in question but did not resolve the broader issue of whether prosecutors can use evidence obtained through torture. The defendant’s lawyers then filed a petition in a US federal appeals court asking it to bar prosecutors and the military commission from any consideration of use of torture-tainted evidence. That case was pending at time of writing.) Also of deep concern, the Biden administration, in another legal challenge involving a prisoner held since 2004 without charge, has reportedly evaded the question of whether the US Constitution’s guarantee of due process rights applies to foreign detainees at Guantánamo. In a case heard in October 2021 by the US Supreme Court, the Justice Department under Biden has sought to bar Mitchell and Jessen from testifying about the CIA torture of detainee Zubaydah. The testimony would be used in an investigation by the Polish government into the complicity of its nationals in abuse at a CIA black site in Poland. US prosecutors have argued that the testimony would reveal “state secrets,” even though, as noted above, both Mitchell and Jessen had previously testified about supervising “enhanced interrogation,” Mitchell had written a book about it, and details of Zubaydah’s torture have been widely reported in media.

Medical Abuse

Beyond due process violations, the men held at Guantánamo continue to be subjected to abuse including sporadic force-feeding during hunger strikes and medical neglect even as their health needs become increasingly complex as they age. Many of the men who were tortured still suffer physically and psychologically. Yet their medical records lack details of their trauma histories, contributing to misdiagnoses and incorrect treatments, and the prison does not offer them torture rehabilitation services, according to a 2019 report by Physicians for Human Rights and the Center for Victims of Torture. Furthermore, the detention commander can override medical recommendations, and in some cases prosecution interests have trumped medical interests, “as with a detainee who was forced to attend court proceedings on a gurney writhing in pain while recovering from surgery,” the report found. Many of the men do not have access to their own medical records and even when they do, significant portions are often classified. Continuing Outcry over Detentions

Protests over the government’s failure to close the prison at Guantánamo continue both in and outside the government.

In February 2021, eight independent UN human rights experts and 111 nongovernmental organizations marked the 19th anniversary of the opening of the Guantánamo Bay prison by calling on Biden to close the detention center and end indefinite military detention there without delay. “Guantánamo embodies the fact that, for nearly two decades following the September 11, 2001 attacks, the US government has viewed communities of color – citizens and non-citizens alike – through a security

threat lens, to devastating consequences,” the organizations wrote. “This is not a problem of the past. Guantánamo continues to cause escalating and profound damage to the men who still languish there, and the approach it exemplifies continues to fuel and justify bigotry, stereotyping, and stigma. Guantánamo entrenches racial divisions and racism more broadly, and risks facilitating additional rights violations.”

In the past year, nearly 100 members of both houses of Congress have urged Biden to close the prison. Guantánamo is “a symbol of lawlessness and human rights abuses,” 24 senators wrote the president in April. The prison’s continued operation is “a fundamental betrayal of our values” that “undermines our ability to advocate for human rights and the rule of law,” 75 representatives wrote in August. During a rare congressional hearing in December on Guantánamo, eight Democratic senators, a retired military commander, and 9/11 victims’ relatives expressed frustration over the Biden administration’s stalled efforts. Sen. Richard J. Durbin (D-Ill.), the panel’s chairman, said he was dismayed that “this hearing is even necessary.” The Biden administration declined to even send a witness to testify.

Abuses Beyond Guantánamo

US counterterrorism practices have changed dramatically since Bush left office but remain deeply problematic and, in many cases, unlawful. Although the CIA torture program ended with the Bush presidency, the US has continued to engage to some degree since then in unlawful counterterrorism-related detentions, interrogations, or transfers to countries that torture. At the same time, Washington has replaced capture with kill, conducting air strikes, often with armed drones that have killed thousands of civilians, including outside recognized battlefields. The US counterterrorism campaign has spread to 85 countries with scant transparency or oversight.

Lethal Targeting and Air Wars

One of the most dramatic developments since Bush left office is the ascent of lethal targeting of alleged terrorism suspects both in and outside of recognized war zones. The CIA and US military have carried out thousands of attacks against alleged members of Al Qaeda and so-called “associated forces” in countries including Pakistan, Somalia, and Yemen, often with armed aerial drones and in some cases with special forces.

While the US insists that the overwhelming majority of its drone strikes and other lethal targeting operations are lawful and conducted with utmost care and precision, it has failed to provide the transparency that would help impartial observers assess such claims. Independent estimates of civilian deaths from lethal counterterrorism strikes outside recognized war zones range from the high hundreds to the low 2,000s.

Bush began the lethal targeting program but it was Obama who embraced it, carrying out 563 strikes during his two terms, nearly 10 times the number as his predecessor. “Turns out I’m really good at killing people,” Obama reportedly told aides in a quiet voice when assessing his achievements and compromises in 2011. Yet reports that many of these strikes appeared to have unlawfully killed civilians abounded during his presidency. Trump further ramped up the lethal attacks while scaling back Obama’s already insufficient safeguards. In promising first steps, President Biden, during his first 11 months in office, dramatically curtailed drone strikes and apparent civilian casualties. He has also initiated a review of US lethal targeting policy as part of a broader assessment of ways to mitigate civilian harm during counterterrorism operations. However, he does not appear to be contemplating an end to lethal targeting, based on his vow to conduct “over-the-horizon” responses to perceived terrorist threats by relying primarily on drone strikes and occasional special forces operations in areas where the US is not fighting a conventional ground war.

The targeted killing of terrorism suspects outside situations of armed conflict violates international human rights law unless the suspect poses an imminent threat to life and using lethal force is a last resort. The laws of armed conflict, in contrast, permit deadly attacks on enemy combatants. But even then, opposing parties to the conflict must take all feasible steps to minimize civilian harm.

Notwithstanding the use of precision bombs and drones, the US-led military campaigns against ISIS in Iraq and Syria, and the Taliban and an ISIS branch in Afghanistan also appear to have unlawfully killed far more civilians than the Pentagon has acknowledged and with insufficient accountability, transparency, or redress. A series of New York Times investigations has provided some of the most compelling evidence. In its most sweeping findings, published in December 2021 and drawing from research including 1,300 pages of Pentagon documents obtained through Freedom of Information Act litigation, The New York Times alleged that since 2014, these air wars show a pattern of deeply flawed intelligence and rushed, imprecise targeting, resulting in the deaths of thousands of civilians, many of them children.

These findings bolstered a New York Times investigation from 2017, which found that one in five US-led coalition strikes against ISIS in Iraq during the Obama presidency resulted in civilian death. That rate is 31 times higher than that acknowledged by the coalition, which said 89 of its more than 14,000 airstrikes in Iraq resulted in civilian deaths, or about one of every 157 strikes.

Under Trump's watch, a covert US special force bombed dozens of women and children huddled in the open air, then bombed fleeing survivors during the battle of Baghuz that toppled ISIS's last holdout in Syria in 2019, a New York Times investigation revealed in November 2021. The coordinated strikes reportedly killed about 80 people, making it one of the largest civilian casualty tolls of the war against ISIS. The US military stalled reviews of this apparent war crime and US-led coalition forces literally buried key evidence, bulldozing the site. Weeks after The New York Times report, Biden's defense secretary ordered a review of the strike and cover-up but by the military itself, despite calls for an independent assessment.

On August 29, 2021, the penultimate day of the US pullout from Afghanistan, the US military carried out a drone strike in Kabul that the chairman of the Joint Chiefs of Staff initially hailed as a "righteous" attack that appeared to have thwarted an imminent bombing by the Islamic State affiliate ISIS-Khorasan. But days later, following yet another exposé by The New York Times, the Pentagon acknowledged that the strike was a "tragic mistake" that instead killed 10 Afghan civilians, including seven children and an employee of a US-based aid organization. Compounding concern, the US military's review of the botched strike remains classified. A one-page fact sheet on its findings asserts there is no basis for criminal proceedings, although it does not preclude the chain of command taking corrective measures and assessing accountability "as appropriate." In December, the Pentagon announced that none of the US military personnel involved in the strike would face any form of punishment. Unlawful Detentions, Transfers, Harsh Interrogations

Obama, upon taking office, immediately issued an executive order to end US secret detention and torture. But he did not revoke CIA powers to temporarily detain suspects and transfer them to other countries for interrogation or prosecution. Instead, he pledged to ensure that their treatment was humane. While no evidence has emerged since then that the US has reprised the horrific programs of the Bush presidency, deeply disturbing cases or allegations of abusive practices under Obama and Trump continue to surface, as well as one that carried into the Biden presidency.

Afghanistan

Many of the detention-related violations that continued after the Bush presidency took place in Afghanistan. In 2011, more than two years after Obama declared an end to torture and secret detention, his administration confirmed that terrorism suspects in Afghanistan were being secretly detained and interrogated for up to nine weeks, without access to a court or counsel, at several "temporary" detention centers run by the US military's elite Joint Special Operations Command, including one at Bagram air base. Former detainees alleged they were forced to strip upon arrival and held in solitary confinement in windowless, often excessively cold rooms with 24-hour lighting, and were denied contact with lawyers and family members. BuzzFeed News revealed in 2016 that for at least 16 months in 2009 and 2010, the US military subjected at least 58 detainees to "separation," a procedure under which prisoners were held incommunicado from anyone except personnel such as US guards, interrogators and medics, for up to 30 days at a time. The practice could amount to inhumane treatment in and of itself. At least 23 times, US personnel combined "separation" with other problematic tactics to induce detainees to talk, according to US military documents obtained by BuzzFeed News. The US military blacked out the information it provided BuzzFeed News on the additional tactics it used. According to its official intelligence-gathering manual, interrogators may couple "separation" with techniques such as sleep restrictions and "Fear Up" – preying on detainees' existing fears. Under Obama, US forces also handed over prisoners they captured to Afghan detention centers where the detainees were systematically tortured. Among other methods, captors subjected detainees to electric shocks, hung them by their wrists, beat them with cables or sticks, removed their toenails, twisted and wrenched their genitals, and threatened them with sexual abuse. Moreover, the CIA also continued to recruit, equip, train, and deploy Afghan paramilitary forces who summarily executed civilians during night raids, forcibly disappeared detainees, and attacked healthcare facilities for allegedly treating insurgent fighters, among other grave crimes, with no accountability – a practice that continued during the Trump presidency.

Africa

The Obama administration engaged in unlawful practices elsewhere including in Africa. In 2009 and 2010, Nigerian officials held an Ethiopian Al Qaeda suspect for four months, during which time he was interrogated first by a US "dirty" team that ignored his Miranda rights, then by a "clean" team of US agents. According to a diplomatic cable, US officials pressured Nigerian authorities to detain Ahmed. The US then brought the suspect, Mohamed Ibrahim Ahmed, to New York where he pled guilty to terrorism-related charges in a federal court. In 2011, two Swedes and a U.K. citizen with ties to Somalia were arrested by Eritrean authorities in Djibouti, where US interrogators were among those who questioned them for two months without charge. The men were then secretly indicted in absentia by a US federal grand jury and flown by the FBI to New York, where they were convicted in 2016 of terrorism-related charges. In 2014, The Nation reported that CIA agents also regularly interrogated Al Shabab suspects in a basement prison in Somalia and kept Somali intelligence agents there on the agency payroll. The detainees included men illegally handed over to Somalia from neighboring Kenya, including in at least one case based on intelligence provided by the US, the report said. Former detainees told The Nation the prisoners were held in filthy, insect-infested, windowless cells, that they were never allowed outdoors, and that some prisoners had been held without charge or trial for months or years.

In separate operations in 2011, 2013 and 2014, US forces also apprehended three foreign men – one in international waters off

Somalia and two in Libya – and secretly detained them for extended periods aboard military ships, interrogating them for intelligence purposes before separate US law enforcement teams read them their Miranda rights and re-interrogated them for prosecution on terrorism-related charges. This two-tiered approach circumvented longstanding US criminal and military procedural protections against government abuse, incommunicado detention, and torture. In the first case, a team of Federal Bureau of Investigation, CIA, and Defense Department personnel seized, secretly detained, and interrogated a Somali Al Qaeda suspect for more than two months aboard a US Navy ship for intelligence purposes. Notably, the US has extended this flawed dual-interrogation strategy to its “war on drugs,” detaining people it apprehends at sea on suspicion of drug smuggling for weeks or even months aboard ships dubbed “floating Guantánamos” before they are arraigned in domestic courts. In 2017, for example, the US Coast Guard kidnapped and forcibly disappeared four Jamaican fisherman and kept them chained to the decks of four of its ships, incommunicado, for over a month.

As recently as July 2021, a British citizen who had been held without charge since 2019 in Somalia claimed that his Somali captors had subjected him to hooding, sensory deprivation and waterboarding, and that he was questioned between torture sessions by two people with American accents who refused to disclose their identities. The man said he believed his torturers wanted him to cooperate with the CIA. He also said he was questioned by the FBI as recently as June 2021.

Iraq

The Trump administration also carried out unlawful renditions from northeast Syria to authorities in neighboring Iraq, despite the Iraqi government’s well-documented record of torture and due process violations of terrorism suspects. In 2017 and 2018, the US forcibly transferred at least 30 foreign ISIS suspects to Iraq. Two of the men alleged that after their transfer, Iraq’s Counter Terrorism Service beat them, held them in stress positions, and applied electric shocks to their genitals.

The US military in 2017 and 2018 unlawfully held a US citizen in Iraq without charge, for more than a year, on suspicion of membership in ISIS. For the first four months, the man, known only as “John Doe,” was held in secret with no access to an attorney. After multiple court interventions by the American Civil Liberties Union, including one to stop the US from sending the man to Syria, where his life was at risk, a federal court ordered the man’s voluntary release to an undisclosed third country.

In 2020, the Trump administration threatened to transfer two notorious British ISIS suspects to authorities in Iraq, if the U.K. government did not promptly agree to let them be prosecuted in the US. The two men, part of an ISIS quartet of U.K. nationals implicated in summary executions known as “The Beatles,” were being held by the US military in Syria and Iraq. Britain’s highest court two months later authorized the two suspects’ transfer to the US for prosecution in return for diplomatic assurances that the US would forgo the death penalty. One of the defendants pled guilty in September 2021 to helping torture and kill hostages and faces life without parole.

Violations of International and Domestic Law

Despite Bush administration protestations to the contrary, the US program of extraordinary renditions, secret detentions, and torture following 9/11 brazenly flouted international and US law. The detentions without charge and other abuses at Guantánamo, as well as many counterterrorism operations in other countries, also violate these laws and several appear to be war crimes.

International Legal Standards

The US is party to several international treaties that prohibit under all circumstances torture and other cruel, inhuman, and degrading treatment. They include the International Covenant on Civil and Political Rights (ICCPR), which prohibits any limitations on the rights to life, and protection against torture and cruel, inhuman, and degrading treatment or punishment under any circumstances, even during states of emergency. The ICCPR also prohibits arbitrary and indefinite detention without charge in violation of due process. Prolonged incommunicado detention such as that at Guantánamo, Abu Ghraib, and other US-controlled detention centers amounts to torture or other cruel, inhuman, and degrading treatment. The Convention against Torture, to which the US is also party, sets forth that “no exceptional circumstances whatsoever,” including war or the threat of war, may be invoked as a justification for torture. The convention also prohibits transferring anyone to another country where there are substantial grounds to believe they face the risk of torture. It provides that any statement made as a result of torture shall not be invoked as evidence in any proceedings. Moreover, the convention obligates countries that are parties to either submit cases of torture for prosecution or extradite torture suspects. It also grants countries universal jurisdiction, allowing domestic judicial authorities to prosecute torture suspects even if they are not their citizens or are not accused of committing torture on their territory. This provision alone should have compelled successive US administrations to open meaningful criminal investigations at the highest levels into the US military and CIA use of torture and ill-treatment of detainees around the world.

International humanitarian law, or the laws of war, provide for the detention of prisoners-of-war and civilians who pose an

imperative security risk. In addition, during non-international armed conflicts, such as the civil war in Afghanistan or other fighting between states and non-state armed groups, individuals who take up arms or are otherwise involved in rebel activity may be detained and prosecuted in accordance with domestic laws. However, the four Geneva Conventions of 1949, to which the US is party, entitle anyone detained during armed conflict to basic protections, including against torture and other ill-treatment. Common Article 3 to all four conventions explicitly extends protections against murder, mutilation, torture, cruel, humiliating, and degrading treatment, and fair trial violations to members of non-state groups. The treatment of those the US apprehended in connection to the armed conflict in Afghanistan violated the provisions on humane treatment under Common Article 3 and customary international humanitarian law. The treatment of those the US apprehended in Iraq also violated the Third Geneva Convention, which states that prisoners of war must be humanely treated at all times. But the Bush administration fought Geneva Convention protections for foreign detainees all the way up to the US Supreme Court. More than four years passed before the Supreme Court affirmed in 2006 in *Hamdan v. Rumsfeld* that Common Article 3 applies to the US conflict with Al Qaeda. The court also found that the structure of the military commissions created to try detainees at Guantánamo violated both the fair trial standards of Common Article 3 and the domestic Uniform Code of Military Justice and was unconstitutional.

The US is seeking the death penalty for the five men charged in connection to the 9/11 attacks. International human rights law prohibits capital punishment following convictions in flawed proceedings. The US military and CIA counterterrorism strikes during situations of armed conflict have in many cases violated the laws of war. These laws permit attacks on enemy combatants, such as members of armed groups and other military objectives, but strictly prohibit attacks on civilians and civilian structures. Not all attacks that cause civilian deaths or injuries violate the laws of war – only those that target civilians, do not discriminate between civilians and combatants, or cause expected civilian loss excessive to the anticipated military gain. Parties to a conflict must take all feasible steps to minimize civilian harm. Governments have an obligation to investigate both serious violations and grave breaches of the laws of war, and prosecute those responsible. Outside situations of armed conflict, governments have even greater obligations to protect human life. International human rights law allows law enforcement to use lethal force only as a last resort, such as when there is an imminent risk to human life and capture is not feasible. Domestic Law

The rights and protections in such international treaties are also enshrined in the US Constitution and domestic law. The Eighth and Fourteenth Amendments to the US Constitution prohibit cruel and unusual punishments and due process violations. The Federal Anti-Torture Statute of 1994, enacted to comply with the Convention against Torture, extends US federal jurisdiction over acts of torture committed abroad when the alleged offender is a US national or is found within the US, irrespective of the nationality of the victim or the alleged offender. The War Crimes Act of 1996 criminalizes grave breaches of the Geneva Conventions if either the victim or the perpetrator is a US national or a member of the US armed forces. Convicted war criminals can be punished with life imprisonment or death.

The Detainee Treatment Act of 2005 bars the use of cruel, inhuman, or degrading treatment or punishment against any person in US custody. An amendment to the 2016 National Defense Authorization Act (known as the McCain-Feinstein Amendment), aims to protect against US torture and other ill-treatment of detainees by restricting interrogation techniques to those contained in the US Army Field Manual on Human Intelligence Collector Operations, the government's important, albeit inadequate, guidelines for the US military and CIA on lawful interrogation techniques. The amendment also requires timely access by the International Committee of the Red Cross to detainees in US custody. Scant Accountability for Torture

The US government has failed to hold accountable the key architects of post-9/11 unlawful renditions, detentions, and torture, despite clear and compelling evidence that warrants criminal investigations of former Bush and top members of his administration, among others. Although some efforts abroad are notable, they remain insufficient.

Bare-Bones US Investigations

The Obama administration only investigated the CIA for torture and other abuse, probing more than 100 cases but ultimately declining to bring any charges. The administration limited its investigations to instances in which interrogators exceeded legal authorizations, disregarding that the authorizations themselves were unlawful. For example, the Obama Justice Department declined to bring charges against any CIA officials for deliberately destroying 92 videotapes in 2005 that contained direct evidence of torture. It also declined to prosecute anyone for the deaths of two men in CIA custody after brutal interrogations in 2002 and 2003. One of those men, Gul Rahman, froze to death in November 2002 in a CIA black site dubbed "The Salt Pit" near Bagram in Afghanistan. Rahman died after his captors left him shackled to a cement wall in near-freezing temperatures, naked from the waist down. In the preceding days CIA interrogators had kept him awake for 48 hours, blasted him with noise, immersed him in complete darkness and isolation, and doused him with cold water, among other abuses. In fact, rather than prosecuting those officers responsible for Rahman's death, four months later the CIA bestowed a "cash award" of \$2,500 to the officer who had ordered his shackling for his "consistently superior work." The CIA promoted or gave bonuses to several other staff members who participated in the torture program.

The other case involved Manadel al-Jamadi, who died in 2003 at Abu Ghraib. US military and CIA interrogators subjected al-

Jamadi to “blunt force trauma” that broke five of his ribs, then suspended him from a barred window by his wrists, naked from the waist down with a sandbag on his head, where after a half-hour he slumped over and stopped responding. Upon realizing al-Jamadi was dead, his captors packed his corpse in ice, wrapped it in plastic, stuck an intravenous drip into his arm and pretended he was on life support as they wheeled him out. US Army reservists posed for photographs with his ice-packed corpse, smiling with thumbs up. In both the Rahman and al-Jamadi cases, the Justice Department claimed, astonishingly, that “the admissible evidence would not be sufficient to obtain and sustain a conviction beyond a reasonable doubt.” Only small numbers of lower-level participants in US military abuse have faced justice. Of the 27 soldiers and officers against whom US Army investigators had recommended criminal charges for the torture and, in two cases, deaths of Bagram detainees, only 15 were prosecuted, in 2004 and 2005. Of these, only six were convicted – five in guilty pleas and one at trial. The most severe punishment was five months in a military prison. Following the release in 2004 by the “60 Minutes” television program of some of the hundreds of photos documenting the rampant abuse of prisoners at Abu Ghraib, 11 US soldiers were prosecuted and convicted in military trials, including two who posed with al-Jamadi’s corpse. But the higher-ranked officers who knew of the abuses, and the private military contractors who also participated, evaded justice.

In 2017 the psychologists Jessen and Mitchell settled a lawsuit brought by the American Civil Liberties Union, paying an undisclosed sum to two torture victims and the family of Rahman.

Rather than investigating and prosecuting government officials who participated in or advocated torture, Trump promoted some of them. Those he promoted include Gina Haspel, his second CIA director, who reportedly oversaw torture at the CIA’s first black site in Thailand and played a key role in destroying the videotaped evidence of torture. Michael Pompeo, Trump’s second Secretary of State and first CIA director, as a member of Congress defended the torture program as “within the law.” During his confirmation hearings for CIA director, Pompeo acknowledged that “enhanced interrogation techniques” were illegal under the 2015 McCain-Feinstein Amendment, but not that they also violated US and international law at the time the Bush administration authorized them and the CIA used them. Trump in 2018 nominated Marshall Billingslea to oversee the State Department’s human rights work although as a Bush administration official he had advocated harsher interrogation methods for men detained at Guantánamo. After the Senate deadlocked over Billingslea’s nomination, at least in part because of his record on torture, Trump appointed him to a position not requiring Senate approval.

Nine years after the release of the heavily redacted summary of the 6,700-page Torture Report – less than one-tenth of the total text – Biden has shown no more inclination than his two predecessors to release the full contents. His administration has also deflected questions on CIA abuse from the UN Committee Against Torture, the body that monitors countries’ compliance with the Convention Against Torture. “[F]or reasons of privacy, the United States is not in a position to disclose the information sought with regard to Central Intelligence Agency (CIA) detained persons rendered to other countries,” reads a US submission to the committee from September 2021.

Keeping the report classified prevents the public from fully understanding the torture program, shields the identities of the torturers, impedes the ability of torture victims to access medical records relating to their abuse, and further prolongs arguments over national security classifications during pre-trial hearings at Guantánamo.

Insufficient Accountability Abroad

Several other countries have provided compensation to former detainees held by the CIA or the US military in cases where their own authorities also committed wrongdoing, or have prosecuted some of those implicated in these abuses. Though foreign countries have done more than the US, their responses – most court-ordered – have also in many cases been insufficient. Significantly, the European Court of Human Rights has found that five European countries – Macedonia, Poland, Italy, Romania, and Lithuania – violated provisions in the European Convention on Human Rights by collaborating with the CIA’s RDI program. The violations included the prohibition on torture and ill-treatment and the right to liberty and security. The court ordered the countries to pay damages to their 20 known victims. The U.K. has paid more than \$28.8 million USD to Iraqi victims to settle complaints linked to numerous, well-documented war crimes and other abuses that it committed as a partner in the US-led invasion of Iraq. However, the U.K. has only prosecuted its military forces for one of these crimes, the beating to death of Basra hotel receptionist Basa Mousa in British custody. The U.K. government shelved an independent inquiry into its forces’ involvement in post-9/11 extraordinary renditions and torture. It also shut down the principal investigation team into alleged crimes by U.K. forces in Iraq before it had completed its work, following pressure from some media and members of parliament. In 2017 Canada apologized and paid \$10.5 million CA (\$8.1 million USD) in damages to Omar Khadr, a former child soldier who was 15 when US forces captured him in 2002 during a firefight in Afghanistan. Khadr, who was severely wounded, was held for three months at Bagram and for a decade at Guantánamo, during which time he alleges that he was brutally tortured. In 2010, Canada’s Supreme Court found that Khadr’s rights were violated when Canadian intelligence officials interrogated him at Guantánamo.

In 2009 and 2012, Italy convicted a total of 25 alleged CIA agents and one US Air Force colonel for the kidnapping in Milan of an Egyptian cleric known as Abu Omar, who was then handed over to Egypt via Germany and allegedly tortured for four years while held without trial. Because the convictions were in absentia, none of the Americans convicted served prison time.

International Criminal Court

Both the Trump and Biden administrations have sought to thwart any accountability for international crimes by US forces before the International Criminal Court (ICC). In 2020, Trump imposed unprecedented sanctions on ICC staff including the prosecutor at the time, after the court's judges authorized an investigation into alleged war crimes and crimes against humanity in connection with the conflict in Afghanistan that could have included abuses by US nationals. In April, the Biden administration lifted the US sanctions against the court's members but made clear it continued to oppose the court's jurisdiction over US nationals and personnel in Afghanistan. In a move castigated by critics as capitulation to political pressure from Washington, the new ICC prosecutor, Karim Khan, announced in September that he had sought permission from one of the court's pre-trial chambers to proceed with the investigation but that he intended to focus only on grave crimes allegedly committed by the Taliban and ISIS-K and "deprioritize" those allegedly committed by the US military, CIA, and forces of the former Afghan government. Khan's action risks not only perpetuating impunity for apparent US war crimes but also undermining the already fragile legitimacy of the ICC, the world's only permanent court entrusted with prosecuting the most serious international crimes including war crimes and crimes against humanity.

As a court of last resort, the ICC can only intervene in cases where a state is unable or unwilling to carry out investigations and prosecutions. Only if the US were to change course and genuinely seek criminal accountability for the grave abuses committed by the US military, CIA, and contractors in relation to the Afghanistan conflict would it be in a position to legitimately challenge the ICC jurisdiction in those cases.

Costs at Home and Abroad

The corrosive repercussions of the Bush-era detention and interrogation abuses continue to this day, both at home and abroad. They have cost US taxpayers trillions of dollars and militarized police responses at home. They have robbed victims of 9/11 and other extremist armed attacks of justice and shattered the lives of foreign men who were brutally detained for years without charge. They have given cover to foreign governments to carry out their own unlawful detention and torture with impunity and to dismiss US human rights diplomacy as hypocrisy. They have shaken the foundations of the international human rights system, jeopardized the safety of US citizens abroad, and handed a propaganda tool to armed groups like Al Qaeda and ISIS.

Domestic Costs

The "War on Terror" has cost US taxpayers trillions of dollars and the detention component has easily run into the billions. Because much information on US unlawful detention and interrogation is classified, the true cost of those practices to taxpayers remains elusive. Nevertheless, a few studies underscore the enormous sums involved.

US taxpayers are spending \$540 million a year just to detain prisoners at Guantánamo, which comes to nearly \$13 million annually per prisoner, according to a 2019 investigation by The New York Times. This estimate includes the cost of nearly 2,000 guards, health care for aging detainees whose medical needs are complicated by the abuse they suffered in CIA black sites or in Guantánamo itself, and the military commissions. The true costs could be far higher as the estimate does not include classified expenses, such as the CIA presence at the base. By 2018, the "War on Terror" had cost US taxpayers nearly \$3 trillion, according to a study by the Stimson Center think tank. Brown University's Costs of War project, the publisher of this paper, in September 2021 estimated the figure to be more than \$5.84 trillion, or \$8 trillion counting estimated future care for veterans through 2050. The studies do not include breakdowns for detentions abroad.

While outside the scope of this paper, the fallout on the domestic criminal justice system has also been extensive. Across the US, the September 11 attacks ushered in warrantless surveillance, allowing the government to obtain citizens' most sensitive data without any suspicion of wrongdoing. They spurred further militarized approaches to policing and religious, racial, and ethnic profiling in predominantly Muslim, Black, and brown communities. They also ushered in abusive investigations, prosecutions, and detention conditions for Muslim American terrorism suspects.

A 2014 report by Human Rights Watch found a pattern of sting operations against Muslim Americans that facilitated or invented targets' willingness to act, imposed unnecessarily restrictive detention conditions – including prolonged solitary confinement and curtailed pretrial communications that possibly impeded suspects' ability to assist in their own defense – and resulted in excessive prison sentences. These practices "have alienated the very communities the government relies on most to report possible terrorist threats and diverted resources from other, more effective ways of responding to the threat of terrorism," Human Rights Watch said.

No Justice for September 11 Victims and Families

The US government's reliance on deeply flawed military commissions, along with other due process failures, has not only violated the rights of the men held at Guantánamo. It also has deprived survivors of the 9/11 attacks and families of the dead

of their right to justice. While the 9/11 case remains mired in pretrial hearings, with the latest judge saying the actual trial will not commence until at least late 2022, US federal courts have prosecuted hundreds of defendants on terrorism-related charges, including in complex and high-profile cases such as the first World Trade Center bombing in 1993. To be sure, terrorism-related prosecutions in US federal court have their share of flaws. But had the September 11 defendants been prosecuted in federal court from the start, their trials almost certainly would have concluded years ago.

Survivors and family members of 9/11 victims struggle even to have their day in court in pretrial proceedings. Seats are limited at the small courthouse at Guantánamo, so survivors and relatives of the dead must enter a lottery to attend a hearing in person. Their only other option is to watch the proceedings through closed circuit television channels at a small number of US military bases or at the Pentagon. While some relatives of 9/11 victims laud the military commissions, others have expressed frustration at the delays, and others still, including some members of the group 9/11 Families for Peaceful Tomorrows, have said that the problematic proceedings contribute to their anguish.

“What has slowly been revealed – year after year – is the lack of care and foresight invested in getting this right,” the group’s co-founder, Colleen Kelly, whose brother was killed on 9/11, told us. “There’s an emotional and psychological cost to the lack of accountability, and the use of a military commission system that has lost all legitimacy.... But the biggest cost I suspect is occurring in ways we are not yet aware of – what happens to a nation’s collective conscience and moral compass when those responsible for horrific wrongdoing are never held accountable? This slow erosion of justice is eating away at our soul, and my heart.” Elizabeth Miller, whose father was killed on 9/11, said the torture of defendants left her doubtful that justice can ever be served. “Losing my father was a traumatic experience,” she said, “but the actions that the US has taken following 9/11, that’s the wound that will never heal.”

Leila Murphy, whose father was killed on 9/11, said she became upset attending pre-trial hearings at Guantánamo because the prosecution team repeatedly told her and the other family members in attendance that they were fighting for her rights as a victim, yet did not consult her on their strategy – including their pursuit of the death penalty, which she opposes on principle. “Being there as a victim really hits home that nobody is actually advancing your interests,” she said. Instead, she said, she felt her name was “used” to “justify acts that you have no relationship with or control over and don’t want to happen.” The use of military commissions and other due process failures have stalled accountability for other mass-casualty attacks as well. For example, nearly a decade has passed since the arraignment of a man held at Guantánamo who is accused in the bombing of the USS Cole that killed 17 US sailors off the coast of Yemen in 2000.

Under pressure from families of 9/11 victims and a bipartisan group of US lawmakers, Biden in September ordered the FBI and other relevant government agencies to release within six months long-classified documents relating to the attacks. The families and members of Congress have said they believe the documents will detail connections between the government of Saudi Arabia and the 19 alleged hijackers, 15 of whom were Saudi. The first released document, from 2016, shows a closer relationship than had been previously disclosed between the hijackers and two Saudis, including one with diplomatic status, but does not directly link those attackers to the Saudi government. Biden’s move, while welcome, is only one modest step toward closing the post-9/11 accountability and transparency gaps.

Costs to US Influence and the International Human Rights System

The US unlawful renditions, detentions, and interrogations since 9/11 and its failure to end impunity for these crimes undermine the very human rights principles that Washington historically championed and that Obama and Biden pledged to re-embrace. These practices also threaten the international treaties and monitoring bodies that the US was deeply involved in creating in the aftermath of World War II with the aim of upholding rights for everyone. By flouting the Geneva Convention prohibitions on inhumane treatment of prisoners and unlawfully attacking civilians, expanding the so-called War on Terror to groups that did not exist at the time of 9/11 and to areas far from any recognized battlefield, circumventing minimum due process standards enshrined in the ICCPR, equivocating on consideration of torture-tainted evidence despite the Convention Against Torture’s clear prohibition on its use in proceedings, failing to respond to questions from the Committee Against Torture on CIA abuse, and bullying the International Criminal Court rather than genuinely investigating grave abuses abroad by its own military and intelligence agents, the US has made it easier for other countries to deflect international condemnation of their own serious human rights violations.

Of course, many countries practiced abhorrent detention and brutal interrogation and flouted international legal standards and institutions long before 9/11. But by institutionalizing these practices over three successive presidencies, the US has signaled to the rest of the world and to its own security and intelligence services that the universal rights it purports to champion are dispensable when countering Islamist armed groups.

Not surprisingly, this has undercut the US government’s credibility when it calls out other countries for carrying out their own abuses.

“The devil preaches!” wrote the editor-in-chief of state-owned Al-Ahram, Egypt’s largest daily, in a 2010 editorial excoriating

the Obama administration for urging greater freedoms in the Arab world while failing to close Guantánamo. Fast-forward to the Biden presidency and Al-Ahram was still promoting that narrative. “At a time when the US directed accusations against Egypt,” a pro-government member of parliament wrote in an Al-Ahram column, “it ignores the countless violations in Iraq, Afghanistan, Abu Ghraib prison, Guantanamo Bay and others!” In June 2021, following a meeting with Biden, Russian President Vladimir Putin deflected a media question about Russia’s human rights record by raising the continuing US operation of the prison at Guantánamo. Cuba has also jumped on abuse at Guantánamo to deflect US criticism of Cuban rights abuses including its persecution of political prisoners. “There is one place in Cuba where torture occurs,” read the headline of a column in the official Communist Party mouthpiece Granma, following the graphic testimony of Guantánamo detainee Majid Khan in October on his torture in CIA black sites years earlier. “The country that threatens Cuba... has no moral authority to demand anything from anyone. Do as I say and not as I do – a saying that seems fit the empire’s actions perfectly.”

China has long used the so-called War on Terror and the detention of 22 Muslim Uyghurs from Xinjiang province at Guantánamo to justify its mass surveillance, internment, and indoctrination program against Uyghurs and other Turkic Muslims, which Human Rights Watch has found to be crimes against humanity. In 2019, Shohrat Zakir, the official overseeing camps unlawfully detaining as many as 1 million Uyghurs in Xinjiang, similarly criticized US legislation calling for the camps’ closure as hypocritical in light of US counterterrorism measures and detentions at Guantánamo.

Post-9/11 Abuses by US Security Allies

Many of the countries that carry out enforced disappearances, unlawful indefinite detentions, torture, and fundamentally flawed trials in the name of national security are close US counterterrorism allies. While in some cases, the US has sought to curb these abuses, often to little avail, in others it has shown a willingness to overlook them. Mass Detentions and Flawed Trials

In northeast Syria, the Kurdish-led Syrian Democratic Forces, which partnered with the US-led International Coalition Against ISIS to rout ISIS from its so-called caliphate, has for more than 2.5 years held about 45,000 foreign ISIS suspects and family members in deeply degrading, life-threatening and in many cases inhumane conditions, with no access to courts to challenge the legality and necessity of their detention. Most of the foreigners are Iraqi while nearly 14,000 others are men, women, and children from nearly 60 countries as far flung as Australia, Canada, France, Egypt, Morocco, South Africa, Trinidad and Tobago, Tunisia, and the U.K. Of the non-Iraqi foreigners, nearly 12,000 are women and children held in locked camps, while the rest are men and boys held in severely overcrowded prisons. Only a few countries, including Russia, Kazakhstan, Tajikistan, and Uzbekistan, have brought home significant numbers of detainees. While there are no allegations that the detaining forces are conducting abuses of the kind that blighted the Bush presidency, the inaction of countries whose nationals are held in northeast Syria risks creating a Guantánamo 2.0 with an exponentially larger number of detainees, most of them children. Allies have for the most part ignored repeated calls by Washington for them to repatriate their nationals. Few have taken up the US military’s offers to help them do so.

In Iraq, more than 50,000 people were detained as of September 2021 for links to ISIS or other terrorism-related charges and half were sentenced to death, according to the country’s Ministry of Justice. At least 20,000 were detained since 2013. The prisoners reportedly include more than 700 foreigners. Many defendants were reportedly detained because their names appeared on inaccurate wanted lists or because they were family members of listed suspects. The detainees include more than 900 children. At least 280 of those convicted of terrorism had been executed as of January 2021. Many defendants have been convicted of membership in or support for ISIS rather than for specific crimes. Not one has been convicted of grave international crimes, for example for the mass conversions, sexual enslavement, and killings of Yazidis, which amount to war crimes and may be crimes against humanity or part of a genocide.

Defendants are often held incommunicado in inhuman conditions. Defense lawyers’ access to their clients’ case files is severely restricted. Convictions are largely based on secret testimony or confessions. The courts can convict children as young as nine years old. Judges have routinely handed out life sentences or even the death penalty to lower-level foot soldiers or cooks, mechanics, and cleaners. They have been observed issuing such sentences without first considering defendants’ testimony that their confessions were extracted through torture, or that their affiliation with ISIS was involuntary, or even their only way to survive in areas the group controlled. Iraq has not prosecuted widely reported war crimes by Iraq armed forces and allied militia.

Nigeria has held at least 6,500 Boko Haram suspects in military prisons, some for up to nine years without charge. The security forces also detained more than 3,600 children for months or years for alleged Boko Haram ties. The children were held incommunicado and often without charge in severely overcrowded and squalid detention centers, and have alleged that they were beaten and lacked enough food. Half of the children reportedly were released in 2019 and 2020.

After years of inaction, the Nigerian authorities prosecuted more than 1,660 alleged Boko Haram members in three mass trials in 2017 and 2018, resulting in approximately 360 convictions. Most of the other cases were dismissed for lack of evidence, and

scores were adjourned. Sentences ranged from 3 to 60 years in prison. The government has repeatedly postponed further prosecutions.

Federal High Court judges conducted the mass trials but in makeshift courts on a remote military base, making them inaccessible to victims and family members. Defendants described being held incommunicado in overcrowded military barracks for months or years without charge. They said torture was widespread and that some prisoners were dying of hunger, thirst, and inadequate medical care.

Most of those convicted were lower-level suspects found guilty of membership or providing non-violent support to Boko Haram for acts such as repairing vehicles, washing clothes, supplying food, or failing to provide the government with information about the group despite the risks of reprisal.

The courts lacked official interpreters and many defendants did not see a lawyer until the day of the trial. Convictions were based solely on coerced confessions. Proceedings lasted mere minutes. Most charges lacked specific details, and judges at times failed to consider whether the accused had joined or supported Boko Haram involuntarily. The courts ordered most of the defendants whose cases were dismissed to nevertheless undergo “rehabilitation” despite the lack of evidence against them. Only 10 members of the Nigerian military reportedly have been prosecuted for serious counterterrorism-related offenses.

Nigerian soldiers and security agents have carried out rape and other acts of sexual violence against women and children detained for links to Boko Haram, including many who were abducted by the group, with no accountability. Soldiers reportedly have demanded sex from the women in exchange for food, soap, and other necessities, and the promise of freedom.

In Somalia, intelligence agencies have held children incommunicado, beaten or threatened them, forced them to sign confessions, and denied them lawyers during trial if they suspect them of links to Al Shabab, even when the group abducted the children and forced them to fight.

Egypt’s systematic counterterrorism abuses include mass detention and torture of civil society members in squalid prisons in the name of countering the Muslim Brotherhood, a group Egypt brands as terrorist; apparent extrajudicial executions disguised as shootouts with Muslim Brotherhood “terrorists”; war crimes against inhabitants of North Sinai, home to an ISIS affiliate; and executions of defendants following flawed mass terrorism trials.

The Egyptian government’s dismissal of basic rights extended to its abuse of a visiting American man whom its security forces arrested in 2013, apparently by mistake, in a crackdown on an anti-government sit-in. Despite repeated appeals from Washington to release the man, Egypt held him for more than five years without trial. A year after his conviction on bogus charges in a flawed mass trial, the man died in an Egyptian prison in 2020 after going on hunger strike. Abuses of Former Guantánamo Detainees

Despite diplomatic assurances between Washington and receiving governments for humane treatment, many foreign authorities have abused the men whom the US transferred to third countries or their countries of nationality after detaining them for years without charge at Guantánamo. At least 19 men – one Russian and 18 Yemenis – whom the US ostensibly transferred for “rehabilitation” to the United Arab Emirates between 2015 and 2017 have told family members that the Emiratis detained them without charge in undisclosed locations. The Yemeni men even said they preferred returning to Guantánamo to remaining in the UAE. In 2021, the UAE transferred the 18 Yemenis to their war-torn homeland, apparently against their will. One of the men reportedly was so severely traumatized he did not recognize family members and once home fled, only to be kidnapped by the Houthis, an armed group fighting UAE-backed forces in Yemen. The remaining man held by the UAE, a Muslim Tartar and former soldier and ballet dancer who fled Russia for fear of persecution, reportedly faces forcible repatriation to Russia despite grave risks of abuse there.

In 2021 several UN independent human rights experts called on the UAE to not forcibly repatriate the Russian and Yemeni detainees, noting that they face “a risk of torture and ill-treatment” in their countries of origin.

Men repatriated from Guantánamo have also been treated harshly by authorities in their countries of nationality. Mohamedou Ould Slahi of Mauritania, for example, was repatriated from Guantánamo in 2016 after the US held him for more than 14 years without charge. Under reported pressure from the US, Mauritania for three years refused to provide Slahi with a passport he had sought to travel abroad for medical treatment. Slahi suffered from back pain resulting from an operation at Guantánamo.

Few Consequences for Allies’ Abuses

Successive US presidents since 9/11 have further lowered the bar for other countries by making tepid attempts at best to impose consequences for counterterrorism allies’ abuses. The US continues to provide well over \$1 billion annually in aid to Egypt, nearly all of it security assistance, and senior officials have largely refrained from robust condemnations of President Abdel Fattah al-Sisi although he has ushered in the country’s worst human rights abuses in decades. In September 2021 the

Biden administration froze \$130 million in aid until Egypt meets certain – undisclosed – human rights benchmarks, far short of the freeze of up to \$300 million that Congress had approved.

In contrast to the Trump White House, the Biden administration has called out Saudi Arabia on its deplorable human rights record, which also includes unlawful detentions and torture of activists and others falsely labeled terrorism suspects, and flawed mass terrorism trials and executions. Notably, it also has temporarily frozen a large sale of offensive weapons to Riyadh over human rights concerns. But in November it approved \$650 million in missiles and missile launchers to the kingdom for “defensive purposes.” Moreover, the US has sidestepped calls for sanctions against the de facto Saudi leader, Crown Prince Mohammed bin Salman, notwithstanding a US intelligence assessment that he approved the killing of the journalist Jamal Khashoggi.

Torture as a Boon to Armed Extremist Groups

Islamist armed groups have also profited from US abuses since 9/11, making these practices not only unconscionable and unlawful but also counterproductive. ISIS has used these abuses as a propaganda tool to both lure recruits and justify its own abhorrent acts, for example by putting hostages from the US and other countries in orange jumpsuits, such as those worn by prisoners at Guantánamo, before executing them. As a group of US security, intelligence, and interrogation professionals wrote in a joint statement upon the release of the Torture Report summary, torture can “serve as a foundational theme for recruiting campaigns designed to attract others to violent extremism” and “invites reciprocity” by armed groups holding US captives. For those being subjected to abuse, “[t]orture and other forms of abusive or coercive techniques often serves to strengthen an individual’s resolve to resist [and] deepen his commitment to a cause,” they said. To be sure, a range of reasons, many unrelated to US acts or policies, have compelled people to join armed groups such as Al Qaeda, ISIS, Boko Haram and Al Shabab. But abuses by US forces have undoubtedly fueled grievances within marginalized Muslim communities and contributed to the Islamist armed extremist narrative that the US and its Western allies are waging a crusade against Muslims. “Perceived US abuses of and lack of due process for detainees at Abu Ghraib and Guantanamo Bay” remains “a key driver” of foreign terrorist fighters to Iraq and is “undermining international confidence in the United States’ ability to conduct an effective war on terrorism that remains true to American values,” a confidential US diplomatic cable warned as far back as 2006. Torture is also ineffective, prompting its victims to say anything, even if it is false, to get their torturers to stop the pain. As the declassified summary of the Torture Report notes, at no time did the CIA’s coercive interrogation techniques produce intelligence of an imminent threat. Rather, according to the CIA’s own memos, those held in CIA black sites in response to 9/11 who provided significant accurate intelligence did so prior to or without having been subjected to “enhanced interrogation techniques.” Conversely, multiple CIA detainees fabricated information under and following torture, resulting in faulty intelligence including on critical issues such as terrorist threats. Recommendations

It is not too late for the US to mitigate some of the damage from its unlawful detentions, torture, and other violations of the rights of both victims and suspects. The Biden administration should promptly implement measures aimed at ending crimes and violations perpetrated under the rubric of the War on Terror, including unlawful air strikes and raids that kill or injure civilians both in and out of recognized war zones. Those reforms should include increasing transparency and accountability when operations go awry.

Biden should stand firm on his vow to close the US prison at Guantánamo and end the deeply flawed military commissions system. He should send the prisoners who cannot be prosecuted home – or to third countries should repatriation present risks of torture or other ill-treatment. The president should press Congress to lift the ban on transferring the rest to the US for prosecution in federal courts without using torture-tainted evidence, and, for those convicted, to serve their sentences in federal prisons.

If he cannot garner sufficient support from Congress, Biden should use his executive authority to empower the Justice Department to pursue plea agreements in federal courts, through videoconferencing if necessary. In addition, Biden should declassify the RDI program as well as the entire Torture Report, redacting only what is strictly necessary to protect national security, to help provide a full public accounting. Biden should provide redress and rehabilitative services for victims. The President should also acknowledge wrongdoing and apologize to victims of torture and other unlawful practices.

Furthermore, Biden should direct the attorney general to appoint a special prosecutor to conduct a thorough, independent, and credible investigation into US government detention practices and interrogation methods since 9/11, with an eye toward prosecutions. The investigation should examine the role of US officials, no matter their position or rank, who participated in, authorized, ordered, or had command responsibility for torture or ill-treatment and other unlawful detention practices, including enforced disappearance and rendition to torture.

The US Congress should create an independent, impartial commission to investigate enforced disappearances, extraordinary renditions, torture, and other abuses of detainees in US custody since 9/11. Such a commission should hold hearings, have full subpoena power, compel the production of evidence, and have authority to recommend appointing a special prosecutor to investigate possible criminal offenses, if the attorney general has not yet opened such an investigation.

Judicial authorities in other countries should exercise universal jurisdiction, or other forms of jurisdiction as provided under international and domestic law, to prosecute nationals from the US or elsewhere alleged to be involved in serious international crimes against detainees since 9/11. Governments that participated in the RDI program should also ensure impartial and independent criminal investigations into the roles of their own nationals and prosecute those implicated in crimes.

Unless it conducts genuine investigations domestically, the US should encourage inclusion of abuses by US nationals in the International Criminal Court's investigation of grave crimes in Afghanistan.

While these steps will be politically challenging, they are the only option, should the US wish to uphold the rule of law and its proclaimed values, and protect fundamental rights including the right to life. The only victors in maintaining the status quo are governments seeking justification for unlawful practices in the name of security, and groups like Al Qaeda, ISIS, and their offshoots, which point to US abuses to underscore their narrative that the West is at war with Islam.

Holding \$9 Billion Hostage, US Offers \$300 Million as Afghan Starve (Common Dreams) By Jake Johnson
January 11, 2021

By freezing Afghan government assets, one critic argued, "President Joe Biden is committing a crime against humanity."

The Biden administration said Tuesday that it will contribute roughly \$308 million to humanitarian assistance efforts in Afghanistan, where millions are on the brink of starvation and at risk of freezing to death in the aftermath of the U.S.-led war.

But the newly announced aid falls far short of estimates of the war-torn country's immediate needs and pales in comparison to the \$9.4 billion in Afghan government assets that the Biden administration is refusing to unfreeze, despite growing pressure from progressive members of Congress and human rights advocates.

"U.S. actions do not harm the Taliban. In the bitter winter, it pushes millions of ordinary Afghans to misery and death."

On Tuesday morning, the United Nations launched what was described as its "largest single country aid appeal ever," requesting just over \$5 billion in assistance that officials said would go toward providing food and other relief to Afghans struggling to survive as winter sets in. "This is a stop-gap, an absolutely essential stop-gap measure that we are putting in front of the international community today," said U.N. Emergency Relief Coordinator Martin Griffiths. "Without this being funded, there won't be a future."

David Miliband, president and CEO of the International Rescue Committee (IRC), said in a statement Tuesday that the new U.N. appeal "confirms what IRC staff see every day: the people of Afghanistan are being pushed towards the brink of disaster, and for some already beyond the brink, by a misguided policy mix that is punishing the Afghan people for political differences between the international community and the Afghan government."

The group estimated Tuesday that IRC health clinics in Afghanistan saw a thirty-fold rise in acutely malnourished children in the one-month period between November and December 2021.

"The proximate cause of today's humanitarian disaster," Miliband argued, "is clear: the economic tourniquet applied to Afghanistan, with the withdrawal of budgetary support to pay civil servants (including teachers and doctors), a freeze on Afghan assets, and broad-ranging sanctions despite exemptions for humanitarian work, is having a brutal and obvious effect." "The economic withdrawal following the military withdrawal is indefensible and needs urgent repair," he added, "not just with more humanitarian aid but with a change of approach by governing bodies of World Bank and International Monetary Fund as well as donor governments."

In August, the Biden administration froze over \$9 billion in Afghan government assets held largely in U.S. bank accounts after the Taliban retook control of the nation's capital. The administration has also kept in place a sanctions regime that critics and rights groups say is suffocating the nation's economy and hindering the flow of aid, despite exemptions that U.S. officials claimed would allow humanitarian assistance efforts to continue unabated.

"Cutting off all development aid and the freezing of Afghan financial assets are hurting civilians," Vicki Aken, the IRC's Afghanistan director, said Tuesday. "The grim reality is that disease and child malnutrition are rising as health workers go without pay and hospitals go without medicine, while nine million Afghans are on the brink of famine conditions against the backdrop of massive economic collapse."

Last month, as Common Dreams reported, nearly 50 House Democrats led by Reps. Pramila Jayapal (D-Wash.), Sara Jacobs (D-Calif.), and Jesús "Chuy" García (D-Ill.) implored the Biden Treasury Department to unfreeze Afghan government funds and consider lifting sanctions that are "creating a chilling effect for financial institutions and aid organizations."

"Afghanistan's economic pain and humanitarian collapse both threaten to trigger a new refugee crisis throughout the region," the lawmakers warned.

Ashok Swain, a professor of peace and conflict research at Uppsala University in Sweden, argued Monday that "President Joe Biden is committing a crime against humanity" by refusing to release Afghan government funds.

"During its 20 years of presence, the U.S. had spent 2.3 trillion dollars on Afghanistan," Swain noted in a column for Gulf News. "Though it lost 6,000 of its troops and private security contractors, the loss of life in Afghanistan, on the other hand, was at least 300,000, with more than 2.5 million Afghans displaced. When the U.S. left, more than one-third of the population had no food, half had no access to drinking water, and two-thirds had no electricity."

"The blocking of funds by the U.S. and its allies have devastated Afghanistan's struggling economy," he added. "U.S. actions do not harm the Taliban. In the bitter winter, it pushes millions of ordinary Afghans to misery and death."

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

ECCC plans \$16 mil 2022 budget (Khmer Times) By Son Minea

January 3, 2022

This year the The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) will spend \$16 million for its work, meanwhile it is expected to announce Khieu Samphan's verdict in the fourth trimester of 2022.

The budget breaks down with the international side spending \$11.52 million and the government supplying the remaining \$4.66 million. With more than \$16 million, it is hoped that this will help the ECCC in its final stages to set up mechanisms and procedures to close the 15-year-old tribunal with quality and efficiency.

ECCC spokesman Neth Pheaktra told Khmer Times yesterday that the budget for the 2022 tribunal will not be an issue, as donor countries, including the Cambodian government, have guaranteed support to close tribunal successfully.

The Khmer Rouge Tribunal, which has been in operation since 2006, had a budget of only \$56.5 million for the three-year functioning of the Chamber. However, the work of the tribunal has lasted for more than 10 years and it is not over yet.

The tribunal has spent more than \$330 million, of which the international side has absorbed more than \$235 million dollars.

Pheaktra explained that due to the complex cases related to the Khmer Rouge Tribunal, there are up to four cases, with the investigation process for incidents that happened more than 40 years ago, the translation of millions of pages and the implementation of multi-system legal procedures.

The tribunal's total budget expenditures alone were far lower than the billions of dollars spent by the International Criminal Court in former Yugoslavia. Despite criticism and contradictions from some observers of the Khmer Rouge Tribunal, Pheaktra maintains that the tribunal is less costly and more efficient.

Of all the donors to the Khmer Rouge tribunal, Japan was the largest donor with \$88 million, followed by the Cambodian government with \$42 million. Australia, the United States, the European Union, Germany, Sweden, the United Kingdom, France and Norway have also helped the tribunal from \$10 million to more than \$30 million.

Following the appeal hearing to be held from August 16 to 19, the ECCC is expected to announce its final verdict in Case 002/02 against Khieu Samphan, former head of state during the Khmer Rouge regime.

“The Supreme Court Chamber expects to announce the final verdict of Samphan’s case in the fourth trimester of 2022,” Pheaktra said.

Genocide charges against ex-Khmer Rouge navy commander Meas Muth were dropped by the ECCC on December 17 last year. It also dismissed the International Co-Prosecutor’s request to send Case 004 against Yim Tith to trial on Tuesday last week.

Cambodia’s last genocide case stands dismissed (UCA News) By Luke Hunt

January 4, 2022

The Khmer Rouge tribunal has dismissed charges of genocide brought against Yim Tith, a former mid-level commander who served under Pol Pot and is now a successful businessman.

Yim Tith was also charged with crimes against humanity, grave breaches of the Geneva Conventions of 1949 and violations of the 1956 Cambodian Penal Code.

A brief statement from the Extraordinary Chambers in the Courts of Cambodia (ECCC) said the Supreme Court Chamber decided on Dec. 28 to terminate Case 004 against Yim Tith in the absence of an enforceable indictment.

National and international co-investigating judges then unanimously ordered Case 004 to be archived on Dec. 29, ending an eight-year battle by court investigators.

Yim Tith rose to power after the Khmer Rouge took control of Phnom Penh in April 1975 and was believed to be behind crimes committed by its cadres.

The decision in his case was not unexpected with the ECCC winding down its 16-year operation targeting surviving senior leaders of the Khmer Rouge, blamed for the deaths of about two million people between 1975 and 1979 when Pol Pot ruled Cambodia with an iron fist.

It was also made just 10 days after the Supreme Court Chamber reached a similar decision in regards to Meas Muth, a former naval commander, blamed for seizing foreign sailors plying the waters in the Gulf of Siam.

Australians, New Zealanders and Americans among them were all sent to their deaths.

The latest dismissal formally ends any further prosecutions at the ECCC, which now has just one verdict left to consider, an appeal from the defense for former Khmer Rouge official Khieu Samphan against his genocide conviction.

Khieu Samphan, a former head of state, is the last surviving senior member of the Khmer Rouge. Even if his appeal is successful, he will remain behind bars for the rest of his life after the appeals process was exhausted for his 2014 conviction for crimes against humanity.

“The tribunal is nearing its end,” said one seasoned observer who declined to be named.

“Results have been mixed. The ECCC has been dogged by controversy from the start and there was significant political opposition to proceeding with charges against Meas Muth and Yim Tith. Still, the justice served was better than no justice at all.”

Convictions were also secured against Brother Number Two Nuon Chea and Kaing Guek Eav, who was better known as Duch for his ruthless administration of the S21 death camp where 24,000 people were processed for extermination in the Killing Fields.

The court heard there were 196 such camps across the country.

Others including the Khmer Rouge army commander Ta Mok and Pol Pot’s foreign minister Ieng Sary died before justice could be delivered. His wife Ieng Tirth was ruled mentally unfit to stand trial and has also passed away.

Pol Pot died in 1998 when Cambodia’s 30-year civil war came to an end, paving the way for the establishment of the ECCC. In November, King Norodom Sihamoni signed off on legislation that will enable the United Nations-backed ECCC to finalize its mission within the next three years.

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Bangladesh International Crimes Tribunal

Lemkin Institute issues a formal statement on the Bangladesh Genocide of 1971 (The Business Standard)

January 4, 2022

After the British colonial partition of 1947, East Pakistan, today's Bangladesh, remained under the rule of West Pakistan. The partition was based on religious identity -- India became majority Hindu and Pakistan majority Muslim. Although the eastern part of Bengal was given to Pakistan because the majority of its people were Muslim, the West Pakistan government, the center of political, military and administrative power in postcolonial Pakistan, perceived Bengalis as being influenced by Hindus, and, therefore, not "true Muslims."

Due to this perception of Bengalis as a different ethnic, religious, and national group, West Pakistan established discriminatory policies with the intent to destroy their cultural and national identity and impose on them a singular West Pakistan identity. Amongst those policies were the prohibition against speaking Bangla, the imposition of Urdu as an official language, and the violent persecution and repression of a linguistic and cultural opposition that had started right after the partition. During this period of time, many social movements expressing Bengali cultural and national identity were born, such as the "Language Movement" and the "Six-Points Movement," an antecedent to the call for independence.

The genocidal policies of the postcolonial era became expressed in extreme and mass physical violence throughout the entire process of the Liberation War, from its very beginning, when West Pakistan implemented "Operation Searchlight," to the end of the war, when West Pakistan, facing defeat, proceeded to kill thousands of Bengali intellectuals. The atrocities committed by the Pakistani army and the local collaborators - such as razakars, Al Badr and Al Shams - included a systematic policy of sexual violence against Bengalis, the majority of the Bengali Hindu women and girls, involving vicious gang rapes, life force atrocities, sexual slavery, sexual torture, and forced maternity.

The Pakistani Army and local collaborators targeted hundreds of intellectuals from the very beginning of the war through to the infamous events of 14 December 1971, now known as "Martyred Intellectuals Day" in the memory of those who were abducted, killed and buried in mass graves. As in other contexts of emergent nationalist movements, Bengali intellectuals were the icons of cultural resistance against oppression: they initiated protest movements against the racist military regime of Pakistan and articulated demands based in the right to self-determination of the Bengali national group. Amongst those intellectuals who were killed were journalists, philosophers, poets, musicians, writers, professors, film-makers, lawyers, doctors and many other individuals who represented the different aspects of the Bengali identity.

The Lemkin Institute also wishes to highlight the efforts carried out by Bangladesh to bring justice to the victims and accountability for perpetrators by establishing the International Crimes Tribunals of Bangladesh in order to try the Bengali nationals that collaborated with the Pakistani government in perpetrating genocide, war crimes, and crimes against humanity. Judicial accountability must be at the core of any transitional justice and preventative efforts, and the international community should give support to national processes.

Given the lack of a broad international recognition of this crime, the Lemkin Institute calls upon the international community, including the United Nations, to urgently recognize the Bengali genocide as a way to pay tribute to the victims and to hold perpetrators accountable. The Lemkin Institute also calls upon the international community to provide help and support to Bangladesh in its justice efforts, as well as to pressure Pakistan to work with Bangladesh in its search for truth and justice.

Bangladesh: 50 Years And Declining Political Stature – OpEd (Eurasia Review) By Aadersh Hamza Malghani
January 7, 2022

Bangladesh has marked the Golden Jubilee of its birth. 50 years of partition from the western wing of Pakistan means a lot of time where things would have changed for good but is Bangladesh headed in the right direction – politically? We have all been in praise of Bangladesh's economic rise but politically, there is so much of it that gets ignored under the massive censorship imposed by Shiekh Hasina Wajid who is ruling Bangladesh for more than a decade now. Democratic values of once socially diverse and politically rich Bangladesh are fading under that authoritarianism. People of Bengal have historically been very conscious and have stood up for their

rights in different times. Among them were the famous leaders of Pakistan Movement who led the movement with great passion and devotion. However, over the years Bangladesh has started to turn up into a one-party state, where dissent means putting your life in danger.

Any kind of dissent from the state's narrative in Bangladesh on the events from March to December 1971 are not just unendurable but subjected to severe repercussions – if anyone dares to take that step. Recalling an incident from 2014, a British Journalist David Bergman was punished in a contempt of court case for questioning Bangladesh's notorious International Crimes Tribunal (ICT) about the trials conducted on 1971 war. ICT has been sentencing voices of political dissent under the guise of 'betrayal in 1971' which has been condemned by different International Human Rights Organizations including Amnesty International, United Nations and Human Rights Watch. Bergman in his blog writes; "It is a common trope in Bangladesh for the government to allege that those they consider its critics to be "Jamaat supporters", "against the liberation war", and are "haters of Awami League" – all of which have been levelled against me." Bergman is a son-in-law of prominent political figure of Bangladesh, Dr. Kamal Hossain, who is renowned as the father of Bangladesh's Constitution. If someone with such prominent linkages can be subjected to such draconian measures, imagine the magnitude of plight that a normal dissenter goes through in showing any kind of political dissent.

In 2019, famous Indian author and Booker Prize Winner Arundhati Roy was barred to enter Bangladesh for the second time, where she was supposed to speak in Chobi Mela with participation from 21 countries from across the world. After the initial nod, organizers of Chobi Mela were informed that Roy cannot participate in the event due to 'unavoidable circumstances'. Arundhati Roy, quite evidently has been vocal for atrocities and human rights violations across the world but what irked Bangladesh was rather insane – her 2011 video in which she claimed that Pakistan Army was never used against its own people. Her statement was criticized in Bangladesh and ever since she has faced hostile treatment from the Government of Bangladesh. Arundhati Roy later clarified her stance but that did not end her censorship in Bangladesh.

In Bangladesh, one political party Jamaat e Islami faces complete ban with all its factions including the student wing on bizarre charges of its charter being not in line with Bangladesh's constitution – just because it puts the Islamic values first. While in complete contrast to that, Chhatra League – the student wing of ruling Awami League acts as a vigilante mob persecuting anyone who disagrees with them and their leader Shiekh Hasina. In 2019, Fahad Abrar, a 21 years old student from Bangladesh University of Engineering and Technology (BUET), questioned Shiekh Hasina's dealings with India in one of his Facebook posts. Fahad stated that the Bangladesh's recent dealings with India are compromising Bangladesh's own National Interests. His post went viral in no time for it was backed with concrete facts. What followed next was brutal and insane. Members of Chhatra League were unleashed onto him, not one or two but twenty five of them who murdered Fahad in his hostel dorm. Recently, twenty of them were given death sentence by the lower court of Bangladesh but independent observers doubt if the justice would be served because Bangladesh has a history of Presidential pardon given to highly accused murderers, especially in political cases.

Biharis in Bangladesh are still living in constant fear of persecution, not so different from India where they are being deprived of their very basic rights by getting their citizenship revoked in the aftermath of National Register of Citizens (NRC). From the Bihari massacre of 1971 to the unfortunate Kalshi clashes of 2014, Bihari community still long for justice in Bangladesh where the Law Enforcement Agencies (LEAs) are among the major human rights violators. Former Chairman of Bangladesh's National Human Rights Commission (NHRC) Mizanur Rehman confirmed that 90% complaints of human rights violations that they received were against different law enforcement agencies including Bangladesh's elite, RAB (rapid action battalion). Will the trial court of Bangladesh put these and other cases of Bihari persecution from 1971 into trial as well? Or the court is just staged up to follow a one-sided agenda?

On the 50th Victory Day Celebrations in Bangladesh, one thing which outshone everything else was the overwhelming presence of Indian dignitaries stamping their illegal intervention in 1971 and the events that preceded that. Over the years, in Hasina's regime Bangladesh has tilted a lot towards one particular neighbor, which to their bad luck surrounds them from three sides. This inclination is partially because of her own political bias and partially because of the continuous bullying that it faces from India leaving them with very little choices. It is now up to the people of Bangladesh, especially the diaspora to see and question if Bangladesh is gradually being left with no other friends internationally? Is this the liberty that they longed for – A state where a certain lot is unquestionable and political dissent is becoming costlier with each passing day? The incumbent authoritarianism is becoming a threat to Bangladesh's multiplicity, which used to be its identity and pride worldwide. The people of Bangladesh will have to do an internal reflection and take a leap, before the prevalent suppression eats up their society internally.

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War Crimes Investigation in Myanmar

Cambodian PM's rogue diplomacy a threat to Asean, Myanmar (Inquirer)

January 11, 2022

Cambodian Prime Minister Hun Sen's official visit to Myanmar, his meeting with the self-declared State Administration Council leader Min Aung Hlaing, and their joint press statement, are a "brazen and dangerous" attempt to seize the initiative away from the Association of Southeast Asian Nations' (Asean's) collective approach to the crisis in Myanmar, says a rights body Tuesday.

"It is a brazen attempt by these two coup leaders to hijack Asean for their own authoritarian purposes, undermining the Myanmar peoples' fight for democracy and human rights," said Charles Santiago, Chair of Asean Parliamentarians for Human Rights (APHR) and a Malaysian Member of Parliament (MP).

Santiago said the joint statement released by the Cambodian Prime Minister with the leader of the illegal junta, Senior General Min Aung Hlaing, is a misguided and dangerous attempt to deceptively portray a breakthrough, when in fact his unilateral actions have dramatically weakened Asean's collective leverage to solve the Myanmar crisis.

Asean Parliamentarians for Human Rights and Progressive Voice called on the other eight members of Asean to jointly demand that Cambodia, as Asean Chair, adheres to the five-point consensus and works within the collective framework that has been maintained since its founding 55 years ago.

If no urgent actions are taken, they said, the other members risk colluding with Hun Sen in furthering the destruction of the unity, integrity, and credibility of Asean, while the junta continues its terror campaign against the people of Myanmar. "We call on Asean leaders to reiterate their commitment to support the Myanmar people's aspirations to achieve peace, freedom, democracy, and respect for human rights in their country," APHR said.

It is clear that Myanmar's military has displayed a flagrant lack of respect for Asean, and in fact since its coup attempt on February 1, 2021, it appears to have used the bloc to try to gain legitimacy while at the same time intensifying brutal reprisals against the people of Myanmar, APHR said.

PM Hun Sen has chosen to be complicit in their strategy by recklessly attempting to legitimize the junta against the collective will of Asean leadership, it said.

"Hun Sen should know better, having lived through the Khmer Rouge genocide, than to act as an accomplice to the Myanmar junta that is accused of genocide, crimes against humanity, and war crimes. Hun Sen and the junta's attempt to deceive the world that they are making progress to resolve the situation is blatantly dishonest, and Myanmar people are not fooled by it," said Khin Omar, founder of Progressive Voice.

Omar also said the last thing they need is another dictator supporting Min Aung Hlaing's campaign of terror.

"Has Hun Sen forgotten the millions of Cambodian people who suffered through their own genocide? Hun Sen's hijacking of Asean through its Chairmanship should not facilitate continuation of the junta's own killing fields against the people of Myanmar. This is unacceptable and Asean leaders have the responsibility to stop this."

The other eight members of Asean must jointly demand that Cambodia adheres to the five-point consensus and works within the collective framework of Asean to tackle the multiple urgent crises in Myanmar, APHR said.

Myanmar teak export continues to fund military junta (Vatican News) By Robin Gomes

January 12, 2021

Following last year's 1 February military coup in Myanmar, the US Treasury in April imposed multiple targeted sanctions directed against the junta, including banning dealings with Myanmar Timber Enterprise (MTE). The state-owned company is the sole authority overseeing the export of timber selling it through auctions to private companies.

Even though its natural forests are dwindling, Myanmar is the world's biggest producer of teak, one of the most valuable

hardwoods with a variety of uses such as in yachts, home flooring, doors, shipbuilding, outdoor decking, window frames and furniture.

US imported 1,600 tonnes of Burma teak

Justice for Myanmar, a rights group campaigning for justice and accountability for the people of Myanmar, compiled data from Panjiva, a New York-based global trade data company, showing that American importers were still receiving shipments of teak from Myanmar. Data showed that nearly 1,600 tonnes of Burma teak were imported by US companies in 82 different shipments between February 1 and November 30, 2021. Among these companies are East Teak Fine Hardwoods, J. Gibson McIlvain, Kingsley Bate Warehouse, Lumberbest, and World Panel Products. This indicates that companies are circumventing sanctions by trading via intermediaries, keeping the link to MTE indirect.

Justice for Myanmar pointed out that since the original auctioneer is the MTE, “the military junta still receives funds from the trade no matter who officially exports the timber”. This indirect trade between companies in the US and MTE may not have attracted penalties from the US Treasury at this stage.

Ban all Myanmar timber imports

Justice for Myanmar thus called for urgent action urging “the US Government to ban all Myanmar timber imports to prevent further revenue from reaching the illegal military junta”. “Continuing trade in timber from Myanmar,” it said, “supports the illegal military junta that is committing atrocity crimes with total impunity, including the indiscriminate murder of children.”

“Through such targeted sanctions on imports from military-controlled industries in Myanmar, the US and other countries have the power to cut the financial flow to the illegal junta and support the Myanmar people’s struggle to end this tyranny and establish federal democracy.” Justice for Myanmar also noted similar trends in the European Union, which also imposed similar sanctions on Myanmar’s military in June, banning dealings with Myanmar’s Forest Products Joint Venture Corp.

Junta's atrocities

Myanmar's military, headed by Senior Gen. Min Aung Hlaing, deposed the elected government of Aung San Suu Kyi's National League for Democracy, imprisoning her and other elected leaders. The coup triggered widespread protests and strikes, calling for her release and the restoration of the democratic process. This prompted a brutal crackdown on the opponents of the junta.

According to the Assistance Association for Political Prisoners (AAPP), a group that documents and compiles fatalities and arrests, Myanmar’s security forces have killed more than 1,400 people so far and are currently holding more than 8,500 in prison. A court on Monday sentenced Suu Kyi, to four more years in prison, in addition to 2 years last month. The 76-year-old Nobel Peace has been detained on about a dozen charges, all of which could combine to maximum sentences of more than 100 years in prison. Suu Kyi denies all charges.

Threat of civil war

The junta’s bloody crackdown on opponents has also reignited the military’s old conflicts with some of the armed ethnic organizations that are backing the protesters. Several independent civil resistance groups have also sprung up in self-defence.

The widening conflict, particularly in predominantly Christian regions inhabited by the Kachin, Chin, Karen, and Kayah ethnic groups, has resulted in churches being shelled and raided. Priests and pastors have been arrested while many unarmed civilians, including Christians, have been killed. United Nations experts have warned the country could slide into a full-blown civil war with further drastic consequences.

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AMERICAS

North & Central America

Nuremberg Code does not say mandating masks a 'war crime' (AFP USA) By Claire Savage

January 6, 2022

Social media posts claim the Nuremberg Code -- a set of research ethics principles established after World War II -- classifies face mask mandates as a "war crime." This is false; the document does not say this, and experts say it addresses human experimentation and does not apply to public health measures.

"What specifically does the Nuremberg Code lay out in Article 6 Section 3 regarding war crimes?" says a January 3, 2022 Instagram post.

"Leaders should be aware that mandating masks on the citizens of a nation and preventing their access to food, healthcare, transport, or education if they don't comply, is a war crime. Masks or any other medical intervention must remain voluntary," it says.

More examples of the claim -- which come as the United States, Britain, France and Australia have announced record numbers of daily Covid-19 cases -- also appeared on Facebook here and here.

The US Centers for Disease Control and Prevention recommends face coverings for everyone two years and older to help stop the spread of the virus. Several US states and the District of Columbia require individuals to wear a mask in public indoor spaces, regardless of vaccination status.

Health law experts say that the Nuremberg Code is not related to public health measures such as mask wearing.

The Nuremberg Military Tribunals tried German officials for war crimes following World War II. Among these was USA vs. Karl Brandt, in which 23 doctors and administrators were prosecuted for their roles in conducting medical experiments on concentration camp inmates.

The verdict, published in 1947, included a detailed description of "Permissible Medical Experiments." These 10 points became known as the Nuremberg Code.

The text of the Nuremberg Code does not contain the passages cited by the social media posts, nor does it include "articles" or "sections."

Though not in the Code, the part of the posts which says "in no case should a collective agreement or the consent of a community leader or any other authority, substitute for an individuals informed consent" does appear in United Nations Educational, Scientific and Cultural Organization (UNESCO) 2005 Universal Declaration on Bioethics and Human Rights.

"The Nuremberg Code has absolutely nothing to say about mask mandates," said Leslie Wolf, a law professor and expert in health law, public health and ethics. "It does not apply to public health measures that the government may take to protect its citizens."

Also, neither the Nuremberg Code nor the UNESCO statement are legally binding law in the US or elsewhere, although the Code is recognized as an authoritative source for courts throughout the United States, said Wolf.

"The post conflates concepts from individual medical treatment (and experimentation) with measures that are necessary to protect public health," she added.

Loyola University Chicago School of Law professor Nadia Sawicki agreed. "Neither the Nuremberg Code nor the excerpted portion of the UNESCO declaration have any relevance to arguments about mask-wearing. Both speak to the obligations of researchers and governments in the context of scientific research trials," she said.

"Mask mandates do not qualify as research that would be subject to either of these documents, nor to the federal regulations relating to human subjects research," said Sawicki, who is a co-director of the Beazley Institute for Health Law & Policy.

Boston University School of Law's Christopher Robertson also dismissed the claim, saying: "The Nuremberg Code does not have an Article 6 Section 3, and does not include that particular text."

"While the basic principle of informed consent is included in the Code, it is in the context of medical experimentation, not healthcare or public health interventions, where the issues are different," he said.

"The implicit comparison of a mask mandate to Nazism is ludicrous of course."

Throughout the pandemic, individuals and groups opposed to vaccine mandates and the Covid-19 shots more broadly have invoked the Nuremberg Code.

Biden Administration Approves 5 More Guantánamo Releases (NYT) By Carol Rosenberg
January 11, 2022

A U.S. government review panel has approved the release of five men who have been held for years without charge at Guantánamo Bay, Cuba, according to a flurry of decisions released by the Pentagon on Tuesday, but they are unlikely to be freed soon as the Biden administration works to find nations to take them.

The disclosure came on the 20th anniversary of the establishment of the wartime prison, and President Barack Obama's last special envoy on the task, Lee Wolosky, used the occasion to urge the White House to shut down the operation.

"Our longest war has ended, yet Guantánamo endures," Mr. Wolosky wrote in a guest column in Politico. "If these detainees had been white and not brown or Black, is there any realistic chance the United States — a country committed to the rule of law — would imprison them without charge for decades? I don't think so."

Those recommended for transfer included three Yemenis, Moath al-Alwi, Zuhail al-Sharabi and Omar al-Rammah, and a Kenyan, Mohammed Abdul Malik Bajabu. All are in their 40s. None of them were ever charged with war crimes and instead were held as "law of war" detainees, the U.S. term for prisoners of the war on terrorism.

The Defense Department also released an order approving the transfer, with security measures, of Guled Hassan Duran, 47, of Somalia. His lawyers had earlier disclosed that he had been approved, making him the first detainee who was brought to Guantánamo Bay from a C.I.A. black site to be recommended for release.

Mr. Alwi, whom the review board deemed a low-level trainee with no leadership role in Al Qaeda or the Taliban, may be the best known of the five prisoners because of replicas of sailing ships he fashioned from objects in his prison cellblock. The models were the focal point of a show in New York on Guantánamo art, and the subject of an opinion documentary that imagined how he made them.

Diplomats working through country bureaus at the State Department, not a centralized Guantánamo office like the one Mr. Wolosky ran, have been seeking to make the arrangements. The plans have typically included pledges from the host country to restrict the detainees' travel, provide opportunities for resettlement and sometimes enroll them in a jihad rehabilitation program, all aimed at preventing them from turning to anti-American activities.

It is against U.S. law to send Guantánamo detainees to Yemen, in part because it does not have a functioning government that can provide the security guarantees. So other countries would have to agree to take them in. Oman and Saudi Arabia have been key sponsors, with successful resettlement.

Of the 18 men now cleared, half are from Yemen and one is from Somalia, another country on Congress's no-transfer list, along with Libya and Syria. A citizen of Afghanistan has also obtained permission to leave with security arrangements, but his release would require negotiating with the Taliban, who now rule the country.

Mr. Wolosky's comments about the continuation of the detention center echoed criticism from activists who this week staged 20th-anniversary protests, including a rally on Facebook rather than the plaza of the White House because of the rise of the Omicron variant of the coronavirus.

"The time has come to finish the yearslong process of restoring U.S. moral credibility by untangling the knots that we ourselves tied in Guantánamo," he said.

Mr. Wolosky served in the Clinton, Obama and Biden administrations, most recently as a special counsel to President Biden on the resettlement of Afghan refugees. As the last Obama administration special envoy for the closure of Guantánamo, he attained the title of ambassador and had the reputation of being a tough negotiator who in some instances sought to send detainees to other nations for prosecution or preventive detention.

For example, he tried unsuccessfully in 2016 to get Israel to accept Mr. Bajabu for trial, on the basis that he was suspected of having a role in the November 2002 car bombing of the Israeli-owned Paradise Hotel that killed 13 people in Kenya, and a failed surface-to-air missile attack on an Israeli airliner.

Mr. Bajabu was arrested in Kenya in 2007 and turned over to U.S. authorities. They considered him a facilitator for Al Qaeda's

East Africa affiliate who was involved in the attacks.

But the review board concluded on Dec. 27 that his release, with security assurances from a receiving country, was justified because he was a low-level extremist trainee before his capture. It also noted “the dissipation of the network of extremist associates with which he was previously involved.”

His lawyer told the board in September that Mr. Bajabu has a wife and three children in Somalia who were willing to relocate to Kenya, where he has “a large and loving family,” if he is repatriated there.

The lawyer, Mark Maher of the London-based legal defense organization Reprieve, called him a peace-loving man who poses no threat to the United States and “can quote Mohandas Gandhi and Dr. Martin Luther King like teenagers quote Taylor Swift.”

The board has six members from the Departments of Defense, State, Justice and Homeland Security, as well as representatives from the Office of the Director of National Intelligence and the Joint Staff. However, the six cabinet members make the ultimate decision.

The last 39 detainees at the prison fall into three groups: nine who are held as law-of-war detainees, the 18 who are approved for transfer and a dozen who have been charged with war crimes, two of whom have been convicted.

Among those still awaiting trial are Khalid Shaikh Mohammed and the four other men accused of plotting the Sept. 11, 2001, attacks. Pretrial hearings in the death-penalty case were scheduled for this week but canceled because of the rise in coronavirus cases at the base, which has instituted mandatory quarantines for all travelers upon their arrival.

Canadian woman who spent two years in Syrian prison camp improperly being investigated for terrorism and war crimes, her lawyer claims (Calgary Times) By Kevin Martin

January 12, 2022

Police may be using a Crown application to have a Canadian woman deemed a terrorism threat to “improperly” investigate her for war crimes and other offences, her lawyer says.

In a document filed to support his application for court-ordered disclosure, Calgary defence counsel Yoav Niv says he’s concerned the Crown’s bid to have his client enter into a recognizance as a potential terror threat is being used for other purposes.

The prosecution has applied to have a judge determine there is a reasonable fear the woman, who spent two years in a Syrian prison camp and was only allowed to return to Canada late last year from Iraq to be reunited with her five-year-old daughter, is a terrorism threat.

There is a publication ban on her identity.

Under Section 810.011 of the Criminal Code, a party may seek a judicial order to have a person sign an undertaking to abide by restrictions if a judge is satisfied there are reasonable grounds to fear that person may commit a terrorism offence.

Those restrictions could include house arrest and electronic monitoring for up to 12 months.

But in his court filing, Niv suggests authorities may be using the application to investigate her criminally in violation of her right against self-incrimination.

“There is concern the 810.011 recognizance is being used improperly in furtherance of a criminal investigation whereby the applicant is being compelled to assist in her own prosecution,” Niv wrote in the application filed in provincial court last week.

“The applicant is being compelled to communicate information against her will in order to provide a gateway to evidence. As indicated by the Supreme Court, it is up to the state to prove its case and an accused should not be conscripted into helping the state do this.”

He noted his client was arrested Nov. 22 on her return to Canada and has since been released on strict bail conditions pending the terrorism-threat hearing set for March, including GPS monitoring.

Niv said when her bail supervisors attended at her residence for the purpose of complying with the monitoring conditions, she was told she was under investigation for terrorism offences under the Criminal Code and war crimes under the Crimes Against Humanity and War Crimes Act.

The woman's child, who was born in Syria, came to Canada earlier last year to live with her aunt.

The woman's months-long struggle to make it home highlights the plight of several Canadians among the estimated thousands of foreign nationals held in Syrian camps by Kurdish forces that reclaimed the strife-torn region from the militant Islamic State of Iraq and the Levant.

In 2014, she left Canada for Turkey, soon travelling to Syria.

"Shortly thereafter, I realized that I had been manipulated into going to that country," she said in an affidavit filed in Federal Court.

"While in Syria, there were several times that I tried to leave, but I was not allowed to do so. I was moved around numerous times. I was not allowed to speak to my family or friends."

Niv's disclosure application is set for Monday.

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Terrorism

Was the Jan. 6 Attack on the Capitol an Act of ‘Terrorism’? (New York Times) By Charlie Savage

January 7, 2022

After a mob of Trump supporters stormed the Capitol last year, many Democrats and Republicans alike denounced the riot using terms like “terrorism.” But many Republicans later backed away from such condemnations as they sought to realign themselves with former President Donald J. Trump.

The highest-profile example yet came on Thursday, when the Fox News host Tucker Carlson accused Senator Ted Cruz of purposefully lying because he had continued to call the events of Jan. 6 a terrorist attack, including at a Senate hearing this week.

Mr. Cruz, Republican of Texas, apologized, calling his phrasing “frankly dumb” and saying that he was referring only to those rioters who assaulted the police. Mr. Carlson, who has insinuated that Jan. 6 may have been a plot to justify a “purge” of Trump-supporting “patriots,” rejected Mr. Cruz’s explanation, citing his consistent use of that term over the past year to describe the Capitol attack.

Here is a closer look at the charged debate over the use of the word.

What is terrorism? Essentially, it is politically motivated violence.

Denouncing Mr. Cruz, Mr. Carlson declared that “by no definition” was Jan. 6 “a terror attack.” But Congress has enacted a statute that defines domestic terrorism as criminal offenses that are dangerous to human life, lack a foreign nexus and appear to be seeking “to influence the policy of a government by intimidation or coercion.”

According to that definition, some of the events of Jan. 6 “were acts of domestic terrorism, and that’s accurate regardless of whether it applies to each individual,” said Mary McCord, who served as a senior Justice Department national security official in the Obama administration and into the early Trump era.

She added, “We are talking about acts that were dangerous to human life and that were in violation of criminal laws, and they were certainly done to influence government policy because they were trying to prevent the counting of Electoral College votes.”

Did all the Jan. 6 rioters commit life-endangering crimes?

No. More than 700 people have been charged to date in connection with the Capitol attack, and they are accused of a spectrum of crimes. Just as only some have been charged with conspiracy and obstruction of an official proceeding, only some have been charged with violent offenses like assaulting police officers and destroying government property. Others have been charged only with nonviolent crimes, such as illegally entering a restricted building.

Mr. Cruz told Mr. Carlson that at the Senate hearing this week, he was not saying that “the thousands of peaceful protesters supporting Donald Trump are somehow terrorists.” Rather, he contended, he was merely using that term for people who attacked police officers — an explanation that Mr. Carlson, who agreed that such people should go to prison but maintained that they were not terrorists either, rejected.

On many occasions, Mr. Cruz has broadly called the assault on the Capitol an “act of terrorism” without specifically limiting his words to police assailants. In an interview a day after the riot, for example, he described the “terrorist attack” as “a traumatic experience for everyone in the building and everyone across the country,” and he referred to a rioter who “broke into the Senate chamber” and “did damage” as a “terrorist.”

Has anyone been charged ‘with terrorism’ over Jan. 6?

No. Mr. Carlson asked Mr. Cruz, “How many people have been charged with terrorism on Jan. 6?” The answer is zero — but that fact is deeply misleading.

Congress — despite establishing a legal definition for “domestic terrorism” — has not created any stand-alone federal crime called that. As a result, it is not possible for prosecutors to charge any of the Jan. 6 rioters “with terrorism” regardless of whether they committed terrorist acts.

Might some defendants nevertheless face longer sentences for terrorism-related offenses? Yes. Dozens of defendants are facing charges that will give prosecutors the opportunity to ask for longer sentences by invoking the context of domestic terrorism. It is not yet clear how harsh prosecutors and judges will be when it comes time to sentence uncooperative

defendants who insist on going to trial and then get convicted, rather than striking plea deals.

In one statute, for example, Congress deemed about four dozen offenses as eligible to count as a “federal crime of terrorism” if the acts were “calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct.” Under sentencing guidelines, such a conviction can result in a much longer prison term.

The list includes destruction of government property, a charge that 44 defendants are facing so far, according to the Justice Department’s tally of the Jan. 6 cases. The list also includes a “weapon of mass destruction” charge that may be brought if the F.B.I. finds whoever put pipe bombs outside the Capitol Hill headquarters of both major political parties the night before the riot.

In addition, two defendants so far have been charged with making false statements. Under a separate law, prosecutors can ask for a sentence of up to eight years, rather than the normal five, if such lies involve domestic terrorism.

Why is the terrorism label subject to dispute? Because nobody likes terrorists. And as a matter of ordinary speech, as opposed to legal definitions, drawing the line between “terrorism” and less pejorative terms for politically motivated violence can be notoriously subjective.

“Why did you use that word?” Mr. Carlson asked Mr. Cruz.

He accused the senator of playing into a characterization by “the other side” seeking to smear the “entire population” of Trump supporters as “foreign combatants,” likening it to labels like “insurrection” and “coup.”

Notably, during the nationwide protests after the police killing of George Floyd in Minneapolis in 2020, Mr. Carlson called on the Justice Department to charge “every single person caught on camera torching a building, destroying a monument, defacing a church” with terrorism.

“Call them what they actually are — domestic terrorists,” he said, adding: “That would be their new government-approved title. Once they’re charged, it’s official. In fact, they are literally, as a factual matter, accused terrorists. And that would change minds right away.”

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Piracy

Pirates strike again in Gulf of Guinea, signifying failure of Nigeria’s deep blue project (Ships and Ports)
December 31, 2021

Pirates struck again early Thursday morning in the Gulf of Guinea, giving a clear indication that Nigeria’s multimillion dollars deep blue maritime security project launched in June has failed to deliver on its promises.

The Nigerian Maritime Administration and Safety Agency (NIMASA) had touted the deep blue project as the solution to piracy in the Gulf of Guinea. However, attacks against ships have persisted both within Nigeria’s internal waters and the Gulf of Guinea region, six months after the launch of the project.

The latest attack resulted in the killing of a crew member and kidnapping of six others.

MDAT-GoG, the monitoring operation for the region, reported a boarding at 3:00 a.m. local time on December 30 off Equatorial Guinea, which made it the third attack in the region in December 2021.

Security analyst Dryad Global said the attack took place on a Chinese-owned fishing vessel in the Mbini area of Equatorial Guinea.

The attack happened approximately 12 nautical miles northeast of the FPSO Ceibo.

“The perpetrators are believed to have been armed and one crew member is understood to have been killed in the attack. Reporting indicates that six personnel, including the captain, have been kidnapped from the vessel,” Dryad said.

The crew members are understood to be from Ghana and Mali.

Security analysts have warned that as the security efforts increased in the region that the pirates would continue to target opportunistic vessels. While they still have the capacity to target larger commercial vessels, such as the recent assault on a Greek-owned containership chartered to CMA CGM, they are also seeking out smaller vessels that they perceive to be more vulnerable.

“Prior to the recent attacks, waters off Equatorial Guinea have historically witnessed significantly less reporting than those of neighboring waters.

“Pirates have historically shown a capacity to avoid the maritime security footprint within the Gulf of Guinea and are likely to seek to continue to exploit weaknesses where these are found.

“Pirates have also shown an intent to reinforce success in areas where operations have been successful and as such the risk to vessels operating within both Equatorial Guinean waters and those offshore is increased,” Dryad stated.

Dryad stated that the latest kidnapping was the eleventh in the region in 2021, bringing the total number of crews kidnapped in offshore incidents in the region to 82.

Danes release suspected pirates rather than try them at home (Tribune-Star) January 7, 2022

Three suspected pirates who were detained on a Danish military vessel after a fatal gunfight with the Danish navy off West Africa have been released after the government decided it did not want to bring them to Denmark to face preliminary charges of attempted murder.

“We have no interest in getting the persons in question to Denmark,” Justice Minister Nick Haekkerup said Thursday, adding there was a “risk that they would not subsequently be deported.”

A fourth suspected pirate who was injured during a gunbattle with the Danish army, is already in Denmark receiving medical care and will continue to face charges, he said.

Foreign citizens found guilty of crimes in Denmark are often deported after having served their time. But some fight to stay, while others cannot be extradited because Denmark may not have extradition agreements with their countries. The nationalities of the suspected pirates are not known.

Haekkerup said he “had quite exceptionally ordered the prosecution to notify three of the four suspected pirates that charges against them would be dropped.” He said it was “a very unusual case,” adding “they simply do not belong here. And that’s why I think it’s the right thing to do.”

Danish media said the men were put on a dinghy in international waters with enough fuel, water and food to reach land.

The fourth suspected pirate was flown to Denmark on Jan. 6 where he will face a custody hearing and “further prosecution against him continues.”

He was first admitted to a hospital in Ghana during a port call in December. However, as it was not possible to leave him there or in the area, and because it was not justifiable to release him at sea “for health and safety reasons,” the government said “it has been necessary to bring the person to Denmark.”

The Nov. 24. incident involved the Danish frigate HDMS Esbern Snare, which was on an anti-piracy operation off West Africa.

It engaged in an exchange of fire with a vessel that was reported to have been approaching several commercial ships in the Gulf of Guinea off oil-rich Nigeria. It had first dispatched a Seahawk helicopter which reported seeing men on the vessel with “equipment connected to piracy, including ladders.”

Following the gun battle, the vessel sank. Four of the suspected pirates were killed and one is missing, presumed drowned. The other four were taken aboard the Danish ship.

Later, because the ship is considered Danish territory, a Copenhagen court ordered the four held in custody while authorities investigate the case. In Denmark, preliminary charges are one step short of formal charges.

The Gulf of Guinea is one of the world’s most dangerous waterways with regular kidnappings. In 2019, the region accounted for more than 90% of global crew member abductions.

Bunker tanker hijacked, cargo stolen, crew robbed, Indonesia (Maritime Bulletin) By Mikhail Voytenko
January 10, 2022

Bunker tanker SPOB GRAHA DUA SATU, understood deployed mainly in bunkering the ships anchored in Morosi waters, Southeast Sulawesi, Indonesia, was boarded at night Jan 6 by 6 masked (covid safety first, huh?) pirates, armed with machetes, while the speed boat with outboard engine, which delivered them, with 2 more pirates in it, circled around. Tanker at the time of hijack was anchored. 8 crew were herded into mess room and tied up. Later pirates forced the crew to take tanker to a specified position and after that, they've been locked in mess room again. Meanwhile, another ship or vehicle berthed alongside tanker, and understood part or all of cargo of diesel fuel was siphoned. Pirates left tanker in the morning Jan 7, robbing crew and ship of valuables (mainly electronics) and cash. Tanker sailed back to Morosi waters and anchored at around 0700 WITA Jan 7, reporting the piracy accident to the authorities. Investigation launched.

Crew are safe, nobody was injured, tanker was in pirates capture for several hours. With unfolding, at growing scale and speed, of catastrophe all mankind is falling into, there is no doubt, that piracy and sea robbery will go up. Economical collapse will lead to lawless, piracy-infested, oceans and seas, and this collapse is nearing. Bunker tanker SPOB GRAHA DUA SATU, IMO 8654041, dwt 540, built 2010, flag Indonesia, manager KARBINDO ALAM MULIA (EQUASIS).

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Gender-Based Violence

Ethiopia: Analysis - Ethiopia Reeling From Gender Based Violence Due to War in Tigray, Amhara and Afar (All Africa) By [AUTHOR]
January 1, 2022

Since the beginning of the war in Tigray in November last year, more than 1,300 incidents of rape have been reported, while many argue that more cases went unreported due to societal stigma surrounding the topic. A high number of cases of gender-based violence including gang-rape and other atrocities were reported in the period of the conflict. The damage and looting of health care facilities in Tigray, Amhara and Afar regions made it worse for the victims impeding the provision of comprehensive after care.

According to the UN, violence against women rises during crises, conflicts and by 2021 one out of every three women have reported being abused during their lifetime. Last November, the Ethiopian Human Rights Commission and Office of the United Nations High Commissioner for Human Rights (OHCHR) published a joint investigation into alleged violations of international human rights in the ongoing conflict in the Tigray region. The report revealed that all the fighting forces including Ethiopian and Eritrean forces were involved in crimes designated as gender-based violence with young and elderly women facing incidents of gang rape. Moreover, a newer report published by Amnesty International also said that in Amhara regional state, Nefas Mewecha during the period between August 12 to 21, 70 women reported to regional authorities that they are raped by armed forces loyal to Tigray People Liberation Front (TPLF).

Addis Standard spoke to Siyane Aniley, a Ph.D. candidate at the Center for Comparative Education and Policy studies Addis Abeba University. She explained, "GBV is any sort of harm (could be physical, psychological, sexual, or economic) experienced as a result of being a woman/ girl or a man/ boy. GBV against women and girls is rampant as a result of the patriarchal power structure in the global order as well as local context."

The Ph.D. candidate went further to explain, "The severity of GBV may increase as layers of disadvantage (poverty, family situation, rural-urban, education, etc) intersect, and are shaped by a context." According to Siyane amidst war, conflict, and displacement, studies around the world show that GBV will only get worse as the protective system becomes less functional as resources are diverted towards managing the crisis.

She argued that despite the paucity of research conducted, in times of active war like the context of Ethiopia, patterns show that women remain the primary victims of sexual violence and added that it could be perpetrated by both the national army

and rebel groups. She said, "These acts are also used as a weapon of war."

Siyane went on to explain that even in the case of IDPs, GBV occurs through familiar or unknown individuals and groups, including IDP camp staff who devise exploitative acts in exchange for economic incentives.

She added that harmful traditional practices such as FGM and early marriage increase as perpetrators include family members, and the absence of safe networks that include institutions in place such as schools, health centers, police, and local administrations become inactive to protect vulnerable girls due to the worsening security crisis.

Siyane argued that most instances of GBV remain unreported. She said, "The GBV crisis in Ethiopia is not well studied, reported, or well documented. This, I believe, is due to the distorted objective of the reporting and documenting, focusing on who is more brutal."

Reports of GBV in the ongoing war in Ethiopia according to Siyane are weaponized as propaganda tools. "Numbers reported by civil societies and human rights advocates are only meant to portray which party is more brutal. The parties involved in the conflict are also reporting instances of GBV only with the aim of criminalizing each other."

Speaking about healing mechanisms to be provided to GBV survivors Siyane insisted on the importance of involving stakeholders. She said, "I believe the role of civil society organizations in this emergency context is irreplaceable. Enabling local health workers to address the psychological and physical needs, including Sexual and Reproductive Health and Rights (SRHR) services to the survivors is crucial. To heal the visible (Physical, and economic) and invisible (PTSD, and depression) wounds of violence, it is important to engage the community in community-based/ led healing with the help of experts, as it has proven impactful in other countries experiences. Schools are also a safe space to heal children who went through war and displacement trauma through play, counseling, and child-friendly school environments."

Close

But Siyane thinks that starting early, teaching young boys and girls about gender equality, consent, respect, and diversity both at home and at school remains paramount. She said, "Capacitating schools to be safe spaces for girls and boys, encouraging GBV reporting systems, linking schools with health and legal services, making the best out of mass media and social media to advocate against GBV, promoting men's engagement in the works against GBV in every intervention, building and strengthening women associations, girls clubs so their rights can be advocated for their rights."

She concluded, "In times of crisis, including GBV as a major emergency response area, supporting research on GBV in the context of war, conflict, and displacement would go a long way to address similar issues in the future."

'Kidnapped, Raped and Trafficked': Women and Girls Exposed to Sexual Violence in War-torn Mozambique (Pulitzer Center) By Neha Wadekar and Ed Ram

January 3, 2022

Twenty-year-old Sarah* sat among a group of women, clutching her four-year-old daughter, Awa, close to her chest and hoping to be ignored by the chief of the insurgent group that had captured them from their village in Cabo Delgado, Mozambique's northernmost province. But he spotted her.

"There were many girls," Sarah remembers. "Their chief distributed us. [He said], 'you take this one, and you take this one'."

Sarah was 'given' to an insurgent named Abu Mussa. That night, he raped her in her tent as her daughter watched.

"He slept with his machete, knife and gun in the same tent. He put the gun right next to where we slept," she says. "I couldn't sleep because I was scared he would wake up and stab me."

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Sarah's young daughter cried as they lay terrified in the tent.

"[Abu Mussa] said, 'why don't you make her stop crying?' She didn't want to," Sarah recalls. "And he took a knife and wanted to stab me. He told me that I didn't really want to make her stop crying when I was trying to. But she didn't want to stop."

Sarah and Awa are just two of the many innocent civilians who have been caught up in the conflict in Cabo Delgado that has been raging since 2017, when Islamic-State-affiliated insurgents began attacking towns across the province.

The violence has been linked both to religious extremism and Cabo Delgado's coveted natural resources, which include vast quantities of natural gas and precious gemstones.

The conflict has been devastating to women and girls, with the insurgents – known as al-Shabaab – taking them captive to be used as sex slaves, married to fighters, or trafficked over international borders. The group has kidnapped and enslaved more than 600 girls since 2018, according to a new report from Human Rights Watch (HRW).

There have also been widespread reports of Mozambican government soldiers raping and sexually assaulting women and girls, although the government has repeatedly denied any human rights abuses.

The United Nations Population Fund (UNFPA) has documented high levels of violence against women in Cabo Delgado. In the first four months of 2021 alone, the organization provided counselling to more than 100 women survivors of gender-based violence, predominantly rape and sexual assault.

“Whether it is war or increased insecurity as a result of localised insurgencies, what happens is women are more exposed,” Dan Maina, the UNFPA humanitarian coordinator for Cabo Delgado, told The Telegraph. “When there is a state of insecurity or state of war like here, the incidents of gender-based violence will always spike up because the protective safety nets are completely disrupted.”

Sarah was cooking food for her daughter and her husband, Abdala, when the insurgents arrived and set fire to the village. They captured Sarah, her husband, and her daughter.

“When they captured us, they said, ‘no one look away. You must look at this person who is going to be beheaded,’” Sarah remembers, shuddering as she recalls the insurgents brutally murdering a man from her village. “We saw him beheaded. And his body started shaking when he was being beheaded.”

Sarah and Awa were separated from Abdala and were taken on a long journey by foot, “walking like goats” to reach the insurgents' base, deep in the forest in northern Cabo Delgado.

As they trudged through the forest with the insurgents, who burned villages to the ground along the way, they were caught in a firefight with government helicopters.

“They hid us under cashew trees. And they were fighting, fighting. And a bullet brushed my leg,” Sarah says, lifting up her long skirt to reveal a shallow scar. “And my daughter was on my back. There were fire ants there, and centipedes. By the time [the insurgents] stopped burning down everything, the sun was coming up there.”

After several days of walking, the group reached the insurgents' headquarters. There, the younger women were distributed to the fighters.

In 2008, the United Nations Security Council adopted Resolution 1820, which condemns the use of sexual violence as a tool of war, and declares that rape and other forms of sexual violence are considered war crimes and crimes against humanity.

Mozambique has also signed and ratified the Maputo Protocol, which forbids sexual exploitation and violence against women, especially in the context of conflict and displacement.

But these documents have failed to protect Mozambican women and girls. A report released this year by the Observatory for Rural Environment, a Mozambican research institute, included interviews with dozens of women and girls who had either experienced or witnessed sexual violence perpetrated by the insurgents.

“Teenage girls are the most favourite victims,” one interviewee told the researchers.

“The [insurgents] collectively and abusively rape you, and after they have had enough, they introduce sticks and inappropriate objects to you,” another interviewee recalls. “You, as a woman, were not created to be raped with sticks or be with more than 80 men. You, being unique. What are you left with as a person?”

Experts say that women and girls are being used as sex slaves or possibly even trafficked across international borders and sold as prostitutes to help fund insurgent operations.

“Younger, healthy-looking, and lighter-skinned women and girls” are being forced into marriage or sold as brides to foreign fighters for a fee of USD \$600-\$1,800 (£450-£1,300), according to the HRW report.

In some cases, they are ‘returned’ when they become pregnant.

“What this means particularly for the women is the social stigma,” says Maina. “When she's taken as a sex slave and brought

back, that ... [means] for life she is not able to participate fully in the society as a woman. Marriageability is an issue we've had. They cannot be married off."

The Mozambican government has succeeded in liberating some women and girls from insurgent camps, but they are not being united with family and friends for weeks, most likely for security reasons. Hundreds of mostly women and children, recently freed from al-Shabaab bases, are being held in the Pemba Sports Complex awaiting screening and release, the HRW report says.

The Mozambican security forces sent to protect civilians have also been accused of perpetrating brutal crimes against women and girls, violating any trust the local population has in its government, and leaving civilians unprotected and vulnerable.

"It is not just the insurgents," Maina explains. "Even the uniformed personnel that are state armed groups, the state security forces, themselves have been perpetuating these crimes."

In September 2020, a video surfaced of men wearing the uniforms of the Mozambique Armed Defense Force, following a naked woman as she attempted to flee along a road. They beat her with a wooden stick, then shot her dead, leaving her body on the highway. Amnesty International, which verified the video, reports the woman was shot a total of 36 times by four different gunmen.

A report on the atrocities of the conflict published by Amnesty International in March describes the home of a Permanent Secretary, the second highest ranking representative of the district government, as a place known to villagers "where government security forces took women to be raped, and men detained, beaten, and in some cases, summarily executed as well."

And the Observatory for Rural Environment report includes interviews with women who describe sexual violence perpetrated by Mozambican soldiers.

"Those soldiers took advantage of us ... they used their power to force the young girls to be with them," one woman interviewed in the report says. "Unfortunately the [girls] think it's normal to be forced. Our girls, in that context of violence, three years ago, after a while, it becomes normal."

The report quotes a young soldier from the Mozambican Defence Armed Forces who describes the gross power imbalance between armed men in uniform and civilian women.

"We were with the girlfriends ... they couldn't say no," the soldier admits.

The Government of Mozambique declined The Telegraph's requests for comment.

A woman burns rubbish in her resettlement A woman burns rubbish and tends to her crop in a resettlement area for people displaced by conflict in Cabo Delgado. Image by Ed Ram. Mozambique, 2021. After spending two nights with Abu Mussa, Sarah had had enough.

"The next morning, I bathed my daughter. I went to meet my friend. When I went to see my friend, we started knitting together. Then I told her, 'you know, this is not a place we can stay. We can make a plan to escape,'" Sarah remembers.

When the guards were distracted, Sarah, her daughter, Awa, and her friend fled the camp and started walking through northern Mozambique's thick forests.

"My daughter was cut from the thorns. And there were thorns in my feet. We left without slippers or anything else," Sarah says.

Nearly delirious, they reached a village, where they were able to call for help. Sarah and Awa were transported to a hospital in Metuge, one of the largest displacement camps located close to Pemba, Cabo Delgado's capital city. They now live in the camp, and Sarah is back in school, learning skills that can help her get a job.

She was also reunited with her husband, Abdala, who had escaped the attack on their village and made his way down to Metuge. He was quiet when she told him what had happened to her.

"And then he said, 'that is war. It's not your fault.'"

*Names changed to protect identities

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Commentary and Perspectives

Kazakhstan: Cancel ‘Shoot Without Warning’ Order (Human Rights Watch) January 7, 2022

Kazakhstan should immediately annul any order to security forces to shoot to kill without warning, Human Rights Watch said today. Such an order violates Kazakhstan’s international legal obligations to respect and protect the right to life.

The order came as national security forces and Russia-led foreign troops from the Collective Security Treaty Organization (CSTO) are deploying in response to days-long anti-government protests across the country and an outbreak of violence in Almaty, the country’s largest city. The police and armed forces should do their utmost to protect human life and should only use force, in particular lethal force, as a last resort. Relevant authorities should ensure that any allegations of abuse and unlawful killings are promptly, independently, and thoroughly investigated.

“Kazakhstan is in the midst of its most violent crisis since independence and the world is watching to see if the government will show it respects its people’s basic human rights,” said Letta Tayler, an associate Crisis and Conflict director at Human Rights Watch. “It is crucial for Kazakh authorities to ensure that all security forces on the ground act with a view to safeguarding human life and are held accountable if they don’t. This starts with immediately canceling a ‘shoot without warning’ order.”

President Kasym-Jomart Tokaev said in a televised speech on January 7, 2022, that he had “given the order to shoot to kill without warning.” As of January 6, a day after Kazakh security forces staged a police operation in an attempt to restore order in Almaty, official sources reported that “dozens” of protesters and at least 18 police officers had been killed and over 1,000 people injured. Video footage Human Rights Watch reviewed shows security forces firing live ammunition while other images show bodies of people in civilian clothes who had been shot in the head and appear to be dead.

Protests began on January 2 in Zhanaozen, an oil town in western Kazakhstan, over a sharp increase in gas prices. By January 4, thousands of peaceful protesters in other parts of the country had joined in, demanding overdue socioeconomic and political reforms. Authorities in Kazakhstan have long restricted fundamental rights and rejected calls for genuine reforms such as lifting restrictions on peaceful protest and free speech and bans on opposition groups, and ending politically motivated prosecutions of government critics.

President Tokaev on January 5 accepted the resignation of his government and reinstated a price cap on gas in response to the protests. But he also imposed a national state of emergency, including a ban on mass gatherings, and repeatedly blocked the internet, creating an information vacuum in many parts of the country. All international disruptions to internet access and other forms of communication, which the United Nations Human Rights Council has condemned in 2016, should be lifted immediately, Human Rights Watch said. In addition to violating freedom of expression and association, these restrictions can make it difficult to access health care, education, and social services.

As police attempted in the afternoon of January 5 to disperse peaceful demonstrations in Almaty using teargas, stun grenades, and, in at least one other location, Aktobe, a water cannon, a number of protesters in both cities reacted by throwing stones at them and commandeering some of their vehicles. This prompted several units to surrender or retreat, based on videos and social media postings Human Rights Watch reviewed.

That evening, people in civilian clothes began attacking police officers and seized several state and public buildings in Almaty, including city hall and the international airport, causing significant damage. They also set numerous buildings and cars on fire. Video and photographs on social media, as well as official statements, indicate that unidentified people carried out looting in various parts of the city. In one case, a man appearing to participate in looting could be seen shooting semiautomatic rounds in the air.

In the early hours of January 6, President Tokaev called the protests and riots “an act of aggression” and requested help from the CSTO, a security alliance of six countries in the region, to respond to “terrorist gangs [...] who have undergone training abroad.” He did not elaborate or offer any evidence for his claims. Within hours, Prime Minister Nikol Pashinyan of Armenia, who currently chairs the alliance, announced that it would deploy a military “peacekeeping” force. It was later reported that the force would be composed of at least 3,000 Russian paratroopers and troops from Belarus, Tajikistan, Kyrgyzstan, and Armenia.

Later that day, after a law enforcement operation in Almaty, a police spokesman, Saltanat Azirbek, told reporters that “dozens

of assailants have been eliminated and are being identified.”

Video Human Rights Watch reviewed of January 6 events showed Kazakh security forces shooting live ammunition in the streets of Almaty. A local news outlet, Orda.kz, reported that a loudspeaker on a military vehicle parked on Almaty’s Republic Square that afternoon was warning bystanders: “Leave, we will shoot!” Correspondents from various other local news outlets described Kazakh security forces shooting at unarmed protesters.

Kazakhstan’s Internal Affairs Ministry stated on January 7 that 3,811 people had been detained. Hours earlier, the Prosecutor General’s Office announced it had opened pretrial investigations into “terrorism” and “organizing and participating in mass riots,” adding that the punishments for these crimes range from eight years in prison to life, with deprivation of citizenship.

It is unclear where or in which conditions detainees are being held, or if they have access to legal representation. The authorities should ensure that everyone who has been detained in recent days is afforded all due process rights, including access to a lawyer of their choice, Human Rights Watch said.

For years, Kazakh authorities have used vague and overbroad “terrorism” and “extremism” laws and measures to arbitrarily restrict free expression and peaceful dissent. In 2019, Fionnuala Ní Aoláin, the United Nations special rapporteur on human rights and counterterrorism, wrote after visiting Kazakhstan that she was “deeply concerned” at how such measures were being used against government critics and religious minorities and “to target, marginalize and criminalise the work of civil society.”

On the evening of January 6, the CSTO secretary general, Stanislav Zas, stated that foreign forces deployed to Kazakhstan “have the right to use weapons in the event of an attack by armed gangs.” International human rights law allows security forces to use only the force necessary and proportional to defend themselves or others from serious threats and to use deadly force only when no other means, such as arrest, is feasible to stop an imminent threat to human life.

The reports of widespread deaths and injuries and the Kazakh government’s descriptions of protesters as “terrorists” raise concerns that domestic police and military are using excessive force, including against unarmed people, Human Rights Watch said. The January 7 Russian Defense Ministry announcement that CSTO forces in Kazakhstan would be headed by Colonel-General Andrey Serdyukov also raises serious concerns, Human Rights Watch said. He was a commander in Syria between April and September 2019, during a devastatingly abusive assault by Syrian and Russian forces on the Idlib governorate and surrounding areas that displaced nearly half a million people.

The Kazakh government should ensure that its own police and military, as well as CSTO forces, use force strictly in compliance with international legal norms, and that they protect the public. The authorities should hold these forces accountable if they commit crimes. They should immediately retract the “shoot without warning” order and clarify domestic and foreign forces’ rules of engagement and detaining powers. They should free any protesters or others arbitrarily arrested for reasons other than direct engagement in violence and drop any arbitrary “terrorism” charges against them.

The government should also ensure that CSTO forces in Kazakhstan use de-escalation techniques, resort to force only proportionately and if necessary, and are equipped with and trained in the use of “less-lethal” weapons.” Stun grenades should not be used in large crowds, and given winter conditions in Kazakhstan, using water cannon should be avoided. Teargas should not be used in closed spaces. International standards limit the use of less-lethal weapons as a last resort to disperse assemblies that are violent, and even then, only when necessary and in proportion to the threat.

Forces on the ground should presume all assemblies to be nonviolent, even if the authorities call them unlawful, if there are isolated incidents of violence, or if external actors – such as counter-protesters or provocateurs – engage in violence. Assemblies are often diverse gatherings, and participants do not lose their individual rights simply because some are behaving violently. Because of the heightened risk of Covid-19 for detainees and jail staff, the authorities should also refrain from holding people in custody for offenses that do not involve inflicting or threatening serious bodily injury or a known likelihood of physical harm.

“The flurry of reports and images from Kazakhstan showing dead protesters and troops indiscriminately firing live rounds suggests that police and soldiers are flouting norms on use of force designed to protect among others, the right to life,” Tayler said. “The Kazakh government should show zero tolerance for excessive force by its security forces or any foreign troops in the country and enforce respect for international legal norms.”

Increased repression and violence a sign of weakness, says Human Rights Watch (The Guardian) By Annie Kelly
Jan 12, 2022

Increasingly repressive and violent acts against civilian protests by autocratic leaders and military regimes around the world are signs of their desperation and

weakening grip on power, Human Rights Watch says in its annual assessment of human rights across the globe.

In its world report 2022, the human rights organisation said autocratic leaders faced a significant backlash in 2021, with millions of people risking their lives to take to the streets to challenge regimes' authority and demand democracy.

Human Rights Watch also said the emergence of opposition parties willing to put aside their political differences and form alliances to attempt to remove corrupt or repressive governments or leaders was another sign of a trend towards weakening autocratic rule.

As examples of "unlikely" opposition coalitions, HRW pointed to the Czech Republic, where the prime minister, Andrej Babiš, was defeated, and Israel, where the premiership of Benjamin Netanyahu was brought to an end after 12 years in power in 2021. Broad alliances of opposition parties have also been formed to challenge Viktor Orbán in Hungary and Recep Tayyip Erdoğan in Turkey in future elections.

In an essay introducing Human Rights Watch's report, which analyses the situation in countries across the world, its director, Kenneth Roth, also argues that growing repression and "overt electoral charades" in countries such as Russia and Nicaragua should be seen as a sign of weakness, not strength.

"There is a narrative that autocrats are prevailing and democracy is on the decline, yet if you look at the trends in human rights over the last 12 months it doesn't look so rosy for the autocrats," said Roth.

"There has been an outpouring of public support for democracy with people taking to the streets in China, Uganda, Poland, Myanmar, often risking their lives to do so, and many other places where repressive regimes are struggling to maintain their control.

"While the increasingly violent and regressive actions of repressive regimes across the world may look like them flexing their muscles, we increasingly see these as acts of desperation," he said.

While 2021 saw the seizure of power by armed groups in Myanmar and Afghanistan, Roth said there had been a failure to normalise their rule or subdue civilian populations.

"While we see bloodshed on the streets, we also see millions refusing to accept the denial of their human rights and a failure of autocratic rulers to distract populations with policies attacking LGBTQ communities, abortion or women's rights."

However, he said that democracy would fail to thrive without stronger leadership by democratic governments, which focused on short-term political gains during 2021 and failed to address the most urgent issues of the climate emergency, inequality, racial injustice and poverty.

Human Rights Watch said that despite their alarming record on rights abuses, the US continued to provide arms to countries such as Egypt, Saudi Arabia and the United Arab Emirates. It also pointed to continued moves by the EU to pursue investment deals with China, despite Beijing's alleged use of ethnic Uyghurs as forced labour.

"Promoting democracy means standing up for democratic institutions such as independent courts, free media, robust parliaments and vibrant civil societies even when that brings unwelcome scrutiny or challenges to executive policies," Roth said.

India's top court intervenes in hate speeches against Muslims (Al Jazeera) January 12, 2022

India's Supreme Court has issued notice to a northern Himalayan state following a petition that sought to prosecute several Hindu religious leaders for allegedly calling for a "genocide" of Muslims at a closed-door meeting last month.

Three Supreme Court judges on Wednesday said they were notifying the Uttarakhand state government that they will investigate the case next week.

According to a police complaint, the religious leaders called on Hindus to arm themselves to kill Muslims during a meeting in the northern holy town of Haridwar, in Uttarakhand, in December.

The police said they were questioning suspects over the hate speech, but no arrests have been made.

Videos of the event had sparked outrage, prompting demands for action. In one clip that went viral, a speaker at the gathering told the crowd that people should not worry about going to jail for killing Muslims.

“Even if just a hundred of us become soldiers and kill two million of them, we will be victorious ... If you stand with this attitude only then will you able to protect ‘sanatana dharma’ [an absolute form of Hinduism],” the woman said.

Uttarakhand state is ruled by Prime Minister Narendra Modi’s nationalist Bharatiya Janata Party (BJP), whose rise to power in 2014 has led to a spike in attacks against Muslims and other minorities.

The petition filed by retired Judge Anjana Prakash stated that the speeches made at the Hindu religious leaders’ congregation “pose a grave threat not just to the unity and integrity of our country but also endanger the lives of millions of Muslim citizens,” according to Bar & Bench, an online portal for Indian legal news.

India’s Muslims have been subject to discrimination and religious persecution under the BJP government, which critics say is aiming to marginalise Muslims and remake secular, democratic India into a Hindu nation.

The president of Jamiat Ulama-i-Hind, India’s largest socio-religious Muslim organisation, accused the government of turning a blind eye to the hate speech against the Muslim community.

Last month, Indian police arrested a Hindu religious leader, Kalicharan Maharaj, for allegedly making a derogatory speech against India’s independence leader Mohandas Gandhi and praising his assassin.

Gandhi was shot dead by a Hindu extremist during a prayer meeting in the Indian capital in 1948 because he called for Hindu-Muslim unity during the partition of the Indian subcontinent by British colonial rulers in 1947 into India and Pakistan.

In the northern state of Haryana, which is also governed by the BJP, Hindu vigilantes last month tried to stop Muslims from offering Friday prayers by shouting religious slogans and heckling worshippers in the presence of heavy police security.

In November, Hindu hardliners set fire to the home of a Muslim former foreign minister, Salman Khurshid, who had compared the kind of Hindu nationalism that has flourished under Modi with “extremist groups” such as ISIL (ISIS).

Additionally, anti-conversion laws have been put in place in the states of Uttar Pradesh, Uttarakhand, Karnataka and Madhya Pradesh, while other states have also announced their intention to introduce similar legislation.

The laws were a response to a conspiracy theory accusing Muslim men of luring Hindu women into marriage with an aim of forcefully converting them to Islam. Anti-conversion laws have also been justified over allegations Christian missionaries engage in the conversion of poor Hindus. Many churches have come under attack in recent months.

Modi’s BJP and its ideological parent far-right Rashtriya Swayamsevak Sangh (RSS) have warned Hindus about religious conversions to Islam and Christianity, and called for action to prevent a “demographic imbalance” in the world’s second most populous nation.

Muslims comprise nearly 14 percent of India’s 1.4 billion people. Hindus still form nearly 80 percent of the population. A Pew study published last September revealed all religious groups have shown declines in fertility rates, and that the country’s religious composition has hardly changed since 1951.

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WORTH READING

Diplomatic Immunity under International Law: Legal Regulation and Current Challenges
Sherzod Toshpulatov and Nigina Khudayberganova
January 7, 2022

The paper addresses the concept and current challenges in diplomatic immunity under International law. Firstly, the work illustrates the concept of diplomatic immunity, providing its historical outset and information of modern codification of diplomatic immunity’s rules and principles. Secondly, the paper deals with the legal status of embassies and consulates by discussing the concept of inviolability of diplomatic premises and the current challenges they face. Thirdly, the research

analyses personal immunity for diplomats and consuls, the distinction between them, and types of their immunity from criminal and civil jurisdictions. Fourthly, the Article discusses the immunity of international organizations and their officials, analyses cases in the U.S. legal system, and codification of international law in this sphere. The current issues of immunity for special missions are discussed in the light of customary and treaty law. In conclusion, several proposals are elaborated to enhance the legal regulations for diplomatic immunity on both international and national levels, including for the Republic of Uzbekistan.

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