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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

Doctors Without Borders says 10 migrants suffocated on packed boat off Libyan coast (ABC News)

November 18, 2021

Doctors Without Borders has said 10 people were found dead at the bottom of an overcrowded wooden boat that was packed with migrants and refugees, with survivors rescued off the coast of Libya.

MSF tweeted, "10 avoidable deaths" on Wednesday, adding that 1,225 people have lost their lives crossing the Mediterranean Sea to Europe so far this year.

"How can we accept this in 2021?" it tweeted.

A rescue ship operated by MSF responded after volunteers conducting aerial surveillance confirmed a distress call coming from about 30 kilometres off the Libyan coast.

The bodies of migrants are recovered from a wooden boat that was packed with 99 migrants. The packed boat drifted at sea for more 13 hours before rescuers recovered 10 bodies from the bottom of an overcrowded vessel.(AP: MSF/Candida Lobes) The team on board the Geo Barents carried out three rescues within 24 hours.

That ship is now is carrying 186 people, the youngest of whom is 10 months old.

"Among them, some had to identify the dead bodies of family members or friends who perished in front of their eyes," the group tweeted.

Speaking from onboard the Geo Barents, MSF project coordinator Caroline Willemen said it was crucial that those on board "be brought to a safe place where they can start to recover".

"It is absolutely unacceptable that people continue to lose their lives in the Central Mediterranean while they flee horrific

human rights abuses in Libya and other places in the world," she said.

More than 59,000 asylum seekers have reached Italian shores so far this year, 50 per cent more than last year but far from the numbers who risked their lives on rickety smugglers' boats between 2014 and 2017.

UN agency: 75 migrants drown in Mediterranean off Libya (Toronto Star)

November 20, 2021

The United Nations' migration agency said 75 migrants drowned in the Mediterranean Sea north of Libya earlier this week as they attempted to reach Italy by boat.

The International Organization for Migration reported the latest tragedy in a tweet on Saturday, attributing the information to 15 survivors who were rescued by fishermen and brought to the port of Zuwara in northwestern Libya. It did not immediately provide further information.

Also on Saturday, the Italian Coast Guard rescued more than 420 migrants, including dozens of minors, from boats in difficulty in the Mediterranean Sea,

A coast guard statement said 70 people were brought safely by one of its motorboats to the tiny Italian island of Lampedusa, south of Sicily.

Meanwhile, a different coast guard vessel was headed to the port of Porto Empedocle on Saturday evening in Sicily with more than 350 migrants aboard after they were plucked to safety from a foundering fishing boat 70 miles (115 kilometers) from the Sicilian coast, the statement said. Among them were more than 40 minors.

That fishing boat "was in danger, due to the bad weather conditions at sea and due to the elevated number of persons on board," the Coast Guard said. After being rescued by two motorboats, they were transferred to a larger Coast Guard vessel.

The statement described the rescue of the larger number of migrants as "complex." Four cargo ships in the area were pressed into service to "mitigate the impact of the wind" on the rescue operation, it said, allowing the migrants to be safely rescued.

Each year, thousands of migrants and refugees from Africa, the Middle East and South Asia attempt the deadly Mediterranean sea crossing to Europe on overcrowded and often unseaworthy boats. More than 1,300 men, women and children have died so far in 2021 trying to cross the Central Mediterranean from Libya and Tunisia to Italy and Malta according to IOM.

Crimes against humanity in Libya: ICC must investigate (International Federation for Human Rights)

November 23, 2021

Today, the European Center for Constitutional and Human Rights (ECCHR), the International Federation for Human Rights (FIDH) and Lawyers for Justice in Libya (LFJL), in collaboration with survivors, have filed a Communication to the International Criminal Court (ICC) on grave crimes committed against migrants and refugees in Libya which may amount to crimes against humanity. They urgently demand: the ICC must investigate the responsibility of armed groups, militias and Libyan state actors involved in the commission of such crimes including arbitrary detention, torture, murder, persecution, sexual violence and enslavement. The Communication names 19 alleged Libyan perpetrators including well-known militia chiefs. The ICC has to hold those responsible to account and put an end to these widespread and systematic crimes.

In addition, the organizations today published a joint report, including first-hand accounts of survivors. The report offers an analysis of the findings on crimes against humanity as presented in the ICC Communication and examines the EU policies designed to prevent migrants and refugees from reaching Europe through Libya. It argues: EU policies have trapped migrants and refugees in Libya and thus significantly contribute to this grave situation.

Both the report and the ICC Communication are based on extensive interviews with 14 survivors now located in safe locations outside Libya, as well as comprehensive research and reviews of reports by the UN and civil society organizations. The findings show: Thousands of migrants and refugees travelling through Libya are subject to a continuous cycle of abuse that is both widespread and systematic. As Libyan state and non-state actors take advantage of the vulnerable situation of those seeking safety or better opportunities, this exploitation through detention, enslavement, extortion and torture has become an important source of revenue in Libya's conflict economy. The ICC Communication analyses the crimes committed and

highlights the individual responsibility of high-ranking perpetrators.

For the past 10 years the ICC has been investigating the situation in Libya without opening a case on crimes against migrants and refugees. Today, for the 22nd time, the ICC Prosecutor is briefing the UN Security Council on the progress of this investigation. “Despite strong calls by the former ICC Prosecutor to finally address the impunity in Libya, the crimes continue”, stated Chantal Meloni, Senior Legal Advisor at ECCHR. “We strongly believe that only the ICC can address the complexity of the criminal system aimed at exploiting the human suffering of the migrants and refugees in Libya. We therefore call the current Prosecutor, Mr Karim Khan, to finally take the necessary steps to bring the perpetrators to justice.”

Despite knowledge of international crimes to which migrants and refugees are subjected in Libya, the EU has furthered efforts to externalise its borders and contain migrants there. It also supports the Libyan Coast Guard (LCG) through training and financial support allowing to intercept and return those seeking to escape – even though the LCG is also known to commit human rights violations.

The public report thus calls on the EU and European states to immediately stop returns to Libya, comply with their international obligations and suspend all forms of support and assistance to Libyan authorities in relation to migration management policies. Further support to Libyan authorities must be conditional upon the provision of sufficient guarantees to ensure that the human rights of refugees and migrants are protected and that an adequate asylum system is established to uphold the right to international protection in Libya.

Libya: Gadhafi son disqualified from running for president (AP News) By Rami Musa
November 24, 2021

Libya’s top electoral body on Wednesday disqualified the son and onetime heir apparent of the late dictator Moammar Gadhafi from running for president in elections to be held next month, citing his previous convictions.

The name of Seif al-Islam Gadhafi appeared on a list of ineligible candidates issued by the country’s High National Elections Committee. He can appeal the decision in court in the coming days.

Seif al-Islam had been sentenced to death by a Tripoli court in 2015 for using violence against protesters in a 2011 uprising against his father, but that ruling has since been called into question by Libya’s rival authorities. He is also wanted by the International Criminal Court on charges of crimes against humanity related to the uprising.

Libya is set to hold the first round of presidential elections on Dec. 24, after years of U.N.-led attempts to usher in a more democratic future and end the country’s civil war. Adding to the concerns surrounding the election, the U.N.’s top envoy for Libya submitted his resignation last week, though he said Wednesday he is prepared to stay on through the vote if needed.

Following the 2011 overthrow and killing of Moammar Gadhafi, oil-rich Libya spent most of the last decade split between rival governments – one based in the capital, Tripoli, and the other in the eastern part of the country. Each side in the civil war has also had the support of mercenaries and foreign forces from Turkey, Russia and Syria and other regional powers.

The son of Libya’s former dictator submitted his candidacy papers in the southern town of Sabha on Nov. 14. It was the first time in years that the 49-year-old, who earned a PhD at the London School of Economics, appeared in public.

He had been captured by fighters in the town of Zintan late in 2011, as the uprising ended his father’s rule after 40 years. Seif al-Islam was released in June 2017.

The announcement of his possible candidacy stirred controversy across the divided country, where a number of other high-profile candidates have also emerged in recent weeks. Among them are powerful military commander Khalifa Hifter and the country’s interim prime minister Abdul Hamid Dbeibah.

The long-awaited vote still faces challenges, including unresolved issues over laws governing the elections, and occasional infighting among armed groups. Other obstacles include the deep rift that remains between the country’s east and west and the presence of thousands of foreign fighters and troops.

Meanwhile, U.N. envoy Jan Kubis submitted his resignation last week, though it didn’t become public until Tuesday.

The Geneva-based diplomat serves as both special envoy for Libya and head of the U.N. political mission in the country. He told the Security Council on Wednesday that he is leaving to facilitate a change he considers vital: moving the mission chief’s job to Tripoli to be on the ground at a high-stakes moment for Libya.

The idea divided the council during discussions in September. Western countries embraced it; Russia rejected it.

Kubis added that he was ready to continue as special envoy through the election, though he said the U.N. had accepted his resignation with a Dec. 10 effective date.

Asked about the discrepancy, U.N. spokesperson Farhan Haq said the organization would “continue to work with him while we’re seeking a successor.”

The job was open for nearly a year before being filled by Kubis, a former Slovak foreign minister and U.N. official in Iraq and Afghanistan.

The Security Council emphasized the importance of the upcoming election Wednesday, urging an “inclusive and consultative electoral process,” warning against violence and disinformation and calling for Libyans to accept the results of the vote.

Libyan Ambassador Taher El Sonni said his country appreciates “all international initiatives with genuine intentions,” but he said the council’s members need “to heed us, too” and let Libyans lead their own way out of crisis.

“You have a moral responsibility towards the developments in my country over the past 10 years,” he told the group. “Don’t belittle us.”

UN decries attack on court in Libya ahead of national vote (Yahoo News) By Noha Elhennawy
November 26, 2021

The U.N. mission in Libya condemned on Friday an attack by armed men on an appeals court as it was set to re-examine an earlier decision that disqualified the son of longtime dictator Moammar Gadhafi from running for president.

On Thursday, armed men surrounded the court in the southern town of Sabha and prevented judges from convening to look into Seif al-Islam Gadhafi's appeal. Earlier, the country's electoral body had deemed Seif al-Islam ineligible to take part in the presidential race set for next month, citing his previous convictions.

“Attacks against judicial or election facilities or judicial or elections personnel are not only criminal acts, punishable under Libyan law, but also undermine Libyans’ right to participate in the political process,” tweeted the U.N. mission, known as UNSMIL.

Libya is to hold the first round of presidential elections on Dec. 24, after years of U.N.-led attempts to usher in a more democratic future and end the country’s civil war. However, the upcoming vote faces many challenges, including unresolved issues over laws governing the elections and occasional infighting among armed groups. Other obstacles include the deep rift that remains between the country’s east and west and the presence of thousands of foreign fighters and troops.

The oil-rich North African country is currently governed by an interim government that was elected by Libyan delegates after U.N.-led talks in Geneva in February.

Interim Interior Minister Khaled Mazen vowed to hunt down and prosecute the assailants in Thursday's attack. He insisted that the transitional government is keen on securing the electoral process in order to encourage all Libyans to vote, according to Libya's state-owned news agency.

On Wednesday, Libya's High National Elections Committee decided to exclude Seif al-Islam from the race, citing his criminal record. He had been sentenced to death by a Tripoli court in 2015 for using violence against protesters in a 2011 uprising against his father, but that ruling has since been called into question by Libya’s rival authorities. He is also wanted by the International Criminal Court on charges of crimes against humanity related to the uprising.

The announcement of his possible candidacy stirred controversy across the divided country, where a number of other high-profile candidates have also emerged in recent weeks. Among them are powerful military commander Khalifa Hifter and the country’s interim prime minister, Abdul Hamid Dbeibah.

“The Mission reiterates its call for holding transparent, fair and inclusive elections on 24 December,” said UNSMIL.

The U.S. Embassy in Libya also issued a statement on Friday voicing concern over the attack. It condemned the attack and stressed that the electoral process must be protected.

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Central African Republic

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

Central African children in crosshairs, UN calls for their protection (Modern Diplomacy)

November 17, 2021

Children in the Central African Republic (CAR) have suffered a spike in grave violations since the end of 2020, according to a new UN report on the situation in the country, issued on Monday.

The report on children and armed conflict in CAR highlighted that between 1 July 2019 and 30 June 2021, 1,280 children suffered one or more grave violations, with girls accounting for more than 40 per cent of all victims.

While most were committed by armed groups, five per cent were attributed to the national armed forces, FACA.

“The security situation in the Central African Republic has rapidly worsened in recent months and children are paying a high price for these renewed hostilities”, said Virginia Gamba, UN Special Representative for Children and Armed Conflict.

“I call on the signatories of the Political Agreement to uphold their commitments including those pertaining to children and urgently put in place concrete measures to protect children from harm and prevent further violations”.

Recruitment, rape and denial

With some 845 children affected, their recruitment and use were the most prominent of violations.

Following was rape and other forms of sexual violence, where at least 249 girls fell victim, although the actual scope is likely much worse as the crime is vastly underreported, usually for fear of reprisal, stigma, lack of accountability and support for victims and survivors.

The denial of humanitarian access was the third most verified violation, with 226 incidents.

“The situation is becoming increasingly difficult for humanitarian actors, who are struggling and facing growing dangers to reach the most vulnerable ones, including children, in dire need of life-saving assistance”, said Ms. Gamba.

As of 30 June 2021, 2.8 million people have needed humanitarian assistance and over 717,000 had been internally displaced in the country, based on figures from the UN humanitarian aid office, OCHA.

A heavy toll

Violence in the country continues to take a heavy toll on children.

The report reveals that 155 boys and girls were verified killed or maimed, most by crossfire between parties to the conflict; and 116 were abducted, more than half of them girls.

Attacks on schools and hospitals are also concerning, as is the impact of conflict and COVID on education and health systems as well as the growing use of military control of schools.

“These incidents deprived children of attending classes or forced them to enrol in different schools”, explained the Special Representative.

“I urge all parties to vacate all schools and hospitals that continue to be used, to respect the civilian character of these facilities and to put in place swift and effective measures to prevent this practice in line with the commitment made to the Safe School Declaration that the country has endorsed”, she added.

Progress amidst challenges

Some progress has been made, including strengthened national legal framework through the promulgation of the 2020 Child Protection Code – with provisions that criminalize the six grave violations of killing and maiming of children; recruiting or using them in armed groups; denial of humanitarian access for children; their abduction; attacks on schools or hospitals; and rape or other grave sexual violence.

Also, UN advocacy with armed groups on the ground has led to the release of 653 children and an additional 130 who have been separated since last June.

Despite this, impunity remains high.

The Special Representative urged the authorities to bring perpetrators to justice and to make full use of the recently promulgated Child Protection Code.

Protect children during COVID recovery

The COVID-19 pandemic has also weakened protection mechanisms in CAR while school closures have heightened children's vulnerability, particularly surrounding recruitment and sexual violence.

"As countries around the world continue to focus on their response to the pandemic and rollout vaccination programmes, we need to stand ready to respond to the urgent needs of children, particularly in the regions where the situation is the most critical", said Ms. Gamba, calling on the Government and parties to the conflict to develop a national strategy to prevent grave violations against children.

Central African Republic court arrests minister for 'war crimes' (Daily Sabah)

November 20, 2021

A court in the Central African Republic has detained the country's livestock minister for war crimes and crimes against humanity after he was directly linked to an attack in 2018 that killed more than 100 villagers including children, a court order showed on Saturday.

Hassan Bouba, a former rebel leader, was arrested at his office at the ministry on Friday, said several sources following the case.

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

Before he entered politics in 2017, Bouba was number two in an armed group called the Union for Peace in Central Africa (UPC).

The court order seen by Agence France-Presse (AFP) did not detail the allegations against Bouba.

But American nongovernmental organization (NGO) the Sentry has said Bouba and UPC leader Ali Darassa were directly responsible for a November 2018 attack on a displacement camp that killed 112 villagers including 19 children.

Judges at the Special Criminal Court, which tries human rights cases, ordered Bouba into pretrial detention on Friday, the court document showed.

It accused Bouba of war crimes and "crimes against humanity through murders, inhumane acts" and "cruel treatment like torture."

At the time of the 2018 attack, Bouba was special adviser to President Faustin Archange Touadera, who came to power in 2016 and whose government had started integrating rebel figures in a bid to divide the opposition.

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

The UPC expelled Bouba in January 2021, as the rebel group temporarily joined a new rebel coalition against Touadera.

Central African Republic: Minister Faces Atrocity Charges (Human Rights Watch)

November 24, 2021

The Special Criminal Court (SCC) in the Central African Republic has arrested and brought charges against a government minister for war crimes and crimes against

humanity in an important step for justice, Human Rights Watch said today. A detention hearing for the minister, a former armed group leader, Hassan Bouba Ali, known as Hassan Bouba, will be held on November 26, 2021, based on a court order seen by Human Rights Watch.

Bouba was a leader of the Union for Peace in the Central African Republic (Unité pour la Paix en Centrafrique, UPC), a rebel group that emerged out of the fractured Seleka coalition. In 2017 he was named a special councilor to the president, then named the minister of livestock and animal health in December 2020.

“The UPC is responsible for many serious crimes in the Central African Republic since 2014,” said Lewis Mudge, Central Africa director at Human Rights Watch. “Bouba’s arrest sends a strong message that even the most powerful can find themselves subject to the reach of the law and gives hope to the many victims of UPC crimes that they may one day see justice.”

The UPC started committing serious abuses in the Ouaka province in 2014, before it split from the rebel Seleka faction. From 2014 to 2017, Human Rights Watch documented at least 246 civilians killed, dozens of cases of rape and sexual slavery, and 2,046 homes burned by the UPC in the Ouaka province. In 2017 the UPC started to expand into the Basse-Kotto and Mbomou provinces.

In 2017 Human Rights Watch documented that at least 188 civilians had been killed in fighting between the UPC and anti-balaka fighters in the Basse-Kotto province, the majority killed by the UPC. The cases Human Rights Watch documented involving the UPC are most likely only a fraction of the total.

Bouba was expelled from the rebel group in January, after a surge in violence in the country when a new rebellion, of which the UPC was a member, began in December 2020. He was arrested at his office on November 19.

The Special Criminal Court issued a news release on November 22, saying that Bouba had been arrested, but it does not include any details on the crimes against humanity and war crimes that are charged. Bouba is being held at a military camp outside of Bangui.

The SCC is a novel court established to help limit widespread impunity for serious crimes in the Central African Republic. The court is staffed by both international and national judges and prosecutors, and benefits from international assistance. It has the authority to try grave crimes committed during the country’s armed conflicts since 2003. Internationally accepted standards for fair trials, including the presumption of innocence and the requirement that guilt be proven beyond a reasonable doubt, are enshrined in the court’s rules of procedure and evidence.

The law to establish the court was adopted in 2015, but the court did not officially begin operations until 2018. The SCC was established after national consultations in 2015, known as the Bangui Forum, had prioritized justice, and stated that “no amnesty” would be tolerated for those responsible for and acting as accomplices in international crimes.

Bouba’s charges come two months after another high-profile arrest by the SCC. Capt. Eugène Ngaïkosset – known within the country as “The Butcher of Paoua” – whose arrest was confirmed on September 4, is charged with crimes against humanity. Ngaïkosset led a presidential guard unit implicated in numerous crimes, including the killing of at least dozens of civilians and the burning of thousands of homes in the country’s northwest and northeast between 2005 and 2007.

Bouba is regarded as having moved up to the number two position in the UPC in October 2015 after his predecessor, Hamat Nejad, was killed in an ambush in Bangui. Human Rights Watch spoke and met with Bouba several times between 2015 and 2021, and shared research the organization had conducted on crimes that were committed by the UPC.

The UPC lobbied for a general amnesty during 18 months of peace talks negotiated by the African Union. The peace accord, finalized in Khartoum, Sudan, in February 2019, is vague on steps needed to ensure post-conflict justice and did not mention specific judicial processes, but it recognized the role impunity played in entrenching violence. While the accord did not mention amnesty, Bouba told Human Rights Watch in February 2019 that for the UPC, the peace deal means a general amnesty. “If the government arrests a member of an armed group, then there is no more accord,” he said.

On September 8 the SCC’s substitute prosecutor, Alain Tolmo, announced that the court intends to begin its first trials before the end of the year, and that the court has multiple cases under investigation. The court is based in Bangui, which will help Central Africans affected by the crimes to more easily follow and interact with efforts to ensure that suspects face criminal accountability, Human Rights Watch said. The SCC’s judicial efforts operate in tandem with International Criminal Court investigations and prosecutions of serious crimes committed in the country, along with some cases dealing with lesser conflict-related crimes before the country’s ordinary criminal courts.

The SCC faces funding challenges and needs further support to continue to advance its important work, Human Rights Watch

said. Organizations, including Human Rights Watch, wrote to members of the US Congress on November 18 to urge renewal of the US government's important \$3 million 2021 contribution to the court.

"The Special Criminal Court is playing a vital role in helping to puncture pervasive impunity in the Central African Republic," Mudge said. "When Bouba was promoted to minister many felt it could be yet another example of how it can pay to commit serious crimes in the Central African Republic. His arrest is a warning to other suspects in positions of power that the reign of impunity in the country may be running short."

Central African Republic: Detain War Crimes Suspect Now (Human Rights Watch)

November 28, 2021

The Central African Republic government should coordinate with United Nations peacekeepers to ensure that war crimes suspect Hassan Bouba, who was released from detention in defiance of court orders and escorted home by national gendarmes on November 26, 2021, is returned to custody, Human Rights Watch said today.

Bouba – a minister and former rebel group leader in the Central African Republic – was arrested on November 19 on war crimes and crimes against humanity charges brought by the country's war crimes court, the Special Criminal Court (SCC). On November 26, according to a press release published by the SCC, national gendarmes escorted Bouba out of the Camp de Roux prison where he was detained and took him to his home. Bouba was scheduled to appear before the SCC on November 26 for a custody hearing but did not do so.

"If the Central African Republic wants to address impunity for atrocities, the government needs to support the Special Criminal Court and Bouba's immediate re-arrest," said Elise Keppler, associate international justice director at Human Rights Watch. "Allowing Bouba to be released in defiance of the Special Criminal Court's orders undermines efforts to advance justice and increases the possibility that he could flee. International partners – including the US and French governments, the European Union, and the UN peacekeeping forces – should insist the court's orders are followed and that Bouba is taken back into custody as soon as possible, to face due process."

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Sudan & South Sudan

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

Sudanese security forces use lethal force on protesters: HRW (Sudan Tribune)

November 24, 2021

Security forces have repeatedly used excessive force, including lethal force, against demonstrators in and around Khartoum, Human Rights said today. Sixteen people were shot dead on November 17, 2021, alone, including a woman and a child, the deadliest response to date. Protesters again took to the streets on November 21, despite the announcement that the prime minister, Abdalla Hamdok, had been released and had signed a deal with the military.

"The ruthless killing of 16 people on November 17, many shot in the head, shows clearly that Sudan's security forces had no intention of exercising restraint, but are bent on silencing Sudanese voices," said Laetitia Bader, Horn of Africa director at Human Rights Watch. "Sudan's backers should not, in the name of political expediency, let these crimes go unanswered nor those responsible get away with them."

The November 21 deal with Hamdok reinstates him as prime minister and allows him to form a technocratic government. The deal also calls for the release of "political detainees," and national investigations into abuses. The deal was immediately rejected by protesters and the Freedom and Change Forces (FFC), the political alliance that once represented the civilian component in the transitional government, which was overthrown.

Since the October 25 military coup, groups have organized multiple large-scale demonstrations during which security forces

have repeatedly used lethal force. While the prime minister was signing the deal with the military leadership, security forces used teargas, rubber bullets, and live ammunition to disperse protesters outside. Human Rights Watch spoke to 10 protesters and 3 doctors and reviewed 7 video clips posted online. The Sudanese Archive, an independent rights organization that archives, verifies, and investigates open-source documentation in Sudan, verified the videos.

According to doctors' groups, 41 people have been killed since the protests began, including 5 children and a woman. The military has deployed joint forces including Sudan Armed Forces (SAF), Rapid Support Forces (RSF), regular police, riot police, and Central Reserve Police (CRP), a militarized police unit, at protests in Khartoum and its outskirts.

According to forensic reports seen by Human Rights Watch, 6 of 12 people on whom autopsies were carried out after November 17 had been shot in the head, one in the neck, and five in the chest. Medical reports said that 107 were wounded, including 48 reportedly due to live ammunitions.

On November 18 the police denied that their forces had used live ammunition. Human Rights Watch examined reports filed by families of the killed at police stations for eight protesters killed on November 17, citing live ammunition injuries as the cause of death. Lt. General al-Burhan, the military chief, denied in a televised interview on November 7 that the army was involved in previous killings. However, evidence obtained by Human Rights Watch, including witness accounts, forensic reports, and video footage, point to the use of live ammunition by security forces in SAF, RSF, CRP, and regular police uniforms.

Bahri, a town within Khartoum, had the highest toll, with at least 11 killed and over 77 injured on November 17. A 31-year-old protester said that protesters gathered around noon along Bahri's main street near al-Mo'assa intersection where police units were already stationed.

He said the police suddenly fired tear gas canisters without warning: "Some protesters started throwing rocks at the police, but we asked them to stop. Then the situation changed. Around 1:30 to 2 p.m. the police opened fire. Again, without warning. We thought they were shooting in the air until I started feeling bullets flying at my body level. I saw one protester hit and fall bleeding."

Three witnesses said they saw members of both regular and anti-riot police, as well CRP, directing their guns at the protesters, some kneeling or taking a shooting position before opening fire.

A 41-year-old journalist at the same location reported seeing police forces use teargas at first, including firing canisters directly at protesters. Mid-afternoon, he saw police and CRP shooting live ammunition and saw three protesters killed: "they [police] directed their guns at us. They did not shoot to scare off only – they wanted to kill us."

Two witnesses near al-Sha'abia area in Bahri said the use of live ammunition intensified between 3 and 4 p.m. as some protesters remained on the streets. "There was more deployment of Central Reserve Police at that time," one said. "I even saw one of them carrying a big machine gun and shooting at protesters. It felt like a war zone. I saw two protesters near me hit and bleeding a lot." Four said that police repeatedly fired teargas canisters at protesters without warning: "Sometimes they use teargas as a weapon. At some points, we were maybe 10 meters away from them, and I saw police officers directing their teargas guns at us. I saw two hit: one in the head and one in the shoulder."

According to doctors' groups, 13 were transferred to hospitals with wounds from direct hits from tear gas canisters.

On October 30, the first large-scale protest, six witnesses described a heavy build-up of security forces, including CRP, Riot Police, SAF, and RSF in Omdurman. Three witnesses in al-Mawrada street said between noon and 1 p.m. security forces initially fired live ammunition in the air and then began to fire large amounts of teargas. Two witnesses said that riot police directed canisters directly at the protesters.

A 30-year-old protester said security forces also used live ammunition: "I saw one protester hit in his head. I carried him with others to a raksha [rickshaw] nearby. He was already not breathing, and he died later in the hospital." According to a report a medical source provided to Human Rights Watch, three were killed that day and two others on later days; 175 were injured on October 30 and treated in hospitals in the capital, 11 had gunshots in the upper parts of their bodies, 36 were injured by teargas canisters. Security forces have also targeted health care facilities, harassed medical personnel, and disrupted medical care to wounded protesters at least twice.

On November 13, police prevented wounded protesters from receiving medical care, harassed medical staff in East Nile hospital in Bahri and in Al-Arbaeen hospital in Omdurman.

One doctor said anti-riot police stationed themselves outside the East Nile hospital, then raided the hospital: "they] police forces [said they saw some people inside the hospital taking pictures of them. They arrested one doctor for a short period and searched other medical staff's mobiles looking for videos and pictures before leaving. They made us feel unsafe doing our

work.”

Abusive security force operations in health care facilities and harassment of providers was also documented during the 2018-2019 protests, and following the dispersal of the sit-in on June 3, 2019.

Human Rights Watch has also documented internet and telephone communications slowdowns and shutdowns since the protests began, hampering reporting and restricting people’s access to vital information at this critical time, especially outside of the capital. On November 17, local telecommunication services were also cut for most of that day. Internet services were restored on November 18, activists said.

Only four detainees have been released despite commitments in the November 21 deal to release more.

Dozens of protesters arrested in the last month by the security forces are still detained, with some transferred to a prison in Khartoum, reportedly waiting to appear before emergency tribunals. While the use of teargas for crowd control when a protest has turned violent is permissible, forces should only use teargas when necessary to prevent further physical harm; where possible, they should issue warnings before firing. The deliberate use of lethal force is permissible only when it is strictly necessary to protect life, Human Rights Watch said. Even if some protesters sought to repel the forces by throwing rocks at them, use of live ammunition would not be justified.

Human Rights Watch had found that a handful of killings of protesters were investigated and prosecuted prior to the coup, but impunity for serious crimes has remained largely the norm. Obstacles such as lack of cooperation from security forces in lifting immunity for suspects or providing access to evidence continued to challenge existing efforts, said prosecutors, victims’ families, and lawyers.

Sudan should cooperate with the new expert on Sudan designated by the UN High Commissioner for Human Rights and UN Joint Human Rights Office in Sudan, to allow for credible investigations into events of the last month. Sudan’s international and regional partners should continue to call for an end to abuses against protesters and perceived dissent and press for the release of all persons detained in connection to their free and peaceful exercise of their rights.

“With so many Sudanese reeling from the ruthless clampdown of the last month, this is not the time for a return to business as usual,” Bader said. “Sudan’s partners, regional and further afield, should meaningfully support and help the Sudanese achieve their aspirations to build a fairer, rights-respecting country.”

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Democratic Republic of the Congo

**Official Website of the International Criminal Court
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DRC: Cash grants power dreams of peace for survivors of conflict (Independent) By Ben Anguandia and Helen Vesperini
November 20, 2021

Kisimba Emedi remembers waking to sounds of gunfire edging closer to her home in the southeastern village of Tundwa in the Democratic Republic of the Congo.

“We knew we had no time to lose,” she says, as she prepares fish for dinner for her children, whom she “grabbed ... and ran into the forest” on that night of terror.

Gunshots rang out and the adults were on edge, fearing that the smaller children might cry out and give away their hiding place. The only option was to flee.

Kisimba’s story is hauntingly familiar across the DRC, where protracted violence has uprooted millions from their homes – including hundreds of thousands in the southeastern Tanganyika province. Intercommunal conflicts have grown in intensity in recent years, leaving a trail of burned-out villages and looted crops. The country has Africa’s highest number of internally displaced people.

The unrest has also deepened hunger and malnutrition in the region, forcing families to abandon their farms and other sources of livelihood.

But today, some, like Kisimba, are building back their lives, partly thanks to cash provided by the World Food Programme (WFP) – cash is a form of humanitarian assistance developed to empower people to buy the foods and essentials they need.

“Along with helping us put food on the table, the great thing about cash is that it enabled us to prioritise our needs and build for the future,” says Kisimba. “If we had received food, I may have been tempted to sell some to address our other needs.”

After the attack five years ago, Kisimba and her husband led their family to the relative safety of Kalemie, a port town on the shores of Lake Tanganyika.

During the difficult journey, they ate only the scarce food they could find along the way. In Kalemie, however, the couple quickly realised that without their own plot of land, and the support of relatives, they were going to have a hard time.

“We had been used to feeding the children from the crops we grew,” says Kisimba of her extended family – she is also responsible for nieces and nephews whose parents were unable to feed them. “In Kalemie, the only work we were able to find was manually crushing stones. My husband and I crushed stones from dawn to nightfall while my eldest daughter looked after the other children.” Small-scale construction sites in the DRC depend on stones crushed manually for aggregate.

Even though they were working all day, every day, they weren’t earning enough to eat.

“We ended up eating just cassava leaves with salt,” says Kisimba. Cassava is a popular vegetable, with its root consumed for starch and the leaves boiled into a sauce. “The children started to look sick all the time”, and still complained of being hungry.

The couple were left with no choice but to return to their village. They arrived in Tundwa exhausted and weak and found their worst fears confirmed.

“The house had been burned down,” says Kisimba. “Everything was gone – the crops, the animals we had, the cooking pots.

“We were again surviving on cassava leaves – but at least we were home, and we felt more hopeful.”

Neighbours who had also returned helped with food.

They settled after some time, and Kisimba gave birth to the couple’s youngest daughter, Kyabu. “It was then that we heard that WFP was starting a cash assistance programme for returnees and that our family was eligible,” she says.

Kisimba was registered to collect cash for the family – with eight members, that amounted to the equivalent of US\$100 (£74). On the day she collected it, she and her husband sat down to figure out how best to use the money.

They paid neighbours to help them clear new land to expand their harvests of maize, cassava and beans. They invested in hens and goats as insurance against hard times.

The investments paid off. The couple now sells their surplus crops, and the profits ensure a varied diet – including fish, which Kisimba’s children are particularly fond of. They have also bought a mini solar panel, which brings in money – neighbours pay them a small fee to charge their phones.

“It makes me so happy when I see my children running around after they have eaten their fill,” says Kisimba. “All we hope for now is that peace will continue in our village.”

Militiamen kill at least 20 in eastern Congo attack (Reuters) November 22, 2021

Militiamen killed about 20 people during an attack on displaced civilians in northeastern Democratic Republic of Congo, the government said on Monday.

Fighters from the CODECO militia raided the village of Drodro on Sunday night, Jules Ngongo, a spokesperson for Ituri’s military government, told Reuters.

He said they killed 12 civilians, six of them children. Patrick Muyaya, the spokesperson for the national government, later said on Twitter that the death toll stood at around 20.

Repeated attacks by CODECO have killed hundreds of civilians in Ituri province’s Djugu territory since 2017 and forced thousands to flee their homes, according to the United Nations. CODECO’s fighters are drawn mainly from the Lendu farming community, which has long been in conflict with Hema herders.

"Their objective was to attack the population that was displaced in Drodro," Ngongo said. Others said the death toll was higher.

Ngabu Lidja Chrysante, a priest and coordinator for the Catholic charity Caritas in Ituri, said his colleagues on the ground had seen the bodies of 35 people killed in the attack, which also targeted the local church.

Kivu Security Tracker, which maps violence in Congo, said it had confirmed 29 deaths. It had earlier reported 107 deaths but said that information turned out to be erroneous.

Mathias Gilman, the spokesperson for the United Nations peacekeeping mission in Congo, said at least 16,000 people fleeing the attacks had taken shelter at a nearby site protected by peacekeepers.

CODECO spokesperson Patrick Basa denied the group had killed civilians. He told Reuters its fighters had clashed in Drodro with a Hema militia but said the civilians had already fled the area.

Conflict between Lendu and Hema from 1999 to 2007 resulted in an estimated 50,000 deaths in one of the bloodiest chapters of a civil war in eastern Congo.

Ituri and neighbouring North Kivu province have been run by military officers since May when the government declared a state of siege in response to rampant violence, but the killings have not shown any sign of abating since then.

Sexual Violence Survivors From 12 Countries Gather In DRC (Taarifa)

November 23, 2021

More than 20 survivors of conflict-related sexual violence in Africa have convened at a forum in the Democratic Republic of the Congo's capital Kinshasa to deliberate on possible deterrent measures against this crime.

The event titled "It's Time: Survivors' Forum on Reparations" aims at providing a platform for survivors of conflict-related sexual violence around the world to share their testimonies, perceptions and thoughts around the issue of reparations and of their participation in the process.

"There is nothing more urgent today in our country, in the Democratic Republic of the Congo and others around the world, than to listen to survivors of conflict-related sexual violence," says Dr. Denis Mukwege, Nobel Peace Prize winner, president and co-founder of the Global Fund for Survivors.

Dr. Mukwege added that the forum is a chance to hear them, "Listening to them would be one of the most beautiful forms of recognition that we can offer them."

Esther Dingemans, Executive Director of the Global Reparations Fund (GSF) added, "Today we want to listen to the victims, the survivors of conflict-related sexual violence, especially on reparations issues."

According to her, reparation is currently a right for survivors, recognized at different levels, national, international, but in reality they do not receive it. And one of the GSF's missions is to change that reality. This involves advocacy with states (which must take responsibility), but also through real work with survivors so that they can speak out on silent issues such as conflict-related violence. "It helps governments listen to them and realize that it is very urgent that victims receive redress."

Around 80 participants are expected around the survivors, including representatives of the international community, United Nations and African Union agencies and bodies, diplomatic missions in the Democratic Republic of the Congo, civil society organizations, experts and academics and national and local authorities.

"We expect a lot from African leaders. What still makes me most comfortable is knowing that this activity is organized in Kinshasa. The dual status of President Tshisekedi will allow us to carry out greater advocacy for African presidents to get involved in changing African history. May we be able to leave these cycles of violence, may our populations experience happiness in their territories and may other nations come to experience lasting peace," said Christelle Vuanga, national deputy and president of the Gender Commission of the National Assembly.

Meanwhile, this forum which kicked off on November 22, will also enable survivors, activists, experts and other stakeholders to draft the Kinshasa Declaration on the rights of survivors of conflict-related sexual violence.

Two Chinese nationals killed, others kidnapped in eastern Congo – army (Reuters) By Erikas Mwisi Kambale

November 26, 2021

Two Chinese nationals have been killed and an unknown number of other people kidnapped in an attack by the CODECO militia on a mining camp in eastern Democratic Republic of Congo, an army spokesman said on Thursday.

A local chief and a civil society leader also confirmed the two deaths and said eight other Chinese people were missing after Wednesday's attack. They also blamed CODECO, one of an array of armed groups active in the area.

The attack took place in Djugu, in Ituri province, where Chinese nationals have informal gold mining operations.

"We confirm that CODECO elements attacked one of our positions in Djugu territory. They also attacked a base of our Chinese brothers, unfortunately killing two of them and kidnapping others," said Lieutenant Jules Ngongo, spokesman for the army in Ituri.

The CODECO militia could not be reached for comment. The Chinese embassy in Kinshasa could also not be reached.

The United Nations says repeated attacks by CODECO have killed hundreds of civilians in Djugu territory since 2017 and forced thousands to flee their homes.

About 20 people were killed in an attack on displaced civilians in Djugu territory on Sunday night, which the government also blamed on CODECO.

CODECO's fighters are drawn mainly from the Lendu farming community, which has long been in conflict with Hema herders.

Wednesday's attack was the second on a Chinese mining operation in a week in Congo's restive east. Authorities said on Sunday gunmen had killed a policeman and kidnapped five Chinese nationals near a mine in South Kivu province.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Tension As Hundreds Of Repentant Boko Haram Terrorists Riot In Borno (Sahara Reporters)

November 18, 2021

Hundreds of Nigerian Boko Haram terrorists who are being held in a camp in Borno State after surrendering to the military rioted on Wednesday to demand the right to slaughter cows for meat, AFP reports.

The riot prompted residents in the Northeast city of Maiduguri to lay siege to the camp, wielding swords, daggers and clubs, and threatening to kill anyone who left the facility, security sources said.

The incident illustrated the sensitive task which authorities face in re-inserting former fighters back into communities that have often suffered from years of attacks and kidnappings during a 12-year Islamist insurgency.

The army presents the surrender of hundreds of Boko Haram fighters and families in recent months as a sign of success in ending the conflict centred in northeast Borno State, but many residents still see them as a security risk.

Around 250 Boko Haram members, including women and children, staged a violent protest in the Gidan Taki outskirts of the city, smashing windows and doors and threatening to move out of the camp if their demand was not met, the sources and residents said.

“The Boko Haram inmates went on a rampage this morning, breaking doors and windows and even attempted to leave the camp,” said Konto Garga, a member of an anti-jihadist militia that helps the army.

According to the Nigerian military, 18,000 Boko Haram fighters and their families have surrendered to the army following the death in May of their leader Abubakar Shekau.

Shekau blew himself up to avoid capture during infighting with the rival Islamic State West Africa Province (ISWAP) faction in his Sambisa Forest enclave.

ISWAP split from Boko Haram in 2016 to become a dominant group in Nigeria with ties to the so-called Islamic State.

Many Maiduguri residents fear jihadists are surrendering not out of remorse, but in desperation to escape ISWAP rivals who were executing Boko Haram militants for refusing to yield to the group.

The protesting terrorists, who have been in the camp since August, were demanding authorities hand them the cow they are provided daily to slaughter themselves instead of being provided with the beef from the abattoir, the sources said.

“People living in the area came out with locally made weapons and vowed to kill any one of the protesters who stepped out of the camp,” militia member Garga said.

“The people still see them as a security threat,” said Garga, who was among security personnel sent to prevent the jihadists from leaving.

Gidan Taki resident Usman Bunu said people in the area do not believe the surrenders are sincere and the protest only confirmed their suspicions.

“They still consider anyone not in their fold as an infidel, which is why they want to be allowed to slaughter their cow themselves,” Bunu said.

“Had they come out of the camp we would not have hesitated in finishing them all because we know how dangerous they are,” he said.

The threat by the armed residents and reinforcement of security personnel ended the riot and the inmates returned to their quarters, Bunu said.

The riot was the second in the camp, with a similar one over the same demand in September, militia leader Babakura Kolo said.

The Boko Haram inmates have been unruly since they arrived in the camp, constantly quarrelling with his men guarding the camp, and accusing them of looking at their wives, Kolo said.

“They still have Boko Haram mentality and openly insult our men as agents of the infidel government,” Kolo said.

Vigilance group kills 13 ISWAP members in Niger (Punch) By Aisha Wakaso
November 27, 2021

A vigilance group in Shiroro Local Government Area of Niger State on Thursday raided the camp of terrorists believed to be members of the Islamic State West Africa Province that recently infiltrated some parts of the state, killing 13 of them.

Sani Kokki, Co-convenor of Concerned Shiroro Youths of Niger State, who made this known in Minna on Friday, said members of the vigilance group acted on a tip-off.

“Acting on a tip-off about the presence of these heartless, venomous, murderous and hydra-headed terrorists in their various enclaves; the brave, courageous, determined and fearless local vigilantes swung into action,” Kokki said.

He stated that the terrorists, who had a battle with members of the group, were eventually subdued while some escaped.

“Thirteen terrorists were killed in the raids that were carried out in different terrorists’ camps. While three terrorists were eliminated in their camp somewhere around Chukuba axis, Kwaki/Chukuba Ward of Shiroro Local Government Area, about 10 others met their waterloo at Sarari area in the same Kwaki/Chukuba Ward of Shiroro LGA.

He also revealed that some members of the terrorist group escaped with gunshot injuries, while assorted weapons were recovered from them.

Nigerians And Cross-border Attacks (Leadership)

November 30, 2021

Last week, suspected members of a Cameroonian separatist group, known as Ambazonia rebels, killed at least 11 persons in an attack on Manga community in Takum Local Government Area of Taraba State. One of those killed was the king of the community.

Local authorities say many residents of the area, as many as 20, mostly women and children, remain missing after the attack and are feared to have been kidnapped.

According to reports, the raid bore the marks of a well-coordinated operation as the gunmen arrived at the community at about 5:30am in speedboats with sophisticated weapons, shooting at residents on sight and burning down buildings.

Residents said the deadly attack was not the first by the rebels in the area. According to them, the separatist rebels had been terrorising residents, destroying farm produce and stopping peasants from cultivating their farmlands. They likened their activities to those of Boko Haram, only that this time they are Cameroonians just as they lament that the people of the community are now living in palpable fear of bloody attacks.

They, however, said the Nigerian government had deployed security forces in the community and added that this had restored some trust. The Manga community that bore this attack borders a lake that it shares with Cameroon, which the armed group is using as a launchpad for the attacks.

The Ambazonian rebel group is fighting for the creation of a separate country from Cameroon. In October 2017, the secessionist group declared the independence of the so-called Anglophone state of Ambazonia. Ambazonia is located in the west of Cameroon and south-east of Nigeria in the Gulf of Guinea.

The government of Cameroon has declared war on the separatists and sent its army into the English-speaking region. On its part, the militant group has been waging a guerrilla war against Cameroonian security forces.

Senator Emmanuel Bwacha, who represents Taraba South in the National Assembly, said the separatists’ invasion threatened Nigeria’s territorial sovereignty as their motive is yet unknown. He, therefore, called on the military to immediately swing into action to prevent the eventual occupation of Manga community by the separatists. Takum local government hosts a military base, 23 Battalion of the Nigerian Army. For now, there is no confirmed reason for the attack on Nigerians on Nigerian territory.

Leader of the separatists, Julius Ayuk Tabe, however, denied that the attack came from the group, saying it was the Cameroonian government forces that carried out the raids to draw Nigeria into the battle. That requires investigation to ascertain how the government should react.

It is well documented that Cameroonian gendarmes had always crossed Nigerian territory in Boki in Cross River State to attack villagers for one reason or the other, including in their pursuit of the rebels, often leaving a trail of death and destruction in their wake.

As a newspaper, it is important to point out that those who launched these attacks are emboldened by Nigeria’s porous borders because they believe they can get away with it. Apart from that frontier, other cross-border attacks have been recorded on Nigeria’s borders with other neighbouring countries.

It is a measure of how low we have descended in the estimation of our neighbours due to the country’s own challenge posed by extremist Islamists for over 10 years now. That has emboldened this Cameroonian group – whether troops or separatists, to dare to launch raids into Nigeria to kill her citizens, burn their houses and farms and carry off our women and girls.

Nigeria has to take this matter seriously. What determines the kind of regard and respect a country gets in the comity of nations is how well it protects its border or responds to border encroachment from any quarters. Any attack on any community or individual by a foreign force is an attack on the whole nation and should be treated as such. We may have our internal matters to deal with, but let no foreigner treat us with levity. No country will take that.

Nigeria must engage Cameroon to ascertain its role in the whole saga. If it is found that its troops were not involved, then Nigeria should formulate a ruthless response to the separatists using everything in its arsenal to make it clear that such attacks cannot be tolerated. The perpetrators must be handed over to answer for their crimes.

It is true that Nigerians have not heard anything from the presidency or from the commander in chief himself. We want to believe he is taking strong diplomatic actions behind the scenes but his compatriots need to see action to assure them that they are protected from external aggression.

A special military force to deal with Nigeria's border issues on that axis should also be formed. Such a force should have air, sea and ground capacity to repel any cross-border raids on Nigerians. Ultimately, Nigeria must do something fast about its porous borders. The country cannot know peace until it does so. Surveillance technology can help in the short term. Last week, suspected members of a Cameroonian separatist group, known as Ambazonia rebels, killed at least 11 persons in an attack on Manga community in Takum Local Government Area of Taraba State. One of those killed was the king of the community.

Local authorities say many residents of the area, as many as 20, mostly women and children, remain missing after the attack and are feared to have been kidnapped.

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Mali

ICC reduces sentence of Mali jihadist convicted of overseeing destruction of Timbuktu monuments (Jurist) By Ananya Upadhya

November 26, 2021

A panel of the International Criminal Court Thursday reduced by two years the nine-year sentence of Ahmad Al Faqi Al Mahdi, convicted of a war crime for destroying religious and historic buildings in Timbuktu in 2012.

Allegedly a member of Ansar Eddine, a UNSC-sanctioned militant outfit associated with al Qaeda, Al Mahdi was the head of the "Hisbah" (a body set up to uphold public morals and prevent vice) and associated with the Islamic Court in Timbuktu. In 2016, the Trial Chamber of the ICC convicted Al Mahdi as a co-perpetrator under Articles 8(2)(e)(iv), 25(3)(a) and 65(2) of the Rome Statute of the ICC for attacking ten "protected objects" buildings of a religious and historical character in June and July 2012.

While the time he spent in detention since 2015 was already deducted from his sentence. The Panel ordered a further reduction of punishment under the Rome Statute and the ICC's Rules of Procedure and Evidence. The Panel relied on his adherence to his admission of guilt and cooperation post-sentence to establish his "continuing willingness to cooperate." The Panel took note of Al Mahdi's submissions, where he detailed his "firm intention" to raise public awareness against extremism, as well as observations by the UK (where he has been incarcerated) in deciding he has good "prospects for resocialization and successful resettlement."

Al Mahdi is the first person to be convicted by the ICC solely for cultural crimes. The ten buildings included a mosque and mausoleums built over six centuries ago, nine of which were protected UNESCO World Heritage Sites. The Chamber had found these buildings did not possess military objectives; thereby, they were not excluded from the Rome Statute. Instead, the Chamber stated, the monuments were targeted for their significance in Timbuktu's cultural heritage. The attacks left most of the buildings destroyed or severely damaged and invited international condemnation.

In 2018, the Appeals Chamber of the ICC confirmed a 2017 Trial Chamber Reparations Order is making Al Mahdi liable for 2.7 million euros in reparations for the community of Timbuktu. Noting his indigent status, the Chamber encouraged the Trust Funds for Victims to contribute to the reparations.

Over the past week, the ICC has also heard prosecution witnesses in the case of Al Hassan Ag Abdoul Aziz, a co-perpetrator of the monument attacks additionally charged with torture, sexual slavery, and other crimes against humanity.

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EAST AFRICA

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Ex-hotel driver on trial in France over Rwanda genocide (France24) November 22, 2021

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

Wearing jeans, a t-shirt and leather jacket, the 60-year-old spoke to confirm his identity on Monday and spent the rest of the hearing sat on a chair with his arms crossed.

He faces a life sentence if convicted.

The genocide, one of the worst atrocities of the 20th century, saw 800,000 minority Tutsis and moderate members of the Hutu majority slaughtered in just three months, in massacres orchestrated and inflamed by the authorities.

Around 50 witnesses are expected to testify at what will be the third trial of Rwandan genocide suspects in France, whose legal system grants universal jurisdiction to judges prosecuting crimes against humanity.

Three people have already been convicted: an army officer sentenced to 25 years in prison, and two mayors who were given life sentences.

But Muhayimana will be the first "ordinary" citizen to face justice having been considered "respectable all around" before the killings, said Alexandre Kiabski, a lawyer for the Collective of Civil Parties for Rwanda (CPCR), one of the plaintiffs.

He dismissed claims by the defence that Muhayimana had no choice but to obey the Hutu authorities, saying "there were other drivers who refused".

Road repair agent

The trial is expected to last a month, and feature dozens of witnesses including 15 from Rwanda. Covid-19 travel restrictions prompted judges to postpone the trial earlier this year.

Muhayimana was arrested in France in 2014 after an investigation by Paris prosecutors specialising in crimes against humanity that was prompted by a victims' association.

He spent a year in preventive detention before being released on probation, when he resumed his work as a road repair agent in the northern French city of Rouen.

He is accused of knowingly driving Hutu police and militiamen called the Interahamwe to carry out massacres in the western Kibuye region.

Tens of thousands of Tutsis were murdered as they sought shelter in schools, churches and hotels.

Muhayimana, who was married to a Tutsi woman at the time, has denied the charges, saying he was not in Kibuye when the massacres took place.

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

"He is going to fully explain himself," his lawyer Philippe Meilhac told AFP before the trial. "This is a man who has been waiting 10 years for this."

France has generally refused requests to extradite suspects to Rwanda, prompting President Paul Kagame to accuse Paris of denying Rwanda jurisdiction.

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

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

"If this trial can contribute to the need for memory and pay homage to the victims, that's already a lot," said Nima Haeri, a lawyer for one of the civil plaintiffs.

Around 30 trials of other Rwanda genocide suspects remain to be heard by French courts.

Lawmaker wants Genocide prevention mechanism in region's peace and security strategy (The New Times) By James Karuhanga

November 23, 2021

Genocide prevention should be given serious consideration in the East African Community peace and security strategy if the six-member regional bloc is to ever succeed in avoiding a repeat of what happened in Rwanda, 27 years ago, a Rwandan member of the East African Legislative Assembly (EALA) noted on Tuesday, November 23.

The 1994 genocide against the Tutsi claimed more than one million lives as the international community watched on.

MP Oda Gasinzigwa raised the matter as the Assembly debated a report on the implementation of the bloc's peace and security strategy soon after it was presented by her compatriot, MP Fatuma Ndangiza, Chairperson of EALA's Committee on Regional Affairs and Conflict Resolution.

She said: "I wish to, once again, remind this Community and the Assembly about the role we have on prevention of genocide because the problem or challenge of genocide is something at the heart of East Africans and we need to keep talking about it and ensure it doesn't happen again."

Gasinzigwa noted that it is unfortunate that when she looked at the recommendations in the report, there was no emphasis on genocide prevention.

“This (genocide) is actually a crossborder issue...something that happened in Rwanda but is still affecting our partner states, if you consider issues such as refugees and so on.”

“Genocide starts slowly. I want to urge the Council of Ministers to take the issue seriously. We need to come up with a strong mechanism for the prevention of genocide, prevention of genocide ideology and so that we prevent genocide from ever happening in our region.”

The Council of Ministers is the policy making organ of the bloc. It comprises Ministers in charge of EAC affairs from each of the six Partner States.

Interim Speaker, MP Aden Omar Abdikadir, from Kenya, who stood in for Rwanda's Martin Ngoga, as the latter attended to other official matters elsewhere, noted that Gasinzigwa “raised an important issue.”

Speaking to The New Times during a break, Gasinzigwa explained that the matter of genocide prevention “has not been given priority as an important area of the peace and security strategy.”

She added: “But I want Council to come up with a specific strategy on Genocide prevention and management in the region.”

In February, of EALA’s Committee on Regional Affairs and Conflict Resolution carried out an oversight activity to assess and ascertain how EAC has implemented the Peace and Security strategy.

The strategy was first adopted by the Council of Ministers in November 2006, to guide EAC-level interventions in the Peace and Security Sector.

It was later reviewed under the African Peace and Security Architecture (APSA) Project funding and updated to 23 goals in 2014. The review incorporated responses to the emerging peace and security challenges or threats that had not been perceived in the region in 2006.

The additional goals that were added included number 17; prevention of genocide.

When debate in the plenary resumed in the afternoon, MP Rose Akol, of Uganda, referred to the latter fact, and as such, Gasinzigwa stood again to shed more light on her request.

Gasinzigwa explained that having prevention of genocide in the list of 23 goals was not good enough as that was too general.

She noted that her recommendation is for “a more specific strategy of genocide prevention and management with an elaborate and more clear plan.”

This, she said, can be more meaningful and helpful.

On that note, Akol who earlier said that what happened in Rwanda during the genocide was “very unfortunate as people died as the world just watched,” indicated she agreed with Gasinzigwa.

MP George Odong (Uganda) told the Assembly that genocide, from what he has read, starts with hate speech and climaxes into the death of people.

“We need to begin to deal with hate speech, the software that drives genocide. Partner states need to deal with it.”

Before debate on the report was concluded, Amb. Ndangiza told the House that “we are now in the fight against genocide denial,” noting that in this last stage of genocide, genocide deniers and revisionists are up in arms and they have powerful backers.

This, she noted, means that fighting genocide denial and revisionism also requires a resolute and united regional effort, if it is to be defeated.

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Somali journalist Abdiiaziz Mohamud Guled killed, two others injured, in bombing claimed by Al-Shabaab (Committee to Protect Journalists) November 22, 2021

Abdiiaziz, a well-known journalist also known as Abdiiaziz Afrika who worked as director of the government-owned Radio Mogadishu, was killed by a suicide attack as he was leaving a restaurant. Sharmarke, a director of the government-owned Somali National TV, and their driver Abdukadir Abdullahi Nur, were injured in the attack, according to multiple media reports.

The militant group Al-Shabaab took responsibility for the attack and said they had been “hunting” Abdiiaziz for a long time, according to those reports, although a November 21 report by the Somali Journalists Syndicate (SJS), a local press rights group, said it “was not clear how the suicide bomber identified the journalists’ vehicle and got knowledge of their movement.” Questions about how the attackers knew Abdiiaziz was behind the tinted windows of a car that wasn’t his own heighten the need for a thorough investigation, SJS Secretary General Abdalle Ahmed Mumin told CPJ by phone.

“Somalia is one of the most dangerous places for journalists in the world and this tragic attack is just another example of that,” said Angela Quintal, CPJ’s Africa program coordinator. “A thorough and transparent investigation into the attack that killed Abdiiaziz Mohamud Guled and injured Sharmarke Mohamed Warsame and Abdukadir Abdullahi Nur is critical for authorities to signal that they are serious about reversing the impunity that prevails in journalists’ killings in Somalia.”

Abdullahi Amin Mohamud, the editor of Somali National TV who is known by the name Abdullahi Qorshe, told CPJ he was about 20 meters – about 22 yards – away from the attack when he saw the blast, and then helped get Sharmarke and Abdukadir to hospital, where they remain. “Everyone was running in different directions, and it was terrifying,” he said. “It was a really sad situation, when you see your colleague and friend is dying in front of you.”

Journalists working for government-owned media are specifically targeted by Al-Shabaab, Abdullahi told CPJ, adding that “[Abdiiaziz] Afrika was the biggest target” because of a program he hosted, where he interviewed imprisoned members of the militant group. Other than his position with the state media, Sharmarke was not working on anything that would have made him a more likely target for Al-Shabaab, Abdullahi said.

A statement by Somalia’s Information Minister Osman Abokar Dubbe, which was posted on Facebook by Radio Mogadishu on November 20, said Abdiiaziz was “killed in an explosion” and “targeted” because he “gave everything for the state-building process.”

Abdiiaziz was buried November 21, according to a tweet by the local Shabelle Media Network and Abdalle.

For the last seven years, Somalia has topped CPJ’s Impunity Index, which tracks countries’ records of holding journalists’ killers to account. Abdalle told CPJ he had “slim hope” that authorities would be able to reverse that trend on the killing of Abdiiaziz.

CPJ reached Somali presidential spokesperson Abdirashid Mohamed Hashi by phone. He said he was in a meeting and would call back in ten minutes but did not. CPJ’s calls to Somalia police spokesperson Zakia Hussein and Abdirahman Yusuf Omar, Somalia’s deputy information minister, went unanswered.

Al-Shabab Militants Claim Somalia Suicide Bombing Aimed at UN Convoy (VOA News) By Mohamed Kahiye
November 25, 2021

Al-Shabab terrorists in Somalia have claimed responsibility for a suicide attack on a U.N. convoy in the capital, Mogadishu, Thursday during morning rush hour that killed at least eight people and wounded 17.

An Al-Shabab spokesman told Reuters news agency the suicide car bombing Thursday was aimed at a U.N. security convoy.

It wasn’t immediately clear if any UN staff were among the casualties.

But Somali police spokesman Abdifatah Aden Hassan confirmed the U.N. convoy was the target.

Hassan told state media Radio Mogadishu that the attack was near several schools. The Associated Press reported several students among the victims.

Hassan said they were limited as schools were already on weekend break.

He said most casualties were small business owners and passersby in the area, since there were no lessons for students today.

At least one school appeared damaged by the blast, with social media images showing a blown-out classroom and debris scattered across desks.

The U.S. embassy in Mogadishu strongly condemned the attack in a Tweet, saying the people of Somalia deserve to live without fear of attack.

“Our thoughts are with the victims of this morning’s bombing and with the families of those tragically killed and injured. The United States strongly condemns all forms of terrorism. The people of #Somalia deserve to live without fear of attack.”

The Islamist militant Al-Shabab group carries out frequent attacks in Somalia with the aim of overthrowing the government.

Al-Shabab bombing near Mogadishu school kills at least 8 (Al Jazeera) November 25, 2021

At least eight people have been killed and 17 injured, including schoolchildren, in a car bombing in Somalia’s capital, officials and witnesses said.

The bombing was claimed by the armed group al-Shabab in the early hours of Thursday, who said it intended to strike a United Nations security convoy passing near a school in Mogadishu.

It was not immediately clear if any UN personnel were among the casualties.

A column of smoke rose over the Mocaasir Primary and Secondary School, where classroom ceilings crashed onto students’ desks, witnesses said.

“Schools – and any other place where children congregate – should at all times be safe for children,” Mohamed Malick Fall, regional director for eastern and southern Africa for the UN children’s agency, UNICEF, said in a statement, citing reports that at least 13 schoolchildren and four school staff were wounded.

Abdisalan Omar Ibrahim, 13, said the sound of the blast came as he was writing the heading of a history lesson his teacher had begun at the chalkboard. The sound was followed by the screams of his classmates as parts of the building fell on them.

“A brick hit me in the head and blood was gushing onto my uniform,” he said. He and the other wounded students were taken to hospital and all but one were discharged.

Aamin Ambulance service evacuated at least 23 people who were injured in the blast, Abdikadir Abdirahman, the director of the service, told Reuters news agency.

Mohamed Hussein, a nurse at the nearby Osman Hospital, said he had been pulled from the rubble of a collapsed ceiling.

“Our hospital walls collapsed. Opposite us is a school that also collapsed. I do not know how many died,” he said.

He told Reuters that they “were shaken by the blast pressure, then deafened by the gunfire that followed”.

Al-Shabab has been fighting Somalia’s central government for years to establish its own rule based on its strict interpretation of Islamic law.

The group frequently carries out bombings and gun assaults in Somalia and elsewhere in its war against the Somalia military and the African Union-mandated AMISOM force that supports the government.

The al-Qaeda-linked armed group said in a statement carried by its Andalus radio that Thursday’s attack targeted Western officials being escorted by the peacekeeping convoy.

The peacekeeping force was meant to withdraw from the country, but its mission could be extended amid concerns that Somali forces are not ready to assume responsibility for security.

Gunfight between Al-Shabaab and AU forces leaves three dead in Somalia (Garowe Online)

December 2, 2021

A gunfight exchange between Al-Shabaab militants and the African Union Mission Forces [AMISOM] from Djibouti left three children from the same family dead, in what could yet again trigger condemnation in the Horn of Africa nation.

Reports indicate that Al-Shabaab militants fight AMISOM troops from the Djiboutian contingent in Beledweyne, central

Somalia, leading to the death of three children from the same family in Somalia.

According to multiple sources, Al-Shabaab fighters fired mortar shells at the Djibouti forces military base in Howl-wadaag area sparking a fight between the two sides. It's not the first time the militants are targeting military bases in the country.

The Mortar shells landed in the family of the two siblings killing them and injuring others, sources added. It's the Al-Shabaab mortars that killed the children and not the bullets from either side, reports indicate.

Already, the situation has been controlled but authorities from the town and the Djiboutian military are yet to issue a public statement with regard to the matter. However, the Al-Shabaab militants have since taken responsibility for the attack.

The Djiboutian contingent has been operating in the region for almost a decade under the African Union Peacekeeping mission. The mandate of the soldiers will expire later on this month but there are plans to reconfigure them for a joint mission with United Nations.

Cases of civilian deaths in Somalia are common in such circumstances, with the latest taking place in Lower Shabelle. Already, three Ugandan soldiers have been slapped with a death sentence after it emerged that they killed seven civilians who didn't have affiliation with Al-Shabaab.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia Acquits Serb Ex-Policemen of Srebrenica Genocide Charges (Balkan Transitional Justice) By Marija Tausan
November 29, 2021

The Bosnian state court found Miodrag Josipovic, Branimir Tesic, Dragomir Vasic, Danilo Zoljic and Radomir Pantic not guilty on Monday of participation in the partial extermination of Bosniaks from Srebrenica in July 1995.

“The prosecution has not proved that the defendants had the intent to commit extermination,” said presiding judge Minka Kreho.

At the time of the Srebrenica genocide, Josipovic was chief of the police’s Public Security Station in the town of Bratunac, Tesic was deputy commander of the police station in Bratunac, Vasic was chief of the Public Security Centre in the town of Zvornik, Zoljic was commander of special police units and Pantic was a company commander of a special police unit.

More than 7,000 Bosniak men and boys were killed by Bosnian Serb military and police forces in July 1995 after the Bosnian Serb Army seized the UN-protected ‘safe zone’ of Srebrenica in eastern Bosnia – a crime which has been classified by international court verdicts as genocide.

Vasic was acquitted of committing genocide and the other four defendants of assisting the commission of genocide.

Judge Kreho said the prosecution did not present a single piece of evidence linking Vasic with a joint criminal enterprise to commit the crime.

“Merely mentioning his contacts with high-ranking officials of the civilian, military and police authorities is not in itself a

sufficient fact for this chamber,” Kreho said.

She also said that no evidence had been presented to prove that Vasic was aware of the key perpetrators’ intent to forcibly remove Bosniak civilians from Potocari near Srebrenica and to execute thousands of men.

Kreho said that the prosecution attempted to prove the defendant was aware of it because of his presence at certain meetings, but evidence about the conclusions of those meetings was not provided.

Josipovic was acquitted of issuing an order to engage members of the Public Security Station in Bratunac in separating men from women, children and elderly people in Potocari, as well as taking them and holding them in Bratunac. Tesic was acquitted of implementing the order.

Kreho said the prosecution had not proved that Josipovic issued the order and selected the policemen to carry out the tasks.

The court also ruled that the prosecution had not proved that Vasic, Zoljic and Pantic commanded and supervised police officers, including special police units, during the operation.

The verdict can be appealed.

Bosnia Arrests Nine Serb War Crimes Suspects (Balkan Transitional Justice) By Jasmin Begic
November 30, 2021

State Investigation and Protection Agency officers on Tuesday arrested nine people suspected of crimes against humanity against Bosniaks and Croats during the war in 1992.

“The individuals, who are under investigation by the prosecution of Bosnia and Herzegovina, are suspected of having committed war crimes against Bosniak and Croat victims in the area of Bosanski Novi in 1992 in their capacity as members of the military police of the Bosnian Serb Army,” the Bosnian state prosecution said in a statement.

“The crimes include the murders of several persons, as well as unlawful detention and crimes against several hundred people held at the Vatrogasni Dom detention camp,” the prosecution added.

The suspects were arrested in Novi Grad (which was formerly known as Bosanski Novi), Prijedor and Kostajnica. They will be handed over to the prosecutor in charge of the case for questioning.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

In Belgrade, a mural of war criminal Ratko Mladić has a city divided (Euronews) By Aleksandar Brezar
November 26, 2021

For several weeks now, the question of whether or not Belgrade will be a capital that allows street art honouring convicted war criminals on its streets has plagued the Serbian public debate.

A tag war of sorts has unfolded between those who are defending murals and other scribbles dedicated to Ratko Mladić -- found in ever-increasing numbers across the city -- and those who are trying to cover them up.

Many see it as a symbolic moment in defining what sort of image Serbia wants to project to the world after the conflicts of the 1990s.

The face of a younger Mladić -- painted on the side of a building in the Vračar neighbourhood usually known for its hip cafes and restaurants -- ignited the standoff.

The inscription "We are thankful to your mother, general" accompanies the portrait of a younger Mladić as he delivers a military salute, while also sporting an army cap reminiscent of those worn by Serbian generals in World War I.

Since it first went up in July, every couple of days activists would throw buckets of paint at it, effectively covering it up, followed by those who would clean it up — a task helped by the fact that it is covered with a protective coat of clear lacquer.

War criminals as a communal issue The residents of the building the mural was painted on filed an official complaint requesting that it be removed. Local authorities responded saying the mural should be cleared either by the city or the residents themselves. Five months later, it is still there.

The major escalation between the mural's supporters and detractors occurred on November 9, a date celebrated in Europe as the International Day Against Fascism and Antisemitism.

Human rights activists announced they would hold a clean-up event on that date and remove the mural once and for all.

However, Belgrade police announced the protest would be banned since it represented a security risk.

Two women, Aida Ćorović and Jelena Jaćimović, showed up anyway and pelted the mural with eggs.

Images of the two women being dragged away by several plainclothes policemen and news of their arrest sparked massive protests in the city that night, forcing riot police to cordon off the two opposing groups.

"I had no doubt in my mind that we should react in some way. There's a red line when it comes to war crimes, war criminals and facing the past in terms of the responsibility of Serbia and its political elites," Ćorović told Euronews.

Belgrade police said in a statement that the officers were not protecting the mural itself, but only enforcing the ban on gatherings.

Serbia's interior minister, Aleksandar Vulin, who came to the scene late that night, made headlines as he called the gathering of activists "vile and led by evil intent".

After the human rights activists left, members of a right-wing nationalist group Narodna patrola or "People's Patrol," an anti-migrant organisation, stayed close to the mural, chanting slogans in support of Mladić.

The following day, Serbian president Aleksandar Vučić was adamant the police were indeed there to prevent clashes.

"If police didn't do that, you'd be here today asking why the police didn't protect everyone when we all knew that both groups would show up in front of that mural and that it would lead to a physical fight," he said.

Vučić also asked why the activists chose that particular date, claiming "it was a performance meant to damage [the image of] Serbia".

Yet someone managed to pour white paint on Mladić's face overnight, so the mural was once again defaced the next morning.

To Vučić, this was proof that the police were, in fact, there to protect citizens.

"If police had protected the mural, no one would have destroyed the mural," he said.

After the most recent attempt to deface it, the mural is now under constant watch. Groups of men claim to volunteer to protect it. Most recently, they set up a table with two chairs next to it.

In the meantime, another mural, dedicated to another murderous general — Draža Mihailović, World War II Serbian guerrilla fighter and convicted Nazi collaborationist — also popped up overnight, right around the corner from the Mladić one.

After many years of public campaigning supported by the nationalist political options in Serbia, Mihailović was rehabilitated in 2015 by the Belgrade Appellate Court.

The men guarding the Mladić mural, mostly very young and dressed in black, heckle at anyone who attempts to get close to it or stops for too long to take a look, chanting his name to shoo people away.

Europe's cruellest crimes since World War II The mural was painted after the International Criminal Tribunal for the former Yugoslavia, or ICTY, confirmed Mladić's life sentence in June for turning large swathes of Bosnia and Herzegovina into a

bloodbath during the 1992-1995 war in the country.

Among other war crimes, Mladić was convicted of genocide for the summary executions of over 8,000 Bosniaks in Srebrenica in July 1995 committed by the Bosnian Serb army under his command and his watchful gaze — an atrocity considered the worst since the end of World War II.

After Bosnia declared independence from Yugoslavia in early 1992, Bosnian Serb leaders, backed by the government in Belgrade led by Slobodan Milošević, created their own parastate and launched a military offensive aimed at ethnically cleansing as much of the country's territory as possible from the other two ethnic groups, Bosniaks and Croats.

Bosniaks were particularly targeted for their nominal Muslim faith, with the persecution culminating in the 1995 genocide.

This is why Mladić is idealised by far-right groups, who see him as a hero in the fight against Muslim populations in the Balkans.

After the ICTY issued the first indictment against him in July 1995, Mladić stayed Commander of the Main Staff of the Bosnian Serb army until he was relieved of his duty in November 1996.

Starting then, he was a fugitive from justice in neighbouring Serbia.

He spent 15 years hiding or being hidden by friends in the Serbian intelligence service and military until he was finally apprehended at the home of a relative in Lazarevo -- a village in the north of the country -- in 2011.

But the arrest, extradition, and his eventual sentencing at The Hague did not lead to a clear condemnation of his actions by Serbian society, in whose interest he claimed to have fought.

Litmus test for Serbian politicians Current Serbian president Vučić began his career as a far-right nationalist under the auspices of the Serb Radical Party of Vojislav Šešelj — another ICTY war crimes indictee — and served as minister of information under Milošević.

In 2007, he famously covered the street signs on Zoran Đinđić Boulevard in Belgrade with “Ratko Mladić Street” stickers, in a public performance meant to blame the late PM's government and his party, DS, for the ICTY's repeat requests for Mladić's arrest and extradition.

Serbian prime minister Zoran Đinđić was assassinated by a sniper in 2003, a plot seen by many as an attempt to stop the country's democratisation and significant economic and social reforms after his government deposed Milošević from power and extradited him to The Hague two years prior.

His killer, Zvezdan Jovanović — a member of the Red Berets, Serbian special police forces favoured by Milošević for special operations in Croatia, Bosnia, and Kosovo — was sentenced to 40 years in prison.

The court also doled out a 137-year sentence for the assassination to Milorad Ulemek Legija, the Red Berets' wartime commander also affiliated with the Zemun Clan, one of Belgrade's most notorious mafia groups.

Since the 2007 incident, Vučić has attempted to distance himself from both his criticism of Đinđić and his support of Mladić, mostly by remaining silent.

He also refuses to comment on constant rumours of Ulemek's possible pardon, while also not getting involved in the demands for the pardon of Jovanović.

War criminals as heroes — by popular demand Over the past couple of months, the initiative to release Đinđić's shooter turned into a full-fledged campaign, with signatures being collected in a number of cities in Serbia and publicly backed by another sentenced war criminal, Dragan Vasiljković — better known as Kapetan Dragan, his wartime moniker.

After the protests against the Mladić mural in Belgrade, Vučić stated that he only talks about Ulemek or Mladić when questioned about it by the press.

“I've never mentioned Milorad Ulemek Legija except when you ask me something [about him]. Other people mention Ratko Mladić, and I only mention those people upon your inquiry,” Vučić said at a press conference in Čačak in mid-November, following a display of Serbian military capabilities.

“I talk about factories, our army, the energy sector,” he concluded.

But although Vučić admitted in 2010 that “a horrible, horrifying crime” was committed in Srebrenica, claiming he was

“ashamed for having to say that those who committed the crime belong to the same people” as he does, this never translated into a full recognition of what occurred as being genocide, or public condemnation of Mladić.

Ćorović, a decades-long peace activist, believes that the inability or the lack of desire by the current political leaders in the country is the result of a new generation of leaders sticking to the tried-and-tested strategies of their predecessors.

“We should be under no illusions that the party now called SNS is any different from when it was the Radical Party. It’s the same group of people, except for Slobodan Milošević.”

“Vučić was Vojislav Šešelj’s footman, and [current speaker of parliament] Iвица Dačić was Milošević’s. It’s only natural that two or three decades later, it’s nothing more than a generational change,” she said, “and you can’t expect those who profited from those politics to now shoot themselves in the foot.”

In the streets of Belgrade, matters only seem to have escalated since November 9.

After the attempt to remove the Mladić mural on Njegoševa, graffiti saying “Ratko Mladić, Serb hero” appeared on façades across Belgrade, and photographs of new murals have been widely shared on social media.

In response, activists started painting The Flower of Srebrenica, an eleven-petalled green-and-white symbol honouring the victims of the 1995 genocide on various buildings.

Stickers with the inscription, “Ratko Mladić, war criminal” have also appeared — one of them right next to the mural, but it did not last long.

Those angered by this staged two separate attacks on the offices of the Youth Initiative for Human Rights or YIHR, a Belgrade-based NGO that was one of the organisers of the November 9 event.

The main entrance to their office had Mladić’s name sprayed all over it, alongside other Serbian nationalist symbols. Around the same time, identical messages appeared at the address of Žene u crnom, or “Women in Black,” another human rights NGO.

Although YIHR immediately informed the police, its programme director Ivan Đurić said that he does not expect the case to go anywhere.

“It’s not the first time this has happened to us. Our offices were vandalised four years ago, and before that six years ago — every time the subject of the glorification of war criminals becomes a topic of debate, it’s our office and the offices of the Women in Black that end up being defaced,” he said.

“What’s also very common is that no one was ever found to be responsible for it,” Đurić explained.

“The police usually come and do their work — they take a look at surveillance camera footage, sometimes a forensics team comes, like in those American TV shows,” he said, laughing.

“But then they give the case to the local Prosecutor’s Office. We never got any further information from them, let alone any kind of satisfaction, so to speak.”

But it is obvious who is behind the last two attacks, Đurić claims: it is the same young men who defend the mural.

“The timing of the first attack correlated with the end of one of their gatherings in the Njegoševa street.”

“The spray colour is the same [as on the Mladić mural], the attackers wore the same black jackets and hoodies as those guarding it. It really doesn’t take a genius to figure out who did it.”

Vandalism has also crossed over into open threats of violence, especially online.

Đurić said that after YIHR made an appeal on social media for people to report intimidation and threats to their office, they received “dozens of cases.”

“It’s becoming all too common. A number of people who voiced their criticism of the mural or supported to those who wanted to remove it have received horrifying threats,” he explains.

These are not generic threats, he points out. “‘We know where you live,’ followed by their address, or ‘we know which small business your father owns in the neighbourhood.’”

A stain on Serbia's image in Brussels Đurić says that Vučić's comments about their actions "shaming Serbia" as the country is preparing to continue its EU accession negotiations shows that the issue is more than just that of a mere mural.

"This is turning into one of the most serious tests for the current government. There isn't much room for any lack of clarity that would satisfy both the Western governments and their nationalist base at home," he said.

In the past, Serbian president Vučić has been able to satisfy — or at least placate — both the members of the international community such as the EU and the biggest nationalist hardliners within his voter base. With his propensity for long and often self-deprecating speeches, he would sell a potential compromise to certain voters on one day, while standing up to the West on another.

Yet the Mladić mural is a watershed moment — he can either win the undying loyalty of hardline nationalists or deliver a final blow to genocide denial. He can not have both.

"What is happening in the Njegoševa is total anarchy, and everyone seems to be relegating responsibility. There's a street corner that is currently not run by the government, but something akin to a gang. And it needs to be resolved, one way or another, and soon."

"This is not just a matter of dealing with the past, but also basic principles of rule of law. And the whole world is seeing it for what it is," Đurić concluded.

Neither the prosecutor's office nor the municipal inspection responded to multiple attempts by Euronews to contact them regarding the attacks on the YIHR office or the Njegoševa mural removal, respectively.

On Thursday, a "Ratko Mladić Serb hero" graffiti appeared again — this time on the facade of the Dom omladine, a famed cultural centre and concert venue popular among the capital's young and alternative scene.

The plateau in front of the building is named after Milan Mladenović, the frontman of EKV — one of the most renowned Yugoslav rock bands from the New Wave period.

Mladenovic was a central figure of Belgrade's anti-war movement in the early 1990s at a time when any public dissent against Milošević's rule was dangerous, especially if done by someone famous.

Mladenović became a cult hero both for his band's melancholic songs and his opposition to the rampant nationalism and subsequent violence.

The activists who called for an ad-hoc gathering on Thursday covered the tag with stickers saying "Ratko Mladić war criminal" among protests from the concert hall employees and police noting their presence.

On Thursday evening, activists returned to remove the graffiti themselves. Once again, the police arrived.

During a live video on Twitter, at least one person was seen getting hit in the tense exchange, making her drop her phone.

That graffiti ended up getting removed — for the time being.

Ćorović expects the situation to further deteriorate, with the tit-for-tat likely to become more dangerous as long as the authorities do not put a stop to the increasing threats of violence coming from the far-right.

She says she is not upset with the young men who are at the forefront of the recent spate of glorification of war criminals, but she is still wary of what they might do next.

"These young men are filled with hate, they come from the margins of the society, they come from poverty — there are many reasons why they're so angry at the world around them," Ćorović pointed out.

"And when you give those young men a modicum of importance — and I've seen this elsewhere, be it with religious radicals or football hooligans — then they become the foot soldiers of an ideology who are now expected to settle scores with us who think differently," she concluded.

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Domestic Prosecutions In The Former Yugoslavia

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Turkey

OPCW urged to act on Turkey's alleged chemical attacks on Kurds as annual conference opens (Morning Star) By Steve Sweeney

November 18, 2021

Pressure is mounting on the Organisation for the Prohibition of Chemical Weapons (OPCW) to act over alleged chemical weapons attacks by Turkey as its annual conference opens in the Netherlands tomorrow.

The OPCW has been accused of complicity by its continuing silence, with Kurdish forces alleging that more than 300 attacks have been carried out with banned munitions during the six months of Turkey's illegal war in Iraqi Kurdistan.

In discussion with the Morning Star, a senior Kurdish official said it was "telling" that world powers were ignoring Ankara's actions, accusing them of colluding with the genocide of the Kurds.

A new dossier prepared by the Kurdistan Communities Union (KCK), an umbrella organisation that includes the Kurdistan Workers Party (PKK), will be presented to the OPCW during its five-day 26th Conference of the States Parties World Forum (CSP-26) in The Hague.

It is not clear exactly which chemicals have been used, but PKK commander Murat Karayilan said he believed that at least five substances were involved.

He told Sterk TV that the nerve gas tabun was one of the suspected chemicals, along with chloropicrin, also known as green cross.

"The main origin of this weapon is in Germany," Mr Karayilan said, suggesting that the country is producing the substance with Turkey.

Pepper spray and mustard gas are also being used, the PKK cadre alleged, along with a gas that causes temporary paralysis.

"On-site scrutiny and investigations" are essential to determine the exact chemicals being used, he said, reiterating calls for a delegation from the OPCW and the United Nations to visit the region.

These call were echoed by the Coalition Against Chemical Weapons in Kurdistan, which said that the war crime allegations require an independent probe.

Signatories, including Wales TUC general secretary Shavanah Taj and John Hendy QC, called on the world to learn the lessons of the 1988 Halabja attack, in which more than 5,000 Iraqi Kurds were gassed.

"We must not allow this to happen again," a statement said.

Discussions at CPS-26 will focus heavily on Syria and Russia, with a number of statements condemning the alleged actions of the two nations.

But Turkey will not feature and official representations from Kurdish bodies, including letters to director-general Fernando Arias, have been ignored.

Similarly, the Morning Star's repeated requests for comment on the alleged chemical attacks, including a missile strike on the UN-administered Makhmour refugee camp, have elicited no response.

The Star was invited to seek media accreditation for the gathering, but its application was refused after being assessed by a panel.

No reason was given, but the newspaper has carried numerous articles critical of the OPCW, including the cover-up and manipulation of a report into the alleged chemical attack in Douma in 2018.

Numerous Western governments have dismissed allegations that Turkey has used chemical weapons.

In a response to Lord Hylton, the British government cited a lack of evidence. It described reports detailing the attacks as “not consistent with the typical characteristics of a chemical weapon.”

In Germany, the biggest supplier of arms to Turkey, the government said that the use of white phosphorus, one of the chemicals that may have been used in the attacks, was legitimate.

European Union foreign affairs chief Joseph Borrell said last month that “no reports of confirmed chemical attacks have ... been presented” in response to a written question that Swedish MP Malin Bjork submitted in June.

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Kosovo Specialist Chambers

Kosovo Albanian Woman Taken Hostage by Serb, Indictment Claims (Balkan Transitional Justice)

By Perparim Isufi

November 22, 2021

Kosovo Serb villager Svetomir Bacevic is charged with seizing an ethnic Albanian woman from her home and mistreating her in the Peja/Pec municipality during the war in 1998.

Svetomir Bacevic stands accused of seizing a 60-year-old ethnic Albanian civilian from her home in the village of Bellopje/Belo Polje in Kosovo’s Peja/Pec municipality in the summer of 1998, according to the indictment which has been obtained by BIRN.

Bacevic, 57, went on trial last week at Pristina Basic Court for the crime, which he is alleged to have committed when conflict between Serbian forces and the rebel Kosovo Liberation Army erupted in the villages near Bellopje/Belo Polje in 1998.

He pleaded not guilty and his defence was given 15 days to submit any objections to the indictment.

The indictment says that Bellopje/Belo Polje, around three kilometres from the town of Peja/Pec, was mainly inhabited by Serbs until 1999. Three ethnic Albanian families that were living there fled the village when the conflict began in 1998, and only a couple in their 60s, Rexhep and Tigje Kadrija, decided to stay.

The indictment alleges that Svetomir Bacevic entered Rexhep and Tigje Kadrija’s house and “initially fired with machine gun at the roof and windows, damaging them”.

“Then he entered the house under the pretext that he was searching for other people and under threat of arms, he took the victims into the yard and mistreated them physically and psychologically by ordering them several times to sit down and stand up,” it says.

“Threatening them with the gun, [Bacevic] took Tigje to the street and told Rexhep that he was taking his wife to the military and police headquarters and that he could only bring her back after he brings KLA members to the headquarters,” it adds.

The indictment says that in the evening, Bacevic took Tigje Kadrija to the centre of the village and stopped near a village market where many other people were present “with the purpose of humiliating her”.

“At that moment, the victim’s neighbor, Momcilo Savic, arrived at the scene and clashed with the defendant, punching him, and reached out to save the victim and bring her home. Next day, [Savic] took both victims in secrecy from Bellopje/Belo Polje, giving them the opportunity to go to Peja/Pec,” the indictment adds.

Tigje Kadrija, who according to the indictment could not identify the defendant, is on the list of witnesses proposed by the prosecution. Her husband Rexhep died in 2002.

Bacevic, who has lived in the Serbian town town of Gornji Milanovac since the end of the war in Kosovo in June 1999, has been in detention in Kosovo since December last year, when he was arrested in Peje/Pec.

Media reported that he was detained when he went back to his home town to get his personal documents.

The Serbian government's office for Kosovo condemned the arrest, saying it was part of "a campaign of intimidation of Serbs in Kosovo".

Kosovo's Forensic Investigators: 'We are the Voice of the Dead' (BalkanInsight) By Serbeze Haxhijaj
November 29, 2021

Forensics experts who work on exhumations of mass graves of ethnic Albanians killed in the Kosovo war say they feel anger, psychological pain and a huge responsibility to reveal the truth about how the victims were killed.

Forensic investigator Arsim Gerxhaliu remembers that it was a windy day in April 2002 when he and a team of forensics experts from the United Nations mission in Kosovo, UNMIK, joined their Serbian counterparts in the Batajnica neighbourhood of Belgrade to exhume the bodies of ethnic Albanian civilians who were killed during the Kosovo war in 1999.

The Albanians' bodies had been brought to a Serbian police training centre in Batajnica to be buried secretly in an attempt to cover up mass killings by Yugoslav Army and Serbian forces during the 78 days of NATO air strikes on Yugoslavia that eventually made Slobodan Milosevic pull his troops out of Kosovo. The exhumation of the bodies had started in 2001.

"The bodies had been thrown into the grave mercilessly and hurriedly. When I first touched the remains of a body, I shuddered with horror. It seemed to me that each of them was telling me his own history of his death. It was something surreal," Gerxhaliu told BIRN.

He and other forensics experts from Kosovo say that their job makes them feel a huge responsibility to those who were killed, but also puts a heavy psychological burden of pressure on them to find the victims on behalf of their families.

Before going to Batajnica, Gerxhaliu had exhumed the bodies of people who died in a wartime massacre in Izbica, a village in the central Kosovo municipality of Skenderaj/Srbica, where he discovered that one of them had been buried alive. "I thought that I wouldn't be faced with anything to shock me [in Serbia]. But Batajnica was something totally different [from Izbica]," he said.

After NATO's bombing raids began in March 1999, Yugoslav Army troops and Serbian police and paramilitaries went on a killing spree in Kosovo. To remove evidence of war crimes, lorry loads of bodies, some of which had already been buried once in Kosovo and then dug up again, were taken to locations in Serbia for secret reburials.

"When I took out the remains of a seven-year-old child, with them was a bag of clothes. The child's jacket sleeve fell off because it was rotten. As I bent down to get the sleeve, I thought I heard a voice say: 'Where have you been for so long?'" Gerxhaliu recalled.

"I was stunned. I started to cry. I felt anger, pain, hatred... Above all, I felt weak, like someone from a poor, weak country. Then a Serbian doctor told me: 'I'm sorry but we have to move on.'"

'War is not over for many people'

The grave sites in Batajnica were eventually found to contain 744 civilians. But some of the bodies had initially been discovered back in April 1999, when a fisherman in the eastern Serbian village of Tekija discovered a refrigerator truck, dumped in the waters of the River Danube, which had risen to the surface.

The truck had no licence plates, just a logo suggesting that it belonged to the PIK Progress Export Slaughterhouse from the Kosovo town of Prizren. Inside were scores of decomposing human bodies.

"They had forgotten to deflate the tyres and the truck had quickly come to the surface. They had underestimated the power of the river and what the truck was hiding inside," Gerxhaliu said.

The head of the Serbian Interior Ministry's Public Security Department, Vlastimir Djordjevic then gave the orders for an operation to conceal the victims' corpses and rebury them at the police training centre in Batajnica. Djordjevic was eventually sentenced to 18 years in prison by the International Criminal Tribunal for the Former Yugoslavia.

To date, the bodies of more than 946 Kosovo Albanians have been exhumed in Serbia.

Gerxhaliu was also involved in exhumations in Rudnica, a village near Raska in southern Serbia, which started in 2006 and then continued in ten different locations. The first human remains were found in 2013 under the foundations of a public transport company building that had been built above the mass grave in 2002.

“We encountered an unwillingness to demolish the building under which the bodies had been laid. It looked like someone knew about it and they kept resisting,” Gerxhaliu said.

He recalled that parents who had lost their children became his biggest burden. “They were telling me: ‘Bring us something, our patience is running out.’” The bodies of 54 individuals were eventually recovered from the mass grave site in Rudnica.

Speaking a few days after his mandate ended as director of Kosovo’s Institute of Forensics, Gerxhaliu spoke in a tone of anger and disappointment as he looked back on what he had experienced: “Each day was another day of a war which is not over for many people.”

‘We know how much they suffered’

Naim Uka, who heads the Division for Missing Persons at Kosovo’s Institute of Forensics, explained that exhuming war victims leaves forensic experts with a psychological burden of responsibility.

“We are the voice of the dead. They speak through us. Until the case is closed and you testify in court, you live with the story of the deceased,” he told BIRN.

“If someone gets punished, you feel at ease. But when this does not happen, there is a black hole inside us.”

Uka couldn’t hold back his tears as he spoke about the experience of bringing children’s bodies out of mass graves.

“It’s easier when you find the corpses of adults. But when you take a child’s corpse in your hands, you feel broken,” he explained. “It’s difficult to curb the feelings of hatred and be professional.”

Uka, who chairs the Division for Missing Persons at Kosovo’s Institute of Forensics said that when it comes to emotions, forensic experts are no less vulnerable than anyone else when faced with monstrous crimes.

“When we see their mutilated bodies or the places where they got hit, we know how much they suffered and how much they prayed to die,” he said.

He said that when he works for many hours in mass graves, his emotional relationship with the dead becomes more intense. Once, he said, he felt that he was hearing voices, “like they were real. It seemed that they were screaming inside the grave.”

Uka said that an atmosphere of distrust and hostility between Serb and Albanian teams of forensic experts has always dogged the searches.

“When we talked with [Serbian] police officers who served in Kosovo, we often imagined that they could be the ones who might have committed this massacre,” he said.

Information about the locations of suspected grave sites was a source of constant disagreements between the two teams. Sometimes, Uka claimed, the Serbs would be given the coordinate’s locations but not excavate in the exact place whose coordinates they had – and find nothing.

Local residents who lived near the sites where they exhumed secretly-buried bodies were always very cooperative, however. “People do not want to live near a crime scene,” said Uka. “Although they are afraid to talk.”

Next year, there are plans to carry out more excavations in three locations near the south-western Serbian town of Novi Pazar. More than two decades after the war, Gerxhaliu said that finding the bodies of the secretly-buried victims will again focus attention on the crimes that were committed by Serbian forces.

“Bodies from atrocities have always come back to haunt them,” he said. “And to haunt us as well.”

Hague Court Denies Serbian Police Official Early Release (Balkan Transitional Justice) By Milica Stojanovic
November 30, 2021

Former high-ranking Serbian Interior Ministry official Vlastimir Djordjevic, jailed for committing war crimes in Kosovo, was denied early release because of concerns about his rehabilitation and his behaviour in prison.

The UN’s Mechanism for International Criminal Tribunals in The Hague has rejected an application for early release from prison from former Serbian Interior Ministry official Vlastimir Djordjevic, citing serious concerns about his level of rehabilitation.

The president of the Mechanism for International Criminal Tribunals, judge Carmel Agius, said in his decision, which was published on Tuesday, that while Djordjevic “has demonstrated some level of rehabilitation... the high gravity of crimes militates very strongly against his early release”.

“Moreover, there are serious concerns as to whether Djordjevic has been sufficiently rehabilitated such that, if released early, he could be trusted to comply with any necessary conditions,” Agius said.

The Hague Tribunal sentenced Djordjevic to 18 years in prison in 2014 for the persecution and deportation of ethnic Albanian civilians during the Kosovo war and for assisting in the concealment of the bodies of war victims who were killed by Belgrade’s forces.

Agius said that “the high gravity of his crimes is amply demonstrated throughout the judgments in his case, and this factor weighs very heavily against releasing Djordjevic early”.

He noted that the German prison authorities initially indicated that Djordjevic’s behaviour in prison “gave no cause for complaint”, but that this assessment “changed quite radically earlier this year”.

“In this regard, the German authorities reported that Djordjevic had tried to contact another prisoner with a background in organised crime, leading to security concerns serious enough to warrant Germany transferring Djordjevic permanently to another prison with a higher security classification,” Agius explained.

Details about the German authorities’ suspicions have been redacted in the published version of Agius’s decision.

According to the verdict in Djordjevic’s trial, Yugoslav and Serbian forces, “acting at the direction, with the encouragement, or with the support of Vlastimir Djordjevic, perpetrated crimes which resulted in the forced deportation of approximately 800,000 Kosovo Albanian civilians”.

“To facilitate these expulsions and displacements, forces of the FRY [Federal Republic of Yugoslavia] and Serbia deliberately created an atmosphere of fear and oppression through the use of force, threats of force and acts of violence,” the verdict said.

Forces directed, supported or encouraged by Djordjevic “murdered hundreds of Kosovo Albanian civilians and other persons taking no active part in the hostilities and sexually assaulted Kosovo Albanians, in particular women”, it added.

During the trial, he admitted his involvement in an attempted cover-up, which saw murdered Kosovo Albanians’ bodies transported to Batajnica near Belgrade for secret burial, but denied having knowledge of the actual killings.

Agius noted that “while a genuine and public expression of remorse will always be a positive and useful indicator of rehabilitation, I consider that the weight to be placed on such remorsefulness will necessarily be linked to the degree to which the convicted person has accepted responsibility for his or her wrongdoing”.

Agius’s decision said that Djordjevic was psychologically examined in order to establish to what extent he accepted responsibility for his wrongdoing.

Parts of the evaluation are redacted, but Agius said that “the Psychiatric Report as well as Djordjevic’s past and present statements suggest that although he has accepted some responsibility for his crimes, he has not come to terms with the full scope of his role”.

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Azerbaijan

Int’l community informed about Armenia’s war crimes (Azernews) By Vugar Khalilov
November 26, 2021

Foreign Ministry’s Spokesperson Leyla Abdullayeva has said that Azerbaijan informed the international community about Armenia’s war crimes committed against civilians during the 44-day war late last year.

Abdullayeva made the remarks at a Baku-based ceremony to present the internet resource - Karabakh Memorial in memory of the Armenian war crime victims.

"Each crime committed by Armenia is documented and brought to the attention of the relevant international organizations. Also, work is underway to ensure that these crimes are presented internationally in the form of claims against Armenia," Abdullayeva stressed.

She underlined that after restoring its territorial integrity, Azerbaijan doubled its efforts to convey to the world community the truth about Armenia's crimes.

"The European Court of Human Rights (ECHR) continues to work on the lawsuit filed in January this year. The trial is also ongoing in the case sent in September 2021 to the International Criminal Court. But it is not over yet. Claims will continue to be filed. This is very important, firstly, to ensure international justice," Abdullayeva added.

She emphasized that the country will witness the return of the former IDPs to their homes in the coming months.

Addressing the event, Human Rights Commissioner Sabina Aliyeva also stressed that Armenia grossly violated international law, as well as children's rights during the war.

"Armenia grossly violated many norms of international law, but no measures were taken against it," Aliyeva added.

She noted that the UNICEF reports had not indicated the number of Azerbaijani children, who died as a result of the Karabakh conflict, as well as the facts related to their murder.

"In this regard, a note of protest was sent to UNICEF and a proposal was made to organize a mission to deal with this issue," Aliyeva underlined.

Speaking about certain threats for children, the ombudsperson noted that they must never suffer or be attacked during military conflicts.

The project Karabakhmemorial.com is dedicated to the memory of victims of military crimes committed by Armenian against civilians during the 44-day war in late 2020.

As a part of the Karabakh.Center project, the website was set up to systematize and spread unbiased information about the reasons for the Armenian-Azerbaijani conflict and the results of Armenia's military aggression.

It should be noted that some 93 (12 children, 27 women) civilians were killed and 454 were wounded as a result of the Armenian aggression against Azerbaijan between 27 September and 10 November 2020.

Overall, Armenia launched nearly 30,000 shells and 227 rockets on Azerbaijani civil settlements and inflicted considerable damage on the property, destroying numerous residences, auxiliary structures, residential blocks, governmental buildings, mosques, churches and cemeteries.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

ISIS Fighter Convicted in Death of Enslaved 5-Year-Old Girl (New York Times) By Christopher Schuetze
November 30, 2021

In a trial held in Germany, the man was sentenced to life in prison for the death of the Yazidi girl, whom he allowed to die of thirst in Falluja, Iraq.

A German court on Tuesday convicted an Islamic State fighter for crimes against humanity and war crimes for tying up a 5-year-old Yazidi girl he had bought as a slave in Iraq, and leaving her in scorching heat to die of thirst.

The 29-year-old man, identified only as Taha Al-J. under German privacy laws, was sentenced to life in prison and ordered to pay 50,000 euros, or about \$57,000, in compensation to the girl's mother, who was a co-plaintiff in the case and was present when the verdict was read.

It was the first genocide conviction of a fighter for the Islamic State, which systematically persecuted the Yazidi ethnic group in Iraq, according to Christoph Koller, the judge overseeing the trial in Frankfurt. During its reign, the Islamic State killed thousands of Yazidi men, and kidnapped and forced into slavery thousands of Yazidi women and girls.

"This is the moment Yazidis have been waiting for," Amal Clooney, a human rights lawyer and a member of the mother's legal team, said in a statement. "To finally hear a judge, after seven years, declare that what they suffered was genocide."

Even though neither the victim nor the killer were German, and the crime occurred in Falluja, Iraq, the trial was held in Germany on the principle of universal jurisdiction, which German courts have been using to try people accused of war crimes in countries like Iraq and Syria.

During the trial, which started in April 2020, the mother testified that she and her child were held captive by Taha Al-J. and his wife, Jennifer W., for several months in 2015 after the couple purchased them as slaves.

At their home in Falluja, Iraq, the mother said she was forced to do menial work in tough conditions, while the girl was supposed stay out of the way. One day, after the 5-year-old girl had wet her bed, Taha Al-J. took her out into the midday heat and tied her to a window grate, and left her there to die of thirst, she testified.

The girl's mother, whose identity is being kept secret for safety reasons, lives in Germany under a witness-protection program. According to Deutsche Welle, she testified through a translator on five different occasions in Frankfurt.

Taha Al-J. was arrested in Athens in May 2019 on a European arrest warrant and extradited to Germany under the principle of universal jurisdiction. Last month, in a separate trial held in Munich, Jennifer W., who is a German citizen, was sentenced to 10 years in prison for allowing the girl to die.

The trial in Frankfurt is one in a series of trials brought to German courts in which neither defendants nor victims are German and crimes were not committed on German soil.

This summer the German federal prosecutor indicted a Syrian doctor for crimes against humanity for torturing and killing at least one victim for the Assad regime. Since April of 2020, Anwar Raslan, a colonel who worked in a secret prison in Syria, has been on trial in a court in the western German city of Koblenz. And Eyad al-Gharib, a lower-ranking Syrian official who worked in the same prison, was sentenced to four and a half years in prison for crimes against humanity this April by the same court.

Ms. Clooney wrote that she was "grateful to Germany for defending the principle of universal jurisdiction which means that crimes like this must be prosecuted wherever and whenever they occur."

Roger Lu Phillips, the legal director of the Syrian Justice and Accountability Center in Washington, said that European courts have the obligation to prosecute such crimes if the perpetrators are in Europe. But he warned that single trials under the universal jurisdiction principle were not enough when dealing with crimes committed by the Islamic State.

"The capacity of these courts is really a drop in the bucket when compared with the magnitude of crimes committed by ISIS," said Mr. Phillips. "A more comprehensive process must be pursued, such as a special court for ISIS."

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Syria

As the annual session of the global chemical weapons body reconvenes this week in The Hague, Netherlands, data gathered by the Berlin-based Global Public Policy Institute (GPPi) presents the scale of chemical weapon abuses in Syria, finding that Bashar al-Assad's Syrian regime perpetrated the overwhelming majority of crimes.

The twenty-sixth session of the Conference of the States Parties (CSP) began on Monday, with representatives joining from the 193 member states committed to the Organisation for the Prohibition of Chemical Weapons (OPCW), formed in order to oversee compliance with the Chemical Weapons Convention (CWC) which prohibits the development, possession and use of chemical weapons.

The session seeks to review progress in implementing the CWC this year, and “mark the path forward for the coming year.”

Over a decade into the Syrian war, the international community is still attempting to curtail the Assad regime's flagrant breaches of CWC obligations through its use of chemical weapons against its people, and to hold those responsible to account.

“Syria's chemical weapons programme remains a grave concern,” Baroness Goldie, British Minister of State in the House of Lords, told the CSP on Monday. “The stark fact is that the Assad regime has killed hundreds of its own people with chemical weapons,” she said.

Ambassador Bonnie Jenkins, the US Under Secretary of State for Arms Control and International Security, stressed her faith that “the chemical weapons convention remains strong,” but called on the Assad regime to comply with their obligations under the CWC.

“We must hold the Assad regime accountable for its violations of the convention. The world has seen overwhelming evidence of numerous incidents of non-compliance... without accountability for the atrocities committed against the Syrian people, lasting peace in Syria will remain out of reach,” she told the session.

In May this year, the OPCW detected a “chemical warfare agent” in samples taken from a site in Syria, raising concerns that Damascus may have undeclared chemical weapon production activities.

Damascus has repeatedly failed to declare its use of toxic weapons and allow inspectors into the country, continuing to deny a visa to an OPCW weapons inspector, OPCW Chief Fernando Arias reported to the conference on Monday.

“To date Syria has not completed any of these measures,” Arias said, adding that its declarations “still cannot be considered accurate and complete”, and that he was arranging a meeting with Syria's foreign minister to attempt to discuss the breaches.

The OPCW's Investigations and Identification team's second report was published in April 2021, concluding that “units of the Syrian Arab Air Force used chemical weapons in Saraqib on 4 February 2018.” The decision led to the OPCW stripping Syria of its voting rights.

In April 2020, OPCW investigators attributed three chemical attacks in 2017 to the Syrian government.

This June, Arias told the UN Security Council that its experts have investigated 77 allegations of chemical warfare in Syria, concluding that in 17 cases chemical weapons were likely or definitely used.

Contributing to wider understanding of such crimes in Syria, the GPPi's interactive data portal sets out 349 instances of chemical attacks since first recorded in 2012; the most comprehensive dataset on chemical weapons in Syria to date, and one that reveals a much larger scale.

Analysis of 349 confirmed incidents, combined with extensive data on the conventional war and original interviews, also reveals the strategic logic of the Syrian chemical weapons campaign, according to the Institute.

Partnered with Syrian Archive, an organisation working to collect, preserve and verify hundreds of videos related to chemical weapons incidents in Syria, the GPPi's dataset estimates that 1,961 people have died in chemical attacks since 2012 with the largest fatalities occurring in Sarin in 2013, which left almost 10,000 with injuries. Of the 349 cases of chemical weapon attacks, the GPPi attributes 334 to the Syrian government. Eight were claimed by Islamic State (ISIS), with the remaining 7 unidentified.

The GPPi concludes that, “the Syrian military's use of chemical weapons is closely intertwined - logistically, operationally and strategically - with its conventional campaign of indiscriminate violence against civilian populations.” Although chemical weapons are responsible for only a small percentage of deaths in the country, “their psychological impact can be the straw that breaks the backs of even the most well-entrenched opposition communities.”

The Assad regime continues to deny its use of chemical weapons, citing “falsifying truths” and insisting that it handed over its weapons stockpiles under a 2013 agreement with the US and Russia, which was prompted by a suspected gas attack in the Damascus suburb of Ghouta that killed 1,400 people.

Emotions run high as Syrians plead with UN Security Council to investigate war crimes (Arab News) By Ephrem Kossai

November 30, 2021

The atmosphere in the UN Security Council changed when human rights activist and survivor of Assad regime prisons Omar Alshogre began to talk. Monday’s meeting had been convened to shed light on the prevailing impunity in Syria and the need for the council to do more to end it and ensure accountability for crimes committed during the country’s ongoing war.

The conflict began when the regime launched a brutal crackdown on peaceful protesters during the “Damascus Spring.” Since then, more than 350,000 people have died and millions more forced from their homes.

Alshogre, whose harrowing experiences as a political prisoner in Bashar Assad’s jails — “being detained, starved, tortured within an inch of my life” — had made the news worldwide, looked the representatives of world powers in the eye in the UNSC chamber and asked them: “If you were presented with the opportunity to save an innocent life without risking your own, would you do it? Most people would.”

“Ladies and gentlemen,” the 25-year-old refugee continued. “The opportunity is presenting itself today. It presented itself yesterday, and every day since March 15, 2011. That is 3,912 missed opportunities to save lives in Syria. In that time, more than 350,000 people have been killed by the Syrian regime, according to the UN.”

The informal meeting was convened by council members Estonia, France, the UK and the US, along with a dozen sponsors including Qatar and Turkey.

Alshogre told the ambassadors that it was his own mother’s “courage to stand up to the brutal dictatorship” that saved his life and urged them to remember her name, “Hala,” and follow her example.

Despite her husband and sons being massacred in front of her eyes by Assad’s men and their “Iranian allies,” and “instead of complaining about her limitations, (my mother) found a way to take action.

“Despite many failed attempts to get me out of prison, she kept trying again and again. She persisted until I was freed,” Alshogre said.

“By saving me from prison, my mother set an example of how we all must act to stop the Syrian regime from taking more lives and hold its leaders accountable for the countless lives it has already taken.

“It doesn’t require a miracle. It just requires courage, action and persistence.”

A recent report by the UN’s Independent International Commission of Inquiry on the Syrian Arab Republic concluded that thousands of detainees have been subjected to “unimaginable suffering” during the war, including torture, death and sexual violence against women, girls and boys.

The UNSC had tasked the commission with investigating and recording all violations of international law since the start of the conflict.

“At least 20 different, horrific methods of torture used by the government of Syria have been extensively documented,” the investigators wrote in their report.

“These include administering electric shocks, the burning of body parts, pulling of nails and teeth, mock executions, folding detainees into a car tire, and crucifying or suspending individuals from one or two limbs for prolonged periods, often in combination with severe beating.”

The perpetrators, however, still roam freely in Syria amid no tangible deterrence, as violations and crimes continue to this day.

The sentencing by a German court in Koblenz in February of former Syrian secret agent Eyad Al-Gharib to four and a half years in prison on charges of aiding and abetting crimes against humanity has been hailed as historic.

Al-Gharib had been accused of rounding up peaceful anti-government protesters and delivering them to a detention center, where they were tortured. The verdict marked the first time a court outside Syria had ruled on state-sponsored torture by

members of the Assad regime.

Christoph Heusgen, Germany's former permanent representative to the UN, said the verdict of the Koblenz state court sends a clear message to Assad that "whoever commits such crimes cannot be safe anywhere." He added that "Assad's state has turned the cradle of civilization into a torture chamber."

Teams from war crimes units in Sweden, France and Germany have recently begun joint investigations into Syria's war crimes, with Sweden focusing on torture and killings by both the Assad regime and Daesh.

In France, a preliminary investigation has drawn on the tens of thousands of photos of dead bodies taken between 2011 and 2013 by "Caesar," the codename for a former Syrian military photographer.

While speakers at Monday's meeting welcomed similar proceedings in courts outside of Syria, they said that such moves "do not come close to addressing the magnitude of the Syrian crisis."

They lamented the UNSC's inaction and the fate of its 2014 resolution to refer the situation in Syria to the International Criminal Court, which was not approved.

"Several resolutions aimed at identifying those responsible for the use of chemical weapons met the same fate," said the meeting's sponsors in a statement. They reiterated their call for the file to be placed in the hands of the ICC.

As Syrian filmmaker Waad Al-Kateab, who also gave heart-wrenching testimony about life under Assad, played a video in the chamber showing an Aleppo mother at the moment she lost her child in an Assad bombing, some council members choked back tears.

Alshogre said: "We have stronger evidence today than what we had against the Nazis at Nuremberg. (We) even know where the mass graves are located. But still no international court and no end to the ongoing slaughter for the civilians in Syria.

"I understand that there are barriers to action, but I also believe in the international system and the UN and the principles they were founded upon."

Alshogre made a final plea to the international community that, while it is too late to save those who died, there are millions of Syrian lives that can still be saved and "that is my biggest ask to you: That you save them."

Pentagon launches new investigation into airstrike on Syria, which killed civilians (Middle East Monitor)

November 30, 2021

The Pentagon has launched a new investigation into an airstrike on Syria by the US military which killed dozens of civilians in 2019, following a recent report by the New York Times alleging that the civilian casualties were concealed.

The investigation was announced yesterday by Pentagon Press Secretary, John Kirby, who said that the Defence Secretary, Lloyd Austin, picked the commander of US Army Forces Command – Gen. Michael X. Garrett – to lead the probe.

According to Kirby, Garrett is to have 90 days to complete the investigation, which will determine whether those involved in the strike were fully aware of the potential harming of civilians, whether it was justified or not, and whether "accountability measures" should be taken.

The strike was conducted near the Syrian town of Baghuz on 18 March 2019, as the US coalition and its allies were closing in on the terror group, Daesh, in their last stronghold in the country. 70 people were killed in that attack, consisting mainly women and children.

In what it described as "one of the largest civilian casualty incidents of the war," the NYT report, released earlier this month, revealed that a US legal officer "flagged the strike as a possible war crime." Despite that, "at nearly every step, the military made moves that concealed the catastrophic strike."

Along with the strike not being publicly acknowledged by the military, it also reportedly downplayed the death toll. "Reports were delayed, sanitised and classified. United States-led coalition forces bulldozed the blast site. And top leaders were not notified," the report said, adding that the findings of a Pentagon investigation were "stalled and stripped of any mention of the strike."

Following the strikes, the Pentagon launched its initial investigation, after which it released a statement claiming that it found the military's action was in "self-defence" and was "proportional", as well as that "appropriate steps were taken to exclude the

presence of civilians."

With the investigation set to be completed in three months, the incident is one of many war crimes carried out by the US military using airstrikes, which are notorious for their proclivity to civilian casualties.

In September, it was reported that US-led airstrikes have killed at least 22,000 civilians in the Middle East and Africa over the past two decades of the war on terror, with most of the casualties being in Iraq and Afghanistan.

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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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Gulf Region

Qatar steps up efforts to combat human trafficking (DOHANEWS) By Asmahan Qarjouli
November 24, 2021

Recent United Nations [UN] reports found that people in the Middle East have become more vulnerable to human trafficking during the coronavirus outbreak.

Qatar's labour ministry's National Committee to Combat Human Trafficking signed an agreement with the Qatari Red Crescent [QRCS] on Tuesday, aimed at creating and managing shelters for migrant workers and victims of human trafficking.

According to the Qatar News Agency [QNA], the agreement will enable the two bodies to step up their efforts in providing

adequate protection and care to human trafficking victims while holding awareness programmes.

The agreement comes under the Ministry of Administrative Development, Labor and Social Affairs [MADLSA]'s efforts to coordinate with all authorities in Qatar to ensure the protection of migrant workers and victims of human trafficking.

The committee and QRCS are going to re-operate and manage shelters established for victims in line with international standards approved by the International Federation of the Red Crescent and the Red Cross.

The two sides will also join efforts in providing services related to the rehabilitation and reintegration of victims into society while sheltering stranded expatriate workers until they secure their departure from the country.

In 2019, the country's committee to combat human trafficking inaugurated the "Human Care Center" in Al Maamoura, comprising six villas with the capacity to accommodate 52 persons each.

The head of the UN's International Labour Organisation's [ILO] office in Qatar at the time Houtan Homayounpour personally visited the shelter and described it as an important step in ensuring victims get access to justice.

Global praise

The international community had praised Qatar for its efforts in combating human trafficking and its major labour reforms, namely the dismantling of the controversial sponsorship law, commonly known as the "kafala" system.

Earlier this year, the US State Department's 2021 Trafficking in Persons Report had applauded Qatar's progress in fighting the global menace of human trafficking while highlighting areas of improvement for the Gulf state.

The report made special mention of MADLSA's Assistant Undersecretary Mohammed Al-Obaidly, who was named a "Trafficking in Persons Report Hero" for his work in the field. Al-Obaidly introduced several significant policies, including the creation of Labour Dispute Resolution Committees, the opening of the first and only shelter in Qatar for human trafficking victims, and the removal of exit permit requirements for migrant workers.

He also initiated the implementation of Qatar's historic minimum wage, the first non-discriminatory minimum wage in the region, and the abolishment of the No Objection Certificate, which previously required workers to request permission from former employers to change jobs.

However, the US State Department's report noted that Qatari authorities had failed to routinely investigate crimes such as employer passport retention, withholding of wages, labour violations, and complaints of abuse as potential trafficking crimes.

Recent numbers provided by Qatar's Government Communications Office [GCO] revealed that MADLSA inspected 35,280 accommodation and worksites inspections in the first half of this year alone, which saw the issuance of 13,724 penalties to companies deemed to be in violation of Qatar's labour laws.

This also led to "worksite closures, fines and prison sentences", while an additional 4,840 visits were made to raise awareness on reforms among both employers and employees.

Human trafficking in the Middle East

The UN's Office on Drugs and Crime [UNODC] said that the coronavirus pandemic increased the chances of human trafficking in the Middle East as many who lost their jobs sought alternatives to earn a living, sometimes putting themselves in danger.

Closures of public sites in effort to curb the spread of Covid-19 also made it more difficult for victims to escape.

The UNODC's Global Report on Trafficking In Persons 2020 also said that countries of the Middle East and the Gulf Cooperation Council [GCC] "are destinations for victims trafficked from Asia, Sub-Saharan Africa and Eastern Europe and Central Asia".

It also said that the majority of the cases reported in GCC countries were men, making up 52% of the victims as women made up 40%.

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Afghanistan

War Memorial history denied access to Afghanistan war crimes report (The Age) By Chris Masters and Nick McKenzie
November 23, 2021

Australia's official military history unit has been denied access to the unredacted final report of the Brereton war crimes inquiry, potentially compromising its ability to record a complete and accurate account of the nation's longest war.

The historians with the unit are researching Australia's military commitment in conflicts in East Timor and the Middle East as part of a project launched in 2016 funded by the federal government and backed by the Australian War Memorial.

Two official sources with knowledge of the unit's work say they have sought access to Justice Paul Brereton's three-section report, but were told earlier this year by the Defence Department it could not be shared with them.

The Brereton inquiry, conducted under the auspices of the Australian military Inspector-General and completed in November 2020, alleged in a redacted final report that a dozen or so Australian special forces soldiers executed up to 39 Afghan prisoners and civilians.

Justice Paul Brereton's work has sparked ongoing investigations by the Australian Federal Police and the Office of the Special Investigator (OSI), a new war crimes investigative agency staffed with homicide detectives and lawyers.

But while AFP and OSI staff have been given access to parts of the unredacted report to inform their investigations, the nation's war history research team has not. One reason is the danger that disclosing Justice Brereton's full report to anyone outside the AFP or OSI could compromise investigations or prosecutions because of the risk of inadvertently tipping off suspects and prejudicing court processes.

However, several figures outside these agencies and the military chain of command, including the former defence minister Linda Reynolds and academic, historian and ethicist Professor Tom Frame, have been confidentially briefed on the classified contents of the report. Ms Reynolds was briefed in her capacity as defence minister and Professor Frame was briefed so he could conduct a review for Defence.

One option was for the war history unit to receive closed-door access to the full Brereton report, allowing it to inform its confidential research but not be published.

But as one informed source explained, "the historians won't see the unredacted Brereton report until the public sees it". This could be as long as seven years away, given the report is unlikely to be released in its entirety until the final war crimes prosecutions are over.

It is not clear what impact the denial of access to the Brereton report will have on the ability of the war history unit to do its job. The sources said the historians barred access to the report believed at least some of the more sinister aspects of the nation's Afghanistan deployments could still be told using other research methods, including interviewing veterans and examining open-source material.

But it is not in doubt that Justice Paul Brereton's exhaustive four year non-redacted inquiry report, which relied on sworn testimony of over 300 former soldiers and military officials, is the most detailed document that exists dealing with the alleged war crimes scandal.

The publicly available version of Justice Brereton's report gives detailed analysis of cultural failings in Defence but provides almost no detail about the missions and personnel implicated in the alleged executions of Afghan civilians and prisoners.

His redacted findings, though, make clear at least some historically significant missions have been tainted by alleged criminal conduct. For instance, Justice Brereton singled out a major bravery medal given to a special forces soldier in a battle his inquiry found was allegedly "wilfully misrepresented" by a small SAS patrol. Justice Brereton also described uncovering possibly

the “worst” episode in Australian military history, although provided no details about what this entailed.

The work of the war history unit is official in that it is commissioned and funded by government as the authoritative national record of Australia’s involvement in particular conflicts. According to the Australian War Memorial, “official historians are granted unrestricted access to closed period and security classified government records”.

The unit, led by respected war historian Professor Craig Stockings, is currently responsible for providing “a detailed, authoritative account of Australia’s extensive and complex combat operations” in Iraq (2003–11) and Afghanistan (2001–14), as well as its role in peacekeeping operations in East Timor (1999–2012)”.

The war history unit relies partly on “after action” mission reviews written with input from soldiers and officers in the hours after they return to base post military operation.

As Justice Brereton found, these reviews were commonly “manipulated ... routinely embellished and sometimes outright fabricated”.

The Taliban executed scores of Afghan security forces members after surrender HRW report alleges (abc12 News) By Radina Gigova and Rob Picheta

November 30, 2021

The Taliban executed dozens of members of the Afghan security forces after they surrendered following the militants' seizure of Afghanistan in late summer, new research released by Human Rights Watch (HRW) on Tuesday alleges.

The HRW report detailed "the summary execution or enforced disappearance" of 47 former members of the Afghan National Security Forces (ANSF), including military personnel, police, intelligence service members and paramilitary militia, who had surrendered to or were apprehended by Taliban forces between August 15 and October 31.

HRW says the report is based on a total of 67 interviews, including 40 in-person interviews with witnesses, relatives and friends of victims, and Taliban fighters. Some people were granted anonymity by HRW for their report. In some cases, families report stories of people who simply disappeared.

The findings of the investigation would make a mockery of the Taliban's previous claims to the international community that it would lead a more inclusive government than it did two decades ago. Its leaders had promised a reprieve for those who collaborated with US forces during the American presence in the country.

The report focuses on Ghazni, Helmand, Kandahar, and Kunduz provinces, but HRW says "the cases reflect a broader pattern of abuses reported in Khost, Paktiya, Paktika, and other provinces."

CNN has not able to independently confirm the claims in the report.

A Taliban deputy spokesman rejected the HRW report, saying that the Taliban established a general amnesty on their first day of power in Afghanistan. "Based on that all military and non-military personnel of the former government were forgiven and told they could live normally in Afghanistan, that no one could harm them," Bilal Karimi told CNN.

Bilal did acknowledge that there were events when "some former forces were harmed," but not as many as reported, adding that any "limited incidents" in which security forces were hurt were "due to personal enmity," rather than Taliban policy.

'More than 100 killed or forcibly disappeared'

HRW's research indicates that Taliban forces have killed or forcibly disappeared more than 100 former security forces members in just these four provinces in the three months since their takeover of the capital Kabul, on August 15.

HRW researchers add, "They have also targeted family members of former security force members."

A man from Kandahar described to HRW what happened when the Taliban knocked on his door searching for his brother, a former member of the ANSF.

"There was a knock on the door. The [Taliban] asked: 'Is [your brother] home?' I said no. 'Do not be scared, tell him, we want to talk to him.' I said no, he is not home. A couple of days later, they took my brother from the street. We looked everywhere. We went to the Taliban, who denied involvement. Two days later we found his body."

"Summary killings and enforced disappearances have taken place despite the Taliban's announced amnesty for former government civilian and military officials and reassurances from the Taliban leadership that they would hold their forces

accountable for violations of the amnesty order," HRW says.

One Taliban fighter described a former prison official who was allegedly executed after being called back to work in August.

"The commanders called him back to the job after a few days [after taking control of Kunduz]. They said, 'Your job is here, you know this job.' The prison has three gates. [Muhammad] crossed the first gate. He was shot dead between second and the third gate."

"In the weeks before the Taliban overran Kabul, revenge killings, including the targeting of government officials, were already on the increase in major cities and along key highways," HRW says, adding "The Taliban, through their intelligence operations and access to employment records that the former government left behind, have identified new targets for arrest and execution."

HRW alleges information that was collected as part of a so-called "amnesty program" that would guarantee the safety of surrendering ANSF forces was used "to detain and summarily execute or forcibly disappear individuals within days of their registration, leaving their bodies for their relatives or communities to find."

HRW says "many Afghans interviewed expressed fear that if they register with the Taliban to receive the amnesty letter, they might be identified or recognized and face violent retaliation. At the same time, the Taliban have also searched for and detained people who failed to register."

The report alleges the Taliban have also searched for known former security force members, "often threatening and abusing family members to reveal the whereabouts of those in hiding," adding: "Some of those eventually apprehended have been executed or taken into custody without acknowledgment of their detention or their location, the crime of enforced disappearance."

HRW says while Taliban officials have repeatedly denied their forces have carried out killings and disappearances, "Increasing evidence suggests that summary executions and disappearances, among other abuses, are being carried out by senior Taliban leadership at the district or provincial level."

Researchers say on September 21 the Taliban announced the establishment of a commission to investigate reports of human rights abuses, corruption, theft and other crimes, but "as of November 22, the commission had not announced any investigations into any reported killings, although it did report on the arrest of several Taliban members for stealing and the dismissal of others for corruption."

Concern for minorities

HRW's findings follow a number of reports of violence in the country since the last Western forces left. Taliban troops are alleged to have unlawfully killed 13 ethnic Hazaras -- including nine surrendering former government soldiers and a 17-year-old girl -- in Afghanistan's Daykundi province on August 30, a separate investigation by Amnesty International found in October.

Since the US withdrawal from Afghanistan and subsequent Taliban takeover there has been concern that long-persecuted ethnic and religious minorities, such as the minority Shia Hazara ethnic group, would be targeted as they were under previous Taliban rule. In September, the sister of a pregnant policewoman told CNN her sibling had been killed by Taliban forces.

Concerns are growing that Afghanistan will become increasingly isolated from the world, and continue to strip away the rights of women, religious minorities, LGBTQ people and former officials.

When a group of women protested the announcement of the all-male government in Kabul in September, Taliban fighters beat them with whips and sticks. Women have most recently been barred from appearing in television dramas under the Taliban's new media restrictions.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

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Bangladesh International Crimes Tribunal

Neither Bangladesh nor the Rohingya are to blame for the environmental damage in Cox's Bazar (Dhaka Tribune) By Shafiur Rahman

November 18, 2021

The blame lies solely on Myanmar

In the space of a few weeks starting August 2017, the Myanmar military drove out hundreds of thousands of Rohingya into neighbouring Bangladesh and killed thousands in the process. In addition to the humanitarian cost of the crisis, the environment has been a major casualty too. Bangladesh not only had to respond to the 800,000 new arrivals with resources and infrastructure that were insufficient, but also the subsequent toll on the environment.

In total, about a million Rohingya refugees are located in the Ukhiya and Teknaf regions in south-eastern Bangladesh. This has had a massive environmental impact, including deforestation of protected areas, loss of habitat for wildlife, erosion, and loss of productive land to make way for makeshift housing. The refugees themselves were severely affected by these changes and they continue to lack basic environmental protections.

It is reasonable to argue that neither Bangladesh nor the refugees are responsible for the severe impact on the environment. The blame lies with the state responsible for the deportation of the Rohingya and the creation of the refugee crisis -- the state of Myanmar.

Yet the environment has become a flashpoint between the host population and the refugees. Myanmar is somehow not in the picture.

Bangladesh authorities have consistently highlighted the destruction of the environment to project to the world community the burden of carrying the refugee population.

Prime Minister Sheikh Hasina herself said: "They have become a huge burden for Bangladesh. The environment and forest resources in Cox's Bazar are getting destroyed."

Bangladeshi politicians have also explicitly cited environmental concerns as a reason for moving the Rohingya to the remote island of Bhashan Char.

The INGOs have a similar analysis. A 2018 International Organisation of Migration (IOM) report stated: "While Bangladesh's vulnerability to climate change has long been known, the recent influx of Rohingya refugees may intensify the problem."

The outcome of this single-focus blame narrative is that it inexplicably leaves the real culprit out of the equation -- Myanmar.

For four decades, Rohingya refugees have been restricted to certain areas of Ukhiya and Teknaf. A considerable portion of this area consists of hilly terrains and is at risk of landslides and flash floods. Refugee homes are constructed with PVC and wood. It is estimated that 400 acres to 600 acres of local reserve forest area were used up in the construction of refugee shacks.

The daily consumption of thousands of tons of firewood for cooking also contributed to the deforestation. LPG gas has only recently been supplied to the refugees. Additionally, there was ground water depletion (because of extraction by the refugees) and contamination (leakage of latrines).

In the summer of 2020, some 20,000 households required relocation or the rebuilding of their shelters because of exposure to heavy flooding, landslides, high winds, or soil erosion. Similar difficulties were observed in the summer of 2021. The densely-

packed shacks also constitute a massive fire risk, and in March of 2021, a devastating fire ripped through Kutupalong camp, rendering more than 50,000 people homeless.

The ongoing international justice processes concerning the Rohingya crisis are not dealing with the environment. The International Criminal Court (ICC) authorized the opening of an investigation into crimes of acts against humanity of deportation across the Myanmar-Bangladesh border and persecution on grounds of ethnicity and/or religion against the Rohingya population.

A case has also been brought before the International Court of Justice (ICJ) by Gambia. As the case continues, Myanmar has been ordered by the ICJ, in the interim, to prevent genocidal acts and to specifically ensure military and police forces do not commit genocidal acts.

The ICJ and the ICC did not include environmental damage in their consideration, either in Myanmar during the violence, or in Bangladesh after the Rohingya were forcibly deported from Myanmar.

Environmental justice for Bangladesh as an “injured state” and for Rohingya whose rights have been violated in their totality, including their environmental capacities and protection, is entirely missing from considerations of liability, prevention, and redress.

One state creating environmental damage for another through mass forced deportation of hundreds of thousands of people should fall within ICJ jurisdiction. The Court can only deal with what a state puts before it and therefore it is incumbent on Bangladesh to register this claim against Myanmar.

With reference to the ICC, there is currently no crime which relates to harming the environment per se. Nevertheless, it is possible to construct arguments that environmental damage constitutes a crime against humanity by harming people. Within Myanmar’s borders, it is the state’s responsibility to provide a safe and stable environment for its people and not to deprive them of these.

In this context, blaming Rohingya refugees for damaging the environment is entirely misguided. This fails to hold Myanmar liable and it fails to develop any mechanisms of redress for Bangladesh or the refugees themselves.

Given the current awareness about the responsibilities of states regarding the environment, the situation demands not only the development of better mitigation strategies at the district level, but also the exploration of international environmental law to seek to hold Myanmar responsible, seek redress for the receiving state, and ultimately, to support the human rights of the Rohingya population in Myanmar and those who have been driven to Bangladesh.

Bangladesh calls for addressing root causes of human trafficking (JagoNews24)

November 24, 2021

Bangladesh has urged the United Nations (UN) to address the root causes of human trafficking.

"We must address the root causes of trafficking driven by multiple factors including climate vulnerability, conflict and displacement," said Bangladesh Permanent Representative to the UN Ambassador Rabab Fatima.

She said while delivering national statement at the high-level meeting of the general assembly on the Appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons, held at the UN headquarters from 22-23 November, a press release said here today.

The ambassador emphasized the importance of robust legislative frameworks, multi-stakeholder partnerships and effective international cooperation to prevent and suppress human trafficking.

"Human Trafficking is serious crime that affronts the very fundamental principles of human rights and human dignity," Fatima added.

She highlighted various legislative, policy and institutional measures undertaken by the Bangladesh government to curb trafficking.

"We recognize the close nexus between human trafficking and human smuggling, including labour trafficking, and our national law defines human trafficking in the most comprehensive manner, in line with Palermo Protocol," she added.

In Bangladesh, successive National Action Plans, which are aligned with the SDG implementation plan and the national development plans, has improved the response to human trafficking, she continued.

Ambassador Fatima also recognized the role of NGOs, civil society and other community-based organizations in awareness raising and also in providing supports to the victims.

She also drew attention to the vulnerability of the Rohingya population sheltered in Bangladesh to trafficking, as there is no progress in their return to Myanmar, leading to desperation.

She also called for increased collaboration at the regional and international level on labour migration to reduce labour trafficking.

Referring to the devastating impacts of COVID-19 on informal sector and returnee migrants, Ambassador Fatima called for decent livelihood opportunities and their inclusion in the COVID recovery plans.

The two day-long high-level event was organized pursuant to General Assembly resolution on Trafficking in Persons to appraise progress achieved in the implementation of the Global Plan of Action to Combat Trafficking in Persons.

A political declaration was adopted as an outcome of the High-level meeting.

On the sidelines of the high-level meeting, Bangladesh permanent mission also co-organized a high-level event on fighting human trafficking along with the missions of Austria, Bangladesh, Nigeria, the State of Qatar, United Kingdom, and UNODC.

Ex-BNP lawmaker sentenced to death (The Sentinel)

November 25, 2021

The International Crimes Tribunal (ICT)-1 on Wednesday sentenced former Bangladesh Nationalist Party lawmaker Abdul Momin Talukder Khoka to death for committing crimes against humanity during the 1971 Liberation War.

A three-member tribunal headed by ICT-1 Chairman Justice Md Shahinur Islam announced the order. The two other members are Justice Abu Ahmed Jamadar and Justice K.M. Hafijul Alam.

On April 22, 1971, Talukder, as an auxiliary force of the Pakistani occupation army personnel and other collaborators, launched an attack on the Hindu community and freedom fighters in the villages of Kalsha Bazar, Rathabari and Teorpara in Bogura's Adamdighi. He is accused of killing at least 10 people, including a freedom fighter.

From October 24-27, 1971, Talukder, along with Pakistani occupation army personnel and collaborators, conducted raids in Kashimala Village and looted 16-17 homes and murdered five people.

On Oct 25, 1971, Talukder killed four people from Adamdighi's Talshan village. The war crimes case was filed against him in March 2011 by Subid Ali, a freedom fighter of Kayetpara village. The case was later forwarded to the ICT.

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War Crimes Investigation in Myanmar

In Post-Coup Myanmar, Women Face Systemic Campaigns of Terror and Assault (The Diplomat) By Maggi Quadrini

November 25, 2021

Women in Myanmar face the threat of violence by the military junta, undermining their safety and security. Abuse including sexual violence and assault have loomed over women and girls like a dark shadow. After seven decades of civil war, which shattered the population's civil liberties and widely suppressed human rights, women have become too familiar with threats to their bodies and gender-based violence.

November 25 marks the beginning of the 16 Days of Activism Against Gender-Based Violence, a day that coincides with the

International Day for the Elimination of Violence Against Women.

The campaign has been held for 30 years and aims to increase awareness and bring attention to violence perpetrated against women. Importantly, it also emphasizes how victims and survivors find strength and resilience to go on.

In Myanmar, spotlighting such violence is even more salient in the wake of the coup. The world must know what kind of threats women are currently facing under the deadly grip of the junta.

Since the attempted coup in February 2021, the Myanmar army has scaled up its use of systematic violence, particularly in areas where civilian defense forces have been formed.

Consequently, attacks against women have also been on the rise, which have unveiled a lack of protection for survivors and their families.

Women have been taken hostage, tortured, and killed in the targeted offensives. Each month since the coup, it's become painfully clear with overwhelming evidence that women and young girls are not safe in the custody of the junta's military forces. Reports of violence against women have become almost commonplace. Raids are one of the most widely used acts of lawlessness inflicted by the Myanmar military; during these violent intrusions, women are at serious risk of sexual violence.

Most recently, on November 11, a mother of a newborn infant was raped in front of her husband at gunpoint in Tedit township, Chin State. Later that evening, the victim's 30-year-old sister, who herself was seven months pregnant, was raped by Myanmar army soldiers.

The director of the Chin Human Rights Organization, Thin Yu Mon, described the horrifying incident as "disgusting and extremely inhumane."

In another incident in Shan State earlier this month, an elderly woman was the victim of a rape after soldiers from Light Infantry Battalion 336 stole food from her home. They left the scene of the crime and then decided to return to her home to rape her. Although a complaint was filed, the country's legal system is dominated by the military junta, and hence justice for these crimes is virtually non-existent.

The junta acknowledged the report, and made promises to bring those responsible to justice. But soldiers are largely protected in military courts and by the 2008 Constitution. Victims are haunted by these assaults, and when perpetrators go unpunished, the pain is worsened by the lack of accountability.

Tragically, these harrowing incidents are not isolated. Rather, these cases are another stark reminder of entrenched military impunity and longstanding violence against women and girls in Myanmar's conflict zones. Sexual violence like rape has long been used as a tool to terrorize victims and their families. A lack of access to psychosocial support and protection, now compromised by the COVID-19 pandemic, has made it harder for traumatized victims to seek reliable justice and protection referral pathways.

Myanmar's social structure is formed in a patriarchal culture dominated by men. It is one that often suggests that the woman is at fault in these situations of abuse. The repressive climate creates a space where victims are reluctant to even talk about their trauma, let alone report crimes that were inflicted on them.

Women have disproportionately been impacted by the violence, as they make up 54 percent of the 230,000 internally displaced from internal conflict. Their survival is largely dependent on their ability to flee at a moment's notice. The lack of political stability has forced women, including expectant mothers, to regularly be on the move. These women often are forced to give birth in settings that put the lives of both woman and child in jeopardy. The Myanmar military has created an environment that is not safe for anyone in the country, and has exacerbated the risks of violence from raiding soldiers.

Due to deeply rooted impunity, soldiers do not fear consequences for their actions. Instead, they repeatedly commit the same offenses with a misguided confidence and a sense of entitlement that they are above the rule of law.

Local community-based organizations working on the ground say that international condemnation against the atrocities taking place in Myanmar is not enough. During a closed door meeting, the United Nations Security Council (UNSC) failed to take concrete actions necessary to dismantle the junta and protect civilians, including women and children. In a statement, the Women's League of Burma, Sisters2Sisters Myanmar, and the Women's Advocacy Coalition Myanmar, called on the UNSC to institute a comprehensive global arms embargo and refer the situation in Myanmar to the International Criminal Court.

The 16-day campaign is a reminder of what women face in a country shattered by conflict and a state where oppression has become normalized. The international community has a moral obligation to stand by survivors. They must amplify their calls for justice and take steps to enforce a global arms embargo and targeted sanctions against the Myanmar Army.

Without interference, Myanmar's women and girls will face the same atrocities. They must be protected from the brutal savagery of the junta.

Argentina court to investigate Myanmar war crimes against Rohingya Muslims (The Guardian)

November 29, 2021

Argentina's justice system will investigate allegations of war crimes committed by the Myanmar military against that country's Rohingya minority under a court ruling upholding the principles of "universal justice".

The appeals court decision, which Agence France-Presse has seen, overturns a lower court ruling rejecting a request for an investigation by the British-based Burmese Rohingya Organisation (BROUK).

A 2017 army crackdown on Rohingya Muslims in Myanmar, which the UN says could amount to genocide, has triggered an exodus of more than 740,000 members of the community, mainly to Bangladesh.

The legal premise of "universal justice" holds that some acts – including war crimes and crimes against humanity – are so horrific they are not specific to one nation and can be tried anywhere.

Argentina's courts have taken up other universal jurisdiction cases in the past, including in relation to ex-dictator Francisco Franco's rule in Spain and the Falun Gong movement in China.

Proceedings against Myanmar and its leaders are already under way at the international criminal court and the UN's international court of justice.

Six Rohingya women, refugees in Bangladesh, had given remote testimony to the court in Argentina.

One of the complainants said they "had all been sexually assaulted and that many of their family members had died as a result of the repression they had suffered" in August 2017, the court recalled.

In their decision, the appeals judges said that "the investigation and eventual judgment of this type of crime is the primary responsibility of states".

The president of BROUK, Tun Khin, said in a statement the ruling represented hope "not just for us Rohingya but for oppressed people everywhere".

He added: "The decision in Argentina shows that there is nowhere to hide for those who commit genocide – the world stands firmly united against these abhorrent crimes."

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AMERICAS

North & Central America

Send Omar al-Bashir to The Hague (Open Canada) By Nicholas Coghlan

November 19, 2021

Nearly three years ago hundreds of thousands of ordinary men and women put their lives on the line in Sudan and brought an end to years of repellent military dictatorship in their country. Mercifully few lives were lost, and the widely reviled President Omar al-Bashir was confined to prison in Khartoum.

After months of negotiations between the still powerful military and the coalition of trade unions and professional associations that had orchestrated the popular mobilisation, a hybrid civilian-military body known as the Sovereign Council was established in July 2019 with the mandate of overseeing a process of political transformation and economic recovery that would, it was hoped, culminate in elections in 2022. The council would initially be headed by a general, Abdel Fattah al-Burhan, who would hand overall leadership to a civilian on November 17, 2021.

Things have not gone smoothly. America lifted sanctions and offered Sudan critical debt relief, but economic recovery has been disappointing: inflation reached a dizzy 387 per cent in August 2021. Tensions within the council climbed as the November 2021 deadline approached. The civilian half of the council, led by Prime Minister Abdalla Hamdok, struggled to loosen the grip of the army from sectors of the economy it had been using as cash cows. The military, for its part, resisted accountability for any of its abuses, including a massacre of civilian protesters immediately prior to the formation of the Sovereign Council in 2019.

On October 25, those tensions came to a head. Only hours after America's top regional envoy exhorted Burhan to re-commit to the democratic transition, the general unilaterally dissolved the council, placed Hamdok and other key civilian figures under arrest and announced that elections would now be postponed until July 2023.

This de facto coup drew immediate condemnation from many countries — including Canada. Following a full-court diplomatic press by America and others, regional neighbours chimed in with their own denunciations, Egypt being the notable exception. The African Union suspended Sudan's membership. The World Bank and the European Union announced they are pausing aid distribution. America is doing the same.

What happens next will be determined largely by the extent to which the much-tried people of Sudan, reeling from COVID and economic hardship, are prepared and able to mobilise once again. Demonstrations thus far have been largely peaceful and impressive in scale, notwithstanding a total internet blackout imposed by Burhan and his supporters.

A further determinant will be how much America is willing to exert pressure on Egypt, so as to complete the diplomatic isolation of Burhan and his clique. Other mediation efforts have been launched, including by the United Nations. Diplomats being what they are, these efforts are aimed at reaching a compromise. But it's doubtful protesters on the street are any longer interested in that. Civilian-military partnership having manifestly failed, they want full civilian rule.

The moment is delicate. With fewer international allies than they had hoped and facing a truculent public, Burhan and his allies may feel that they now have nothing to lose by unleashing the full force of the military on unarmed demonstrators.

It is in Canada's interest as much as anyone's that Sudan resume and complete its transition to democracy and stability. The protesters who brought down the dictatorship, and those who are once again in the streets, are a beacon of hope on a continent where both are in retreat. There have this year been attempted or successful coups in Guinea, Mali and Niger. South Sudan is locked in a spiral of corruption and violence, with famine a perennial threat. Ethiopia is in a state of full-blown civil war. Demonstrators on the streets of Khartoum, as well as Hamdok and his civilian colleagues, deserve our enthusiastic support.

Reversing the coup, however, will not be enough. For democracy to become fully sustainable in Sudan, there must be accountability. And so we come to a man in whose fate Canada has a particular stake: Omar al-Bashir.

Canada played a pivotal role in the establishment of the International Criminal Court in the 1990s. We were the fourteenth state to sign the Rome Statute — the court's foundational instrument — and by passing the Crimes Against Humanity and War Crimes Act in 2000, we were the first to embed its provisions in domestic law.

By that time, President al-Bashir was already steeped in war crimes and human rights abuses under the cover of Sudan's second civil war. My instructions upon opening Canada's first diplomatic presence in Sudan that year (with the intentionally vague title "head of office") included "Avoid all possible contact with President Bashir." On account of his deserved pariah status, we did not appoint our first resident ambassador to Khartoum until he was behind bars, 20 years later.

But it was al-Bashir's counterinsurgency campaign in Darfur, starting in 2003, that drew the attention of the International Criminal Court.

In this western region of the country, he oversaw mass atrocities and crimes against humanity as state security forces and allied militias targeted members of the Fur, Zaghawa and Masalit ethnic groups, burning villages and killing tens of thousands. The UN Security Council could not ignore these crimes and in 2004 referred the situation to the ICC.

Did the campaign against these groups meet the threshold for genocide? Were the atrocities in Darfur committed with the intent of al-Bashir "to destroy, in whole or in part, a national, ethnical, racial or religious group" (as the ICC definition runs)? A succession of chief prosecutors at the court certainly thought so. Following a preliminary investigation, the court charged al-

Bashir in 2009 and 2010 with five counts of crimes against humanity, two of war crimes and three of genocide.

Over the subsequent years, al-Bashir thumbed his nose at the ICC. He travelled to many countries whose obligation under the Rome Statute was to arrest him. Even South Africa, the country thought to have the most independent and effective judiciary on the continent, allowed him to attend an African Union summit on its territory.

It was Sudan that finally tried and convicted al-Bashir in 2019 — for corruption. The revelation that he had stashed more than \$150 million in the Republican Palace cost him the support of some Sudanese who had argued he might have been misguided but always did his best for the country. A second and more controversial trial, of al-Bashir and 20 other officers, was then launched regarding the coup that had brought him to power in the first place, way back in 1989.

The Sovereign Council meanwhile procrastinated over delivering him to the ICC to face the much graver accusations of war crimes, crimes against humanity and genocide, even though this was a popular demand of the masses that brought the council into being.

It is easy to guess why the council — or at least its uniformed half — hesitated. Al-Bashir's testimony would likely implicate senior officers who remain in power. And it is not as though Sudan's neighbours would cheer Khartoum for shackling al-Bashir and putting him on a plane to Europe. There are many Big Men in the region who have a lot to lose should justice for war crimes prevail, however delayed that justice might be.

Now we have the latest coup. It risks making al-Bashir's rendition even more doubtful. There is a range of possible outcomes to the ongoing saga, with full military control of the government at one end and full civilian control at the other. If the military consolidate their hold on power, al-Bashir will surely rest easy. Even if the civilians win the day, they will likely avoid any moves that might provoke the military again.

Failure to follow through on delivering al-Bashir to the ICC would be a tragedy for his victims who deserve a reckoning before he dies of old age. Indefinite deferral would also be a setback for the International Criminal Court — which has been struggling to regain credibility after some notable failed prosecutions — and for the principle of transitional justice writ large. It would give consolation to tyrants everywhere, who would rightly deduce armed intimidation works.

Canada should prioritize using whatever influence it can muster to ensure al-Bashir is tried at the ICC. As a middle power and trading nation, Canada should try to strengthen the rules-based world order wherever possible, and nothing epitomises this order more than the International Criminal Court.

Pressure should also be exerted in Washington. Ongoing American intervention will be critical to achieving a peaceful resolution of the current crisis. There is no realistic prospect that the United States will publicly champion the ICC. Washington, after all, has not signed the Rome Statute. But after allowing the position to lapse under President Donald Trump, the State Department has appointed Morse Tan as ambassador-at-large for global criminal justice. A quiet chat with him would be a good place for Canada to start, followed by talks with other UN permanent members who are parties to the Rome Statute.

Much diplomatic effort will be directed in the weeks ahead toward convincing Sudan's military leaders to cede or at least share power. Through all this, we must not lose sight of Omar al-Bashir. His victims deserve justice. Other tyrants with bloodied hands will sleep easy the longer he is able to evade it.

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South America

Argentina's justice system to probe Myanmar war crimes claim (Buenos Aires Times) November 30, 2021

Argentina's justice system will investigate allegations of war crimes committed by the Myanmar military against that country's Rohingya minority under a court ruling upholding the principles of universal jurisdiction.

The appeals court decision, which AFP has seen, overturns a lower court ruling rejecting a request for an investigation by the Britain-based Burmese Rohingya Organisation (BROUK).

A 2017 Army crackdown on Rohingya Muslims in Myanmar, which the UN says could amount to genocide, has triggered an exodus of more than 740,000 members of the community, mainly to Bangladesh.

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In their decision, the appeals judges said that "the investigation and eventual judgment of this type of crime is the primary responsibility of states."

BROUK president Tun Khin in a statement said the ruling represented hope "not just for us Rohingya but for oppressed people everywhere."

He added: "The decision in Argentina shows that there is nowhere to hide for those who commit genocide -- the world stands firmly united against these abhorrent crimes."

Myanmar denies committing genocide, justifying the 2017 operations as a means of rooting out Rohingya militants.

The Myanmar public was largely unsympathetic to the Rohingya's plight, while activists and journalists reporting on the issues faced vitriolic abuse online.

Colombia's opposition in trouble over negligence, war crimes apologist (Colombia Reports) By Adriaan Alsema
December 1, 2021

Colombia's leading opposition forces found themselves in trouble on Tuesday over their leaders' alleged negligence and talks with a war crimes apologist.

Presidential candidate Sergio Fajardo of the newly formed "Center Hope Coalition" requested protection from the Organization of American States (OAS) in response to a negligence conviction that barred him for holding public office.

The "Historic Pact" led by progressive Senator Gustavo Petro came under fire for talks with former Medellin Mayor Luis Perez, a war crimes apologist.

Fajardo announced that he would seek protection from the OAS' Inter-American Commission on Human Rights (IACHR) over the alleged political persecution by the government of President Ivan Duque.

Prosecutor General Francisco Barbosa, a close friend of the president, announced a criminal investigation against the moderate candidate in March.

Comptroller General Carlos Felipe Henao, a close friend of the chief prosecutor, rejected Fajardo's appeal against a negligence conviction last month.

The decision effectively barred Fajardo from holding public office after Duque's congressional coalition voted to add political sanctions to administrative convictions in violation of international law in June.

According to journalist Maria Jimena Duzan, the moderate candidate and Fajardo's progressive candidate have been on a prosecution list that sought "to screw with the opposition" since the 2018 elections.

Petro came under fire on Tuesday after his coalition released images of a meeting with former Medellin Mayor Luis Perez.

The Antioquia power monger is controversial for his apologies for war crimes committed in Colombia's second largest city.

Perez added fuel to the fire by telling newspaper El Espectador that he was "happy" with "Operation Orion," a 2002 military operation in Medellin that has designated a crime against humanity by the Inter-American Human Rights Court.

Senator Inti Asprilla said that "we didn't have an internal fight inside the Green Alliance [party] for this."

Petro insisted on maintaining talks with the dissident Liberal Party mogul about Perez's possible electoral support for the opposition.

What next after Colombia's FARC removed from US 'terrorist' list? (Aljazeera) By Steven Grattan
December 1, 2021

The United States' delisting of the now-defunct Revolutionary Armed Forces of Colombia (FARC) rebel group as a "foreign terrorist" organisation this week has been welcomed as an important – albeit delayed – step.

The addition of two FARC dissident groups to Washington's blacklist may pose a fresh challenge to the implementation of a shaky 2016 peace agreement that ended five decades of deadly fighting in the South American nation, however.

Some political analysts say US President Joe Biden's administration must tread carefully to ensure that demobilised FARC fighters are not affected by the new terrorist listing of dissident groups amid a surge in violence in Colombia.

"This decision is very important and very late," said Elizabeth Dickinson, a senior Colombia analyst at the International Crisis Group, about the rebel group's removal from the US "foreign terrorist" list on Tuesday.

Colombia this month marked the fifth anniversary of the peace agreement signed between the FARC and the government that led to the disarmament of some 13,000 rebel fighters. The demobilised FARC has since established a political party, Comunes, as part of that process, and Dickinson said the vast majority of ex-combatants remain committed to peace.

But she said the US "terrorist" listing had added to the widespread stigmatisation of ex-combatants in the Colombian countryside, posing a "major problem" as they try to reintegrate into civilian society.

"The fact that the US is only recognising that commitment to the process really five years later has sent a bad message throughout the implementation of the accord ... that the demobilised FARC has not had the full support of the international community," she told Al Jazeera.

"Thankfully ... that is remedied and it's very important that this sends a political message that the US is behind the political reintegration of the FARC."

US Secretary of State Antony Blinken on Tuesday announced that Washington was delisting the FARC because the group "no longer exists as a unified organisation that engages in terrorism or terrorist activity or has the capability or intent to do so".

Blinken said the decision does not change the US's posture with regards to any charges or potential charges against former FARC leaders, including for narco-trafficking. It will, however, "facilitate the ability of the United States to better support implementation of the 2016 accord, including by working with demobilized combatants".

Colombian President Ivan Duque said on Tuesday that his government understood the US move. "We understand it and we respect it," Duque told reporters during a news conference. "We would have preferred another decision, but knowing that, today we are focused on confronting dissidents."

Arlene Tickner, a professor of political science at Bogota's Rosario University, said the symbolism of the announcement should not be underestimated, "given ongoing national and international criticism of the current Colombian government's commitment to the peace process".

Bogota has faced international criticism for its lackluster efforts in implementing the peace deal.

One of Duque's election promises while the peace process was already underway was to try and change certain aspects of the final agreement and fight for tougher punishments for ex-FARC fighters through a special peace court. Lags in the delivery of promised government funding to former rebels to set up economic projects also have been reported, meaning many projects still have not come to fruition.

Against this backdrop, Tickner told Al Jazeera that the US delisting "constitutes an important step in terms of ex-FARC access to the financial system, availability for US assistance and interlocution with diverse US actors and institutions – all of which

were severely restricted while the terrorist designation was in place”.

Dickinson also explained that being on the US blacklist impeded ex-FARC fighters’ ability to reintegrate – especially economically – into their new civilian lives. “Any company who thought to hire ex-combatants was putting themselves at great risk of US sanction, of not being able to interact with the banking system,” she said.

Many former FARC members struggled to open bank accounts, as well, which made it very hard for those who sought to set up farming projects to formalise those programmes and build sustainable livelihoods.

“We’ve heard stories of cooperatives who’ve had to go from bank to bank, basically begging to be able to open an account for the cooperative, and it was this vast over-caution on part of the Colombian banking system to interact with these people in any capacity at all,” Dickinson said. Alongside the FARC’s delisting, the Biden administration on Tuesday also announced the addition of two new dissident factions of the FARC who rejected the 2016 peace deal to its blacklist, dubbing their leaders “specially designated global terrorists”.

Some ex-FARC commanders and fighters picked up arms a few years after the deal was signed, accusing Duque’s right-wing government of being “traitors” after the president unsuccessfully tried to change some aspects of the agreement.

At the time, Duque had sought to get tougher punishment for FARC rebels at Colombia’s Special Jurisdiction of Peace (JEP), a special tribunal set up under the peace agreement to prosecute former FARC members and military officials for alleged crimes. Earlier this year, it accused eight former FARC commanders of war crimes and crimes against humanity.

“It’s very important that the US takes great care in implementing these new designations in order to avoid accidentally roping in demobilised ex-combatants who remain committed to the process,” Dickinson said about the new designations.

One of the most recognised names added to the US “terrorist” blacklist on Tuesday is Ivan Marquez, a former FARC commander. Marquez announced in August 2019 that the Segunda Marquetalia – the name of one of the new groups blacklisted – was taking up a “new phase of armed struggle” in the country. Last year, the US said it would offer a \$10m reward for his capture.

Marquez, who is believed to be hiding in Venezuela’s border region with Colombia, gave an interview in local Colombian media on Tuesday morning – the first since his 2019 statement – asking for new talks with Bogota.

“We want a government that will go all out for peace, that resumes talks with the ELN, that opens a new chapter of dialogue with all the insurgent groups,” he said, referring to the National Liberation Army, an armed Marxist group operating in Colombia.

Colombia’s rural areas have seen increasing violence as several dissident groups, drug producers and traffickers, illegal gold miners and other smaller groups fight for control over the territories left behind by the FARC. It is also believed about 1,900 dissidents are operating from Venezuela, an army chief told the Reuters news agency in an interview on September 30.

On Tuesday evening, Duque commented on Marquez’s call for dialogue, calling him “a criminal, a terrorist, a narco-terrorist”.

“Peace for bandits like him is either to capture them or kill them, and the only thing that awaits him is the same fate as his counterpart Otoniel,” Duque said, referring to Dario Antonio Usuga, one of the country’s most notorious drug traffickers, who was captured in late October. The US requested his extradition this month.

Sergio Guzman, a Bogota-based political analyst, said Marquez’s announcement was like “blackmail to the government”.

“They themselves abandoned the [peace] process. And so now trying to renew agreements to this end feels counterproductive and it also gives a sense that they are not sincere in their efforts to find peace,” he told Al Jazeera.

“I don’t think the Colombian public has any sympathy ... It just seems like Marquez and others are trying to be more relevant in the run-up to [next year’s] elections.”

Ultimately, Guzman said the US decision to remove the FARC from its terrorist list is “more of a formality” – and would not change many restrictions ex-members of the group continue to face, including on international travel or charges at the JEP.

It will also not change the political reality for Comunes, the political party formed by ex-FARC members, which is guaranteed five seats in the Senate and five seats in the House under the 2016 peace agreement, he said.

“But beyond that their ability to capture votes elsewhere is practically nil,” said Guzman.

Tickner of Rosario University agreed. “While the [US] decision reinforces international recognition of ex-FARC legitimacy as a

[legal] political actor, whether or not this translates at some point into greater national recognition and acceptance remains to be seen.”

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Venezuela

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TOPICS

Truth and Reconciliation Commission

Toothless Commissions (Nepali Times) November 23, 2021

The headlines for the past month have all been about the Supreme Court, and whether or not Chief Justice Cholendra SJB Rana should be impeached, or resign, over past naughtiness.

The controversy goes to the heart of Nepal’s governance failure and the erosion of the rule of law. Politicians have tampered with the doctrine of the separation of powers, and politically appointed justices have returned the favour. But there was a larger lapse of justice that went virtually unnoticed this week. It has been exactly 15 years after the Comprehensive Peace Accord (CPA) was signed on 21 November 2006 between the Maoist commander Prachanda and Prime Minister Girija Prasad Koirala of the Nepali Congress (NC).

As per the provisions of the CPA, two commissions to investigate the disappeared and for truth and reconciliation were to be set up and given two years to do their job. This being Nepal, it took a full ten years for the Truth and Reconciliation Commission (TRC) and the Commission on the Investigation of Enforced Disappearances (CIED) to start their work.

The United Nations, Nepal’s Western partners and international human rights watchdog groups were the driving force behind the transitional justice process, and if it was not for them it would have been unlikely that the country’s 14 prime ministers since 2006 would have made any moves to rake up wartime excesses.

The rationale behind transitional justice is that until survivors and families of victims find truth and justice, there will be no closure, residual revenge will poison societal relations, and there will be a danger of the country slipping back into violent conflict.

Justice denied also promotes impunity in other arenas of national politics, as we see today. It is also important to keep the memory of the conflict years alive, and document the untold death and suffering it caused. Nepalis have to be reminded not to forget.

Yet, memories fade, time moves on, people drift into everyday routines and try to get on with their lives. Transitional justice would have at least helped heal the loss for families of the victims, provided society with closure, and perpetrators of war crimes a chance for atonement.

But, as with all other spheres of national life, the transitional justice mechanisms have been politicised from the word go. The leadership of the Maoist, NC and to a lesser degree the UML, all colluded to appoint yes men to the TRC and the CIED, extending their mandates over and over again with no hearings, trials or verdicts against those involved in heinous crimes.

The toothless commissions collected tens of thousands of testimonies from families of victims and survivors, but the files are all mothballed in steel cabinets in their offices. Meanwhile, in the past 15 years, there has been plenty of lip service, blame game, scapegoating and tokenism. The two commissions have actually been used by politicians to prevent cases from moving through the regular courts.

In fact, on the 15th anniversary of the CPA, Prachanda who has gone back to his peacetime name of Pushpa Kamal Dahal, vowed to complete the transitional justice process. In a statement on 21 November and an English op-ed in The Kathmandu Post, he termed Nepal's peace process a 'successful homegrown model' for other post-conflict countries.

'Although the conflict was brought to an end, the task of investigating events that occurred during the war and to provide victims with transitional justice remains,' Dahal said in his statement. 'We are proud of what the revolution achieved, but we will probe wartime excesses.'

The fact that most other political leaders did not even bother to acknowledge the CPA anniversary showed that Dahal knows the sword of justice hangs over his head. With Western backing for the transitional process not as vigorous as it once was, he knows he just has to keep on saying the right things.

The CPA pledged to 'investigate human rights violations and those involved in crimes against humanity'. With every year that goes by, it looks less and less likely that will happen. There are still more than 2,000 people listed as missing, and some of their families have waited two decades already to know whether they are dead or alive, or what happened to them.

Many families of the disappeared interviewed by this newspaper have said finding out the truth is more important than justice. This could also mean they do not expect the state to persecute known perpetrators, so they do not even ask for justice. But their anguish is heightened when they see war criminals in senior leadership positions, who never had to answer for their crimes.

As Meenakshi Ganguly, South Asia director at Human Rights Watch, said in a statement issued jointly with Amnesty International, the International Commission of Jurists and TRIAL International on 21 November: 'State officials' reluctance to investigate and prosecute such serious crimes has exacerbated the suffering of victims, undermined the rule of law in post-conflict Nepal, and increased the risk of such violations in the future.'

She went on to warn: 'If justice is continually denied in Nepal, perpetrators of these international crimes committed during the conflict will be prosecuted abroad under international jurisdiction.'

[Gambia's truth commission recommends prosecutions for Jammeh-era crimes (Reuters)] By Pap Saine And Edward Mcallister
November 25, 2021

A Gambian commission wrapped up a sweeping three-year public inquiry into former president Yahya Jammeh's 22 years in power on Thursday by recommending prosecutions for killings, torture and other abuses committed during his tenure.

The Truth, Reconciliation and Reparations Commission (TRRC) delivered its report to President Adama Barrow, nine days before an election in which the exiled Jammeh has urged his supporters to vote for an opposition coalition.

Nearly 400 witnesses testified before the TRRC, including both victims and perpetrators.

"To forgive and forget with impunity the violations and abuses ... would not only undermine reconciliation but would also constitute a massive and egregious cover-up of the crimes committed," the commission said in a statement.

In all, 240-250 people died at the hands of the state or its agents, the commission said. It recommended that the "persons who bear the greatest responsibility for abuses" be prosecuted, but did not name anyone.

Barrow or his successor have six months to decide how to respond to the report, which was not made public.

"I assure (the victims and their families) that my government will ensure that justice is done," Barrow said in a statement, "but I urge them to be patient and allow the legal process to take its course."

Jammeh, who came to power in a coup in 1994, is in exile in Equatorial Guinea, where he fled after refusing to accept defeat to

Barrow in 2016. He has denied allegations of wrongdoing and could not be reached for comment on Thursday.

Under Gambian law, a former head of state cannot be prosecuted unless parliament approves proceedings by a two-thirds majority - not a formality given Jammeh's continued influence.

The TRRC inquiry, broadcast live on television and radio, at times transfixed a nation of 2.5 million people that for two decades lived in fear of Jammeh's National Intelligence Agency (NIA) and his personal hit squad known as the "Junglas".

'TIRED OF WAITING'

Gambians watched as perpetrators, seated in a hotel conference room in front of posters that promised "never again", admitted to carrying out killings on Jammeh's orders.

Malick Jatta, an army lieutenant, said Jammeh had paid over \$1,000 each to the men who killed newspaper editor Deyda Hydara in 2004.

Sergeant Omar Jallow testified that in 2005, Jammeh ordered the killing of 59 migrants who he thought had come to overthrow him.

Fatou Jallow, the winner of a 2014 beauty pageant, said Jammeh had raped her when she was 19.

Some witnesses described being tortured at NIA headquarters. Others detailed Jammeh's claims to have a herbal cure for AIDS. Witnesses said many patients had died after Jammeh persuaded them to stop taking anti-viral medication and drink a homemade potion instead.

Reconciliation commissions, following the lead of the one that helped South Africa make a mostly peaceful transition from apartheid, have had varying success in Africa.

Liberia's commission, which like South Africa's did not have prosecutions as its goal, left many citizens feeling that those responsible for a decade of civil war had escaped justice.

In Rwanda, however, where 800,000 died in a 1994 genocide, community tribunals did bring a degree of closure by trying abuses.

Rights groups applauded the transparency of Gambia's commission, but victims have been frustrated by its slow pace and angry that people who admitted to crimes have, for now, been allowed to walk free.

"The recommendations are a good step. We need strong political will to carry out these prosecutions," said Fatoumatta Sandeng, the daughter of opposition leader Solo Sandeng, who died in custody in 2016.

"Six more months is a long time - we are tired of waiting."

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Terrorism

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Piracy

IMO appoints Special Advisor on Maritime Security (Mirage) November 24, 20

The IMO Secretary-General has appointed Mr. Peter Adams, Head, Maritime Security, Maritime Safety Division, as "Special Advisor to the Secretary-General on Maritime Security".

IMO has within its mandate to make trade and travel by sea as safe and secure as possible. Maritime security is at the core of the work of the Organization, whose mission entails the management and mitigation of any threats with the potential to compromise maritime security through the development of suitable regulations and guidance, as established by the IMO's International Convention for the Safety of Life at Sea (SOLAS) 1974 and by other important instruments, including the Facilitation Convention and the SUA treaties.

Cyber security attacks, piracy and armed robbery against ships, unlawful acts, stowaways, drug smuggling and other illicit maritime activities are all threats to the maritime sector which need to be addressed. IMO is working to support Member States to combat these, through capacity building activities, especially in the Western Indian Ocean, the Gulf of Aden and the Gulf of Guinea. IMO also works alongside other UN entities to support counter terrorism activities. These are all topics of fundamental importance to the work conducted by IMO and of utmost relevance for the international maritime community.

The appointment of the special advisor will support the provision of assistance and advice at the highest levels in IMO on maritime security matters and facilitate external engagement support IMO efforts in this regard.

Peter Adams

Peter Adams is a former Royal Navy officer, Admiralty Pilot, and commercial harbour pilot. He has extensive operational and command experience, including enforcing UN sanctions in the former Yugoslavia; counter narcotics operations in the Caribbean; anti-piracy operations off the Horn of Africa; and suppressing maritime criminality in Hong Kong, China.

Danish frigate kills four pirates in Gulf of Guinea (Reuters) November 25, 2021

A Danish frigate has killed four pirates in waters south of Nigeria in an operation to protect shipping in the Gulf of Guinea, the Danish military said on Thursday.

The Esbern Snare, deployed last month to the Gulf of Guinea amid heightened security risks from pirates, on Wednesday spotted a fast-moving vessel carrying eight suspected pirates near a number of commercial ships, the Danish military said.

The incident took place in international waters, 25 to 30 nautical miles south of Nigeria's territorial boundary, a spokesman said.

The motorboat, spotted by a helicopter deployed by the frigate, was carrying equipment associated with piracy, including ladders.

After the frigate fired warning shots, the pirates opened fire on Danish navy special forces, who in turn shot and killed four pirates and wounded one, the Danish military said in a statement.

The remaining four pirates were taken on board the frigate, and no Danish personnel were hurt in the incident, the military said.

It was the first time the frigate had opened fire during its current mission to the Gulf of Guinea, the spokesman said.

The Gulf of Guinea has been a piracy hot spot for years, but incidents have decreased since national authorities stepped up security efforts aided by foreign naval ships.

American, British, Italian, Spanish and Portuguese navies have also sent assistance, ships or training forces over the past year to tackle piracy after a record 130 sailors were taken from vessels in the region in 2020.

Piracy and armed robbery incidents dropped to 28 in the first nine months of 2021, compared with 46 in the same period in 2020, according to the International Maritime Bureau.

Separately, Denmark's Prime Minister Mette Frederiksen and opposition lawmaker Jakob Elleman had both planned to visit the frigate during a visit to Ghana on Wednesday and Thursday.

They were not on board during the incident, which Frederiksen said was likely to have averted attacks on commercial ships in the gulf.

The frigate will operate in the region until April next year.

Gulf of Guinea: Nigerian law body accuses Danish Navy of executing alleged pirates (Daily Post) By Wale Odunsi
November 27, 2021

The Nigerian Maritime Law Association (NMLA) has condemned the alleged execution of four “pirates” in the Gulf of Guinea (GoG).

They were reportedly killed by the Danish Navy from their frigate, ESBERN SNARE, operating within the waters.

NMLA President, Funke Agbor and Secretary, Emeka Akabogu, issued a statement to that effect on Saturday.

The legal practitioners expressed concerns about the sanctity of Nigeria’s sovereignty.

Stressing that it supports efforts to rid the GoG of criminality, NMLA said it was worried about the application of rule of law and respect for protocols of engagement.

“The incident was alleged to have occurred in international waters, 25 to 30 nautical miles south of Nigeria’s territorial waters”, it noted.

NMLA called for an independent inquiry to establish the location of the incident “and whether there had been compliance with the relevant rules of engagement”.

The statement urged the Nigerian Maritime Administration and Safety Agency (NIMASA) to formulate and implement a maritime strategy for the nation.

It pointed out that this is mandated by the Suppression of Piracy and Other Maritime Offences Act 2019.

The Act incorporates strategic security synergy between all law enforcement and commercial shipping actors.

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Gender-Based Violence

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Commentary and Perspectives

Interpol appoints Emirati general accused of torture as president (The Guardian) By Patrick Wintour and Ruth Michaelson
November 25, 2021

A general from the United Arab Emirates accused of complicity in torture has been elected as president of the international policing agency Interpol in the teeth of fierce objections from human rights groups.

Maj Gen Ahmed Nasser al-Raisi’s victory represents a boost to the growing diplomatic clout of the UAE, where he was appointed inspector general of the interior ministry in 2015, overseeing its prisons and policing.

Complaints of “torture” were filed against him in recent months in France and Turkey, which is hosting Interpol’s general assembly in Istanbul this week.

One of the complainants, the British national Matthew Hedges, says he was detained and tortured between May and November 2018 in the UAE after being arrested on false charges of espionage during a study trip. On Thursday he described Raisi’s victory as “a disgrace”.

“This is a sad day for international justice and global policing,” Hedges said. “I don’t know how the Interpol members who voted for Raisi don’t feel embarrassed about the choice they made, and what this will actually mean for the reputation of the organisation.”

The UAE has said Hedges was not subjected to any physical or psychological mistreatment during his detention.

Another complainant, the Sudanese-born British citizen Ali Issa Ahmad, was detained in 2019 after being accosted by security officials for wearing a Qatar football shirt. “It is really terrible that he has been given this honour,” he said. “The UAE will use it to make the world think that they are good at policing but I will always know the truth. The scars I have on my body which the UAE police left on me will always know the truth.”

Raisi defeated veteran Czech Republic police officer Šárka Havránková, who had warned before the vote that it was a test of “the credibility and integrity of the organisation”. After three rounds of voting, Raisi received 68.9% of votes cast by member countries, Interpol said of the notoriously opaque election process. No country is required to reveal how it voted.

Human rights defenders reacted to Raisi’s victory with alarm. “This election represents the beginning of a dangerous era, with authoritarian regimes now able to dictate international policing,” said Sayed Ahmed Alwadaei, the director of the Bahrain Institute for Rights and Democracy. “No one is safe from the abuse of Interpol and authoritarian regimes.”

Interpol has the power to issue red notices – a call by one country for the arrest of individuals in another country. Interpol has often been accused of allowing red notices to be used by autocratic governments to pursue political vendettas, and track down dissidents in exile.

Nabhan al-Hanshi, head of ALQST for Human Rights, which campaigns against abuses in Saudi Arabia, said: “Raisi’s election sends a chilling message that Interpol has abandoned its human rights commitments. This raises fears that existing concerns about the agency, including the use of politically motivated ‘red notices’ by abusive states, will worsen.”

US senator Roger Wicker last week said Interpol had “become a tool in the hands of despots and crooks who seek to punish dissidents and political opponents in an effort to turn other countries’ law enforcement against the rule of law”.

Anwar Gargash, a former UAE minister of state for foreign affairs who now advises the country’s president, dismissed the accusations against Raisi as an “organised and intense smear and defamation campaign” which the election had now “crushed on the rock of truth”.

The UAE has been a generous funder of Interpol, donating \$54m (£40.5m) in 2017 – almost equivalent to the required contributions of all the organisation’s 195 member countries, which amounted to \$68m in 2020. In 2019 it gave or had pledged to give about €10m, approximately 7% of the organisation’s total annual budget.

Sir David Calvert-Smith, the former director of public prosecutions for England and Wales, issued a report in April concluding that the UAE was “seeking to improperly influence Interpol through funding and other mechanisms”. Raisi, he added, “had overseen the increasing crackdown on dissidents, continued torture and abuses of the criminal justice system” in the Emirates.

In another complaint against Raisi, lawyers for the Gulf Centre for Human Rights accuse the general of “acts of torture and barbarism” committed against the government critic Ahmed Mansoor.

William Bourdon, a human rights lawyer who filed the complaint, said: “The great international institutions need to have at their head people endowed with integrity and probity beyond all suspicion. The election of Gen Al-Raisi is a great blow to the credibility of Interpol.”

None of the complaints have resulted in any formal proceedings against the general.

In a bid to shore up the organisation’s credibility, a new code of conduct is being introduced for the executive elections. An increase in member countries’ contributions will also make Interpol less dependent on one-off donors.

After his win, Raisi tweeted that he would “build a more transparent, diverse, and decisive organisation that works to ensure safety for all”. Raisi did not address the accusations against him and the UAE, but said the “UAE has become one of the safest countries in the world”.

A spokesperson for the UAE ministry of foreign affairs and international cooperation said Raisi “strongly believes that the abuse or mistreatment of people by police is abhorrent and intolerable”. Responding to questions about Raisi’s candidacy and Interpol’s election process, secretary general Jurgen Stock said Interpol did not intervene in politics.

Mexico: Over 95,000 registered as disappeared, impunity 'almost absolute' (UN News) November 29, 2021

Those are some of the key findings shared by the UN Committee on Enforced Disappearances, at the end of a visit between 15 and 26 November, noting that more than 100 disappearances allegedly took place just during the course of their fact-finding mission.

In a statement, the Committee urged Mexican authorities to quickly locate those who have gone missing, identify the deceased and take prompt action to investigate all cases.

Open access The delegation went to 13 Mexican states and held 48 meetings with more than 80 different authorities. Members also met hundreds of victims, and dozens of victims' collectives and civil society organisations, from almost every part of the country.

They witnessed exhumations and search expeditions in the states of Morelos, Coahuila and the state of Mexico, visited the Human Identification Centre in Coahuila, and went to several federal, state and migrant detention centres.

This was their first visit to the country, granted under article 33 of the International Convention for the Protection of All Persons against Enforced Disappearance.

For the Committee, Mexico's acceptance of the visit is a clear expression of the State's openness to international scrutiny and support.

“We acknowledge that some legal and institutional progress has been made in recent years, but enforced disappearances are still widespread and impunity is almost absolute”, the experts said in a statement.

With more than 52,000 unidentified bodies of deceased people, the Committee argues that “the fight against impunity cannot wait.”

Organised crime ‘collusion’ During the visit, they received “worrying information”, both from authorities and victims, about varying patterns in the way enforced disappearances are investigated in different regions.

They also point to “scenarios of collusion between State agents and organised crime”, with some enforced disappearances “committed directly by State agents.”

The Committee also notes with concern that several of the recommendations made in 2015 and 2018, are still pending implementation.

“In this sense, we stress that disappearances are not only a phenomenon of the past, but still persist”, they say.

Impunity and inaction During these two weeks, the Committee heard victims describe a society overwhelmed by the phenomenon of disappearances, as well as systemic impunity, and their powerlessness in the face of the inaction by some authorities.

“They pointed out that day by day, in their search for answers and justice, they suffer [from] indifference and lack of progress. They have vehemently expressed to us their pain and that disappeared persons are not numbers, but human beings”, the Committee recalled.

The experts believe that the root causes of the problem have not been addressed and that the adopted security approach is “not only insufficient, but also inadequate.”

The Committee is made up of 10 independent experts, appointed by the States Parties to the Convention. Four members took part in the visit.

A final report will be discussed and adopted by the plenary of the Committee during its 22nd session, which will take place in Geneva between 28 March and 8 April 2022.

Argentina court to investigate Myanmar war crimes against Rohingya Muslims (The Guardian) By Agence France-Presse
November 29, 2021

Argentina’s justice system will investigate allegations of war crimes committed by the Myanmar military against that country’s Rohingya minority under a court ruling upholding the principles of “universal justice”.

The appeals court decision, which Agence France-Presse has seen, overturns a lower court ruling rejecting a request for an investigation by the British-based Burmese Rohingya Organisation (BROUK).

A 2017 army crackdown on Rohingya Muslims in Myanmar, which the UN says could amount to genocide, has triggered an exodus of more than 740,000 members of the community, mainly to Bangladesh.

The legal premise of “universal justice” holds that some acts – including war crimes and crimes against humanity – are so horrific they are not specific to one nation and can be tried anywhere.

Argentina’s courts have taken up other universal jurisdiction cases in the past, including in relation to ex-dictator Francisco Franco’s rule in Spain and the Falun Gong movement in China.

Proceedings against Myanmar and its leaders are already under way at the international criminal court and the UN’s international court of justice.

Six Rohingya women, refugees in Bangladesh, had given remote testimony to the court in Argentina.

One of the complainants said they “had all been sexually assaulted and that many of their family members had died as a result of the repression they had suffered” in August 2017, the court recalled.

In their decision, the appeals judges said that “the investigation and eventual judgment of this type of crime is the primary responsibility of states”.

The president of BROUK, Tun Khin, said in a statement the ruling represented hope “not just for us Rohingya but for oppressed people everywhere”.

He added: “The decision in Argentina shows that there is nowhere to hide for those who commit genocide – the world stands firmly united against these abhorrent crimes.”

Killer Robots: Negotiate New Law to Protect Humanity (Human Rights Watch) December 1, 2021

Governments should agree to open negotiations on a new treaty to retain meaningful human control over the use of force, Human Rights Watch said in a report released today. Countries will be meeting at the United Nations in Geneva in December 2021 to decide whether to begin negotiations to adopt new international law on lethal autonomous weapons systems, also known as “killer robots.”

The 23-page report, “Crunch Time on Killer Robots: Why New Law Is Needed and How It Can Be Achieved,” by Human Rights Watch and the Harvard Law School International Human Rights Clinic, finds that international law should be strengthened and clarified to protect humanity from the dangers posed by weapons systems that select and engage targets without meaningful human control.

“After eight years discussing the far-reaching consequences of removing human control from the use of force, countries now need to decide how to respond to those threats,” said Bonnie Docherty, senior arms researcher at Human Rights Watch and associate director of armed conflict and civilian protection at the Harvard Human Rights Clinic. “There’s an urgent need for a dedicated treaty to address the shortcomings of international humanitarian law and update it to deal with the legal, ethical, and societal challenges of today’s artificial intelligence and emerging technologies.”

The Sixth Review Conference of the Convention on Conventional Weapons (CCW), to be held from December 13-17, is a major juncture for international talks on killer robots. At the last CCW meeting on killer robots in September, most countries that spoke called for a new legally binding instrument on autonomous weapons systems. Chile, Mexico, and Brazil urged treaty members to agree to initiate negotiations of new international law. Other proponents included the ‘Group of Ten’ states (Argentina, Costa Rica, Ecuador, El Salvador, Palestine, Panama, Peru, Philippines, Sierra Leone, and Uruguay) and states of the Non-Aligned Movement.

There are various possible forums for negotiating a new treaty on autonomous weapons systems. Other than the CCW, options include a stand-alone process, as was used for the treaties banning antipersonnel landmines and cluster munitions, and the United Nations General Assembly, where the nuclear weapons ban treaty was negotiated.

Existing international humanitarian law is not adequate to address the problems posed by autonomous weapons systems, Human Rights Watch and the Harvard Clinic said. There is widespread support for developing new law and any divergence of views reinforces the need to clarify existing law. A new treaty would address the concerns raised by these weapons systems under international humanitarian law, ethics, international human rights law, accountability, and security.

Such a treaty should cover weapons systems that select and engage targets on the basis of sensor, rather than human, inputs. Most treaty proponents have called for a prohibition on weapons systems that by their nature select and engage targets without meaningful human control, such as complex systems using machine-learning algorithms that produce unpredictable or inexplicable effects.

Some countries have also expressed an interest in banning weapons systems that rely on profiles derived from biometric and other data collected by sensors to identify, select, and attack individuals or categories of people.

Many countries propose complementing these prohibitions with regulations to ensure that all other autonomous weapons systems are only used with meaningful human control. “Meaningful human control” is widely understood to require that technology is understandable, predictable, and constrained in space and time.

Progress toward negotiations at the CCW seems unlikely given that the body operates by consensus and there is opposition from a small number of military powers, most notably India, Russia, and the United States, which regard existing international humanitarian law as sufficient to address any problems raised by these weapon systems. These and countries such as Australia, China, Israel, South Korea, and Turkey are investing heavily in the military applications of artificial intelligence and related technologies to develop air, land, and sea-based autonomous weapons systems.

“An independent process to negotiate new law on killer robots would be more effective and inclusive than the current diplomatic talks and other alternatives,” Docherty said. “But moving to a fast-track process can only be done with the active support of political leaders.”

A broad range and growing number of countries, institutions, private companies, and individuals have reiterated their desire for a ban on killer robots. In May, the International Committee of the Red Cross called for countries to negotiate an international treaty to prohibit autonomous weapons systems that are unpredictable or target people and establish regulations to ensure human control over other systems. Since 2018, United Nations Secretary-General António Guterres has urged states to prohibit weapons systems that could, by themselves, target and attack human beings, calling them “morally repugnant and politically unacceptable.”

Human Rights Watch is a co-founder of the Campaign to Stop Killer Robots, the coalition of more than 185 nongovernmental organizations in 67 countries that advocates for a treaty to maintain meaningful human control over the use of force and prohibit weapons systems that operate without such control.

“Much opposition to killer robots reflects moral repulsion to the idea of machines making life-and-death decisions,” Docherty said. “A new treaty would fill the gap in international treaty law and protect the principles of humanity and dictates of public conscience in the face of emerging weapons technology.”

Saudis used ‘incentives and threats’ to shut down UN investigation in Yemen (The Guardian) By Stephanie Kirchgaessner
December 1, 2021

Saudi Arabia used “incentives and threats” as part of a lobbying campaign to shut down a UN investigation of human right violations committed by all sides in the Yemen conflict, according to sources with close knowledge of the matter.

The Saudi effort ultimately succeeded when the UN human rights council (HRC) voted in October against extending the independent war crimes investigation. The vote marked the first defeat of a resolution in the Geneva body’s 15-year history.

Speaking to the Guardian, political officials and diplomatic and activist sources with inside knowledge of the lobbying effort described a stealth campaign in which the Saudis appear to have influenced officials in order to guarantee defeat of the measure.

In one case, Riyadh is alleged to have warned Indonesia – the most populous Muslim country in the world – that it would create obstacles for Indonesians to travel to Mecca if officials did not vote against the 7 October resolution.

In another case, the African nation of Togo announced at the time of the vote that it would open a new embassy in Riyadh, and receive financial support from the kingdom to support anti-terrorism activities.

Both Indonesia and Togo had abstained from the Yemen resolution in 2020. This year, both voted against the measure.

The resolution was defeated by a simple majority of 21-18, with seven countries abstaining. In 2020, the resolution passed by a vote of 22-12, with 12 members abstaining.

“That kind of swing – from 12 no’s to 21 – does not just happen,” said one official.

John Fisher, the Geneva director of Human Rights Watch, said: “It was a very tight vote. We understand that Saudi Arabia and their coalition allies and Yemen were working at a high level for some time to persuade states in capitals through a mixture of threats and incentives, to back their bids to terminate the mandate of this international monitoring mechanism.”

He added: “The loss of the mandate is a huge blow for accountability in Yemen and for the credibility of the human rights council as a whole. For a mandate to have been defeated by a party to the conflict for no reason other than to evade scrutiny for international crimes is a travesty.”

Representatives from the Indonesian and Saudi embassies in Washington and the foreign ministry in Togo did not respond to a request for comment.

The HRC first voted to establish a team of experts who would investigate possible violations of humanitarian law and human rights in Yemen in 2017.

Yemen’s civil war had intensified in 2015 after a coalition led by Saudi Arabia, using weapons procured in the US and UK, intervened on behalf of the internationally recognised Yemeni government against Houthi rebels. More than 100,000 people have been killed in the conflict and 4 million have been displaced, activist groups say.

Saudi Arabia, which is not a voting member of the UN human rights council, initially supported the effort.

Reports by the experts – known as the Group of Eminent Experts on Yemen (GEE) – grew more “damning” over the years, one person who closely followed the matter said.

In 2020, the GEE recommended for the first time that the international community focus their attention on accountability for potential war crimes. They included five recommendations, including that the matter be referred to the prosecutor of the international criminal court by the UN security council.

One person who followed the matter said: “I think that must have been the trigger moment when the Saudi coalition realised this is really going too far.”

Nations that supported the measure, which was led by the Netherlands, were apparently caught off guard by the Saudis’ aggressive tactics.

During the negotiations, none of the countries that would later change votes from abstaining to “no” raised objections to the resolution, which differed from the 2020 version in only one substantive way: it sought to extend the mandate to two years instead of one.

Sources said it was not until about a week before vote that “alarm bells” began to ring for proponents of the measure, when they grasped that the Saudi campaign “was very different from previous years” – in part because Saudi had engaged with policy makers in individual capitals around the world.

“You could see the whole thing shift, and that was a shock,” said one person familiar with the matter. Usually, voting positions are known days before a vote is taken. But in October, member countries resisted sharing what their final position would be, which proponents saw as a worrying sign that some countries were under intense pressure.

Supporters of the resolution decided to proceed with the vote, even though its outcome was uncertain.

“For the Saudis to win this battle at the expense of the Yemeni people is terrible. But it’s also a textbook case for other countries like Russia and China to torpedo any other investigation. It really shook everyone to the core. The scrutiny should be on those members of the council that couldn’t withstand the pressure,” said one person close to the matter.

Members of the HRC serve for a period of three years. Of the countries that served both in 2020 and 2021, four changed their votes from abstention to “no” on the Yemen resolution: Indonesia, Bangladesh, Senegal and Togo.

The vote came when the foreign minister of Togo was on an official visit to Saudi Arabia, and coincided with the announcement of the new embassy in Riyadh. Togo also announced that it would be receiving counterterrorism funding from the Saudi-based International Center for the Fight against Extremist Ideology.

In the case of Indonesia, it is understood that Saudi Arabia communicated that Indonesian Covid vaccination certificates might not be recognised for Indonesians traveling to Mecca if the country did not reject the measure. One observer said the alleged threat showed Saudis were willing to “instrumentalise” their access to a holy place.

One week after the vote, the UAE, an ally of Saudi Arabia in the Yemen conflict, invited Senegal to sign a memorandum of understanding to establish a joint Emirati-Senegalese business council. The aim of the council was for the UAE chamber of commerce to “boost cooperation” between the “two friendly countries”.

The UAE did not respond to a request for comment.

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Aiding and Abetting

Accountability of Law Enforcement Personnel for Human Rights Violations in Cameroon: Trends and Challenges (Human Rights Watch) By Bénédicte Jeannerod

November 23, 2021

A media investigation has alleged that classified documents show that a secret French military intelligence operation may have supported the Egyptian Air Force in targeting civilians under the guise of fighting terrorism. The documents appear to expose how the French government knew about the operation along Egypt’s western border with Libya but failed to investigate.

Disclose, an investigative news site, reported on November 21 that the previously undisclosed French operation in Egypt began in February 2016 when a team of ten active French military and ex-military personnel were sent to Egypt’s western desert equipped with light surveillance aircraft with the mission of identifying terrorist activity originating in Libya.

The mission reportedly followed an Egyptian request in 2015 for aerial intelligence assistance along the Libyan border. France’s then defense minister, Jean-Yves Le Drian, agreed to set up “operational and immediate cooperation” with Egypt as part of the global fight against terrorism.

According to the report, reconnaissance of terrorist activity quickly mutated into a mission that effectively assisted the Egyptian government’s extrajudicial executions in the region against alleged traffickers. The French team purportedly provided a stream of surveillance information to the Egyptian Air Force, which may have led to at least 19 airstrikes with casualties between 2016 and 2018.

Reports sent to the Élysée Palace appear to detail concerns that the proper identification of pick-up trucks in the area could not be made “without a separate element of surveillance other than the initial overflight of which they were the subject.” According to the documents published by Disclose, the military intelligence informed French armed forces minister Florence Parly that “known cases of the destruction of targets detected by the aircraft are established.”

On November 22 an investigation “into the information disseminated by Disclose” was announced by the French Ministry of Armed Forces. However, it was unclear whether the investigation would focus on the origins of the leaks themselves or the allegations contained therein.

France has previously aided the Egyptian government’s appalling human rights record. Egypt is among France’s top arms clients and France continues to sign major arms deals with Sisi’s government – also under a pretext of security and fighting terrorism – despite evidence that some of these weapons had been used to violently suppress protests and commit other human rights violations.

France should immediately investigate the allegations made by Disclose into the reconnaissance mission in Egypt’s western desert and suspend all sales of security-related assistance to the Egyptian government.

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WORTH READING

Accountability of Law Enforcement Personnel for Human Rights Violations in Cameroon: Trends and Challenges

Avitus A. Agbor

Potchefstroom Electronic Law Journal

Law enforcement personnel are critically important in both the security and criminal justice sectors. Unlike ordinary citizens, they possess the broad powers needed to perform the tasks in these sectors: for example, they possess the power to arrest and detain; to search premises and seize items; to interrogate individuals; to stop assemblies; to check and even to restrict the movements of people during certain times; and to use force and firearms in specific circumstances. In exercising such powers, they are required to act independently and judiciously. Also, they must stay within the remit of the law. Such powers, however, render them prone to committing human rights abuses since by their very nature, they interfere with the civil and political rights of individuals. In instances of violations, they are expected to be held accountable. Accountability for law enforcement for human rights violations evokes and entails the notions of lawfulness and legitimacy. As legitimacy touches on the public perception of law enforcement personnel, it becomes vital to explore what mechanisms are put in place to ensure accountability as well as possible challenges that hamper it. Examining the notion of the accountability of law enforcement personnel in the context of Cameroon, this paper argues that selective accountability has been the trend which puts the country at quite a distance from its international human rights obligations. Informed by empirical evidence from credible governmental bodies, the paper identifies and assesses the legal framework on accountability, touching on a few instances of selective accountability, and argues that if lawfulness and legitimacy are to be the cornerstones of accountability, then a comprehensive approach must be considered, including the de-politicisation of law enforcement units in Cameroon.

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