



SCHOOL OF LAW
CASE WESTERN RESERVE
UNIVERSITY

FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

War Crimes Prosecution
Watch

Volume 14 - Issue 03
March 16, 2019

PILPG

A Global Pro Bono Law Firm

Editor-in-Chief
Alexandra Hassan

Technical Editor-in-Chief
Kurt Harris

Managing Editors
Gloria Neilson
Mary Preston

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 warcimeswatch@pilpg.org and type "subscribe" in the subject line.

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

Contents

AFRICA

CENTRAL AFRICA

Central African Republic

- **Moscow Calls French Media's Accusations against Russian Instructors in CAR 'Defamatory' (Urdu Point News)**
- **New, inclusive gov't formed in CAR (Africa News)**
- **Central Africa armed group says government failing to honour peace commitments (Daily Monitor)**
- **Central Africa peace deal under strain as militias quit (Business Recorder)**

Sudan & South Sudan

- **Sudan, a State of Emergency (Sudan Tribune)**
- **After 30 Years, Sudan's President to Step Down Amid Protests (Jerusalem Post)**
- **Sexual Violence Persists in South Sudan Despite Recent Political Strides, Top United Nations Official Says while Briefing Security Council (Relief Web)**
- **Sudan's Unlawful State of Emergency (The Washington Post)**
- **Solidarity with the Sudanese revolution! (Fourth International)**
- **South Sudan peace deal doomed if disputes not settled: think-tank (Reuters)**

Democratic Republic of the Congo

- **Unknown attackers threaten to worsen Ebola epidemic in Congo (Reuters)**
- **Israel to Suspend Expulsion of Hundreds of Congolese Migrants (Haaretz)**
- **DRC: Ebola response failing to gain the upper hand on the epidemic (Reliefweb)**

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

- **How Climate Change is Fueling Extremism (CNN)**
- **"Place the Stigma of Sexual Violence Where it Rightfully Belongs- On the Perpetrators" (Forbes)**

Mali

- **Mali troops killed by landmines in Mopti region (The Defense Post)**

Liberia

- **Liberia: 'No War Crimes Court', Say Some Victims (Front Page Africa)**

EAST AFRICA

Uganda

- **Former Rebel Fighter Denied Protective Measures, Testifies About Kony's Character (International Justice Monitor)**
- **Former Rebel Fighter Denied Protective Measures, Testifies About Kony's Character (International Justice Monitor)**

Kenya

- **Kenya police summon finance minister over dams scandal (Reuters)**
- **Kenya Prosecutor Targets 3 Cabinet Secretaries in Probe (Bloomberg)**

Rwanda (International Criminal Tribunal for Rwanda)

- **Jurors hear two sides to asylum seeker suspected of genocide atrocities (Boston Herald)**
- **Congo-Kinshasa: Bemba Seeks U.S.\$ 77.7 Million Award From ICC, With U.S.\$ 24 Million to Go to Victims (All Africa)**

Somalia

- **Airstrike in Somalia Kills 26 al-Shabab (Military.com)**
- **Trump Administration Steps Up Air War in Somalia (The New York Times)**

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- **Serb Figthers' Indictment Details Strpci Train Massacre Plot (Balkan Insight)**
- **Strpci Massacre Defendants Plead Not Guilty In Serbia (Balkan Insight)**

- **Bosnian Court Quashes Assault Acquittal of Bosniak Policeman (Balkan Insight)**
- **Bosnian Army Ex-Commander Goes on Trial for Shelling Village (Balkan Insight)**

International Criminal Tribunal for the Former Yugoslavia

- **Public Monitoring of ICTY Verdict on Radovan Karadzic on March 20th in Sarajevo (Sarajevo Times)**

Domestic Prosecutions In The Former Yugoslavia

- **Prosecutors Urged to Probe Serb Chetnik Rally 'Hate Speech' (Balkan Insight)**
- **Serbia 'Rejects Complaint' About Croat Brothers' Abduction (Balkan Insight)**
- **Kosovo's New War Crimes Strategy Faces Political Obstacles (Balkan Insight)**

Turkey

- **US human rights report 'false, biased,' Turkey says (Daily Sabah)**

MIDDLE EAST AND NORTH AFRICA

Iraq

- **In six days, dental professor launched first clinic in Iraq to treat families displaced after ISIS attacks (University of Buffalo News Center)**
- **ISIL fighters' families struggle in Iraqi society (Al Jazeera)**
- **Iraq's new war against Islamic State: Halting the group's budding rural resurgence (Los Angeles Times)**
- **Planning for Yazidi genocide museum underway in Iraq (Al-Monitor)**

Syria

- **Assad can still be brought to justice – and Europe's role is crucial (The Guardian)**
- **UN inquiry on Syria details extensive human right abuses, war crimes in Afrin (Ahval News)**
- **Syrian Kurds welcome UN report documenting war crimes in Afrin (Kurdistan 24)**
- **Here's how perpetrators of crimes in Syria are being prosecuted (The Washington Post)**
- **Syrian refugees launch war crimes case against Assad at ICC (The New Arab)**
- **Syria war: Lawyers submit first war crimes cases against Assad (BBC)**
- **Lawyers hope refugees' case against Damascus will be breakthrough (Reuters)**
- **ICC urged to investigate Syria's forced deportations (Al Jazeera)**
- **UN Investigators Hot on Trail of Syrian War Criminals (Haaretz)**
- **UN Investigators Preparing to Bring War Crimes Charges Against Assad Regime (The Tower)**

Yemen

- **American and British bombs killed more than 200 Yemeni civilians, report says (Washington Post)**
- **Children Raped in Besieged Yemeni City of Taiz Amnesty States (Al Bawaba)**

Special Tribunal for Lebanon

Israel and Palestine

- **UN: IDF Deliberately Shot Children on Gaza Border in Apparent War Crime (The Jerusalem Post)**
- **21 Gazans said wounded by Israeli fire as thousands riot on border (The Times of Israel)**
- **IDF Strikes Hamas Post in Response to Explosive Balloons (The Jerusalem Post)**
- **IDF Officer Seriously Injured After Car Rams Into Troops in West Bank (The Jerusalem Post)**
- **UN Human Rights Chief Raps Israel Over 'Immediate Dismissal' of Report on Killed Gaza Protesters (Haaretz)**

- **Israeli Aircrafts Attack Hamas Targets in Gaza After Projectile Fired Into Israel (Haaretz)**
- **ACRI Asks High Court to Order IDF to Indict Col. Who Killed Fleeing Palestinian Rock-Thrower (The Jerusalem Post)**

Libya

- **Europe's shameful failure to end the torture and abuse of refugees and migrants in Libya (Amnesty International)**
- **RPG blast in Benghazi cause injuries (The Libya Observer)**

Gulf Region

- **Senate votes to end US support for Saudi forces in Yemen (Fox News)**

ASIA

Afghanistan

- **Lawyer charged for exposing Australian war crimes in Afghanistan (International Committee of the Fourth International)**
- **US bars entry to ICC members investigating alleged war crimes (TRT World)**

Extraordinary Chambers in the Courts of Cambodia

Bangladesh International Crimes Tribunal

- **Investigators find war crimes evidence against 5 Mymensingh men (The Daily Star)**
- **U.N. envoy fears 'new crisis' for Rohingya if moved to Bangladesh island (Reuters)**
- **ICC officials visit Bangladesh to look into Myanmar case: U.N. investigator (Reuters)**

War Crimes Investigations in Burma

- **Myanmar Army takes over HQ of NSCN-K rebels (The Asian Age)**
- **ICC probes Myanmar abuses vs Rohingya (The Manila Times)**
- **Burma Army Clashes With KIA, TNLA During Unilateral Ceasefire (BNI Multimedia Group)**
- **9 police killed in attack in Myanmar's Rakhine (Channel News Asia)**

AMERICAS

North & Central America

- **Central Americans confront amnesty for war crimes (Al Jazeera)**
- **Vote Could Free More Than 30 Men Accused of War Crimes in Guatemala (The New York Times)**
- **Facing Protests, Guatemala Postpones Vote on Amnesty for War Crimes (The New York Times)**

South America

- **Campaigning politician found murdered in western Colombia, raising alarm for upcoming elections (Colombia Reports)**
- **Choco, on the Pacific Coast, is among Colombia's poorest regions, where there are illegal mines and drug trafficking routes, some of which are violently disputed, others of which are controlled by either the ELN guerrilla group or paramilitary group AGC. Colombia's War of Neoliberal Economics**

(NACLA)

- **More than 140 children may have had their hearts removed in ancient sacrifice in Peru (Los Angeles Times)**
- **Colombia's war crimes tribunal opens investigation into child recruitment (Colombia Reports)**
- **Colombia conflict: 'If I keep quiet, I become an accomplice' (BBC News)**

Venezuela

- **We need to understand the Responsibility to Protect before we (mis)apply it in Venezuela (The London School of Economics and Political Science)**
- **Weaponizing food to harm political enemies (Newsday)**
- **The Legality of Military Intervention in Venezuela: FAQ (Caracas Chronicles)**

TOPICS

Truth and Reconciliation Commission

- **Geneva gears up to dump Tamil mothers' appeal for war crimes accountability (Journalists for Democracy in Sri Lanka)**
- **Transitional Justice Act amendment unlikely this Parliament session: Secy (The Himalayan Times)**
- **Former ECOWAS VP Edward Singhateh Implicated In Brutal Murder Of Gambian Finance Minister, Others (Sahara Reporters)**
- **Conflict victims fear breach of confidentiality (The Himalayan Times)**

Terrorism

- **Vote Could Free More Than 30 Men Accused of War Crimes in Guatemala (New York Times)**
- **We need a war crimes tribunal into the atrocities of Islamic State (ABC News Australia)**

Piracy

- **China-Somalia fishing deal may revive sea piracy (TRT World)**

Gender-Based Violence

- **Historic milestone: Syrian women gather in democratic congress (Daily Sabah)**
- **Who will speak out for the forgotten women of conflict? (Arab News)**
- **Women rise beyond the constraints of war (TRT World)**

Commentary and Perspectives

- **Lawyers hope refugees' case against Damascus will be breakthrough (Reuters)**
- **Ex-Congolese VP seeks damages from war crimes court (Reuters)**
- **China accuses US of prejudice over human rights issues (Fox News)**

WORTH READING

- **Rod Rastan: Can the ICC function without state compliance?**
- **Tamas Hoffmann: Crimes Against the People - A Sui Generis Socialist International Crime?**
- **Sara Ochs: In Need of Prosecution: The Role of Personal Jurisdiction in the Khmer Rouge Tribunal**

AFRICA

CENTRAL AFRICA

Central African Republic

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

Moscow Calls French Media's Accusations against Russian Instructors in CAR 'Defamatory' (Urdu Point News) By Fahad Shabbir
March 1, 2019

Torture accusations against Russian instructors in the Central African Republic (CAR) are slanderous, the Russian Foreign Ministry said Friday.

The ministry said that in February, Radio France Internationale published a report titled "Central African Republic: The UN investigates torture accusations against Russians."

"We believe that the accusations of involvement in the interrogation and torture of a car citizen in Bambari laid by Radio France Internationale against the Russian instructors operating in the CAR are defamatory," ministry's statement on Facebook reads.

According to the statement, the authors of this "fake publication" cited a strictly confidential UN report by experts coordinated by French citizen Romain Esmenjaud, while "public access to it was restricted."

The UN report, which the media referred to, "does not contain any mention of the Russians' involvement, along with CAR personnel, in any unlawful actions in the territory of the Central African Republic," the ministry stressed.

The statement noted that Russian instructors are in the CAR at the invitation of the leadership of this country to assist in the training of Central African troops and law enforcement officers. "So far, Russian specialists have trained over 2,000 troops and law enforcement officers in the CAR, who have already started performing urgent tasks involving the protection of civilians, maintaining security and establishing the government's authority across the entire state," the ministry said.

The statement notes that CAR President Faustin-Archange Touadera and Minister of National Defence and Reconstruction of the Army Marie-Noelle Koyara "have repeatedly expressed high regard for #Russia's assistance in enhancing the performance of Central African troops."

New, inclusive gov't formed in CAR (Africa News) March 3, 2019

A new and inclusive government has been formed in the Central African Republic.

The new regime was announced on Sunday with no changes to holders of some ministries, a month after a peace deal was signed between authorities and armed groups.

The Defense, Finance, Justice, Foreign Affairs, Communication, Interior and the Economic Ministries remained unchanged.

Maxime Mokom, leader of the armed anti-balaka group has become Minister for Disarmament, De-mobilization, Re-integration and Repatriation. Souleymane Daouda, Spokesperson for the armed group, Unity for Peace in the Central African Republic is now Minister for Livestock.

Hamza Guismala, right-hand man of Nouredine Adam, leader of the armed group, Popular

Front for the Renaissance of the country, is now in charge of the Development of Energy and Hydraulic Resources Ministry.

The Patriotic Movement for the Central African Republic has one of its important members, Adama Chaibou, as Minister for

Modernization.

Bertin Béa, Secretary General of Kwa Na Kwa, party of former president François Bozizé, exiled in Uganda, has been appointed Minister for Public Service.

On February 6, an agreement was reached after weeks of negotiations in Khartoum, Sudan. The formation of this new government comes after the appointment of Firmin Ngrebada as Prime Minister.

The Central African Republic is struggling to recover from the conflict it has been entangled since 2013.

So far eight agreements have been signed by warring parties to try to bring the country out of the chaos.

Central Africa armed group says government failing to honour peace commitments (Daily Monitor) March 4, 2019

One of the Central African Republic's main armed groups on Sunday accused Bangui of failing to honour "its commitments" under a peace deal signed in February by forming a new government without changes to the main ministries.

The authorities had shown "bad faith, amateurism and incompetence", Nouredine Adam, head of the Popular Front for the Renaissance of the Central African Republic (FPRC), said in a statement.

"The president (Faustin Archange Touadera) has just snuffed out the hope of the Central African people in the Khartoum peace agreement," he added.

The group's political leader said it would "not take part in this government charade", without elaborating further.

A new government was formed earlier on Sunday -- in accordance with the deal which called for an "inclusive government" -- but with all the main ministers remaining in post.

The peace deal was agreed in Sudan between the Bangui government and the 14 CAR armed groups controlling most of the territory in the strife-scarred country.

The agreement called for a series of confidence-building measures, such as establishing joint patrols and the creation of a truth and justice commission within 90 days.

The pact was the eighth since 2012 in the mineral-rich country.

CAR has been struggling to recover from the bloodletting that erupted when former president Francois Bozize, a Christian, was overthrown in 2013 by mainly Muslim Seleka rebels.

Former colonial ruler France intervened militarily under a UN mandate, pushing the Seleka from power, and a 12,000-strong UN peacekeeping mission, known as MINUSCA, was established to help restore stability.

Despite elections in 2016, the country is still engulfed in regular clashes. The armed groups control about 80 percent of the CAR.

The conflict has left thousands dead and forced a quarter of the population of 4.5 million.

Central Africa peace deal under strain as militias quit (Business Recorder) March 5, 2019

Less than a month after it was signed, the Central African Republic's peace agreement was under strain on Monday after five militia groups either pulled out or rejected the make-up of the new government. The peace pact, negotiated in the Sudanese capital of Khartoum before being signed in Bangui on February 6, bought together President Faustin-Archange Touadera and the leaders of the 14 armed groups who control most territory in the African nation.

On Monday, one of the main militia groups, the Union for Peace in the Central African Republic (UPC), led by Ali Darassa, said the peace deal was "threatened if the government does not show a clear change of attitude". A UPC representative had been appointed Minister of Livestock in the new government. Another group, the Democratic Front of the Central African People (FPDC) announced it was walking away in protest at the newly formed government. The FPDC "is resolved purely and simply to withdraw from the peace process," it said in a statement sent to AFP.

The group, whose stronghold is in the northwest, protested that the new government formed on Sunday was "far from being inclusive".

In a video released on social media on Monday, Prime Minister Firmin Ngrebada said the government would "follow the arrangements" of the peace agreement and criticised militias for demanding too many posts.

"Today we have a government of 36 members, it was not possible to bring five members of each armed group into government, it would be too bloated," the premier said.

Another large militia, the Patriotic Movement for Central Africa (MPC), said it considered the accord "void." One of its founders had been given a minister's post.

Just hours after the ministerial list was unveiled on Sunday, the Popular Front for the Renaissance of the Central African Republic (FPRC), said it was leaving the government. The FPRC did not specify whether it planned to remain part of the peace process, but charged the authorities with "bad faith, amateurism and incompetence." It is the eighth attempt to bring peace to the CAR, one of the world's poorest and most unstable countries, since mainly Muslim rebels ousted president Francois Bozize, a Christian, in 2013.

France, the former colonial ruler, intervened militarily under a UN mandate as fears grew of a Rwandan-style genocide.

The Seleka rebels were forced from power and in February 2016, Touadera, a former prime minister, was elected president.

Under the peace accord's provisions, Touadera agreed to form an "inclusive" government. But in the team unveiled on Sunday, the ministers in sensitive key posts all kept their jobs, while six of the 14 armed groups obtained no post at all.

[back to contents]

Sudan & South Sudan

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

Sudan, a State of Emergency (Sudan Tribune) By Lutz Oette
February 28, 2019

The state of emergency declared by Sudan's president al-Bashir on Friday, 22 February, constitutes a dramatic escalation of developments since the protests and uprising against the regime began in mid-December last year. Resorting to a state of emergency in times of challenges to its rule is neither new nor surprising, being part and parcel of the arsenal of an authoritarian state. In this instance, it is an important move with obvious political and legal ramifications. Politically, it visibly puts the military and security complex in charge. It recreates the early days of the regime when it took power by a military coup in 1989 and essentially ruled the country by revolutionary decree. The state of emergency and emergency orders made in its wake set out in detail the kind of challenges the regime disapproves of, and gives it sweeping powers to suppress them. It thereby opens the door to a wave of human rights violations, adding to the mounting record of arbitrary arrests, torture, excessive use of force and extrajudicial killings over the last two months. The emergency measures highlight that President al-Bashir has not heeded any internal or external calls for change. On the contrary, the state of emergency is true to form, in line with close to thirty years of illegitimate, repressive rule.

Two of the emergency orders adopted on 25 February concern the exercise of civil and political rights, two the economy, and one corrupt practices. The thrust of Emergency Orders 1 and 2 is a combination of far-reaching prohibitions and wide powers. Their barely disguised aim is to suffocate protests, stifle freedom of expression and the media, and counter monitoring and accountability of violations by the state's forces. Emergency Order 2 prohibits, and criminalises, with up to ten years' imprisonment, a long list of activities. This includes unlicensed gatherings, strikes, breach of public safety and security, and

the “preparation, publishing or circulating news that harms the state or citizens.” It also “prohibits the preparation or publishing of information, photographs, documents or personal documents of any person who occupies a public office or his family.” This provision, seemingly aimed at preserving the integrity of the public office and privacy of office holders, is actually a response to the effective strategy of activists. They have identified security agents involved in violations online, thereby naming and shaming them publicly. Emergency Order 1 complements these prohibitions by vesting Sudan’s regular forces with wide powers of enforcement. This includes power of search and entry of buildings, imposition of controls on any property, seizure of assets, restriction of movement, and “arrest of persons suspected of involvement in any emergency-related crime.” In an extraordinary additional clause, the forces are provided with “any other powers deemed necessary by the President of the Republic”, which essentially gives the President, and the forces carte blanche. The Sudanese Attorney General is also reported to have established emergency prosecution offices, with cases to be heard before specifically established emergency courts. Evoking notorious precedents in Sudan and elsewhere, these courts are set to serve as a tool for the regime’s bidding.

The declaration of the State of Emergency and the emergency orders do not stand up to legal scrutiny. Article 210(1) of Sudan’s Interim National Constitution requires, for there to be an emergency, the “occurrence of an imminent danger, whether it is war, invasion, blockade, natural disaster or epidemics as may threaten the country.” It is difficult to see how the exercise of democratic and constitutionally guaranteed rights, here determinedly peaceful protests and use of freedom of expression, threaten the country. A threat to regime survival is not synonymous to a threat to the country. The official rationale of having to address national politics in order to reach a political consensus is extremely vague, besides being politically unconvincing as a means to prepare for a “free and fair” election in 2020. The government need not fear any legal challenges of the state of emergency and emergency orders before the largely compliant Constitutional Court. The matter is different when it comes to Sudan’s international obligations. The African Charter on Human and Peoples’ Rights does not entitle states to derogate from rights under states of emergencies. Under the International Covenant on Civil and Political Rights, state may only declare an emergency in a situation that threatens the life of the nation. The UN Human Rights Committee in a General Comment mentioned “a mass demonstration including instances of violence” as possibly constituting such a situation. This clearly implies that the violence emanates from the demonstrators, not solely the state, as is the case in Sudan. Any emergency measures taken must be “strictly required by the exigencies of the situation.” According to the Human Rights Committee, there is usually no need for states to derogate from freedom of movement and freedom of assembly as Sudan has done in Emergency Orders 1 and 2. There are no safeguards against abuse of power, particularly torture. It is not clear whether any of the measures can be challenged before the courts, there is no right to habeas corpus, and officials enjoy immunity. Emergency courts do not guarantee essential fair trial rights. In short, it is rule by law without any rule of law. This emergency rule creates a legally sanctioned dreamland for security forces who can act exercising extremely broad powers with impunity and a corresponding nightmare for Sudan’s citizens.

Sudan’s emergency measures are a license for human rights violations. They are deeply undemocratic, aimed at stifling legitimate political protest and expression. The regime’s declaration of the state of emergency equates to a public acknowledgment of political bankruptcy. If any further reminder were needed, the developments demonstrate that the situation in Sudan constitutes a political and human rights emergency. It is high time that regional and international actors take a firmer line. If anyone threatens the life of the nation in Sudan, it is a government whose leader is wanted by the International Criminal Court for war crimes, crimes against humanity and genocide, not the people who are fed up with decades of oppression, corruption, deteriorating livelihoods and bleak prospects for their future.

After 30 Years, Sudan’s President to Step Down Amid Protests (Jerusalem Post) By Tara Kavalier
March 7, 2019

President Omar al-Bashir, accused of genocide in Darfur, remains in office as Sudan is rocked by the largest sustained protests in its history.

While clinging to the presidency, Omar al-Bashir of Sudan stepped down on Friday as leader of the country’s governing National Congress party, ceding control to its deputy chairman, Ahmad Harun. The move came after Bashir declared a national emergency in late February following three months of widespread demonstrations.

Alan J. Kuperman, an Associate Professor at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin, explained to The Media Line that poor living conditions sparked the protests.

“The impetus, as usual, is economic suffering,” he said.

The Sudanese economy, still feeling the effects of now-lifted United States sanctions and struggling with high inflation, has suffered since oil-rich South Sudan seceded in 2011. Facing a large deficit, the government in Khartoum stopped subsidizing wheat and other essential goods, making them even less affordable for the already impoverished populace.

“When [the government] tries to remove subsidies and raise prices, as western economists urge, the people revolt,” Kuperman

said.

The economy is not the only thing negatively impacting the quality of life in Sudan. Citizens enjoy little protection in the realms of speech and property rights, and the government, rife with corruption and infighting, faces violent conflicts among rebel groups in states like South Kordofan, which borders South Sudan.

"Sudan has experienced tough challenges in the past but nothing like what we have now with an almost complete collapse in economic, political and social aspects of life," Abdel Adam, a freelance Sudanese journalist, told The Media Line.

According to Eric Reeves, an independent analyst on Sudan, one reason for the national emergency was to bring the protests under control.

"Bashir felt he was losing the battle against demonstrators and no longer had any other option," he told The Media Line.

Dr. Hamed El Tijani Ali, an Associate Professor in the Department of Public Policy and Administration at The American University in Cairo, told The Media Line that "these are considered the longest and most sustained demonstrations in the country's history." He further explained that unlike protests in 1964 and 1985 that led to the ouster of the leadership, the current unrest is being organized by young people using social media.

"They have little hope for a prosperous future," Ali noted.

Adam, the journalist, described the protesters as being diverse "geographically, demographically and culturally, with different religions and languages represented."

Johan Brosché, a researcher in the Department of Peace and Conflict at Uppsala University in Sweden, explained to The Media Line that Bashir's emergency declaration suspended the country's constitution. Security forces can now search and seize property without a warrant, while individuals must obtain a permit to hold public gatherings.

He added that Bashir might also have declared the state of emergency to ensure good relations with the military by increasing its authority.

Having assumed the presidency in a 1989 military coup, Bashir understands first-hand that keeping the military happy is crucial to retaining power.

"The key determinant in whether these 'people power' protests will succeed is usually whether the security services stay loyal to the political leader," the University of Texas' Kuperman said.

Adam believes that one of the reasons Bashir does not want to step down is a fear of revenge and accountability. Once out of office, he explained, the president would no longer be able to protect associates as well as members of his family from prosecution.

Furthermore, he could be tried by the International Criminal Court, where he has already been charged with two counts of war crimes for the genocide in Darfur and five counts of crimes against humanity.

The American University in Cairo's Ali said that regional authoritarian leaders fear the protests in Sudan could trigger democratic fervor in their own states, much like the Arab Spring. Bashir's removal, he said, would serve as "a reminder to autocrats in the region that we cannot trade off liberty with security.

Sexual Violence Persists in South Sudan Despite Recent Political Strides, Top United Nations Official Says while Briefing Security Council (Relief Web) March 8, 2019

Implementation of Revitalized Peace Agreement Progressing 'Slowly but Surely', Juba's Permanent Representative Assures Members

Meeting to discuss the evolving situation in South Sudan against the backdrop of International Women's Day, The Security Council heard today that sexual violence against women and girls persists in spite of the young nation's recent political strides.

David Shearer, the Secretary-General's Special Representative and Head of the United Nations Mission in the Republic of South Sudan (UNMISS), briefed the 15-member Council on the "considerable" progress achieved since the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan in September 2018. Commending the efforts of regional partners in brokering the Agreement, he said opposition leaders are now moving freely around Juba, the capital, and engaging in the peace process. Meanwhile, refugees are beginning to return home and there have been rapprochements between Government officials and members of the Sudan People's Liberation Army-in Opposition (SPLA-IO).

“Many people are alive today who might not have been without the [peace] Agreement,” he emphasized. Nevertheless, significant challenges remain, including delays in implementing the timetable set out in the Revitalized Agreement and the lack of a resolution on boundary issues. Warning that “a peace that falters will generate frustration, anger and a possible return to violence”, he stressed that sexual violence must end if displaced people are to feel safe enough to return home. The Government must work to end impunity, he reiterated, noting that UNMISS is helping to build the justice system’s capacity to deal with such crimes. A United Nations-supported court will open this month, with jurisdiction over crimes of a sexual or gender-based nature, he said.

Angelina Nyajima Simon Jial, Founder of the non-governmental organization Hope Restoration South Sudan, also briefed the Council, dedicating her remarks to women around the world who continue to fight for their rights. Describing the mass rape perpetrated near the town of Bentiu in late 2018 as a symptom of a much deeper problem, she said women and girls in South Sudan suffer some of the world’s highest rates of gender-based violence. Whereas groups like Hope Restoration South Sudan work to provide protection and life-saving services, their lack of resources makes operations difficult, she said, pointing out that the bulk of available resources goes to United Nations agencies and international organizations, with the smallest portion funding national groups.

“We cannot build a strong and vibrant civil society in South Sudan with these constraints,” she stressed, warning that the country’s hopes for peace will fade without the participation of local groups. Much funding previously allocated has dried up, she noted, asking: “How do you tell someone who has been subjected to horrific acts of violence that you can no longer help?” While it is encouraging that the United Nations 2019 Humanitarian Response Plan prioritizes such programming, the Security Council must include local non-governmental organizations in the UNMISS mandate and request that donors support them, she said.

As Council members took the floor, many welcomed recent strides by the parties concerned and commended them for putting South Sudan’s broader interests above their own. However, several speakers sounded the alarm over high levels of sexual and gender-based violence — including the use of rape as a weapon of war — and called for intensified political commitment to address such heinous crimes.

Côte d’Ivoire’s delegate expressed concern over significant delays in achieving the goals for South Sudan’s pre-transition phase. The parties must “come to grips” with the substantive issues, notably by inserting provisions in the transitional constitution, establishing the Independent Transitional Boundary Commission and putting transitional security arrangements in place. Noting that security sector reform should allow for the unification of belligerents and creation of a disciplined army, he said transitional justice bodies should also be established — notably a hybrid court — and echoed the Secretary-General’s call to strengthen the UNMISS mandate and render it more flexible.

The representative of the United States said that today’s observance of International Women’s Day is a reminder that “we must do everything possible” for the millions of women still facing staggering levels of violence in South Sudan. While welcoming the fact that the Revitalized Agreement seems to be holding, he noted the failure of previous accords and called upon the Government to demonstrate its full commitment. The United States provided \$845 million in assistance to South Sudan in 2018, he recalled, cautioning that such aid “is not infinite” and will require the Government to take responsibility for its people.

Emphasizing the need to avoid past mistakes, the Russian Federation’s representative commended the important role played by the Intergovernmental Authority on Development (IGAD) in helping to reach the Revitalized Agreement. He went on to state that his delegation does not share the Western opinion that sanctions pressure and the imposition of the arms embargo made the peace process possible. “The Council should not take credit for the success of regional mediators,” he stressed, describing the Agreement as a demonstration of the principle of “African solutions to African problems”.

South Sudan’s delegate said that his country’s security, peace and economic situation has “improved noticeably” since the signing of the Revitalized Agreement. Implementation is progressing “slowly but surely,” he added, noting that President Salva Kiir Mayardit is touring the Greater Bahr El Ghazal region in the company of opposition leaders. Refugees are now returning voluntarily in large numbers and the economy is in the early stages of recovery, he said, adding that consumer goods are available and prices are dropping in Juba’s markets. Yet, challenges persist, including inadequate funding, he noted. However, the Government will carry on, “using whatever means and resources are available”, he stressed, urging the Council to work with regional partners to convince outstanding opposition groups to join the peace process.

Also speaking today were representatives of Germany, United Kingdom, Dominican Republic, Peru, Belgium, Poland, South Africa, China, Equatorial Guinea, Kuwait, Indonesia and France. The meeting began at 10:10 a.m. and ended at 12:20 p.m.

DAVID SHEARER, Special Representative of the Secretary-General and Head of the United Nations Mission in South Sudan (UNMISS), outlined the “considerable” developments occurring on the ground in recent months. He noted that the Revitalized Agreement on the Resolution of the Conflict in South Sudan — signed on 12 September 2018 and brokered through the

Intergovernmental Authority on Development (IGAD), particularly through the commendable efforts of Sudan — continues to hold, demonstrating the trust and confidence built by the parties. Citing four positive changes, he said opposition politicians from various parties are moving freely around the capital, Juba, without hindrance and participating in meetings on the peace process.

More than 71 meetings and rapprochements have been held across the country between Government officials and Sudan Liberation Army-in Opposition (SPLA-IO) forces and politicians, he continued. “The enthusiasm for peace among the people is palpable,” he said, noting that overall levels of political violence have diminished significantly. “Many people are alive today who might not have been without the [peace] Agreement,” he emphasized. The exception to that trend, however, is Central Equatoria, where fighting, killings and sexual assaults continue to be reported, he said. People are also expressing a willingness to return home, with an estimated 135,000 refugees — out of some 2.3 million — having returned and many internally displaced people having signalled their wish to do the same.

Turning to continuing challenges, he said the timetable set out in the 12 September 2018 Agreement is well behind where it should be, and many fundamental issues still need to be resolved. They include the resolution of boundary and state issues, as well as the formation of a unified armed force and the constitution-making process. Pointing out that the current “pre-transitional Government” phase of the peace process will end on 12 May, he stressed that, from that point, the revitalized transitional Government is scheduled to take over and the Vice-Presidents should have taken up their roles. “A peace that falters will generate frustration, anger and a possible return to violence,” he warned. “We cannot allow that to happen.” There is no “plan B” alternative to implementing the Agreement, he said, underlining the critical importance of a fully engaged IGAD, supported by the African Union in partnership with the United Nations.

Reporting on the ongoing suffering in South Sudan, he emphasized that five months of a more stable environment cannot redress food insecurity and other humanitarian challenges overnight. Donor nations provided more than \$1 billion in life-saving support in 2018 — twice South Sudan’s State budget — he recalled, noting that the funds enabled humanitarian agencies to deliver assistance to 5 million people. The 2019 target is \$1.5 billion to reach some 5.7 million people in need, he said, citing the challenges of humanitarian access and governmental delays in some areas. A trust fund has been established to intervene in areas of ongoing conflict, he said, adding that it aims to reconcile differences between warring communities and to bolster agreements by providing economic support and services.

He went on to state that UNMISS is working to support the refugee return process, while humanitarian agencies provide programming in areas including agriculture, education and health. “The next three months are critical,” he stressed, noting that, after that, the rainy season will make land transport impossible and close the window for planting crops. Emphasizing that sexual violence must end if people are to feel safe enough to return home during that time, he underlined that ending impunity is a core function of the Government and a vital part of the peace and reconciliation process. In that regard, UNMISS is working with the Government to build the capacity of the justice system to deal with such crimes, including by operating a mobile court system that has helped to try and jail several dozen perpetrators, he said. A United Nations-supported court will open in Juba this month, with jurisdiction over crimes of a sexual nature, as well as those entailing gender-based violence, he added.

ANGELINA NYAJIMA SIMON JIAL, Founder, Hope Restoration South Sudan, dedicated her remarks to women around the world who continue to fight for the rights of women and girls, while working daily to restore peace in their communities. Women-led organizations play a crucial role in building peace and security in South Sudan, she said, stressing that the mass rape in Bentiu last November was a symptom of a much deeper problem affecting women and girls in the country, which suffers some of the world’s highest rates of gender-based violence. It is in that context that women’s organizations work tirelessly to deliver life-saving services, she said. They respond to gender-based violence, protect people with special needs and create women-friendly spaces offering psychosocial support and income-generating activities, often in the hardest-to-reach areas, throughout the rainy season and even when fighting surrounds them. “And we will still be there when UNMISS has left,” she emphasized.

However, a lack of resources makes it difficult to operate amid intense competition for humanitarian resources between international and national non-governmental organizations, she noted. The bulk of funding goes to United Nations agencies and international organizations, the smallest portion to national groups. And within national civil society, the smallest portion, by far, of funding goes to women-led organizations. “We cannot build a strong and vibrant civil society in South Sudan with these constraints,” she stressed, going on to caution: “And without us, our community’s hopes for a lasting peace will fade.” For example, in September 2018, Hope Restoration South Sudan received a grant from the South Sudan Humanitarian Fund to open a girl-friendly space in Leer, she said, recalling also that she was surprised by the number of women who began, within months, to visit and build relationships with case workers, and more so, to learn that nearly half of them were survivors of gender-based violence, some having suffered multiple rapes.

By early 2019, however, the organization lost its funding, she said, asking: “How do you tell someone who has been subjected to horrific acts of violence that you can no longer help?” While it is encouraging that the 2019 Humanitarian Response Plan

has prioritized such programming, the Security Council, for its part, must include local non-governmental organizations in the UNMISS mandate, she said, asserting: “We are not there and this needs to change.” Calling for urgent recognition that humanitarian needs cannot be met without addressing deep-rooted gender inequality, she insisted that women must be involved in such discussions. They are ready to fill the 35 per cent quota reserved for them in the Agreement, but, to do so, they need the Council’s support, she asserted. Indeed, the women, peace and security agenda is much more than just “getting women to the peace table”, she added, underlining that it is about women being central players in all aspects of efforts for peace.

To make a difference, women-led organizations need financial support to operate on a more sustainable basis while scaling up their work, she said, adding that they must be able to offer more one-stop centres for medical care, legal services and skills-development. Noting the approaching mandate renewal for UNMISS, she urged the Council to make a direct request that international donors work with local non-governmental organizations, stressing that the Mission and international non-governmental organizations must support their efforts to take on a much greater share of the humanitarian work. “This kind of partnerships between local non-governmental organizations, donors, UNMISS and the international humanitarian community has been a critical missing piece in South Sudan — a partnership that will work better with a clear understanding of the challenges facing women and girls,” she said. She concluded by calling for engagement with local communities, emphasizing that they must be consulted and heard. When they raise concerns about mounting tensions, they speak from an informed position of local knowledge, she pointed out. “There is a wealth of untapped potential,” she said, adding that, in order to unlock it, better ways of working together must be found.

JONATHAN R. COHEN (United States) said that today’s observance of International Women’s Day reminds the international community that “we must do everything possible” for the millions of women who still face staggering levels of violence in South Sudan. Welcoming the fact that Peace Agreement seems to be holding, he nevertheless expressed concern over the lack of political will among the parties to fully implement the Agreement, continuing violence in and around Yei, and the ongoing recruitment of children. Recalling that previous peace agreements have failed, he called upon the Government to demonstrate its commitment, including by ensuring transparency in the use of oil revenues to support the population. Among other things, he also called for an end to obstruction of the work of ceasefire monitors, the removal of impromptu road barriers, an end to inappropriate taxes and fees imposed on aid workers, and intensified efforts to open a hybrid court. He went on to recall that the United States provided \$845 million to South Sudan in 2018, but warned that such assistance “is not infinite” and will require the Government to take responsibility for its people.

VASSILY A. NEBENZIA (Russian Federation), also spotlighting the commemoration of International Women’s Day, said that his country does much to ensure equal rights and opportunities for women around the world. Welcoming the significant progress made in implementing the various agreements reached in South Sudan, he noted that “we are witnessing a significant decrease in the levels of violence, as well as a reduction in violations of human rights”. Meanwhile, more and more refugees are willing to return home and opposition party members are moving about freely. Echoing appeals for the parties to formally finalize their arrangements on security issues and introduce amendments to the Constitution, he emphasized that mistakes made in the past must now be avoided. He went on to commend IGAD’s important role in helping to reach the Peace Agreement, emphasizing that his delegation does not share the opinion of Western colleagues that the peace process was made possible by sanctions pressure and the imposition of the arms embargo. “The Council should not take credit for the success of regional mediators,” he stressed, describing the Agreement as a demonstration of the principle of “African solutions to African problems”. He also expressed support for the mandate extension for UNMISS.

CHRISTOPH HEUSGEN (Germany) noted that the “peace process is at a crossroads” as the 12 May deadline for forming a transitional Government approaches. Key questions about security arrangements remain open, he said, citing the establishment of security services, as well as the number and boundaries of states. Parties to the Revitalized Agreement must step up efforts on this front and make the whole process more inclusive, he emphasized, expressing concern about continued fighting, particularly in the Equatorias, and the country’s human rights situation, including gender-based violence. Together with the United Kingdom and Peru, the Government of Germany convened the first-ever meeting of the Informal Expert Group on Women, Peace and Security for South Sudan last week, he said. Outlining some of the Group’s recommendations, he said they include increased participation of women in the committees and mechanisms of the revitalized peace process. He went on to express his delegation’s support for extending the mandate of UNMISS, stressing that the Mission remains indispensable in supporting South Sudan and its people.

JESSICA PHILIPS (United Kingdom) noted that five years of fighting claimed nearly 400,000 lives, with women and girls often experiencing rape and sexual assault, yet, time and again, perpetrators are not held to account. Despite the signing of the Peace Agreement and the reduction in political violence, there has been an uptick in communal and sexual violence, she said, adding that of particular concern are reports warning of the normalization and persistence of sexual violence, perpetrated at times by armed militia groups, sometimes encouraged by commanders. Despite calls to identify those responsible, this has not happened, she said, pointing out that, instead, organizations providing support to victims have come under attack by the Government. “We cannot accept these brutal acts”, nor allow impunity, she emphasized. Calling for an end to sexual violence

and the culture of impunity, she pressed the Government to protect civilians, investigate all instances of sexual violence and bring those responsible to justice. Support must be extended to organizations helping survivors, she stressed. Recalling the United Kingdom's consistent calls for greater inclusion of women in peace processes, she urged the parties to deliver on promises to meet the 35 per cent quota. She went on to express concern that space for civil society continues to shrink and pressed all actors to engage civil society. Noting that the Secretary-General's report is the last before the May transition date, she expressed concern over the lack of progress on some of the most difficult issues, pinpointing fighting as the cause of the man-made humanitarian and protection crisis in South Sudan. She urged all parties to ensure full implementation of the Agreement.

JOSÉ SINGER WEISINGER (Dominican Republic) said that, since the signing of the Revitalized Agreement, the number of victims of political violence has fallen and the free movement of opposition politicians in Juba is clear. Yet, such modest progress is fragile, amid persistent threats against civilians and ongoing sexual and intercommunal violence, he said. Humanitarian personnel must be able to move freely throughout the territories, with South Sudan fulfilling its commitments in the Revitalized Agreement, he stressed, adding that the signatories must resolve their differences, while regional and international actors maintain support for the process. He went on to express concern about the vulnerable situation of civilians amid reports of rape and other violations, including kidnappings. It is alarming that such cases are not investigated, prosecuted or punished, he said, pressing both the Government and the parties to bring perpetrators to account. He praised the South Sudan People's Defence Force plan to launch its own action plan next week, and the Government for ratifying the Optional Protocol to the Convention on the Rights of the Child. Underlining the need to establish the hybrid court and other transitional justice mechanisms, as well as services for survivors of sexual violence, she pointed out that the Joint Transitional Security Committee does not have a single woman in its ranks.

VERÓNICA BUSTAMANTE (Peru) welcomed the continuing enforcement of the Revitalized Agreement and the deduction of political violence, noting, however, that progress is needed on substantive issues. Recalling the Secretary-General's appeal for the parties to establish transitional security arrangements and form a national unity Government, she said those goals should be prioritized as none has been achieved. Furthermore, the establishment of the Independent Boundaries Commission, approval of a draft law on constitutional reform and the adoption of a governance system must be carried out, she said. Expressing regret that intercommunal violence continues to affect civilians, she said the 1.87 million internally displaced persons and 2.27 million refugees in neighbouring countries shed light on the grave humanitarian situation. Condemning sexual violence against women and girls, she urged the Government and other relevant parties to punish perpetrators, emphasizing that the recent sexual violence in Bentiu offers proof that transitional security arrangements must be implemented as soon as possible. She went on to say that UNMISS should have a close relationship with women-led organizations, adding that the United Nations and IGAD must monitor compliance with the Agreement, especially regarding the 35 per cent quota for women's participation in decision-making.

KAREN VAN VLIERBERGE (Belgium) noted that the political landscape in South Sudan has undergone a significant change in recent years, with broad-scale progress being made on reducing political violence. Nevertheless, there are persistent to implementing the Agreement and the parties must agree on a future vision for the security sector in order to avoid a fresh round of violence. "This Agreement is a window of opportunity to achieve a lasting peace in the country," she said, expressing concern over the serious humanitarian crisis continuing to linger in South Sudan, and rising intercommunal violence in some areas. Women and girls are not yet reaping the dividends of peace, she added, noting that instead, sexual violence has actually risen since 2018. No lasting solution can be reached without urgently countering such crimes, which affect not only women and girls, but also men and boys, she pointed out. As for displaced people, she emphasized that conditions must be truly favourable for people to be able to return to their homes. They must be properly informed and enjoy full security, she added. In that regard, she laid out several functions that UNMISS can take up, including the protection of civilian sites so as to enhance their safety and security.

JOANNA WRONECKA (Poland), while describing the signing of the Revitalized Agreement as a significant milestone towards peace, nevertheless expressed concern that several of its fundamental provisions — including on establishing transitional security arrangements and the conclusion of the Independent Boundaries Commission's work — are yet to be implemented, and the timelines set by the Agreement are being missed. Welcoming the fact that the permanent ceasefire has largely been respected across the country, she nevertheless expressed grave concern about increased levels of intercommunal violence, persisting tensions, as well as sexual violence against women and girls. "We are appalled by the heinous attacks in and around Bentiu," she said, condemning the use of sexual violence as a weapon of war in the strongest possible terms. Stressing the need to end such violence, she called for accountability and joined appeals that the Government spare no effort in bringing the perpetrators to justice. Since there can be no durable peace without inclusiveness, women and young people must be fully represented in the peace process, she emphasized, noting also that regional engagement will remain crucial.

JERRY MATTHEWS MATJILA (South Africa) urged the Government and other parties to do everything in their power to complete the establishment of the mechanisms and committees prescribed by the Agreement, adding that the return of former Vice-President Riek Machar is crucial to the accord's implementation. For its part, South Africa will continue to support the

peace process through mediation efforts by President Matamela Cyril Ramaphosa, in his capacity as Chair of the African Union's High-level Ad Hoc Committee on South Sudan, and by Deputy President David Mabuza, in his capacity as Special Envoy to South Sudan. However, South Africa remains concerned about the slow progress and insufficient resources to ensure the Agreement is implemented, he said, adding that his delegation supports the renewal of the UNMISS mandate.

WU HAITAO (China) noted that work on the priorities outlined in the Revitalized Agreement is lagging behind, adding that the Council should offer more assistance by pushing the parties to implement the accord. The parties bear primary responsibility for implementing it, he emphasized, urging the international community to provide funding and technical support, while respecting South Sudan's leadership role. Efforts should be made to support the African Union, IGAD and regional countries by pushing the parties to reach consensus on the implementation of political and security arrangements, as outlined in the Agreement, he added. Emphasizing the need to provide humanitarian and economic support, he reiterated China's support for renewing the UNMISS mandate, notably its focus on helping the parties implement the Revitalized Agreement.

GBOLIÉ DESIRÉ WULFRAN IPO (Côte d'Ivoire) expressed concern over significant delays in attaining the goals for the pre-transition phase, emphasizing that the parties must come to grips with the substantive issues, notably by inserting provisions into the transitional constitution, establishing the Independent Transitional Boundary Commission and putting transitional security arrangements in place. He went on to praise the South Sudan United Front's desire to participate in the peace process and encouraged the Government to respond favourably. Security sector reform should allow for the unification of belligerents and the creation of a disciplined army, he said, stressing also the need to establish transitional justice bodies, notably a hybrid court. With the numbers of internally displaced persons and refugees remaining high, the international community should help to create the conditions for their voluntary, safe and dignified return, he said, reiterating his delegation's support for the creation of a United Nations force to help overcome the crisis in South Sudan. He echoed the Secretary-General's call to both strengthen the UNMISS mandate and make it more flexible.

JOB OBIANG ESONO MBENGONO (Equatorial Guinea) said the signing of the revitalized peace agreement was a significant step forward towards South Sudan's return to peace and stability. The formation of the transitional Government was another important step, he said, calling on the parties to now work for the integration of the national security forces. The time has come to fully implement the peace agreement, both in letter and in spirit. Deploring the persistence of sporadic fighting across South Sudan, as well as continued violence against civilians, he called on the Government to bring those responsible for such crimes to justice. Attacks against UNMISS personnel and humanitarian workers are equally unacceptable. Welcoming the fact that some displaced persons are beginning to return home, he commended the parties for having put the interests of the country ahead of their own narrow priorities. As UNMISS is still critical for stability in the country, he joined other speakers in voicing support for an extension of its mandate.

MANSOUR AYYAD SH. A. ALOTAIBI (Kuwait) welcomed the return of political leaders to Juba, as well as the reunification efforts of the Sudan People's Liberation Movement (SPLM). Commending States in the region for their efforts to resolve the situation in South Sudan, he said the return of people to their homes from protection of civilian sites will help to further restore hope. He also echoed expressions of concern over fighting in Equatoria and voiced his delegation's hope that UNMISS personnel will be granted freedom of movement across the country.

DIAN TRIANSYAH DJANI (Indonesia) said the Revitalized Agreement is the only option for ensuring lasting peace in South Sudan, and as such, the momentum generated by its signing must not be allowed to slip away. There is much work to be done on transitional security arrangements, incorporation of the Agreement into the Transitional Constitution, and resolving the boundaries and states issue. The need for international humanitarian assistance remains critical. As the peace process advances, there must be commensurate positive developments on the ground. Noting that non-signatory armed groups continue to be a source of insecurity, he expressed concern about clashes involving the National Salvation Front in Equatoria, and voiced support for continued outreach by the IGAD Special Envoy to non-signatories. The renewed UNMISS mandate must include support for implementing the Revitalized Agreement, in cooperation with the Government, he said.

ANNE GUEGUEN (France), Council President for March, spoke in her national capacity, saying the opportunity presented by South Sudan's Revitalized Agreement must not be lost. Mutual trust among the parties is increasing, she said, adding that the Agreement's full implementation is the only way forward. The more the parties wait, the more the process will fizzle out and combatants will become impatient. Echoing calls to urgently agree on security arrangements and border issues, she said States of the region — along with UNMISS — can help support those processes. Pointing out that intercommunal violence continues, as spotlighted recently by the Human Rights Council, she added that the level of sexual violence remains unacceptably high. Mobile courts are a useful initiative that should continue, she said, also calling for the swift establishment of a hybrid court. Meanwhile, she also called for expediting humanitarian assistance, continuing efforts to protect civilians, facilitating refugee returns and using sanctions to deter sexual violence crimes.

AKUIE BONA MALWAL (South Sudan) said the security, peace and economic situation in South Sudan has "improved noticeably" since the signing of the Revitalized Agreement, with confidence-building measures — a prerequisite for peace —

seen in the return of many opposition leaders to Juba. Peace implementation is progressing “slowly but surely”, he said noting that President Salva Kiir Mayardit is touring the Greater Bahr El Ghazal region in the company of opposition leaders. Touching on other gains, he said the National Dialogue Regional Conferences have started, with the first one concluded in Wau last week. The next one will be held in Greater Upper Nile region in the coming days, with the final conference to be held in the Greater Equatoria region before the end of May, he said. Refugees are returning voluntarily “in big numbers” and the internally displaced are leaving their camps. The economy is in the early stages of recovery, with consumer goods available and prices dropping in Juba’s markets. Yet, challenges persist, he noted, explaining that peace implementation is moving slowly due to inadequate funding. The Government will carry on, “using whatever means and resources are available”, he said, urging the Council to work with IGAD and the African Union to convince the few opposition movements which opted out of the Agreement to sign up and join the peace process.

Sudan’s Unlawful State of Emergency (The Washington Post) By Nasredeen Abdulbari and Rebecca Hamilton
March 5, 2019

On Feb. 22, Sudan’s embattled president, Omar al-Bashir, declared a one-year, nationwide state of emergency. He subsequently issued five decrees to implement the declaration that collectively curtail fundamental rights to a degree that is unprecedented in the post-independence history of Sudan.

The state of emergency came during peaceful protests — started by the Sudanese people late last year, which now pose a credible threat to the 30-year rule of Bashir’s National Congress Party. Bashir, already wanted by the International Criminal Court (ICC) for atrocities against his own people, clearly recognizes the precariousness of his position following his government’s conspicuous failure to stem the protests through use of excessive force.

The true objective of Bashir’s declaration of a state of emergency appears to be stopping the protests that are in their fourth month. The government’s argument — that the declaration aims to address the economic crisis of the country — is belied by the targeting of fundamental rights being exercised by the protesters, including their right to peaceful assembly, gatherings, processions and labor strikes. Moreover, the establishment of emergency prosecution offices and courts violate the right to a fair trial, which is guaranteed under international law and the Sudanese constitution.

A declaration of emergency entails a partial breakdown of the constitutional order; for the period of the emergency, the protection of certain rights can be suspended. Both national constitutions and international law place strict conditions on the invocation of such extraordinary measures.

Legally, there must be an official proclamation identifying a situation that “threatens the life of the nation.” No doubt, Bashir and the National Congress Party feel they are under threat. Decrees restricting basic rights of gathering and assembly, prohibiting strikes, symposiums, discussion gatherings, events, and any similar activities without permission, speak to the real targets of the emergency measures. But under the 2005 Sudanese constitution, the outbreak of peaceful protests, even if they implicitly or explicitly aim to topple the government, is not one of the grounds for declaring a state of emergency.

Bashir’s newly appointed vice president and minister for defense, who is under U.S. sanctions, has said that the emergency declaration is justified by the economic crisis facing the country and caused by smuggling activities. But while one of the implementing decrees prohibits dealing in foreign currency and gold, and seeks to crack down on the black market for fuel and flour, the remainder of the decrees go far beyond the economic realm. Moreover, the economic deterioration has been ongoing — for over three years — with no serious measures taken to address it.

Even in a true emergency, certain non-derogable rights must still be upheld, and all other rights can only be infringed upon “to the extent strictly required by the exigencies of the situation.” Here again, Sudan’s state of emergency does not withstand scrutiny.

One of the decrees gives Sudan’s security forces the right to search any building, restrict the movement of people, arrest people suspected of committing a violation related to the state of emergency and seize assets or property during investigations. These sweeping provisions are not the kind of narrowly tailored measures required by international law. Moreover, those arrested by the security forces are routinely subject to torture, inhumane and degrading treatment — violations of non-derogable rights by any international standard.

The formal punishment for violating the decree includes imprisonment for up to 10 years. This is in addition to any penalty provided for in any other laws. The penalties found in other laws, such as the Sudanese criminal code, can be very severe. For example, under the 1991 criminal code, the punishment for undermining the constitutional order, a crime against the state, can amount to the death penalty.

Another of the decrees orders the attorney general to establish emergency prosecution bureaus, orders the chief justice to establish emergency courts, and authorizes each of them to issue the rules that will apply to defendants put through these systems. This is a far cry from international fair trial standards of a “competent, independent and impartial tribunal.” Under article 211(a) of Sudan’s constitution, a fair trial is a non-derogable right. And although article 4(2) of the international covenant on civil and political rights, which speaks to the derogation of rights in an emergency, does not explicitly list a fair trial as a non-derogable right, the U.N. Human Rights Committee in general comment No. 29(11) has stated that the right to a fair trial falls within this category.

In the face of President Bashir’s declaration of emergency, the protests in Sudan continued unabated. Protesters stayed on the streets the night that he announced the declaration and have continued to their public demonstrations ever since. The protesters repeatedly call for freedom, peace, and justice. They chant that “revolution is the choice of the people.”

Additional measures taken by Bashir include dissolving the national and state governments, appointing military and security officers as governors, and delegating his powers as chairman of the National Congress Party to Ahmed Harun, a man also under U.S. government sanctions and wanted by the ICC for his leading role in the Darfur atrocities.

By placing military officials in leadership positions across the nation Bashir has, together with the state of emergency, effectively put the country under military rule. And neither this, nor his decision to hand the leadership of his party to another ICC indictee, will diminish the strength of the protesters’ rallying cry. For them, this unlawful declaration is just the latest manifestation of the very problem they seek to address. They have only one demand, which is the fall of the regime.

Solidarity with the Sudanese revolution! (Fourth International) March 10, 2019

Since December 13, 2018, an impressive popular uprising has emerged in Sudan, and has continued to unfold ever since, with the primary slogan "Tasgut bas" (overthrow, that's all!). The inhabitants of the city of Al Damazin (the capital of Blue Nile State), followed by those of Atbara in the north-east of the country on 19 December, were the first to protest against the tripling of the price of bread, against a background of drastic austerity measures, inflation and massive corruption driven by the government. Then the demonstrations spread to the rest of the country and to the capital Khartoum, demanding the overthrow of the regime. Despite the repression that has already left dozens dead, thousands wounded and tortured, the uprising has become massive and deeply self-organized, developing an extraordinary imagination to propose peaceful initiatives on a daily basis.

This movement stands against the power monopolized by President Omar Al Bashir, a military man who seized power in 1989 with the intention of never letting go, who, with his entourage, corrupted the various security apparatus and his party the National Congress (formerly the Islamist National Front). This clique has repeatedly appropriated the country’s wealth and reduced democratic freedoms and the rights of women and oppressed minorities.

El Bechir is charged with war crimes, crimes against humanity and genocide by the International Criminal Court in The Hague concerning repression in Darfur. This led to the secession of Southern Sudan in 2011, where oil wealth was concentrated, and Sudan has since been plunged into economic slump. Recently, Al Bashir tried to save his regime by approaching the Saudi Arabian monarchy, the Egyptian dictator Al-Sissi, Putin’s Russia, Bashar Al Assad and the far-right government of Israel. Salah Gosh, the head of Special Services, was also able to travel to France in the autumn to meet with an official from Macron’s party.

At the same time, the Sudanese regime is zealously implementing the IMF’s anti-grassroots economic programmes: cuts in public services, privatisations and increases in basic prices.

Power had already been challenged on the streets in previous years, especially by students, but today we are witnessing the country’s transition into a revolutionary process of the kind that emerged in the Arab region in 2011. The organisation of the uprising was first and foremost driven by the Sudanese Professional Association (SPA), composed of networks of doctors, teachers and other civil servants and professionals. They kept the principles and memory of class struggle trade unionism alive while the unions were put under the total control of the regime, and progressive militancy severely repressed over long decades (We should remember that the Sudanese Communist Party was one of the most massive in the Arab world). They have been able to combine this memory and give a prominent place to youth but also to women, which allows a strong inventiveness and the necessary size and strength in the current situation.

Under this impetus, the revolution adopted a plural political and organizational leadership called Forces of Freedom and Change, with a founding document of the same name that lays the foundations for a democratic break with the regime and its policies. This coordination publishes a weekly press releases presenting a daily timetable of mobilizations, but also daily

guidelines, district by district, taking into account technical and safety aspects. "Committees of resistance at the grassroots" have been created as part of this collective process.

The revolution set itself the objective of a "political" general strike through peaceful means, alone, capable, according to it, of overthrowing this power, and leading to a truce declared by the armed opposition. The movement's objective is a "political" general strike with peaceful means. While the broadened nature of this branch to include various unions or parties currently limits the social aspects of its programme, the convergence with the organized labour movement is beginning, it has thus taken up the demands of striking Port Sudan port workers against the privatization of the container terminal, which is intended to be bought by a Philippine company.

The Fourth International expresses its full solidarity with this powerful uprising of the Sudanese people, and calls for an end to repression and the release of detainees. We wish them every success in their goal of overthrowing an autocratic regime that has been responsible for the suffering of the Sudanese people for too long. We hope that this dynamic will contribute to the momentum of popular struggles.

South Sudan peace deal doomed if disputes not settled: think-tank (Reuters) By Hereward Holland
March 13, 2019

South Sudan's six-month-old peace deal is doomed to collapse unless the sides can settle a string of disputes and bring former rebels into the army before the formation of a new government in May, a think-tank said on Wednesday.

About 400,000 people have been killed, and more than a third of the country's 12 million people uprooted by the five-year civil war - a conflict punctuated by multiple rounds of mediation followed by renewed bloodshed.

The accord signed in September by President Salva Kiir and rebel leader Riek Machar - the former vice president - has reduced fighting, but could break down over several disputes, the Brussels-based International Crisis Group said in a report.

"The peace agreement is stalling and is at risk of collapse if more political deals aren't struck," said Alan Boswell, the group's South Sudan analyst. There was no immediate comment from the government or Machar's supporters.

The deal called on the two main rival factions to assemble, screen and train their respective forces and unify them into a national army before the formation of a unity government in May.

None of these steps have occurred, just two months before the deadline, the report said.

There were also unresolved disputes over local boundaries - which some sides felt Kiir had redrawn to benefit his Dinka ethnic group, the report added.

Fighting has continued in the southern Equatoria region between the army and a rebel force led by former deputy army chief Thomas Cirillo, who refused to sign the September deal.

The landlocked, oil-producing country split away from Sudan in 2011 after decades of fighting, then collapsed into its own civil war.

The chaos dismayed regional and world powers who helped broker the secession, and had hoped South Sudan's independence would draw a line under the long-running conflict that destabilized large parts of east Africa.

[back to contents]

Democratic Republic of the Congo

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

Unknown attackers threaten to worsen Ebola epidemic in Congo (Reuters) By Inna Lazareva
March 4, 2019

Aid workers at the epicenter of the worst Ebola epidemic in the history of the Democratic Republic of Congo say they are facing a spike in attacks and threats, slowing their work and potentially triggering a surge of new cases.

While two Medecins Sans Frontieres (MSF) facilities treating Ebola patients in North Kivu province were attacked last week, aid workers said they are only the latest in a series of incidents.

One of the facilities has since reopened.

“We had at least 10 cars that were broken into in Katwa,” said Michel Yao, incident manager for the World Health Organization referring to an attack last month in an area in the eastern trading hub of Butembo, a city with strong links to neighboring Uganda.

“There are increasing attacks on different teams,” Yao told the Thomson Reuters Foundation by telephone from Butembo.

He cited the difficult conditions faced by aid staff working on disinfection, safe burials, support of health facilities, those providing vaccinations to treat Ebola and others.

The current Ebola epidemic, first declared in August, is believed to have killed at least 561 people, so far, and infected over 300 more.

It is unclear who exactly is behind the attacks, said Jean-Philippe Marcoux, country director for the Mercy Corps charity in Congo.

“It’s a minority of groups but sometimes they react violently and target response workers,” he said.

“To a certain extent, Ebola has been politicized during the run up to (December’s presidential) elections,” said Marcoux.

Some communities believe the Ebola response to be part of a political conspiracy to control or exclude the local population from the electoral process, he said.

Some people accuse the government or the international community of “bringing us Ebola”, Marcoux said.

In some neighborhoods, locals ignore potentially life-saving precautions, Marcoux added.

“They refuse treatment, they refuse follow ups, they refuse vaccinations and they refuse assistance for the (safe) burials.”

“The teams and staff are very scared,” WHO’s Yao said. “When our team enters (certain areas), they are suddenly surrounded by hostile people who are even armed.”

“We saw bullet marks on the wall,” Yao added, referring to an attack on an Ebola treatment center in Butembo on Wednesday.

The center was set on fire while an extended gun battle between the attackers and security forces ensued, health officials said.

The torching of the two centers prompted Medecins Sans Frontieres (MSF) to suspend medical activities.

“It will definitively affect the prognosis of people surviving Ebola,” Yao said.

“The fear is that if we cannot work in the coming days and weeks, we will have a major surge of cases in Butembo. I cannot exclude re-infection in places where the outbreak has been brought under control. This is really our fear.”

Blaming the attacks on insecurity and violent gangs “would be too easy,” said Marcoux in a statement released on Thursday.

“Building community acceptance and securing trust has not being given the same weight as treatment, and we are continuing to see the consequences - suspicion abounds and case numbers rise,” he added.

“The only way around it is to establish dialogue, which takes time, resources, and with the right people that (communities) can trust - that would be a good place to start.”

Israel to Suspend Expulsion of Hundreds of Congolese Migrants (Haaretz) By Lee Yaron
March 7, 2019

Israel will suspend a decision to expel hundreds of citizens of the Democratic Republic of Congo.

The decision to suspend the expulsion was announced by Interior Minister Arye Dery on Thursday, and came after the Foreign Ministry said that the repatriation could not be accomplished without endangering the lives of those facing deportation.

The Foreign Ministry's intervened after human rights organizations filed a petition to the Jerusalem District Court, demanding that the expulsion of be stopped.

Last December, the court decided to freeze the expulsion.

There are several hundreds of ex-Congolese citizens residing in Israel who came to the country after fleeing violent clashes that their country has suffered for about two decades.

The DRC has also seen a recent epidemic of the Ebola virus that has killed hundreds.

Explaining the move, Dery said that the Foreign Ministry's recommendation came in light of "recent developments in the DRC."

The suspension, he added, would remain in effect for as long as was necessary to get a clear picture of events in the country.

In October, after an earlier consultation with the Foreign Ministry over lifting the collective protection granted to Congolese in Israel since 2002, Dery concluded that there was nothing preventing their repatriation.

The Interior Ministry's Population and Immigration Authority notified DRC nationals in Israel that they had 90 days, until January 5, to leave the country and that they would not be issued visas permitting them to stay in Israel beyond that date. A coalition of Israeli human rights groups then filed their petition in Jerusalem District Court to stop the expulsion.

The petitioners argued that the expulsion should not be carried out without a thorough examination of the security and humanitarian situation in the DRC. The court granted a temporary stay in December "to avoid serious and irreversible harm" to Congolese in Israel.

In addition to citizens of the Democratic Republic of the Congo, Israel provides temporary collective protection from expulsion to nationals of three other African countries – Sudan, South Sudan and Eritrea.

There are at least 400 nationals of the DRC in Israel, according to the Population Authority, which did not respond to an inquiry from Haaretz regarding how many of them have already received refugee status in Israel, protecting them from expulsion, how many have pending asylum requests for refugee status and how the requests will now be handled.

Two of the groups that filed the district court petition, the Hotline for Refugees and Migrants and HIAS, issued a statement welcoming Dery's action and said the earlier decision to lift collective protection was "hasty and dangerous" in light of instability in the DRC. The statement also noted that many Congolese asylum seekers in Israel have been waiting for over a decade for a decision on their asylum requests, during which time "they have faced the possible threat of expulsion to the country that they had fled to save their lives."

Inbar Barel and Merav Ben-Ze'ev, the two lawyers who had drafted the district court petition on behalf of the human rights groups, also welcomed the Interior Ministry's decision, but added: "We regret that there was a need in the first place to file a petition" to halt a step that would have been "clearly hasty and dangerous." They called on the Interior Ministry to act on the asylum requests of Congolese citizens in Israel, "some of which have been gathering dust on its desk for more than 10 years."

DRC: Ebola response failing to gain the upper hand on the epidemic (Reliefweb) March 7, 2018

Seven months into the largest ever Ebola outbreak in the Democratic Republic of the Congo (DRC), the Ebola response is failing to bring the epidemic under control in a climate of deepening community mistrust, Médecins Sans Frontières (MSF) said at a press conference in Geneva today.

People who died in the community make up more than 40% of new cases since the beginning of the year.

At the epicentre of the epidemic in Katwa and Butembo, 43% of patients in the last three weeks had no known links to other infected patients.

"We have a striking contradiction: on the one hand a rapid and large outbreak response with new medical tools such as vaccines and treatments that show promising outcomes when people come early - and on the other hand, people with Ebola are dying in their communities, and do not trust the Ebola response enough to come forward," said International President of MSF, Dr. Joanne Liu.

Last week, MSF suspended its Ebola activities in Katwa and Butembo, in North Kivu province, after successive attacks on two treatment centres. While MSF does not know the motives or identities of the attackers, these incidents follow an escalation of tensions around the Ebola response.

Dozens of security incidents occurred against the Ebola response as a whole in February alone. While the causes of these incidents are not all the same, it is clear that various political, social and economic grievances are increasingly crystalizing around the response.

A range of issues have led to these tensions: from the massive deployment of financial resources focusing only on Ebola in a neglected region suffering from conflict, violence and long-standing health needs; to elections being officially postponed due to the Ebola outbreak, exacerbating suspicions that Ebola is a political ploy.

The use of police and armed forces to compel people to comply with health measures against Ebola is leading to further alienation of the community and is counterproductive to controlling the epidemic. Using coercion for activities such as safe burials, tracking of contacts and admission into treatment centres discourages people from coming forward and pushes them into hiding.

The Ebola response must take a new turn. Choices on how to manage the disease must be given back to patients and their families. Vaccination for Ebola must reach more people, and more vaccines are needed for this. Communities have other dire health needs that should be addressed. And coercion must not be used as a tactic to track and treat patients, enforce safe burials or decontaminate homes.

“Ebola is a brutal disease, bringing fear and isolation to patients, families and health care providers,” said Dr. Joanne Liu. “The Ebola response needs to become patient- and community-centered. Patients must be treated as patients, and not as some kind of biothreat.”

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

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

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

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

**How Climate Change is Fueling Extremism (CNN) By Isabelle Gerretsen
(March 10, 2019)**

Climate change is already triggering devastating weather events across the planet, including prolonged droughts, flash floods and wildfires.

Parts of Africa and the Middle East are experiencing erratic harvests, heavy storms and the worst drought in the past 900 years.

Experts say that people here who are struggling to provide for their families are vulnerable to the influence of extremist recruits who offer them work and food.

Vanishing Lake Chad bolsters Boko Haram

Across the Sahel, a semi-arid region between the Sahara desert and Sudanian Savannah in Africa, temperature increases are projected to be 1.5 times higher than the global average, according to the United Nations.

About 50 million people in the Sahel are pastoralists whose livelihoods depend on rearing livestock.

But droughts and floods triggered by climate change are shrinking their lands, leaving over 29 million people food insecure.

The impact of climate change on the Sahel is clearly shown by the shrinking of Lake Chad. Spanning seven countries, including Nigeria, Niger and Cameroon, the lake basin is critical to the livelihoods of nearly 30 million people.

But since the 1960s the lake's water supply has shrunk by over 90%, according to the United Nations Environment Programme.

Robert Muggah, who analyzes global climate and security challenges at the Igarape Institute, a think tank in Brazil, says the diminishing water sources are "flashpoints for violence" as communities struggle with reduced crop yields and high levels of poverty.

"Climate shocks and stresses are pushing many into extreme poverty. Joining an armed group is sometimes the only option available," he added.

In 2018, US officials expressed concern about ISIS and al Qaeda affiliates in the Sahel region.

Muggah agrees with this assessment, claiming that the drying of Lake Chad has bolstered recruitment efforts of extremist groups including Boko Haram, the militant group operating in Nigeria.

Does water scarcity create a terror spring?

The Middle East and North Africa (MENA) is the world's most water scarce region.

MENA is home to six percent of the world's population, but only one percent of the world's freshwater resources, according to the World Bank.

17 countries in the region fall below the water poverty line set by the United Nations, and some experts believe that drought played a part in sparking Syria's civil war.

According to a study from 2015, severe drought, likely compounded by climate change, triggered mass migration from rural to urban areas in Syria between 2007 and 2010.

The prolonged dry spell led to the death of 85% of livestock in eastern Syria and widespread crop failure, according to Jamal Saghir, a professor at the Institute for the Study of International Development at McGill University.

This pushed 800,000 people into food insecurity and prompted 1.5 million people to migrate to already overpopulated cities, contributing to the civil unrest which erupted in 2011 and spiralled into civil war, Saghir told CNN.

The impacts of "climate-induced drought" were also linked to the growing influence of ISIS in the Middle East in a 2017 report commissioned by the German foreign office.

The report said that increased water scarcity in Syria "played an important role" in the forming of ISIS and that "ISIS tried to gain and retain legitimacy by providing water and other services to garner support from local populations" during the prolonged drought.

However, other researchers have disputed how much of a role drought played in the conflict. Can the Middle East solve its water problem?

In 2009 ISIS' recruitment efforts targeted impoverished farmers in Iraq whose livelihoods were devastated by drought and fierce winds, according to Saghir.

"Terrorist organizations like ISIS capitalize on the devastation wrought by climate change to attract new members," said Saghir.

"The ISIS recruiters offered money, food and other riches to rural Iraqis to lure them into joining the ranks of the jihadist group. With no means to sustain themselves through agricultural means, many farmers accepted ISIS' bribes for both

monetary and morale support," he said.

Sustainable alternatives to extremism

To prevent their citizens from falling into the grip of extremists, countries must invest in adaptation programs, which will reduce people's "vulnerability to extreme climatic events," Nadim Farajalla, director of the climate change and environment program at the American University of Beirut, told CNN.

Two ways for countries to become more climate resilient include diversifying their crop production and investing in renewable energy, he said.

Countries susceptible to drought should move away from irrigating their crops and focus on rain-fed agriculture, growing crops like lentils and chickpeas instead of the water-intensive livestock feed alfalfa, he explained.

Solar power should be harnessed in the fight against extremism, according to Rachel Kyte, CEO of UN initiative Sustainable Energy for All.

Providing communities in Africa and the Middle East with clean, affordable energy can help them cope with climate change, advance women's rights and beat back support for extremists, Kyte told CNN.

"With solar-powered irrigation we have an opportunity to increase agricultural yields in rural communities, giving families greater income and greater economic hope," she said.

Muggah agreed that small-scale interventions like solar electricity generators can have a "transformative effect on neglected communities."

"By strengthening and empowering local residents, the influence of extremist groups can be weakened," he said.

"Place the Stigma of Sexual Violence Where it Rightfully Belongs - On the Perpetrators" (Forbes)
By Ewlina Ochab
(March 2, 2019)

In early January 2019, Lord Ahmad of Wimbledon, UK Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, announced that the UK will host an international conference on sexual violence in conflict. The event was recently confirmed to take place on November 18-20, 2019, six years after the launch of a UK initiative to prevent sexual violence during armed conflict, and five years after the 2014 Global Summit to End Sexual Violence in Conflict. The November 2019 event will aim to "galvanize the world and demonstrate the UK's continued global leadership on tackling sexual violence in conflict."

Indeed, the UK has been very active in addressing the issue of the use of sexual violence in conflict. Naming only some of the most important developments, over the years, the UK has contributed to the training of thousands of police and military personnel on how to address sexual and gender-based violence. In 2017, in cooperation with the UN Special Representative on Sexual Violence Pramila Patten, the UK launched "The Principles for Global Action: preventing and addressing stigma associated with conflict-related sexual violence." In November 2018, the UK hosted the "Fight Stigma Through Film" movie festival that gave a voice to many survivors of sexual and gender-based violence and people working with survivors. The event was attended by UN Special Envoy Angelina Jolie who has been working on the issue of sexual and gender-based violence for many years and worked with William Hague on the 2014 Global Summit to End Sexual Violence in Conflict. The movie festival is proof of how different actors can get themselves involved in combating stigma. Of course, the issues are not the exclusive reserve of governments and international actors.

The November 2019 initiative will focus on recent cases of mass atrocities where rape and sexual violence have been reported. This includes the atrocities in Myanmar, Syria, Iraq, northern Nigeria, the Lake Chad Basin and the Sahel.

Topics on the November 2019 event's agenda include discussion about bringing perpetrators to justice and the need to ensure that they are held accountable for their crimes. Attendees will also discuss the stigma faced by survivors of rape and sexual violence and children born out of rape. On the later subject, the UN has been instrumental in raising awareness. The UN's theme for its International Day for the Elimination of Sexual Violence in Conflict was the "plight and rights of children born of war." One of its aims was to foster solidarity with survivors of sexual violence, including those that continue to endure the stigma associated with bearing a child through rape perpetrated by the enemy. The day also focused on the stigma suffered by the children. However, fighting this stigma is a great task that will need more actors to be involved.

When announcing the November 2019 event Lord Ahmad recognized that:

For too long, the issue of sexual violence in conflict has been left in the shadows. The stigma has been seen as inevitable; the pain immeasurable. Our shared aim must be to place the stigma attached to sexual violence where it rightfully belongs – on the perpetrators. Now is the time to act.”

[back to contents]

Mali

Mali troops killed by landmines in Mopti region (The Defense Post) (March 13, 2019)

Six Malian troops were killed when their vehicles drove over improvised land mines in the center of the West African country, the army said.

The attack on Tuesday, March 12 comes just days after French forces were attacked in the east and a week after United Nations Secretary-General Antonio Guterres warned that security is worsening in the country.

Two army escort vehicles were struck by improvised explosive devices “leaving two dead in Dialloubé and four dead in the Hombori area,” in the central Mopti region, the army said in a release.

The government condemned the “cowardly and heinous terrorist acts.”

A security source put the toll at seven soldiers dead, AFP reported.

The recent unrest in the Sahel began in Mali in 2012 with Tuareg separatist uprising against the state, which was exploited by Islamist extremists linked to al-Qaeda who took key cities in the desert north.

France began its Operation Serval military intervention in its former colony early the next year, driving the jihadists from the towns, but the militant groups morphed into more nimble formations operating in rural areas, sometimes winning over local populations by providing basic services and protection from bandits.

The insurgency has gradually spread to central and southern regions of Mali, and across the borders into neighboring Burkina Faso and Niger. Large swathes of the country remain outside government control, despite a 2015 peace accord designed to isolate the Islamists.

The French mission evolved into the current Operation Barkhane, which has roughly 4,500 personnel deployed with a mandate for counter-terrorism operations across the region.

French forces attacked in Menaka region

French forces deployed to Operation Barkhane were attacked at around 1 p.m. on Sunday, March 10 in the Akabar area of Mali’s eastern Menaka region, near the border with Niger, according to reports.

Ouest-France reported that the complex attack began when French forces opened fire on a suicide vehicle borne IED that was moving towards their bivouac position, causing the vehicle to detonate.

Around 15 militants on motorcycles then attacked the position, but were repelled.

A Mirage 2000 fighter jet patrol arrived 10 minutes later but was unable to intercept the bikes, RFI reported.

Two seriously injured French soldiers were later evacuated to a military hospital in France, Ouest-France reported.

Guterres warns Mali security is worsening

The latest deaths came a week after Guterres warned that security is worsening in Mali with terror attacks on the rise, targeting U.N. peacekeepers, Malian troops, international forces and civilians.

“Despite significant international efforts, the security situation has continued to deteriorate with an increase in the number of

terrorist attacks,” Guterres said in a report sent to the Security Council.

In 2018, there were 237 terror attacks, up from 226 in 2017 and 183 in 2016, said the report.

The threat from extremist groups has spread from northern Mali to the center of the country, complicating efforts to implement a peace deal with armed groups. The Security Council is planning to visit Mali this month for a closer look at the conflict as it faces a June deadline to extend the mandate of the Minusma peacekeeping force. The Minusma mission in Mali began in 2013 and has about 12,000 troops and 1,750 police deployed.

In January, 10 Minusma peacekeepers from Chad were killed in an attack on their base in Aguelhok, in the northern Kidal region. Five days later, two peacekeepers from Sri Lanka died and six were injured near Douentza in Mopti after their vehicle hit a mine. A peacekeeper from Burkina Faso was injured in a separate roadside bomb attack near Douentza the previous day.

In all, 18 peacekeepers have been killed and 77 others injured in attacks in the past six months, the report said.

Despite the rising violence, Guterres reported progress in efforts to implement the peace deal, with over 1,400 combatants setting aside their weapons and new district administrations set up in the north.

“International pressure, including through the prospect of sanctions, was viewed as an important factor in accelerating the process,” said the report. France, which will lead the council visit to Mali along with Germany, is pushing for additional funding to shore up the G5 Sahel Joint Force that was set up by Burkina Faso, Chad, Mali, Mauritania and Niger in 2015, an initiative which was spearheaded by colonial power France.

On March 1, nine Malian soldiers attached to the G5 Sahel Joint Force were killed when a vehicle in which they were traveling was struck by a roadside bomb in Boulkessi in the Mopti region near the border with Burkina Faso.

The 620-strong European Union Training Mission in Mali was established in 2013 and has a mandate until May 2020. Troops from 22 member states and five non-E.U. states work with both FAMA and the G5 Sahel Joint Force. It has trained around 13,000 FAMA personnel.

The EUTM’s Koulikoro Training Center near the southern town of Siby was attacked early on February 24, but the assailants were stopped before they could enter the base.

[back to contents]

Liberia

Liberia: 'No War Crimes Court', Say Some Victims (Front Page Africa) By Mae Azango and Tecee Boley (March 8, 2019)

Monrovia – Fabine Kwiah was only a child when she and her two elder brothers Paul and Josephus Kwiah fled Fendell to Clara Town amid fierce fighting between soldiers of the Armed Forces of Liberia (AFL) and rebels of the Independent National Patriotic Front of Liberia (INPFL). It was 1990 and the AFL soldiers—loyal to then President Samuel Doe—recognized her brother as a fighter in the INPFL. He had joined, Kwiah says, to protect the family from the INPFL, because their name sounds the same as “Quiah”, a common Krahn or Sapo name.

“He was stripped, tied up and thrown into the river to die,” Kwiah, now a journalist with state radio ELBC, says.

At the next checkpoint, Kwiah was threatened when an AFL soldier put a knife to her eye and cut into her face. She and Josephus, overwhelmed by grief and fear, managed to flee the city. Like thousands of other Liberians – half the population was displaced by the war – they struggled to survive the next 13 years of off and on fighting.

Still, Kwiah does not want to see the soldiers who killed her brother go to jail. She is one of many Liberians who are opposing calls for a war crimes court in the country. The TRC Report recommends more than 100 former rebels and heads of the warring factions they fought for be tried in an extraordinary criminal tribunal. International and local advocates have escalated demands for a court in the last year. But opponents like Kwiah worry that a court will once again stir up tension and

take the country back to war. "Let by-gones be by-gones," goes the popular saying.

"I will just let it go and forgive who did what they did to our family," Kwiah says. "A court will not bring my brother back."

Ali Sylla, an activist and founding member of the Liberia Peace and Reconciliation Movement, also opposes the court. His group advocates for victims of war crimes to go through a process of "Restorative" Justice – a form of transitional justice that emphasizes the repair of harm done to victims through a process of victim empowerment and reparations (financial payments to victims). It is the opposite of "Retributive" justice, where perpetrators are tried and then jailed or fined.

There has not been a more recent survey, but in 2010 the Human Rights Council at the University of California surveyed Liberians and found that about 57 percent of the population was in favor of restorative justice.

"When you try to prosecute Liberians through a court, many Liberians will go to jail for no reason, because of the deep-rooted history of our country that includes marginalization, political degradation, institutional degradation and no political participation of the indigenous Liberians," says Sylla whose father and two brothers were killed during the war.

"We are saying, in order to reconcile this country, we have to look at the root causes...of the civil war as well as constitutional reform and national healing, reparation and restitution," Sylla says.

Sylla says he would like to see the huge amounts of money that are spent on courts go instead to the victims to help them rebuild their lives.

Amos Toe of Pleebo, Maryland County, who lost 13 relatives to the war, agrees with Sylla. "I think to accept a war crimes court in Liberia...will be reawakening the minds of people who got victimized in the war," he says.

In Sierra Leone, victims of the civil war there have never received reparations but there was a UN-backed Special Court that tried the top 20 perpetrators including former Liberian President Charles Taylor. (He was convicted for his role in Sierra Leone and is serving a 50-year sentence in a UK prison.) Many of the witnesses said the tribunal provided a great relief to them allowing them to testify in court and see some measure of justice done.

Rwanda had a dual process of retributive and restorative justice (the same combination recommended in Liberia's Truth and Reconciliation Report) which saw many perpetrators extradited to Arusha in Tanzania to face trial. This year Rwanda will commemorate 25 years since the 1994 genocide which saw the murder of an estimated 800,000 people, primarily of the Tutsi tribe. Rwanda has enjoyed peace and one of the strongest economies in Africa in the wake of the killings.

At a justice conference in November last year, Stephen Rapp, the former prosecutor for the Special Court for Sierra Leone, touched on the issue. "I think it is very important to prevent crimes, to deter, to protect our children."

Efforts at restorative justice in Liberia have bared little fruit. President Ellen Johnson Sirleaf appointed Leymah Gbowee, a fellow Nobel laureate, as Peace Ambassador to lead the process. A year after her appointment she resigned, accusing former President Sirleaf of doing little to address corruption and reconciliation in the country. The second effort was led by the current president George Weah who was then head of the opposition Congress for Democratic Change. Weah's term was also marred by controversies. Up to date, the few national monuments in honor of victims that were commissioned are yet to be completed. Communities are divided on things like religion and ethnicity, according to a 2018 Social Cohesion and Reconciliation Survey (SCORE). Victims have not been paid reparations and people are still carrying scars of the war.

Human Rights Commissioner James Torh says that the two efforts failed because they refused to work with the Independent Human Rights Commission.

"If you were doing reconciliation in this country you needed to come to us and say, 'Look, lets hold a conversation,'" says Torh.

Human Rights Commissioner Wilfred Gray-Johnson says the failed efforts at restorative justice have pushed more people to call for retributive justice, because little has been done to restore the victims.

"Some of the very people who are recorded allegedly as perpetrators of violence are some of the people who masquerade around town today calling themselves heroes and champions. Since the TRC Report was launched [over] nine years has been a long time and several persons are even more angry that nothing has been done," Gray-Johnson says. "I am afraid maybe were we to do another survey more people now would opt for retributive forms of justice"

The TRC report calls for both a war crimes court and a process of restorative justice Sylla prefers. The report calls for a palaver hut forum, war memorials, a national day of mourning and payments of reparations. "This will hasten reintegration and reconciliation and community-based atonement," it says.

For Kwiah, forgiving her brother's killers has not been easy. She once recognized the soldier who killed her brother and

pointed him out onboard a public bus. Fellow travelers pulled him off the bus and beat him. Kwiah said at the time the memories were still raw. If she saw him today, she would not identify him again.

“As a Liberian, even though we lost our brother in the process and he would not come back because it has already happened, so I will just let it be,” she says.

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

EAST AFRICA

Uganda

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

Former Rebel Fighter Denied Protective Measures, Testifies About Kony's Character (International Justice Monitor)

By Wairagala Wakabi

March 5, 2019

On Tuesday, International Criminal Court (ICC) judges rejected a request by a former fighter in a Ugandan rebel group to testify under a pseudonym and with his face shielded from the public. Judges determined that there was no danger to the witness testifying in public.

The witness was testifying in the trial of Dominic Ongwen, a former Lord's Resistance Army (LRA) commander. Ongwen has been charged with 70 counts of war crimes and crimes against humanity that occurred between July 2002 and December 2005. He has pleaded not guilty to all counts.

Before Witness P-140 started testifying Tuesday morning, Presiding Judge Bertram Schmitt delivered an oral ruling rejecting the urgent defense request to grant him protective measures. The judge said, “The chamber finds that the security risk to the witness is of a subjective nature, and no objective risk can be discerned.” None of the measures requested by the defense were granted.

In several trials before the ICC, including the trial of Ongwen, witnesses have testified under protective measure to keep their identities secret. This is because it is often feared that if it were known that these witnesses cooperated with the court, they could face reprisals.

The witness, who gave his legal name as Richard Ebuju, nickname ‘Cobra,’ testified mostly in open court. However, the focus of his testimony was not clear. Ebuju mentioned Ongwen only once, saying the former LRA commander on trial in The Hague was not among the LRA fighters who invaded the eastern Uganda sub-region of Teso.

“We didn’t hear of Dominic coming to Teso,” said Ebuju, who named some LRA commanders who he said were killed in the sub-region by the Arrow Boys militia. The militia was trained and armed by the national army, the Uganda Peoples Defense Forces (UPDF) to help fight Kony’s rebels.

According to the witness, who was questioned by defense lawyer Gordon Kifudde, the LRA were routed from Teso eight months after entering the sub-region.

Ebuju testified that after deserting the Special Force of the Uganda Police in 1986 when the National Resistance Army (NRA) captured power in Kampala, he retreated to Teso, where he joined the Uganda People’s Army (UPA) rebel group that fought government forces.

The UPA top commander, Francis Ereku, was his village-mate, instructor in police training school, and recruiter into the rebellion. The witness said at some point, the UPA and LRA fought jointly against government forces, and he personally saw Kony in Teso.

Judge Schmitt asked the witness about his impression of Kony.

The witness responded, “Kony is a soft spoken guy. He speaks with dignity. He doesn’t make noise anyhow. He doesn’t laugh anyhow. But ... Kony has strict orders, and the moment he says it’s an order you must go by what he says, failure of which he can declare you dead.”

Ebuju recalled an incident when he was part of a group led by Kony, comprising UPA and LRA fighters, which was moving from Teso to Acholi. “He told his fighting force that ‘we’re going with the visitors home so whether we meet the enemy there is no withdrawing. Whether we’re fighting through government barracks, fight and overrun, no withdrawing’. And that’s what we did. That’s when I learnt he was not a joking fellow.”

The prosecution and victim’s lawyers had no questions for the witness. On various occasions, the judge restrained the defense lawyer from questioning the witness about spiritual beliefs in the UPA and the LRA. He said judges were aware of issues of spirits in the groups and what the witness was going to say.

The witness also testified that a team comprising UPA and LRA rebels went to Kenya where they were given ammunition and shells for rocket-propelled grenades in an operation coordinated by UPA’s Musa Ecweru, who is currently a minister in the Ugandan government. Asked by the judge who gave them the ammunition, the witness responded, “It was the Kenya government providing us those weapons.”

Meanwhile, defense lawyer Thomas Obhof said Witness D-108, who was scheduled to testify next, had informed the defense that he was working on securing school fees for his seven children and declined to travel before he has secured it. He said although the witness was still keen to testify, it was not unknown when he would be available.

Similarly, while Witness D-136 was until last week preparing to travel to The Hague to testify, due to unnamed “political implications,” the court’s Victims and Witnesses Unit (VWU) withdrew his passport. Obhof said a third witness that had been scheduled to testify in this period died two weeks ago

Trial lawyer Benjamin Gumpert said the prosecution was disappointed “as we are all keen to get on with this trial.” In turn, the judge asked the defense to try and have one of its witnesses testify by video link this Thursday or Friday.

Kwoyelo Requests Transfer to the ICC Due to Prolonged Trial; Accuses Prison Guard of Assault (International Justice Monitor)

By Lino Owor Ogora
March 12, 2019

Thomas Kwoyelo, a former commander of the Lord’s Resistance Army (LRA) who is currently being tried by the International Crimes Division (ICD) in Uganda, has requested that his case be transferred to the International Criminal Court (ICC). Kwoyelo made the request while appearing before the ICD sitting at the High Court in Gulu on Monday. He blamed the slow pace of trial proceedings for his request.

At the same hearing, Komakech Henry Kilama, the counsel for victims, threatened to pull out of the trial due to failure by the ICD to provide remuneration and facilitation to the victims’ lawyers. The defense and prosecution also submitted their arguments in response to a bail application by Kwoyelo’s lawyers.

Kwoyelo, a former commander of the LRA, is facing 93 charges of war crimes and crimes against humanity allegedly committed between January 1995 and December 2005. Kwoyelo has been in detention since his capture in 2008. Justices Jane Persis Kiggundu, Duncan Gaswaga, and Micheal Elubu are presiding over his trial.

Kwoyelo’s trial has been synonymous with postponements and delays. Kwoyelo first appeared before the ICD in 2011. The start of his trial was first delayed due questions over whether or not he was entitled to amnesty under Uganda’s amnesty law, which was valid at the time of his capture. In 2015, the Supreme Court ruled that Kwoyelo’s trial did not violate the amnesty law.

In 2016, three pre-trial hearings were held in April, August, and September, all in a bid to have the charges against him confirmed but to no avail. In 2017, three pre-trial hearings were held in January, February, and March, but the charges against him remained unconfirmed.

In June 2018, a hearing was postponed due to lack of quorum by the defense lawyers, and another hearing scheduled for July 23 was postponed purportedly due to lack of funds. On August 30, the ICD finally confirmed the 93 charges against Kwoyelo, thus marking the end of the pre-trial phase, paving way for the main trial.

On September 24, 2018, the main phase of the trial commenced before the ICD sitting at the High Court in Gulu. However, the proceedings were postponed to November 5, following an objection by Kwoyelo's lawyers that the indictment had not been properly translated into the Acholi language. At the November 5 hearing, Kwoyelo's lawyers applied for bail, but a hearing on the subject was adjourned after the lawyers failed to produce substantive sureties.

From November 12 to 15, the trial resumed in Gulu, and after two days, Kwoyelo entered a not-guilty plea. The court also made a ruling on victims' participation by accepting the applications of some victims to participate in the trial. Kwoyelo's bail application was adjourned to January 18, 2019, and the trial start date was set for February 4, 2019, when the prosecution was expected to make their opening statement.

On January 18, Kwoyelo's bail hearing did not take place because his sureties mistakenly traveled to Gulu instead of appearing at the ICD in Kampala. For this reason, the defense requested for an adjournment to February 4.

On February 4, neither the bail hearing nor the prosecution's opening statement took place. The trial was then adjourned to March 11 on the request of both the prosecution and the defense lawyers. The prosecution reportedly needed more time to prepare their opening statement, while the defense had other engagements in the appellate court.

When the trial finally resumed on March 11, Kwoyelo through his lawyer, asked to make a statement and requested that his case be transferred to the ICC.

"I have been severely denied justice I have been in prison for 10 years now. Therefore, with due respect to this court, I request that my case be transferred to the ICC because I want it to be completed because this court is handling my trial so slowly and yet other cases have progressed faster than mine," said Kwoyelo. He cited examples of cases such as the Al-Shabaab bombings of 2010 and the trial of Jamil Mukulu before the same court, all of which he claimed progressed faster than his.

In response, the prosecution acknowledged that there had been a delay but noted that they were ready to proceed.

"It is true that there has been a delay in his trial, but it is because this case has a special history. In 2010, the accused and his team opposed the trial and it was referred to the Court of Appeal. All this took time and explains the delay," said prosecution lawyer Charles Kaamuli. "Since 2010, the prosecution has been ready to proceed, and even today we have summoned six to seven witnesses," he added.

The prosecution further argued that for Kwoyelo's case to go to the ICC, it had to follow the right procedures.

"Referring a case has procedures that should be followed, but not on court orders," argued prosecution lawyer William Byansi. "As prosecution we ask that this case be heard in Uganda."

The court ruled in favor of the prosecution. "The prosecution has given reasons to proceed at the ICD and has actually summoned witnesses while the defense is also ready to proceed, so the trial is on," ruled Justice Kiggundu."

Kwoyelo also accused one of the prison guards of assaulting him. "This morning when I was wearing my shoes to come to court I was assaulted by a female prison officer who pushed and slapped me," said Kwoyelo.

The prosecution, defense, and judges were unanimous in condemning the alleged assault and promised to investigate.

"The assault allegation is very unfortunate and regrettable and should be reported, investigated, and prosecuted. I will personally follow-up with the defense and report the incident to the commissioner of prisons," said Charles Kaamuli.

"If true, then it is regrettable, and the culprit must be found. The prosecution and defense lawyers will investigate and submit a report. [The] court directs that investigations proceed and a report be filed to the court," ordered Justice Kiggundu.

Another issue that came up at Monday's hearing was remuneration for the defense and the victims' lawyers. Two sets of lawyers currently represent Kwoyelo: one appointed by the court and the other on private brief. The victims counsel and the defense lawyers appointed by the court are supposed to be paid by the government, but this appears not to be happening.

"The [Ugandan] government has failed to fund [Kwoyelo] for his defense; they say there is no money to do it. If the government cannot support him, then it doesn't support complementarity and that is why I support the view of him being transferred to the ICC," noted Charles Dalton Opwonya, one of the defense lawyers.

It also emerged that one of the victims' lawyers was not able to travel to Gulu due to lack of assistance. As a result, victims' counsel Komakech Kilama threatened to withdraw from the case. "For a smooth trial all parties must be facilitated at least to minimum standards possible," said Komakech Kilama. "Why start up a trial when there is no money? If court feels like proceeding without victims' representatives, then it should discharge victims counsel."

Caleb Alaka, another one of Kwoyelo's lawyers, then requested that the lawyers who are on private brief be appointed as state brief by the court.

In its ruling, the court ordered that Kwoyelo's lawyers who were on private brief be appointed on state brief and remunerated by the court. The court also noted that the concerns of the victims' lawyers would be addressed during the trial.

The final issue heard by the court on the opening day was Kwoyelo's bail application, which was submitted earlier in 2018.

Defense lawyer Charles Opwonya requested court to grant the bail application, arguing that his client had been in detention for 10 years, citing rule 54 of the ICD Rules of Procedure and Evidence that provides for the granting of bail.

Defense lawyer Caleb Alaka further argued that Kwoyelo was the longest known accused in Uganda to have stayed for 10 years in prison without being convicted.

"He was abducted while in primary three, and it appears that he has been in prison all this years because escaping has never been an option for him. Government failed to protect him, otherwise he could have become a lawyer or doctor, but he has been in abduction since then," argued Alaka.

In support of his bail application, the defense presented four sureties: Gilbert Olanya, a member parliament; Olanya Alfred, a retired teacher and cousin of Kwoyelo; and two other relatives, a sister and a cousin to Kwoyelo. The prosecution objected to the bail application.

"The case is already at trial stage and prosecution witnesses have already been summoned, and the accused is charged with serious offenses, which attract serious punishment. It is very risky to grant bail to such a person," noted Charles Kaamuli.

Judges deferred a decision on the matter until next Wednesday.

Kwoyelo's trial will continue for the next two weeks where the prosecution will expected to make their opening statements and start presenting witnesses.

[back to contents]

Kenya

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

Kenya police summon finance minister over dams scandal (Reuters)

By Humphrey Malalo, Hereward Holland, and Maggie Fick

March 5, 2019

Kenyan police have summoned Finance Minister Henry Rotich for questioning for a second time over a multi-million dollar scandal involving advance payments for two dam projects, the head of the Directorate of Criminal Investigations (DCI) said.

The DCI said last week it was investigating what it described as fraudulent construction of the two dams valued at 63 billion shillings. Some payments had already been made despite the dams not being built, it said.

Rotich was not immediately available for comment, but in a statement published by local media on Sunday, he said that up to 19.8 billion shillings (\$198 million) had been paid in advance to various firms for the Aror and Kimwarer dams.

He said the payments had been made in accordance with the law.

"He must answer several questions," George Kinoti, the head of the DCI, told Reuters in a text message late on Monday.

Rotich arrived at the Directorate of Criminal Investigations headquarters in Nairobi at around 6 am on Tuesday, a police officer posted outside told Reuters.

Kenya Prosecutor Targets 3 Cabinet Secretaries in Probe (Bloomberg)

By Bella Genga

March 9, 2019

Kenya's State prosecutor may question three cabinet secretaries next week in an ongoing graft investigation involving high-ranking government officials, Star Newspaper reported, citing the Director of Criminal Investigations George Kinoti.

Investigations began last week with National Treasury Secretary Henry Rotich, who was questioned for three consecutive days on his role in authorizing advance payments for the construction of two dams.

The prosecutor wants to question Eugene Wamalwa, Mwangi Kiunjuri and Simon Chelugui, the Devolution, Agriculture and Water and Sanitation cabinet secretaries, respectively, the Star said. Other parties in the Kimwarer and Aror dam projects, where billions of shillings is suspected to have been lost in fraudulent contracts and payments, will be questioned, the newspaper said.

The sum under investigation is 65 billion shillings (\$652 million), out of which 21 billion shillings has already been paid out.

[back to contents]

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Jurors hear two sides to asylum seeker suspected of genocide atrocities (Boston Herald)

By Laurel J. Sweet

March 11, 2019

Jurors have begun wading into the Jekyll-and-Hyde story of a man prosecutors said tried to seek asylum in New England some 20 years after the onetime medical student fled his secret past as a confederate of the civil war in Rwanda in 1994./p>

"He claimed asylum in the United States. Persecutors cannot claim asylum," assistant U.S. Attorney Scott Garland explained to jurors Monday at Moakley Federal Courthouse during opening statements in the federal trial of Jean Leonard Teganya.

Teganya, 47, is charged with immigration fraud and perjury, but it was his allegiance to extremist Hutu soldiers who slaughtered as many as 800,000 Tutsi in the course of 100 days of genocide in 1994 that eventually drove him to try to sneak into America in 2014 via the border of Maine and Canada, Garland said.

In the university hospital in Butare, Rwanda, where Teganya was sent to observe doctors as part of his studies, Garland said, "He pointed Tutsi out to the soldiers so they could be taken away. He led soldiers to women and girls so those women and girls could be raped."

He told jurors they will hear from a woman who was one of four Tutsi students the Hutu herded to a body pit outside the hospital's maternity ward to be killed. "A place of life so close to a place of death," Garland noted. But her life was spared by a "compassionate" soldier, he said, and she now works at that very same hospital as a nurse.

Garland said Teganya affirmatively denied to immigration officials ever seeing any atrocities take place at the hospital. "He did that even though some of the atrocities that occurred at the hospital were at his own hands," he said.

Teganya's attorney Scott Lauer said his client's stops after Rwanda included India, where he earned a master's degree in economics. He acknowledged his client is Hutu and that his father was an official for the MRND political party prosecutors said was behind the mass murders of Tutsi. But Lauer said Teganya's own mother is Tutsi.

"The idea that he was raised to hate Tutsi is false," Lauer said.

He said Teganya did stay at the hospital even after the killings started. But, "He remained there treating people, helping people," he said. "This was a crisis situation."

Congo-Kinshasa: Bemba Seeks U.S.\$ 77.7 Million Award From ICC, With U.S.\$ 24 Million to Go to Victims (All Africa)

By Wairagala Wakabi

March 12, 2019

Former Congolese vice president Jean-Pierre Bemba is seeking €68.8 million (US\$ 77.7 million) in compensation from the International Criminal Court (ICC) over his 10-year detention and alleged mismanagement of his assets by the court's Registry.

In a March 8, 2019 filing, Bemba asked Pre-Trial Chamber II judges to order that he should be awarded €12 million for the period of his detention, another €10 million in aggravated damages, €4.2 million for his legal costs, and €42.4 million for damage to his property.

Bemba said the compensation for his long detention should be used to provide reparations to people in the Central African Republic (CAR), where the crimes he was tried for were committed. This could amount to €22 million (US\$ 24.8 million), comprised of the primary award of €12 million plus the €10 million in aggravated damages. The rest of the award, mostly related to destruction of his property, would go to him and his family.

Defense lawyer Peter Haynes said Bemba was ready to work with the legal representatives of victims and the Trust Fund for Victims "to provide meaningful assistance to those affected by conflict in that region [CAR] funded by any compensation he receives for his wrongful incarceration."

On June 8, 2018, the ICC Appeals Chamber overturned his 2016 conviction for war crimes and crimes against humanity. He had been in detention since March 2008. Haynes cited the long period of detention and the alleged abuse of Bemba's fair trial rights in seeking damages that are not related to the alleged damage to Bemba's property. Haynes said the purpose of the claim was "to attempt to repair some of the damage done to the man and his family by his arrest, detention and ancillary actions of the Court and certain States Parties."

In the filing to Pre-Trial Chamber X, Haynes cited Article 85(3) of the court's Rome Statute, which provides that "[i]n exceptional circumstances, where the court finds conclusive facts showing that there has been a grave and manifest miscarriage of justice, it may in its discretion award compensation ... according to the criteria provided in the Rules of Procedure and Evidence, to a person who has been released from detention following a final decision of acquittal or a termination of the proceedings for that reason."

He also cited Rule 173(2), which requires that the request for compensation shall be submitted not later than six months from the date the person making the request was notified of the decision of the court concerning "the existence of a grave and manifest miscarriage of justice under article 85(3)."

Haynes acknowledged that there is no "exact science" for calculating compensation for loss of liberty and the related physical, psychiatric, and reputational damage. He nonetheless cited various examples of awards issued by various courts. Ultimately, the figure of €12 million the defense gave as the compensation sought for Bemba's long detention was derived from a ruling by Trial Chamber VII judges, who sentenced Bemba for tampering with witnesses. In that sentence, of one year's imprisonment and a fine of €300,000, the judges said if Bemba failed to pay the fine the sentence could be extended by one quarter or five years, whichever is shorter. The defense says since the shorter period of extension would be three months, this indicates that the judges equated a value of €100,000 to each month of Bemba's imprisonment.

Besides the cost of Bemba's legal fees, other figures cited by Bemba's lawyers are derived from calculations by Dutch valuations firm BFI Global. The firm estimated [PDF] Bemba's losses to have reached €42.4 million by December 31, 2018 but added that this did not include losses related to real estate investments in Congo.

The defense alleges that the court acted negligently in seizing and freezing Bemba's properties without properly managing them. It contends that Bemba would have had a valid claim even if he had been convicted in the criminal trial.

Following an ICC request, in May 2008 Bemba's bank accounts in Congo, Portugal, Belgium, and an unnamed country were frozen. Bank accounts in Belgium and Portugal in his wife's name were frozen too. A family home in Brussels, various properties and parcels of land in Congo, and a villa and a boat in Portugal were also seized.

The defense says additional property was seized, apparently without judicial order. It included two villas, three motor vehicles, and a Boeing 727-100 aircraft at Faro airport in Portugal; a river cruiser, six aircraft, and several vehicles in Congo.

According to the defense, at the time of Bemba's arrest, his Portuguese bank was settling invoices for the Boeing's monthly parking and maintenance fee of €1,527. Once the account was frozen, the bank was unable to pay, and when Bemba requested

in December 2010 to be given back the aircraft's keys and documentation to lease it out, the ICC Registry responded in May 2011 that the Office of the Prosecutor (OTP) "had been unable to identify the key of the plane and thus it could not be handed over."

Haynes said the OTP returned the keys in September 2018 following Bemba's acquittal. By then, the plane had incurred a debt of €981,954 and is "now scrap." Haynes said if the prosecution had handed over the keys earlier, the plane could have been moved to a location with lower or no fees, or it could have been sold to a buyer who offered €1 million.

The defense argues that it was not reasonable for a case involving a single accused, with one form of liability, and events spanning a five-month period, to take a decade to conclude. After Bemba initially appeared before an ICC judge, 192 days passed before the confirmation of charges hearing. After charges were confirmed, 525 days passed before his trial commenced, notes the defense. The trial lasted four years, and he was convicted 16 months later. A further 659 days then passed before the hearing of his appeal, on which judgement was delivered 213 days later.

Bemba's lawyers contend that there can be no possible justification for a case taking this long. While it often argued that some cases at International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) also took a decade, Bemba's defense counters that "the length of trials at the ICTY and ICTR is a stain on their legacy from which they will perhaps never recover, and the ICC should be doing better."

Still, Bemba's lawyers cited the ICTY case against Vujadin Popović and six others, which it said had seven times the volume of documentary evidence and at least four times more testimony, yet the trial was conducted in just over three years, with verdicts rendered nine months thereafter.

The defense contends that the ICC has no immunity from claims under private law and that it can be sued for those losses in domestic jurisdictions in Portugal, Belgium, or Congo. Defense lawyers said an alternative to offering Bemba compensation of €68.8 million, Bemba should be awarded a sum not less than €42.4 million for damage to his property under the ICC's inherent power to make an award of financial compensation. Alternatively, they said, his claim for financial loss for destruction and damage to his property should be submitted to binding arbitration under the rules of the United Nations Commission on International Trade Law (UNCITRAL).

[back to contents]

Somalia

Airstrike in Somalia Kills 26 al-Shabab (Military.com)

March 2, 2019

The United States military on Friday said it had killed 26 fighters with the al-Shabab extremist group with an airstrike in central Somalia, after a pair of strikes earlier this week killed 55.

The U.S. has carried out 24 such strikes this year, more than half the number in all of 2018. Several have had death tolls in the double digits, including one in mid-January that killed 52 fighters and one in late January that killed 24.

A U.S. Africa Command statement said the attack occurred Thursday in the Hiran region, where the earlier ones took place. When asked why recent strikes have been deadlier, a spokeswoman said Somali and "partner forces continue to make incursions into territory formerly controlled by al-Shabab," giving them chances to collect more intelligence and develop targets.

The new airstrike was announced shortly after Somali authorities said a deadly overnight siege by al-Shabab had ended in the capital, Mogadishu, with all attackers killed. At least 24 people were killed with more than 50 others wounded, many of them critically.

The attack, which began with a pair of car bombs on Thursday night as Somalis relaxed in a popular neighborhood of restaurants and bars, was one of the most serious in months and was quickly claimed by the al-Qaida-linked al-Shabab.

While the U.S. statement said the airstrikes are meant to degrade al-Shabab's ability to coordinate attacks against the Somali

people, the carnage showed that Africa's deadliest Islamic extremist group still has the ability to strike in the heart of the capital.

The U.S. has dramatically increased airstrikes against al-Shabab since President Donald Trump took office. Authorities and experts acknowledge that it will take more than airstrikes to defeat the extremist group, which holds large parts of rural central and southern Somalia.

The group, which claimed the deadly attack on a luxury hotel complex in the capital of neighboring Kenya last month, was also behind the deadliest attack in Somalia's history, a massive truck bombing that killed well over 500 people in Mogadishu in October 2017.

The U.S. military is one of several security actors in Somalia, along with a multinational African Union mission and troops from Kenya and Ethiopia. The United States says it acts in coordination with Somalia's government, whose military is expected to take over primary responsibility for the country's security over the next few years.

The African Union mission has begun a step-by-step withdrawal of forces — the withdrawal of 1,000 Burundian soldiers has begun — but some in the U.S. military and elsewhere warn that Somali forces are not yet prepared.

A United Nations panel of experts monitoring sanctions on Somalia has described the country's troops as largely poorly equipped and underpaid, conditions that cause some personnel to sell their weapons or uniforms for a little cash.

Trump Administration Steps Up Air War in Somalia (The New York Times)

By Eric Schmitt and Charlie Savage

March 10, 2019

The American military has escalated a battle against the Shabab, an extremist group affiliated with Al Qaeda, in Somalia even as President Trump seeks to scale back operations against similar Islamist insurgencies elsewhere in the world, from Syria and Afghanistan to West Africa.

A surge in American airstrikes over the last four months of 2018 pushed the annual death toll of suspected Shabab fighters in Somalia to the third record high in three years. Last year, the strikes killed 326 people in 47 disclosed attacks, Defense Department data show.

And so far this year, the intensity is on a pace to eclipse the 2018 record. During January and February, the United States Africa Command reported killing 225 people in 24 strikes in Somalia. Double-digit death tolls are becoming routine, including a bloody five-day stretch in late February in which the military disclosed that it had killed 35, 20 and 26 people in three separate attacks.

Africa Command maintains that its death toll includes only Shabab militants, even though the extremist group claims regularly that civilians are also killed. The Times could not independently verify the number of civilians killed. The rise in airstrikes has also exacerbated a humanitarian crisis in the country, according to United Nations agencies and nongovernmental organizations working in the region, as civilians are displaced by conflict and extreme weather.

“People need to pay attention to the fact that there is this massive war going on,” said Brittany Brown, who worked on Somalia policy at the National Security Council in the Obama and Trump administrations and is now the chief of staff of the International Crisis Group, a nonprofit organization focused on deadly conflicts.

The war in Somalia appears to be “on autopilot,” she added, and one that is drawing the United States significantly deeper into an armed conflict without much public debate.

Somalia, a country that occupies a key strategic location in the Horn of Africa, has faced civil war, droughts and an influx of Islamist extremists over the years. The growing United States military engagement stands in stark contrast to the near-abandonment not long after the “Black Hawk Down” battle in 1993, which left 18 Americans and hundreds of militia fighters dead.

The intensifying bombing campaign undercuts the Trump administration’s intended pivot to confront threats from great powers like China and Russia, and away from long counterinsurgency and counterterrorism campaigns that have been the Pentagon’s focus since 2001.

Analysts suggested that the increase in American strikes may also reflect an unspoken effort by American commanders to inflict as much punishment on the Shabab while they can.

“Many of our commanders probably see a renewed urgency to degrade the enemy quickly and forcefully,” said Luke Hartig, a former senior director for counterterrorism at the National Security Council during the Obama administration.

Gen. Thomas D. Waldhauser, the head of Africa Command, said planned cutbacks elsewhere would not affect what the military is doing in Somalia.

“We’ll maintain our capability and capacity there,” General Waldhauser told the House Armed Services Committee last Thursday. Africa Command is scaling back American forces nearly everywhere else on the continent in a move that poses a particular threat for West Africa, which is grappling with a range of extremist groups.

The Shabab formally pledged allegiance to Al Qaeda in 2012. But long before that, they fought Western-backed governments in Mogadishu as the group sought to impose its extremist interpretation of Islam across Somalia. In defending the fragile government, the United States has largely relied on proxy forces, including about 20,000 African Union peacekeepers from Uganda, Kenya and other East African nations.

The United States estimates that the Shabab have about 5,000 to 7,000 fighters in Somalia, but the group’s ranks are fluid. A State Department official, citing interviews from Shabab deserters, said that the number of hard-core ideologues may be as few as 500.

There are also now roughly 500 American troops in Somalia. Most are Special Operations forces stationed at a small number of bases spread across the country. Their missions include training and advising Somali army and counterterrorism troops and conducting kill-or-capture raids of their own.

The Shabab have proved resilient against the American airstrikes, and continue to carry out regular bombings in East Africa.

A range of current and former American officials said no seismic strategic shift explains the increased airstrikes and higher body count; the mission remains providing security so the fledgling Somali government will have time and space to develop its own effective military and security services.

But they noted a range of contributing factors for the rise in tempo and lethality of the military campaign.

Gen. Thomas D. Waldhauser, the head of the military’s Africa Command, testifying before Congress last Thursday. He said planned cutbacks elsewhere will not affect what the military is doing in Somalia.

Taking a page from counterinsurgency tactics developed in Afghanistan, American forces have helped Somali soldiers build several outposts across Somalia, about 20 percent of which is still controlled by the Shabab. One is named for Staff Sgt. Alexander W. Conrad, of Chandler, Ariz., who was killed in a mortar attack last year while he helped to build it.

The Shabab leadership views the outposts “as an irritant, masses to go after it, but fails,” Maj. Gen. Gregg Olson, the Africa Command’s director of operations, said in an interview.

In turn, that has put attacking Shabab fighters in the cross hairs of American airstrikes to defend the Somali forces.

Several officials said intelligence operations — including aerial surveillance, electronic intercepts and informant networks — have improved over the past year.

American troops with the secretive Joint Special Operations Command have built up informant networks that lead to raids and strikes, after which they collect cellphones, laptops and documents to generate information for more.

The drawdown of American military operations elsewhere in the world — including in Syria and, to a lesser immediate extent, Afghanistan — also has most likely freed up more drones and other gunships for use over Somalia, several former United States officials said.

“We were geared up for counterterrorism efforts in Somalia, and now there are more resources to do it, so we’re doing more of it,” suggested Stephen Schwartz, who served as the United States ambassador to Somalia from 2016 to 2017, although he cautioned that he had no current insider knowledge.

“It could be there is some well-thought-out strategy behind all of this,” Mr. Schwartz added, “but I really doubt it.”

The loosening of Obama-era constraints on using force in Somalia, as approved by President Trump in 2017, has also contributed.

Shortly after taking office, Mr. Trump declared Somalia to be an “area of active hostilities” subject to war-zone rules. That freed the United States military to carry out offensive operations whenever Shabab militants presented themselves —

including against foot soldiers without special skills or roles.

Mr. Trump also delegated authority to commanders to carry out strikes without high-level interagency vetting. But Africa Command was initially slow to embrace it, waiting months before it carried out its first strike in 2017 under the new rules.

Now, however, it has opened the throttle, according to military data compiled by Bill Roggio, a senior fellow at the Foundation for the Defense of Democracies, who has tracked counterterrorism airstrikes for more than a decade on his Long War Journal.

Many of the recent airstrikes have targeted large groups of suspected fighters, killing more than 10 people in a single fierce swoop. Africa Command has disclosed strikes and estimated death tolls in a series of terse news releases, earning scant attention from Congress or the news media.

Along with the European Union and the United Nations, the United States also has continued to invest in so-called soft power assistance to Somalia, providing humanitarian aid such as food to drought victims, and development programs on education and training.

Officials cited signs of recent incremental progress in efforts to help the Somali government build a functional national army. And in December, the United States re-established a permanent diplomatic presence in Somalia for the first time since 1991. The current United States ambassador to Somalia, Donald Yamamoto, lives in Mogadishu, although the mission consists of a windowless bunker at the well-guarded airport.

There is good reason for caution. In 2013, Shabab militants carried out a deadly attack at the Westgate mall in the Kenyan capital of Nairobi. In January, they attacked a luxury hotel and office complex in Nairobi, killing 21 people. And in late February, the Shabab claimed a double bombing and the siege of a hotel in Mogadishu that killed at least 25 people.

General Olson said the military would continue to go after the Shabab as long as that is its mission.

“We go after the network when the network presents itself, whether a single node or a concentration,” he said. “We’ve developed intelligence and are sussing out the relationship between the leadership and those being led; between those being led and those being trained or recruited or massed for an attack.”

“We understand the network better than we have in years past,” General Olson said.

[back to contents]

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Serb Fighters’ Indictment Details Strpci Train Massacre Plot (Balkan Insight) By Filip Rudic
March 1, 2019

On February 27, 1993, Nail Kajevic waited in the southern Serbian town of Prijepolje for his brother Nijazim to arrive by train from Belgrade. But when the train arrived after some delay, his brother was not on it and the other passengers had a gruesome story to tell.

The train had been stopped at a small station in the Bosnian town of Strpci, near the Bosnia-Serbia border, and uniformed men took several passengers away in an unknown direction.

“Out of the 20 who were taken, nine were from Prijepolje, so the families found out right away,” Nail Kajevic told BIRN.

The 20 non-Serb passengers were taken and killed by members of a Serb paramilitary unit called the Avengers, which was under the command of Milan Lukic.

Among the victims were 18 Bosniaks, one Croat and one unidentified person. The remains of only four of them have been found, while the others are still listed as missing.

Only two Bosnian Serb fighters have so far have been convicted of the crime -Nebojsa Ranisavljevic, who was sentenced to 15 years in prison in Montenegro, and Mico Jovicic, who received a five-year sentence after pleading guilty before the Bosnian state court.

The Avengers' leader Milan Lukic was sentenced to life imprisonment by the Hague Tribunal in 2012 for committing war crimes in the eastern Bosnian town of Visegrad, but not for the Strpci deaths.

The trial of ten suspects began in the Bosnian capital Sarajevo in October 2015 after their arrests in December the previous year.

In Belgrade, the trial of five more suspects officially began on January 29 this year, only to be postponed because one of the defendants was ill. The postponed opening hearing was rescheduled for March 4, but it remains uncertain if it will be held or not.

The Serbian prosecution has charged Gojko Lukic, brother of the Avengers' chief Lukic, along with Ljubisa and Dusko Vasiljevic, Jovan Lipovac and Dragana Djekic.

But the victims' families have little hope that any court will convict anyone except the direct perpetrators, and say that the authorities are not interested in finding the remaining victims or compensating the relatives.

Executions at a burned-out house

According to the Serbian war crimes prosecutor's indictment, on February 27, 1993, a group of 25 to 30 Bosnian Serb Army fighters was formed with the task of abducting non-Serb passengers from a train travelling from Belgrade to Bar in Montenegro.

Around 3.30pm the same day, the fighters travelled to Strpci, where they forced the rail traffic controller to stop the train there, threatening the controller with weapons. The prosecution claims that Ljubisa and Dusko Vasiljevic and Jovan Lipovac were in this group.

After the train was halted, some of the soldiers positioned themselves on either side of the tracks, while others entered the train and checked the passengers' IDs, in order to identify non-Serbs.

From the train they took Fevzija Zekovic, Halil Zupcevic, Ilijaz Licina, Rasim Coric, Nijazim Kajevic, Muhedin Hanic, Ismet Babacic, Esad Kapetanovic, Senad Djecevic, Safet Preljevic, Adem Alomerovic, Zvijezdan Zulicic, Seco Softic, Fehim Bakija, Rifat Husovic, Jusuf Rastoder, Tomo Buzov, Dzafer Topuzovic, Fikret Memovic and one unknown individual.

Two witnesses later described hearing some of the passengers shout to the paramilitaries: "Take them away, kill them!"

They loaded the victims onto a military truck and drove them to an elementary school in the nearby village of Prelovo, where they were joined by Gojko Lukic and Dragana Djekic.

At the elementary school, the victims were beaten, ordered to take off their clothes and robbed of money and valuables, according to the indictment.

Wearing nothing but underwear, with their hands tied behind their backs with string, the victims were driven a burned-out house in the village of Musici, where they were executed in groups of two or three. Two of the victims were killed while trying to escape.

What Belgrade knew about the crime

In September 2002, Montenegro sentenced Avengers member Nebojsa Ranisavljevic to 15 years in prison for taking part in the abduction and killings.

During his trial, the Belgrade Public Railway Transportation Company, ZTP, delivered previously confidential reports to the court that showed how much the Belgrade authorities knew about the planned kidnapping.

A report signed by the director of ZTP's sector for defence preparations and protection, Milan Mandic, said that he was

informed on January 28 that Serb forces would stop a train and “take passengers away”.

“The action will take place on the section of the Belgrade-Bar railway that goes through Bosnia and Herzegovina,” Mandic wrote in a report to the ZTP General Manager on February 1, 1993.

In the report, Mandic also said that he had meetings on the issue with representatives of the police, State Security and the Defence Ministry.

According to the documents, the ZTP asked the Serbian Defence Ministry and Yugoslav Army to put pressure on Bosnian Serb forces to give up on the planned action.

However, a Montenegrin commission established to investigate the abductions obtained documents from the Serbian Public Prosecutor’s office showing that a Serbian train conductor was writing down passengers’ names on their tickets as the train left Belgrade, before stopping at Strpci.

The Montenegrin commission’s 1995 report said that there are suspicions that the kidnappings were “meticulously planned”.

Some of the victims’ families are convinced that the Serbian authorities were behind the planning and execution of the crime.

“This was the work of state leadership. It was not some robbery or vengeance, but a scenario designed in Belgrade,” Nail Kajevic said.

Ragib Licina, whose brother Ilijaz was among the victims, said that truth came out during the Ranisavljevic trial, but the courts have not acted upon it.

“That’s the reality, everything is known, but there is no justice, no punishment for the crime,” Licina told BIRN.

He added that the authorities are doing nothing to locate the remains of the 16 people who are still missing.

The remains of four victims – Halil Zupcevic, Rasim Coric, Jusuf Rastoder and Ilijaz Licina – were found in Lake Perucac, which lies on the Bosnia-Serbia border, in 2009 and 2010.

In a joint operation in 2014, Bosnia and Serbia arrested 15 people suspected of the Strpci abductions, among them Gojko Lukic and former Bosnian Serb Army officers Luka Dragicevic and Boban Indjic.

The trial of Dragicevic, Indjic and eight others opened in Bosnia in 2015 and is still ongoing, with only Mico Jovicic pleading guilty and receiving a five-year sentence.

In Serbia, the war crimes prosecutor filed an indictment against Gojko Lukic and four others in May 2018, almost three-and-a-half years after their arrest.

Ragib Licina, who lives in the Montenegrin town of Bijelo Polje, said that he would like to attend the trial, but he is afraid to travel in Serbia.

“We [the families] want the culprits and those who gave the order to be brought to justice and face adequate punishment,” Licina said.

Strpci Massacre Defendants Plead Not Guilty In Serbia (Balkan Insight) By Filip Rudic
March 4, 2019

Five former Serb fighters on Monday pleaded not guilty to abducting and killing 20 non-Serbs from a train in the Bosnian town of Strpci in 1993 during the 1992-1995 Bosnian war.

[The defendants told the Belgrade Higher Court that they did not participate in the kidnapping and murder of the passengers abducted from a train at Strpci, near the Bosnia-Serbia border, on February 27, 1993.

“It turns my stomach when I hear what was done [according to the indictment],” the main defendant, Gojko Lukic, said.

He called the allegations “nonsense”, claiming that he was working in Belgrade at the time of the crime.

Another defendant, Ljubisa Vasiljevic, claimed that he was wounded in 1992 and was still undergoing treatment when the crime happened.

His brother, Dusko Vasiljevic, said that he participated in the Bosnian war until July 10, 1992, but not after that date.

Jovan Lipovac refused to answer questions from the prosecutor, but also denied participating in the crime.

Dragana Djekic, the only woman charged, accused the war crimes prosecutor of offering her immediate release from custody if she confirmed the other allegations from the indictment, which she had refused to do.

Djekic said that she had recruited some fighters on behalf of Milan Lukic, commander of the "Avengers" Bosnian Serb paramilitary outfit that operated in and around the town of Visegrad in eastern Bosnia, where she stayed from January to mid-March 1993.

"I have absolutely nothing to do with the charges, except that I was in Visegrad at the time," Djekic said.

The indictment says that on February 27, 1993, a group of 25 to 30 Bosnian Serb Army fighters was formed with the task of abducting non-Serb passengers from a train travelling from Belgrade to Bar in Montenegro.

They took the passengers to a primary school in the village of Prelovo where they were tortured and robbed. They then drove them to a burnt-down house in the village of Musici, where they killed them.

The Serbian prosecution has charged Gojko Lukic, brother of the Avengers' chief Milan Lukic, along with Ljubisa and Dusko Vasiljevic, Jovan Lipovac and Dragana Djekic.

Only two Bosnian Serb fighters have been convicted of the crime.

Nebojsa Ranisavljevic was sentenced to 15 years in prison in Montenegro in 2002. Mico Jovicic received a five-year sentence after pleading guilty before the Bosnian state court in 2016.

The Avengers' leader, Milan Lukic, was sentenced to life imprisonment by the Hague war crimes tribunal, the ICTY, in 2012, for committing war crimes in the town of Visegrad, but not for the Strpci deaths.

The next hearing in the trial is scheduled for April 3.

Bosnian Court Quashes Assault Acquittal of Bosniak Policeman (Balkan Insight) By Denis Dzidic
March 7, 2019

The appeals chamber of the Bosnian state court announced on Thursday that it has partially upheld the prosecution's appeal against the verdict acquitting Kahro Vejzovic of abusing Serb prisoners, and ordered him to be retried on seven counts in the indictment.

He is accused of beating up Serb civilian detainees in the village of Stupari, near Kladanj, in the period from June to September 1992.

However the appeals chamber upheld his acquittal on seven other counts on which he was charged with abusing Serb men in Stupari.

In August last year, he was acquitted of torturing detained Serb civilians in Stupari by hitting them on their heads and in their groins with his fists, baton and rifle butt, kicking them, putting a handgun and knife to their throats, threatening them and forcing them to eat paper.

Presiding judge Vesna Jesenkovic said at the time that the state prosecution had not proved Vejzovic's guilt and that most of the counts were based on statements given by one witness only.

Vejzovic was originally standing trial together with Safet Mujcinovic, Selman Busnov, Nusret Muhic, Zijad Hamzic, Ramiz Halilovic, Nedzad Hodzic and Osman Gogic, who were acquitted, under a first-instance verdict, of committing war crimes in the Kladanj area from May 1992 to July 1993.

However, after being on trial with the seven other defendants for two years, his case was separated from the others due to his illness.

Thursday's verdict can be appealed.

Bosnian Army Ex-Commander Goes on Trial for Shelling Village (Balkan Insight) By Marija Tausan
March 12, 2019

The trial of Ramiz Drekovic opened at the state court in Sarajevo on Tuesday, with

the defendant accused of ordering artillery units of the Bosnian Army's Fourth Corps to carry out non-selective attacks on Serb civilians in the village of Kalinovik in the Konjic municipality between May 21 and June 7, 1995.

According to the charges, Fourth Corps artillery units conducted three attacks, firing missiles of "great destructive power".

It is further alleged that in an attack on June 3, several projectiles fell in the vicinity of a school building, killing a 15-year-old schoolgirl and wounding four other pupils.

In the two other attacks, a four-year-old boy and another civilian were injured.

Presenting his introductory arguments, prosecutor Milanko Kajganic said that the attacks caused terror to spread and the local population to leave the area.

"We shall prove that the attacks were carried out by the Fourth Corps exclusively," Kajganic said.

Prior to the beginning of the trial, the defence called for a postponement because it had not received all the necessary documentation.

The defence lawyers said they needed several documents from the Bosnian Defence Ministry archive, but not allowed access to the archive. The defendant's request for access was rejected with the explanation that he was subject to criminal proceedings.

Defence lawyer Kadrija Kolic said that preventing the defendant from having access to the archives was contrary to European standards and his right to a fair trial.

Presiding judge Stanisa Gluhajic said the court would press the ministry to grant consent for the defence to access to the archives as quickly as possible.

[back to contents]

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Public Monitoring of ICTY Verdict on Radovan Karadzic on March 20th in Sarajevo (Sarajevo Times) March 7, 2019

The Appeals Chamber of the International Residual Mechanism for Criminal Tribunals will, as already announced, make a verdict on Radovan Karadzic on March 20th in The Hague.

The ICTY Center Sarajevo will organize public monitoring on March 20th, starting at 14:00 o'clock, in the presence of Victims' Associations, representatives of the academic community, international organizations and the non-governmental sector.

After the pronouncement of the verdict, the attendees will have the opportunity to hear the clarifications and opinions of legal experts regarding the verdict pronounced.

Radovan Karadžić was charged with two counts of genocide, five counts of crimes against humanity, and four counts of violations of the laws or customs of war committed by Serb forces during the armed conflict in Bosnia and Herzegovina ("BiH"), from 1992 until 1995.

On 24 March 2016, Trial Chamber III of the International Criminal Tribunal for the former Yugoslavia ("ICTY") convicted Karadžić of genocide in the area of Srebrenica in 1995 and of persecution, extermination, murder, deportation, inhumane acts (forcible transfer), terror, unlawful attacks on civilians, and hostage-taking. He was acquitted of the charge of genocide in other municipalities in BiH.

The Trial Chamber found that Karadžić committed these crimes through his participation in four joint criminal enterprises

("JCE"s): (i) the JCE to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory through the commission of crimes in municipalities throughout BiH; (ii) the JCE to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling; (iii) the JCE with the common purpose of taking UN personnel hostage in order to compel NATO to abstain from conducting air strikes against Bosnian Serb targets; and (iv) the JCE to eliminate the Bosnian Muslims from Srebrenica in July 1995. The Trial Chamber also found Karadžić responsible as a superior in relation to certain crimes committed by his subordinates in Srebrenica in 1995.

The Trial Chamber sentenced Karadžić to 40 years of imprisonment.

Following the rendering of the Trial Judgement, and in accordance with Article 2 of the Mechanism's Transitional Arrangements, the Mechanism assumed jurisdiction for the appeals proceedings in the Prosecutor v. Radovan Karadžić case. Both Karadžić and the Prosecution appealed the Trial Judgement, filing their respective notices of appeal on 22 July 2016, their appeal briefs on 5 December 2016, their response briefs on 15 March 2017, and their reply briefs on 6 April 2017. The appeal hearing took place on 23 and 24 April 2018 at the Mechanism's Hague branch.

The initial indictment against Karadžić was confirmed on 25 July 1995. He was arrested in Serbia on 21 July 2008, and transferred to the ICTY on 30 July 2008. The trial commenced on 26 October 2009 and 586 in-court testimonies were heard by the Trial Chamber.

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

Domestic Prosecutions In The Former Yugoslavia

Prosecutors Urged to Probe Serb Chetnik Rally 'Hate Speech' (Balkan Insight) By Albina Sorguc
March 11, 2019

Western diplomats and Bosnian legal experts urged prosecutors to investigate the alleged incitement of religious and ethnic hatred at a rally by uniform-clad Serb nationalist Chetnik supporters in the town of Visegrad. Prosecutors have been urged to launch a probe after members of the Ravna Gora Movement – widely known as the Chetniks – held a gathering in the eastern Bosnian town of Visegrad, wearing black uniforms and reportedly singing ethnically provocative songs.

AFP news agency reported that the Serb Chetnik supporters were filmed on Sunday singing that "the River Drina will be bloody again". Visegrad, which lies by the River Drina, was the scene of war crimes by Serbs against Bosniaks in 1992.

Bosnian Security Minister Dragan Mektic said on Monday that his ministry will file a report on the Chetnik rally to the state prosecution.

"The agreement is that we will document the whole event, especially from the point of reference of messages and everything that was heard yesterday in Visegrad, and in the next few days, it will be delivered to the Bosnian Prosecutor's Office," Mektic told a press conference.

"But the fact is that the prosecution has to decide whether or not to launch an investigation in this case," he added.

The rally is held every year to commemorate the day when Dragoljub Mihailovic, the leader of the World War II Chetnik movement, was caught by the Yugoslav Communist authorities in 1946. During WWII, his forces committed war crimes and other atrocities, including crimes against Bosniaks in the Visegrad region.

Lawyer and former judge Vasvija Vidovic told BIRN that prosecutors should investigate because a criminal act was committed at the rally.

"What has been happening in Visegrad year after year, reaching its culmination this year, certainly constitutes a criminal act of inciting religious and ethnic hatred. At the very least, this was clearly hate speech," Vidovic said.

"It is not only about the gathering or peaceful gathering, but you saw the worst fascist messages aimed not only at causing ethnic hatred, but also animosity and fear among the local population, [post-war] returnees, and finally, local Orthodox

Christians who do not share fascist ideas too,” she added.

A criminal act of inciting religious and ethnic hatred exists in the criminal code of Bosnia’s Serb-dominated entity Republika Srpska, where Visegrad is located, and in the Bosnian state-level criminal code.

The US embassy in Sarajevo condemned Sunday’s rally and urged the Bosnian authorities to act.

“We are appalled by reports of threats and nationalistic rhetoric during today’s event in Visegrad. Such behaviour is unacceptable,” the embassy said in a message on Twitter on Sunday.

“We expect the relevant authorities to take the necessary steps to address these threats and hold accountable those responsible,” it added.

Denis Zvizdic, the head of Bosnia’s Council of Ministers, said on Sunday that the gathering brought back memories from the 1990s, when the “Chetnik ideology, racism and hegemonism were the basis of the brutal aggression [in Bosnia]”, N1 TV reported.

But Dusan Sladojevic, one of the organisers, defended the Chetnik rally, saying it was to celebrate Dragoljub Mihailovic, who he described as “a man who dedicated his life to freeing the Serbian people, as well as the development of democracy and defending the homeland from fascist aggressors”, Al Jazeera reported.

Serbia ‘Rejects Complaint’ About Croat Brothers’ Abduction (Balkan Insight) By Filip Rudic
March 13, 2019

The Humanitarian Law Centre NGO said that the Serbian war crimes prosecutor’s office rejected a criminal complaint that it filed about the abduction of two Croats from Serbia’s Vojvodina region in 1991. The Humanitarian Law Centre said on Wednesday that the war crimes prosecutor’s office has rejected its complaint, filed last month, about the abduction of Mato and Ivica Abjanovic, two Croats from the Serbian village of Morovic in the northern Vojvodina region, during the war in 1991.

“The HLC considers the disappearance of Abjanovic brothers to be a crime against humanity, committed as part of a systematic attack on Vojvodina Croats,” the organisation said in a press release.

The HLC said that Croats in Vojvodina were, over an extended period of time from 1991 to 1995, exposed to organised pressures conducted with the knowledge of Serbian authorities.

But it said that the war crimes prosecutor’s office rejected the criminal complaint on the grounds that it violated the “principle of legality”, meaning that Serbian legislature did not recognise crimes against humanity as a felony at the time the crime was committed.

The HLC said it disagrees, saying that the International Covenant on Civil and Political Rights, as well as the European Convention on Human Rights which Serbia ratified in 2004, say that the principle of legality is not breached if the crime was defined as such by national or international legislation.

It said that a crime against humanity was defined as a felony by the Charter of the International Military Tribunal. Also known as the Nuremberg Charter, this 1945 document defined the rules by which the Nuremberg trials for crimes during World War II were to be conducted.

In 1968 the UN General Assembly also adopted a Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, which the Socialist Federal Republic of Yugoslavia, SFRJ ratified in 1970.

The Convention says that crimes against humanity are not subject to statutes of limitation, regardless of whether they violate the legislature of the country in which they are committed.

“Therefore, Serbia, as a successor of the SFRJ, is obliged to process a crime against humanity... that was committed in 1991,” the HLC said.

The war crimes prosecutor’s office did not reply to BIRN’s inquiry by the time of publication.

Kosovo’s New War Crimes Strategy Faces Political Obstacles (Balkan Insight) By Serbeze Haxhijaj
March 13, 2019

Special Prosecutor Drita Hajdari tells BIRN that Kosovo’s new war crimes strategy

aims to boost prosecutions and deliver justice to victims - but she questions whether the political will currently exists to make it succeed. Special Prosecutor Drita Hajdari has recently moved office, but most of the files on war crimes which were handed over to the Kosovo authorities by international prosecutors last year are already on her shelf.

There is a huge backlog of unfinished cases waiting their turn to be dealt with, and last month the Kosovo Prosecutorial Council adopted a National War Crimes Strategy in an attempt to boost progress.

The new strategy seeks to prioritise the prosecution of war crimes after years in which these processes were run in Kosovo by internationals, and successful cases were few. The UN's Kosovo mission UNMIK and then the EU's rule-of-law mission EULEX conducted only a dozen war crimes trials, which were also criticised for being unnecessarily protracted.

The strategy says that work should focus on the chain of command responsibility, with a special focus on sexual violence. Missing persons will also be prioritised.

Other key elements are the protection of witnesses, which has long been a problem in Kosovo war crimes trials; the use of documents on the Kosovo conflict from the International Criminal Tribunal for the Former Yugoslavia; raising the number of prosecutors and other staff; the completion of an electronic database with war crimes evidence, and the classification of cases.

"We have 900 war crime cases and 2,000 others of missing people. It means this is an ocean. In such a situation we were pushed to find a way through, and this a strategy for how to deal with them," Hajdari told BIRN.

She said that in the target will be prosecuting people responsible for some of the "heinous massacres" in Kosovo.

"We will deal with responsibility according to the chain of command, based on military ranks, number of victims, orders and executors," she added.

But Hajdari is concerned that the strategy cannot succeed without support at senior political levels in both Kosovo and Serbia.

"Politics is a key to this very difficult enterprise that aims to open the way for the prosecution and punishing of war crimes, 20 years after war. Serbia should understand that punishing war crimes is also in its interest, because war criminals are moving around freely," Hajdari said.

Amer Alija from the Humanitarian Law Centre Kosovo, which has spent years documenting crimes committed during the war, said that the poor relations between Belgrade and Pristina were a huge obstacle to any progress.

"Firstly, both authorities don't extradite their citizens, and without cooperation between Kosovo and Serbia, there will be great difficulties in successfully achieving the objectives set out in this strategy," Alija said.

He suggested however that it is possible to overcome judicial and political obstacles by reaching agreements on some crucial issues through cooperation agreements between Kosovo and Serbia on war crimes and a formal agreement with the International Criminal Tribunal for the Former Yugoslavia for full access to its archive of documents related to the Kosovo war, which is currently restricted.

Protecting witnesses from intimidation

Hajdari is the prosecutor who has filed most of the domestic indictments against Kosovo Liberation Army members so far, although all of them were acquitted.

She said that one of the toughest jobs is convincing witnesses to come forward and then to protect them if they agree to testify.

"We need to invest so much in strengthening the component of dealing with witnesses. Unfortunately, thanks to our mistakes and failures to protect witnesses the trust of people's trust in justice is almost non-existent," she explained.

Protecting witnesses is also a crucial task for the Hague-based Kosovo Specialist Chambers, which is expected to try former Kosovo Liberation Army members for wartime and post-war crimes.

Witness safety was one of the main issues why the Specialist Chambers were located outside the country, in The Hague, although it is part of Kosovo's justice system. Difficulties in protecting witnesses dogged attempts by the International Criminal Tribunal for the Former Yugoslavia and by international missions in Kosovo to convict former KLA members accused of committing crimes during the 1998-99 Kosovo war.

Hajdari said that she thinks that one of the major factors deterring witnesses from testifying is Kosovo courts' record of

acquittals in war crimes cases. Prominent examples have included the acquittals of KLA guerrillas turned politicians Fatmir Limaj and Sami Lushtaku, but also the acquittals of Serbs in wartime rape trials.

“Why people should endanger themselves or destroy their life to bear witness to crimes while defendants are released?” she asked.

The new Kosovo strategy covers war crimes committed between February 29, 1999 and June 20, 1999. All incidents before and after this period will be treated as crimes against humanity.

Hajdari said she doesn't have any idea if any of the cases whose files she has are the same as ones that are being dealt with by the Specialist Prosecutor's Office, which is expected to indict people for trial at the Specialist Chambers in The Hague.

[the Specialist Prosecutor's Office] have primacy and they can take and ask for cases any time,” Hajdari says.

perceive criminals as heroes'

The national strategy also includes the raising of awareness of the importance of prosecuting war crimes.

“Still, two decades on, it is so important to raise the awareness among people that crimes have happened and they should be punished. For some people, criminals can be perceived as heroes,” Hajdari said.

Prosecutions of former KLA guerrillas are highly unpopular among Kosovo Albanians and the establishment of the Specialist Chambers sparked demonstrations among war veterans and their supporters.

Parliament voted to set up the new Hague-based court under strong pressure from Kosovo's Western backers, and even after it was agreed by MPs, some politicians made a failed attempt to revoke the law that allows it to operate.

EULEX, which handed its cases over to Kosovo prosecutors last year as the EU rule-of-law mission's mandate was downsized, provided expert advice and comments as Kosovo's new war crimes strategy was drafted. EULEX no longer holds any executive functions in Kosovo's justice system but continues to monitor cases.

Asked to comment on the strategy, EULEX told BIRN that it has “long stressed the importance for the Kosovo prosecution to be allocated sufficient resources to deal with war crimes”.

“The Mission has also repeatedly remarked that meaningful progress in tackling war crimes can only be achieved through genuine regional cooperation, including between Belgrade and Pristina,” it added.

The OSCE Mission in Kosovo, which also monitors the country's judicial system, said that it is crucial that the Kosovo Prosecutorial Council to take a proactive position on addressing war crimes, especially those cases that EULEX has turned over to the Kosovo judiciary.

“It is important that war crimes cases are effectively prosecuted so that the victims and their families receive justice. The Mission therefore supports the commitment of the authorities to increase the resources available to further engage the justice sector in this area,” the OSCE told BIRN.

As well as adequate resources, delivering justice and ending impunity for war crimes will continue to require a great deal of effort by Kosovo's justice system.

It will also require a lot of political will, and Hajdari is not optimistic that high-level commitment exists at the moment.

“Without a real commitment from the Kosovo and Serbian authorities, we will not manage to bring criminals to justice,” she said.

“War crimes should be finally divested from ethnicity,” she added. “The victims are of paramount importance.”

[back to contents]

Turkey

US human rights report 'false, biased,' Turkey says (Daily Sabah) March 15, 2018

Turkey's Foreign Ministry on Thursday slammed an annual U.S. human rights report

as containing "false" and "biased" claims against Turkey.

Each year, the State Department submits to Congress a global human rights report on over 190 countries.

This year's report contains "false charges, inaccurate information and biased comments on Turkey," the foreign ministry said on Thursday.

The ministry criticized the report's reference to those behind the defeated July 15, 2016, coup attempt as "political prisoners," expressing "frustration" for the lack of respect given to Turkey's right under international law to ensure the safety of its country from terrorists – including Gülenist Terror Group (FETÖ), the PKK, Daesh and DHKP-C.

"We reject this approach," the ministry responded.

The ministry also denounced as "unacceptable" the accusation by the U.S. — whose own armed forces are responsible for thousands of civilian deaths around the world — that Turkish Armed Forces (TSK) was to blame for civilian deaths. The ministry pointed to TSK's upheld promise to prevent civilian casualties during Operation Olive Branch in northern Syria's Afrin.

The ministry slammed the accusations against Turkey as "ironic," given the U.S.' world-known record of human rights violations over the past year, specifically in regard to the persecution of migrants, including separation of children from their parents at the southern border. "It is clear that this report, which is far from objectivity, is shaped according to political motives. The 2018 report undermines the credibility of the tradition of the annual human rights report, which claims to have served for decades as the U.S.' monitoring mechanism of human rights in the world," the ministry said.

"In the coming period, we will continue our fight against terrorism with the aim of protecting the human rights of our citizens. In doing so, we will continue our uninterrupted efforts to protect fundamental rights and freedoms and to further strengthen democracy and the rule of law," the ministry concluded.

FETÖ, led by the U.S.-based Fetullah Gülen, orchestrated the failed July 15 coup attempt in 2016, during which 251 civilians were killed, some 2,200 others were injured. Ankara also accuses FETÖ of being behind a long-running campaign to overthrow the state through the infiltration of the police, military and judiciary.

The United States has yet to respond to Turkey's repeated extradition requests for FETÖ's leader Gülen, who arrived in the U.S. in 1999, and currently resides in a luxurious retreat in Saylorsburg, Pennsylvania.

[back to contents]

MIDDLE EAST AND NORTHERN AFRICA

Iraq

Grotian Moment: The International War Crimes Trial Blog

In six days, dental professor launched first clinic in Iraq to treat families displaced after ISIS attacks (University of Buffalo News Center) By Marcene Robinson

March 8, 2019

Othman Shibly did not plan to perform any dental work during his first visit to Iraqi Kurdistan. However, a six-day trip to assess the needs of a Yezidi displacement camp led the University at Buffalo professor to launch the camp's first dental clinic.

The new dental clinic, established in the Khanke Internally Displaced Population Camp in Duhok, Iraq, will provide the area's nearly 16,000 women and children with their first oral health care in five years.

The clinic was established with the support of the Global Motherhood Initiative, UB School of Dental Medicine, University of Duhok College of Dentistry, Henry Schein Cares Foundation and the Syrian American Medical Society (SAMS).

Shibly will return to Khanke Camp with several UB School of Dental Medicine alumni to deliver oral health care to 2,500 children from March 31 to April 4.

“The populations that are most affected and vulnerable during times of war are women and children,” says Shibly, DDS, clinical professor and assistant dean for diversity and inclusion in the UB School of Dental Medicine.

“The Yezidis were in desperate need of dental care. Dental care that could not only enhance their health, but their self-esteem and create an opportunity for healing.”

From concept to clinic in six days

Shibly is no stranger to launching dental clinics with limited time and resources. Since 2012, he has helped open and support more than 20 dental clinics for Syrian refugees in Turkey, Jordan and Lebanon.

When representatives from Global Motherhood Initiative, a nongovernmental organization that integrates health care with trauma therapy and psychosocial support, learned of Shibly’s efforts, they invited him to Iraqi Kurdistan to assess the oral health needs of the Yezidi community living in Khanke Camp.

Khanke Camp is home to 16,000 people, mostly women and children, who became displaced in 2014 after an attempted genocide by the Islamic State destroyed their communities. Thousands of the women are victims of sexual violence.

No dental services have been offered in the camp since its inception. Although care is available in the nearby city Duhok, few of the camp’s residents have the money or resources available to pay for treatment or transportation.

During Shibly’s visit on Jan. 31, he found cases of severe gum disease, tooth decay and broken teeth.

“Some of my friends told me that the work I’m doing to help Syrian refugees is enough, and any more would be too much. I told them what I always say to my students at UB, we should be like the sun. Anyone under it, human or animal, should feel its warmth,” says Shibly.

“I hope that what we at UB did, and will do, for the Yezidi women will be a step toward their healing. No woman in this time and age should suffer these types of abuses and crimes.”

To start the clinic, Shibly relied on both previous partners and establishing new connections with organizations in the area.

Global Motherhood Initiative and Yezidi leaders helped him secure a location in Khanke Camp for the clinic. The group hired a plumber and electrician to supply the building with water and power.

The Henry Schein Cares Foundation supported the mission by providing dental instruments and supplies, and the UB School of Dental Medicine’s Miles for Smiles program helped cover the cost of locally purchasing a dental unit (including a chair, sterilizer and amalgamator).

Shibly also partnered with the University of Duhok to gather manpower. More than 100 dental students from the university will support the mission trip at the end of the month.

During the clinic’s first weekend, Shibly performed cleanings and extractions for four women. When he returns on March 31, he plans to treat thousands of children. He will be assisted by School of Dental Medicine alum Yousef Al Awadhi, DDS, a pediatric dentist based in Kuwait.

Building a sustainable model

To establish consistent care in Khanke Camp, Shibly secured funding from SAMS to hire a full-time dentist to work in the dental clinic.

He also aims to train and hire several Khanke Camp residents as community health care workers. The program would provide members of the Yezidi community with jobs and broaden access to basic oral health preventive care treatment, such as filling cavities and delivering fluoride varnishes.

The program is being tested in Syrian refugee camps in Lebanon. Shibly, with the help of SAMS and the Henry Schein Cares Foundation, trained and hired six full-time health care workers from refugee communities to assist camp dentists in providing care.

Shibly will return to Lebanon in May to evaluate the quality of their work and survey parents and children on the workers' performances. If the program is deemed successful, the model will be implemented in Iraqi Kurdistan.

The Iraq Report: Thousands of children tortured by Iraqi authorities (The New Arab) March 8, 2019

In yet another harrowing week of human rights abuses in Iraq, international rights groups have revealed that thousands of Iraqi children have been tortured by the federal government in Baghdad and the Kurdistan Regional Government (KRG) in Erbil.

According to monitors, children are being held in prisons and are being subjected to torture to force them to confess to membership of the Islamic State group, a breach of international humanitarian law that could reignite violence in the already destabilised country, where millions who require aid have, for all intents and purposes, been abandoned by their government.

While most of these abuses are happening in predominantly Sunni Arab areas, the Shia Arab southern governorates have not been spared state-sponsored violence.

Demonstrators in Basra are out on the streets again to protest against a lack of services, despite the country's vast oil wealth. They have been met by police violence and a heavy crackdown to force them into silence. This is a dangerous development as the more the government silences vocal dissent, the more it ultimately pushes that dissent underground and creates violent resistance.

This is especially dangerous in Iraq, where access to arms is a simple matter and could drag the entire country into even deeper chaos.

Children tortured

The Iraqi authorities in both the federal government in Baghdad and the KRG in Erbil have charged more than a thousand children with terrorism charges for alleged affiliation with IS extremists - often using torture to coerce vulnerable minors into signing confessions, Human Rights Watch said on Wednesday.

In their report, *Everyone Must Confess: Abuses Against Children Suspected of ISIS Affiliation in Iraq*, HRW said that, by the end of last year, both Baghdad and Erbil had incarcerated 1,500 children for alleged IS membership or affiliation. According to the international rights monitor, many of these children were rushed through hastily convened trials, put before "investigative judges" with evidence extracted through torture, and then sentenced to lengthy prison terms.

"The approach that Iraq has adopted is one that completely fails to acknowledge what is commonly understood and reflected in international law, which is that children who were forcibly recruited are indeed victims; they should be treated as victims not as criminals," said Belkis Wille, senior Iraq researcher at Human Rights Watch.

In the case of the authorities in Baghdad, there appears to be a sectarian element to the incarcerations as most of these children have been taken from areas where the Sunni Arab demographic forms the majority. A racial element also exists where Kurdish KRG forces have also detained Arabs and a minority of Turkmen.

This religiously and racially motivated approach to criminal justice has the capacity to exacerbate - not alleviate - the tensions that allowed IS to flourish in the first place.

"Children accused of affiliation with IS are being detained, and often tortured and prosecuted, regardless of their actual level of involvement with the group," said Jo Becker, children's rights advocacy director for HRW. "This sweeping punitive approach is not justice, and will create lifelong negative consequences for many of these children."

Once released from prison, many of these children will have grown up in an abnormal environment and will undoubtedly suffer from additional psychological trauma. Such children could easily develop into very traumatised and troubled young adults, and may turn to violence to rectify the wrong that has been perpetrated against them.

In other words, Baghdad and Erbil may very well be creating the next generation of hardened, violent jihadists who are now more susceptible than ever to IS and al-Qaeda propaganda about the failings of modern state and society in the Middle East.

IS continues attacks as IDPs languish

Already, these ethno-sectarian policies are having an effect and allowing IS to stage a comeback and continue to operate - despite their declared "defeat" in December 2017.

IS militants reportedly ambushed a military convoy of Iran-sponsored and Iraq-sanctioned Shia militants fighting under the banner of the Popular Mobilisation Forces (PMF) on Wednesday, killing six and wounding 31. The PMF - known as the Hashd al-Shaabi in Arabic - announced that the attack occurred at night, near the town of Makhmour in northern Iraq.

Although IS has yet to claim responsibility, its activities have been increasing in the area, leading many to blame them as the most likely culprit. Also, the attack was highly organised and efficient, leading to a very high casualty rate among the Shia militants.

Makhmour was until only recently a mixed ethnicity town shared by both Arabs and Kurds. However, and following the IS takeover of a third of Iraq, KRG Peshmerga fighters and other Kurdish militants forced out many of their Arab neighbours, blaming them for IS' actions. This was criticised at the time as something that could fuel future violence, and it seems that after years of not being allowed to return home, IS is once more exploiting communal divisions to operate in areas where the state has forsaken its citizens.

Such attacks are only likely to increase, particularly as the Iraqi government has yet to alleviate the suffering of those most affected by IS' actions and the government's and allied Shia militias' military response that razed many cities to the ground.

The New Arab's Arabic-language service reported that, outside Mosul alone, 150,000 families were waiting for their homes to be rebuilt almost two years after IS was forced out of its Iraqi stronghold. These families were living in dire conditions and feel as though they have been abandoned by the authorities.

Similarly, the latest United Nations figures state that 1.8 million Iraqis are displaced - and 54 percent of them have been displaced for three or more years. If IDPs continue to languish in camps with little prospects for their future, they may look elsewhere for help and this can easily be exploited by those looking to destabilise the country.

Basra protests face off against police brutality

The major oil-rich city of Basra in Iraq's south has also witnessed another outbreak of popular anger as Basrans returned to the streets on Thursday in what appears to be the latest in a series of protests that have rocked the southern metropolis since last summer.

Hundreds of demonstrators gathered outside the provincial capital's main administrative building, demanding improved services, better economic opportunities, and for the judiciary to hold "corrupt" officials to account for what activists said were their failures to ensure citizens' rights were protected. They also demanded an end to the water and power crisis that has plagued the city and much of the rest of the country for more than a decade.

The New Arab reported that demonstrators were chanting for the governor of Basra, Asad al-Aydani, and his cabinet to resign and to be tried for negligence, mismanagement and corruption. Local authorities responded to the unarmed protests by dispatching police units who beat the demonstrators with batons and hoses, leading to fistfights breaking out in central Basra between civilians and security forces.

Apart from a health crisis emerging from polluted drinking water and severe power cuts affecting hospitals and other critical services, Basra has been at the centre of a drug epidemic with the coastal city's access to the rest of Iraq as well as the Gulf making it an attractive market for Iranian drug runners and their Shia militia partners who have been criticised for operating like organised criminals.

Iraqis were incensed this week when Prime Minister Adel Abdul Mahdi said that Iraq was being flooded by drugs from Argentina - completely failing to mention the flow of drugs from Afghanistan, through Iran, that have created an addiction crisis the likes of which have never been witnessed in Iraq before, as detailed in previous Iraq Reports.

Iraqi social media activists took to Twitter and Facebook to criticise the prime minister, and some mockingly renamed Iran as "Argentina" on a map of the region.

If the Iraqi political class fails to alleviate the suffering of the Shia communities in the south of the country and continues to persecute the Sunnis in the centre and north of Iraq, then they may be creating their own downfall by alienating their main voter base while persecuting citizens who happen to follow a different sect.

This may not spell the end of Iraq as a nation-state, but could well spell the end of the country's political process as we know it.

ISIL fighters' families struggle in Iraqi society (Al Jazeera) By Natasha Ghoneim
March 8, 2019

In Iraq, people are living with fear and stigma because of their ties to ISIL.

Families with links to ISIL have found it difficult to obtain identity cards, restricting their ability to move freely, work, put their children in school and apply for welfare benefits. Human rights groups say these families are even denied food donations by tribal leaders. Al Jazeera's Natasha Ghoneim reports from a camp in the disputed territory east of Mosul.

Iraq's new war against Islamic State: Halting the group's budding rural resurgence (Los Angeles Times) By Nabih Bulos
March 9, 2019

It was after dark Wednesday when three buses pulled out of Mosul and headed southeast on a desolate desert road. The passengers were government-backed paramilitary fighters.

The city lights were well behind them when the convoy came under attack. By the time the shooting stopped, six paramilitary members were dead and 31 wounded.

Iraqi authorities quickly identified the culprit: Islamic State.

The attack, one of the deadliest since Iraq declared military victory over the extremist group in December 2017, was the clearest sign yet that the war isn't over.

It has merely shifted to a new phase: Islamic State is trying to mount a comeback, and the Iraqi military is trying to root out sympathizers and sleeper cells still embedded in the extensive territory the group once controlled.

By many accounts, the government is failing to contain a budding insurgency, the sort of resilient, underground enemy that has outlived governments around the world.

Stripped of its territory — which once encompassed a third of both Iraq and Syria — Islamic State has reverted to its roots, using small, self-contained teams of operatives to conduct small-scale attacks and assassinations and rebuild its smuggling and ransom operations.

“We're not talking about the networks they used to have. Now it's cells of five or six people,” said Shamkhi Mansour, a colonel in the intelligence branch of Iraq's Counter-Terrorism Service.

Iraqi military officials, security experts and the U.S. government said that Iraq has failed to develop the extensive intelligence network that would offer the best chance of rooting out the militants.

“We had a victory in that we kicked out Daesh from cities, but we've failed in pursuing them in the rural areas and ferreting them out,” said Hisham Hashimi, a counterterrorism adviser to the government, using a derisive Arabic acronym for Islamic State.

The Pentagon's inspector general reported last month that Iraq lacked reconnaissance assets, intelligence personnel and surveillance capabilities needed to counteract the group, which advocates an extreme version of Sunni Islam.

Instead, Iraqi forces have resorted to rounding up large numbers of Sunnis and holding sham trials of Islamic State suspects, a strategy that costs the Shiite-dominated government vital support and could increase support for the extremists.

According to activists and security personnel, tens of thousands of people across the country have been wrongly accused of supporting Islamic State because their names are similar to those of wanted militants.

There has also been little allowance made for the many people who supported the extremists less out of ideological conviction than out of fear for their lives.

Iraqis caught in the dragnet can languish for months in crowded jails while police visit their neighborhoods to investigate. In many cases, according to three security officers, the police extort bribes to clear people of wrongdoing.

Iraq is all too familiar with the dangers of this strategy.

Nouri al-Maliki, a Shiite Muslim who served as Iraq's prime minister from 2006 to 2014, used it against Islamic State.

At the time, the group was operating clandestinely, forging links in rural areas with Sunni leaders sympathetic to its cause, attempting to lay the groundwork for a massive takeover.

Hoping to stomp out any support, al-Maliki transformed security services into death squads that oppressed Sunni-dominated areas. His approach backfired.

In mid-2014, when Islamic State militants began seizing Iraqi territory and building a caliphate, many Sunnis welcomed them as liberators.

Many Iraqis insist that history is unlikely to repeat itself.

In former Islamic State strongholds such as Mosul, the second-largest city in Iraq, it's difficult to find anybody who speaks favorably about the group.

"There is not a single citizen in Mosul who respects Daesh," said Bashir Hussein Fathi, a politician there. "I haven't seen a single citizen complimenting them."

"Even those who were considered good people and who joined the group — now people speak of them badly," he said. "It's become a black spot on someone's character."

He said residents were cooperating more with security services to pinpoint Islamic State infiltrators, especially after the government reactivated local police groups.

Maj. Gen. Saad Allaq, head of Iraq's military intelligence directorate, lauded residents in Islamic State areas who "had a primary role in bringing us information against Daesh."

But he and others said the government was not spending enough funds to cultivate new sources.

In one case described by a security expert who asked not to be identified because of the sensitivity of the subject, the Iraqi government nearly missed the chance to cultivate a high-level defector from Islamic State. The U.S.-led coalition in the region finally stepped in and paid \$2 million for his cooperation.

Another problem is that with seven intelligence services operating in the country, all working with no clear jurisdiction, there is a greater chance of important information getting lost.

A Mosul-based special forces colonel who spoke on the condition that he not be named blamed the issue on a lack of trust among the security services.

"In America they combined databases and increased coordination over two buildings falling," he said, referring to the Sept. 11, 2001, terrorist attacks.

"We haven't done this over whole cities falling."

Perhaps most worrisome, Islamic State has started operating more openly in rural areas southwest of Mosul, including Hatra, the Hamrin Mountains and the deserts of Anbar.

"We should be having military operations in those remote regions, but there aren't even reconnaissance flights," said Mansour, the colonel.

The problem is set to become worse. With Islamic State losing its final bastions in Syria, Iraq has already taken back tens of thousands of its own citizens who had joined the militants.

More are expected to return, including many children steeped in Islamic State's murderous ideology and forced to take up arms in its "Cubs of the Caliphate" program.

Preventing the militants from gaining a bigger foothold will also require the government to address more basic concerns.

Roughly 1.8 million people are still displaced from their homes and living in camps, and many who have moved back are living in ravaged structures on the verge of collapsing.

Beset by budgetary concerns, the government has provided little compensation and neglected responsibilities such as lifting rubble and even removing corpses.

"People want a good relationship with the government," said Fathi, the politician. "But it has offered them no plan for people to be patient or to at least know what will happen to them."

"The problem is that the government doesn't keep its promises."

Planning for Yazidi genocide museum underway in Iraq (AI-Monitor) By Saad Salloum
March 10, 2019

The Iraqi government and the United Nations are working together to establish a museum documenting Islamic State (IS) atrocities against the Yazidi religious minority in Sinjar.

The idea stemmed from a 2018 visit by representatives of UNESCO and the UN Assistance Mission for Iraq to the village of Kocho in the Sinjar district of Ninevah province. Residents had requested a memorial in the village. Their request was approved.

So far, at least 67 mass graves left behind by IS have been found in Sinjar, said Mohammed Taher al-Tamimi, Iraq's director of nongovernmental organizations at the General Secretariat of the Council of Ministers. He hopes to see the first Yazidi museum in contemporary history.

In cooperation with UNESCO's office for Iraq, Tamimi's department organized a Feb. 18 meeting of experts in Baghdad. The meeting was designed to "ponder with the experts, and international and domestic stakeholders, a systematic approach to decide on an adequate concept for the Yazidi memorial monument." The group studied memorials built in various countries as examples.

Majid Mohammed Amin, who represented the Ministry of Education at the meeting, told Al-Monitor, "We went to the Kocho school site, heard the survivors' testimonies and viewed the marks of the radical organization's atrocities. It was agreed that the Kocho school, where the crime started, will accommodate the museum. This is why the school building needs to remain, as much as possible, as it is, and the traces of crimes need to be preserved on the walls and other places."

He explained, "The school will serve as the genocide museum center, and other complementary monuments will be built as well, such as a shrine that is in line with the Yazidi architectural specifications. Its design, however, is yet to be completed."

The mass graves that were found in Kocho and other parts of Sinjar won't be abandoned after the victims' remains are excavated, according to village spokesman Sheikh Nayef Jassem Qassem. He told Al-Monitor, "In my capacity as tribal leader of the village, I take upon my own shoulders" to mark the graves' boundaries and install memorial shrines at each one. "This way, the visitors will not only come to see the school that is planned to serve as the museum center, but will also stop at the mass graves, and this will help them develop a complete picture of the crime scene."

Karim Asad Khan, a British lawyer appointed to lead the UN investigative team to hold IS accountable, also attended the meeting.

"A commemoration in memory of the victims is not tantamount to mere architectural designs. Rather, it is an initiative to accord the victims their rights, underline the atrocities they experienced, do them justice and document their suffering. The Holocaust memorial monuments built in Yugoslavia, Rwanda and other parts of the world show to what extent the people of the 21st century are committed to humanitarian actions that would do justice to children and women victims," he told Al-Monitor.

"Justice is an integral part of democracy."

Khan added, "I am proud to be working with [Tamimi] and to be provided with such major support from the Iraqi government, high religious authorities such as [Shiite Ayatollah] Ali al-Sistani, the Yazidi baba [head] sheikh, as well as the Sunni and Shiite endowments, to document these crimes."

The investigative team will help Iraq gather, store and safeguard proof of IS war crimes.

Yazidi architect Darsem Neamo Khairi, who lives in Germany, designed the memorial monument for her master's thesis. In her eyes, the monument needs to represent the 74 massacres and genocide the Yazidis have experienced throughout history, according to Yazidi statistics. She believes it should also reflect the bright side of Yazidi traditions and culture, which are rooted in Iraq's ancient civilizations. The monument, she said, needs to be the link between the Yazidi and international communities, in a way that acknowledges a positive image of the Yazidis, and doesn't represent them only as genocide victims.

There's also a desire to set up a museum documenting crimes against humanity, genocide and war crimes perpetrated by IS against other minorities — such as Christians, ethnic Shabak people in the Ninevah Plain and Mosul, Turkmens in Tal Afar and Yarsan in Kirkuk — as well as the estimated 1,700 Shiite youth volunteers killed in the Camp Speicher massacre. This desire could pose a challenge to the Yazidi monument, but a considered approach could turn the museum into a symbol of unity, rather than one of competition over which group has suffered the most at the hands of IS.

Khan suggests establishing a national museum commemorating the various stories of Yazidi survivors as well as the Sunni, Shiite and other communities who came to their aid. He said such an initiative could express Iraqi unity in times of distress, and reveal that differences vanish when people face fateful and existential challenges.

Syria

Assad can still be brought to justice – and Europe’s role is crucial (The Guardian) By Natalie Nougayrède
March 1, 2019

The hope must be that criminal justice will one day close in on Syria’s murderous dictator Bashar al-Assad, his henchmen and his enablers. And on that front, there’s been some good news recently: the arrests in Germany and France of three Syrian intelligence officials suspected of torture were groundbreaking. This came on top of the issuance of warrants and the filing of dozens of criminal complaints in a number of European countries, including Sweden and Austria.

It may take time, and the odds may currently look slim, but criminal investigators will eventually work their way up the chain of responsibility to incriminate Syria’s tyrant for the slaughter of his own people for almost eight straight years. Some very motivated lawyers and activists are preparing for the day when those who have perpetrated crimes against humanity in Syria will be held accountable. And it’s in Europe that those efforts are starting to yield the most notable results.

To understand why, think about the hundreds of thousands of Syrians who reached the continent after fleeing the nightmare in their homeland. Many can testify about crimes and help to document them. Members and cronies of the Assad regime have also long taken advantage of Europe as a holiday destination and a place to store assets. And several European countries, not least Germany, accept the notion of “universal jurisdiction”, which allows national courts to investigate and prosecute those responsible for mass crimes even if they were not committed on that country’s territory, by one of its nationals or against one of its nationals.

It’s true that geopolitics have gone Assad’s way since Russia and Iran intervened forcefully to prop him up. Russia made sure the UN was crippled in any attempt to stop the bloodshed or refer Syria to the international criminal court. The US has failed the Syrians by its inaction in the face of mass atrocities. Europe has too. Meanwhile, much of the talk today centres on Islamic State losing its last, shrunken stronghold, and on Trump pulling out US forces. And of course, there are vivid debates in our democracies over what to do about “our” nationals who fought alongside Isis or were lured to Syria by the deadly cult. Almost forgotten in all of this are the long-suffering Syrians themselves – the children suffocated by sarin gas and other chemical weapons, the torture chambers, the forced disappearances, the cities and neighbourhoods subjected to Scud missile attacks and barrel bombs dropped indiscriminately.

So those arrests in Germany and France mattered immensely. One Syrian refugee in Europe – who said he recognised one of the arrested men as his torturer – reacted to the news with these words: “I cried, but with a smile on my lips. It made me tremble for hours ... I can now finally say that the impunity Assad’s agents have benefited from in Europe is over. The hope has now grown that Assad himself will one day stand trial.”

Prosecuting the authors of mass crimes is no panacea of course: it would have been much better to prevent them. But from the postwar Nuremberg trials to the 1990s international criminal courts set up for the former Yugoslavia and Rwanda, we know from survivors and the families of victims how important it is that the horror stories are told, that witnesses are heard, and that fundamental principles enshrined in human rights conventions are not ignored. We know also that something of our own integrity, as distant onlookers, is at stake. When future generations look back at an era in which an estimated half a million people were butchered and millions made homeless by one despot’s determination to cling on to power, they will ask: “What did you do?” Since 2011 Syria’s killing fields have been the vortex into which the principle of “never again”, stated so often after the second world war, has disappeared.

Seeking justice for Syrians is no doubt a marathon, but if history teaches us anything, it is that massive human rights violations must not be left unpunished – however long it takes to deliver justice – and not just because prosecutions can act as a deterrent against further slaughter. Relentlessly collecting evidence and establishing the facts are central to preventing history from being rewritten by those who will be tempted to deny such crimes ever took place. The Khmer Rouge trials in Cambodia were held two decades after the genocides. Pinochet was arrested eight years after his dictatorship ended in Chile. Slobodan Milosevic died in jail, not in a palace. Yes, these are difficult times for international justice, but if no international

court can help Syrians to seek redress, then national courts can – and must.

After those arrests in Germany and France, I called Catherine Marchi-Uhel, a former French judge who heads a UN investigative mechanism set up in 2016 to prepare criminal case files on Syria. Will Assad ever be prosecuted, I wondered. The answer was “perhaps”, and not just Assad, because the UN will look into the authors of all crimes in Syria, including Isis and Syrian rebels. But Marchi-Uhel’s key message was this: international justice will find a way. “The situation will not for ever remain blocked,” she insisted. “We must have that vision.”

Her team needs more staff and resources – it needs Arabic speakers, analysts and tech experts for “digital evidence management”. So here’s a call-out: if you care, support the justice teams. They’ll reach their goal. An immense body of evidence is already available, not least because the Syrian regime has kept sinister registers of its misdeeds. Documents have been smuggled out. There is a mountain of metadata to search through to establish “the chain of custody”. And at the very top of that mountain sits Assad. Remember, he’s only 53 years old.

UN inquiry on Syria details extensive human right abuses, war crimes in Afrin (Ahval News) March 1, 2019

Arbitrary arrests and looting have become widespread in the northwestern Syrian town of Afrin after it was captured by Turkish military and its Syrian Islamist allies from Syrian Kurdish forces a year ago, the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic said in a report on Thursday.

Turkey’s Operation Olive Branch, backed by Free Syrian Army (FSA) fighters, aimed to clear Afrin from People’s Protection Units (YPG), a group the Turkish government sees as an extension of the Kurdistan Workers’ Party (PKK) that has been fighting inside Turkey since 1984.

After Afrin was seized by Turkish forces, the lack of effective complaint mechanisms and the presence of dozens of armed actors power-sharing at the sub-district level, created confusion among civilians as they were not sure where to report alleged rights abuses, the commission said.

Infighting among armed groups and a series of car bombs exacerbated instability in Afrin, while armed groups and criminal gangs abducted residents for ransom, it said. People abducted include numerous physicians, pharmacists and other civilians as well as their children and demands for ransom ranged from a few hundred dollars to \$100,000, or more, the commission said.

There are numerous cases involving arbitrary arrests by armed group members, as well as credible allegations of torture and ill-treatment, the report said. Such acts reportedly targeted particularly individuals of Kurdish origin, while arrests on some occasions were followed by confiscation of those individuals’ property. Individuals accused of being linked to the Kurdish Democratic Union Party (PYD) or the YPG were also detained by unidentified armed groups and were later interrogated by both armed group members and Turkish officers, the report said.

Civilians in Afrin also complained of pillaging by armed groups and criminal gangs, particularly of the olive harvest, a major source of income in the district. Instead of appropriating the olive harvest, other armed groups levied a tax on farmers, the report said.

The commission said it had also received reports of harassment, including of women, by armed group members and demands for bribes from individuals wishing to pass checkpoints.

While the Turkish military largely left the control of the city to FSA rebels, some residents said some Turkish troops remained in the area and used school buildings for military purposes.

Turkish authorities have reportedly been controlling, coordinating, and financing administrative, judicial and executive structures, and are in charge of issuing identification documents which are a prerequisite for civilians to move freely within Afrin, the commission said.

The commission concluded there are reasonable grounds to believe that armed group members in Afrin had committed the war crimes of hostage-taking, cruel treatment, torture, and pillage. It said it was unable to confirm whether Turkish forces were capable of exercising actual authority and carrying out governmental functions in the town.

The commission’s report also detailed the situation in Idlib, the last major rebel-held enclave in Syria, where, according to a deal agreed in September, Ankara and Moscow have been working on the establishment of a demilitarised zone and disarming radical jihadist groups. The commission also found an extensive pattern of kidnappings and abductions in Idlib. It said that al Qaida linked Hay’at Tahrir al-Sham, which consolidated its power in the area, had also been arbitrarily detaining civilians in a

systematic effort to stifle political dissent.

Meanwhile, the commission said that in areas of northeast Syria under the control of the YPG, thousands of people, including children, continued to be unlawfully interned or detained, while some of them were being held in makeshift camps unfit to meet their basic needs.

Syrian Kurds welcome UN report documenting war crimes in Afrin (Kurdistan 24) By Wladimir van Wilgenburg
March 2, 2019

A representative of the Syrian Democratic Council (SDC) in the United States has welcomed the latest report the United Nations' Independent International Commission of Inquiry on Syria released on Thursday that described the practices by Turkish-backed groups in Afrin as war crimes.

Sinam Mohamad, an SDC representative in the US, said the UN report is "a good sign and start" to shed light on the violations in Afrin, but emphasized that more had to be done.

According to Mohamad, the Turkish occupation in Afrin must end, and the Turkish-backed groups need to leave. Turkey and its armed groups occupied the former Kurdish-held region on March 18, 2018.

"Nobody mentioned anything about the violation of human rights, the kidnapping of women, the taking of lands of people, the selling of Afrin's olive oil by Turkey to Europe, and the demographic change, which is the most dangerous," she stated.

In its report, the UN said that "there are reasonable grounds to believe that armed group members in Afrin committed the war crimes of hostage-taking, cruel treatment, torture, and pillage."

"Due to the glaring absence of the rule of law, it similarly remains unclear whether Turkish forces were capable of exercising overall control over any armed groups present in the district," it added.

Several civilians from Afrin who were displaced to the Kurdish city of Kobani confirmed to Kurdistan 24 that many human rights violations had taken place, including torture, kidnapping, and the pillaging of Afrin's olives.

According to one civilian, Turkish-backed rebel groups arrested him on several occasions.

"I was arrested. They tied my leg with a rope, hanged it on the roof, and beat me with cables," the civilian, who identified as the pseudonym Ali, recounted.

One Turkish-backed group detained Ali for two months before eventually releasing him.

After this, he attempted to flee from Afrin by going to Idlib and tried to cross the border to Turkey. However, groups in control of the border arrested Ali and brought him back to Afrin.

He eventually paid \$1,100 to a Kurdish member of the Free Syrian Army (FSA) to bring him to Ain Dadat, close to Manbij. From there, Ali was able to reach areas the Syrian Democratic Forces (SDF) control and now lives in Kobani.

Mohamad underlined that the return of Afrin civilians to their original homes, and the departure of Turkish-backed groups is of paramount significance.

According to the World Health Organization (WHO), the Turkish attack on Afrin resulted in the collapse of the local health system and displaced 167,000 people. Local Kurdish officials say the number is even higher.

"We need a solution," the SDC official said. "The war crimes are ongoing there, and they have not stopped."

Furthermore, Turkey has settled thousands of families and fighters from areas like Eastern Ghouta, Douma, Homs, Idlib, and Deir al-Zor to replace the local population.

Mohamad called on the Turkish army to leave Afrin and end its violations, so "the people in the camps can go back to their city and villages."

Here's how perpetrators of crimes in Syria are being prosecuted (The Washington Post) By Mark Kersten
March 4, 2019

Eight years after the onset of the civil war, international justice has done little for Syria, but Syria has done a lot for international justice. Strategic accountability efforts are yielding important results. Sweden, France, and especially Germany are at the forefront of investigating and prosecuting Syrian perpetrators of international crimes. These states are flexing their ability to use universal jurisdiction, whereby perpetrators of international crimes can be prosecuted in these states irrespective of their citizenship or where their crimes were committed.

In addition to the modest number of prosecutions in Europe, there have been a handful of other important developments in the pursuit of accountability for atrocities committed in Syria. In January, a court in Washington ordered a reward of \$302.5 million to the relatives of Marie Colvin, the renowned journalist who was killed in an attack by the Syrian Army in Homs in 2012. Following the European Union's example, Congress also passed a bill that would place sanctions on firms and individuals who "knowingly, directly or indirectly, provides significant construction or engineering services to the Government of Syria."

Of course, expectations need to be managed. What has been achieved is important but is a drop in the ocean given the scale and nature of atrocities committed in Syria. It does not mean that Syrian President Bashar al-Assad 'is next' or will inevitably be prosecuted. It is no secret that accountability for mass atrocities committed during the Syrian civil war has been lacking. Yet this absence of accountability has pushed proponents of global justice to design creative mechanisms when their conventional tools — international courts — are unavailable. What happens next will depend on whether states take advantage of outstanding opportunities to prosecute perpetrators of atrocities in Syria.

New international justice tools

From the earliest days of the Syrian civil war, international criminal justice has had little to offer victims and survivors. At first, even the Obama administration, for example, refused to entertain a U.N. Security Council referral of the situation in Syria to the International Criminal Court (ICC) lest it undermine the Syrian peace process. After talks aimed at ending the war failed, the United States threw its weight behind a referral to the ICC in 2014. But Russia, by this point a lifeline for Assad's regime, balked. Along with China, Moscow vetoed the referral. Efforts to set up an ad hoc tribunal also went nowhere.

Against this backdrop, two important initiatives were launched. The first was the creation of the Commission for International Justice and Accountability (CIJA), which uses on-the-ground Syrian investigators to collect evidence of international crimes committed by the Assad regime as well as the Islamic State. CIJA's model reverses the conventional wisdom regarding justice for mass atrocities. Rather than waiting for a tribunal to be set up before investigating atrocities, CIJA initiated investigations and offered any prospective court — domestic or international — the evidence that it gathered. The evidence collected by them and others such as the European Center for Constitutional and Human Rights (ECCHR), is reportedly better than what was available at the trials of senior Nazis at Nuremberg.

The second initiative established was the International Impartial and Independent Mechanism (IIIM) for Syria, which works to gather, collate, and preserve existing evidence of atrocities in Syria. The hope is that evidence will be eventually used in an appropriate court. The IIIM was created by the U.N. General Assembly, therefore bypassing the deadlock of the Security Council — and making it unique among accountability mechanisms.

Illustrative of the contribution that the situation in Syria has made to international criminal justice, the work of CIJA and the IIIM will be replicated as tools of global justice. There is now an IIIM for Myanmar, also known as Burma, for example. Meanwhile, evidence of atrocities committed in Syria and collected by CIJA and the ECCHR continues to be used in war crime trials in Europe.

Taking Responsibility

It is ironic that a Syrian perpetrator of war crimes traveling to Europe is more likely to be prosecuted than a Westerner who traveled to Syria to perpetrate atrocities returning home. No Western state is eager to prosecute their own nationals who went to fight for the Islamic State and committed crimes abroad. This is due to at least two reasons.

First, the political discourse in many of these countries reflects prevalent fears that returning Islamic State fighters, as well as refugees more generally, will undermine public safety. The potential return of fighters is not seen as an opportunity to achieve justice for atrocities committed by Islamic State so much as a threat to national security and a burden on the state. As a result, governments often view the repatriation of these fighters as political kryptonite. Second, there are legal hurdles to prosecuting returning fighters who have committed atrocities abroad. These cases are difficult to investigate from London, Washington or Ottawa. In addition, evidence that has been gathered by states may be inadmissible in court or may consist of intelligence provided by partner states that these countries are not authorized to submit at trial. As a result, many of those who have returned are 'monitored' by law enforcement bodies rather than prosecuted, adding to the fear that the returning fighters pose

a threat to their 'home' countries.

The fact that hundreds of former Islamic State combatants are in custody in Kurdistan, Syria and elsewhere represents a rare opportunity: the chance for states to pool their resources, set up an internationalized or hybrid court, and hold perpetrators to account in a comprehensive manner. Perhaps this would require a prosecutorial strategy that focuses on using plea agreements to generate effective evidence and build stronger cases for the most senior perpetrators.

Setting up such a tribunal in the region would offer accountability close to where victims and survivors reside and where evidence still needs to be gathered. At the same time, investigators could work to gather and collate evidence of crimes by other actors in Syria and Iraq, including opposition and government forces. Above all, a tribunal of this kind would signal the international community's interest to finally work together to achieve justice where little has been achieved.

Syrian refugees launch war crimes case against Assad at ICC (The New Arab) March 7, 2019

A group of Syrian refugees submitted evidence to the International Criminal Court (ICC) in The Hague on Thursday, in a bid to prosecute President Bashar al-Assad for crimes against humanity.

Twenty-eight Syrian refugees, currently residing in camps in Jordan, represented by London-based lawyers, have submitted evidence of bombings, shootings, detention, torture, abuse and mass killings by regime forces to the ICC, according to The Guardian.

The move to file evidence against the Syrian regime was led by Rodney Dixon QC, of London's Temple Garden Chambers, with the assistance of another London-based firm Stoke White.

"The ICC exists precisely to bring justice to the victims of these most brutal international crimes. The devastating war in Syria has been going on for almost nine years now and no one has yet been held accountable for the hundreds of thousands of violations against civilians," Dixon said.

Syria is not a signatory of the ICC, which prevented the legal body from taking action on filed evidence. But last year the court opened an investigation into alleged crimes committed by military leaders of Myanmar against the country's Muslim minority. They did this through Bangladesh, a destination of many of the affected Rohingya refugees, which is party to the Rome Statute established by the ICC.

Lawyers are hoping this precedent will extend to the case of Syria, and that Jordan's signatory to the ICC will force the court to finally act on allegations.

"This case represents a genuine breakthrough for the Syrian victims," said Dixon. "There is a jurisdictional gateway that has opened up finally for the ICC prosecutor to investigate the perpetrators who are most responsible."

One of the refugees, who didn't want to be identified, said: "The ICC must do something about this. We have suffered for too long."

Her nephew was shot at by regime forces and two of her family members were kidnapped, while her work with rape victims also singled her out in Syria.

"My volunteer work made me a target for the regime," she said.

She fled to Jordan after her eldest son refused to join regime forces and was subsequently beat up.

Her statement provides a snapshot of the evidence brought against Assad.

Crimes against humanity, such as the Hama massacre, have been recorded from when Hafez al-Assad, Bashar al-Assad's father, was in power. Huge human rights abuses have been widely reported since the outbreak of the Syria war in 2011, when regime forces fired on protesters.

In a 2016 report, UN investigators found that the scale of deaths in regime prisons indicated Assad could be responsible for "extermination as a crime against humanity".

In the same year, the Syrian Observatory for Human Rights, a monitoring group, said that at least 60,000 people had died in Syrian regime jails during the conflict.

"These crimes should not go unpunished. Victims and their families have the right to truth, reparation, and justice. Initiatives such as this one offers an innovative approach to ensuring accountability and if successful, it will open up a clear avenue of

justice for the Syrians who were so brutally driven out of their homes," said Kristyan Benedict, Amnesty International UK's Crisis Campaigns Manager

The UN Security Council debated a resolution to refer the Syrian regime to the ICC in 2014 and although 13 members voted in favour, Russia and China vetoed the resolution.

A spokesperson for the ICC confirmed receiving the materials and has said it will be analysed in accordance with the Rome Statute.

Syria war: Lawyers submit first war crimes cases against Assad (BBC) March 7, 2019

Human rights lawyers have filed the first cases against Syrian President Bashar al-Assad at the International Criminal Court (ICC) in The Hague. The lawsuits were submitted on behalf of 28 Syrian refugees in Jordan who say they were forced to flee the country. The legal teams are calling on the ICC to investigate possible crimes against humanity committed since Syria's civil war began in 2011. The conflict has left more than 360,000 people dead and millions displaced.

Syria is not a party to the Rome Statute, the treaty that established the ICC, meaning that it has not been possible to bring an international criminal case against its government. But lawyers have used a precedent set by a recent ICC ruling on Rohingya refugees in Bangladesh to launch two lawsuits this week.

In September, judges ruled that while Myanmar is not a member of the court, Bangladesh is, and that because part of the alleged crime happened on Bangladeshi territory the prosecutor does have jurisdiction. The latest lawsuits have been filed based on this same principle, because Jordan - where the refugees fled - does fall under the ICC's jurisdiction. Testimony from the refugees - in which they describe being shot at, bombed, and tortured - forms a substantial part of the evidence that has been submitted.

The first case was filed on Monday by the Guernica Centre for International Justice and the second was filed on Thursday by a team of British lawyers. Rodney Dixon QC, who is leading the legal team that filed Thursday's lawsuit, said the case represented "a genuine breakthrough for the Syrian victims".

"There is a jurisdictional gateway that has opened up finally for the ICC prosecutor to investigate the perpetrators who are most responsible," Mr Dixon said in a statement.

Previous attempts to prosecute President Assad and members of his government have failed because the ICC has not accepted it has jurisdiction over Syria. There have also been cases where leaders charged by the ICC have managed to evade arrest.

Sudanese President Omar al-Bashir has successfully evaded arrest for several years despite facing charges of genocide, war crimes and crimes against humanity.

Lawyers hope refugees' case against Damascus will be breakthrough (Reuters) By Michael Holden and Raissa Kasolowsky
March 7, 2019

Lawyers representing Syrian refugees in Jordan have asked the International Criminal Court (ICC) to investigate Syria for alleged crimes against humanity in what they hope will be a breakthrough after previous initiatives have failed.

The case is being brought on behalf of 28 refugees who are now staying in refugee camps on the border and say they were forced to leave Syria because of life-threatening attacks on them by government forces.

As Syria is not signed up to the Rome treaty establishing the ICC in The Hague, it has not previously been possible to seek a case against Assad's government. But London-based lawyers Stoke White argue the ICC has jurisdiction because Jordan, to where the refugees fled, is a signatory.

"The devastating war in Syria has been going on for almost nine years now and no one has yet been held accountable for the hundreds of thousands of violations against civilians," said leading lawyer Rodney Dixon.

"This case represents a genuine breakthrough for the Syrian victims."

Stoke White said the refugees had testified about being bombed, shot at, detained and tortured, abused and having witnessed mass killings and large-scale violations. It argues that the ICC's decision last September that it had jurisdiction over the alleged deportations of Rohingya people from Myanmar to Bangladesh as a possible crime against humanity should act as a

precedence for the Syrian refugees.

The United Nations General Assembly set up a special team in 2016 to prepare possible cases over war crimes and human rights abuses committed during the conflict in Syria. However, previous efforts to prosecute members of Assad's government have failed and Russia and China have also vetoed attempts to give the ICC a mandate to set up a special tribunal for Syria.

In February, police detained three Syrians in Germany and France on suspicion of torture and other crimes against humanity, the first arrests in Europe against suspected figures in Syria's security service.

ICC urged to investigate Syria's forced deportations (Al Jazeera) March 8, 2019

Human rights lawyers have urged the International Criminal Court (ICC) to open a preliminary investigation into alleged mass deportations by Syrian authorities, in an attempt to hold President Bashar al-Assad's regime accountable for atrocities carried out during the country's bloody civil war.

On Thursday, a group of lawyers filed requests with the ICC on behalf of 28 victims who were forced across the border into Jordan, according to a statement by UK law firm Stoke White.

Another set of lawyers had filed an article 15 communication on Monday with the ICC, using what appears to be the same precedent for bringing Syria under the court's jurisdiction.

Syria is not a member of the ICC and thus the court has had no jurisdiction in the country.

That has meant that numerous allegations of atrocities committed during the conflict have not been prosecuted at the world's first permanent criminal tribunal.

Both sets of lawyers cite a case involving the Rohingya crisis in Myanmar that could be used to give the ICC jurisdiction over at least part of the Syrian conflict. That case focussed on Muslim Rohingya driven out from Myanmar, which is not an ICC member, into Bangladesh, which is and the ICC ruled it had jurisdiction to look at a range of allegations against Myanmar's security forces.

Groundbreaking ICC ruling

The new arguments say that the ICC could exercise jurisdiction over Syrian civilians forced into Jordan, because Jordan is a member of the court.

"The same principle [used for Myanmar and Bangladesh] should apply to Syria and Jordan," said Toby Cadman a lawyer for the Guernica Centre for International Justice which filed the article 15 communication.

He added that atrocities committed by Syrian government forces forced about a million civilians to flee into Jordan. The threat of more mistreatment, if they return, is preventing them from returning home, he said.

"The ICC exists precisely to bring justice to the victims of these most brutal international crimes," said Rodney Dixon, from Temple Garden Chambers. He is the leading lawyer in the group representing the 28 Syrian refugees, along with UK-based firm Stoke White.

"What we are trying to do is to highlight the crimes committed against these people in the right platform, that is the ICC," said Hakan Camuz, with Stoke White.

Camuz said they have been investigating crimes against civilians in Syria for the last two years and have "submitted all evidence collected to the ICC prosecutors".

"The very people who actually committed these heinous crimes think they have somehow impunity," he added.

In a statement, Stoke White said the case would also "focus on the wider pattern of attacks and crimes against the civilian population in Syria including torture, rape, chemical attacks and disappearances in order to establish the full breadth of the systematic violations of which the deportations form a part".

The ICC is a court of last resort, which steps in only when national authorities are unable or unwilling to prosecute alleged crimes.

In a written response, the ICC prosecutor's office confirmed it had received the filing and said it would analyse the material.

"As soon as we reach a decision on the appropriate next step, we will inform the sender and provide reasons for our decision," the office said.

The ICC and its chief prosecutor Fatou Bensouda have faced criticism in recent years after a series of failed prosecutions. Addressing crimes in Syria could help restore faith in the court and its prosecutor, Cadman said.

"I think this is this is an opportunity for her to really establish the credibility of her office," he said.

UN Investigators Hot on Trail of Syrian War Criminals (Haaretz) March 10, 2019

International investigators are moving ever closer to finding justice for victims of atrocities in Syria's eight-year war that has killed hundreds of thousands of people, the head of a U.N. war crimes body said.

Former French judge Catherine Marchi-Uhel told Reuters her office had received 15 requests from national judicial or prosecution authorities for cooperation on Syria-related cases in five countries, and amassed a million records in all.

"We are progressing I have no doubt, we are going in the right direction," said Marchi-Uhel, who heads the International, Impartial and Independent Mechanism set up in 2016 to probe and help prosecute the most serious crimes committed in Syria.

During the war, large numbers have died in air strikes and bombardment of city streets, the United Nations has documented repeated chemical weapons attacks on civilians, and countless have faced torture, summary execution and disappearance.

"We are already going in that direction of identifying the most serious crimes, identifying perpetrators, not just physical perpetrators but those who orchestrated, assisted or condoned the commission of crimes that are really our mandate," Marchi-Uhel added at the interview in her Geneva office.

"Does it give a prospect of justice a better chance? Yes".

In a boost to the hunt for justice, police last month detained two Syrians in Germany and one in France on suspicion of torturing opposition activists and other crimes against humanity. They were the first such arrests in Europe against suspected figures from the feared security service.

JORDAN AND SWEDEN CASES

Marchi-Uhel, who used to work for the International Tribunal for the former Yugoslavia, declined to say which countries she was working with. But she said her 32 staff had gathered one million documents, videos and witness testimonies - equal to four terabytes - which were being analysed by investigators, lawyers, and "e-discovery officers".

She is building on evidence gathered by the separate U.N. Commission of Inquiry on Syria, a body of independent experts headed by Brazilian Paulo Pinheiro since 2011.

"My mandate is to investigate the most serious crimes from all sides and do preparatory work for those most responsible for those crimes to face justice," she said.

"I don't sign off on any indictment. With the team we have stopped when we consider a case is ready (for prosecution) ... These things take a long time. It is not a bad sign, it means authorities are working seriously."

Efforts to prosecute members of President Bashar al-Assad's government have repeatedly failed, as Syria is not a signatory to the Rome Statute of the International Criminal Court (ICC) in The Hague. Russia and China have also vetoed attempts to give the ICC a mandate to set up a special tribunal for Syria.

"The avenue that exists at the moment are national jurisdictions," Marchi-Uhel said.

However, lawyers representing 28 Syrian refugees in Jordan this week asked the ICC to investigate Syria, arguing the court has jurisdiction because Jordan is a signatory.

Also, nine torture survivors submitted a criminal complaint in Sweden on Feb 19 against Syrian officials, invoking universal jurisdiction, Marchi-Uhel noted.

UN Investigators Preparing to Bring War Crimes Charges Against Assad Regime (The Tower) March 11, 2019

Investigators working for the International, Impartial and Independent Mechanism (IIIM), an organization established by the United Nations to probe charges of war crimes committed in Syria since 2011 over the course of its bloody civil war, say that they are getting closer to bringing members of the regime of Bashar al-Assad to justice, Reuters reported Friday.

“We are progressing I have no doubt, we are going in the right direction,” Catherine Marchi-Uhel, a former French judge, who heads IIIM, told Reuters. “We are already going in that direction of identifying the most serious crimes, identifying perpetrators, not just physical perpetrators but those who orchestrated, assisted or condoned the commission of crimes that are really our mandate.”

She said that the progress her organization has made makes it more likely that some of those who committed war crimes in Syria will be brought to justice. Last month, two Syrians were arrested in Germany and another one in France. The three are accused of torturing regime opponents and other crimes against humanity.

The International Criminal Court (ICC) doesn't have jurisdiction over Syria, because the country is not a signatory of the treaty that established the court. However, there are refugees in countries where the ICC has jurisdiction asking for investigations into the regime. A group of Syrian refugees in Jordan, which accepts the ICC's jurisdiction, have asked the court to investigate war crimes committed by the Syrian regime. Additionally, a group of torture survivors in Sweden filed a criminal complaint last month against Syria officials invoking universal jurisdiction. Amnesty International charged in February 2017 that at least 13,000 people were killed in Assad's prisons in the first five years of the civil war. The UN formally accused Assad in 2016 of authorizing the “extermination” of prisoners.

The New Yorker also reported in April 2016 on the Commission for International Justice and Accountability's (CIJA) work to help establish the culpability of the high-ranking Assad regime officials who authorized war crimes. The documentation and testimony being gathered by CIJA has been supplemented by photographs of the regime's thousands of torture and murder victims, which were smuggled out of Syria by a former military police photographer known as Caesar. Stephen Rapp, then the top war crimes official for the United States government, declared in July 2014 that Caesar's photographs provided “solid evidence of the kind of machinery of cruel death that we haven't seen frankly since the Nazis.”

[back to contents]

Yemen

American and British bombs killed more than 200 Yemeni civilians, report says (Washington Post) By Sudarsan Raghavan
March 7, 2019

American- and British-made bombs may have killed or injured nearly 1,000 civilians, including women and children, in Yemen's four-year conflict, according to a report released Wednesday by human rights groups.

The airstrikes killed 203 people and injured at least 749, the report found. At least 122 children and 56 women were among the dead and wounded.

U.S. and British lawmakers have mounted efforts to stop arms sales and end their countries' involvement in Yemen's civil war, which has created what the United Nations describes as the world's most severe humanitarian crisis.

The United States, in particular, has sold billions of dollars in weaponry to Saudi Arabia and the United Arab Emirates, its key allies in the Middle East. Both nations lead a regional coalition that seeks to oust northern rebels known as Houthis and restore Yemen's internationally recognized government.

Washington is also assisting the coalition with intelligence, training and other forms of logistical support.

A Pentagon spokeswoman said the United States does not investigate airstrikes by the coalition, but “we have consistently discussed and reinforced procedures to limit civilian casualties.”

“We have repeatedly urged the Saudi-led coalition to address shortcomings in their operations that have led to civilian casualties, and have worked with them to develop procedures and oversight mechanisms to reduce such incidents,” said Cmdr. Rebecca Rebarich.

In their 128-page report, the U.S.-based University Network for Human Rights and a well-known Yemeni rights group, Mwatana, probed 27 coalition airstrikes between April 2015 and April 2018 — all against civilian targets.

In 25 of the assaults, investigators determined that U.S.-made munitions, including banned cluster bombs, were likely to have been used. In five of the strikes, British-made weaponry appears to have been deployed, the report said.

There were 16 airstrikes on civilian gatherings or homes, five on educational and health facilities, five on civilian businesses and one on a government cultural center.

“Our findings reinforce prior evidence demonstrating that the Saudi/UAE-led Coalition is failing to fulfill its obligations under the laws of war and repeatedly using US weapons in apparently disproportionate and indiscriminate attacks that have resulted in widespread civilian casualties and other civilian harm in Yemen,” the report said.

The findings hint at the real civilian toll of the war. From March 2015 to April 2016 alone, more than 18,000 coalition airstrikes pounded Yemen, nearly a third striking civilian targets, according to the Yemen Data Project, an independent monitoring group.

The report strongly suggested that the air assaults could be unlawful under international law and constitute potential war crimes.

“Many of the attacks appeared to take place far from any potential military target,” the report said. “Others caused harm to civilians that vastly outweighed any likely military benefit. In no case did it appear that coalition forces took adequate precautions to minimize harm to civilians, as required by international humanitarian law.”

A spokesman for the Saudi-led coalition did not respond to a request for comment, but the coalition has frequently denied allegations that it is targeting civilians.

In 2017, the coalition said it would launch a training program to reduce what it described as accidental targeting of civilians. But those pledges fell short. In the year since the announcement, civilian deaths were 7 percent higher than the previous year, according to United Nations data.

Saudi Arabia and its regional allies entered the war in March 2015, weeks after the Houthis drove out Yemen’s president from the capital, Sanaa. Saudi Arabia, the region’s leading Sunni power, is seeking to prevent Shiite Iran’s theocracy from gaining influence in the Middle East through its alliance with the Houthis, who belong to the Zaidi branch of Shiite Islam.

The conflict has driven millions of Yemenis to the edge of famine and displaced more than 3 million. The United Nations says a child dies every 10 minutes in the country, which is the Middle East’s poorest. With the health system on the verge of collapse, thousands have died of easily preventable illnesses.

In December, the U.S. Senate voted to end American support for the coalition in Yemen, driven partly by the rising civilian death toll — which some estimates put in the tens of thousands — as well as the specter of a looming famine. The measure was also seen as a rebuke of the Saudi government for its conduct of the war and its role in the killing of Washington Post contributing columnist Jamal Khashoggi in October.

Last month, the House also passed a resolution to withdraw U.S. support for the war, and the Senate is scheduled to vote again on the measure in the upcoming weeks. Despite the growing opposition, President Trump has indicated that he would veto the legislation.

Children Raped in Besieged Yemeni City of Taiz Amnesty States (Al Bawaba) March 11, 2019

Three boys were raped and a fourth was sexually assaulted in the southwestern city of Taiz, Amnesty said, noting it had documented evidence of the sexual attacks that took place in the city controlled by pro-government forces and surrounded by Yemeni rebels.

The families of the four boys, aged eight to 16, told Amnesty their sons had been assaulted over the past eight months, including at a mosque, but authorities in the area had not been responsive.

All four families reported the assaults to the Criminal Investigations Unit in Taiz, Amnesty said. No legal measures had been taken.

"Rape and sexual assault committed in the context of an armed conflict are war crimes," said Heba Morayef, Amnesty's Middle East and North Africa director.

"Commanders who fail to stop such heinous acts can themselves be responsible for war crimes."

The mother of an eight-year-old boy told Amnesty her son had been raped at least twice in 2018 at a mosque, each time by two men including the son of an Islah-affiliated imam.

Al-Islah is a Saudi-backed Yemeni Islamist party.

Medical reports reviewed by Amnesty showed the boy suffered impaired mobility and concussions as a result of assault.

The father of a 13-year-old boy reported his son had been raped by the same two men at the same mosque.

Another boy, who reported being raped in December, told Amnesty he had been assaulted at gunpoint by an "Islahi-aligned militiaman".

"He was unable to sit afterwards or go to the bathroom for three days," the mother of the 16-year-old said.

"He just sat there staring into space."

Other unreported cases are likely, Amnesty said, as families are often too afraid of militias, which have flourished in the chaos of war, to come forward.

Convicted sexual violence offenders can be given the death penalty under Yemeni law. A number of men have been publicly executed in recent years for the rape and murder of children.

The war between Yemen's Houthi rebels and a pro-government military alliance led by Saudi Arabia has killed more than 10,000 people, including 2,200 children, according to the World Health Organisation, although rights group believe the toll to be five times higher.

In November, Save The Children said an estimated 85,000 children under age 5 may have died of hunger and disease since the outbreak of Yemen's war in 2015.

Save the Children said the "conservative" estimate is based on average mortality rates for Severe Acute Malnutrition, which the UN says has afflicted more than 1.3 million children since a Saudi-led coalition went to war with Yemen's Houthi rebels in March 2015.

"For every child killed by bombs and bullets, dozens are starving to death and it's entirely preventable," Tamer Kirolos, Save the Children's Yemen director, said, adding that "children who die in this way suffer immensely."

The war and a Saudi-led blockade have created the world's worst humanitarian crisis, with more than 8 million people at risk of starvation.

According to the UN children's agency (UNICEF), more than half of the 14 million people on the edge of famine are children.

More than 22 million people - three quarters of the population - now depend on humanitarian assistance to survive.

UNICEF estimates that some 4.5 million children in Yemen risk of losing access to state schools, as teachers have not been paid in nearly two years.

More than 2,500 schools have been damaged or destroyed, and others are now used as shelters for displaced people or as bases run by armed groups.

[back to contents]

Special Tribunal for Lebanon

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

[back to contents]

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

[back to contents]

Israel and Palestine

UN: IDF Deliberately Shot Children on Gaza Border in Apparent War Crime (The Jerusalem Post) By Tovah Lazaroff
March 1, 2019

In a likely war crime, IDF soldiers deliberately shot at children and people with disabilities when it quelled Hamas-led protests on the Gaza border during the last 11 months, a United Nations Human Rights Council commission of inquiry reported on Thursday morning.

IDF soldiers “have intentionally shot children, they intentionally shot people with disabilities, they intentionally shot journalists,” said legal expert Sara Hossain of Bangladesh, who was one of the three investigators on the commission. She spoke at a press conference in Geneva, along with the two other experts who published the report on the Hamas-led protests that began on March 30, which Palestinians call the “Great March of Return.”

The snipers who shot at the protesters had high-level technological equipment, were backed up by tanks and separated from the protesters by a fence, Hossain said.

These are among the reasons that “the commission has reasonable grounds to believe that during the Great March of Return, Israeli soldiers committed violations of international human rights and humanitarian law,” said Argentinian legal expert Santiago Canton, who chaired the UNHRC’s commission of inquiry into the protests. “Some of those violations may constitute war crimes or crimes against humanity, and must be immediately investigated by Israel.”

Prime Minister Benjamin Netanyahu rejected the report, saying the UN had set “new records for hypocrisy and mendacity out of an obsessive hatred of Israel, the only democracy in the Middle East. It is Hamas, which fires missiles at Israeli citizens, throws explosive devices and carries out terrorist activity during the violent demonstrations along the fence [which should be investigated].”

He added that: “Israel will not allow Hamas to attack Israel’s sovereignty and its people... IDF soldiers will continue to vigorously defend Israeli citizens against attacks by Hamas and the [other] terrorist organizations financed by Iran.”

Canton said that the Gaza border demonstrations were not military operations. The investigation found that the demonstrators were overwhelmingly unarmed, even if they were not always peaceful, he said.

The Gaza border report held both Israeli civilian and military leaders liable for the protest deaths before the International Criminal Court. In addition, it claimed that individual soldiers could also be prosecuted for war crimes along the border.

The report recommended that UN member states consider imposing individual sanctions against Israeli leaders and soldiers. This could include arrests, travel bans or a freeze of financial assets, the commission stated.

It also encouraged member states who are parties to the Rome Statute to arrest or extradite citizens involved in Gaza deaths.

Palestinian Authority President Mahmoud Abbas said the findings confirmed “what we have always said: that Israel conducts war crimes against our people in Gaza and the West Bank, including in Jerusalem.”

He called on the International Criminal Court to “act immediately and open a probe into the crimes conducted [by Israel].”

The three-person panel investigated the deaths of the 189 Palestinians who were killed during the first nine months of the protests, which have been held on a weekly and sometimes daily basis.

“Israeli security forces killed 183 of these protesters with live ammunition. Thirty-five of these fatalities were children, while three were clearly marked paramedics and two were clearly marked journalists,” the UNHRC report stated.

During that time, the IDF wounded 6,106 Palestinians with live ammunition and another 3,098 Palestinians were wounded by bullet fragmentation, rubber-coated metal bullets or by tear gas canisters, the report stated.

The 22-page document released is an initial summary, with a more full report due out prior to March 18.

The commission said it had “conducted 325 interviews with victims, witnesses and sources, and gathered more than 8,000 documents.”

Israel and Egypt banned its investigators from entering Gaza. All their work was done remotely and without direct conversations with the IDF.

At the press conference, the three-member panel acknowledged that it did not directly know what the IDF's rules of engagement were, but had gleaned information from an Israeli High Court of Justice case.

The commission called on both Israel and Hamas to halt violence against civilians. The panel, however, said it had focused its work primarily on five Palestinian protest sites along the Gaza border. The report made some mention of Hamas violence against Israel, including the death of an Israeli soldier and the injury of four others.

The IDF has argued that the protests are violent riots designed by Hamas to attempt to infiltrate into Israel. Protesters have thrown Molotov cocktails, burning tires and stones at IDF soldiers. They have also placed explosive devices along the border fence and in some cases used live ammunition.

In addition, Palestinians launched incendiary devices that have landed in southern Israel, burning thousand of acres of fields and forests and endangering civilian lives.

21 Gazans said wounded by Israeli fire as thousands riot on border (The Times of Israel) March 1, 2019

Thousand of Palestinians protested along the Gaza border on Friday with some rioting and clashing with Israeli troops, a day after the United Nations released a report accusing Israel of potential crimes against humanity for its response to the weekly riots.

Some 8,000 Palestinians took part in the protests and some burned tires and threw, explosive devices, rocks and grenades at Israeli troops guarding the security fence, according to the army.

Soldiers responded with tear gas and in some instances live fire, the army said.

The Hamas-run health ministry in Gaza said 21 Palestinians were wounded during the clashes by Israeli fire.

The riots were part of the “March of Return” protests, which have taken place weekly along the border since last March and have periodically escalated into major flareups between the Israeli military and Gaza-based terror groups.

Israel has accused Hamas, the terror organization that rules the Strip, of orchestrating the clashes and using them as cover to breach the border and carry out attacks.

Recent weeks have seen a dramatic increase in the level of violence along the Gaza border, with near nightly riots and a return of airborne arson attacks, which had waned in light of a de facto ceasefire agreement between Israel and Hamas.

This week's riots came a day after the release of a report commissioned by the UN Human Rights Council on Israel's handling of the clashes that alleged there is evidence Israeli soldiers committed crimes against humanity.

“The Commission found reasonable grounds to believe that Israeli snipers shot at journalists, health workers, children and persons with disabilities, knowing they were clearly recognizable as such,” it said.

The investigators specified that there were reasonable grounds to believe that Israeli troops killed and injured Palestinians “who were neither directly participating in hostilities, nor posing an imminent threat.”

It said more than 6,000 people were shot by military snipers using live ammunition during the period investigated, with 189 killed.

The UN team also dismissed claims by Israel that the protests were aimed to conceal acts of terrorism that have included shootings, grenade and bomb attacks, Molotov cocktails and breaches of the border fence.

“The demonstrations were civilian in nature, with clearly stated political aims,” the statement said. “Despite some acts of significant violence, the Commission found that the demonstrations did not constitute combat or military campaigns.”

The report was strongly denounced by Israeli leaders, with Prime Minister Benjamin Netanyahu saying it set “new records in hypocrisy and lies.”

“It is Hamas which fires rockets at Israeli civilians, bombs and carries out terrorist activities during the violent demonstrations on the fence,” he said.

The inquiry investigated possible violations from the start of the protests on March 30, 2018, through December 31.

The UNHRC report came a day after Israeli jets struck multiple targets in the southern Gaza Strip linked to Hamas, in response to an incendiary device flown over the border from Gaza that damaged a home in the Eshkol region. There were no reports of casualties from the Israeli strikes.

IDF Strikes Hamas Post in Response to Explosive Balloons (The Jerusalem Post) By Anna Ahronheim
March 2, 2019

IDF aircraft struck multiple Hamas positions in the southern Gaza Strip in response to the launching of explosive balloons towards Israel Saturday night.

Thousands of Gazans have been violently demonstrating along the security fence with Israel demanding an end to the 12-year long blockade every week for the past 11 months.

Three Palestinians, including a medic and a journalist were injured on Friday during the protests.

According to the IDF some 8,000 Palestinians gathered at several points along the fence, burning tires, hurling stones, explosives devices and grenades at troops stationed along the fence. Demonstrators also burnt tires and launched incendiary balloons towards several locations.

IDF troops responded with riot-control means.

Palestinians in the Hamas-run coastal enclave have been launching explosive balloons and other explosive aerial devices as part of The Great Return March protests which began on March 30th, leading to 2,000 separate fires resulting in over 35,000 dunams (approximately 8,500 acres) being burnt.

According to the IDF, this has included over 13,000 dunams (approximately 3,200 acres) of nature reserves, and over 11,000 dunams (approximately 2,700 acres) of forestry.

On Wednesday a civilian home was damaged after an explosive device tied to several balloons detonated in the air outside of it in the Eshkol regional council. The explosion shattered one window and damaged the shutters on another, authorities said.

The IDF also accused Hamas of “allocating explosive materials and other military means” and distributed them to protesters to sabotage security infrastructure. Gazans have also been cutting through the fence, infiltrating into southern Israel.

Approximately 70,000 Israelis reside in the area of southern Israel next to the Gaza Strip, and according to the military, the primary threat posed by the events along the border is the threat of abductions of killings of Israeli civilians as well as harm to residential and commercial infrastructure.

In addition 1,300 rockets and missiles have been fired from the Strip since the beginning of the demonstrations, with “most” being launched on Friday or Saturday “immediately after mass violent riots.”

On Thursday the United Nations Human Rights Council (UNHCR) released a report claiming that IDF soldiers intentionally fired on civilians and could have committed crimes against humanity during the response to the demonstrations.

The UN Independent Commission of Inquiry “has found reasonable grounds to believe that Israeli security forces committed serious violations of human rights and international humanitarian law,” said its chair Santiago Canton in Geneva, Switzerland.

“These violations clearly warrant criminal investigation and prosecution, and we call on Israel to conduct meaningful investigations into these serious violations and to provide timely justice for those killed and injured,” he said.

Last month a report by Medicine Sans Frontier found that a total of 6,174 Palestinians have been injured by live bullets fired by IDF troops over the past 10 months since the beginning of the riots.

The IDF military intelligence assessment for 2019 has warned that a continued deterioration of Gaza’s civilian infrastructure will continue to put pressure on Hamas which could lead to another violent clash with Israel, despite both sides not being interested in another war.

IDF Officer Seriously Injured After Car Rams Into Troops in West Bank (The Jerusalem Post) By Anna Ahronheim
March 4, 2019

An IDF officer was seriously injured and a Border Police soldier was lightly injured after Palestinians rammed their car into them during an arrest operation in the West Bank, the military said on Monday.

The force opened fire on the vehicle’s three occupants, killing two and wounding the third, who was arrested. The Palestinian Ministry of Health identified the two killed as 20-year-olds Amir Mahmud Dragah and Yusuf Raed Angao, and the injured identified as Haitham Juma al-Qom.

At the start of a meeting with the prime minister of Samoa, Prime Minister Benjamin Netanyahu praised the IDF reaction to the attack and ordered that the homes belonging to the Palestinian attackers be demolished.

"This morning the IDF soldiers acted swiftly and liquidated the terrorists who threatened to run them over," Netanyahu said.

"We send our best to the wounded officer for quick recovery and we will do everything to speed up the demolition of these murderers' houses, like the murderer of Ori Ansbacher," he said, referring to the 19-year-old woman who was raped and murdered by a Palestinian terrorist outside Jerusalem last month. "I gave instructions to speed up the demolitions of these homes within the limitations of the judicial system. We are determined to continue our vigorous struggle against murderers and against terror wherever it is."

Hamas, meanwhile, praised the attack, saying, "the two shaheeds [martyrs] who were killed in the early hours of the morning, in the west of Ramallah, emphasize that the rebellious youth in the West Bank will not rest until they achieve the full rights of our people and our holy places are liberated." Hamas spokesman Hazem Qassem added that "the plan to make Jerusalem Jewish will not pass."

The soldiers had been conducting arrest raids in the West Bank village of Nima near Ramallah when, according to Hebrew media, their vehicle broke down as they exited the area.

The troops had been standing outside their vehicle trying to move it when they were struck by the Palestinian car.

"When we arrived, they led us to an IDF medical force that treated two young people who were injured by a car. They were both fully conscious. We treated a young man in his twenties who was suffering from extensive systemic injuries. We gave him life-saving medical treatment including sedation and ventilation and evacuated him to the hospital in severe and stable condition," said MDA paramedic Ahuva Stern, adding that the other soldier suffered bruising to his limbs.

The two injured servicemen were evacuated to Tel Hashomer Hospital in Ramat Gan for medical attention.

According to medical officials, the seriously wounded officer sustained injuries throughout his body while the lightly wounded Border Police guard was released from the hospital later in the morning after being examined by doctors.

According to a statement released by the IDF, the Palestinians in the car had thrown Molotov cocktails at a crossing near Route 443 earlier that night and several additional Molotov cocktails were found in the car.

Since October 2015, Palestinians have stabbed, run over and shot Israeli soldiers and civilians, including some tourists, in waves of violence in the West Bank and Israel. While the violence has since decreased since its peak in the winter of 2016 when there were almost daily attacks, they remain a significant threat.

Israeli defense officials have warned that 2019 may see an escalation in violence in the already restive West Bank and Gaza

Strip, with the ongoing power struggle between Hamas and the Palestinian Authority, the worsening health of PA President Mahmoud Abbas, the release of the United States peace plan and the upcoming Israeli elections.

While the economic situation is much better in the West Bank compared to the Gaza Strip, it has gotten much worse since US President Donald Trump's administration stopped funding for the UN Palestinian refugee agency UNRWA.

In August, when the \$200 million cut to UNRWA was announced, a senior IDF officer in the West Bank warned that the aid being stopped "is a big blow to Palestinians," and that the military was "concerned that if the schools aren't funded, the youth will go out and carry out attacks."

With an employment rate at 27.4% (the highest in the world as per Reuters), and with half of Palestinians under the age of 30 unemployed, the youth of the West Bank are losing hope and becoming more desperate. The incitement in Palestinian media against Israel, including by Abbas, has not helped calm the situation.

UN Human Rights Chief Raps Israel Over 'Immediate Dismissal' of Report on Killed Gaza Protesters (Haaretz) By Noa Landau
March 6, 2019

United Nations human rights chief Michelle Bachelet said on Wednesday that she regretted Israel's "immediate dismissal" of a UN report on its security forces killing protesters in Gaza "without addressing any of the very serious issues raised".

Independent UN investigators found last week that Israeli security forces may have committed war crimes and crimes against humanity in killing 189 Palestinians and wounding more than 6,100 at weekly protests in Gaza last year.

"All parties concerned should exercise restraint as the date of March 30 approaches," Bachelet said, referring to the first anniversary of the protests, in a speech to the UN Human Rights Council.

The findings were rejected by several Israeli officials, including Prime Minister Benjamin Netanyahu, who said that Israel outright rejects the report: "The council has set new records of hypocrisy and lies out of an obsessive hatred for Israel."

Netanyahu added that Israel will continue to "fiercely defend its sovereignty and citizens against Hamas attacks and Iran-backed terror organizations."

The investigative commission of the United Nations Human Rights Council said it found "reasonable grounds" that Israeli security forces violated international law.

The commission determined that the majority of Gaza protesters who were killed by Israeli forces had been unarmed.

The panel also recommended that UN members consider imposing individual sanctions, such as a travel ban or an assets freeze, on those identified as responsible by the commission.

Foreign Minister Yisrael Katz called the report "hostile, mendacious and biased."

Education Minister Naftali Bennett said in response: "It's hard to imagine the UN could sink any lower. Alternating between excusing terror to ignoring terror it is letting down democracies and backing dictators and tyrants."

Israeli Aircrafts Attack Hamas Targets in Gaza After Projectile Fired Into Israel (Haaretz) By Yaniv Kubovich, Jack Khoury and Almog Ben Zikri
March 9, 2019

Israeli aircrafts attacked Friday overnight several targets in the Gaza Strip, hours after a projectile was fired from Gaza at Israel, the Israeli military said, following a day of clashes along the border.

The Israel Defense Forces' Spokesperson Unit added in a statement a Hamas military compound in southern Gaza and underground facilities in the north were attacked.

The ministry said 41 Palestinians were wounded by live fire, including 15 minors, two women, four paramedics and two journalists. It was the 50th consecutive week of Palestinian protests at the fence.

The Israeli military confirmed a projectile was fired from Gaza at Israel on Friday evening, after rocket alert sirens sounded in southern Israel near the Gaza Strip. A statement from the Eshkol Regional Council states that a projectile fell in an open area between two communities in southern Israel, causing no casualties or damage.

Earlier the same day, Israeli army forces arrested two Palestinians who crossed into Israel from the northern Gaza Strip. The Palestinians were apprehended after forces were summoned to the northern border fence to conduct searches, during which several local roads were closed and soldiers were deployed to communities and put on alert.

A search of the area and the Palestinians' clothes revealed a knife and a grenade, the IDF said. The weapons were transferred to security forces.

An IDF tank fired on a Hamas post in northern Gaza on Thursday, in response to fire towards security infrastructure next to the fence, which left no casualties. In the early morning, the Gaza Health Ministry reported that a 15-year-old Palestinian was killed by IDF fire in clashes on the border.

On Wednesday, rocket sirens sounded in the Eshkol Regional Council border community after a rocket was launched from northern Gaza. The IDF said that the Iron Dome aerial defense system was activated following the launch, and the Israeli Air Force struck Hamas targets in southern Gaza in response.

Tension between Hamas and the IDF has increased over past weeks, caused by the return of incendiary balloon launches from the Gaza Strip into Israeli territory. In addition, Hamas has also renewed its nighttime activities on the Gaza border fence.

ACRI Asks High Court to Order IDF to Indict Col. Who Killed Fleeing Palestinian Rock-Thrower (The Jerusalem Post) By Yonah Jeremy Bob

March 10, 2019

The Association for Civil Rights in Israel petitioned the High Court of Justice on Sunday to order the IDF to indict Col. Yisrael Shomer for killing a Palestinian who was running away from him in 2015.

The High Court's ruling could have broader implications for the rules of engagement in the ongoing Gaza border crisis.

The ACRI petition filed in behalf of the parents of 17-year-old Muhammad al-Casba asked the court to order an indictment for either manslaughter or negligent homicide, and to freeze Shomer's designated appointment to take command of the IDF's Nahal Brigade.

The petition against Shomer, the Binyamin Brigade commander, came after Attorney-General Avichai Mandelblit in December endorsed the IDF legal division's earlier decision to close the case (though Mandelblit voiced some implied criticism.)

However, due to some criticism of Shomer by Mandelblit, his promotion has been held up until now. He is not expected to rise to the rank of Brigadier-General, even if he assumes command of the Nahal Brigade, though purely by seniority rules he would have already risen in rank.

Shomer shot Casba after he had thrown a large rock at Shomer's vehicle. But by the time of the shooting, Casba was already fleeing. Even Military Advocate General Maj. Gen. Sharon Afek did not think that Casba presented a concrete danger.

A video of the shooting distributed at the time by B'Tselem-The Israel Information Center for Human Rights in the Occupied Territories went viral, and brought about calls for Shomer's prosecution and led to an unusual full criminal investigation.

The video did not show the shooting, though it showed some events before and after.

At the time, Shomer had been the highest ranking IDF officer under criminal investigation for an alleged offense relating to a conflict with the Palestinians.

The incident involving Shomer took place near A-Ram, adjacent to Ramallah, at a time of a heightened security in the West Bank that followed a spate of terrorist attacks.

The commander was on his way to the Kalandiya checkpoint between Jerusalem and Ramallah when the rock hit his windshield.

ACRI said its review of the case file – including multiple interrogations of Shomer, "Soldier D" and "Maj. G," showed that Shomer's narrative was rife with contradictions which collectively proved he should be indicted for manslaughter or negligent homicide.

FOR EXAMPLE, ACRI said Shomer originally claimed he shot Casba when he saw the youth facing him and holding an unidentified object that might have presented a danger.

However, after being confronted with video of Casba fleeing, Shomer admitted he fired on Casba while he was running away with his back to him, while Shomer was also running, and without properly aiming through his gun's scope.

Shomer maintained he had been carrying out a procedure for arresting a dangerous suspect; that his misfiring which killed Casba was only meant to wound him in the knees; and the the shot was a professional error, not negligent homicide. However, ACRI said Shomer fired three shots without pausing, which went beyond arrest procedure, and that the Military Advocate General's standard for judging the issue went against the recognized legal standard.

Afek ruled in April 2016 that Shomer had properly followed the rules of engagement for apprehending a suspect by firing two warning shots and then aiming and firing at Casba's legs.

Afek said Shomer missed by mistake due to firing while moving, as opposed to firing from a static standing position. However, he said that despite this unintentional error, the procedure of firing at Casba's legs had been correct.

Further, Afek stated that despite the gravity of Shomer's mistake, it occurred in "unambiguously operational circumstances" and did not rise to the level of a criminal offense.

According to the petition, Mandelblit disagreed with Afek on aspects of the decision and analysis. Due to its contradictions, the attorney-general did not view Shomer's story as credible. Mandelblit said that even accepting Soldier D's view of events, which was less favorable to Shomer, there was still no criminal basis to prosecute.

This was because Shomer had felt had felt danger from Casba only moments before, and sensed danger from the large number of Palestinians surrounding them. Intent, Mandelblit said, should be interpreted to the benefit of defendants in operational circumstances.

ACRI said such a grave mistake warranted a charge of negligent homicide, if not manslaughter or murder. The organization noted that following the incident, the IDF clarified that its rules at the time of the incident were to avoid firing on fleeing Palestinians who were no longer dangerous, even if they had presented a limited danger earlier.

The court gave the state until the end of March to respond.

[back to contents]

Libya

Official Website of the International Criminal Court ICC Public Documents - Situation in the Libyan Arab Jamahiriya

Europe's shameful failure to end the torture and abuse of refugees and migrants in Libya (Amnesty International)

By Matteo de Bellis

March 7, 2019

Farah, a young man from Somalia, his wife and newborn daughter had been at sea for 12 hours when the Libyan coastguard intercepted their dinghy. The couple had fled Libya after enduring several months of torture in a hangar where Farah was beaten and his wife raped in an attempt by Libyan gangs to extract ransom money from their relatives.

When he realized he was being sent back to Libya, the 24-year-old felt sick to his stomach. "I knew it was better to die than to go back, but they threatened us with guns."

Farah, his wife and baby spent the next seven months in two detention centres in Tripoli. "There was no food or support for my baby. She died when she was eight months old. Her name was Sagal."

This is just one of several heartbreaking stories of violence and unimaginable cruelty I heard last month in Medenine, a small town in southern Tunisia, which has received a low but steady number of refugees and migrants escaping a hellish life in Libya across the border.

This weekend fresh accounts emerged of people being tortured in Tripoli's Triq al-Sikka detention centre. According to reports, over 20 refugees and migrants, including children, were brought to an underground cell and then tortured at turns,

one-by one, for days, in punishment for protesting against their arbitrary detention in squalid conditions and the lack of solutions. In response to the protest, over a hundred other detainees were transferred to other detention centres, including Ain Zara – the same detention where Sagal died.

These stories of abuse correspond with what I heard in Tunisia. Another Somali man, Abdi, described extortion and beatings at the hands of detention centre guards. Like Farah, Abdi was also captured at sea by the Libyan coastguard and returned to Libya where he was moved from one detention centre to another.

“Sometimes the guards drink and smoke, and then beat people. The guards also ask people to pay money to release them, but if you don’t pay, they beat you. You would see the guards, both militia and police, coming in and beating people who had not paid.”

Catastrophic impact of Europe’s migration policies

Most of the people currently held in Libya’s detention centres were intercepted at sea by the Libyan coastguard, which has enjoyed all kind of support from European governments in exchange for preventing refugees and migrants from reaching European shores.

Through the donation of ships, the setting up of a Libyan search and rescue zone, and the construction of coordination centres, among other measures, European taxpayers’ money has been used to enhance the Libyan capacity to block people attempting to flee Libya and hold them in unlawful detention. And this was done with no conditions attached, even if such cooperation results in gross human rights violations like torture.

If EU states want to stop being complicit in the beatings, rape and exploitation of women, men and children, they must demand the closure of all immigration detention centres in Libya and the release of the about 5,000 people currently detained there.

European governments that have acted for years in a frenzy, pushing through policies designed to stop arrivals in Europe whatever the human cost, should come to their senses, at least now that crossings are very low. Beyond action to address the human rights crisis in the country affecting Libyans and foreign nationals alike, the response needs to include a swift and predictable mechanism for the disembarkation in Europe of asylum-seekers and migrants rescued in the Mediterranean, as well as a fair system to share responsibility among EU countries for their assistance.

Such measures would go some way to preventing the disastrous scenes that have been repeated over the past year – of rescue ships being left at sea for weeks with no EU country willing to open its ports to receive them. Such incidents not only add up to the suffering of people who have just fled horrific treatment, but also discourage merchant ships from rescuing people in distress and ensuring their disembarkation in a place of safety, which cannot be in Libya.

Emmanuel, a 28-year-old refugee who fled conflict in Cameroon, described being adrift at sea in a dinghy which was in sight of another one that was floundering in the water, and his utter disbelief when a ship refused to rescue either boat.

“From the big ship they were making calls, but said: ‘Sorry, we can’t take you, it’s not my fault, orders are that Libyans will come to take you’. Meanwhile, I could see people dying on the other boat, pieces of boat were floating and bodies too. [By the time] a small Libyan ship came to get us...all the people on the other dinghy had died.”

With reports that refugees from countries such as Eritrea are returning, despite the obvious risks to their lives back home, Europe cannot afford to ignore the catastrophic consequences of its irresponsible policies to stem migration across the Med.

As departures from Libya fall, now is the time to push for change: for an end to the immigration detention centres in Libya, for a fair disembarkation and relocation mechanism in Europe, and for safe and legal avenues for people to find safety without resorting to sea crossings.

This would result in many more children and adults being released from their ordeal and allowed to leave the horrific centres where they are currently being arbitrarily detained in Libya. European governments, that have closed the central Mediterranean route and so trapped thousands of people in Libya, have no time to lose.

There are dozens of other Sagals, of other fathers and mothers, we could help to save.

RPG blast in Benghazi cause injuries (The Libya Observer)

By Abdulkader Assad

March 12, 2019

March 12, 2019

LANA added that the two RPGs left behind four injuries but their health conditions are now stable.

Meanwhile, medical sources in Al-Jalaa Hospital in Benghazi said they had received six injuries due to the Salmani blast.

Security departments on Benghazi did not comment on the incident, which sources said happened in a wedding place, which is something usual in that area to have some RPGs fired for celebration.

In Benghazi as well, some gunmen opened fire in a clinic on Tuesday morning leaving the patients and staffers panicking.

[back to contents]

Gulf Region

Senate votes to end US support for Saudi forces in Yemen (Fox News) By Samuel Chamberlain
(March 13, 2019)

The Senate voted Wednesday to end U.S. support for the Saudi Arabia-led coalition in Yemen's ongoing civil war, the latest in a series of foreign policy rebuffs to President Trump.

Seven Republicans broke with Trump to support the resolution, which was co-sponsored by Sens. Bernie Sanders, I-Vt. and Mike Lee, R-Utah. They were: Lee, Susan Collins of Maine, Steve Daines of Montana, Jerry Moran of Kansas, Lisa Murkowski of Alaska, Rand Paul of Kentucky and Todd Young of Indiana.

Lawmakers have never before invoked the War Powers Resolution of 1973 to stop a foreign conflict, but Wednesday's 54-46 vote brought them a step closer to doing just that in order to cut off U.S. support for a war that has triggered a humanitarian catastrophe.

"The bottom line is that the United States should not be supporting a catastrophic war led by a despotic regime with an irresponsible foreign policy," Sanders said on Wednesday from the Senate floor. He said a vote in favor of the measure would "begin the process of reclaiming our constitutional authority by ending United States involvement in a war that has not been authorized by Congress and is unconstitutional."

The measure will move to the Democrat-controlled House, where it is expected to pass. Trump has threatened to veto the resolution, which the White House says raises "serious constitutional concerns."

In its statement threatening a veto, the White House argued that the premise of the resolution is flawed, and that it would undermine the fight against extremism. U.S. support for the Saudis does not constitute engaging in "hostilities," the statement said, and the Yemen resolution "seeks to override the president's determination as commander in chief."

"By defining 'hostilities' to include defense cooperation such as aerial refueling," the White House statement said, the Yemen resolution could also "establish bad precedent for future legislation."

Trump's support for Saudi Arabia has been a point of tension with Congress since the killing of U.S.-based activist and writer Jamal Khashoggi last year. Lawmakers from both parties have criticized Trump for not condemning Saudi Arabia strongly enough for the killing.

Sen. Majority Leader Mitch McConnell, R-Ky., addressed those tensions when he urged his colleagues to oppose the measure.

"We should not use this specific vote on a specific policy decision as some proxy for all the Senate's broad feelings about foreign affairs. Concerns about Saudi human rights issues should be directly addressed with the administration and with Saudi officials," McConnell said from the Senate floor.

McConnell argued that the Yemen resolution would "not enhance America's diplomatic leverage" and would make it more difficult for the U.S. to help end the conflict in Yemen and minimize civilian casualties.

Sen. James Risch, R-Idaho, who chairs the Foreign Relations Committee, argued that U.S. support for the Saudi-led coalition helps facilitate peace talks and withdrawing from the conflict would delay an eventual political settlement.

"Peace envoys are telling us they want deeper U.S. engagement in this situation," Risch said in a statement following the vote. "This resolution sends a terrible message of U.S. division and lack of resolve, and sets a bad precedent for using the War

Powers Resolution to express political disagreements with a president. We should instead signal our resolve that the U.S. is committed to playing an important role in pushing for a sustainable political settlement in Yemen."

A similar resolution to end support for the Yemen war passed the Senate in December, but it was not taken up by the House, which was then controlled by Republicans.

Approaching its fifth year, the war in Yemen has killed thousands and left millions on the brink of starvation, creating what the United Nations called the world's worst humanitarian crisis.

Sen. Chris Murphy, D-Conn., said before the vote that the resolution "will be seen as a message to the Saudis that they need to clean up their act."

"We are made weaker in the eyes of the world when we willingly participate in war crimes, when we allow our partners to engage in the slaughter of innocents," Murphy said.

[back to contents]

ASIA

Afghanistan

Lawyer charged for exposing Australian war crimes in Afghanistan (International Committee of the Fourth International) By Mike Head
(March 11, 2019)

A former Australian military lawyer, once a captain in Britain's Special Air Service (SAS), has been charged over the alleged leak of documents to journalists containing evidence of war crimes committed in Afghanistan by Australia's Special Forces.

David McBride, 55, appeared in the Australian Capital Territory Magistrates Court last Thursday, accused of leaks to Australian Broadcasting Corporation (ABC) and Fairfax Media reporters during 2014 to 2016.

The charges relate in part to an ABC investigation published in 2017, called "The Afghan Files: Defence leak exposes deadly secrets of Australia's special forces." It provided some detail about long-suppressed official investigations into alleged war crimes.

Most of the documents, which the ABC did not release, reportedly covered "at least 10" incidents between 2009 and 2013 in which military investigators summarily cleared Special Forces soldiers of killing civilians, including children, or other war crimes.

Among the investigations mentioned were cases relating to the death of a man and his six-year-old child during a raid on his house, and the killing of a detainee who was alone with a soldier.

In 2013, troops commanded by Australian SAS officer Andrew Hastie, now a Liberal Party member of parliament who chairs the Joint Parliamentary Committee on Security and Intelligence, severed the hands of alleged dead Taliban fighters. This followed a training session where soldiers were told such methods could be used for identification purposes.

Some of the atrocities, such as the killing of the captured detainee, were already known. Despite some derisory compensation payments, each incident inflamed popular hostility in Afghanistan to the Australian and other occupying forces. They also underscored the inherently criminal character of the US-led Afghanistan war.

McBride entered no pleas. Instead, speaking to the media outside court, he said he had admitted handing over the documents but would defend his actions on legal grounds.

"I saw something illegally being done by the government and I did something about it," he said. "I'm seeking to have the case looking purely at whether the government broke the law and whether it was my duty as a lawyer to report that fact."

McBride suggested a cover-up at the highest levels of the military. He stated: "I have a duty to look after Australia, if that means reporting illegal activity by the top brass of the ADF [Australian Defence Force] I'm going to do it... If I was afraid of going to jail, why would I have been a soldier?"

The ex-ADF lawyer said he first sought an internal inquiry through the defence department and then went to police. When police did not act, he went to the media. He said he gave the documents to the ABC, the Sydney Morning Herald and journalist Chris Masters, but only the ABC published a report.

The lawyer is charged with theft and three counts of breaching the Defence Act, for being a member of the defence force and communicating information. The charges, if prosecuted on indictment, have maximum penalties of an unlimited fine or imprisonment for any term.

McBride faces a further charge under Criminal Code secrecy provisions, which were expanded and subjected to harsher penalties as part of last year's "foreign interference" legislation. Imprisonment for up to 10 years can be imposed for an "aggravated" offence of leaking official secrets that allegedly prejudice Australia's military defence or security.

McBride said he had been living in Spain, but was arrested at Sydney airport last September after a brief visit to his daughter. He is next due in court on May 13.

The government and the military are insisting that McBride's trial must be conducted in secret, in order to suppress the details of the leaked documents. A Legal Aid representative for McBride told the court that his office was having difficulty finding a lawyer with the necessary security clearance to represent McBride.

McBride's actions point to concerns within the military-intelligence establishment itself that the abuses committed by the Special Forces in Afghanistan have been so egregious that they have publicly discredited the "elite" units, on which Australian and allied governments rely for military interventions.

After studying at Sydney University and Oxford, McBride joined the British army. He spent six years with the Queen's household cavalry, and also served with the SAS and in Northern Ireland and Afghanistan. In 2002, he stood unsuccessfully as a Liberal Party candidate in a New South Wales (NSW) state election.

The ABC reported that some of the cases were being probed by an inquiry run by NSW Supreme Court judge Paul Brereton, an army reserve major general, which was set up in 2016 by General Angus Campbell, who is now Chief of Defence.

The leaked material provided only a partial glimpse of Australia's war crimes. It was published by the ABC in an effort, accompanied by belated military inquiries, to clean up the reputation of the Special Forces by blaming a minority of "bad apples" supposedly caught up in a "warrior culture."

In reality, any brutal "culture" in the ADF is an inevitable result of the neo-colonial wars of occupation in the Middle East, which treat the populations as a whole as the enemy and involve the killing of anyone who resists. Accounts of war crimes committed by Australian Special Forces are not new. Internal investigations, in recent conflicts alone, go back to the Australian military intervention in East Timor in 1999.

The military's actions have been whitewashed at the highest levels of the ADF, with the full support of successive governments. In May 2013, Stephen Smith, the defence minister in the last Labor government, rejected complaints by Afghan detainees that they were subjected to humiliating public searches of groin and buttocks areas, as well as poor food and cold cells.

Last June, in a damage control operation, the current Liberal-National government belatedly revealed a third closed-door inquiry into alleged war crimes. After a Fairfax Media investigation reported further killings by Australian commandos, the Defence Department announced that earlier last year, military chiefs commissioned David Irvine, a former intelligence chief, to conduct an inquiry.

This "independent assessment" was designed as another official cover-up, seeking to cloak the barbaric character of the US-led occupation of the impoverished country. Such wars necessarily require the recruitment and training of soldiers to become hardened killers.

In addition to Hastie, ex-military commanders are prominent throughout the political and military establishment. Duncan Lewis, the current Australian Security Intelligence Organisation (ASIO) director-general, is a former SAS officer.

Government Senator Jim Molan headed allied military operations in Iraq during 2004-05. A Labor Party MP and ex-minister,

Mike Kelly, was a colonel and Director of Army Legal Services, which would have handled complaints against Special Forces members.

Brutal Special Forces operations are part of expanded preparations for use at home, as well. Alongside deployments to neo-colonial wars, the commandos train to suppress social unrest, in the name of combatting terrorism or "domestic violence."

US Bars entry to ICC members investigating alleged war crimes (TRT World) (March 16, 2019)

The US will revoke or deny visas to International Criminal Court personnel seeking to investigate alleged war crimes and other abuses committed by US forces in Afghanistan or elsewhere, and may do the same with those who seek action against Israel, Secretary of State Mike Pompeo said on Friday.

Pompeo, acting on a threat delivered in September by US national security adviser John Bolton, framed the action as necessary to prevent the international body from infringing on US sovereignty by prosecuting American forces or allies for torture or other war crimes.

"We are determined to protect the American and allied military and civilian personnel from living in fear of unjust prosecution for actions taken to defend our great nation," Pompeo said.

US officials have long regarded the Netherlands-based ICC with hostility, arguing that American courts are capable of handling any allegations against US forces and questioning the motives of an international court.

The ICC and its supporters, including human rights groups that denounced Pompeo's announcement, argue that it is needed to prosecute cases when a country fails to do so or does an insufficient job of it.

The visa restrictions would apply to any ICC employee who takes or has taken action "to request or further such an investigation" into allegations against US forces and their allies in Afghanistan that include forced disappearances and torture.

Pompeo said the restrictions "may also be used to deter ICC efforts to pursue allied personnel, including Israelis, without the allies' consent," he said.

The Hague-based court, the first global tribunal for war crimes, said it would continue to operate "undeterred" by the US action.

The ICC prosecutor has a pending request to look into possible war crimes in Afghanistan that may involve Americans.

The Palestinians have also asked the court to bring cases against Israel.

Speaking directly to ICC employees, Pompeo said: "If you are responsible for the proposed ICC investigation of US personnel in connection with the situation in Afghanistan, you should not assume that you still have or will get a visa or will be permitted to enter the United States."

That comment suggested that action may have already been taken against the ICC prosecutor who asked last year to formally open an investigation into allegations of war crimes committed by Afghan national security forces, Taliban and Haqqani network militants, as well as US forces and intelligence officials in Afghanistan since May 2003.

The prosecution's request says there is information that members of the US military and intelligence agencies "committed acts of torture, cruel treatment, outrages upon personal dignity, rape and sexual violence against conflict-related detainees in Afghanistan and other locations, principally in the 2003-2004 period."

The United States has never been a member of the ICC.

The Clinton administration in 2000 signed the Rome Statute that created the ICC but had reservations about the scope of the court's jurisdiction and never submitted it for ratification to the Senate, where there was broad bipartisan opposition to what lawmakers saw as a threat to US sovereignty.

When President George W. Bush took office in 2001, his administration promoted and passed the American Service Members Protection Act, which sought to immunize U.S. troops from potential prosecution by the ICC. In 2002, Bolton, then a State Department official, traveled to New York to ceremonially "unsign" the Rome Statute at the United Nations.

"A direct threat to US national security"

This past September, Bolton said the ICC was a direct threat to US national security interests and he threatened its personnel

with both visa revocations and financial sanctions should it try to move against Americans. Pompeo said Friday that more measures may come.

The ICC said in a statement it was established by a treaty supported by 123 countries and that it prosecutes cases only when those countries failed to do so or did not do so "genuinely." Afghanistan is a signatory.

"The court is an independent and impartial judicial institution crucial for ensuring accountability for the gravest crimes under international law," the statement said.

"The ICC, as a court of law, will continue to do its independent work, undeterred, in accordance with its mandate and the overarching principle of the rule of law."

Supporters of the court slammed Pompeo's announcement.

Human Rights Watch called it "a thuggish attempt to penalise investigators" at the ICC.

"The Trump administration is trying an end run around accountability," it said. "Taking action against those who work for the ICC sends a clear message to torturers and murderers alike: Their crimes may continue unchecked."

Amnesty International described the move as "the latest attack on international justice and international institutions by an administration hellbent on rolling back human rights protections."

The American Civil Liberties Union, which represents three people before the ICC who say they were tortured in Afghanistan, called the decision "misguided and dangerous" and "an unprecedented attempt to skirt international accountability for well-documented war crimes that haunt our clients to this day."

[back to contents]

Bangladesh International Crimes Tribunal

Investigators find war crimes evidence against 5 Mymensingh men (The Daily Star) March 10, 2019

The Investigation agency of the International Crimes Tribunal has found war crimes evidence against five people from Mymensingh.

The five were involved with Razakar Bahini (collaborators) during the Liberation War in 1971, and committed crimes including killing of 45 people and abduction of seven people in Dhobaura upazila of Mymensingh.

Investigation agency Coordinator Abdul Hannan Khan and Co-coordinator Sanaul Huq revealed the information at a press conference at the agency's Dhanmondi office.

Among the five accused, three -- Kitab Ali Fakir, 85, Zonab Ali, 68, and Abdul Kuddus, 62, -- are now in jail. They are all from Dhobaura upazila of Mymensingh.

The agency official did not disclose the name of the two other accused as they are yet to be arrested.

Arrest warrant has already been issued against them and law enforcers are trying to arrest them, the official said.

The accused were involved with either Jamaat-e-Islami or Muslim League in 1971 and now they are affiliated with the BNP, the coordinator said.

Monowara Begum, the investigation officer of the case, told The Daily Star that she will hand over the probe report of the case and other documents to the Chief Prosecutor Office of the tribunal today.

U.N. envoy fears 'new crisis' for Rohingya if moved to Bangladesh island (Reuters) By Stephanie Nebehay March 11, 2019

A United Nations human rights investigator on Myanmar voiced deep concern on Monday over Bangladesh's plan to relocate 23,000 Rohingya refugees in April to a

remote island, saying it may not be habitable and could create a potential “new crisis”.

Bangladesh says moving refugees to Bhasan Char - whose name means “floating island” - will ease chronic overcrowding in its camps at Cox’s Bazar, which hold some 730,000 Rohingya.

The U.N. says the Muslim minority fled mass killings and rapes committed during an army crackdown in Rakhine state since August 2017.

Some humanitarian groups have criticized the relocation plan, saying the island in the Bay of Bengal is vulnerable to frequent cyclones.

“There are a number of things that remain unknown to me even following my visit, chief among them being whether the island is truly habitable,” said Yanghee Lee, U.N. special rapporteur on Myanmar, who visited the island in January.

“Ill-planned relocation, and relocations without the consent of the refugees concerned, have the potential to create a new crisis,” she told the U.N. Human Rights Council.

Shah Kamal, secretary of Bangladesh’s Disaster Management Ministry, said the government was in talks with U.N. agencies on the issue.

“(The agencies) have agreed. Now we’re finalizing with them how to move them (the refugees) and all other factors. Everything is ready... Housing, power, healthcare, communication, storm surge embankment, cyclone shelter centers and all other facilities,” he told Reuters in Dhaka.

“There is absolutely no reason to be concerned about floods because we have built an embankment. And no one will be moved there against their will.”

“SYSTEMATIC GENOCIDE”

Lee, who is banned by Myanmar’s government from visiting, told the Geneva forum that up to 10,000 civilians were reported to have fled their homes in Myanmar’s Rakhine state since November due to violence and a lack of humanitarian aid.

“For decades we faced a systematic genocide in Myanmar. They took our citizenship, our land, they destroyed our mosques,” Mohib Bullah, a Rohingya refugee from the camps who is documenting name-by-name those killed in Myanmar, told the Council.

“Over 120,000 Rohingya still live in concentration camps in Myanmar, others outside live in fear of violence,” he said. “We want to go home to Myanmar, with our rights, our citizenship, and international security on the ground.”

A U.N. fact-finding mission last year said Myanmar’s 2017 military campaign that pushed out the Rohingya was orchestrated with “genocidal intent”. Myanmar denies allegations of mass killings and rape and says its offensive was a legitimate response to an insurgent threat.

Lee urged the U.N. Security Council to refer alleged atrocities in Myanmar to the International Criminal Court (ICC) and encouraged Yangon to accept its jurisdiction.

But Myanmar’s ambassador, Kyaw Moe Tun said the Hague-based court had “no jurisdiction over Myanmar whatsoever”.

“Myanmar is fully committed to ensuring accountability where there is credible evidence of human rights violations committed in Rakhine State,” he said.

The most pressing task is to focus on a speedy start to repatriating the refugees, he said, without using the word ‘Rohingya’ - who are mostly stateless in Myanmar.

ICC officials visit Bangladesh to look into Myanmar case: U.N. investigator (Reuters) By Tom Miles
March 11, 2019

Officials from the International Criminal Court are in Bangladesh as part of a preliminary examination of whether a prosecution over the alleged deportations of Rohingya could be mounted, a U.N human rights investigator said on Monday.

“I am very hopeful. This is something that was unprecedented. It is a tiny step forward but I really do wish that this would open the floodgates (of justice),” said Yanghee Lee, the U.N. Special Rapporteur into human rights in Myanmar, adding that

the ICC team were not interviewing victims.

Last September the ICC prosecutor opened a preliminary examination into whether alleged forced deportations of Rohingya from Myanmar could constitute war crimes or crimes against humanity. Bangladesh is a member of the court, although Myanmar is not and rejects its jurisdiction.

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

War Crimes Investigation in Burma

Myanmar Army takes over HQ of NSCN-K rebels (The Asian Age) By Manoj Anand

March 3, 2019

It is significant that most of the active militant groups of the Northeast have bases in Myanmar and are using the facilities of NSCN (K).

Guwahati: The ongoing war against terrorism is not only restricted to northern frontier but the anti-terrorism diplomacy of the Indian government has started paying dividend on the Eastern frontier as well with Myanmar Army taking over the physical control of NSCN-K headquarters and driving out Indian terrorists from Taga area of Myanmar.

Over 500 security personnel of Myanmar Army have dismantled the hideouts of Indian insurgent groups and taken over physical control of National Socialist Council of Nagaland-Khaplang (NSCN-K) headquarters last week, authoritative security sources said that the Myanmar Army has taken this step after NSCN-K refused to follow the order of the Myanmar Army to drive out all the non-citizen terrorists and armed rebels from their camps.

Pointing out that steps of Myanmar has scattered the Indian insurgent groups who were operating from Taga, security sources said that the Myanmar Army has also confiscated a large number of arms and ammunition from the insurgents who have taken shelter in forest areas.

Admitting that the Myanmar Army has not resorted to aggressive military action on insurgents, security sources said that the rebels have been told to return to India instead of trying to set up fresh shelters in Myanmar.

It is significant that most of the active militant groups of the Northeast have bases in Myanmar and are using the facilities of NSCN (K). Though, the exact number of militants now in Myanmar is yet to be ascertained, the security agencies believe that at least 2,000 cadres of active militant groups are still holed up in the neighbouring country. They include around 150 members of the United Liberation Front of Asom-Independent (ULFA-I) and around 100 cadre of the National Democratic Front of Bodoland (S).

About the recent media report which indicated the death of a few top Ulfa-I leaders in Myanmar Army's operations, sources said that they are yet to ascertain claims of Ulfa-I chief Paresh Baruah who said that his top commander Jytirmoy Asom was killed in the operation by the Myanmar Army. Sources, however, said that some Ulfa-I commanders are reported to have died due to prolonged illness.

Informing that the Myanmar government is keeping India informed about their action against terrorists, sources said that the Myanmar Army has already occupied a number of outposts and training schools in their crackdown to ensure a total prevention of illegal armed insurgent groups infiltrating into Burmese soil.

Admitting that Ulfa-I chief Paresh Baruah has been trying to motivate its cadres not to leave Myanmar, sources said that it would be difficult for Ulfa-I and NDFB leadership to hold back their cadres in the present circumstances.

ICC probes Myanmar abuses vs Rohingya (The Manila Times) March 08, 2019

A team from the office of the International Criminal Court (ICC) prosecutor was in Bangladesh on Wednesday for a preliminary probe into alleged atrocities committed against the Rohingya by the Myanmar military in 2017.

A statement emailed to AFP from the ICC confirmed the tour — the maiden official visit by the ICC — but said it was part of the prosecutor's office's "ongoing preliminary examinations concerning the situation in Bangladesh/Myanmar".

“A preliminary examination is not an investigation. Such visits in the context of preliminary examinations are standard practice, and the delegation will not engage in any evidence collection in relation to any alleged crimes,” it said.

“The independent and impartial preliminary examination of the situation in Bangladesh/Myanmar is on-going and following its normal course,” it added.

A Bangladeshi official said the ICC would visit Rohingya camps in the country’s southeastern district of Cox’s Bazar, where some 740,000 Rohingya took refuge after they fled a brutal military crackdown in late 2017.

In September, the ICC prosecutor opened a preliminary probe into Myanmar’s alleged crimes against the Rohingya Muslim minority, including killings, sexual violence and forced deportations.

A preliminary examination can lead to a formal investigation by the ICC — which was set up in 2002 to investigate war crimes and crimes against humanity — and then possible indictments.

Prosecutor Fatou Bensouda will look at whether there is enough evidence to warrant a full investigation into Myanmar’s military offensive.

Bensouda said in a statement at that time that the initial probe “may take into account a number of alleged coercive acts having resulted in the forced displacement of the Rohingya people, including deprivation of fundamental rights, killing, sexual violence, enforced disappearance, destruction and looting”.

Burma Army Clashes With KIA, TNLA During Unilateral Ceasefire (BNI Multimedia Group) Network Media Group
March 08, 2019

The fighting with both groups occurred in northern Shan State’s Kutkai Township.]

The Burma Army clashed with the Kachin Independence Army (KIA) and the Ta’ang National Liberation Army (TNLA) on Tuesday, despite a unilateral ceasefire declared by the military until April.

KIA information department in-charge Col Naw Bu confirmed the fighting to NMG, but said that he had yet to receive a detailed report on the incident.

“From civilian sources, KIA battalion No. 8 under Brigade 4 defended itself against an attack by the Burma Army. The clash lasted a few minutes,” he said.

According to Col. Naw Bu, the clashes occurred in a KIA-controlled area in Kutkai Township, northern Shan State.

The TNLA’s information department reported that the Burma Army’s Light Infantry Division 99 had clashed with TNLA forces on Mangpon mountain near Mong Hom village, also in Kutkai Township, and also on March 5.

According to a TNLA report released on March 6, the group has clashed with government troops five times in 2019, which also falls during the unilateral ceasefire period. The KIA has reportedly had three clashes with the Burma Army during this time.

Col Naw Bu pointed out that there have been no clashes in Kachin State, and that the three that have occurred were in northern Shan State.

“We had clashes with the Burma Army in the areas in which KIA Battalion No. 8 and 9 are active,” he said.

NMG called the Tatmadaw’s True News Information Team to obtain comment on the reports of fighting, but no one answered the phone. There were no reports on the clashes from the Office of the Commander-in-Chief, Snr-Gen Min Aung Hlaing, on the office’s website.

The Burma Army announced a four-month unilateral ceasefire on December 21, 2018. The military declared it would halt military operations in five command regions, including where the KIA and TNLA are based.

Yet while military operations stopped and clashes have temporarily decreased, there has been no agreement about the demarcation of territory between the Burma Army and ethnic armed organizations in these areas. KIA representatives say that this contributes to the frequency of confrontations.

The KIA signed a ceasefire with the government in 1994, but it broke down in 2011. Fighting has been ongoing since that time.

Both the KIA and the TNLA are members of the Northern Alliance of ethnic armed groups. They have not signed the

government's Nationwide Ceasefire Agreement, but have been in recent talks to sign a bilateral ceasefire.

9 police killed in attack in Myanmar's Rakhine (Channel News Asia) March 10, 2019

Nine policemen have been killed in a militant attack in Myanmar's western Rakhine state, police said on Sunday (Mar 10), as tensions ratchet up in a state riven by ethnic and religious conflict.

A bloody military crackdown in 2017 forced some 740,000 Rohingya Muslims over the border into Bangladesh in violence UN investigators have said warrants the prosecution of top generals for genocide and crimes against humanity.

But the armed forces are now waging a war against a militant group claiming to represent the state's ethnic Rakhine Buddhists, a population that also stands accused of aiding soldiers in their expulsion of the Rohingya.

The Arakan Army (AA) has in recent months mounted several attacks on security forces and officials in its struggle for more autonomy and rights for Rakhine people.

The latest attack occurred late Saturday took place in Yoetayoke village, just an hour north of Rakhine state's capital Sittwe.

Nine police were killed, one was injured and another one is missing, a senior police officer told AFP, not wanting to be named.

A leaked police report said weapons were also taken from the police station.

No group has yet claimed responsibility and the AA could not immediately be reached for comment.

A local administrator confirmed investigations are under way.

Northern Rakhine state is inaccessible outside of carefully government-chaperoned trips and information is difficult to verify independently.

But swathes of the state's north are once again engulfed in conflict.

The military has brought in thousands of reinforcements and is bombarding AA positions with heavy artillery.

Several thousand people have been forced from their homes by the violence.

Yet there is widespread support for the AA's cause across much of Rakhine, one of the poorest states in the country, where many feel they have suffered decades of discrimination by the state.

Some 100 local administrators submitted their resignation en masse this month calling for the release of four colleagues reportedly arrested for having links with the AA.

The verdict in a treason trial against a popular Rakhine politician is also expected in the coming days and could prove to be a further flashpoint.

Aye Maung stands accused of treason after allegedly inciting Rakhine people in a speech last year to take arms and rise up against the country's ethnic-Bamar (Burmese) majority.

The AA has expanded its ranks since its formation in 2009 and is now believed to have several thousand recruits.

The group ramped up operations at the end of last year, but it was a deadly attack on four police posts on Independence Day early January that focused the country's attention and triggered the military's swift retaliation.

Thirteen police officers were killed in the brazen attack and in an unprecedented move the civilian government instructed the military to crack down on the insurgents.

Violence in strife-torn Rakhine was glossed over by Myanmar's leader Aung San Suu Kyi at a recent investment forum where she touted the state's "untapped" economic potential and blamed the international community for focusing "narrowly" on its problems.

[[back to contents](#)]

AMERICAS

North & Central America

Central Americans confront amnesty for war crimes (Al Jazeera) By Sandra Cuffe
March 6, 2019

For decades, Raul de Jesus Gomez fought for justice for his brother Ramiro, killed in a 1982 massacre in northern Guatemala. Now, he is fighting to keep the perpetrators behind bars.

The year Gomez was born marked the beginning of the 1960-1996 civil war between the army and leftist guerrilla forces. He was just a young child when his family moved to Dos Erres, a farming community in the Peten department. By the time Gomez was in his 20s, the military's scorched-earth campaign was in full swing.

All told, the armed conflict left 200,000 dead and 45,000 disappeared. According to a United Nations-backed truth commission, military forces carried out acts of genocide in several indigenous Mayan regions.

The truth commission documented 663 massacres. One of them was in Dos Erres, where Kaibiles special forces, a special operations wing of Guatemala's armed forces, killed more than 200 men, women, children and infants on December 6, 1982.

"My older brother died there. He was massacred by the soldiers," Gomez told Al Jazeera.

Gomez is part of a growing chorus of opposition to legislative initiatives in Guatemala and El Salvador that would grant broad amnesty to perpetrators of crimes against humanity.

In Guatemala, a bill to reform the National Reconciliation Law passed in the wake of the 1996 peace accords is making its way through a divided congress. The second of three readings of the amnesty bill took place on Wednesday, sparking passionate interventions on both sides.

Motions presented on Wednesday to send the bill back to a commission and to consult the Constitutional Court on the constitutionality of the bill both failed. The third debate and final vote could be scheduled as early as next week.

The bill would order the release within 24 hours of more than 30 military and paramilitary men convicted of forced disappearance, rape, massacres and other war-time atrocities. It would also shut down current and future trials.

Six soldiers each sentenced to thousands of years in prison for the Dos Erres massacre are among those who will walk free should the bill pass.

"As victims, we hope that bill does not prevail," said Gomez.

Proponents of the bill argue the measure is necessary for the country to move forward. They claim left-wing interference in the judicial branch has led to biased and politically-motivated prosecution of military officials. Many deny crimes against humanity occurred.

The amnesty bill "would put an end to ideological persecution and the business of reparations," congress president Alvaro Arzu tweeted on Wednesday.

Congressman Amilcar Pop, an indigenous rights lawyer, rejects the arguments of amnesty advocates. Only one guerrilla fighter is among the convicts, but the ratio is roughly in line with the truth commission's findings, he said. The commission concluded the military carried out 93 percent of atrocities and guerrilla forces only three percent.

"Crimes during combat are not on trial and that is important to recognise," Pop told Al Jazeera.

"What there are are attacks on civilians, minors, women, and even newborns killed in massacres," he said.

In neighbouring El Salvador, a similar legislative initiative is the subject of growing controversy. An ad hoc commission of politicians is working on a draft bill to grant amnesty to perpetrators of war crimes.

The 1979-1992 armed conflict between the Salvadoran military and leftist guerrilla forces left an estimated 75,000 people dead and thousands disappeared.

As in Guatemala, the Salvadoran military's scorched-earth and counterinsurgency campaigns included the targeting of civilians and massacres of whole villages. As in Guatemala's case, a truth commission also concluded the military was responsible for the vast majority of atrocities.

Over the course of the conflict, the United States government provided billions of dollars in funding to the Salvadoran government.

A 1993 amnesty law prevented the prosecution of war crimes, but the country's Supreme Court struck it down in 2016. The ruling facilitated the current trial of high-level military officials for the December 1981 El Mozote massacre of nearly 1,000 villagers by a special forces battalion. More than half of the victims were children.

Survivors and relatives of victims of the El Mozote massacre are among the dozens of groups speaking out against attempts to bring back the amnesty. A bill to that effect would "generate a dysfunctional societal model based on impunity", according to a statement on Wednesday by the National Commission for the Search of Disappeared Persons during the Armed Conflict.

The protests of Salvadoran survivors and human rights groups have been echoed by international organisations. United Nations High Commissioner for Human Rights Michelle Bachelet spoke out against Guatemala's amnesty bill earlier this year and has now also condemned its incipient counterpart in El Salvador.

"Amnesties for the most serious crimes under international law, including war crimes and crimes against humanity, are contrary to international law," Bachelet said in a statement on Wednesday.

"By effectively granting impunity to those guilty of serious crimes, it would make repetition of similar crimes more likely," she said.

Vote Could Free More Than 30 Men Accused of War Crimes in Guatemala (The New York Times) By Elisabeth Malkin
March 12, 2019

Emma Theissen Álvarez says she will never forget the faces of the three men who came to her Guatemala City house that day in 1981 looking for her daughter, a student leader who had escaped from her military captors. When they did not find their target, they grabbed her 14-year-old son, Marco Antonio, instead.

She never saw her boy again.

For years, the family said nothing, mute in its pain. But when Ms. Theissen and her three daughters finally went to court, helping secure the convictions of retired military commanders of crimes against humanity, they found a sort of healing.

"One feels that one is doing something to bring a little justice to Marco Antonio," said Ms. Theissen, who is now 84.

In a reversal that seemed unimaginable just a few months ago, Guatemalan lawmakers are moving forward with a proposal to grant amnesty for war crimes committed during the country's brutal 36-year civil war.

The bill, scheduled for a vote on Wednesday, would free more than 30 former army officers, soldiers and civil defense patrolmen within 24 hours and halt investigations into thousands of cases.

The amnesty has gained traction in Congress as part of a reaction against a broader fight against impunity and corruption, analysts said. What originally seemed like a push from the fringes of the far right seemed to gather force as President Jimmy Morales, battered by allegations of graft, turned to the military for support.

"It's a reflection of the weakening of the rule of law in Guatemala," said Alejandro Rodríguez, a former Guatemalan justice official.

Backers of the amnesty say they are simply trying to move on and promote peace.

"The courts have been infiltrated with judges and prosecuting attorneys with ideological inclinations to one side, the left-wing side, which are the guerrillas," the congressman who introduced the amnesty law, Fernando Linares, said in a recent interview in Guatemala City.

But for victims and their families, the bill is like a denial of justice and a negation of history, said Edgar Pérez, a human rights lawyer who has brought war crimes cases to the Inter-American Court of Human Rights and Guatemalan courts. “For the victims, the sentence is their certificate of truth. It is their history.”

Mr. Pérez and other human rights experts say that the proposed amnesty is unconstitutional, and that it violates international treaties, the 1996 peace accords that ended the civil war, and rulings from Guatemala’s highest court.

But they fear that in the time it would take for the court to overturn the law, the released war criminals might begin to exact revenge on the witnesses, prosecutors and judges in their cases.

More than 200,000 people were killed or disappeared during Guatemala’s bloody conflict between the country’s military and leftist insurgents, according to a United Nations Truth Commission.

What began as a campaign of terror against political and peasant activists, as well as union and student leaders, transformed into a scorched-earth offensive against Mayan villages. In the early 1980s, military and paramilitary forces razed whole communities in massacres of untrammelled brutality.

The truth commission concluded that security forces and the paramilitary groups they set up were responsible for 93 percent of the human rights violations committed during the conflict. And the role of racism in Guatemala’s still deeply-divided society was also made clear: 83 percent of the identified victims were Mayan, many of them women and children.

Although the United States officially cut off support to the Guatemalan military, the Reagan administration found a way to divert aid to the government of Gen. Efraín Ríos Montt, who was convicted in 2013 of genocide against the Mayan-Ixil population during his rule in 1982 and 1983.

After the war, justice was elusive. When Guatemalan prosecutors buried their complaints, victims took their cases to the Inter-American Court of Human Rights.

Very slowly, the tide began to turn and by 2009, the first cases reached Guatemalan courts. The trial of General Ríos Montt was a watershed, uncovering military orders that showed the military atrocities were part of a deliberate strategy. General Ríos Montt’s conviction was overturned on a technicality and he was being retried when he died last year at 91.

The judges “have allowed us to believe a little bit in the system,” said Edwin Canil, the president of the Association for Justice and Reconciliation, an alliance of survivors from seven Mayan groups that brought the case against General Ríos Montt.

“We have managed to place these crimes that they wanted to forget in the history of this country,” he said.

In January 2016, investigations led to the arrests of 18 former military officers implicated in two prominent cases.

One involved a military base in the department of Alta Verapaz, where hundreds of bodies have been exhumed. The other involved the attacks on the family of Emma Theissen Álvarez.

Four former senior military officials were convicted, including Benedicto Lucas García, who was the army chief of staff, and Manuel Callejas y Callejas, who was the military intelligence chief.

“This was the only possibility that we have had in almost 40 years to place the responsibility, the shame, the guilt on those who are truly responsible for our situation and that of many other victims,” said Marco Antonio’s sister, Emma Guadalupe Molina Theissen, 59. She was detained on a military base where she was raped and tortured before she escaped after nine days.

Now many Guatemalans fear a return to impunity.

“People had the audacity to believe that the justice system is listening,” said Jo-Marie Burt, a Guatemala expert at George Mason University who has followed the trials closely. “And then for Congress to say that none of that matters, that, we, the army saved the country from terrorism — they want to bring Guatemala back to 1981.”

But if the amnesty is approved Wednesday, it will not succeed in turning back time, said Ana Lucrecia Molina Theissen, 64, the eldest of the family’s three daughters.

“The image of criminals disguised as heroes, that won’t be recovered,” she said. “That image of heroic, respectable patriots — that will never return for them, never.”

Guatemalan lawmakers have brushed aside protests from indigenous groups and human rights groups at home, and appeals from abroad, including a protest from the United States State Department. Senator Patrick Leahy, Democrat of Vermont, warned that passage of the bill would have “serious consequences” for United States aid.

“A government that shields its armed forces from punishment for crimes against humanity fails in its most sacred obligation to defend justice and uphold the rule of law,” he said.

Juan Francisco Soto, a lawyer with the Center for Legal Action on Human Rights in Guatemala City, which represents victims, said the government no longer cared about international respect.

“There is an emboldening of the government with this group of lawmakers,” he said. “They want to impose the impunity pact, no matter the cost.”

Facing Protests, Guatemala Postpones Vote on Amnesty for War Crimes (The New York Times) By Elisabeth Malkin
March 13, 2019

A scheduled vote in Guatemala’s Congress on amnesty for war crimes was suspended on Wednesday when several lawmakers walked out, leaving the session without a quorum.

The proposal would have freed more than 30 former members of the security forces and paramilitaries convicted of human rights violations during Guatemala’s long armed conflict. The bill would also halt thousands of investigations.

But it drew impassioned opposition from victims’ groups and human rights activists who rallied in front of the Congress in Guatemala City on Wednesday.

International organizations and foreign governments, including the United States, called on Guatemalan legislators not to move forward with the vote. On Tuesday, the Inter-American Court of Human Rights ordered the Guatemalan Congress to withdraw the proposal.

The vote could still be rescheduled for the coming weeks. By not turning up for Wednesday’s session, or by walking out, lawmakers effectively put off the decision for another day.

Although the Inter-American Court has no way to enforce its order, defying the order could lead to a condemnation of Guatemala if the amnesty is approved, Fernando Travesí, the executive director of the International Center for Transitional Justice in New York, said in an email.

More than 200,000 people died or disappeared during Guatemala’s 36-year armed conflict, according to a 1999 United Nations report. Many of the victims were noncombatants in Maya communities that were destroyed during the army’s scorched-earth effort to flush out leftist guerrillas.

In a landmark trial, a Guatemalan court convicted former Gen. Efraín Ríos Montt, the country’s dictator in 1982-83, of genocide against the Ixil Maya. His conviction was overturned, and he was being retried when he died last year at 91.

Four high-ranking former military officers were convicted last year in an emblematic case involving the detention and torture of a student in 1981 and the kidnapping and disappearance of her 14-year-old brother. Another prominent case, involving a military base where hundreds of bodies have been exhumed, is stalled in the courts.

South America

Campaigning politician found murdered in western Colombia, raising alarm for upcoming elections (Colombia Reports) By Emily Hart
March 7, 2019

A deputy of the Choco province assembly was found murdered in western Colombia on Wednesday, raising the alarm for security around October’s elections.

Two of the three campaign assistants who went travelling with Deputy Alizon Mosquera when he went missing on Saturday have also been found dead in the San Juan river in the south of Choco; the third remains missing. A full investigation has been launched by the local authorities, and the search for a possible fourth body continues.

Though Assembly president Daniel Trujillo told newspaper El Tiempo Mosquera “had not received threats before,” Mosquera’s cousin told press he had requested protection from the National Protection Unit due to the dangers of his work in Choco.

Over the last three months, 107 political and social leaders have reported violence against them: 34 have been murdered nationwide, according to the MOE, Colombia’s election observers.

The body of Mosquera was found with hands and feet tied, exhibiting evidence of torture. Mosquera had just started his political campaign for re-election to the Choco Assembly for the centrist party U Party.

Authorities have said they do not know why he was murdered, or by whom.

What is known is that Mosquera left his home on Sunday to continue his electoral campaign with Estivenson Mosquera, a friend, and picked up two colleagues, Alexander Mosquera and Andres Calvo, on their way south.

The van they were travelling in was found abandoned and dented at the front. The bodies of Estivenson and Alexander Mosquera were found earlier this week, one of which had been tied and tortured, having two bullet wounds. Calvo remained missing at the time of publication.

Mosquera was 32 years old and had four children. He was studying psychology at university, while working for the Social Party of National Unity (la U) – a liberal centrist party – for whom he had worked for four years.

Choco, on the Pacific Coast, is among Colombia’s poorest regions, where there are illegal mines and drug trafficking routes, some of which are violently disputed, others of which are controlled by either the ELN guerrilla group or paramilitary group AGC. Colombia’s War of Neoliberal Economics (NACLA) By Chelsey Dyer
March 7, 2019

Colombia today has the highest number of recorded assassinations of human rights defenders in the world. In the first 15 days of January 2019 alone, nine social leaders were murdered. These alarming statistics make it clear that peace has not come to Colombia, despite the signing of its historic peace accords with the Revolutionary Armed Forces of Colombia (FARC) in 2016. It is also clear why: the peace accords did not alter the country’s neoliberal economic model, which was a key driver of the conditions that led to the 50-year conflict.

As many Colombian activists predicted, the same neoliberal economic conditions that created insecurity before the accords were signed continue to exist today and contribute to violence, displacement, and economic insecurity, particularly for Afro-Colombians, Indigenous peoples, and campesino communities. While neoliberalism is national policy in Colombia, it is also one upheld by Colombia’s foreign allies, including the United States. And, unlike the story President Duque may tell, U.S. policies have not contributed to liberation in Colombia or the rest of Latin America. Instead, they have exacerbated economic insecurity and violence.

In the 1990s, Colombia began to embrace neoliberal economics, and the government made its land available to more multi-national businesses. At the same time, after decades of Indigenous and Afro-Colombian organizing, the government enacted a new constitution in 1991 and Law 70, which recognized Indigenous and Afro-Colombian communities as distinct ethnic groups with the right to land titles. However, these initiatives were contradictory, because these communities’ ancestral territory is frequently located on the same resource rich land that multi-national businesses wish to possess. This dynamic continues to play out today—as communities vie for land titles to maintain control over their territory, they face pressure from armed actors and big businesses who seek to use the land to implement extractivist projects, construct industry, or run drugs. Oftentimes, these actors use violence, threats, or assassinations in order to frighten and silence their opposition, such as community leaders at the forefront of campaigns to prevent displacement.

Today’s rise in activist killings cannot be disentangled from the original imposition of neoliberal economics and the shock doctrine tactics of Plan Colombia—a multi-billion dollar U.S. aid package framed first through the veneer of the war on drugs, and then as a war on terror against the FARC. The fragmentation of social movements and classes wrought by paramilitary, guerrilla, and state violence in the 1990s strengthened by U.S. military training and funding allowed neoliberal doctrine to enter into Colombia largely uncontested. As this system continues to operate, social leaders in Colombia are being systematically killed and displacements continue, with at least 1,300 people already displaced this year.

431 social leaders were murdered between January 2016 and December 2018. A recent report released by the Colombian Commission of Jurists demonstrated that these murders are systematic, frequently target members of Communal Action

Boards (JAC) or those who are protecting their territory, and are linked to a drive to silence community activism. The killing of Maritza Quiroz Leiva on January 6 exemplifies this pattern. She was leader of the Victims Committee in Santa Marta and an active advocate against forced displacement, who was gunned down in her home. Years previously, her husband was killed after they recovered land from which they had been forcibly displaced. Quiroz Leiva was the sixth social leader killed this year.

Many argue that incidents of violence in Colombia like the killing of Marista Quiroz Leiva are a result of the vacuum of power left by the FARC and the subsequent rivalries between different armed groups that are now vying for power and control in these areas. While this is certainly true to some extent, it is only part of the picture. This theory fails to address the capitalist motivations that underlie these groups' quest for territorial control and those who are victimized by it.

As geographer Ulrich Oslender has written, "the state and paramilitary forces act at the service of national and transnational capital." Oslender, who focuses on mass displacement, argues that such violence is not the result of capitalism, but rather a tactic of those in power in the global capitalist system. In fomenting violence and creating economic and physical insecurity for local residents, businesses can more easily usurp territory. Similarly, activist killings are not a result of capitalism, but a tactic of it. Repression and assassinations are part of a strategy of sowing fear to silence social leaders, unravel the social fabric, and thus eliminate or strain social movements that counter the reigning economic model. This is not simply an economic model—it is a form of neocolonialism that sows social unrest in order to generate profit.

The media generally characterizes violence in Colombia as fragmented instances—a community was displaced, a protest erupted, an activist was murdered. These individually highlighted events create an international image of internal insecurity caused by a government's own ineptitude or the violence of illegal armed actors, eliding the historical and current role of neocolonialism and foreign economic intervention. In reality, these instances are all interconnected into an overarching framework of power—that Afro-descendant and Indigenous activists have been fighting against for centuries. In fact, looking at different instances of U.S. influence in Colombia tracks a clear pattern of neocolonial control and its connection to the assassinations of activists.

In May 2017, Buenaventura residents held a 22-day civic strike to protest ongoing investment in its port instead of investing in local residents. In an impressive show of organizational capacity, Afro-Colombian and Indigenous communities and organizations united to shut down the city, blocking the port and flooding the streets. Residents demanded resources to invest in building a local hospital, more economic opportunities, and potable water. The strike, however, faced brutal repression. Colombian Mobile Anti-riot forces (ESMAD) used U.S.-made tear gas and rubber bullets indiscriminately on the population to break up protests. U.S. weapons were used to suppress and control a manifestation that threatened the reigning socio-economic ideology.

Activist repression is another tool used to try and silence counter-narratives and strain social movements. When the reigning political class fails to silence dissent through repression, their tactics can intensify into assassinations threats and attempts. In fact, a year after the strike, Temístocles Machado, a well-known leader of the civic strike, was assassinated. Others who were involved also continue to face ongoing threats. Both psychological and physical violence has followed organizers in Buenaventura. Community leaders did, however, eventually come to an agreement to create an autonomous fund to invest back into the city to improve infrastructure, healthcare, and education, and today continue to meet with government officials to ensure that the accord is properly implemented.

In spite of small steps forward, U.S. policy is still exerting influence on Colombia. Under U.S. pressure, President Duque is advancing a return to aerial fumigation—despite its violation of the 2016 Peace Accords, ongoing denunciations from civil society, and well-documented health risks. This is also connected to a strategy of repression aimed at maintaining and expanding economic control, because the dangerous spraying of chemicals displaces residents who live on resource-rich land, allowing illegal and legal businesses to move in. Colombia already has the highest internally displaced population in the world and research has demonstrated that aerial fumigation causes significant displacement. If the U.S. and Colombian governments were interested in decreasing coca crop farming they would invest more in substitution models, address the socioeconomic causes that necessitate people to grow coca, and protect activists as their work is striving to build sustainable socioeconomic futures. Instead, we see advocates for crop substitution among those who are being assassinated—activists such as Dilio Corpus Guetio, a campesino leader in Cauca who was on a local committee that verified the substitution of illicit crops. He was murdered January 29, 2019, shot while riding his motorcycle to work.

Though official reports may not detail the reasons for their assassinations, to other activists and social leaders it is clear that Corpus Guetio was killed because of his work, which threatened to disrupt illicit and licit resource and drug economies in the area. We see this pattern of intimidation, threats, and assassination across Latin America against activists working to protect the environment, land, and basic human rights—and we continue to see this in Colombia during a time in which "peace" has supposedly arrived.

More than 140 children may have had their hearts removed in ancient sacrifice in Peru (Los Angeles Times)
By Deborah Netburn

March 6, 2019

Anthropologists have found evidence of a mass ritual killing that involved the deaths of more than 140 children, three adults, and at least 200 young llamas on the northern coast of Peru.

The archaeological site, known as Huanchaquito-Las Llamas, represents one of the largest known cases of mass child sacrifice ever seen in the Americas.

Gabriel Prieto, a professor of archaeology from the National University of Trujillo who started excavating Huanchaquito-Las Llamas in 2011, said the discovery shocked him and his colleagues.

“In Peru we are familiar with human bones, but in this particular case there were so many skeletons and they were all children,” he said. “It was astonishing.”

The sacrificial victims ranged in age from 6 to 14, and appear to have been killed in a well-planned and choreographed event on a single, horrific day. Their mummified bones were found carefully arranged with their heads facing the ocean and their feet facing the mountains. Many of their remains were found with the bones of one or two young llamas lying on top of them.

The children, both boys and girls, all appear to have been killed in the same way — with a single horizontal slice across the sternum.

As if all this wasn't gruesome enough, researchers say that many of the children's rib cages appear to have been pried apart. This suggests that their hearts were removed shortly after they died.

“We can't prove it, but certainly in the Mayan world they described the importance of taking out a heart that was still beating,” said John Verano, an anthropologist at Tulane University in New Orleans and one of the leaders of the research, published Wednesday in PLOS One.

According to radiocarbon dating of the excavated skeletons, the sacrificial event took place around 1450, when the complex and hierarchical Chimú empire ruled the region. The empire flourished from the 11th to the 15th century. At its height it stretched along more than 600 miles of coastline, from the present-day border of Peru and Ecuador south to the modern city of Lima.

The Chimú oversaw an agricultural society that relied on a sophisticated network of hydraulic canals to irrigate fields. The capital city Chan Chan, located a few miles from where the city of Trujillo now sits, included palaces and gardens, plazas and temples. It was one of the largest urban settlements in the Americas.

The Huanchaquito-Las Llamas site is about two miles north of Chan Chan, less than a quarter-mile from the ocean. It was discovered in 2011 when residents noticed human and llama bones in eroding sand dunes along newly constructed roads in the area.

Prieto lobbied Peru's Ministry of Culture to conduct an emergency excavation before any more archaeological material was lost, and his request was swiftly granted. Later, he and Verano were able to secure additional funding, including from the National Geographic Society, to go back to the site in 2014 and 2016.

In that first excavation season, Prieto and his team unearthed 43 children and 74 llamas. Almost immediately he knew it was not just a regular burial ground.

The children had been arranged lying on their sides rather than in a seated position, the more traditional burial posture in the Chimú culture. Not one of them was wearing a necklace of shell beads, and there were no ceramic offerings buried along with them. Some of the older children's faces had been stained red with a face paint made from cinnabar and were buried wearing ceremonial headdresses.

“It was not typical of any burials we know,” Verano said.

And then there was that sure-handed cut across the sternum on body after body, including on many of the llamas.

Anthropologists have known for decades that the Chimú occasionally engaged in mass killings. In the 1970s, archaeologists working in Chan Chan found the remains of hundreds of young women who were sacrificed to attend to the king after his death. Researchers have also found the bones of 200 victims — including children, adults and the elderly — who were executed by Chimú warriors sometime around 1300.

But the discovery of a massive ritual sacrifice of children was something new.

Melissa Murphy, an anthropologist at the University of Wyoming who was not involved in the new work, said that while other researchers had found evidence of child sacrifice and mass killings in the region, the sheer size of this event and the fatal wounds set it apart.

“This finding is unique for its scale, for the different technique, and for the Chimú,” she said.

Anthropologists don’t know much about the Chimú belief system. There is no written record of their religion, and because most of their art is symbolic rather than representational, it provides only a few hints about their religious practices. There are a few tapestries that depict mass killings, but these appear to show prisoners of war, not children.

Still, the authors of the PLOS One report say that a clue to what might have precipitated the bloody event at Huanchaquito-Las Llamas lies in the site itself.

The researchers note that the children and llamas were buried in a thick layer of mud that lay on top of the sand. This suggests that the sacrifice occurred after heavy rains caused flooding and mudslides in the area. Perhaps this epic sacrifice was designed to stop the rains.

The northern coast of Peru is generally dry and arid, but occasionally El Niño conditions bring heavy rains and flooding to the area. This shift could have caused catastrophic damage to the Chimú food supply.

“We think that a massive rain was destroying the economy and the political structure of the Chimú and the sacrifice was their reaction,” Prieto said. “We’ll never know the true meaning of this sacrifice, but our interpretation was they felt like they were contributing something to solve the problem by giving up their most valuable resource — the life of their children.”

Haagen Klaus, an anthropologist at George Mason University in Fairfax, Va., who was not involved in the work, said he had little doubt that the sacrifice was a response to the rains.

“When it rains in the north coast of Peru it is almost like the world is upside down,” he said. “Flooding would cause the displacement of people and the disruption of economic systems.”

His own research into ritual sacrifice suggests that it is often performed as a way to negotiate with entities that are believed to control natural events.

“In these societies it was the ancestors who controlled water, and in this part of the world water is life,” he said. “An offering that will appease the ancestors may have been seen as necessary to bring the world back into balance.”

The researchers have determined that the children were all in good health at the time of their death, and that they likely came from a range of geographic and ethnic communities in the Chimú empire.

By looking to other ancient cultures that practiced child sacrifice, like the Aztecs, Prieto concludes that the children were likely treated especially well in the months leading up to their deaths.

“We know that in Mexico children were prepared for at least six months, given special meals and foods, as well as rehearsals as to how they should behave at the event,” he said.

Prieto thinks the three adults found on the site may have been tasked with taking care of the children ahead of the sacrifice.

The adults included two women and one man. Unlike the kids, their sternums had not been sliced, and their ribs had not been spread. One of the women appears to have died due to blunt force trauma to the back of her head. The other woman suffered a blow to the front of her head, but it is not clear that it killed her. The authors say that the man’s ribs were broken, but that it is possible it happened after his death.

“I believe these two women and the man were part of a group that was babysitting the kids, and were buried with them at some point,” Prieto said. “We didn’t say that in the paper, but my feeling is that they were so closely related to the children that the organizers of the ceremony decided — if they go, you go too.”

Verano said there is still more work to be done at the site. He, Prieto and their collaborators plan to do further analysis on the skeletons, hoping to reveal more about who these children were — what geographic regions they came from, what they ate, and what ethnic communities they represented.

At the same time, Prieto has started excavating another site at nearby Pampa La Cruz, where he has already found 132 kids and 250 llamas. It’s a grisly find that leads to an even more grisly conclusion about the mass ritual killing of children at Huanchaquito-Las Llamas.

This happened more than once.

Colombia's war crimes tribunal opens investigation into child recruitment (Colombia Reports) By Adriaan Alsema
March 6, 2019

Colombia's war crimes tribunal on Tuesday opened an investigation into what it believed is the recruitment of more than 6,000 children for which only 10 people have been convicted.

Case file number 007 seeks to clarify the mass recruitment of child soldiers by the demobilized guerrilla group FARC and the undue use of children in intelligence work for the military.

The court seeks "to investigate this crime against humanity. Not just will the cases of boys and girls who have been obligated to bear arms, but also those who have carried out any kind of duty for any legal or illegal armed group, be it as cooks, carriers, messengers or for spying and sabotage activities."

The Special Jurisdiction for Peace (JEP) received the criminal case files of some 4,219 prosecution investigations, plus extensive reports by the National Center for Historical Memory and the National Indigenous Organization of Colombia.

The reports cover alleged child recruitment cases from 1971 to 2016, the year that the FARC and former President Juan Manuel Santos agreed to sign peace after more than half a century of armed conflict.

The intensity of this particular war crime peaked between 1998 and 2014, the year in which the guerrillas and the government reached their initial deal on transitional justice, according to the previous investigations.

The recruitment and use of minors was particularly common in the areas where the FARC long imposed guerrilla rule rather than the rule of law.

The demobilized guerrillas are suspected of committing war crimes in 60% of the cases surrendered to the JEP.

The guerrillas have admitted to recruiting children older than 15 since 1982, but have long denied having recruited children younger than that, contrary to evidence that indicate almost half of the recruited children entered guerrilla ranks before they were 15. Humanitarian law bans all recruitment of minors under 18.

Unless individual guerrilla commanders and child recruiters come forward about the allegedly widespread practice, they risk losing the benefits that came with their demobilization, including being shielded from prison sentences and extradition.

But according to children's rights NGO Coalico, the FARC are not the only ones to blame.

While the recruitment of minors of the FARC stopped after they agreed to sign peace, the war crime still occurs as other illegal armed groups like the ELN continue to actively recruit minors.

Colombia conflict: 'If I keep quiet, I become an accomplice' (BBC News) By Victoria Stunt
March 3, 2019

Yolanda Perea Mosquera is standing on a podium before a crowd in central Bogotá talking passionately into a microphone.

"Colombia is ours," she says. "Peace is ours, and it depends on all of us."

She is speaking in a convention centre packed with 1,400 victims of the armed conflict.

The conflict with Farc guerrillas saw more than 200,000 people killed, and wracked Colombia for more than 50 years until the signing of a peace deal in November 2016. However another left-wing guerrilla group ELN, as well as dissident Farc rebels, criminal gangs and state security forces, are still at arms.

There are more than eight million victims of the conflict in total, and those gathered at the convention centre are survivors of crimes such as kidnapping, torture, forced displacement and sexual assault.

Ms Perea is a survivor of the armed conflict herself. She was sexually assaulted by a Farc guerrilla when she was 11 years old. The attack happened in 1997 while she was at home sleeping in Río Sucio, a remote town in the northern Chocó region.

Her mother confronted the Farc over her daughter's assault, only for a group of guerrillas to return later and murder her.

Ms Perea had become pregnant as a result of the attack. She miscarried when a group of Farc fighters beat her up.

"You get to the point of being an innocent child, but without a house, without a mother, without a baby - even though I wasn't ready to be a mum," she says.

"Violence forces one to grow up abruptly, simply because someone felt like causing harm."

Today, at the age of 35, Ms Perea lives in Medellín and has emerged as a spokeswoman for survivors of sexual violence across Colombia. She shares her story to help other victims understand what happened to them was wrong. Then she helps them to report the assaults.

"In some regions the violence is so constant, that for many women it's perceived as normal," she says. "They have a right to be heard and it's our right to be able to share and get off our chests what's happened to us."

In Colombia, more than 90% of sexual violence cases currently go unpunished. But victims of sexual abuse carried out as part of the armed conflict can now turn to a special tribunal created under the peace agreement with the Farc rebels.

The Special Jurisdiction for Peace (JEP) is a transitional court system which will be in place for 10 years and which was set up to try all participants in the conflict, be they Farc rebels or state actors.

Those who admit to their crimes up front will avoid jail time but will be required to contribute in other ways to reconciliation, such as participating in programmes to remove landmines, build key infrastructure or construct monuments.

According to JEP magistrate Alexandra Sandoval, there will be no individual reparations but the programmes "will help transform society, and they will have a symbolic effect for the victims".

The tribunal frames itself as a place for victims to have their stories heard. Last August, Ms Perea and representatives from two other victims' organisations brought 2,000 accounts of sexual violence to the attention of the tribunal.

The court does not hear individual cases, instead focussing on systematic cases to determine who was in command.

This means not every victim will have his or her day in court, but Ms Perea nevertheless sees it as a chance: "It's to say: Here it is. This is my truth. Find the other stories that are missing to recognise what I've suffered and that it wasn't my fault. That's what we're looking for."

But the JEP has been in a limbo of sorts this year, as President Iván Duque has held off signing the law that would guarantee the JEP can act independently.

The International Criminal Court has warned Mr Duque against further delays, and human rights organisations have sent the president a letter urging him to sign.

If he refuses, the bill will go back to congress.

Ms Perea hopes the tribunal will start its work soon and that she will get a chance to confront those responsible for the attack on her, as well as for the crimes committed in her home town of Río Sucio.

There are questions she wants to ask of them. "Why my mother? Why me? That's what I want to know," she says.

She is supposed to be notified if she will get a chance to speak at the tribunal. "Nothing has happened yet, but I'm waiting and I haven't lost hope."

For Ms Perea, it is evident that Colombian society is years away from being healed. She travels with a bodyguard provided by the government after she received death threats from armed groups and paramilitaries for speaking out.

Her fears are justified. According to the country's ombudsman's office, 431 social leaders were killed between January 2016 and December 2018.

But she is determined to go on despite the risks. "If I keep quiet, I become an accomplice," she says.

[back to contents]

Venezuela

We need to understand the Responsibility to Protect before we (mis)apply it in Venezuela (The London School of Economics and Political Science) By Adrian Gallagher
(March 11, 2019)

The Responsibility to Protect (RtoP) was unanimously endorsed by the member-states of the United Nations at its World Summit in 2005. The agreement sets out to protect people the world over from four crimes: genocide, war crimes, crimes against humanity, and ethnic cleansing.

Invoking the Responsibility to Protect in Venezuela

In September 2018, Peru, Paraguay, Chile, Argentina, and Canada requested that the International Criminal Court (ICC) investigate the alleged crimes of the Maduro regime in Venezuela in order to establish whether they constitute crimes against humanity as defined in Article VII of the Rome Statute. As a result, prominent political figures began to invoke the RtoP. The Secretary-General of the Organization of American States, Luis Almagro, declared:

“[W]e must act in accordance with public international law – including the UN’s 2005 Responsibility to Protect commitment to prevent genocide – and international criminal law, and the international norms that protect democracy and our rights and freedoms.”

More recently, the RtoP has resurfaced in the midst of the ongoing battle for legitimacy inside Venezuela.

In late January 2019, the President of the National Assembly Juan Guaidó declared himself interim President of Venezuela, a status recognised by 50 countries (including the United States) but vehemently rejected by Russia as “flagrant interference”.

When Guaidó arranged in late February to try to bring aid donated by the US into Venezuela via Colombia, Brazil, and the Caribbean, Russian Foreign Secretary Sergei Lavrov denounced the move as a “hypocritical pretext of humanitarian aid” designed to help pursue regime change.

And shortly after, the former United Nations Independent Expert on the Promotion of a Democratic and Equitable International Order, Alfred De Zayas, tweeted that:

“The R2P ‘doctrine’ is nothing but a pretext for military aggression which remains prohibited and a crime under the ICC statute, because the R2P cannot replace the UN Charter and a pertinent Security Council resolution. But the media still peddles the ‘fake legality’ of R2P.”

Misunderstanding the Responsibility to Protect

This statement is just one of many examples of high-profile political figures misunderstanding the RtoP. It rests on three assumptions that are simply inaccurate, thereby creating barriers to understanding how RtoP can be applied to real-world crises such as the one occurring today in Venezuela.

First, the RtoP does not permit military aggression as defined by the ICC. In fact, it acts as a barrier to it. Yes, the RtoP does allow states to consider all coercive and non-coercive measures under Chapters VI, VII, and VIII of the UN Charter when a government is “manifestly failing” to protect its population from the four crimes. Though this does include the use of force, any action taken has to be authorised by the UN Security Council. In other words, any US-led use of force without the consent of the Security Council cannot be undertaken on the grounds of the RtoP.

Second, the RtoP does not set out to replace the UN Charter. Rather, the RtoP was forged within the UN system. It is a UN-led response to the problem of mass-atrocity crimes, and as already noted, it requires UN Security Council authorisation. As such, it is simply inaccurate to suggest that the RtoP sets out to replace the UN Charter.

Third, the RtoP should not be viewed as having “fake” legal credentials. It is correct to say that the RtoP did not create any legally binding obligations in international law, but this does not mean that it is legally void. The RtoP is a political and moral commitment built on pre-existing international legal agreements like the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide and the 1998 Rome Statute, the latter outlining legal obligations around genocide, crimes against humanity, and war crimes.

If this is all correct, why do prominent figures speak of the RtoP in such a toxic manner? The answer, in large part, relates to

its use in Libya in 2011.

There, the UN Security Council invoked the RtoP in response to the threat of mass violence from Colonel Gaddafi's regime. The subsequent attempt at regime change led by the US, the UK, and France then created a backlash as many states (including Russia, China, and South Africa) felt that they had been duped.

The power vacuum and civil war that followed made crimes against humanity the norm in Libya, which is precisely what the intervention was meant to prevent. This failure in Libya has cast a long shadow. Notably, the same three countries that expressed indignation over how RtoP was applied in Libya – Russia, China and South Africa – voted against the US's recent proposal of a Security Council Resolution on Venezuela.

Does the Responsibility to Protect apply in Venezuela?

All of this begs the question of whether or not it is even right to talk about the RtoP in relation to Venezuela. As already noted, the UN Security Council can discuss coercive and non-coercive measures under Chapters VI, VII, and VIII of the UN Charter, and this allows us to clarify what the RtoP does and does not say.

For example, the RtoP does not say anything about democracy promotion and should not be used as a vehicle to promote any action along these lines. Essentially, the RtoP is about human protection from the most heinous crimes in international relations, and this should not be forgotten.

Accordingly, the international community should use diplomatic channels to urge Maduro's government to fulfil its domestic RtoP. If, as has already happened once, efforts are made to move humanitarian aid into Venezuela despite government roadblocks, it is also vital that Maduro prevent the armed forces from perpetrating mass violence against non-combatants.

Meanwhile, the UN Security Council could authorise the UN to establish a Commission of Inquiry to establish whether crimes against humanity are taking place. Any such fact-finding mission would help the Security Council to establish whether the government in question is "manifestly failing". On this note, it is important that those who champion the RtoP do not overstate the scale of the crimes being committed. OAS Secretary General Luis Almagro has invoked the Rwandan genocide as a pretext to justify RtoP action in Venezuela, but clearly any such analogy is deeply flawed, as there is no pending threat of mass genocide.

In short, what is needed is a Security Council that works as a collective security system to uphold and enforce the RtoP. What is not needed is the inaccurate invocation of RtoP as part of a geopolitical game that does little to help those that the principle was established to protect: namely, victims of genocide, war crimes, crimes against humanity, and ethnic cleansing.

Weaponizing Food to Harm Political Enemies (Newsday) By Johanna Mendelson Forman
(March 5, 2019)

Starvation, like the recent efforts to remove President Nicolas Maduro in Venezuela, is a slow process. Withholding food is never a quick solution to a rapid death. Maduro's authoritarian tactics deliberately deny his opponents access to food. In the absence of a citizen uprising, or international intervention, we are likely to see the continued demise of men, women, and children who are barely surviving on 700 calories a day.

The weaponization of food to control enemies of the state is nothing new in human history. Authoritarian leaders can use commodities as an effective means of social control. In Venezuela, the lack of food is a reflection of ignorant economic policies of the Maduro government that have crippled the state's ability to trade, coupled with the decline of oil production, also the result of the inept management of the nation's greatest resource, oil.

Under these circumstances dire economic conditions led to weaponization, a gray area in humanitarian law, since there was not a direct withholding of food. But the intent of the Maduro government to distribute food only to his supporters had the same effect as weaponization. By providing food only to those who support his regime, Maduro is committing an act of genocide. His intent to starve his enemies is clear, if not transparent, and this is where the commission of war crimes begins. Under the Geneva Conventions, withdrawal of food from civilian population is prohibited. Whether the situation in Venezuela can now be characterized as a time of war is not as clear, given that there are now two governments – one recognized by more than 50 states and led by opposition National Assembly Juan Guaido, and the other headed by the illegally elected President Maduro.

No matter whether there is an official act of war or a deliberate policy of genocide in Venezuela, President Maduro has chosen to weaponize food as a policy to strengthen his grip on society. Today the most food you can buy there on a minimum wage salary is 700 calories, but most people are out of work or spend a good portion of their day in search of food. A common sight

is to see families searching through trash to find morsels of food to feed themselves and their families.

Venezuelans have lost an average of 25 pounds this year. Eighty percent of all households have no reliable source of food. And as of 2017, maternal mortality had increased by 65 percent, and infant mortality by 30 percent. Data from medical non-governmental organizations indicates that 25 percent of children under 5 is suffering from malnutrition and stunting, statistics seen only sub-Saharan Africa.

Unlike the situation in Cuba in the early 1990s, the famous “special period” when Fidel Castro chose to forsake food assistance after the collapse of the Soviet Union and let his citizens endure tremendous hardship, the sacrifice in Venezuela is not part of a socialist revolutionary vision. It is the result of ignorant economic policies, coupled with a government that is deliberately denying food to those who remain in the country (3.4 million Venezuelans have already left the country).

Once the richest countries in Latin America, this beleaguered nation has become a war-zone of the political haves who are protected by the guns of a military backed by Cuban thugs and Russian mercenaries, who are willing to help squash opponents by preventing the delivery of humanitarian aid.

Since international intervention in Venezuela seems impossible, given the history of this type of action in Latin America, we can only wait for the diplomatic efforts of the region’s governments and friends of the opposition government to find a way to coax the leadership of the military to provide an exit ramp for Maduro. We have witnessed that Maduro loyalists are not eager for change, as the bloodshed of a week ago at the borders in Brazil and Colombia demonstrated.

The Legality of Military Intervention in Venezuela (Caracas Chronicles) By Federica Paddeu and Alonso Gurmendi
(March 4, 2019)

What’s the international legal framework regulating the use of force?

International law prohibits the use of force among states in international treaties, most importantly in the Charter of the United Nations (Article 2.4) and the Charter of the Organization of American States (Article 22). It’s also founded in customary international law, a set of rules that originates in the actual practice of the majority of states.

The UN Charter contains two specific exceptions to this prohibition. First, the right to self-defense (Article 51) applied whenever a state is the victim of an “armed attack.” Second, as part of the collective security system set up by the Charter, to authorize forcible measures under Chapter VII whenever there is a breach of the peace, threat to the peace or act of aggression (Article 39). This exception could be relevant to the Venezuelan situation since the crisis, by destabilizing the region, could constitute a threat to the peace of the hemisphere. It’s, however, an unlikely possibility as it would meet with vetoes from Russia and (potentially) China.

Are there other exceptions to the prohibition of force, not included in the UN Charter?

In legalese: it depends. Time and again, states have attempted to broaden existing exceptions or find new ones, with the view of opening new avenues for the lawful use of force. Not all of these arguments have been accepted; in the questions that follow, we consider the exceptions that relevant actors and/or media reports consider as bases for the forcible removal of Maduro from power by foreign states.

What is intervention by invitation?

The Charter system is generally not breached when a state consents to the use of force in its territory by another state. In recent practice, states have requested military assistance from their allies, though frequently with UNSC approval, whether expressly (through a Resolution authorizing force) or implied (through other statements). In January, 2013, for instance, Mali requested France’s intervention to combat terrorist groups in its Northern provinces, with the implied approval of the UNSC.

What happens when there are competing claims to be the government of a state?

Sometimes, as in Venezuela today, there is uncertainty over who is authorized to grant consent on behalf of the state. These are highly complex scenarios (entire books have been written about them!) that usually require a case-by-case approach. Generally, it’s accepted that a government needs to have sufficient and effective control over the state apparatus/territory, to be recognized and capable of speaking in its name.

Sometimes, democratic legitimacy can play a role, when a representative but ineffective head of state requests the intervention. Take, for example, the case of Adama Barrow, in Gambia. He was elected in 2016, but the incumbent, Yahya Jammeh, refused to step down. Barrow requested military assistance by ECOWAS and was allowed to remain in power, but, again, with the implied consent of the UNSC.

This is the main point of controversy for Venezuela. Guaidó neither has effective control of the government nor can he hope to receive implied consent from the UNSC. His purported ability to request intervention rests solely on his democratic legitimacy, which, on its own, is unlikely to satisfy the requirements of international law, as evidenced by the Lima Group statement.

What is humanitarian intervention?

Humanitarian intervention is a legal theory that seeks to justify use of force to protect people in another state from gross and systematic violations of human rights, including at the hands of the authorities when the state is unable or unwilling to safeguard the population.

This purported exception to the UN-Charter regime could be applicable to the Venezuelan situation: Venezuelans have been subjected to gross and systematic violations of their human rights and the Maduro regime has been unable (as a result of the economic crisis) and unwilling (as evidenced in the recent denial of access to humanitarian aid) to protect its population.

Nevertheless, this basis for military intervention is controversial and few states have openly invoked it, even when it seemed to be the most fitting justification for their actions. For example, Tanzania didn't rely on it when it intervened in Uganda to remove Idi Amin in 1978, and neither did most NATO member states when they intervened in Kosovo in 1999 (with the exception of Belgium). Recently, when the U.S., the UK and France bombed Syrian targets in April 2018 in response to the use of chemical weapons against civilians, only the UK openly invoked humanitarian intervention as a legal basis for the strikes. The vast majority of states did not support the UK's rationale, including the U.S. and France, which suggests the legality of humanitarian intervention under current international law is highly questionable.

What is the doctrine of "Responsibility to Protect"?

The doctrine of "Responsibility to Protect" (R2P) was adopted by the UN General Assembly (UNGA) in the World Summit Outcome of 2005. Pursuant to this doctrine, each state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. When states fail to prevent these crimes from occurring within their territory, the responsibility to protect falls on the international community. Pursuant to this responsibility, the international community, acting collectively, can intervene to protect that population. However, the R2P doctrine as endorsed by the UNGA provides for forcible intervention only when it's authorised by the UNSC acting under Chapter VII. It doesn't allow for the unilateral forcible intervention.

It's arguable that the triggering condition of R2P is met in Venezuela, but this would not entitle any State, acting individually or jointly, to take forcible action without the authorization of the UNSC.

Is the refusal to allow access to humanitarian aid a lawful ground for the use of force in Venezuela?

Refusal to allow access to humanitarian aid does not fit into any of the legal justifications for the use of force. While it may be part of a consideration for triggering R2P, this is a highly unlikely scenario for the reasons already described. Destruction of food carried out by state authorities could be a violation of human rights, such as the right to an adequate standard of living enshrined in the International Covenant of Economic, Cultural and Social Rights, to which Venezuela is a party. Moreover, when performed in a widespread or systematic manner, denial of food could be the means to perpetrate certain crimes against humanity. Denial of humanitarian access is also a war crime, as established in Geneva Convention IV. However, contrary to what has been stated on social platforms, this treaty only applies to international armed conflicts (namely, between two or more states) and is inapplicable, therefore, to Venezuela.

[back to contents]

TOPICS

Truth and Reconciliation Commission

Geneva gears up to dump Tamil mothers' appeal for war crimes accountability (Journalists for Democracy in Sri Lanka) March 1, 2019

Plans are afoot to grant Sri Lanka another lease of life to deliver unfulfilled pledges on war crimes accountability despite continuous opposition.

Sri Lanka is yet to completely implement commitments on truth, justice, accountability and reconciliation made at the UN four years ago.

War affected Tamils with no faith in the government have been waiting for nearly a decade for global powers to help deliver.

In 2017, Sri Lanka was granted its first extension despite opposition by victims.

Since then, hundreds of military landgrab victims and relatives of disappeared have been on a continuous protest, with no solution.

A draft resolution circulated by Britain, Germany, Canada, Montenegro and Macedonia in Geneva, where the Human Rights Commission (UNHRC) is having its 40th session, calls to extend the time given to Sri Lanka, again.

The five countries are known as the 'core group'.

JDS has seen a copy of the draft, which appreciates the human rights record of the government.

It recommends the UNHRC to request, "the Office of the High Commissioner to continue to assess progress on the implementation of its recommendations and other relevant processes related to reconciliation, accountability and human rights in Sri Lanka, and to present a written update to the Human Rights Council at its forty-third session, and a comprehensive report, followed by a discussion on the implementation of Council resolution 30/1, at its forty-sixth session."

At the onset of the Geneva session war affected Tamils appealed to the UN human rights chief against granting more time to Sri Lanka.

"Giving any more time to Sri Lanka is a non-starter and will further embolden the Security Forces to continue their abuses against us and cover-up and destroy vital war crimes evidences," said the appeal addressed to High Commissioner Michele Bachelet.

They urged the global rights body to refer Sri Lanka to the International Criminal Court (ICC) or to a specially created international criminal tribunal for Sri Lanka.

In contrast to the awareness of victims, the draft resolution had a positive outlook on Sri Lanka's human rights record.

It had special reference to the Office on Missing Persons (OMP) that commenced work a year ago.

"The establishment of the Office on Missing Persons in September 2017 and the appointment of its Commissioners in February 2018 and the assumption of its work to fully implement its mandate," was welcomed by the resolution.

However, the OMP itself was disappointed about the absence of government commitment in implementing its recommendations presented to President Maithripala Sirisena six months ago.

"In August 2018 the OMP issued an interim report proposing interim relief to the families as well as recommendations in the quest for justice and truth," said a press release by OMP chairperson Saliya Pieris marking one year since the establishment of the Office.

The interim report containing immediate remedies was passed over to yet another committee led by ruling party politicians.

War affected Tamils seeking justice for nearly a decade have urged the High Commissioner as well as the diplomatic community to commit Sri Lanka to a time frame if the government is granted an extension.

The core group seems to have taken note of the request.

"Noting other steps taken by the Government of Sri Lanka to implement Human Rights Council resolution 30/1, including progress towards establishing an Office on Reparations and the submission to cabinet of a concept paper on a Bill to establish a Truth and Reconciliation Commission, the proposed repeal of the Prevention of Terrorism Act 1978 and the preparation of a draft Counter Terrorism Act, while reiterating in this context the need for further significant progress and encouraging in this regard the adoption of a time-bound implementation strategy," says the draft resolution.

However, the "concept paper on a Bill to establish a Truth and Reconciliation Commission," has been put on hold by the cabinet of ministers following reservations expressed by President Maithripala Sirisena.

The president wanted to study the proposal further, Ministers told journalists in Colombo.

Moves to introduce a Truth and Reconciliation Commission (TRC) has been slammed by a former UN rights chief.

"I am disappointed to learn that on the eve of the interactive dialogue on the Office of the United Nations High Commissioner for Human Rights' (OHCHR) report on Sri Lanka in the UN Human Rights Council, the Government of Sri Lanka is resorting to yet another delaying tactic to escape.....implementation of Resolution 30/1," Navi Pillay has told Colombo based newspaper Ceylon Today in response to an announcement by Prime Minister Ranil Wickremasinghe on setting up a TRC.

The draft Counter Terrorism Act (CTA) has also come under heavy criticism from sections of the human rights community at home and abroad.

Notwithstanding the appeal by war affected Tamils, the draft resolution is expected to be adopted by the UNHRC with minor changes.

Transitional Justice Act amendment unlikely this Parliament session: Secy (The Himalayan Times) By Ram Kumar Kamat
March 01, 2019

Secretary at the Prime Minister's Office Ramesh Dhakal, who has been consulting conflict victims on transitional issues, said chances of the government registering a new bill to amend the Truth and Reconciliation Act was slim in the ongoing session of the Parliament.

"It's not merely a legal issue but also a political issue that requires consensus at the political level and I think the political leaders are yet reach consensus," he said. Dhakal added his office needed to hold more consultations with the conflict victims on transitional justice issues.

Rights activists have, however, criticised the government for its failure to amend the Transitional Justice Act.

Human rights activist Charan Prasai said if the government tried to appoint fresh office bearers in the two transitional justice mechanisms —Truth and Reconciliation Commission and Commission of Inquiry on Enforced Disappeared Persons — without amending the act, then they too would be unable to work effectively.

The government recently extended the term of two transitional bodies for one more year, but it did not extend the tenure of their office bearers whose term will expire on April 13.

"When the government decided to extend the term of the TRC and CIEDP for one year, it should have immediately amended the act in line with the Supreme Court order and international standards, but the government has done nothing about it," Prasai said, and added the government's intention was to delay the process.

He said capable people would not choose to work as office bearers of the two transitional justice bodies if the government did not amend the TRC Act soon.

Senior Advocate Dinesh Tripathi said the government needed to amend the TRC act, define and criminalise war crimes, remove statute of limitations for cases of sexual assaults committed during Maoist insurgency and bring new laws to govern the process of reparation.

"The government should have done all these things long time ago. It's been 12 years since the Maoists joined the political mainstream and yet conflict victims have not got justice," he added.

Tripathi said the perpetrators of human rights violations were emphasising on providing reparations to the victims but they were not talking of justice because they knew that if they did, they would have to go to jail for the crimes they committed during the conflict. He said transitional justice was such an important aspect in post conflict situation that even if perpetrators succeeded in manipulating the process, they could always be held accountable.

"If Nepal's own system fails to ensure justice in conflict-era cases, chances of universal jurisdiction applying to human rights violation cases are high," he said and added that in Cambodia, perpetrators were initially given amnesty but they were being tried for their crimes even after 48 years of the conflict.

He said if a separate political mechanism was formed as suggested by some ruling party leaders, then that would be a

perpetrator-led process which would certainly not ensure justice.

Former ECOWAS VP Edward Singhateh Implicated In Brutal Murder Of Gambian Finance Minister, Others (Sahara Reporters) March 2, 2019

As Gambians await what will come of the truth and reconciliation commission set up by the new administration, more witnesses have come out to directly link former Gambian leader Yahya Jammeh to the horrible crimes he committed against humanity, while Edward Singhateh, another top military leader during Jammeh's time who went on to hold the position of Vice-President of the Economic Community of West African States (ECOWAS), has been implicated as well.

After seizing power via a coup in July 1994, Yahya Jammeh went on to lead Gambia for 22 years. He lost election to Adama Barrow in December 2016. He initially rejected the election result, but later agreed to step down in January 2017 after pressure from other leaders and threat of a military intervention. He eventually fled into exile in Equatorial Guinea in 2017.

While in power, Jammeh's administration was accused of crimes against humanity. In fact, a citation by the Human Rights Watch (HRW) read: "The government of President Yahya Jammeh frequently committed serious human rights violations including arbitrary detention, enforced disappearance and torture against those who voiced opposition to the government."

In another interesting turn of events, Singhateh has also been directly mentioned in connection with some of the killings that occurred under Jammeh's regime.

Singhateh has finished his tenure with ECOWAS but he currently lives in Nigeria.

On October 15, 2018, Gambia launched a Truth and Reconciliation Commission to investigate crimes committed under Jammeh and the Armed Forces Provisional Ruling Council (AFPRC). The committee consists of 11 members.

Singhateh, known infamously as the 'Butcher of Gambul', is implicated in various crimes against humanity, according to testimonies before Gambia's Truth, Reconciliation and Reparation Commission (TRRC).

In previous hearings, Jammeh's name has not been directly mentioned in connection to the testimonies of the horrific crimes of assault on those who opposed his government. However, in recent times, his name has been directly linked to the killings.

Breaking the ice on the matter in his testimony before the TRRC, Demba Njie, Jammeh's former Chief of Staff, admitted he was present on November 11, 1994, when more than 20 soldiers were killed, after it was alleged they were planning a coup against Jammeh.

Narrating the incident in tears, Njie said: "I heard Yahya Jammeh say kill all the ring leaders and that I did not forget. I realized that they had arrested some people and they were going to kill them. This was the first time I heard an instruction to kill."

As a result of the weight of the killings committed on the said date, the TRRC dedicated a special section of its hearings to this event. As events began to unfold, according to testimony by Abdoulie Darboe, Edward Singhateh and Alagie Kanyi were named as leaders of the coup.

Also said to have been killed on the orders of Jammeh is Finance Minister Ousman Koro Ceesay in June 1995. Going by Alagie Kanyi's account of what happened during the incident, Singhateh masterminded the killing of the Finance Minister. Ceesay was said to have been beaten to death with sticks at the residence of another military leader, Yankuba Touray. His body was found in the wreckage of a burnt car.

In yet another account last Wednesday, February 27, 2019, Demba Njie, a former Chief of Staff and Chief of Protocol at the State House, narrated to the TRRC how Singhateh was present at the meeting in Jammeh's office, when they plotted to arrest Sanna Sabally and Sadibu Hydara. In fact, according to Njie, Singhateh wanted it done immediately, but Jammeh delayed the plot till after the christening of Sabally's son.

"Yahya Jammeh was lying when he said that he tackled the two without his guards. I watched him on television bragging that he tackled Sabally and Hydara singlehandedly. That was a lie. He would have been dead had his guards not been present in the office," said Demba Njie.

The duo of Sabally and Hydara were eventually tortured while in custody at the Mile II Central Prisons, and Njie even fingered Singhateh as one of those involved in the torture.

Also mentioned were Peter Singhateh, Musa Jammeh (now late), Almamo Manneh (killed after he was accused of

participating in a plot against Jammeh) and Alhagie Martin (the Inspector General of Gambia's Armed Forces).

Also narrating his experience is a former colonel, Ebrima Ismaila Chongan, who spent three years at the same Mile II Central Prisons. He went into exile in England. According to Chongan, he was a direct victim of torture by Singhateh and members of the junta under the auspices of the AFPRC.

See his account culled from thegambiaecho.com below:

Watching the testimony of former AFPRC junta members, Edward Singhateh and Yankuba Touray, before the Janneh Commission has compelled me to come out and set the record straight. As much as I do not want to pre-empt the forthcoming TRRC, I believe it is incumbent upon some of us to push back on the revisionist history and lies being perpetrated by criminals and monsters like Edward Singhateh and Yankuba Touray.

The current government sends a wrong signal to us, the first victims of the AFPRC, when torturers and murderers like Edward Singhateh and Yankuba Touray can roam freely in the country; and in the case of the former, I cannot understand why our government still allows him to represent our country at the ECOWAS.

When the TRC commences its proceedings, everything will be clear to the public. It is a mockery to justice to see the way Edward Singhateh and Yankuba Touray sat at the commission and lied through their teeth. These guys brought the culture of torture, detention without trial, and disappearance to our beloved country. There should be no sacred cows or selective justice. We will confront these criminals and ensure that they do not go before the TRRC and tell blatant lies or plead selective amnesia. We will ensure that they are held accountable for the heinous crimes they committed against Gambians. It has been more than twenty-three years, but I have no doubt in my mind that Edward Singhateh and Yankuba Touray are torturers and murderers. That is because I was tortured by them. For now, I will only narrate one episode, so people will begin to understand what we are dealing with.

It all started on the night of September 5, 1994. This was day 45 of my incarceration without being charged with committing any crime or being given any explanation for the detention. The first major activity out of routine was the relocation of detainees in Security Wing No.1. The military officers were transferred to our detention wing — Security Wing No 4. The civilians were taken to the Remand Wing. Just as almost anything that happened at the prison, this was unexpected. It was sudden, confusing and unsettling. One would have thought that by now we would get used to things happening without warning. No, this was a strange place with a permanently bizarre culture that defied all attempts at familiarity.

Security Wing No. 1 barely stood empty when we started endless speculation about reasons for the relocation. Some assumed that former ministers and senior civil servants of the deposed PPP government were going to be held in there. Little did I know that I was going to be among the detainees who would be isolated there incommunicado, without the basic privileges like taking a shower for months.

Captain Singhateh in sunglasses and Yaya Jammeh in Red beret

That night all the members of the ruling council, except for their leader Chairman Yahya Jammeh, drove to the prison for a "visit." The four lieutenants — Vice Chairman Sana Sabally, Defence Minister Edward Singhateh, Interior Minister Sadibou Hydara, and Local Governments and Lands Minister Yankuba Touray — however, could not complete their tour of Mile Two that night. Apparently, the keys to our cells were kept in a safe in the main prison yard and the senior officer on duty was not available to grant access to the council members to "visit" us in the Security Wings. The precise reason for the duty officer's absence remained unclear. Considering the humane treatment this officer had accorded us, we speculated that he perhaps had prior knowledge of the council members coming purposely to torture us and so he took pity on us and made himself "unavailable." But before the council members left, Vice Chairman Sabally ordered for the arrest and detention of the officer for not being found at his post.

Regimental Sergeant Major M. Ceesay (Army band), who was in cell No. 25 across from mine, told me that when he peeped through his window he saw Mr. Antou Saily, the Deputy Commissioner of Prisons, conducting the tour for the council members.

We woke up the following day, September 6, 1994, wondering about the fate of the duty officer. Then in a separate development we learnt that Mr. Pierre Marong, the Commissioner of Prisons, had been fired by Vice Chairman Sabally. The reason given was that the council members had ordered him to report to the prison the night of September 5, but he refused to show up on the grounds, because he felt that it was contrary to prison regulations to open the cells in the dead of the night. Then it became clear to me why Antou Saily was conducting the tour for the council members the previous night. Vice Chairman Sana Sabally considered the commissioner's refusal to come to the prison grounds an insubordination and removed him as the Commissioner of Prisons. However, Chairman Jammeh overruled the Vice Chairman and reinstated the Commissioner.

The officer on duty on September 5 was arrested on the following day and locked up in empty Security Wing No.1. This we found out around 9:00 PM on September 5, when Assistant Prison Officers Famara Colley and Thomas Jarju transferred the officer, who had been their senior colleague until that morning, to our wing. The tension and suspense were palpable in the dense, foul air. The only sound we could hear was the unfailing buzz of a million mosquitoes that invaded us nightly from the mangrove swamps. I was very worried and concerned because this was the only officer who had shown sympathy towards us. I sent him mosquito coils and cigarettes that came from my family. That was all I could do under the circumstance to reciprocate his past favours. I was very nervous and could feel the tension in my body that something sinister was about to happen. Around midnight I dozed off to sleep.

In the early hours of the morning, I was awoken by a loud noise. I peeped through the cell door and saw Edward Singhateh clutching an AK 47 and shouting: "Where is Captain M.O. Cham?" Behind him were the other three council members that came with him the previous night, Antou Saidy, who was also dressed in his full uniform, and about forty armed soldiers. I was able to recognize among them Second Lieutenant Peter Singhateh (the younger brother of Edward Singhateh), Private Njje (the Vice Chairman's orderly), Private Susso, a former Gendarme, Private Batch (Defence Minister Singhateh's driver), and Warrant Officer II Bah (alias Baaba Maal), who later became a Brigadier and went to America from his diplomatic post in Nigeria.

Captain Mamat O. Cham (Now Brigadier General of the GNA and currently the Army Commander), who had been appointed a cabinet minister for only 24 hours by the AFPRC, was occupying Cell No 11. He was dragged out with his hands cuffed behind his back and pushed down on the bare concrete floor. He was kicked with the hard-military combat boots, pummelled with fists and hit with gun butts until he nearly passed out. Then he was dragged through the corridor toward Security Wing No.1. Moments later we heard a round of gunfire, suggesting execution-style shooting. In a split second, the dark place took on a macabre sombreness. Kebba Ceasay, the former Director of the National Security Service in cell No. 25, invoked aloud the name of Allah and the Holy Prophet Mohammed. Everyone in their cell was nervous and felt that the much-feared execution already started. Our fate was no longer hanging in the balance. The junta had ended its debate about what to do with us and decided on a firing squad. Even the high-profile visit from the International Committee for the Red Cross to account for us earlier in our detention, I thought, would not deter the ruling council from carrying out their ghoulish wish.

A short while later, the council members and their entourage of armed soldiers came back. The unfortunate target this time was Regimental Sergeant Major Baboucarr Jeng — the most senior non-commissioned officer of the army. RSM Jeng, who had severe neck pain from a car accident during a military training and had to be flown to the United Kingdom for advanced medical treatment, was subjected to the same cruel and inhumane treatment as Captain Cham, before being dragged through the corridor toward Security Wing No.1. Moments later, as expected, we heard another round of gunfire.

When they returned for their third victim, Vice Chairman Sana Sabally started shouting my name. I was wearing a sleeveless shirt and a pair of shorts. (With the help of the mosquito repellent my family smuggled in to me, this became my pyjamas after the summer heat became intolerably humid). Lt. Sabally came up to my door, cell No. 14, and showed me his hand with a red stain on it. I concluded that it was blood from Captain Mamat Cham, who was presumably shot dead.

"Do you know this," he asked in a fierce attempt at intimidation.

"No," I replied, already intimidated by what had transpired.

"This is blood," he said. "And today I am going to see your blood."

The door was unlocked from the outside. Antou Saidy came in the cell and cuffed my hands behind my back. Then I was pulled out and forced to the concrete floor. Combat boots and gun butts hit me with vengeance. I felt pain on every inch of my body. The beating was gruelling, bestial and senseless. I writhed and groaned and helplessly absorbed the brutal violation of my body as they were dragging me through the corridor to Wing No. 1 and taunting me with promises of my imminent death. At this point, I virtually gave up. This was it. I'm about to die.

"Be careful!" Lt. Sadibou Hydera, the Interior Minister and my former trainee at the Gendarmerie, shouted to the soldiers who were manhandling me.

Why would he caution his underlings to "be careful" with a condemned man on death row only seconds away from a trigger-happy firing squad? I had no idea what prompted him to say that. But it felt like divine intervention for me. His warning to the soldiers was a genuine moment of sympathy that was out of cue of the script, and it betrayed the denouement of the unfolding drama. I was even more scared after he blurted those saintly words. Before that moment I had given up on life and braced myself for death. Now I did not want to die. I wanted to live. My life was back to me before it departed my body. And I did not want to give it up anymore or have it snatched away from me.

The soldiers stopped dragging me at the foreground of Security Wing No 1. All my body that came into crashing contact with

the hard-concrete floor was severely bruised: my ribs, back, legs, knees, and the handcuffed wrist. While still in handcuffs, Vice Chairman Sabally asked me to say my last prayers before they took me to the execution gallows. Even before I could digest that foreboding prompt and say anything, the Minister of Local Government and Lands, Yankuba Touray, shoved a loaded 9mm French Mab Pistol with the safety catch down into my mouth. I was terrified and lost all the little hope I was clinging to only moments ago. Lt. Touray moved the safety catch on and off with the gun still in mouth. As he kept doing this the entourage of soldiers fired indiscriminately at the sky. The multiple thunderous sounds went on and on. I wanted to die again and get it over with. But the lethal sounds seemed to go on forever, making death inviting. Then the Vice Chairman ordered ceasefire and the guns fell into abrupt silence. I don't know whether I was relieved or regretful that I was still breathing, albeit haltingly. No amount of words could explain this situation. It was the worst act of terror in the world. I merely stared at these midnight terrorists, mum and numbed.

Then Vice Chairman Sabally ordered the Deputy Commissioner of Prisons Antou Saïdy to remove the handcuffs. Private Njie pressed an AK 47 on my chest, hauled insults at me to his heart's content and ordered me to crawl to the cell No. 5 of Security Wing No. 1. After I was locked-up in the poorly-lit cell, he went on to warn me that this was just a mock execution and they would come back at 6:00 PM for the real one in the adjacent gallows chamber. The council members led their entourage of soldiers out of the security wing. Given what could have happened, I was relieved, if not happy, that they abandoned me incommunicado in the cell and left the prison.

In addition to the blood-thirsty mosquitoes, starved rats began to roam about. But the insects and rodents would have to do far more to get my attention. I had another chance to keep my life; at least until they returned the next time, as the private soldier who pressed the gun on my chest drilled the grim premonition into my mind. I sat down on the floor of the cell, trying to collect myself from the shell-shock of my brush with death. The effort was pointless. In the theatre of my mind, the encounter played incessantly like an endless loop of the scariest trailer from a horror movie. The only time I had any sense of time was when I heard the call for fajr prayer. Barely dressed in my sleeveless shirt and pair of shorts (now torn due to the dragging on the concrete floor), covered in dirt and bruises, and broken down both physically and mentally to stand, I prayed the fajr sitting down.

Conflict victims fear breach of confidentiality (The Himalayan Times) By Roshan S Nepal
March 04, 2019

Conflict victims have expressed concern about a possible vacuum in two transitional justice commissions after the expiry of the tenure of their members on April 13, stating that such a situation would raise the chances of compromise of confidentiality of their testimonies submitted to the commissions.

Through an amendment to the Transitional Justice Act, the government has extended the tenure of members of the two commissions till April 13, and tenure of the commissions by one year until February 2020, with provisions for another one-year extension.

As per the act, a five-member recommendation committee headed by former Supreme Court chief justice should be formed to recommend new members of the Truth and Reconciliation Commission, and the Commission of Investigation on Enforced Disappeared Persons. The recommendation will then have to be approved by the Cabinet.

Against this backdrop, the victims said it had already been late for the formation of the recommendation committee given the time-consuming process, and any further delay would raise the chances of the commissions existing without members after April 13. TRC Chairman Surya Kiran Gurung and member Lila Udasi Khanal have already tendered their resignation.

Suman Adhikari, former chairman of the Conflict Victims Common Platform, said the government had not been exhibiting any urgency to complete the crucial tasks of amending the act in line with the Supreme Court verdicts and appointing new members in the commissions in consultation with victims.

Adhikari said if the situation continued, the two commissions were bound to remain vacant for a substantial period of time after April 13. He said such a situation would not only throw the commissions in a state of coma, but it would also raise the chances of compromise of the confidentiality of their testimonies.

"We will strongly object if the commissions remain vacant, and the complaints and testimonies are left at the mercy of the commissions' secretariats or the line ministry," he said.

When asked how the privacy of testimonies could be protected in the event of a vacuum in TRC and CIEDP, Adhikari said the government should first work to avoid such a situation. But if the process took some time, the testimonies and evidences could be kept under the supervision of the National Human Rights Commission until the appointment of new commission members.

Ram Kumar Bhandari, advisor to the Conflict Victims National Alliance, also expressed a similar view. He said a vacuum in

the commissions would result in the testimonies ending up in the hands of the bureaucracy, raising the chances of destruction of crucial evidences.

“We are heading towards such a disastrous situation where the commissions will remain vacant and the act will not be amended,” he said, adding such a situation will lead to the bureaucracy gradually taking over the whole transitional justice process. “This situation calls for a strong action from the NHRC to protect evidences.”

NHRC member Mohna Ansari said the commissions should not remain vacant for even a single day given their special nature. She said any vacuum would raise question about the confidentiality of the testimonies. “This is a matter of serious concern, and the government should act fast,” she said.

Conceding that the NHRC had not yet begun consultations on the matter, she said a meeting of the rights body next month would discuss the issue. She also agreed that the NHRC could be the custodian of the testimonies in consultation with stakeholders in the event that the two commissions remained vacant.

Minister of Law, Justice and Parliamentary Affairs Bhanu Bhakta Dhakal, however, told The Himalayan Times that the government would find a way out by April 13 remaining within the boundaries of the law. He said the government had already begun the process of taking the transitional justice process to its logical conclusion, and consultations with stakeholders were under way.

[back to contents]

Terrorism

Vote Could Free More Than 30 Men Accused of War Crimes in Guatemala (New York Times) By Elisabeth Malkin
March 12th, 2018

Emma Theissen Álvarez says she will never forget the faces of the three men who came to her Guatemala City house that day in 1981 looking for her daughter, a student leader who had escaped from her military captors. When they did not find their target, they grabbed her 14-year-old son, Marco Antonio, instead.

She never saw her boy again.

For years, the family said nothing, mute in its pain. But when Ms. Theissen and her three daughters finally went to court, helping secure the convictions of retired military commanders of crimes against humanity, they found a sort of healing.

“One feels that one is doing something to bring a little justice to Marco Antonio,” said Ms. Theissen, who is now 84.

Now that justice is in peril.

In a reversal that seemed unimaginable just a few months ago, Guatemalan lawmakers are moving forward with a proposal to grant amnesty for war crimes committed during the country’s brutal 36-year civil war.

The bill, scheduled for a vote on Wednesday, would free more than 30 former army officers, soldiers and civil defense patrolmen within 24 hours and halt investigations into thousands of cases.

The amnesty has gained traction in Congress as part of a reaction against a broader fight against impunity and corruption, analysts said. What originally seemed like a push from the fringes of the far right seemed to gather force as President Jimmy Morales, battered by allegations of graft, turned to the military for support.

“It’s a reflection of the weakening of the rule of law in Guatemala,” said Alejandro Rodríguez, a former Guatemalan justice official.

Backers of the amnesty say they are simply trying to move on and promote peace.

“The courts have been infiltrated with judges and prosecuting attorneys with ideological inclinations to one side, the left-wing side, which are the guerrillas,” the congressman who introduced the amnesty law, Fernando Linares, said in a recent interview in Guatemala City.

But for victims and their families, the bill is like a denial of justice and a negation of history, said Edgar Pérez, a human rights lawyer who has brought war crimes cases to the Inter-American Court of Human Rights and Guatemalan courts. “For the victims, the sentence is their certificate of truth. It is their history.”

Mr. Pérez and other human rights experts say that the proposed amnesty is unconstitutional, and that it violates international treaties, the 1996 peace accords that ended the civil war, and rulings from Guatemala’s highest court.

But they fear that in the time it would take for the court to overturn the law, the released war criminals might begin to exact revenge on the witnesses, prosecutors and judges in their cases.

More than 200,000 people were killed or disappeared during Guatemala’s bloody conflict between the country’s military and leftist insurgents, according to a United Nations Truth Commission.

What began as a campaign of terror against political and peasant activists, as well as union and student leaders, transformed into a scorched-earth offensive against Mayan villages. In the early 1980s, military and paramilitary forces razed whole communities in massacres of untrammelled brutality.

The truth commission concluded that security forces and the paramilitary groups they set up were responsible for 93 percent of the human rights violations committed during the conflict. And the role of racism in Guatemala’s still deeply-divided society was also made clear: 83 percent of the identified victims were Mayan, many of them women and children.

Although the United States officially cut off support to the Guatemalan military, the Reagan administration found a way to divert aid to the government of Gen. Efraín Ríos Montt, who was convicted in 2013 of genocide against the Mayan-Ixil population during his rule in 1982 and 1983.

After the war, justice was elusive. When Guatemalan prosecutors buried their complaints, victims took their cases to the Inter-American Court of Human Rights.

Very slowly, the tide began to turn and by 2009, the first cases reached Guatemalan courts. The trial of General Ríos Montt was a watershed, uncovering military orders that showed the military atrocities were part of a deliberate strategy. General Ríos Montt’s conviction was overturned on a technicality and he was being retried when he died last year at 91.

The judges “have allowed us to believe a little bit in the system,” said Edwin Canil, the president of the Association for Justice and Reconciliation, an alliance of survivors from seven Mayan groups that brought the case against General Ríos Montt.

“We have managed to place these crimes that they wanted to forget in the history of this country,” he said.

In January 2016, investigations led to the arrests of 18 former military officers implicated in two prominent cases.

One involved a military base in the department of Alta Verapaz, where hundreds of bodies have been exhumed. The other involved the attacks on the family of Emma Theissen Álvarez.

Four former senior military officials were convicted, including Benedicto Lucas García, who was the army chief of staff, and Manuel Callejas y Callejas, who was the military intelligence chief.

“This was the only possibility that we have had in almost 40 years to place the responsibility, the shame, the guilt on those who are truly responsible for our situation and that of many other victims,” said Marco Antonio’s sister, Emma Guadalupe Molina Theissen, 59. She was detained on a military base where she was raped and tortured before she escaped after nine days.

Now many Guatemalans fear a return to impunity.

“People had the audacity to believe that the justice system is listening,” said Jo-Marie Burt, a Guatemala expert at George Mason University who has followed the trials closely. “And then for Congress to say that none of that matters, that, we, the army saved the country from terrorism — they want to bring Guatemala back to 1981.”

But if the amnesty is approved Wednesday, it will not succeed in turning back time, said Ana Lucrecia Molina Theissen, 64, the eldest of the family’s three daughters.

“The image of criminals disguised as heroes, that won’t be recovered,” she said. “That image of heroic, respectable patriots — that will never return for them, never.”

Guatemalan lawmakers have brushed aside protests from indigenous groups and human rights groups at home, and appeals from abroad, including a protest from the United States State Department. Senator Patrick Leahy, Democrat of Vermont, warned that passage of the bill would have “serious consequences” for United States aid.

“A government that shields its armed forces from punishment for crimes against humanity fails in its most sacred obligation to defend justice and uphold the rule of law,” he said.

Juan Francisco Soto, a lawyer with the Center for Legal Action on Human Rights in Guatemala City, which represents victims, said the government no longer cared about international respect.

“There is an emboldening of the government with this group of lawmakers,” he said. “They want to impose the impunity pact, no matter the cost.”

We need a war crimes tribunal into the atrocities of Islamic State (ABC News Australia) By Louise Chappell
March 13, 2019

The world witnessed a new horror in Syria this week when more than 2,000 women and children from Islamic State families emerged from a network of tunnels under the town of Baghouz, all starving and many nursing serious injuries.

It has been reported that they were living underground for months, while IS soldiers fought their final battles above ground.

With claims that Kurdish-led forces have now defeated IS in eastern Syria, attention is turning to questions of accountability for the atrocities committed by IS combatants during their deadly fight to build a caliphate in the region.

Human Rights Watch and other reputable sources have documented IS's use of civilians as human shields, employment of landmines and their large scale use of sexually-based crimes, as well as killing and injuring countless civilians.

Who will hold IS to account?

The International Criminal Court (ICC), the world's permanent court established to prosecute the most egregious offences, would seem like the obvious place for current and former ISIS soldiers to be tried for their crimes against Syrians, Kurds and, most devastatingly, the Yazidi population of Northern Iraq, against whom ISIS has been accused of waging genocide.

The ICC certainly has jurisdiction over the crimes in question — war crimes, genocide, crimes against humanity and aggression. It also has an advanced gender justice mandate to bring charges related to rape, sexual slavery, enforced pregnancy and other forms of sexual and gender-based violence known to have been committed by Islamic State rebels against their perceived enemies.

A current case before the ICC may also pave the way to bring charges against militia who commit atrocities against members of their own community — including enslavement or kidnapping of women, or rape.

The ICC can not bring charges

However the ICC does not have jurisdiction over the territory on which these crimes were committed. Neither Iraq nor Syria have signed the ICC's Rome Statute. The ICC Prosecutor, Fatou Bensouda, cannot bring charges herself.

The Rome Statute gives authority to the UN Security Council to refer a matter to the ICC in cases where a state is not party to the Court.

In the Syrian case there is a stumbling block.

The Security Council has voted a dozen times between 2011 and 2018 to bring the Syrian situation before the ICC, and a dozen times Russia, often with China's backing, has vetoed the move.

With the ICC unavailable, what's next for those IS fighters who have broken international criminal laws?

Some states may choose to use what is known as "universal jurisdiction" with any IS fighter who resides in, or passes through their territory.

This legal principle allows states to claim criminal jurisdiction over an accused person regardless of where the alleged crime was committed, and regardless of the accused's nationality, country of residence, or any other relation with the prosecuting entity.

Some states in Europe, including Austria, Finland, France, Germany and Sweden, have already invoked this principle in regard to the Syrian conflict, with a number of non-IS perpetrators facing prosecution for terrorism and other crimes.

At the international level, the UN has learnt its lesson about not acting quickly enough to document atrocities in other

conflicts. In response the International, Impartial and Independent Mechanism was established in Syria.

Steps to accountability

Set up in Geneva in 2016, the Syrian Mechanism, as it is known, has the task of collecting evidence of crimes by all parties reaching back to 2011.

Deputy director of the Syrian Mechanism is Michelle Jarvis, an Australian expert on sexually violent crimes. She is gathering evidence on these violations, which is the first step towards accountability.

The Mechanism will not prosecute IS fighters but will gather evidence for any national, regional or international tribunal established to address the atrocities committed during this conflict.

With evidence at hand, and the end of the conflict waged by IS in sight, it is critical that the international community refocuses its efforts to deliver justice to fighters responsible for a range of heinous crimes.

While the ICC remains out of range, the UN should consider the creation of an ad-hoc tribunal to prosecute crimes committed in the name of IS, similar to those created to address the Rwandan Genocide and the Balkans conflict.

In doing so, the UN must ensure that this time around any tribunal ends impunity for crimes against both men and women that IS inflicted on gender grounds, building on the evidence being gathered by the Syrian Mechanism.

Scientia Professor Louise Chappell is director of the Australian Human Rights Institute at UNSW Sydney. Louise's research focuses on institutional gender justice in local, national and international settings.

[back to contents]

Piracy

China-Somalia fishing deal may revive sea piracy (TRT World) (March 12, 2019)

Somalia has the longest national coastline (3,025 km) in Africa with an estimated shelf area of 32,500 sq km. But this coastline is not safe due to illegal fishing and dumping of hazardous waste.

Following the civil war in 1991, foreign companies embarked on illegal fishing and dumping of harmful toxic waste along Somalia's largely unguarded coastline, depriving local fishermen of their livelihoods and endangering the lives of thousands of people.

In 1997 the environmental NGO Greenpeace confirmed that Swiss and Italian companies were acting as brokers for the transportation of hazardous waste to Somalia.

Later, the United Nations Development Programme (UNDP) concluded that the dumping of toxic waste was "rampant" along Somalia's coastline and that local communities were developing chronic diseases such as cancer.

In 2013, the then president of Somalia Hassan Sheikh Mohamud signed a deal with a British company, Soma Oil & Gas, for oil exploration in Somalia.

Last year the Somali government granted 31 fishing licenses to China. The China Overseas Fisheries Association, which represents 150 companies, was allowed to fish for tuna in Somali waters.

The move raised fears that fishing stocks could be depleted, and the livelihoods of local fishermen threatened. There were also concerns that China would dump illegal toxic waste in Somalia's coastline thus leading to environmental degradation.

Several people took to social media to express their outrage.

While the fishing rights granted to China raised concern especially with regards to the plight of local fishermen, the Fisheries Minister Abdirahman Ahmed said that all is well.

According to him, up to 24 nautical miles (44 km) off the coast are reserved for local fishermen and per the license agreement, his outfit can call the Chinese ships to the port anytime for inspections.

The government insists that the Chinese deal was signed to benefit Somalia, others believe its one-sidedness could lead to a rise in piracy.

Mowliid Ahmed Hassan, an award-winning blogger and the former Chief Editor of Goobjoog Business in Somalia, told TRT World that the move by the Somali government was not genuine from an economic standpoint "because local fisheries have already been suffering from lack of government investment, poor fishing equipment and massive illegal fishing by foreigners," Hassan said.

"So, giving permits to Chinese companies who have modern equipment and unparalleled experience in exploiting natural resources of poor countries is really an ill-fated decision that needs to be revised by Somali government."

According to the Somali Coastal Development Opportunities report, published by Secure Fisheries, a US-based program that works with post-conflict regions to strengthen governance and combat illegal fishing, "Competition between foreign and domestic fishing for declining resources can lead to the increased occurrence and intensity of conflict between the fleets."

The report added that people fishing will need to move farther out to deeper waters to work as stocks decline from foreign large-scale fishing.

Somali law prohibits foreign ships from fishing within 24 km (15 miles) off the coast, so as to protect small-scale fishermen. The country has also banned other destructive fishing methods, such as bottom trawling — a practice where the ship drags a fishing net across the seafloor, catching everything in its path. Still, the lack of a regulatory maritime entity in the country has enabled the continuation of illegal fishing in the region.

Hassan said Somali authorities don't have the capacity to monitor and control the fishing activities of the Chinese companies at the moment.

"If the government really wants to boost its economy, Chinese companies must bring and open their tuna factories in Somalia. Therefore, if they do so, more jobs will be created, it will boost the local economy and the government will be able to oversee the production and fishing activities of these Chinese companies," he added.

One of the key major economic reasons of piracy in Somalia is the depletion of seafood resources through illegal fishing by foreign companies.

Can it encourage piracy?

In 2005, illegal fishing by foreign ships gave birth to piracy in Somalia as impoverished fishermen sought other ways of earning a living. Local fisherman claimed they wanted to protect their waters from foreign ships, or that foreign toxic dumps created massive loss of sea life.

Hijacking of ships by pirates was facilitated by an international network of brokers, who also benefited from piracy, thereby ensuring that it remained a source of income for many jobless Somali men.

At the height of the crisis in 2011, there were 237 attacks and the annual cost of piracy was estimated to be \$8 billion.

In 2015, Somali officials warned that piracy could return unless the international community assist in creating jobs and security ashore, as well as combating illegal fishing at sea.

Now that Turkey and other European countries are policing Somali waters, incidents of piracy have reduced drastically, but other threats remain.

[back to contents]

Gender-Based Violence

Historic milestone: Syrian women gather in democratic congress (Daily Sabah) By Tugce Kilic
March 9, 2019

Syrian women coming from various regions of the country have met Friday in a landmark meeting of a democratic congress held in the town of al-Rai in northern Syria's Aleppo to discuss their problems and increase their participation in politics. The gathering, organized with the support of the Syrian Turkmen Assembly and the

women's branches of Turkey's ruling Justice and Development Party (AK Party), was attended by 165 delegations and nearly 400 women of Turkmens, Arab and Kurdish origin from Aleppo, Idlib, Bayirbucak, Raqqa, Hama, Homs, Tarsus, Daraa, Golan and Damascus.

An administrative board consisting of a president and eight other members of the board was elected by the congress.

Speaking to Daily Sabah on the issue, Saliha Sönmez, AK Party Women's Branches Foreign Affairs President, said that the Congress aimed to inform women on participating in politics and decision-making mechanisms.

Noting that Syrian women have little experience and knowledge of this issue, Sönmez stressed they will organize more congresses and provide training on civil society and how to collectively organize in the upcoming period.

Women who suffered from the atrocities of Daesh and the PKK- affiliated People's Protection Units (YPG) also attended the meeting to draw attention to violence inflicted by terrorist organization on women.

Since the beginning of the Syrian crisis in 2011, half a million people lost their lives in the clashes, more than 6.6 million people were displaced internally and more than 5.6 million Syrians scattered across its borders. The toll on Syrian women has been particularly brutal. Many studies designated women and girls as the most at-risk population. They not only suffer violent acts of conflict, but they are also victims of gender violence, systematic sexual violence, and domestic violence.

The U.N. report titled "I lost my dignity: Sexual and gender-based violence in the Syrian Arab Republic," documented that women have been subjected to systematic violations and abuses amounting to crimes against humanity both at the hands of the regime authorities and other parties involved in the conflict.

Women were forced to marry Daesh terrorists and were being raped during the height of the terrorist organization's power. Even after Daesh, Syrian women could not escape from, rapes and other acts of sexual violence which are mostly used as a weapon by the regime forces. Today, more than 13,500 women are imprisoned in Syria, while women who took shelter in other countries continue to experience post-traumatic stress disorder and other psychological problems.

Most of the refugees, including women, fled from war-ravaged Syria to the neighboring country, Turkey. Turkey hosts the biggest refugee population in the world, with 3.5 million Syrians, of which women refugees make up half of the number.

In a bid to empower women refugees, Turkey has offered a wide range of training and aid addressing women refugees' problems in every sphere of life along with numerous humanitarian agencies and international organizations. Ankara helps Syrian refugee women integrate with free Turkish language courses and psychological counseling.

It also took initiatives focused on economic self-sufficiency through vocational training, political strength through leadership training; and intellectual development through forums. Moreover, Turkey is the only country that has allowed certain Syrian refugees to obtain citizenship, giving them an opportunity to have stability in their lives.

Since 2017, 40 Women and Girls Safe Spaces (WGSS) throughout the country have been established with the U.N. Population Fund, providing a variety of services tailored to the needs of Syrian refugees and survivors of gender-based violence. Refugees can receive psychosocial support and attend skills-training workshops as well as information on sexual and reproductive health in these safe spaces.

Another center aiming to enhance the economic and social integration of refugee women and girls in the country was opened in November 2017 by the U.N. and Ankara. SADA Women-only Center situated in the southeast city of Gaziantep, Turkey has legal consultation and psychosocial counseling services to address domestic violence along with training in order to help women refugees to apply for works and establish small businesses. Since the center opened its doors in September 2017, close to 1,800 women and 800 girls, mostly Syrian refugees, registered in 2018.

Selva Sultan, a Syrian refugee who took shelter in Turkey and is also a volunteer of ASRA foundation helping refugees, told Anadolu Agency (AA) yesterday that despite all the hardships Syrian women experienced they need to clutch onto life and not give up as women are the backbone of the family.

Pointing out that she is also a psychologist and helps other Syrian refugees overcome psychological problems caused by the war, Sultan added, "When you are trying to heal the souls of others, you feel that you are healing as well."

Amnesty International, a London-based nongovernmental organization (NGO) focused on human rights, yesterday launched "Unheard No More: Syrian women shaping Syria's future" campaign to increase Syrian women's official and active role in shaping the country's future.

"Women's participation in political processes is fundamental for achieving gender equality and human rights for all. The international community, especially Iran, Turkey, and Russia, must pressure the Syrian government and armed opposition groups to end sexual and other gender-based violence and discrimination," said Samah Hadid, Amnesty International's Middle East campaigns director.

Hadid also called for Syrian women to be effectively represented and consulted in peace talks, negotiations, the drafting process of the constitutions and other peace-building processes.

In 2014, not a single woman was represented at the negotiating table in U.N.-led peace process. Calls for greater inclusion were partially answered in 2016 when the first-ever Syrian Women's Advisory Board, comprised of 12 independent civil society representatives from diverse backgrounds, was established. The board has been consulted regularly with the U.N. special envoy for Syria and included formally in the peace talks. Yet, ensuring the presence of women in the process does not mean the active representation of those women; Syrian women on the board, rather, want to have a direct effect on the peace talks.

Who will speak out for the forgotten women of conflict? (Arab News) By Baria Alamuddin
March 10, 2019

International Women's Day rightly celebrates the impressive achievements of courageous women. Yet the world has had less to say about our most vulnerable sisters, as historically elevated levels of displacement due to conflict have left millions of women in hellish conditions in sprawling refugee camps.

A common denominator in these camps — from Greece to Lebanon and Yemen — are epidemic levels of rape and sexual violence, exacerbated by the stigma and ostracization facing the innocent victims of these crimes. Systematic rape in South Sudan or against Rohingya women seeks to humiliate and dehumanize entire populations based on tribal or religious affiliation. A shocking 2011 statistic estimated that 48 women were raped every hour in the Democratic Republic of Congo, with sexual attacks becoming gruesomely routine in many conflict zones.

Thousands of Iraqis languish in miserable camps long after Daesh's supposed defeat. Wives have seen husbands and sons indefinitely detained, leaving them prone to sexual predation by rampaging paramilitaries. We can't comprehend the abuse that thousands of Yazidi women endured at the hands of Daesh: Loved ones slaughtered, forced into sexual slavery, daily torture and violation, fearing that each day would be their last.

I was overjoyed at Nadia Murad becoming joint winner of the Nobel Peace Prize. According to some traditionalist attitudes, a victim of such abuse is no longer an "honorable" part of society. Yet, instead of withdrawing into self-pity, Nadia and others defiantly told their stories, helping make it possible for women to be non-judgmentally embraced back into their communities. These brave girls must feel no shame. They are heroic survivors and witnesses to monstrous acts by sick individuals who themselves bring shame upon mankind.

Around 1,500 foreign women and children remain in Iraqi custody accused of Daesh links: Are they victims or terrorists? Should we forgive them after they express horror at Daesh's crimes? Should home countries support them in overcoming their traumas? Children aren't accountable for the sins of their parents but, according to Human Rights Watch, that hasn't prevented the Iraqi authorities torturing and detaining hundreds of minors on vague and unproven charges.

Displaced Syrian women have been hugely vulnerable to exploitation. Criminal networks — including elements from Hezbollah — have been involved in prostitution and people-smuggling networks. Women have been compelled or tricked with promises of work, finding themselves shackled into the worst forms of slavery. Starving families resort to selling underage daughters into marriages with wealthy men who they never met.

Deeply traumatized women socialized to "know their place" often have zero sense of their rights or options. We thus must educate all our girls to know their rights; to know how to assert themselves in the face of male aggression and harassment; and to know they are capable of achieving the highest goals they can imagine for themselves.

In the pressure-cooker environment of the refugee camps, levels of domestic violence are appallingly high — 51 percent of married Gazan women report domestic violence, while 76 percent report psychological abuse. For 70 years, the daily realities of Palestinian women have been arrests, harassment and police brutality. Fearless women like Ahed Tamimi engage in acts of defiance against the horrors of occupation, knowing the brutal and arbitrary responses that Israeli police will mete out.

Within some populations, the woefully misnamed phenomenon of "honor killing" is far more prevalent than official reports indicate. Studies in Russia's Caucasus region demonstrate how the authorities collaborate to thwart such cases on the rare occasions when families take action. Young girls who buck tradition and shun arranged marriages to pursue their education are frequently sought out for trumped-up accusations, with participation in such brutal travesties sometimes even seen as a

route to social advancement. There have been cases of gang-rape where the attackers later approached the woman's family demanding that she be killed to atone for the dishonor she brought upon the perpetrators.

It is a joy to read the inspiring stories of successful women: Female government ministers, leading businesswomen, women who have conquered all in our male-dominated world. However, there must not be silence for the forgotten women whose suffering shames us all. We are shamed by the daily reality of rape and abuse against victims of war, but we are doubly shamed by our inability to honestly speak out. In several countries, progress has been made in outlawing female genital mutilation, yet the social taboos against discussing this abuse by parents against their own daughters, along with the lack of enlightened education and debate, make it difficult to eliminate this barbaric practice altogether.

The UN, the US, Europe and the world have had their opportunities to act on behalf of the female victims of war. Eight years after the beginning of the Syria uprising, it is safe to say that they have failed. In my experience, inward-looking Western governments are disgracefully set to become less engaged on these challenges.

I, and women like me, live in a blessed cocoon: Blessed by education, loving parents and a thousand opportunities to improve our status. Yet, how can we celebrate breakthroughs for women's rights knowing that tonight millions of terrorized women will cry themselves to sleep, traumatized by memories of vicious abuse, and from fear that the noises outside their flimsy shelters emanate from men with predatory intentions?

The #MeToo movement proves how decisive women's voices can be when we take action against sexual harassment. It is well past time for us fortunate women to act together on behalf of those women — from Libya to Palestine to Myanmar — whose daily reality is violence and abuse. Let us not brag about women's empowerment until we have done everything in our power to empower our most vulnerable sisters.

Women rise beyond the constraints of war (TRT World) By Aamirah Patel
March 12, 2019

Four activists, hailing from different parts of the world and diverse backgrounds, have one thing in common – their experiences as women of war.

Enduring conflicts in Yemen, Syria, Sierra Leone and Bosnia-Herzegovina, these women decided to take control of their lives and share their common plight, each in her own way, with the rest of the world. They have channeled their pain and suffering into healing themselves, their communities and societies.

They are the women of war of our generation, having long surpassed the days of conventional warfare. They have turned the brutal impact of war on their lives into a dedication to deal with the issues that face their communities. They have faced displacement, hunger, sexual violence and suffering. Their experiences and how they've dealt with them prove the importance of including women's voices in the decision-making process.

Yemen:

Kawkab Al Thaibani has kind eyes, a gentleness that envelopes the strength and power that she has displayed throughout her years while campaigning in Yemen, and now in Istanbul. She comes into the office and sits down. During the first interaction with TRT World, passion overtakes her voice as she begins to explain that "women's inclusion in the peace process in Yemen is essential."

She is the Co-founder of the Women 4 Yemen network, which focuses on building peace in the war-torn nation.

Women's roles often tend to go unnoticed, even when they are the ones leading protests and peace efforts. The Yemeni uprising that began eight years ago, at the same time the wave Arab Spring protests swept the Middle East, was one of the movements that defined the region's approach to dissent. Al Thaibani highlights the fact that women were the majority of protesters in Yemen. And she reminds the world that Nobel Peace Prize Winner Tawakkol Karman, who was recognised in 2011 for her work, was part of a strong feminist movement that was long established in Yemen, but that has gone unrecognised by the West.

"Yemeni women are very powerful. The year 2011 was not patriarchal. It was community driven. It was led by women and shared by everyone. Women showed their potential, they seized the moment and have been working hard, even in the decades prior. It wasn't a sudden movement," says Al Thaibani.

Her organization is representative of just one of hundreds of women's organizations working to create lasting peace in Yemen. Statistics show that when women are engaged in peace talks, there is a higher likelihood for the talks to succeed. A study by the International Interactions journal shows that from a total of 82 peace agreements from 42 armed conflicts between 1989 and 2011, peace agreements with female signatories have been associated with durable peace. A study by UN Women and the

Council on Foreign Relations also shows that between 1990 and 2017, women constituted only two percent of mediators, eight percent of negotiators, and five percent of witnesses and signatories in all major peace processes.

The Yemeni case is no exception.

“The reason is that powerful parties in conflicts or wars tend to look at power gains, and they look for some of their interests, but they do not look at community-driven gains, and also the grievances that could jeopardise any post-conflict period,” says Al Thaibani. She reminds the world that working at grassroots levels allows an opportunity to give a voice to the people, including the women who are affected by wars.

Sierra Leone:

Agatha Ada Levi works for The Rainbow Initiative, which started out as a key recommendation of the Truth and Reconciliation Commission after the civil war in Sierra Leone broke out in March 1991 and ended in January 2002. It led to many tragic circumstances facing women in the country, as rape became one of the major tools of oppression against women. Even rebels targeted women, reducing them to mere household labourers doing domestic chores.

Levi has chosen to use her voice as a survivor of rape to support other women with similar experiences. Reports show that between 1991 and 2002, more than 60,000 women endured conflict-related sexual violence in Sierra Leone. Government-backed militias attacked houses, gang-raping and killing women in front of their families.

“After my incident, I lost so much hope, so much trust in so many systems. However, after my degree, I decided to use my communications skills to speak up and raise awareness about issues involving sexual and domestic assault,” says Levi. “I think the idea of me working and meeting survivors and telling my story has been a success.”

Levi tells us of the women’s journeys as they come to seek support. They think it’s the end of their lives. Finding someone who empathises with them “takes survivors a step forward in the healing process. [It helps to see] someone who has gone back to living a normal life, who will not condemn or question them, but instead provide support,” she says. “This is essential for them to be able to forgive their perpetrators, and reintegrate back into society as best as they can.”

“I say to myself, I didn’t survive because it was a lucky chance, I survived so I could use my story, use my voice, to help other people fit back into their communities,” Levi says with clarity and passion.

She demonstrates the progress that’s been made for women in Sierra Leone since the war on this particular issue. Previously, women didn’t speak up or have a place they could trust to turn to when they were assaulted. Investments in counselling and medical centres for women were started after the war, when the number of women who had faced sexual assault and rape became apparent.

“We have been able to shift the tradition to one where you are able to talk, you can make noise, you can go and access free medical healthcare,” Levi states confidently.

Bosnia -Herzegovina:

Selma Hadzihalilovic, however, reminds us of a reality where women do not receive adequate post-war support. Sexual violence was used intentionally by Serb militias during the Bosnian war with the intention to eliminate all pure Bosniak bloodlines. As a result, it effectively broke down kinship ties and broke up families because of the shame associated with rape.

“We are still talking about the consequences of war-related trauma affecting a third generation, along with behaviour problems and domestic violence,” says Hadzihalilovic. “All because psycho-social support was only provided for a short period of time,” she says in a frustrated tone.

Many women came through the International Criminal Tribunal for the former Yugoslavia, which was the first-ever tribunal to prosecute rape as an independent crime against humanity. The national courts, however have allowed many perpetrators to walk free in the communities where the crimes were committed, and Bosniak women on the ground still face a lack of meaningful justice. According to Amnesty International, in 2009 there was a backlog of 160,000 unresolved criminal cases. It was only 15 years later when programmes began to be developed to protect survivors’ rights.

“You can see in our daily lives and the way we associate with each other that the trauma is still there. When I get together with my friends from school, who I’ve known for 30 years, our gatherings usually end with all of us crying. We cry. It’s still present. It’s still very present,” she says.

She also mentions the creation of the Women’s Court, where women from different countries come together to talk about what they’ve been through. This has successfully provided a place for survivors to give their testimonies, and a space for advice

where legal proceedings haven't been able to provide closure or justice.

"We define what justice ideally would mean for each one of us individually."

One of the biggest lessons from the war in Bosnia-Herzegovina, which still impacts the society three generations later, is the lack of inclusion of women at the peacemaking table.

Selma Hadzihalilovic has spent 25 years of working on human rights, women's rights and social justice in a country that is still going through its post-war transition period. Hadzihalilovic expresses her frustration, "I live with a peace that was not negotiated by women. If you want real peace, you have to involve women in the peace negotiation process."

Society shows that there were two parallel political scenes: "One scene that was completely male dominated and had the power of decision making. Then you had a scene of social engagement, that was almost 95 percent run by women – taking care of refugees, victims and survivors of war-related violence, who had no power."

The lack of continuous psychosocial support has meant that gender-based violence is still an ongoing problem that hasn't been adequately addressed in the country even up until today.

Syria:

The disparity between the space given to women in society postwar and during wartime is still a significant issue. Providing space for women generally doesn't exist during wartime, because women have no choice but to adopt multiple roles in the midst of conflict.

In Syria, women have had to make the shift from homemaker to breadwinner. As founder and president of the Syrian Humanitarian Institute for National Empowerment (SHINE), Rania Kisar offers accelerated learning programmes for women, so they can transition into the workforce, start competing and be equipped with critical thinking skills to make their own decisions about the challenges they face in life. Kisar reminds us how war can change a woman's life instantly.

The role of women in Syria has shifted substantially in terms of day-to-day tasks and contributions to the revolution. At the beginning of the revolution, women would scout the roads before the protests would begin. Many played media-related roles, transferring data in ways that often risked their lives and security.

They participated as "communicators, as scouts, they participated a lot on humanitarian and medical aid for the guys who got beat up. Then their role moved to becoming a caregiver."

Women provided support for communities at large, when many men were forced into exile or killed. These roles have helped to keep the society together. Kisar says she has experienced this shift personally as a mother.

"The first three years of my activism work, I was giving out food baskets. I was playing the role of the mom who feeds her kids. Then I realized this role was not good enough. I realized my job as a mom is not to feed them, my job as a mom is to empower them, and that is what I have been working on. I am working on empowering my Syrian children."

Reflective of the now-active leadership roles women are taking in Syria and in many countries facing war, women are becoming outspoken and clear about the changes they would like to see.

"If I were asked to describe Syrian women – they are the energy source of the revolution. They are the oxygen that keeps igniting the revolution. I know this revolution is going to win. Once women put something like this in their heads, you know women, they're going to do it," she says fiercely. "This is their problem. They are underestimating the power of women."

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

Commentary and Perspectives

Lawyers hope refugees' case against Damascus will be breakthrough (Reuters) By Michael Holden
March 7, 2019

Lawyers representing Syrian refugees in Jordan have asked the International Criminal Court (ICC) to investigate Syria for alleged crimes against humanity in what they hope will be a breakthrough after previous initiatives have failed.

The case is being brought on behalf of 28 refugees who are now staying in refugee camps on the border and say they were forced to leave Syria because of life-threatening attacks on them by government forces.

As Syria is not signed up to the Rome Treaty establishing the ICC in The Hague, it has not previously been possible to seek a case against Assad's government. But London-based lawyers Stoke White argue the ICC has jurisdiction because Jordan, to where the refugees fled, is a signatory.

"The devastating war in Syria has been going on for almost nine years now and no one has yet been held accountable for the hundreds of thousands of violations against civilians," said leading lawyer Rodney Dixon.

"This case represents a genuine breakthrough for the Syrian victims."

Stoke White said the refugees had testified about being bombed, shot at, detained and tortured, abused and having witnessed mass killings and large-scale violations.

It argues that the ICC's decision last September that it had jurisdiction over the alleged deportations of Rohingya people from Myanmar to Bangladesh as a possible crime against humanity should act as a precedence for the Syrian refugees.

The United Nations General Assembly set up a special team in 2016 to prepare possible cases over war crimes and human rights abuses committed during the conflict in Syria.

However, previous efforts to prosecute members of Assad's government have failed and Russia and China have also vetoed attempts to give the ICC a mandate to set up a special tribunal for Syria.

In February, police detained three Syrians in Germany and France on suspicion of torture and other crimes against humanity, the first arrests in Europe against suspected figures in Syria's security service.

Ex-Congolese VP seeks damages from war crimes court (Reuters) By Stehanie van den Berg
March 11, 2019

Former Congolese vice president and militia leader Jean-Pierre Bemba, who was acquitted of war crimes by the International Criminal Court (ICC) last year, is seeking nearly 70 million euros (\$75 million dollars) in damages.

Bemba's lawyers on Monday said paperwork had been filed requesting compensation for unlawful detention, legal fees and losses due to the alleged mismanagement of assets seized by the court.

The assets included seven airplanes, three villas in Portugal, three parcels of land in the Democratic Republic of Congo and two boats, said his lawyer, Peter Haynes.

During 10 years in detention, Bemba's assets "were simply allowed to rot", Haynes told journalists in The Hague.

The claim totals just under half of the ICC's annual budget of some 150 million euros. No date was set for when the filing would be considered.

Defendants have sought damages from the court in the past for unlawful detention, but none were awarded. A court spokesman said the filing in the Bemba case would be considered by the judges and had no additional comment.

Bemba, a successful businessman and opposition politician before his arrest, was acquitted May last year of crimes committed by members of a militia under his command.

Bemba's legal team said in the event the court awarded damages, part would go toward paying reparation for war victims.

China accuses US of prejudice over human rights issues (Fox News) By Christopher Bodeen
March 14, 2019

China responded to new U.S. allegations of widespread human rights abuses with its own accusations of prejudice and interference, saying Thursday that Washington should drop its "Cold War mentality" and stop interfering in China's internal affairs.

In presenting the annual U.S. State Department report on human rights around the world, U.S. Secretary of State Mike Pompeo said Wednesday that China "is in a league of its own" when it comes to human rights abuses, citing mass detentions of an estimated 1 million Muslims and the repression of Christians, Tibetans and other religious minorities.

At a daily briefing, Chinese foreign ministry spokesman Lu Kang dismissed the report as similar to those of previous years and "full of ideological prejudice." He said China hoped the U.S would "also take a good look at its own human rights record."

The exchange marks the latest dust-up between the world's two largest economies, already locked in a trade war and disputes over Chinese territorial claims in the South China Sea, Taiwan and Chinese foreign policy maneuvering seen as aimed at reducing America's global influence.

Lu said the U.S. report disregarded facts and made "groundless allegations" against China, and he praised the advancement of rights in the country.

"China's human rights cause has made great progress," Lu said. "We hope the U.S. will remove the colored lenses and discard the Cold War mentality ... and view China's human rights progress in an objective and just way and stop interfering in China's internal affairs with human rights as a pretext."

China on Thursday issued its annual tit-for-tat on human rights in the U.S., relying heavily on American media reports, including from outlets that the Chinese government frequently condemns for critical reporting on its own country.

Human rights have been a prominent irritant in the U.S.-China relationship, dating from the Chinese military's crushing of the 1989 pro-democracy protests focused on Beijing's Tiananmen Square and subsequent crackdowns on civil liberties.

Conditions have grown harsher under President Xi Jinping, China's most powerful ruler in a generation, who has sought to crush all perceived challenges to his authority and reassert Communist Party control throughout the government and economy.

In its summary, the State Department said China over the past year "significantly intensified" its campaign of mass detentions, with between 800,000 and 2 million members of Muslim minority groups in the Xinjiang Uighur Autonomous Region interned in camps "designed to erase religious and ethnic identities."

"Government officials claimed the camps were needed to combat terrorism, separatism, and extremism. International media, human rights organizations, and former detainees reported security officials in the camps abused, tortured, and killed some detainees," the report said.

The report also accused the government of arbitrary or unlawful killings, forced disappearances, torture and arbitrary detention. Other concerns included political prisoners, "harsh and life-threatening prison and detention conditions, physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others, along with their family members."

Interference in the rights of peaceful assembly and freedom of association, "overly restrictive laws" covering foreign and domestic NGOs, restrictions on freedom and religion and movement, and "severe restrictions" on labor rights and union organizing were also cited.

It also faulted Xi's six-year-old anti-corruption campaign for using "opaque internal party disciplinary procedures."

"Authorities harassed, detained, and arrested citizens who promoted independent efforts to combat abuses of power," the report said.

China's own 12,000-word report on U.S. human rights infractions outlined violations on U.S. soil month-by-month, from "shocking gender discrimination" to the "unceasing immigration tragedy" along the Mexican border.

Other topics touched on included gun crime, infringements of civil rights, money politics, income inequality, racial discrimination, threats against children, women and immigrants, and human rights violations related to President Donald Trump's "America First" policies.

The U.S. "continues to point fingers at the human rights condition of more than 190 countries, smearing and slandering, while turning a deaf ear to its own grave human rights problems," said the preface to the document, published by China's State Council Information Office.

[back to contents]

Can the ICC function Without State Compliance?

Rod Rastan

The Elgar Companion to the International Criminal Court

(February 28, 2019)

What should the ICC do when it cannot rely on cooperation from the states that would ordinarily be best placed to assist it, such as the state(s) where the crimes occurred or whose nationals are the victims and/or perpetrators? Non-cooperation may arise from such state being unwilling to assist, for example because its agents are implicated in the crimes. Or the authorities may be unable to provide assistance due to insufficient control of territory, weak governance, or lack of means. In some areas, de facto cooperation and access to territory may be dependent on an opposing armed group, a separatist authority or a foreign occupying power – rendering the de jure authorities effectively ‘absent’. In other circumstances, the Court’s work may be interfered with by attempts to corruptly influence the judicial process. The ICC’s dilemma is made more complicated given its raison d’être to intervene where the national authorities have failed in their primary responsibility to investigate and prosecute. But how can it do this if any those same authorities cannot or will not assist it? Should the ICC decline to operate where it cannot rely on effective cooperation, but risk a persistence of impunity? Or should it endeavour even where cooperation prospects are not favourable, but risk institutional failure? In other words, can the ICC function without state compliance?

Crimes Against the People - A Sui Generis Socialist International Crime?

Tamas Hoffmann

Journal of the History of International Law Vol. 21

(March 4, 2019)

Crimes against humanity is one of the core crimes in international criminal law, whose existence is treated as a natural reaction to mass atrocities. This idea of linear progress is challenged by this article, which demonstrates that in Post-Second World War Hungary an alternative approach was developed to prosecute human rights violations committed against civilian populations. Even though this concept was eventually used as a political weapon by the communist party, it had long-lasting effects on the prosecution of international crimes in Hungary.

In Need of Prosecution: The Role of Personal Jurisdiction in the Khmer Rouge Tribunal

Sara Ochs

Stanford Journal of International Law Vol. 55

(March 4, 2019)

During its reign from 1975 to 1979, the Khmer Rouge became responsible for decimating approximately twenty percent of the Cambodian population. Forty years later, only three leaders of the deadly regime have been held criminally responsible for the deaths of almost two million individuals. The Extraordinary Chambers in the Courts of Cambodia (the “ECCC” or “Tribunal”) is a unique “hybrid” international criminal tribunal jointly established by the Cambodian Government and the United Nations in 2006, with the stated purpose of prosecuting those “most responsible” for the Khmer Rouge’s mass atrocities. Yet, after more than a decade of proceedings, it has become increasingly likely that the ECCC will not fulfill its stated mandate.

Since inception, the Tribunal has been plagued by political interference. Throughout its twelve years of operation, the Cambodian Government has compromised the judicial independence of the Tribunal in an effort to block prosecutions into surviving Khmer Rouge leaders, many of whom occupy high-ranking governmental positions. This interference has recently manifested itself in ECCC decisions stringently limiting the scope of the Tribunal’s personal jurisdiction. These decisions have resulted in the dismissal of all charges against one of four defendants before the Tribunal and present grave concerns regarding the viability of prosecutions against the remaining three. Amidst substantiated allegations of corruption and bribery within the Tribunal, these recent decisions add weight to growing speculation as to the ECCC’s potential closure.

While recent scholarship has analyzed the Cambodian Government's involvement in the ECCC, the effect of this interference on the Tribunal's increasingly narrow approach to personal jurisdiction has yet to be fully evaluated. This paper tracks the history of and proceedings handled by the ECCC to explore the intersection between the Tribunal's lack of judicial independence and its recent unworkable approach to personal jurisdiction. In doing so, the paper analyzes the ECCC's judicial opinions interpreting the scope of its personal jurisdiction, culminating in a discussion of its recent decision to dismiss all charges against Im Chaem. Finally, the paper explores lessons to be derived both from the ECCC's approach to personal jurisdiction, as well as the U.N.'s joint operation of the Tribunal, for use in drafting legislation governing future hybrid criminal tribunals.

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

War Crimes Prosecution Watch Staff

Founder/Advisor
Dean Michael P. Scharf

Editor-in-Chief
Alexandra Hassan

Managing Editors
Mary Preston
Gloria Neilson

Technical Editor-in-Chief
Kurt Harris

Senior Technical Editors
Lysette Roman
Jaclyn Cole
Demari Muff

Associate Technical Editors
Kristin Lyons

Emerging Issues Advisor
Judge Rosemelle Mutoka
Contact: warcimeswatch@pilpg.org

Africa

Central African Republic
Amy Kochert, Senior Editor
David Codispoti, Associate Editor

Sudan & South Sudan
Amy Kochert, Senior Editor
George Kamanda, Associate Editor

Burundi
Alexandra Hassan, Senior Editor
Timothy Anderson, Associate Editor

Democratic Republic of the Congo

Amy Kochert, Senior Editor
Elizabeth Connors, Associate Editor

Kenya

Elen Yerosyan, Senior Editor
Emily Hoffman, Associate Editor

Libya

Alex Lilly, Senior Editor
Jessica Sayre Smith, Associate Editor

Rwanda (International Criminal Tribunal for Rwanda)

Elen Yerosyan, Senior Editor
Luke Palmer, Associate Editor

Mali

Alexandra Hassan, Senior Editor
Asako Ejima, Associate Editor

Lake Chad Region

Alexandra Hassan, Senior Editor
Abby McBride, Associate Editor

Somalia

Elen Yerosyan, Senior Editor
Angela Kengara, Associate Editor

Uganda

Elen Yerosyan, Senior Editor
Luke Palmer, Associate Editor
Matthew O'Connor, Associate Editor

Europe

Court of Bosnia and Herzegovina, War Crimes Section

Mary Preston, Senior Editor

Julia Ozello, Associate Editor

International Criminal Tribunal for the Former Yugoslavia

Mary Preston, Senior Editor
Benjamin Boggs, Associate Editor

Domestic Prosecutions in the Former Yugoslavia

Mary Preston, Senior Editor
Alexander Peters, Associate Editor

Middle East and Asia

Extraordinary Chambers in the Courts of Cambodia

Morgan Austin, Senior Editor
Ariana Pike, Associate Editor

Special Tribunal for Lebanon

Mary Preston, Senior Editor
Andrea Shaia, Senior Associate Editor

Iraq

Alex Lilly, Senior Editor

Gloria Neilson, Associate Editor

Afghanistan

Morgan Austin, Senior Editor
Ariana Pike, Associate Editor

Syria

Alex Lily, Senior Editor
Tyler Portner, Associate Editor

Bangladesh

Estefanía Sixto Seijas, Special Senior Editor
Amanda Makhoul, Associate Editor

War Crimes Investigations in Burma

Estefanía Sixto Seijas, Special Senior Editor
Elizabeth Safier, Associate Editor

Yemen

Morgan Austin, Senior Editor
Emma Lawson, Associate Editor

Israel/Palestine

Morgan Austin, Senior Editor

Matt Casselberry, Associate Editor

Americas

North and Central America

Morgan Austin, Senior Editor
Shannon Golden, Associate Editor

South America

Amy Kochert, Senior Editor

Topics

Terrorism

Alayna Bridgett, Senior Editor
John Collins, Associate Editor

Piracy

Alayna Bridgett, Senior Editor
Nicole Divittorio, Associate Editor

Gender-Based Violence

Estefanía Sixto Seijas, Special Senior Editor
Rachel Adelman, Associate Editor

Truth and Reconciliation Commissions

Alayna Bridgett, Senior Editor
Sophia Billias, Associate Editor

Commentary and Perspectives

Alayna Bridgett, Senior Editor

Courtney Koski, Associate Editor

Worth Reading

Taylor Frank
Andrew Schiefer, Associate Editor

War Crimes Prosecution Watch is prepared by the International Justice Practice of the **Public International Law & Policy Group** and the **Frederick K. Cox International Law Center** of **Case Western Reserve University School of Law** and is made possible by grants from the **Carnegie Corporation of New York** and the **Open Society Institute**.

Grotian Moment: The International War Crimes Trial Blog:
<http://law.case.edu/grotian-moment-blog/>

Frederick K. Cox International Law Center:
<http://law.case.edu/centers/cox/>

Cox Center War Crimes Research Portal:
<http://law.case.edu/war-crimes-research-portal/>



To subscribe or unsubscribe from this newsletter, please email warcimeswatch@pilpg.org.