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Contents

AFRICA

NORTH AFRICA

Libya

- **Libyan commander wanted for war crimes by ICC shot dead (Al Jazeera)**
- **2 New Mass Graves Found In Libya's Tarhuna (Brinkwire)**

CENTRAL AFRICA

Central African Republic

- **CAR militia leader Sidiki Abass dies from injuries: Armed group (Al Jazeera)**
- **Powerful armed group in Central African Republic vows to leave rebel coalition (France 24)**

Sudan & South Sudan

- **UN says Tribal clashes in Sudan's Darfur kill 40 over 3 days (Star Tribune)**

Democratic Republic of the Congo

- **ICC judges uphold ex-Congolese militia leader's war crimes conviction (Reuters)**

- Suspected ADF rebels kill 23 in eastern DR Congo attack (Al Jazeera)

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

- Côte d'Ivoire: Former President Laurent Gbagbo is acquitted on appeal (The Africa Report)
- 'I lost an eye': Victims denounce Gbagbo's exoneration by ICC (Africa News)

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

- Cameroon: Boko Haram Attacks Escalate in Far North (Human Rights Watch)
- Double attack in the southeastern Niger killed four soldiers and wounded many (Medafrika)
- Nigeria's kidnapping crisis unites the north and south (DefenceWeb)

Mali

- UN accuses France of possible war crimes over Mali air strike on wedding (The Telegraph)
- Mali receives a “symbolic euro” in token reparation for damage on Timbuktu heritage (Africa News)
- France must investigate its potential war crime in Mali, activists demand (Middle East Eye)
- Four Peacekeepers killed in complex attack on UN base in Mali (UN News)

Liberia

- Liberia: War Crimes Trial Hears “Angel Gabriel Ordered Children Burned Alive.” (Front Page Africa)
- ‘Drinking Blood’: Witnesses testify in Liberia war crimes trial (News24)
- Witness at Massaquoi Trial Links Charles Taylor to Blood Diamonds (Daily Observer)
- Liberia: Massaquoi Accused of Killing Almost an Entire Town (Front Page Africa)
- ULIMO Commander Kunti K. Will Face Trial in France for Crimes Against Humanity (Front Page Africa)

EAST AFRICA

Uganda

- The abduction of citizens is crime against humanity (Daily Monitor)
- Six sue government over post-election violence (Daily Monitor)
- The End of Ongwen's Trial, Closes for Now, Hope for Justice for Victims of Other LRA Atrocities (AllAfrica)

Kenya

Rwanda

- France Has ‘Overwhelming’ Responsibility for Rwanda Genocide, Report Says (New York Times)
- Rwanda: 27 years later genocide perpetrators still at large (Anadolu Agency)

Somalia

- At least four dead after mortar fire strike in Somalia's Mogadishu (Reuters)
- Somalia: 4 teens, 1 baby dead in capital suicide blast (Anadolu Agency)

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- **Bosnia Seeks Arrest of Fugitive Ex-Soldier in Serbia (Balkan Transitional Justice)**
- **Bosnia Rejects Fugitive Serb War Crime Convict's Appeal (Balkan Transitional Justice)**
- **Bosnian Serb Ex-Policeman Loses Crimes Against Humanity Appeal (Balkan Transitional Justice)**
- **Bosnian Serb Officer Convicted of Abusing Civilians in Beseiged Sarajevo (Balkan Transitional Justice)**

International Criminal Tribunal for the Former Yugoslavia

- **Serbian TV drama reveals just how divisive Slobodan Milošević remains (Emerging Europe)**

Domestic Prosecutions In The Former Yugoslavia

- **Croatia Overturns Rebel Serb Commander's Acquittal (Balkan Transitional Justice)**
- **Croatia Charges Rebel Serb Commander with War Crimes (Balkan Transitional Justice)**

Turkey

- **US State Department confirms Turkish participation in Nagorno-Karabakh war, highlights Azerbaijani war crimes (Barnabas Fund)**
- **EU Sanctions Remain on the Table, Germany Warns Turkey Ahead of EU Summit (Organization for World Peace)**
- **State Dept. Highlights Azeri War Crimes, Turkey's Role in Karabakh War (Asbarez)**

Kosovo Specialist Chambers

- **Kosovo Leaders Mourn Massacre Victims, Call for Justice (BIRN)**
- **Unregulated and Unlicensed, War Memorials Proliferate in Kosovo Towns (BIRN)**
- **Kosovo's EU-backed war crimes court 'has full US backing' (euronews)**
- **European MPs Urge Serbia, Kosovo to Intensify War Grave Search (BIRN)**
- **Kosovo Police Detain Wartime Massacre Suspect (BIRN)**
- **Two Kosovo Albanians Identified from Wartime Mass Grave in Serbia (BIRN)**

Azerbaijan

- **Armenia-planted mines serious threat to civilian lives, obstacle to Karabakh progress (Azernews)**
- **OIC Contact Group reps visit Armenian war crime scenes in Aghdam (Azernews)**
- **Armenian Leader Asks Putin For Help With POWs Held By Azerbaijan (Radio Free Europe Radio Liberty)**

MIDDLE-EAST

Iraq

Syria

Yemen

Special Tribunal for Lebanon

- **US offers \$10 mln for Hezbollah fugitive over Hariri killing (France 24)**

Israel & Palestine

Gulf Region

- **Qatar depllores violence against civilians in Syria (Gulf Times)**

ASIA

Afghanistan

- **The Pentagon is investigating whether special operators have committed war crimes, and if their commanders have even been checking (Insider)**
- **Report: Biden to Reverse Trump Era Sanctions Against ICC Prosecutor Bensouda (Jewish Press)**

Extraordinary Chambers in the Courts of Cambodia

Bangladesh International Crimes Tribunal

- **1971 War Crimes: Trials of organisations ever elusive (The Daily Star)**

War Crimes Investigations in Myanmar

- **UN envoy: Myanmar faces possibility of major civil war (StarTribune)**
- **Death toll in Myanmar junta's crackdown on protests edges up to 550 (Arab News)**

AMERICAS

North & Central America

South America

Venezuela

- **5,000 Flee as Venezuela Launches Largest Military Campaign in Decades (New York Times)**

TOPICS

Truth and Reconciliation Commission

Terrorism

Piracy

- **Nigeria, Western allies stage naval drills in piracy hotspot (Business Recorder)**
- **Piracy and Ship Attacks in the Gulf of Guinea (Marine Link)**

Gender-Based Violence

Commentary and Perspectives

- **Scale of Tigray horror adds to pressure on Ethiopian leader (The Guardian)**
- **Rights experts concerned about alleged detention, forced labour of Uyghurs in China (UN News Service)**

WORTH READING

- **Anthony J. Colangelo: Procedural Jus Cogens (Columbia Journal of Transnational Law)**

AFRICA

NORTH AFRICA

Libya

Libyan commander wanted for war crimes by ICC shot dead (Al Jazeera)

March 24, 2021

Mahmoud al-Werfalli, a senior Libyan military figure loyal to renegade military commander Khalifa Haftar and wanted for alleged war crimes, has been shot dead by unidentified attackers in the eastern city of Benghazi, according to medics.

The gunmen on Wednesday opened fire on a vehicle carrying al-Werfalli, seriously wounding him and his cousin, Ayman, a source who requested anonymity told the AFP news agency. The pair were pronounced dead on arrival at Benghazi Medical Centre, located near the scene of the shooting, another security source said.

There was no immediate claim of responsibility.

Born in 1978, al-Werfalli was a commander in an elite unit attached to Haftar's self-styled Libyan National Army (LNA), a coalition of forces that has dominated eastern Libya in recent years.

The International Criminal Court (ICC) in The Hague has indicted al-Werfalli twice for the suspected killing of more than 40 captives, including in a 2018 incident in which photographs appeared to show him shooting 10 blindfolded prisoners.

"Simply, he was a relentless and merciless killer," Anas El Gomati, founder of director of Sadeq Institute, told Al Jazeera.

"The testimony of not only those that have been documented the ICC, but the hundreds of families as documented by Human Rights Watch [HRW] and Amnesty International, and thousands more who live in Benghazi have lived in fear of al-Werfalli."

In 2018, HRW said it had interviewed displaced people who said LNA-linked groups had seized their property and tortured, forcibly disappeared and arrested family members who remained in the city.

This month, al-Werfalli was shown in a widely circulated video raiding a car showroom in Benghazi alongside his uniformed men, smashing up furniture and computers as they brandished weapons.

"Benghazi is fast becoming the murder capital of North Africa ... and many point the finger at al-Werfalli," El Gomati said, adding that the commander had been promoted by Haftar.

Libya has been engulfed by chaos and repeated rounds of conflict in the wake of a NATO-backed uprising that overthrew its

longtime ruler Muammar Gaddafi in 2011, with the main rift in recent years pitting a Tripoli-based government against an administration in the east loyal to Haftar.

The fighting came to a halt, however, last year and a formal ceasefire in October has been followed by the recent establishment of a new Government of National Unity (GNU), which was selected through a United Nations-supported process. Haftar did not officially take part in the political negotiations.

The two rival administrations this month formally handed over power to the GNU, which is mandated to steer the country to elections in December. However, the security situation remains precarious in Benghazi, the principal eastern city.

According to El-Gomati, al-Werfalli's death was a sign of LNA's weakening position.

"It's sociopolitical movement, a phenomenon that is losing traction," he said. "It has lost steam and this would be a major turning point for Haftar – who over the last several weeks is facing a number of challenges – social, political and military dissidents from senior commanders from senior tribal figures in Libya."

Tarek Megerisi, of the European Council on Foreign Relations, said friction between rival factions in eastern Libya has been escalating for some time and could further degenerate into a series of retaliatory attacks.

"I think this is going to be the first major challenge for the GNU," he said.

Besides the challenge of merging Libya's divided state institutions and preparing for elections in December, the GNU also needs to tackle a dire security situation with power held by myriad factions.

On Wednesday, UN Special Envoy Jan Kubis told the Security Council: "Various armed groups continue to operate without hindrance, human rights violations continue with almost total impunity."

Last week, GNU Prime Minister Abdul Hamid Dbeibeh said his interim government would open an investigation after the discovery of bodies in Benghazi.

2 New Mass Graves Found In Libya's Tarhuna (Brinkwire) By Johnathan Edwards

April 6, 2021

Libyan authorities on Monday found two new mass graves in the city of Tarhuna, northeast of the capital Tripoli.

A statement by the General Authority for Research and Identification of Missing Persons said the two graves were discovered in Mashru'a Alrabet area in Tarhuna, a former stronghold of eastern warlord Khalifa Haftar's forces.

The statement did not specify how many bodies were exhumed from the two graves.

According to Libyan official sources, Haftar's forces and affiliated militias committed war crimes and acts of genocide in the period between April 2019 and June 2020.

Since June, following the defeat of Haftar's forces in the western areas of Libya, the Libyan government found at least 300 dead bodies in mass graves in Tarhuna and south of Tripoli.

On Feb. 5, Libya's rival political groups agreed in UN-mediated talks to form an interim unity government to lead the country to elections this December, designating a prime minister, Abdul Hamid Dbeibeh, and tasking him with forming a new government.

Libyans hope that the move will end years of civil war that have engulfed the country since the ouster and killing of strongman Muammar Gaddafi in 2011.

*Bassel Barakat contributed to this report from Ankara

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

Central African Republic

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

CAR militia leader Sidiki Abass dies from injuries: Armed group (Al Jazeera)

April 2, 2021

A Central African Republic militia leader blacklisted by the United States and the United Nations for human rights abuses including rape and torture has died from injuries he sustained in November, his armed group said on Friday.

Sidiki Abass, leader of the Return, Reclamation, Rehabilitation or 3R armed group, died on March 25 at a health centre in Kambakota, around 320km (199 miles) north of the capital, Bangui, according to a statement signed by “General Bobbo”, who described himself as the new leader of the group.

Abass, whose real name is Bi Sidi Souleymane, died from wounds sustained during an attack on the town of Bossembele, 130km (81 miles) northwest of Bangui, on November 16 last year, General Bobbo’s statement read.

In December, 3R joined with the Coalition of Patriots for Change, an alliance of some of the war-torn country’s most powerful armed groups.

The alliance launched an offensive two weeks before December 27 presidential elections in a bid to prevent a victory by President Faustin-Archange Touadera and to overturn his government.

The well-equipped 3R were on the front lines of combat against pro-government forces, eventually reaching an area about 100km (about 60 miles) from Bangui.

UN and security sources disputed the group’s claim that Abass had been wounded on November 16 – before the rebel offensive – and instead dated it to the initial fighting in December, when his convoy was ambushed.

Rumours of his death had spread since, but were never confirmed by 3R. The country’s military with the help of hundreds of Rwandan soldiers and Russian paramilitaries have led a counteroffensive since January, taking back most towns previously occupied by the rebels.

While the 3R has been pushed back, it remains a force in the northwest, aided by its knowledge of the terrain.

The US Treasury Department and the UN imposed sanctions on Abass in August last year, accusing the group he founded in 2015 of having killed, tortured, raped, and displaced thousands of people. The UN also accused Abass of participating directly in torture.

In 2019, Human Rights Watch accused 3R of killing at least 46 civilians in Ouham Pende province in the country’s northwest. The killings occurred just a few months after Abass had signed a peace deal in Khartoum with the Central African government and 13 other armed groups.

“The killings of these civilians are war crimes that need to be effectively investigated and those responsible brought to justice,” Human Rights Watch said at the time.

Despite that, 3R remained part of the Khartoum agreement and continued to hold sway in the northwest, where it controls taxes on the lucrative movement of cattle from neighbouring Cameroon and Chad.

Relations between Abass and the government deteriorated, and in June 2020 UN troops launched an operation against 3R bases in the northwest to free roads where illegal checkpoints had been set up to collect tolls.

But 3R militia fighters continued to fuel insecurity in the region, carrying out attacks on convoys, leading to the death of a Rwandan peacekeeper in July 2020.

Violence in recent months is just the latest flare-up in a civil war that has lasted eight years since the toppling of President Francois Bozize.

Bozize had seized power in the former French colony in 2003 and was overthrown a decade later, an act that sparked a civil war along sectarian lines. A spokesman for Bozize said in March that the ex-president had agreed to take charge of the rebel alliance.

Powerful armed group in Central African Republic vows to leave rebel coalition (France 24)

April 6, 2021

The most powerful of the Central African Republic's armed groups said in a statement Monday it will quit a rebel coalition aiming to unseat President Faustin Archange Touadera.

The Unity for Peace in Central Africa (UPC), mainly active in the country's east, "commits to withdraw from the Coalition of Patriots for Change" (CPC), the group's head Ali Darassa wrote.

The coalition is an alliance of some of the war-torn country's most powerful armed groups, who joined together on December 19 accusing Touadera, the frontrunner in the December 27 elections, of trying to fix the vote.

Its components were drawn from militia groups that, together, controlled two-thirds of the impoverished country.

Touadera was reelected with barely one in three voters able to cast their ballot because rebel groups control most of the country.

Darassa said Monday that since the "electoral crisis, the population has suffered terribly from insecurity, the health situation, famine and the lack of humanitarian assistance."

The UPC, the statement continued, "reiterates its commitment to the Khartoum Accord process," a peace agreement signed in February 2019 between the government and 14 armed groups.

Tensions have been high in the Central African Republic since the December election, although the surge in violence in recent months is just the latest flare-up in a civil war that has lasted eight years since the ouster of president Francois Bozize.

More than 30,000 people have fled the country due to the violence surrounding the elections, the UN says, while tens of thousands more have been internally displaced.

On January 13, rebels launched twin attacks on the outskirts of the capital -- the first time they had struck so close to the city since the start of their offensive.

But their offensive foundered faced with government forces backed by 12,000 UN peacekeepers force, Russian paramilitaries and Rwandan troops.

Since January, the government and its allies have recaptured towns once held by fighters from the alliance of militias.

Bangui has accused Bozize, now the head of the CPC, of attempting a coup.

The UPC announcement came just days after another powerful group in the CPC announced that its chief had died from wounds suffered during an attack, in another blow to the rebel alliance.

Sidiki Abass, head of Return, Reclamation and Rehabilitation (3R), died on March 25, the rebel group announced Friday.

Abass, whose real name was Bi Sidi Souleymane, died in hospital in the country's north, 3R said in a statement, adding he had been "seriously wounded" during attacks in the town of Bossembele on November 16.

The 3R group is made up largely of the Fulani ethnic group, whose members are traditionally nomadic herders.

Abass's group has in the past been accused of war crimes, and judicial sources said he had been the target of an investigation by the country's Special Criminal Court, set up to probe serious human rights violations committed since 2003.

Mineral-rich but rated the world's second-poorest country on the Human Development Index, the CAR has been chronically unstable since independence 60 years ago.

[back to contents]

Sudan & South Sudan

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

UN says Tribal clashes in Sudan's Darfur kill 40 over 3 days (Star Tribune) By Samy Magdy
April 5, 2021

Tribal clashes that erupted over the weekend between Arabs and non-Arabs in Sudan's western Darfur region have killed at least 40 people and wounded around 60 others, the U.N. said Monday.

The violence was between the Arab Rizeigat and the Masalit tribes in Genena, the provincial capital of West Darfur province. It happened after unknown armed men on Saturday shot dead two people from the Masalit, according to the U.N. humanitarian affairs agency.

Two others from the Masalit were wounded in that shooting, it said. The circumstances of the shootings were not immediately clear.

Since then, the two tribes have mobilized forces and gun fire could still be heard in Genena late Monday, the U.N. said.

Authorities declared a state of emergency in West Darfur.

Adam Regal, a spokesman for a local organization that helps run refugee camps in Darfur, said a shell hit a camp for displaced people in Genena on Monday, causing a fire that burned several houses. He shared video footage showing flames and thick clouds of black smoke.

"The situation is very difficult and grave," he said.

The Sudanese doctors' committee in West Darfur said armed men also opened fire on an ambulance late Sunday, wounding three health care workers.

Dr. Ibrahim Adam Othman, a member of the committee, said the death toll could be much higher because many were not able to reach hospitals.

The U.N. said all humanitarian activities were suspended as roads around the southern part of Genena were blocked.

It said more than 700,000 people have been affected by the clashes, since Genena serves as a hub for aid delivery to the conflict-wrecked region.

An unknown number of people fled their homes in Hay al-Jabal and al-Jamarik neighborhoods in Genena and took refuge in nearby mosques and public buildings, the U.N. agency added.

West Darfur Gov. Mohammed Abdalla al-Duma said in a statement that officials were taking "necessary measures" without elaborating. He urged residents in Genena to stay vigilant and remain at home until security forces contain the situation.

The clashes posed a challenge to efforts by Sudan's transitional government to end decades-long rebellions in areas like Darfur.

Earlier this year, tribal violence in West Darfur and South Darfur provinces killed around 470 people. It also displaced more than 120,000 people, mostly women and children, including at least 4,300 who crossed into neighboring Chad, according to the U.N.

Sudan is on a fragile path to democracy after a popular uprising led the military to overthrow longtime autocratic President Omar al-Bashir in April 2019. A military-civilian government now rules the country, trying to end decades-long rebellions in various parts of the country, like the Darfur region.

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

Al-Bashir's government responded with a scorched-earth campaign of aerial bombings and unleashed militias known as

janjaweed who are accused of mass killings and rapes. Up to 300,000 people were killed and 2.7 million were driven from their homes.

The International Criminal Court charged al-Bashir, who has been in jail in Khartoum since his 2019 ouster, with war crimes and genocide for allegedly masterminding the campaign of attacks in Darfur.

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

Democratic Republic of the Congo

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

ICC judges uphold ex-Congolese militia leader's war crimes conviction (Reuters)

March 30, 2021

Appeals judges at the International Criminal Court upheld on Tuesday the conviction of former Congolese militia leader Bosco Ntaganda for war crimes and crimes against humanity, and confirmed his 30-year jail sentence.

“Having rejected mister Ntaganda’s grounds of appeal in their entirety, the appeals chamber hereby confirms the trial chamber’s sentencing judgment,” presiding judge Howard Morrison said.

Ntaganda’s lawyers had sought to overturn his conviction, saying the original trial was riddled with legal errors.

But the appeals judges dismissed all of the almost 30 grounds of appeal raised against his conviction and sentence, the longest the court has handed down.

Ntaganda was sentenced in 2019 for murder, rape, using child soldiers and other atrocities committed when he was military chief of the Union of Congolese Patriots (UPC) militia in eastern Democratic Republic of Congo in 2002-2003.

During the conflict, Ntaganda’s UPC, dominated by the Hema clan, targeted rival Lendu people for expulsion from the mineral-rich Ituri region.

Hundreds of civilians were killed and many thousands were forced to flee in the sprawling central African country of about 90 million where many live in extreme poverty.

The ICC is an international court set up in 2002 to prosecute war crimes and crimes against humanity when member states are unable or unwilling to do so.

In March, judges at the ICC ordered reparations of \$30 million for Ntaganda’s victims.

Suspected ADF rebels kill 23 in eastern DR Congo attack (Al Jazeera)

March 31, 2021

Suspected Allied Democratic Forces (ADF) militia fighters have killed 23 people in yet another massacre in the eastern Democratic Republic of the Congo (DRC), a senior local official has said.

Fighters attacked Beu Manyama-Moliso village in the Beni region late on Tuesday night, North Kivu provincial Governor Carly Nzanzu Kasivita told the AFP news agency.

The death toll was still provisional as the search for bodies continued, the governor’s office said on Twitter on Wednesday.

“We are in mourning, the ADF carried out a raid and killed more than 20 people,” said Noella Katongerwaki Muliwayo, president of an association of grassroots groups in Beni.

Beu Manyama-Moliso is a small village located in remote forests in the Beni region, close to the boundary with Ituri province.

The ADF, which originated in the 1990s in western Uganda with the aim of establishing an Islamic state, is one of more than 100 rebel groups that plague the eastern provinces of the vast country.

About a year ago, the Congolese army launched a large-scale campaign against the ADF.

The ADF is linked to the ISIL (ISIS) group, the United States said earlier this month. United Nations experts, however, have not found evidence of any direct relationship between the two groups.

According to the Kivu Security Tracker, an NGO that monitors violence in the DRC's troubled east, the group has killed more than 1,200 civilians in the Beni area alone since 2017.

On March 19, the UN said a surge of ADF attacks since the start of the year had killed nearly 200 people and forced 40,000 to flee their homes.

At least 17 were killed in separate attacks on March 23.

Last year, the UN said the group's attacks could constitute crimes against humanity and war crimes.

The ADF makes money through wood trafficking and DRC officials suspect some military personnel are complicit in its violent raids.

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

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**

Côte d'Ivoire: Former President Laurent Gbagbo is acquitted on appeal (The Africa Report) By Benjamin Roger
April 1, 2021

The ICC Appeals Chamber has confirmed the acquittal of Laurent Gbagbo and Charles Blé Goudé, pronounced at first instance on 15 January 2019. The decision means that Cote d'Ivoire's former president will be allowed to return home.

He gave both thumbs up to his lawyer when the verdict was announced. For Laurent Gbagbo, it is over. After a decade-long trial before the International Criminal Court (ICC), he is finally free.

On 31 March, the ICC Appeal Chamber confirmed his acquittal and that of Charles Blé Goudé, earlier pronounced on 15 January 2019. The two men were accused of war crimes and crimes against humanity during the 2010-2011 post-election crisis in Côte d'Ivoire, which had left more than 3,000 dead.

"The appeals chamber rejects the prosecutor's appeal and confirms the trial chamber's decision," said Nigerian judge Chile Eboe-Osuji, president of the chamber and former president of the ICC, at the end of a lengthy one-hour trial during which he had gone over the different stages of the proceedings.

The appeals chamber also decided to revoke all the conditions for release of Gbagbo and Goudé, who are now free to go.

"Ten years almost to the day after the start of these proceedings, this decision is a victory for justice, but also the victory of a man, that of President Laurent Gbagbo, who was unjustly accused and whose innocence is now fully recognised," said Emmanuel Altit, his lawyer. "This 31 March will also remain an important date for Côte d'Ivoire, because this decision paves the way for national reconciliation."

In front of the court's main entrance, dozens of supporters of the former president and the former leader of the Jeunes

Patriotes cheered when the announcement was made. "We've finally made it," said Prisca Digbeu, who came specially from France for the occasion.

"In 2011, we were in tears when Laurent Gbagbo entered the ICC, because we didn't know when he would come out. Ten years later, we are happy and moved. The time has come for him to return to Côte d'Ivoire to participate in national reconciliation."

After the verdict was announced, Gbagbo isolated himself with his wife, Nady Bamba, and lawyers in a courtroom. The 75-year-old former head of state, who has been severely weakened by his eight years of detention, was hanging on every word during the phone call but did not wish to react publicly.

Early in the afternoon, he arrived at the ICC, which was deserted due to the ongoing health crisis. Wearing a dark suit and tie as well as sunglasses, he said that he was "confident" about the outcome of the proceedings. He also added, smiling as he entered the main hall of the ICC, that "this is the first time I have been through here and not through the prisoners' entrance!"

For the office of the prosecutor, Fatou Bensouda, who had appealed against the acquittal of the two men in September 2019, this decision is a new stinging disavowal.

In January 2019, the judges had pointed to the prosecution's lack of evidence – the president of the chamber even going so far as to mention the "exceptional weakness" of the prosecutor's case. As she prepares to hand over the reins to Britain's Karim Khan in June, there is no doubt that this case will be remembered as the Gambian magistrate's biggest failure during her tenure at the ICC.

For Gbagbo and Goudé, it is the end of a long judicial battle. After several years of detention in Scheveningen prison, they were released conditionally after their acquittal at first instance. Forced to stay close to the ICC and remain at its disposal, the former head of state and his wife moved to Brussels, while Goudé chose to remain in The Hague.

'I lost an eye': Victims denounce Gbagbo's exoneration by ICC (Africa News)

April 4, 2021

Former Ivory Coast president Laurent Gbagbo appears to be on a fast track for homecoming after being definitively acquitted by the International Criminal Court (ICC) of war crimes charges.

The ruling on Wednesday ends a legal saga that had enmeshed Gbagbo, 75, for nearly a decade, opening the door to what his supporters say will be a triumphant return.

A deeply divisive figure, Gbagbo was hauled off to the ICC after being forced out of power in April 2011 following a brief civil war, sparked when he refused to concede electoral defeat.

Gbagbo's supporters, who have long clamored his innocence, have been campaigning for his early return, arguing that it will heal the country's wounds.

"I am very moved, I am very proud, it's all over," said Victorine Tiebesson, a member of Gbagbo's Ivorian Popular Front (FPI), who joined several dozen fellow supporters on Wednesday to celebrate after the verdict was announced in The Hague.

"He's soon going to be coming back to us -- it's the missing link in reconciliation in Ivory Coast."

Armand Ouegnin, a lawmaker who heads a pro-Gbagbo coalition of which the FPI is the main component, said, "President Laurent Gbagbo has never been a criminal."

"He will come back to help national reconciliation," he said. "He will make a triumphant return."

A similarly positive tone was sounded by Henri Konan Bedie, who heads the opposition PDCI party.

Once a rival to Gbagbo but now an ally, Bedie said the acquittal of Gbagbo and his former right-hand man Charles Ble Goude would "contribute to an easing of tensions" in Ivory Coast's troubled politics.

The ICC also upheld the acquittal of the former youth militia leader Ble Goude, who on Thursday said he now hoped for a "gesture" from the leaders in Ivory Coast -- "an amnesty or a pardon" -- so that "president Laurent Gbagbo and I can return home".

Gbagbo was forced out after 10 years in power by the current president, Alassane Ouattara, following a months-long conflict that claimed several thousand lives and split the country along north-south lines.

But he retained strong support at home despite spending years behind bars in The Hague, as well as time in Brussels, where he awaited the outcome of an appeal against his 2019 acquittal.

It was last year that Gbagbo positioned himself for a potential comeback.

Casting himself as a conciliatory figure, he warned of the risk of "catastrophe" as storm clouds brewed ahead of presidential elections.

Scores died in unrest after Ouattara announced his bid for a third term -- a plan that critics said scorned constitutional limits on presidential tenure.

In the grim aftermath of a vote almost universally boycotted by the opposition, Ouattara tendered an olive branch to his former rival.

He said Gbagbo had a role to play in reconciliation and provided him with two passports, one of them a diplomatic pass.

As the mood brightened, Gbagbo's FPI took part in legislative elections this month, breaking a decade-long boycott.

Ouattara's RHDP had still to officially react on Thursday to Gbagbo's acquittal.

But deep-seated distrust persists toward Gbagbo among Ivorians who say he plunged his country into chaos.

The acquittal "is a decision that enshrines impunity -- the victims believe that they have been taken for a judicial ride," said Issiaka Diaby, who heads a victims' campaign group called CVCI.

"My truck was burned. There are four bullets in my head so I am a victim. But when I read the Koran, I forgave the one who did the evil. The evil is already done. I was well. I lost an eye. There was a bullet that went into my eye," said Adama Bakayoko, a survivor of the 2010 violence.

The ICC's ruling definitively clears Gbagbo of four charges of crimes against humanity, including murder, persecution, and rape committed during the conflict.

He is not totally out of the legal woods, however.

Technically he could be jailed on his return, having been sentenced in absentia to a 20-year term for "looting" the local branch of the Central Bank of the West African States at the time.

But this scenario seems unlikely.

"To arrest Laurent Gbagbo and send him to Maca (Abidjan's main prison) is hard to imagine," said analyst Sylvain N'Guessan.

"It would create problems, whereas the mood right now is to dial down political tension."

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

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

Cameroon: Boko Haram Attacks Escalate in Far North (Human Rights Watch)

April 5, 2021

The Islamist armed group Boko Haram has stepped up attacks on civilians in towns and villages in the Far North region of Cameroon since December 2020, killing at least 80 civilians, Human Rights Watch said today. The group has also looted hundreds of homes in the region. The government should take concrete measures to both increase protection to vulnerable communities and ensure a rights-respecting security force response to the worsening violence.

"Boko Haram is waging a war on the people of Cameroon at a shocking human cost," said Ilaria Allegrozzi, senior Africa researcher at Human Rights Watch. "As Cameroon's Far North region increasingly becomes the epicenter of Boko Haram's

violence, Cameroon should urgently adopt and carry out a new, rights-respecting strategy to protect civilians at risk in the Far North.”

The area where a Boko Haram’s female suicide bomber detonated her explosive vest in the bush around Mozogo, Far North region, Cameroon, killing 11 civilians, February 2021.

Human Rights Watch documented how a Boko Haram suicide bomber blew up fleeing civilians, dozens of local fishermen were killed with machetes and knives, and an elderly village chief was assassinated in front of his family. Research suggests that the actual number of casualties is much higher, given the difficulty of confirming details remotely and that attacks often go unreported.

From January 25 to February 25, 2021, Human Rights Watch interviewed by telephone 20 victims and witnesses to 5 Boko Haram attacks since mid-December in the towns and villages of Blabline, Darak, Gouzoudou, and Mozogo in the Far North region, as well 4 family members of victims, 2 humanitarian workers, and 5 local activists. Human Rights Watch also interviewed 2 victims and a witness to human rights violations in the region by Cameroonian soldiers. Human Rights Watch reviewed reports from humanitarian and other nongovernmental organizations and local media reports on attacks in the region and consulted with academics, political analysts, and representatives of the African Union, the United Nations, and the European Union.

Human Rights Watch shared the research by email with Cyrille Serge Atonfack Guemo, the Cameroonian army spokesperson, on February 1 and again on March 19, requesting information about the Boko Haram attacks, the ongoing military operations, and the specific allegations Human Rights Watch documented. The army spokesperson did not immediately reply to requests for comment.

Cameroon’s territorial administration minister said on February 12 that the security situation in the Far North region is “under control” and that Boko Haram is “living its last days.”

One of the deadliest recent attacks was in Mozogo on January 8, when Boko Haram fighters killed at least 14 civilians, including 8 children, and wounded 3 others, including 2 children. As fighters shot at residents and looted homes, a female suicide bomber infiltrated a group of fleeing civilians and then detonated her explosive vest, witnesses said.

“As the shooting started, I ran away toward the forest,” a 41-year-old resident said. “I heard a powerful explosion and lay on the ground. I saw a 7-year-old child covered in blood running toward me. He took me to the place where the kamikaze detonated her explosive vest. It was a bloodbath.”

The Boko Haram insurgency began in Nigeria in 2009 and then spread across the Lake Chad basin countries, including Cameroon. Boko Haram’s attacks are often indiscriminate, including suicide bombings in crowded areas that appear designed to maximize civilian deaths and injuries. Cameroon has had a sharp spike in attacks over the past year. According to a November 2020 report of the Africa Center for Strategic Studies, a United States Department of Defense think tank, the number of Boko Haram attacks against civilians in Cameroon in 2020 was higher than in Nigeria, Niger, and Chad combined.

In 2015, the African Union established the Multinational Joint Task Force (MNJTF), made up of troops from Benin, Cameroon, Chad, Niger, and Nigeria, to respond to Boko Haram attacks across the Lake Chad basin. Comprising over 8,000 troops, the MNJTF receives technical, financial, and strategic support from international partners, including the European Union, the United States, France, and the United Kingdom. The multinational force has conducted joint military operations across the Lake Chad basin.

It is essential for Cameroon and the multinational force to improve the conduct of forces deployed to counter Boko Haram attacks and to ensure that allegations of human rights violations by its forces are investigated and prosecuted, Human Rights Watch said.

Since 2014, rights groups, including Human Rights Watch, have documented widespread human rights violations and crimes under international humanitarian law by Cameroonian security forces deployed on operations in the Far North, including extrajudicial executions, arbitrary arrests, enforced disappearances, incommunicado detention, systematic torture, and forced return of refugees.

On December 9, soldiers from the Rapid Intervention Battalion (BIR), an elite unit of the Cameroonian army, arrested four fishermen in Dabanga, in the Far North region, beat them, and took them to the Dabanga military base, where one of them died, said two of the fishermen and a family member. The fishermen said that the soldiers accused them of being Boko Haram members and that they saw one of the fishermen who was arrested with them taken from the cell soon after they arrived.

A family member of the fisherman who died said that BIR soldiers brought his body to their home hours after he was arrested, claiming he had died of a heart attack. The two fishermen and the family member said they believe the security forces killed

him.

Cameroon's international partners should push for accountability for human rights violations and work to strengthen the civilian component of the multinational force and its human rights compliance office, Human Rights Watch said.

Human Rights Watch also urges the Cameroonian parliament to hold a hearing to explore the government's response to the increasing attacks on civilians in the Far North, to provide recommendations on how to enhance civilian protection, and to seek input from international actors as needed.

International humanitarian law, applicable to the armed conflict with Boko Haram, prohibits deliberate disproportionate or indiscriminate attacks on civilians and civilian objects. Those who order or commit such attacks with criminal intent are responsible for war crimes.

"With Boko Haram attacks on the rise in Cameroon, more needs to be done to effectively protect civilians, including by boosting the military presence and patrols across the Far North region and ensuring that the soldiers respect people's rights," Allegrozzi said. "Cameroon's regional and international partners, including those supporting the multinational force, should bolster these efforts and ensure that their assistance does not contribute to human rights violations."

Double attack in the southeastern Niger killed four soldiers and wounded many (Medafrika) By Geraldine Boechat
April 6, 2021

It was learned last night Monday that four soldiers were killed Saturday and several others wounded in a double attack in the southeastern part of the country in a region bordering Nigeria.

A fifth soldier is missing.

It was around 9:30 a.m. local time when the military positions of N'Gagam and PK5 in the department of Diffa were targeted. The Nigerien Ministry of Defense mentioned in its communiqué "a double attack by armed terrorist groups from a neighboring country," which it did not name. The men arrived in about 20 pick-up trucks. The statement added that several terrorists were neutralized and that their equipment was destroyed by air strikes.

The attack was immediately described as "terrorist" by the authorities. It occurred the day after the inauguration of the new president, Mohamed Bazoum.

This region of Diffa, bordering Lake Chad, has been the subject of numerous deadly attacks since 2015 claimed by Boko Haram and the Islamic State in West Africa group, a breakaway branch of Boko Haram. Over the years, the jihadists have established several bases in the area, where attacks on civilians have increased since the beginning of the year.

The intensification of these terrorist operations is the biggest challenge facing the new head of state, Mohamed Bazoum, who was sworn into office last Friday and has promised to fight insecurity very firmly.

Nigeria's kidnapping crisis unites the north and south (DefenceWeb)
April 6, 2021

A holistic strategy is needed to decelerate the growth of the kidnapping economy in the country.

Schools in north-western Nigeria recently reopened after a months-long shutdown by state governments due to increasing kidnappings. Between December 2020 and March 2021, there were at least five student-related kidnappings in the northern region.

However students aren't the only victims. And the problem isn't exclusive to the north. Nigeria Security Tracker data shows that kidnap-for-ransom cuts across regions and socio-economic classes, with increasingly diverse perpetrators – providing evidence of a resurgent kidnapping economy in the country. To find lasting solutions, a holistic assessment of the current crisis, the different ways it manifests, and its evolution is critical.

Between 2016 and 2020, there was a tenfold increase in victims, with a record of 3 500 countrywide last year. The number of recorded kidnappings also trebled in the same period. This year is heading towards another record-breaking year for this crime.

A report by Nigerian consulting firm SB Morgen says that from June 2011 to March 2020, Nigerians paid kidnappers about \$18.34 million in ransom. About 60% of this was paid out between January 2016 and March 2020 alone, indicating a spike in

recent years.

There's been an increase in less-targeted mass kidnappings countrywide, particularly in the north.

The country's deepening socio-economic crisis is arguably a significant reason behind the escalation. Factors include rising unemployment and insecurity, exacerbated by issues including poor governance, the proliferation of weapons, complicity of state actors and weak institutional capacity for regulation.

In Nigeria's north, kidnappings in the past decade were originally concentrated in the north-east and perpetrated mainly by violent extremists for ideological, political and economic reasons. The most recent incidents, however, have been predominantly carried out by criminal gangs popularly referred to as 'bandits' in the north-west and north-central regions.

Their motives appear to be purely economic, and their increased focus on schools can be viewed as an attempt to maximise gains. School kidnappings shine a spotlight on governments, putting them under pressure to secure students' release by all means. And a government-backed ransom payoff – although always denied – will often outsize an individual one.

There are however other affected demographics. Travellers are often picked up on inter-state journeys, and community members are kidnapped from their villages.

Although analysts have recommended criminalising ransom payments, this may only re-victimise people.

Nigeria's South South region, the source of the country's oil wealth, the Niger Delta region, has historically been a hotspot for politically motivated kidnappings. The high rate in this region contributed to Nigeria's position as one of the top 10 countries for kidnapping as far back as 1999.

It is generally accepted that this was the epicentre from which kidnappings spread to other southern regions. Like the north, the entire southern region has experienced an uptick in this crime, with perpetrators ranging from militants to sophisticated criminal gangs. Victims are often members of Nigeria's middle class, including politicians and government officials.

The low-risk, high-reward model that usually drives kidnapping economies means that higher net-worth individuals should be primary targets. This requires a careful selection of victims to ensure a high payoff. Before 2018, this was largely the case in Nigeria. But there's been an increase in less-targeted mass kidnappings countrywide, particularly in the north. This often entails rounding up a group who are sometimes of low economic means through community invasions or highway kidnappings.

Relatives of victims in Zamfara and Kaduna states told ISS Today that some kidnappers accepted ransoms as low as N30 000 (\$73) because the victim's family couldn't afford more. In some cases abductors instructed household members to sell their appliances to raise small ransoms.

SB Morgen's data on fatalities per kidnap attempt shows this category of victims is also viewed as more expendable as they are more likely to be killed by kidnappers when a ransom isn't forthcoming.

Addressing the root causes of kidnapping is the only way to finding a sustainable solution.

The increased victimisation of low-income and already vulnerable individuals isn't the only emerging threat. Ransoms are the lifeblood of the kidnapping economy as they serve as rewards that reinforce criminal activity and help secure arms for future operations. The government allegedly paid at least N30 million (about \$73 000) to secure the release of 344 boys abducted from Government Science Secondary School, Kankara.

The growing links between criminal gangs and violent extremists in the north mean that ransoms directly and indirectly fund violent extremism. Kidnap-for-ransom has been used as a source of revenue for violent extremists in Nigeria's north.

The economic incentive has provided a point of mutual interest between extremist groups and criminal gangs, leading to increased collaboration and heightening the risk of violent extremism expansion.

The federal and state governments seem to have different approaches to tackling kidnap-for-ransom. Some northern state governments are giving bandits handouts in an attempt at dialogue and demobilisation.

However, if not properly managed, this line of action could worsen the problem by incentivising perpetrators. On the other hand, the federal government's over-militarised approach can result in civilian casualties and the military's abuse of power.

A coherent strategy is required at the federal and state levels to address the situation effectively. This strategy should go beyond creating a unit and must include a response framework that can be localised at the state level to accommodate contextual challenges. This framework could serve as a guide for security agencies on the effective handling of kidnappings.

It should be complemented by a public awareness campaign to inform citizens about available services like reporting hotlines and how they can help with intelligence gathering. The strategy should seek to identify and close capacity gaps in the security forces with specialised training to address the dominant forms of kidnapping in their areas.

Although analysts have recommended criminalising ransom payments, this may only re-victimise people. It may further undermine efforts to assure citizens of state support given the popular distrust in the capacity of law enforcement and security services. Security agents have been complicit in kidnapping, or victims themselves.

Alternative solutions should be explored, such as tracking ransom payments to locate, arrest and prosecute their recipients.

All interventions should be juxtaposed with efforts to address socio-economic drivers like unemployment, poverty and low social protection. Addressing the root causes is the only way to finding a sustainable solution to the problem.

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

Mali

UN accuses France of possible war crimes over Mali air strike on wedding (The Telegraph) By Anna Pujol-Mazzini
March 30, 2021

France may be guilty of a war crime for killing a vast majority of civilians in an airstrike on a wedding in a remote Malian village in January, according to the first-ever UN investigation into French military operations published on Tuesday.

At least 22 people were blown up and killed, including 19 civilians and three suspected members of a jihadist group, investigators said. Eight more civilians were injured.

"The group of individuals hit by the strike was overwhelmingly composed of civilians who are protected persons under international humanitarian law," the 36-page report said.

"This strike raises significant concerns about compliance with the principles of the conduct of hostilities," it added, slamming France for not taking enough precautions to ensure no civilians would be killed.

After interviewing 400 people including survivors, witnesses, family members and aid groups, the UN also said a wedding was taking place on the day of the airstrike, which the French government has repeatedly denied.

An individual with knowledge of the report told the Telegraph an earlier version accused French forces of a war crime due to its failure to take adequate measures to avoid the indiscriminate killing of civilians in Bounty.

The phrasing was later adjusted following pressure by the French government, they said.

Dr Hamadoune Dicko, the youth president of Mali's largest Fulani association and the first to raise the alarm about civilian deaths in Bounty, said the report did not go far enough.

"The United Nations recognised France made a mistake so there should be justice. They should have openly condemned Barkhane and Malian authorities," he told the Telegraph.

"Now it is up to other human rights organisations to finish the investigations and punish the perpetrators of these crimes against humanity. Dropping bombs on a Malian is a crime against humanity."

The victims were all men aged between 23 and 71. Of those who were injured, one had two fingers amputated and another had an open fracture in his thigh.

UN investigators said five armed men, who were suspected of having links to local al-Qaeda affiliate Katiba Serma, were present in Bounty on that day, including one who wore his weapon visibly. The hundred or so other guests were civilians, they said.

"All of this happened because of the presence of that one man who had a weapon," a source told the UN team.

France is facing growing scrutiny over its strategy in the Sahel, where it has been fighting the fastest-spreading jihadist insurgency on earth since 2013. Last month, Paris hinted it wanted to withdraw some of its 5,000 troops in Mali, Niger, Burkina Faso, Mauritania and Chad.

On Monday, Mohamed Bazoum, the newly-elected president of Niger, called France's force in West Africa a "failure" and said a partial troop drawdown would not have a big impact on the ground.

Accusations of civilian killings, extremely rare before 2021, are also mounting against Operation Barkhane. Last week, local officials in northern Mali said at least five civilians were killed in another airstrike.

The French army said in a statement it had ordered the strike "after an intelligence and identification phase" in order to neutralise an armed terrorist group.

But the mayor of a nearby village, a former parliamentarian from the area and a coalition of rebel groups said the strike had killed at least five civilians, including boys as young as 15.

Mohamed Assaleh Ahmad, the mayor of nearby Talataye, told AP the victims were six male civilians from his village between the ages of 15 and 20. He said they were out hunting birds and had a single rifle between them.

While many of the victims were underage, teenage boys are often recruited by jihadist groups to plant improvised explosive devices in northern Mali, several experts told The Telegraph.

France has so far refused to publish images of either strike or to open independent investigations. But witnesses told UN investigators that French soldiers went to the site of the airstrike on January 8, five days after the attack.

French authorities denied any wrongdoing in a statement published on Tuesday and raised concerns over the methodology of the UN investigation.

A statement said: "The Ministry of the Armed Forces maintains with constancy and reaffirms with force: on January 3, the French forces carried out an airstrike targeting an armed terrorist group identified as such."

Mali receives a "symbolic euro" in token reparation for damage on Timbuktu heritage (Africa News)

March 31, 2021

The International Criminal Court (ICC) has handed over a symbolic euro to the Government of Mali and UNESCO for damage inflicted on the people of Mali people and the international community by the destruction of cultural properties in Timbuktu in 2012.

The ruling on the award had been handed down in 2016 following a landmark trial before the International Criminal Court, which for the first time charged an individual with war crimes against historic and cultural monuments.

This euro is "an immeasurable symbol of the harm that we all suffered and of our will to say 'never again'," Mama Dolite Doubia, who heads a trust fund for victims, said at a ceremony in the Malian capital Bamako.

Fatou Bensouda, the ICC's chief prosecutor, said the case represented the international community's commitment to "defend the foundation of our common identity."

She said Mali's cultural heritage "is a mirror of humanity" and such attacks would not go unpunished.

The Hague-based ICC in 2016 sentenced Ahmad al Faqi al Mahdi to nine years in prison for leading jihadists who destroyed nine mausoleums.

He was a member of Ansar Eddine -- one of the extremist groups that oversaw a reign of terror in the fabled city for almost a year from early 2012.

Dubbed "The City of 333 saints", Timbuktu's shrines were built in the 15th and 16th centuries when the city was revered as a centre of Islamic learning and a spiritual hub.

The jihadists were angered by the long-held practice of worshipping at the shrines, which they considered idolatrous.

The ICC found that Mahdi was liable for 2.7 million euros (\$3.17 million) in damages which it said should go to the local community protecting the sites.

The shrines were placed on UNESCO's World Heritage list in 1988.

France must investigate its potential war crime in Mali, activists demand (Middle East Eye) By Azad Essa
April 1, 2021

Human rights activists are demanding France open an investigation into an air strike that killed at least 19 civilians in central Mali, after a United Nations report contradicted claims by French officials that the target of the 3 January raid was an "armed terrorist group".

According to a report released this week by the United Nations Multidimensional Integrated Stabilization Mission in Mali (Minusma), France's account of targeting and killing dozens of fighters from the Katiba Serma armed group in the village of Bounti was heavily disputed.

Instead, the UN body found that the strike, conducted by Reaper drones, hit a wedding party attended by more than 100 guests. Five men, understood to be - but not confirmed to be - part of the armed group, were in attendance.

The report also came just days after local officials said a French air strike had killed six civilians in northern Mali, including teenagers who were hunting. The French military immediately rejected those claim, too.

France's outright rejection of the UN report has outraged human rights activists who have intensified calls for accountability.

"It is not a luxury to launch an investigation into an incident where there are massive civilian casualties," said Jonathan Pedneault, a conflict and crisis researcher at Human Rights Watch.

"This new UN report simply highlights the very important need for France to open a judicial investigation into this incident; interview all the people who were in the chain of command and have a proper understanding of what was known at the time of attack in terms of the nature of the gathering in terms of the presence of legal targets, ie: members of the Katiba, and evaluate whether the necessary precautions were taken before the strike was called," he told Middle East Eye.

"The only way to do that is launch an actual investigation to determine a) if there was indeed war crimes and b) to then establish the responsibilities and hold those people accountable."

'Not holding water'

Hours before the report was released, France refused to accept the UN's findings and called into question the report's methodology. France also refused to tell Minusma how it reached its conclusion that the gathering was an appropriate military target.

"The only concrete sources on which this report is based come from local testimonies," the French Defence Ministry said in a statement.

Ousmane Diallo, a researcher with Amnesty International in West and Central Africa, told MEE that France's version of accounts was "not holding water" given their failure to present any evidence.

"The French position that there were no wedding, no civilian casualties and no collateral damage, is clearly unfounded," Diallo said.

"And it is clear they did not use the principle of precaution, necessity and proportionality when assessing if the gathering was a military objective."

According to Minusma's report, the "special investigation was conducted in accordance with the methodology of the Office of the United Nations High Commissioner for Human Rights", adding that they had "conducted face-to-face individual interviews with at least 115 people and with at least 200 people during groupmeetings and conducted more than 100 telephone interviews".

Minusma declined to comment on France's reaction to the report.

'Emblematic of the French military'

Earlier this week, Stéphane Dujarric, a spokesman for UN Secretary-General António Guterres, told reporters "we stand by the report and the work of our colleagues in Mali". Dujarric said the report raised "very significant concerns" about what steps countries take to verify that targets are legitimate military objectives.

The French versions of events were questioned just a few days after the attack, when Jeunesse Tabital Pulaaku, an advocacy group for Fulani herders, published the names of 19 civilians killed in the strike, including the father of the groom.

Diallo said that the immediate rejection of the report was "emblematic of the French military response to all allegations against them, regarding their impact on their activities on civilians".

"This is not the first allegation," Diallo said.

Mali has been struggling contain an insurgency that broke out in the north of the country in 2012, before spreading to the country's centre and neighbouring Burkina Faso and Niger.

French troops intervened in 2013 to to restore peace and security amid threats of separatism from the Tuaregs and a takeover by al-Qaeda-linked armed groups. It currently has 5,100 troops deployed across the Sahel region as part of Operation Barkhane.

Thousands of civilians are estimated to have been killed in the fighting and more than a million people have been displaced.

Four Peacekeepers killed in complex attack on UN base in Mali (UN News)

April 2, 2021

Four peacekeepers from Chad were killed, and 19 others wounded, when armed elements launched a complex attack against the mission's camp in Aguelhok, located in the Kidal region in the northeast of the country.

"The Secretary-General recalls that attacks targeting peacekeepers may constitute war crimes under international law and that sanctions can be applied against those responsible", his Spokesman, Stéphane Dujarric, said in a statement.

"He calls on the Malian authorities to spare no effort in identifying and promptly holding to account the perpetrators of this heinous attack."

Heavily armed terrorists

The assault occurred around 6:15 a.m. local time. Helicopters were dispatched to the scene to evacuate the wounded.

"Peacekeepers valiantly repelled a complex attack carried out by several heavily armed terrorists," MINUSMA said in a statement, issued in French, noting that several of the attackers were also killed.

The mission strongly condemned the attack, describing it as "yet another attempt against the peace process and the implementation of the Agreement by enemies of peace".

The head of UN Peacekeeping, Jean-Pierre Lacroix, took to Twitter to condemn the attack. "This crime must not go unpunished", he wrote in French.

Both the UN mission and Mr. Lacroix offered their condolences to the Government of Chad, and to the families of the fallen peacekeepers, and wished a speedy and complete recovery to the wounded blue helmets.

MINUSMA, officially the UN Multidimensional Integrated Stabilization Mission in Mali, has been in the country since 2013, following a military coup and the occupation of the north by radical Islamists.

The mission supports implementation of a 2015 peace agreement signed by the authorities and two coalitions of armed groups, and is considered the most dangerous UN operation to serve in.

Bring perpetrators to justice

The members of the UN Security Council issued a statement on Saturday in which they called on the transitional Government of Mali to swiftly investigate the attack and bring the perpetrators to justice.

The underlined that "any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed."

Liberia

Liberia: War Crimes Trial Hears “Angel Gabriel Ordered Children Burned Alive.” (Front Page Africa) By Mae Azango

March 24, 2021

The first witness, a 45-year old man, from the Lofa County village of Karmatahun, said “Angel Gabriel” as Massaquoi was known during the war, order his men to burn about 25 small children alive in a cook shop and burn others in a nearby house.

“I was standing right there and saw it with my two eyes, when ‘Angel Gabriel’ ordered his men to lock the children inside the cook shop near the house and burn them alive. Just before his soldiers could burn the people in the house, I heard him say, ‘I am Angel Gabriel, and I am next to God, burn all the people.’ He told his men to stand around the house so that nobody could escape the fire,” the witness said.

The witness repeated stories told by three witnesses on Monday who testified that in 2001 Massaquoi had ordered seven women burned alive. He said “Angel Gabriel” ordered his men to strip the women naked and take them behind the blacksmith kitchen and he saw “Angel Gabriel” following the soldiers who were carrying the women.

“I heard the women crying that night because they were raping and killing the women and the next morning we saw the seven naked women dead,” he said. “Some were killed with knives because I saw the knife marks on them, and some of the women’s bones were broken from the sticks they beat them with until they died. I was among the men who buried those women a few days after their death, because everybody in the town was scared to remove the bodies right after they were killed, so after some days we went to bury them because they were already getting rotten.”

The witness said he knew the events took place in 2001.

“I did not go to school, so I do not know book, but just how people used to talk about the 1990 war, this was the same way people in Karmatahun used to talk about 2001 war and I used to hear it,” he told the four-judge panel from Tampere in the European country of Finland, which is conducting the trial.

Massaquoi, is being prosecuted in Finland for war crimes and crimes against humanity in Liberia. Massaquoi was a Lieutenant-Colonel of the RUF and an assistant to the rebel group’s founder, Foday Sankoh, during the Sierra Leonean Civil War. In 2005, Massaquoi was granted immunity from prosecution for crimes in Sierra Leone in return for his testimony in the war crimes trials in Sierra Leone. Experts said he was instrumental in the convictions of several rebel leaders including former Liberian president Charles Taylor with whom he was close during the civil conflicts in both countries.

Finland granted Massaquoi residency for his role in the Sierra Leone Special Court. But when Civitas Maxima, of Switzerland and Liberia-based Global Justice Research Project presented Finnish investigators with evidence of Massaquoi’s war crimes in Liberia, they arrested him in March 2020 for his role in that war.

Massaquoi’s trial began on February 1 in the city of Tampere, where he had been living. Rather than transport more than 50 witnesses set to testify to Finland in the midst of a pandemic, the Finnish court traveled to the witnesses. The trial is expected to run for six weeks in Liberia and then move to Sierra Leone before returning to Finland in May.

The second witness on Tuesday, who was a 10-year-old child at the time of the killings, echoed the first witness’s testimony about the burning of the civilians in the house and the killing and raping of the seven women. But he added that he had seen Massaquoi order the eating of a victim’s heart.

“I saw a Sierra Leonean man who called himself ‘Angel Gabriel’ and he ordered his men to kill a man and take out his heart and said he was going to eat it,” he said.

Massaquoi’s defense team scored a win when lawyer Kaarle Gunnerus seized on the testimony during cross-examination saying it was different from a prior statement the witness made to Finnish police about Massaquoi’s alleged eating of the heart of a LURD soldier.

During his testimony in open court on Tuesday, the witness denied making the statement, prompting Gunmerus to play an audio recording of his statement to the police.

The witness claimed the voice on the recording was not his but his brother's. Gunmerus then asked for a video of the interview to be played to prove it was indeed the witness making a different statement.

When the video was played, this time, he admitted that he was the one on the video. He then said the reason he said it was a LURD soldier, because whenever the government forces captured a person, be it civilian or soldier, they would call that person a LURD soldier.

A final witness for the day testified behind closed doors without journalists present. It is accepted practice in Finland to allow rape victims to testify without outside observers.

The trial continues on Friday.

'Drinking Blood': Witnesses testify in Liberia war crimes trial (News24)

March 25, 2021

Witnesses have come forward in the first war crimes trial held in Liberia, against former rebel Gibril Massaquoi, to testify about alleged rape and ritual murder during the country's brutal civil war.

Around a quarter of a million people were killed between 1989 to 2003 in a conflict marked by merciless violence and rape, often carried out by drugged-up child soldiers.

A Sierra Leone national, Massaquoi was a senior commander of the Revolutionary United Front (RUF), a Sierra Leone rebel group that also fought in Liberia.

The 51-year-old was arrested in Finland last March, where he had been living since 2008, after a human rights group investigated his war record.

But in an unprecedented move, the Finnish court decamped to Liberia's capital Monrovia on 23 February to hear witness testimony in the case.

First war crimes trial on Liberian soil

Very few people have faced trial for war crimes committed in Liberia, and none inside the country itself: the Massaquoi war-crimes case is the first held on Liberian soil.

Witnesses in recent hearings have alleged that Massaquoi – whose nom de guerre was “Angel Gabriel” – was implicated in murder, rape and burnings.

One 34-year-old witness told the court on 9 March, for example, that the RUF commander drank a victim's blood during unrest in Monrovia in the early 2000s.

RUF fighters captured him and several others in a central city market, said the witness, who is not named for security reasons.

Massaquoi then appeared and the fighters saluted him and hailed him as “Angel”.

“He asked them to bring his eating plate,” the witness said, referring to Massaquoi.

“He took the person who was sitting by me, put his neck on the plate, I was very afraid so I closed my eyes. His neck was cut off.”

Massaquoi allegedly drank the victim's blood, and also poured some of it on a shrine as a ritual offering.

Hearings in the case are set to continue in Liberia for about another three weeks, said Tom Laitinen, a Finnish state prosecutor involved with the case.

Magical charm

The court will then move to neighboring Sierra Leone.

Massaquoi denies any wrongdoing.

In another account, a 63-year-old man told the court that Massaquoi's fighters captured men from his northern Liberian village and burned them alive, although he could not remember the exact date.

"They were trying to shoot some people but the gun did not respond because God wanted to save lives," the witness said.

The fighters believed a magical charm was protecting the villagers from bullets, he added, and so decided to immolate them.

"They burned about 120 persons in a house," explained the witness, who added he managed to escape into the bush.

Finnish court documents seen by AFP detail a litany of accusations of abuse committed or ordered by Massaquoi, including murder, rape, torture, enslavement and using child soldiers.

Former rebel Massaquoi himself provided evidence to the International Criminal Court (ICC) in 2003, for the separate civil war in neighboring Sierra Leone.

The ex-RUF member received legal immunity for his role in Sierra Leone's conflict in exchange for his evidence, and subsequently moved to Finland.

But he did not receive immunity for his alleged actions in Liberia, and Finnish police opened an investigation in 2018 after a probe by rights group Civitas Maxima.

Massaquoi's lawyers have mounted a vigorous defence, however.

For many of the alleged abuses committed in northern Liberia, Massaquoi insists he was involved in peace negotiations elsewhere in the region at the time.

And in recent hearings in Monrovia, the defence attacked the reliability of the testimonies, with most witnesses making contradictory statements to the court.

One witness initially told Finnish police that he had seen six dead bodies linked to the case with his own eyes, for example, only to admit on the stand that someone had told him about the episode.

"Is it a habit in Liberia that when someone told you he or she saw something, it means you saw it?" one of the defence lawyer's asked.

Witness at Massaquoi Trial Links Charles Taylor to Blood Diamonds (Daily Observer)

March 29, 2021

A witness told the Finnish court hearing the war crimes trial of Gibril Massaquoi on Friday, that the former leader of the Sierra Leonean rebel group, the Revolutionary United Front, gave then Liberian President Charles Taylor gold and diamonds in exchange for arms and ammunition to fuel Liberia's civil war.

Taylor is serving a 50-year prison sentence in a United Kingdom prison for aiding and abetting war crimes and crimes against humanity in Sierra Leone. He has never faced charges for his role in Liberia's conflicts.

Taylor's selling of diamonds for the RUF was key in his conviction by the UN-backed Special Court for Sierra Leone. The trade became widely known as "blood diamonds" for the thousands of civilians who were killed or maimed in the RUF's pursuit of the diamonds.

On Friday a prosecution witness, who said he was once a special bodyguard to Commander Stanley, one of Taylor's generals, said he knew "Angel Gabriel", Massaquoi's alias, personally and used to see him when he delivered packages to his boss.

"Chief Massaquoi", the witness told the four-judge panel, "always brought packages to my boss man to carry to Taylor. I never knew what was in those packages until one day 'Angel Gabriel' killed two old men whom he accused of tampering with a package. And it is when we got to know the packages contained gold and diamonds. And in return, Taylor would send us to deliver guns and ammunition to 'General Mosquito' at times, but most often we would give the ammunition to 'Angel Gabriel', because he was the spokesman for RUF." The witness was relaxed and calm as he explained for the court the mechanics of the trade. He said that whenever Taylor got a package, a pickup would leave the mansion yard and go to a yellow building in a fence near Kalando Gas station and they would load it with arms and ammunitions and cover it with tarpaulin. The truck would leave for Lofa by 1 a.m.

The witness said he witnessed Massaquoi killing many people in Combat camp and Lofa County. Massaquoi's apparent preference for killing on one day of the week earned him a nickname among the troops.

“We, the Liberian soldiers, used to call him the ‘Black Friday Master’, because he did most of his killings on Fridays.” The witness corroborated the testimony of earlier witnesses about a massacre in which scores of people were locked in a building and burned alive. He confirmed it was done on a Friday. “I know it was Friday, because I saw people praying in the mosque on that day,” he said, referring to the Muslim practice of Friday prayer.

The witness told the court that on the day of that massacre, he saw “Angel Gabriel” and other rebels, “Jonny Paul”, Sam Burkarie, also known as “General Mosquito” and “Sierra Leonean Devil” burn the people in the building. He said “Angel Gabriel” had decided to burn them because he had heard that they were protected by “juju” or magic, and could not be killed by gunfire. The witness said he and his boss, General Stanley, were in the nearby village of Masambolahun when they heard of Massaquoi’s plans to burn the people alive in Karmatahun. They rushed to stop Massaquoi but it was too late.

“By the time we arrived there, it was already late. They had already put gas on the building and set it on fire. My Boss Stanley was very angry with ‘Angel Gabriel’ and asked why he was killing his people. Massaquoi told him they were traitors.”

Massaquoi’s trial is being held in the District Court of Tampere in Finland where he was relocated in exchange for his testimony against Charles Taylor and others in the war crimes prosecutions there. The hearing is being held in a secret location in Monrovia to allow the court to hear directly from more than 80 Liberian witnesses. The court has ordered journalists to conceal the witness’ identities for fear of intimidation or retribution.

Earlier in the day, a witness said he who had been an officer of President Taylor’s “Anti Terrorist Unit”, (ATU) told the court that after his training at Gbatalah Base, he was sent to Lofa in late 1999 when RUF troops from Sierra Leone came to train with them. Burkarie had assigned Gibril Massaquoi to Kolahun in Lofa County.

The witness told the court that “General Mosquito”, was killed by Benjamin Yeaten, a top Taylor commander known during the war as “50”. Mosquito’s body was flown to Monrovia onboard a helicopter to show to President Taylor so he knew it was really Burkarie’s body.

“Yeaten put Burkarie in a jeep and carried him on the highway and those who killed Burkarie, shot him with gun but he could not die, so they beat him with sticks until he died,” he said.

The witness had been calm until cross-examination when became jittery and gave conflicting accounts. Called by the defense team, the witness was supposed to help Massaquoi establish his defense that he was not in Liberia when the crimes were committed. However, the witness’s continual contradictions undermined his testimony. In one example, the witness had told police investigators that he and Massaquoi were on the scene when General Mosquito was killed. But he changed his story in court when he said Massaquoi was not there. Massaquoi was “on the run”, he said, believing he too was to be killed on Taylor’s orders as Burkarie had been.

In another example, the witness told the court Burkarie had been murdered because he and his men were killing and terrorizing the Liberian people. In the earlier police investigation interview, played for the court, he said Taylor told “50” to kill Burkarie because he could not afford for the UN to get to him first and reveal Taylor’s secrets regarding Sierra Leone.

Asked by the prosecution lawyers why he told the police a different story, the witness said, “As a security man I cannot just tell anybody everything I know because I do not know who is who. So I did not tell the court that President Taylor told Yeaten to kill Burkarie.”

The witness confirmed that Taylor had directed Massaquoi to be killed. But Massaquoi escaped.

A third witness, also a former ATU officer called by the defense, said he knew Burkarie when he was sent to the Ivory Coast to get ammunition. He said Burkarie received seven pickup trucks filled with ammunition and President Taylor told him to pass through Harper, Maryland County to bring the arms to Monrovia.

He also said he heard that the RUF gave diamonds to Taylor in exchange for arms and ammunition and that it was widely known that the car that left from the Mansion yard, was transporting ammunition, fuel and cigarettes for the troops in Lofa. And in return they gave diamonds to Taylor.

The witness contradicted an earlier witness’s claim as to how “General Mosquito” was killed. He claimed Yeaten called Burkarie for a meeting at the Vice President’s residence in Nimba County. When Burkarie arrived, he said, Burkarie refused an order to go to the Ivory Coast on grounds that the French army had taken over.

“They all knew it was a trap to kill Burkarie when they called him to that meeting. So they took him to meet some new men that they said would be under his command. But Burkarie did not know the group was there to execute him. The men started beating Burkarie with sticks, and then Yeaten ordered them to shoot him instead. When he was killed, Yeaten instructed his men to take the body to the Ivorian-Liberian border. I was in Yorpea New town where they brought his body and I saw his

body.”

The witness had told police investigation that Massaquoi was there when Burkarie was killed. But he told the court, Massaquoi was not around when Burkarie was killed because by then he had run away.

The trial continues on Monday.

Liberia: Massaquoi Accused of Killing Almost an Entire Town (Front Page Africa) By Prue Clarke
April 3, 2021

A former soldier of the Armed Forces of Liberia has told the Finnish court hearing the ongoing war crimes trial of Gibril Massaquoi in Monrovia that the ex-Sierra Leonean rebel commander killed nearly an entire town in Lofa County.

“Angel Gabriel killed the town chief and his family along with half of the town including men, women, children and the elderly, because he told them not to leave the town,” he told the court of the incident he said that took place in Kamatahun in the Kalahun District in the early 2000s. “[Massaquoi] cut off their throats with a knife.”

The ex-soldier also accused Massaquoi of butchering civilians he accused of looting in Monrovia, removing their hearts and intestines. The government forces, then headed by Charles Taylor, was fighting rebels of Liberia United for Reconciliation and Democracy (LURD) at the time. Fighters of the Revolutionary United Front (RUF) of Sierra Leone—the group Massaquoi fought for—had begun collaborating with Taylor when he headed the National Patriotic Front of Liberia (NPFL) in the early 1990s.

“Angel Gabriel opened fire on the people because he said the people were looting,” he said about the Waterside incident, which has previous witnesses have spoken of. “I saw over 15 bodies of civilians who came to look for food, because whenever they caught them in any store, they killed them.”

The ex-soldier told Finnish judges hearing Massaquoi’s case he and other soldiers wanted to kill Massaquoi after the but another soldier, “General Sweet Candy,” stopped them. He alleged Massaquoi later killed a pro-government militiaman who confronted him over the killings.

His testimony lasted for over three hours before he was cross-examined by the Massaquoi’s defense team.

Massaquoi lawyer Kaarle Gummerus dug out inconsistencies in the witness’ testimony and pretrial statement. He had told the Finnish police he first met Massaquoi in 2003 but on Friday he said 2001. Gummerus repeatedly pressed the witness on that inconsistency but the he said he could not remember as it has been nearly 20 years since it happened.

Massaquoi, who watched the proceedings from Finland, assisted his lawyers draw the questions.

The witnesses, known to the court as “Soldier 17” expressed fear for his safety and was assured he would be safe.

Massaquoi’s trial is being held in the District Court of Tampere in Finland where he was relocated in exchange for his testimony against Charles Taylor and others in the war crimes prosecutions there. The hearings here being held in a secret location in Monrovia to allow the court to hear directly from more than 80 Liberian witnesses. The court has ordered journalists to conceal the witness’ identities for fear of intimidation or retribution.

The second and third witnesses also told the court Massaquoi killed civilians.

The second witness known to the court as “Soldier 50” told judges Massaquoi burnt villagers alive in Kamatahun. The victims were men and boys accused of being LURD rebels, according to the former soldier.

“Even though I was a soldier, I was not happy when the people were killed because they were my people from the same county,” he said. “So when I returned, and saw the fire burning, I felt bad.”

Gummerus also picked inconsistencies in the second witness’ testimony during cross-examination. “Soldier 50” had told Finnish police during pretrial he was on the scene when the alleged killing took place but in court he said he was not present.

The third witness known as “Soldier 37” accused Massaquoi of ordering the killing of townspeople in Kamatahun he accused on being LURD informants.

“I was not on the spot, when Angel Gabriel gave the order to arrest and kill the people, but when I heard the noise and arrived on the scene, I learned that Angel Gabriel ordered the killing of the people,” the third witness said. “Some people were burned, women were raped and killed. He said Benjamin Yeatan, who was the head of the Special Security Service (now Executive

Protection Service) wanted to kill Massaquoi but changed his mind.

Massaquoi, 51, is on trial for war crimes allegedly committed in Liberia between 2001 and 2003. His charges, which he denies, include war crimes and crimes against humanity between. He is accused of committing and commanding the murder and rape of civilians. The charges also include several allegations of cannibalism. He faces a lifetime sentence, which is 15 years under Finnish law.

So far, there have been 48 witnesses who have testified and three more will testify next week. Thereafter, the court will move to Sierra Leone on April 28.

ULIMO Commander Kunti K. Will Face Trial in France for Crimes Against Humanity (Front Page Africa)

April 5, 2021

The investigating chamber of the Paris Court of Appeals confirmed the referral to trial in France of Kunti K., former Liberian commander of the United Liberation Movement of Liberia for Democracy (ULIMO), for crimes allegedly committed during the First Liberian Civil War (1989-1996).

In November 2020, the investigating judge in his closing order had requested the indictment of Kunti K. for crimes of torture and barbaric acts. The Prosecutor appealed the failure to indict for crimes against humanity. The investigating chamber found in favor of the Prosecutor, by expanding the indictment to cover crimes against humanity in addition to crimes of torture and acts of barbarism that had been ordered by the investigating judge.

Kunti K.'s trial will be the first in France, since the establishment of the French war crimes division in 2012, not connected to the 1994 Rwandan genocide.

The preliminary investigation against Kunti K. and his arrest were prompted by a complaint filed in 2018 by Civitas Maxima and several Liberian plaintiffs it represents. Both Civitas Maxima and the plaintiffs were granted the status of civil parties in the case and are represented by lawyers Simon Foreman and Sabrina Delattre in Paris.

In 2019, French authorities, alongside Liberian authorities, travelled to Lofa County, in Northern Liberia, for a fact-finding mission related to Kunti K.'s case. This was the first time since the end of the Second Civil War in 2003 that Liberian authorities, together with foreign authorities, undertook crime-scene reconstructions related to war-time crimes.

The announcement of the Kunti K. trial closely evokes the trial of Alieu Kosiah, which was concluded in March 2021 in Switzerland, and it is expected that a verdict will be reached soon. Both Kunti K. and Kosiah were ULIMO commanders active in the same region and are both implicated in alleged heinous crimes against the population of Lofa County in Liberia.

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

EAST AFRICA

Uganda

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

The abduction of citizens is crime against humanity (Daily Monitor) By Jamil Mujuzi
March 26, 2021

Since late last year, hundreds of Ugandans, mostly members of the National Unity Platform, have been abducted, tortured and detained incommunicado in ungazetted places. Some have appeared before the Court Martial on different charges.

Others have been dumped in swamps and forests (in the middle of the night). Almost all those who have been dumped or released have clear signs of what appears to be mental and physical torture.

Although the exact number of those who have been victims of these unlawful activities remains disputed, three things are clear. One, these activities have been carried out by State security agencies and in particular the UPDF and CMI. Two, senior military officers and politicians have either approved these acts or have acquiesced in their commission.

This can be inferred from the statements they have made about these abductions. Three, neither the UPDF nor the DPP has shown any interest in prosecuting those who have allegedly committed these crimes. This is understandable because these people enjoy practical immunity from prosecution.

Uganda ratified the Rome Statute of the International Criminal Court (ICC Statute). The ICC has jurisdictions over four crimes - genocide, war crimes, crimes against humanity, and aggression. In 2010, the Ugandan Parliament passed the International Criminal Court Act.

This Act domesticates the ICC Statute. Section 8 provides for the crimes against humanity and refers to Article 7 of the ICC Statute for the definition of these crimes.

Article 7 of the ICC Statute provides that crimes against humanity include torture and enforced disappearance “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”

Article 7(2)(e) defines torture to mean “the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused.” Article 7(2) defines enforced disappearance to mean “the arrest, detention or abduction of persons by, or with the authorisation, support or acquiescence of, a State or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.”

The mistreatment to which NUP members have been subjected to amounts to crimes against humanity of torture and enforced disappearance and to possibly other crimes under Article 7.

The perpetrators of these crimes have the necessary intent and knowledge as required by Article 30 of the ICC Statute. Uganda established the International Crimes Division of the High Court. This Division has jurisdiction over, among others, crimes against humanity.

However, suggesting that the perpetrators of these crimes may be prosecuted before this court would be too optimistic for two reasons.

First, these crimes have been committed with the approval or knowledge of senior military or government officials. They have been committed with the purposes of intimidating and persecuting the opposition and entrenching the government into power.

Secondly, the military is very unlikely to investigate itself or cooperate with any police investigators. The police don't even know how many people have been abducted and where they are being detained.

These are not just crimes under Ugandan law. They are also crimes under international law. It is indisputable that the perpetrators enjoy practical immunity from prosecution in Uganda. They are above the law. A few, of the many examples, illustrate this. Nobody has been prosecuted for the murder of the famous Boxer (Zebra) and of the several Ugandans in the aftermath of the arrest of Bobi Wine.

This is the case although the President, if we go by his public statements, is fully aware of the military officers who commanded these operations.

Six sue government over post-election violence (Daily Monitor) By Jonathon Kamoga
March 28, 2021

Six concerned citizens from Uganda, Kenya and Tanzania have petitioned the East African Court of Justice challenging the conduct of the January 2021 presidential election.

The lawsuit filed earlier this month also asks the court to end the widespread violence and human rights abuses that erupted before the election, and some of which continue. The lead petitioner, Dr Lina Zedriga Waru Abuku, is a Ugandan human rights activist and secretary of the Uganda National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination.

Dr Zedriga is also the deputy chairperson of the National Unity Platform whose presidential candidate Robert Kyagulanyi, aka Bobi Wine, claims he won the election.

The Electoral Commission declared President Museveni winner with 58 per cent of the vote. In power since 1986, he is expected to be sworn-in in May.

The other applicants are Arthur Larok and Andrew Karamagi, who are both Ugandan citizens and rights activists. Others are Deus Valentine Rweyemanu, a Tanzanian human rights activist, Kenyan rights and anti-corruption activist John Githongo and Abubakar Zein Abubakar, a former member of the East African Legislative Assembly representing Kenya.

The applicants want the regional court to declare the conduct and outcome of the presidential election as unlawful due to the “massive violence and criminality” that surrounded it.

They also want the court to order an end to rights abuses of Opposition supporters allegedly orchestrated by Ugandan police, military and Special Forces Command, and declare that the East African Community should have done more to ensure a free, fair and credible election in the country.

“We expect justice. I think this case is going to be a test to that court,” Mr Job Kijja, the convener of the applicants, said.

He added: “We have taken some cases there but even though we didn’t get the results we wanted, we thought we could go back instead of the Ugandan courts that are influenced by the regime.”

At least 54 Ugandans were shot dead in November in election-related violence and hundreds of Opposition supporters remain in detention after a wave of arrests, kidnaps and forced disappearances.

Social media and the Internet were also shut down before election day, something the petitioners say reduced the transparency of the process.

However, no one has been held responsible for the killings, despite media investigations showing that many of the victims were not involved in the protests that sparked the lethal response by the military.

Mr Kyagulanyi petitioned the Supreme Court in Uganda to annul the election result but withdrew his case after the court refused to allow him to present new evidence of electoral irregularities.

Chief Justice Owiny-Dollo also refused to recuse himself from hearing the case after his impartiality was questioned.

Mr Owiny-Dollo had previously represented Mr Museveni as one of his defence lawyers in a presidential election petition challenging an earlier disputed win.

Security operatives have abducted hundreds of suspected Opposition supporters and sympathisers, often from their homes in the dead of the night, detained them in ungazetted places beyond the constitutional 48 hours and without access to family and lawyers.

Several Opposition supporters have been charged in military courts for possessing red berets, a symbol of the NUP party, but which is also similar to the outfit of the Military Police.

The case lists several top officials and agencies in Uganda that the applicants claim contributed to making the election a blatant farce.

The institutions include the Uganda Communications Commission, which regulates the internet industry, and Uganda Broadcasting Corporation, the public broadcaster, which the Supreme Court has previously accused of not giving balanced coverage to all candidates.

Ms Judith Nabakooba, the country’s Information and Communications Technology minister, said she wasn’t privy to the details of the case.

On March 12, 2021, the East Africa Law Society (EALS), filed a case at this same court challenging the Ugandan government over its shutting down of the internet and mobile money, and blocking of social media platforms and virtual private networks (VPNs).

The case also follows a general trend across Africa where citizens who lose faith in their national courts or are blocked from accessing those courts with matters of elections and democracy are heading to regional or continental courts to seek justice.

Last November, two cases were filed at the African Court on Human and Peoples’ Rights and the East African Court of Justice (EACJ) arising from the Tanzanian elections.

The End of Ongwen's Trial, Closes for Now, Hope for Justice for Victims of Other LRA Atrocities (AllAfrica) By Tom Maliti

March 31, 2021

When Dominic Ongwen ended up at the International Criminal Court in January 2015, after emerging from hiding in the bush of the Central Africa Republic, the issue on many people's minds was whether it was fair to try a victim-turned-suspected perpetrator.

As the case of Ongwen, a former commander in the Lord's Resistance Army (LRA), progressed to trial, other equally important issues shaped the arguments lawyers made in court and in written submissions, and made up the evidence they submitted. These issues included the systemic sexual violence against girls and women in the LRA; the group's brutal initiation rituals for newly abducted boys and girls; the constant threat of violence against anyone who attempted to escape the group; and mental health in northern Uganda.

The judges of Trial Chamber IX have pronounced themselves on these and other issues in their February 4 judgment in which they found Ongwen was guilty of 61 of the 70 counts of war crimes and crimes against humanity he had been charged with. Ongwen was convicted for his role as a battalion commander then brigade commander in LRA's Sinia brigade between July 2002 and December 2005.

He was convicted for attacks during that period on four camps for internally displaced people in northern Uganda. He was also convicted for sex crimes against several women and conscripting and using children as soldiers.

During the course of the proceedings against him, it became clear that Ongwen's age would be one of the issues the judges would make a pronouncement on. This is because there was a discrepancy between what Ongwen said was his age on the day he first appeared before the ICC and what witnesses who knew him said his age was. These witnesses were either relatives or people the LRA abducted from the same place and on the same day as Ongwen was. And Ongwen's lawyers made his age an issue in their questioning of witnesses and submissions.

In their judgment, the judges concluded that Ongwen was born in or around 1978 and was abducted in 1987. This meant he was nine years old when he was abducted and between 24 and 27 years when the crimes he was convicted of occurred.

During his trial, Ongwen was not the only person who was not clear about when he was born or when exactly the LRA abducted him. Many witnesses faced the same issue because if they had birth certificates, they were destroyed during the northern Uganda conflict; or their parents, who would have known such details, were killed during the conflict.

With the help of government officials, these witnesses were able to get the birth certificates and other identity documents they needed, particularly those who testified in person at the ICC in The Hague, Netherlands. This was just one example of the kind of cooperation the Ugandan government provided the ICC during the course of Ongwen's trial.

Other forms of cooperation included Uganda's Director of Public Prosecutions (DPP) committing in writing not to prosecute any witness who testified at the ICC and gave self-incriminatory evidence about actions they carried out when they were 18 years or younger while they were with the LRA. The DPP made this commitment in March 2017, three months after the first witness testified in Ongwen's trial. The evidentiary part of the trial concluded in December 2019.

The government's cooperation with the ICC also took the form of different ranks of Ugandan military and intelligence personnel testifying, including the director of legal services at the Chieftaincy of Military Intelligence.

This range and level of government cooperation in a case at the ICC is not typical.

Perhaps typical of any criminal trial, Ongwen's case had its share of dramatic moments. Such as when a witness, who was a member of the Uganda People's Defence Forces, became combative when he was cross-examined by Ongwen's lawyer.

Another dramatic moment in the trial occurred on March 19, 2018 when Ongwen disrupted the testimony of a prosecution mental health expert, forcing the judges to order him to be removed from the court for the rest of that day's hearing.

But Ongwen's trial also had its moments of humdrum painstaking presentation of evidence. This was when the prosecution was laying the foundation for the evidence of intercepts of LRA radio communications the Ugandan government had provided. The intercepts were of communications that took place over two-way radio over long distances between LRA commanders. Ugandan government interceptors recorded these communications on cassettes.

[back to contents]

Kenya

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

[[back to contents](#)]

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

France Has 'Overwhelming' Responsibility for Rwanda Genocide, Report Says (New York Times) By
Norimitsu Onishi
March 26, 2021

Blinded by its fears of losing influence in Africa and by a colonial view of the continent's people, France remained close to the "racist, corrupt and violent regime" responsible for the 1994 genocide in Rwanda, and bears "serious and overwhelming" responsibilities, according to a report released Friday.

But the report — commissioned by President Emmanuel Macron in 2019 and put together by 15 historians with unprecedented access to French government archives — cleared France of complicity in the genocide that led to the deaths of 800,000 ethnic Tutsis and contributed to decades of conflicts and instability in Central Africa.

"Is France an accomplice to the genocide of the Tutsi? If by this we mean a willingness to join a genocidal operation, nothing in the archives that were examined demonstrates this," said the report, which was presented to Mr. Macron on Friday afternoon.

But the commission said that France had long been involved with Rwanda's Hutu-led government even as that government prepared the genocide of the Tutsis, regarding the country's leadership as a crucial ally in a French sphere of influence in the region.

For decades, France's actions during the genocide have been the source of intense debate in Africa and in Europe, with critics accusing France of not having done enough to prevent the killings or of having actively supported the Hutu-led government behind the genocide. The unresolved history has long poisoned relations between France and the government of President Paul Kagame, the Tutsi leader who has controlled Rwanda for nearly a quarter century.

Though the 992-page report presents fresh information from the French government archives, it is unlikely to resolve the debate over France's role during the genocide, said Filip Reyntjens, a Belgian expert on the genocide.

"This will not be good enough for one side, and it won't be good enough for the other side," Mr. Reyntjens said. "So my guess is that this will not settle the issue."

According to the report, François Mitterrand, the French president at the time, maintained a "strong, personal and direct relationship" with Juvenal Habyarimana, the longtime Hutu president of Rwanda, despite his "racist, corrupt and violent regime."

Mr. Mitterrand and members of his inner circle believed that Mr. Habyarimana and the Hutus were key allies in a French-speaking bloc that also included Burundi and the Democratic Republic of the Congo, known then as Zaire.

The French saw Mr. Kagame and other Tutsi leaders — who had spent years in exile in neighboring Anglophone Uganda — as allies in an American push into the region.

“The principal interest of this country for France is that it be francophone,” a high-ranking military official wrote in 1990, according to the report, which concluded: “France’s interpretation of the Rwandan situation can be viewed through the prism of defending la Francophonie.”

French leaders at the time viewed the Hutus and Tutsis through a colonial lens, ascribing to each group stereotypical physical traits and behavior, compounding their misinterpretation of the events that led to the genocide, according to the report.

In one of the report’s most damning conclusions, its authors wrote, “The failure of France in Rwanda, the causes of which are not all its own, can be likened in this respect to a final imperial defeat, all the more significant because it was neither expressed nor acknowledged.”

Rwanda: 27 years later genocide perpetrators still at large (Anadolu Agency) By James Tsamba
April 6, 2021

Even 27 years after the world witnessed one of the worst genocides in the landlocked country of Rwanda, many perpetrators remain unpunished.

On eve of its anniversary on Wednesday, Rwanda’s Genocide Fugitives Tracking Unit (GFTU) revealed that more than 1,000 suspects have taken refuge in different countries including France, the US, Netherlands, and Canada.

Between April 7 and July 15, 1994, an estimated one million people mainly Tutsi ethnic community and moderate Hutus were killed in 100 days.

Many genocide survivors such as Jonathan Sindikubwabo are now wondering whether justice will ever be served.

“Those who have the blood of our people on their hands must be held accountable. The countries that protect them must hand them over if they cannot prosecute them,” said Sindikubwabo.

Speaking to Anadolu Agency, Jean-Bosco Siboyintore, the head of Genocide Fugitives Tracking Unit charged that countries have been unable to prosecute or handover the suspects to Rwanda due to lack of political will.

“There is a lack of political will whereby you find some people who are supposed to enforce the indictments are not supportive or are not attaching any value yet genocide is an international crime,” he said.

Of the 1,100 genocide fugitives still at large, majority 408 are in the neighboring Democratic Republic of the Congo, 277 in Uganda; 63 in Malawi, 15 in Burundi, 52 in Tanzania, 47 in France, 42 in Congo Brazzaville, and 40 are in Belgium, according to the GFTU data.

Experts believe that there is little chance that authorities in DR Congo, Burundi, and Uganda will act, as the suspects are posting as nationals of those countries mingling freely with the Kinyarwanda linguistic community with whom they share the language.

Many have designated themselves as Congolese of Banyamulenge origin, Burundians and Ugandans of Bufumbira origin who speak the Kinyarwanda language.

False identities

“These fugitives live on false identities, moving on false nationalities and false names which poses a big challenge to track him,” said Siboyintore.

Other countries believed hosting the fugitives and thereby saving them from the noose of law include Kenya where 35 suspects are thought to be hiding. Among others, 23 are believed to be hiding in the US, 18 in the Netherlands, and 14 in Canada.

While Rwandan prosecution has been working with Africa’s Prosecutors’ Association to track these fugitives, the absence of extradition treaties with some countries is partly making their job difficult.

Rwanda has so far signed extradition treaties with 10 countries, out of 30, where suspects are believed to be hiding.

Siboyintore said his organization has prepared prima facie evidence that can be tested. According to the procedure that leads to the indictment, the host states are invited to visit the crime scene in Rwanda to conduct their investigation.

He said the undue long procedures have led to the assumption that justice will elude victims and there looks no closure of cases. He further said that in absence of a digital identification system, it is becoming difficult to identify culprits in African countries.

“Some of the suspects have become nationalized citizens in the host countries, where they sought refuge. Some countries do not have laws to punish the crime of genocide,” Siboyintore said.

Rwanda’s traditional conflict resolution mechanism Gacaca which completed its work in 2012, tried nearly 2 million suspects within 10 years.

The International Criminal Tribunal for Rwanda (ICTR) set up in November 1994 worked in Arusha, Tanzania and sentenced 61 people up to life imprisonment for their roles in the massacres. It also acquitted 14 people, while 10 others were referred to national courts.

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

Somalia

At least four dead after mortar fire strike in Somalia's Mogadishu (Reuters) By Abdi Sheikh, Feisal Omar
March 25, 2021

At least four civilians were killed and nine others injured in Somalia on Thursday by mortar shells that were likely targeting peacekeeping force AMISOM’s base at the airport in the capital Mogadishu, witnesses told Reuters.

The mortar shells fell short of their likely target, striking homes just outside a sprawling compound that houses both the AMISOM base and airport, according to witnesses.

“As we took a break for tea, mortar shells landed...one landed on my neighbour,” killing two people and injuring five others, 65-year-old Mohamed Sheikh Mohamed, an area resident, told Reuters.

Mohamed and other witnesses told Reuters they believed the mortars had been aiming for the AMISOM base, long a target of similar attacks.

There was no immediate claim of responsibility. Somalia’s Islamist group al Shabaab has, in the past, conducted similar attacks on the base and airport.

Among those killed were a man and his son, while the man’s two other children, a 3-month-old girl and 4-year-old boy, and their mother were injured.

“Immediately another shell landed on my daughter’s house just in the vicinity,” Mohamed said, adding his daughter was injured in the blast while her husband and their son were killed.

Government and AMISOM officials did not respond to Reuters’ calls or text messages seeking comment. A police spokesman did not immediately provide comment.

In a news report on its website, Somali’s state news agency said an attack by mortar shells had killed a man and his son and injured five others of the same family, but did not say anything about other casualties that witnesses had reported.

The al Qaeda-allied al Shabaab has been fighting for more than ten years to try to topple Somalia’s internationally backed central government and establish its own rule based on its strict interpretation of Islam’s sharia law.

Somalia has been gripped by Islamist violence and lawlessness since 1991.

Somalia: 4 teens, 1 baby dead in capital suicide blast (Anadolu Agency) April 4, 2021

Four teenagers and an infant have been killed and at least four more people were injured in a suicide attack in Somalia’s capital on Saturday evening, an official said.

A suicide bomber blew himself up near a busy restaurant in Mogadishu’s Shangani district, according to police spokesperson Sadaq Adan Ali.

“At around 19:00 tonight, a suicide bomber blew himself up at a tea party gathering young people. The casualties are 6 dead (4 teenagers, 1 infant and suicide bomber) and 4 others injured,” he said in a statement released to the media.

Shangani is a high-security area of the capital that houses the ministries of internal security and sports and youth affairs.

A police station is also located near the area where the bombing occurred.

No group has yet claimed responsibility for the bombing, but the al-Shabaab terror group has been behind most recent attacks in the Somali capital.

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

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

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

Bosnia Seeks Arrest of Fugitive Ex-Soldier in Serbia (Balkan Transitional Justice) By Haris Rovcanin
March 26, 2021

The Bosnian state court told BIRN on Friday that it has ordered an international warrant to be issued for the arrest of Marko Kovac, who has been charged with crimes against humanity in the Foca area of Bosnia in 1992 and 1993.

“In the case against Marko Kovac, the defendant duly received the indictment and a summons to a court hearing at which he was due to enter his plea. As he failed to appear at the hearing or justify his absence, the defendant was ordered into custody and the conditions for issuing an arrest warrant have been met,” the court said.

Kovac lives in the city of Kragujevac in Serbia but the prosecution has not proposed to refer his case to the Serbian judiciary, it added.

As commander of the Bosnian Serb Army’s Foca Tactical Group, he has been charged with participating in the persecution of the civilian population in the Foca area in 1992 and 1993.

“As part of the persecution, several hundred civilians were unlawfully detained at detention facilities in the penal facility, the secondary school centre and the Partizan sports hall in Foca; the local population was tortured, forcibly resettled and deported, more than 190 people were killed and forcibly disappeared, rape and other inhumane acts of a similar nature were committed, while houses, property and cultural, historical and religious facilities were burned and destroyed,” the state prosecution said in a statement when announcing the charges.

Bosnia Rejects Fugitive Serb War Crime Convict’s Appeal (Balkan Transitional Justice) By Emina Dizdarevic
March 29, 2021

The Constitutional Court of Bosnia and Herzegovina on Monday rejected an appeal from Dragan Marjanovic, a wartime commander of a platoon of the Bosnian Serb Army Teslic Brigade’s military police.

The court ruled that there was no violation of Marjanovic’s right to a fair trial and that the verdict was not based on unlawful evidence.

Marjanovic was sentenced, alongside four others, to 14 years in prison for his role in taking away and killing 28 Bosniak civilians on Mount Borje near the town of Teslic during the night of June 17-18, 1992.

He is currently a fugitive. Interpol issued a 'red notice' calling for his arrest in December 2019 after he did not appear for the sentencing hearing in his trial.

Constitutional Court decisions are final and cannot be appealed.

Bosnian Serb Ex-Policeman Loses Crimes Against Humanity Appeal (Balkan Transitional Justice)

By Emina Dizdarevic

March 30, 2021

The Constitutional Court of Bosnia and Herzegovina has turned down an appeal from Darko Mrdja, a former member of a police intervention squad at the Public Security Station in the city of Prijedor, against the verdict convicting him of crimes against humanity.

The ruling said that there was no evidence to conclude that the Bosnian state court was unfair when giving Mrdja a combined sentence of 20 years in prison.

"The Constitutional Court finds that there was no violation of the right to a fair trial," said the decision, which was made on March 16.

Mrdja was initially sentenced to 17 years in prison by the International Criminal Tribunal for the Former Yugoslavia, ICTY in The Hague in 2004 after pleading guilty to involvement in the murders of Bosniaks from Prijedor at the Koricani Cliffs on Mount Vlasic in 1992.

He was then sentenced to 15 years in prison by the Bosnian state court for the killings and inhumane treatment of Bosniak civilians in the Prijedor area.

The appeals chamber of the state court ruled in August 2019 that the two sentences imposed on the former Bosnian Serb policeman should be amalgamated, and that he should serve 20 years in jail.

Mrdja, who had been on the run, was arrested in Prijedor in April 2020.

He then appealed against the combined sentence, arguing it was unfairly long because he had already been legitimately released after serving two-thirds of the sentence imposed by the Hague Tribunal.

He claimed that the state court had not properly counted the time he spent in prison under the Hague conviction towards the 20-year combined sentence.

But the Constitutional Court rejected this argument and said that "nothing led to a conclusion that, when calculating the sentence laid down by the ICTY towards the combined sentence, the Bosnian state court violated the law in a way that it brought the fairness of the proceedings against the appellant into question".

Constitutional Court decisions are final and cannot be appealed.

Bosnian Serb Officer Convicted of Abusing Civilians in Besieged Sarajevo (Balkan Transitional Justice)

By Albina Sorguc

April 1, 2021

The Cantonal Court in Sarajevo has convicted Veljko Papic, the wartime commander of the Third Company of the Bosnian Serb Army's Sarajevo-Romanija Corps' First Battalion, of giving orders forcing non-Serb civilians to do hard labour and putting them in life-threatening situations on the front lines in besieged Sarajevo during wartime.

Papic was found guilty of crimes against the civilian population in the Grbavica and Kovacici neighbourhoods of the Bosnian capital in 1993 and 1994, the Cantonal Court told BIRN on Thursday.

The verdict, which was handed down on January 18 but has not been made public yet, said that Papic made civilians who were part of a forced labour squad do hard and humiliating physical labour, usually on the front lines, while also psychologically abusing them.

The civilians could not refuse to carry out the tasks because they were afraid for their own lives and the lives of their family members, as they had been threatened with death, the verdict said.

The verdict also said that Papic ordered four of the civilians who were part of the forced labour squad to remove the bodies of two young Sarajevans, Bosko Brkic and Admira Ismic, who were killed on May 18, 1993 as they tried to cross the Vrbanja bridge in the city centre.

Ismic, a Bosniak, and her boyfriend Brkic, a Serb, became known after their deaths as the 'Sarajevo Romeo and Juliet'.

The verdict said that Papic ordered the four civilians to remove the couple's bodies from the demarcation line between the Bosnian Serb Army and the Bosniak-led Bosnian Army near the Vrbanja bridge, "threatening them that he would kill their families should they try to flee".

Papic was also found guilty of making three members of the forced labour squad plant explosives in a building on the demarcation line used by the Bosnian Army in the spring of 1994, again threatening that he would kill their families if they ran away.

The verdict said that in order to demonstrate the seriousness of his threats, Papic beat up one of the members of the forced labour squad.

The verdict can be appealed at the Supreme Court of Bosnia and Herzegovina's Federation entity.

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

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

Official Website of the ICTY

Serbian TV drama reveals just how divisive Slobodan Milošević remains (Emerging Europe) By

Nikola Đorđević

April 3, 2021

Serbs are split in their opinion of a new TV drama that documents the arrest of the former Yugoslav president, Slobodan Milošević, reflecting the divisive legacy he left behind.

Twenty years ago, on April 1, 2001, the former Serbian president Slobodan Milošević was arrested at his residence in the heart of the upscale Dedinje district in Belgrade.

Now, to coincide with the 20th anniversary of the event, the Serbian national broadcaster RTS is airing a five part miniseries chronicling the events of the three days leading up to the arrest. It is the first mainstream and big budget production to feature Slobodan Milošević as a dramatic character

Unsurprisingly, the series, titled Porodica (The Family) has caused immediate controversy.

Several days after the first episode was broadcast Milošević's children Marija and Marko sent a pre-suit notice letter to the show's production company Firefly, threatening to sue if the show wasn't pulled.

That the show would strike a nerve was obvious from the start. Uncommon for Serbian productions, the plot line as well as the casting were kept under wraps until the last minute. Before each episode, a massive (by TV standards) disclaimer pops up to explain the story was based on real archival footage and documents, but still takes artistic license with certain details.

In the role of Milošević is Boris Isaković, an actor who has now played two infamous 1990s characters after being cast as Ratko Mladić for 2020's Oscar-nominated drama Quo Vadis, Aida?.

Mirjana Karanović, a mainstay of Serbian TV, cinema, and theatre, plays Milošević's wife Mirjana (better known by the nickname Mira) Marković.

Following the first episode, seen by as many as two million people, many took to Twitter to share their impressions.

While there was general praise for the actors, especially Isaković (whose transformation into the Serbian strongman is extremely convincing) and Karanović, the show itself is polarising.

"The show The Family is a lie and telling stupid things to benefit cretins," Zoran Živković, who was the prime minister of Serbia from 2003-04, wrote on Twitter.

Many have accused the show of whitewashing the events as, at least during the first episode, it wasn't clear why Milošević should be arrested in the first place. Charges of relativism and lack of context were also put forward by some Twitter users.

In real life, the arrest came after a governmental decision to charge the former president with abuse of power. Months later, he would be extradited to the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague.

It's hard to overstate how important the arrest of Milošević was symbolically for Yugoslavia's fledgling democracy, coming so soon after the fall of his regime in October 2000. Domestically, Milošević was widely understood to be corrupt, accused of numerous affairs, shady privatisations, and ties to the organised crime underworld.

To extradite, or not?

On the international stage, he was wanted for war crimes related to the Yugoslav civil wars in the 1990s.

But it was not easy to actually arrest him. Milošević supporters and his bodyguards assembled outside his villa and engaged in a three-day standoff with the police. Additionally, the ruling coalition — the Democratic Opposition of Serbia — still didn't have complete control over the police, the army, or the state's security and intelligence apparatus, most notably the secret police which remained a loyal to Milošević.

Finally, after three days and a seven-hour negotiation inside the villa, Milošević surrendered. Even that wasn't the end, as now came the question of whether or not to extradite him to the ICTY. Vojislav Koštunica, the president at the time, was opposed to extradition. Prime Minister Zoran Đinđić saw things otherwise.

The main issue was that of constitutionality, as the Yugoslav constitution at the time forbade the extradition of Serbian nationals to anywhere in the world. Milošević's lawyers would end up appealing to the Constitutional Court. Ignoring both the opposition from the president and the court process Đinđić nevertheless ordered the extradition.

On June 28, 2001, Milošević was flown by helicopter to a US army base in Tuzla, Bosnia and Herzegovina, and then flown to The Hague.

It was at The Hague where Milošević would die in a prison cell at Scheveningen in 2008 from a heart attack. He died before the final ICTY verdict was reached. He was charged with 66 counts of genocide, crimes against humanity, and war crimes committed in Croatia, Bosnia, and Kosovo between 1991 and 1999.

The highly-charged events prior to the extradition are what the Porodica TV show dramatises, choosing to, according to critics, ignore the wider context of the events in Yugoslavia that led to the downfall of the Milošević regime and his war crimes that warranted the extradition.

Still, the show's director Bojan Vuletić has defended the framing the show takes.

"The entire opus of Milošević's politics would require many episodes or many films and many different topics," he says. "But the events in the villa during those 72 hours are symbolic of everything that we lived through in the last ten years of his regime."

He also added that the point was to show the behaviour of Milošević and Marković inside the villa, and not to engage with politics directly. Vuletić has also told the media that he hopes the show would encourage younger people, who may not know much about the event, to do their own research.

Nothing about the Milošević regime was happy

Even today, 20 years removed from the actual events, there are those who still think that Slobodan Milošević did nothing wrong, just as there are those who still see Ratko Mladić and Radovan Karadžić as heroes.

As with many works that touch on sensitive political issues, the controversy over the way Milošević and Marković were presented eclipsed any discussion about the artistic value of the whole endeavour. The few critics who have shared opinions so far situate the show in the context of two previous historical dramas made in Serbia: the Nemanjići which chronicles the history of the Nemanjić dynasty; and Aleksandar of Yugoslavia, a biopic TV show about the life of Aleksandar I Karađorđević.

Both were largely panned by professional critics, yet enjoy high popularity among TV viewers.

This weekend will see the conclusion of The Family, and it's doubtless that the finale will be watched by millions. On Twitter, many have wondered if the show will have a happy ending.

In reality nothing about the Milošević regime was happy for Serbia.

Twenty years after his arrest and thirteen years after his death, his legacy is still felt in many ways in the country. What The Family really brings into focus is just how much of that legacy is still ambivalent and divisive.

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

Domestic Prosecutions In The Former Yugoslavia

Croatia Overturns Rebel Serb Commander's Acquittal (Balkan Transitional Justice) By Anja Vladislavljovic
March 26, 2021

The Croatian Supreme Court said on Friday that it has overturned an earlier court decision acquitting Marko Carevic, the commander of the Territorial Defence forces of the self-declared wartime Serbian Autonomous Region of Krajina, of ordering the murder of an elderly Croatian man in the village of Kablar in October 1991.

The Supreme Court said that the first-instance court's conclusion that it could not be reliably established that Carevic, now 66, ordered the killing of the civilian "do not stand", and ordered a retrial.

The court meanwhile upheld the verdict convicting the second defendant in the case, 64-year-old former Serb paramilitary fighter Ljuban Linta, who is currently unavailable to the Croatian authorities.

The murder was committed in October 1991, during the occupation of Kablar, a settlement that is part of the city of Karlovac, during the conflict between the Croatian Army and the Yugoslav People's Army and Serb paramilitary units.

According to the indictment, members of a Serb paramilitary group detained 83-year-old Ivan Grgic in the garden of his family home and took him to Carevic.

After questioning the elderly man, Carevic told one of the Serb unit's members to kill him. But he did not want to do it, so Carevic issued the same order to Linta, prosecutors alleged.

Members of the unit then shot the man dead.

In 2019, Rijeka County Court found Linta guilty and sentenced him to ten years in prison for murdering the man, while Carevic was acquitted of ordering the murder.

Linta has both Croatian and Serbian citizenship and his last reported address was in Serbia, so he was tried and sentenced in absentia.

Croatia Charges Rebel Serb Commander with War Crimes (Balkan Transitional Justice) By Anja Vladislavljovic
April 1, 2021

Croatian police said on Thursday that they have charged an unnamed Serbian citizen, the former commander of the 7th Corps of the rebel Serb-run Army of the Republic of Serbian Krajina, with committing war crimes in today's Sibenik-Knin County from

December 1992 to December 1993.

According to the police, the suspect is currently unavailable to the Croatian authorities.

The man, who police said was born in 1944, is suspected of not taking the necessary actions to prevent killings and violence by his subordinates against the remaining Croatian population of the Republic of Serbian Krajina in the area around the town of Drnis.

“During the armed attack on the aforementioned area, [he] was informed that subordinate units were killing and abusing the civilian population and illegally depriving them of their liberty, and then beating and humiliating them and looting and destroying their property,” police said in a statement.

Police also said that the rebel Serb commander was “encouraging” his forces to commit violence which resulted in the killing of 35 civilians.

It said that two cases of rape and three cases of attempted rape against five Croatian women have been confirmed to the police, and that “some victims were raped several times”.

“Although he had that information, he did not take any measures to prevent, suppress and punish such crimes, although he had the power and authority to do so,” police said.

He is also suspected of ordering his subordinate commanders to randomly shell civilian buildings and settlements that were not occupied in the towns of Sibenik and Skradin and the villages of Umljanovici, Pakovo Selo, Sedramic, Raslina and Cavoglave, which resulted in killing 20 civilians.

The town of Drnis, in the north-east of the Sibenik area, was attacked by the Yugoslav People’s Army and Republic of Serbian Krajina forces on September 16, 1991. The town and surrounding villages were then incorporated into the Serb-led statelet.

During Operation Storm in August 1995, the Croatian Army recaptured the territory held by the Republic of Serbian Krajina.

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

Turkey

US State Department confirms Turkish participation in Nagorno-Karabakh war, highlights Azerbaijani war crimes (Barnabas Fund) April 1, 2021

A report from the US Department of State released 30 March 2021 has confirmed the role of Turkey in supporting Azerbaijan’s war against ethnic Armenians in Nagorno-Karabakh.

The 2020 Country Reports on Human Rights Practices also highlight war crimes committed by Azerbaijan during the conflict, including military strikes against civilian targets and the torture and abuse of Armenian prisoners.

Turkish President Recep Tayyip Erdoğan hailed “the efforts of our Azerbaijani brothers and sisters” following Azerbaijan’s invasion of Nagorno-Karabakh

The report states that Azerbaijan’s invasion of Nagorno-Karabakh was conducted “with Turkish support”.

A separate resolution of the European Parliament, published 11 March, condemned Turkey’s action of sending Syrian mercenaries to fight for Azerbaijan in Nagorno-Katabkah, “in violation of international law”.

After the conflict Turkish President Recep Tayyip Erdoğan declared, “The crescent and star embellish the skies of Karabakh now thanks to the efforts of our Azerbaijani brothers and sisters ... The Azerbaijani flag flies proudly over Nagorno-Karabakh as a symbol of our martyrs’ valour.”

Turkey’s role in the conflict and the accounts of Azerbaijani brutality and abuse have raised fears about the possibility of a new Armenian genocide.

Nagorno-Karabakh (mountainous Karabakh) is part of the historic homeland of the Armenian people, who around 301 AD became the first Christian nation, and the region still contains many ancient churches and monasteries. Karabakh was placed

within Azerbaijan by the USSR in 1923.

Azerbaijan war crimes described as “credible” and “significant”

The US Department of State also cites “significant human rights issues” perpetrated by Azerbaijan in Nagorno-Karabakh, including “unlawful killings, civilian casualties, and inhuman treatment”.

These include in Stepanakert the use of aerial bombardment, artillery and cluster munitions against civilian targets such as medical centres and ambulances, gas and electricity plants, sources of food and water, and “schools and pre-schools”.

In October 2020 videos appeared showing Azerbaijani soldiers mocking and then killing two Armenian civilians in the town of Hadrut, later identified as 25-year-old Yuriy Adamyan and 73-year-old Benik Hakobyan.

The report also describes as “credible” accounts of Azerbaijani abuse and murder of civilian detainees and the torture of military prisoners of war.

Following the closure of borders between Azerbaijan and Armenia in 1991, the report notes, “inflammatory rhetoric” became more common. By 2020, “an entire generation had grown up listening to hate speech against Armenians”.

In March 2021 the Armenian National Commission for the UNESCO condemned the alleged demolition of a church building in Mekhakavan, Nagorno-Karabakh, describing it as “another act of cultural crime by Azerbaijan”.

EU Sanctions Remain on the Table, Germany Warns Turkey Ahead of EU Summit (Organization for World Peace) By Benjamin Fikhman

April 2, 2021

Germany warned Turkey on March 22 that the possibility for European Union (EU) sanctions to be lodged against it remains in play. This comes as ties deteriorate in light of Turkey’s withdrawal from the Istanbul Convention and its ban of the pro-Kurdish People’s Democratic Party (HDP). According to the Council of Europe, the Istanbul Convention is an agreement between European nations which embraces four pillars in combatting violence against women and domestic violence: prevention, protection, prosecution, co-ordinated policies. Turkey pulled out of the agreement on March 20 following President Recep Tayyip Erdoğan’s one-paragraph statement. The paragraph did not offer substantial justification for removing the country from the human rights treaty. The HDP, Turkey’s third-largest political party, was banned last week after a prosecutor claimed that the party shares links with militants, BBC News reports. This all comes after the EU planned to impose sanctions on Turkey in light of disputes between Athens and Ankara regarding natural gas resources, according to The Guardian. While this dispute has since died down, new diplomatic challenges arise in the footsteps of Turkey’s recent moves.

In preparation for the upcoming EU summit, German foreign minister Heiko Mass recognized that while de-escalation is happening in the eastern Mediterranean, “the decision on the HDP or the pullout of the Istanbul Convention are certainly the wrong signals” (Reuters). In opposition to Erdoğan’s decision to pull Turkey out of the Istanbul Convention, women in different cities across the country poured into the streets to protest. In a White House Briefing Room statement on March 21, President Joe Biden called the move by Erdoğan a “disheartening step backward.” In addition, UN Women vows to take organizational action and urges Turkey to reverse its decision to step away. In regards to the intra political situation in Turkey, the HDP denies any links to militants following the Turkish prosecutor’s accusation that the HDP engages in supportive ties with the militant group Kurdish Workers Party, BBC News indicates. The political party also decries the ban and considers it “a heavy blow to democracy and law” and a “political coup,” (BBC News). President Biden has responded to this development as well, citing it as political subversion. In addition, Luxembourg’s foreign minister Jean Asselborn also gave a warning to Turkey ahead of the summit.

The recent actions taken by the Turkish leadership were repressive and ignorant, but they come as no surprise. Led by a president with authoritarian tendencies and explicit contempt for the idea of gender equality, legislation in Turkey seems to set the undertone of a country moving backwards from progress and peaceful democracy. This sentiment aligns with a statement by the foreign minister Asselborn, who said that Turkey’s disregard for the human rights path, which was charted with partial guidance by the EU, mirrors a way back to the Middle Ages. The European Union should move forward with imposing sanctions on Turkey, particularly against high-profile individuals. As a fellow member of the North-Atlantic Treaty Organization (NATO), the United States should also take similar measures. The United States should be cognizant of the socially conservative and authoritarian direction Turkey is heading towards, and hopefully President Biden’s record in passing

legislation fighting against violence impacting women can be a force in pressuring Turkey to re-enter the Istanbul Convention.

The Istanbul Convention was opened for signature in 2011, according to the Council of Europe's website, after it was adopted by the European Council of Ministers. Turkey was the first country to join the human rights treaty and it became enforced in 2014. In recent years, the country has seen a rise in rates of femicide as UN independent experts have called for more diplomatic tools to combat gender-based violence. Turkey's ban on the HDP is the culmination of years of tension between the Turkish central leadership and its Kurdish politicians. According to BBC News, HDP lawmakers, including the party's former leader, have been investigated and jailed in previous years.

Erdoğan's decision to leave the Istanbul Convention could have life-threatening consequences for women, since Turkish democracy seems to be deteriorating and Islamist, authoritarian political power is on the rise. The Turkish exit from the convention may encourage perpetrators to commit violence without accountability. If anything, the country should have solicited more tools in an effort to stem the tide of gender-based violence and mistreatment. And although Ankara's attempt to put a nail in the coffin of the HDP's existence as a legal political party is not a surprise, it highlights a trend of repression that is not being internationally recognized by republics worldwide as much as it should be. The developments also highlight the challenge that Western countries such as the United States, an ally to the Kurds, face in dealing with Turkey, a country on the border of Russia that is purchasing their S-400 missiles.

State Dept. Highlights Azeri War Crimes, Turkey's Role in Karabakh War (Asbarez) April 5, 2021

In its 2020 Country Report on Human Rights Practices, the State Department confirmed that Turkey played a role in last fall's Karabakh war and highlighted that Azerbaijan committed what amount to be war crimes during its aggressive attacks against Artsakh.

Among the war crimes highlighted in the report were examples of Azerbaijan's military strikes against civilian targets and the torture and abuse of Armenian prisoners.

The report states that Azerbaijan's invasion of Nagorno-Karabakh was conducted "with Turkish support".

The State Department acknowledged "significant human rights issues" perpetrated by Azerbaijan in Nagorno-Karabakh, including "unlawful killings, civilian casualties, and inhuman treatment."

"For example, on October 3 and December 11, Human Rights Watch criticized Azerbaijan's armed forces for repeatedly using weapons on residential areas in Nagorno-Karabakh," says the 2020 Country Report.

"On October 5, Amnesty International crisis response experts corroborated the authenticity of video footage—consistent with the use of cluster munitions—from the city of Stepanakert that was published in early October and identified Israeli-made cluster munitions that appeared to have been fired by Azerbaijani armed forces. The Hazardous Area Life-support Organization (HALO) Trust, an international nongovernmental organization (NGO) working in Nagorno-Karabakh to clear unexploded ordnance, confirmed the use of cluster munitions in operations striking civilian infrastructure in Nagorno-Karabakh during intensive fighting in the fall," the report said.

In its 2020 Turkey Country Report, the State Department also highlighted that Armenian minority groups in Turkey reported a rise in hate speech and coded language directed against the Armenian community, including from high-level government officials, noting that the word "Armenian" still is considered to be slur in Turkey.

"After the outbreak of hostilities between Armenia and Azerbaijan on September 27, members of the Armenian minority reported increased anti-Armenian rhetoric, including in traditional and social media. Supporters of Azerbaijan staged car convoys featuring Azerbaijani flags in Istanbul near the Armenian Patriarchate and in districts with large Armenian populations," the report said.

"The Hrant Dink Foundation recorded a threefold increase in hate speech targeting Armenians in the week of September 27-October 5, citing more than 1,000 news reports and commentary featuring anti-Armenian language meeting the organization's criteria for hate speech. On October 5, HDP MP and ethnic Armenian Turk Garo Paylan stated he had been threatened and noted that a pro-government think tank had placed newspaper ads calling him a spy for supporting Armenia," added the report.

"Hate speech and calls for violence against Armenians surged to an unprecedented level in Azerbaijan too, especially during Baku's aggression against Nagorno-Karabakh. Turks and Azeris living abroad were filmed threatening Armenians and attacking them during peaceful gatherings and rallies across the world," noted the report.

[back to contents]

Kosovo Specialist Chambers

Kosovo Leaders Mourn Massacre Victims, Call for Justice (BIRN) By Perparim Isufi

March 26, 2021

Leading politicians and relatives of the victims marked the anniversaries of the killings of civilians in the villages of Krusha e Madhe/Velika Krusa, Krusha e Vogel/Mala Krusa and Suhareke/Suva Reka on Friday.

After paying homage at the grave site at Krusha e Madhe/Velika Krusa, Kosovo's Acting President, Glauk Konjufca, said that there were still three open wounds in the village where Yugoslav forces killed 241 ethnic Albanian civilians 22 years ago.

"The first wound is the massacre that happened, the second is that there are still unfilled graves [of people still missing], and this reminds us that Serbia kidnapped our loved ones and never returned them, and the third wound is the justice that is missing. There was no justice for family members who lost their loved ones," Konjufca said.

Prime Minister Albin Kurti who visited grave sites at both Krusha e Madhe/Velika Krusa and Krusha e Vogel/Mala Krusa, said that the issue of missing persons will be addressed during the upcoming EU-facilitated dialogue with Serbia aimed at normalising relations.

"In our relationship with Serbia, we have the issue of missing persons as a priority because we cannot have a future with peace, justice and progress if we do not address crimes committed against our people, and we all remember that because we experienced them," Kurti said.

Vjosa Osmani, a candidate for the next president of Kosovo, described the massacre in Krusha e Madhe/Velika Krusa as an "ongoing genocide" and criticised Serbia for not revealing the locations of mass graves where ethnic Albanian war victims' bodies were hidden.

"By not allowing the opening up of mass graves, by denying the crimes and the genocide, by not apologising and by putting the perpetrators before justice, Serbia has been committing a twofold crime for 22 years now," Osmani said.

Unregulated and Unlicensed, War Memorials Proliferate in Kosovo Towns (BIRN) By Xhorxhina Bami

March 26, 2021

In the centre of the western Kosovo town of Decan/Decani stand five statues of fallen Kosovo Liberation Army fighters, who are seen in the country as heroes of the war for liberation from Serbian rule.

But one of the statues actually honours a man who was killed as recently as 2015, many years after the war ended, in another country.

Beg Rizaj died in May 2015 during a two-day firefight between police and a large group of ethnic Albanian gunmen that left 22 people dead in the town of Kumanovo in neighbouring North Macedonia.

Most of the gunmen involved in the fighting were from Kosovo. The Macedonian government said that they had been trying to destabilise the country, although the background to the violence has never been properly established and remains the subject of speculation.

A joint statement issued by Kosovo's president and prime minister condemned any "involvement of citizens of Kosovo in the Macedonia incidents". The surviving gunmen were convicted of terrorism.

Beg Rizaj was a member of the Kosovo Liberation Army during the 1998-99 war in Kosovo and then fought in another armed conflict between ethnic Albanian rebels and the security forces in North Macedonia in 2001. His statue in Decan/Decani was not commissioned by the Kosovo authorities, but was an independent initiative of his former KLA guerrilla comrades.

Bashkim Ramosaj, the mayor of the Decan/Decani municipality, confirmed that the statue was erected in 2018 by a group of Rizaj's friends, mostly war veterans, and that the local assembly had no problem with his memorial being installed in the square.

"Beg Rizaj was a surviving war hero and given this, we did not discuss the way in which he was killed [in Kumanovo]," said

Ramosaj.

“After all, there is no law in force that obliges us to follow any other procedure. We assessed that [his statue] deserved to be in the centre of the city,” he added.

‘Devaluation of the symbols of the war’

The monument to Rizaj is an example of the widespread phenomenon in Kosovo of people erecting memorials and statues, mostly dedicated to wartime figures, without having to go through any legal procedure to gain permission or any public debate about whether the monument is valid or not.

“Sometimes this doesn’t have anything to do with our history, but is something initiated by a family or a group of friends,” Bislim Zogaj, head of Kosovo’s Agency for Managing Memorials, told BIRN.

More than two decades after the war, the Kosovo authorities don’t have yet a comprehensive official register of war-related monuments.

“We are working on a list in order to have general information. We have more than 1,600 war-related memorials,” Zogaj said.

He argued that legislation is needed to ensure that memorials are historically correct, professionally created and properly sited.

“It is a devaluation of the symbols of the war if we allow anybody to put up statues and memorials anywhere, even in shopping centres,” he said.

Xhavit Jashari, the head of the Association of KLA Martyrs’ Families, argued that some of the people who have been honoured with memorials do not deserve them.

“We have asked for a state commission made up of various professionals who can assess [monuments] from both an ethical and professional point of view. But that [request] is being ignored,” he added.

Last year, the Kosovo Assembly considered proposed legislation called the Kosovo Liberation Army War Values Law, which was intended to enshrine in law support for the KLA’s wartime cause of liberation from Serbian rule.

But the proposed legislation didn’t address the issue of memorials, and it ultimately failed to gain enough support from MPs in parliament after it was criticised for potentially threatening freedom of speech.

Monument-building in Kosovo has long been dominated by ideas of wartime heroism and the glorification of KLA guerrillas who were killed as freedom fighters – a view which is shared by politicians from across the country’s political spectrum.

But Fatlum Rrahmani, a professor of history in Kosovo, said that monuments that present KLA fighters as heroic figures contradict the main argument used by the West when it decided to intervene militarily in Kosovo during the conflict in 1999.

“NATO’s intervention was principally humanitarian, driven by atrocities against civilians by Serbian forces,” Rrahmani told BIRN.

Yugoslav World War II monuments abandoned

After the war ended Serbia’s rule over its former province, dozens of World War II memorials that were built during the Yugoslav Communist period in Kosovo were removed or vandalised, and hundreds of street names were changed.

One well-known example was the monument to Boro Vukmirovic, a Serb, and Ramiz Sadiku, a Kosovo Albanian, who were executed together while fighting for the Yugoslav Partisans during World War II.

They were promoted as symbols of Josip Broz Tito’s state ideology of ‘brotherhood and unity’ and a memorial was built showing them embracing as they stood together before their execution in Landovica, near Prizren.

But after the 1990s war, the monument was removed and another one dedicated to the Kosovo Liberation Army fighters was erected in its place.

There are now only 11 monuments in Kosovo related to World War II and the Communist era in the former Yugoslavia. Only six of these are included on the Ministry of Culture’s list of cultural heritage for temporary protection.

Built in 1961 in Kosovo’s capital Pristina, the memorial complex dedicated to Yugoslav Partisan soldiers who were killed

during World War II was the most recognisable monument of the Communist era.

Now the Yugoslav-era concrete memorial constructions have fallen into disrepair, and Kosovo Albanian figures like former President Ibrahim Rugova, former political prisoner Adem Demaci, and assassinated defence minister in exile Ahmet Krasniqi have been buried in other parts of the site, which is known as the Martyrs' Cemetery.

Several KLA war veterans are also buried there, along with six people killed in the Kumanovo gun battle in North Macedonia in 2015.

Zogaj said that the disorderly situation at the cemetery is unacceptable and needs to be dealt with.

"It's a shame to send any visitor there. We plan to exhume most of the war veterans buried there," he said.

Nora Arapi Krasniqi, an architect who specialises in cultural heritage, noted that as in other former Yugoslavia countries, many memorials built in Kosovo under Yugoslav rule in the second half of the 20th Century have been replaced with ones commemorating people who died in the 1990s war.

"What hasn't actually been working is an adequate control mechanism that would decide what to put in a certain public space and the narrative it is presenting," said Arapi Krasniqi.

In Kosovo, as in other former Yugoslavia countries, most war memorials only acknowledge the suffering of people from the dominant ethnic group.

Rrahmani argued that this is not necessarily a problem.

"In cases where the victims are civilians, the right to remember them should not be denied," he said.

In recent years, there have been attempts to move away from the dominant narrative of the victorious war and to commemorate those who suffered. The Heroinat (Heroines) monument in Pristina, for example, pays tribute to Kosovo Albanian women who were subjected to wartime sexual violence.

Jashari said that more memorials to the victims are needed: "We have asked for a memorial to children killed during the war, and to women as well," he said.

Kosovo's EU-backed war crimes court 'has full US backing' (euronews) By Orlando Crowcroft
March 26, 2021

The U.S. has given its full backing to an international war crimes court in the Hague that recently indicted Kosovo's former president, Hasim Thaci, and four other ex-Kosovo Liberation Army (KLA) commanders that fought against Serbia from 1998 to 1999.

The State Department said that the Kosovo Specialist Chambers and Specialist Prosecutor's Office "have the full confidence of the U.S. government" a day after an association of former KLA fighters living in the U.S. wrote to President Joe Biden asking him to withdraw his support.

Gani Shehu - a former member of the Atlantic Battalion, diaspora Kosovo Albanians that returned to Kosovo in 1999 to fight the Serbian invasion - wrote to Biden on 24 March, calling for the KSC/SPO to be uprooted from its current home in the Hague and moved to Kosovo.

He claimed that the court, which indicted Thaci and four other senior commanders for war crimes in November 2020, is being used by European nations to undermine Kosovo's relationship with the U.S. He also reminded Biden that he once referred to Thaci as "Kosovo's George Washington" and argued that he should not be facing trial in the Hague.

Thaci was a senior commander of the KLA and president of Kosovo until he resigned in November 2020. He is accused of crimes against humanity and responsibility for at least 100 murders of Serbs, Roma and Albanians believed to be collaborators. He denies the charges.

"Today Thaci languishes in a detention cell at the Hague along with four other Albanians who risked their lives fighting against Yugoslav tyranny and the occupation of Kosovo," Shehu wrote.

"It would be impossible to fathom someone daring to indict or even detain George Washington for fighting for the freedom and independence of the U.S."

Complete, unambiguous support

Neither the White House nor the State Department would comment to Euronews on Biden's comments about Thaci and whether he maintains his views on the former president today. But it ruled out any action against the court and urged Kosovo to support it and its work.

"We continue to believe Kosovo's institutions should provide full, complete, and unambiguous support to the Specialist Chambers and the Specialist Prosecutor's Office," a State Department spokesperson told Euronews.

"This is essential to the rule of law, justice, and accountability in Kosovo, as well as the country's further integration in the Euro-Atlantic family and international community."

Despite being set up by an act of Kosovo's parliament in 2015, the KSC is unpopular in Kosovo, where the KLA is viewed as a liberating force that saved Kosovo's ethnic Albanian majority from a campaign of brutal ethnic cleansing by Milosevic's forces.

Many Kosovars resent that the court is based in the Hague, not Pristina, and employs an entirely non-Kosovar staff.

Those critics include the country's new prime minister, Albin Kurti, who told Euronews that allegations against the KLA should be handled by Kosovo's courts. He also said that the charges against Thaci, one of his biggest political rivals, were "not believable".

"The KLA did not have a plan, or a programme, against Serbs. We were fighting a liberation war against Serbia as a state," he said.

The Atlantic Association, which wrote the letter to Biden and represents 400 U.S.-based veterans of the conflict, did not respond to a request for comment.

European MPs Urge Serbia, Kosovo to Intensify War Grave Search (BIRN) By Milica Stojanovic
March 26, 2021

MEPs in the European Parliament adopted two separate reports on Thursday evening urging Serbia and Kosovo to be more efficient in investigating the remaining missing persons cases from the 1998-99 Kosovo war.

The report on Kosovo calls on the Pristina authorities to make "greater efforts in dealing with the requests of family members of missing persons" and asks for "the opening of all wartime archives".

The resolution also calls on Serbia to "investigate the remains of three bodies so far exhumed during searches in a mass grave in Kizevak village". The gravesite in Kizevak in southern Serbia was found in November 2020 and is believed to contain the remains of Kosovo Albanian war victims.

Over 1,600 people, mostly ethnic Albanians but also Serbs, remain missing from the Kosovo war.

The report on Serbia that was adopted by MEPs stresses the "importance of regional cooperation on war crimes and investigating cases of missing persons".

It also urges Serbia to make more effort in "rejecting hate speech and the glorification of war criminals, and supporting domestic prosecutors in bringing perpetrators to justice".

The report makes several mentions of hate speech and Srebrenica genocide denial in Serbia, and urges the country to tackle "falsification of the facts established by the ICTY [International Criminal Tribunal for the Former Yugoslavia]".

The European Parliament's report on Bosnia and Herzegovina has not been adopted yet, but its draft version urges the country to "expedite effective prosecution of war crimes under the revised National War Crimes Processing Strategy".

The draft report on Bosnia and Herzegovina also condemns "any kind of historical revisionism, secessionist rhetoric and related acts, denial or glorification of war crimes committed during the 1990s war".

As well as reports on Serbia and Kosovo, the European Parliament also adopted a reports on North Macedonia on Thursday. All the reports on former Yugoslav countries urge political leaders to support the creation of RECOM, a commission to establish the facts about all the war crimes and other human rights violations committed in the region.

Kosovo Police Detain Wartime Massacre Suspect (BIRN) By Xhorxhina Bami
March 31, 2021

Kosovo's Special Prosecution said in a statement on Wednesday that a suspect identified only by the initials M.A. has been detained "for the criminal offence 'war crimes against the civilian population'".

The prosecution said that the person who was arrested, an ethnic Albanian who holds Serbian citizenship, will soon appear before a pre-trial judge.

Kosovo police announced earlier that a person was arrested on Tuesday for allegedly committing war crimes during a massacre in the village of Izbica in the north-western Kosovo municipality of Skenderaj/Srbica.

On March 28, 1999, Serbian paramilitary forces killed 147 Albanian civilians in Izbica.

The surviving villagers hastily buried the bodies of their relatives and neighbours and fled Kosovo for Albania to escape the Serbian offensive, but when they returned after the war ended later that year, the bodies had disappeared.

They only found out several years later that the bodies had been reburied, mainly at a police training centre in Petrovo Selo in Serbia, as part of an attempted cover-up.

Two Kosovo Albanians Identified from Wartime Mass Grave in Serbia (BIRN) By Milica Stojanovic
April 6, 2021

The International Commission on Missing Persons told BIRN on Tuesday that experts have confirmed the identities of two people whose remains were found in a mass grave in the village of Kizevak in southern Serbia.

The ICMP said that samples of the partial remain of a third person found in the grave in Kizevak match samples of remains that were previously found in another mass grave in nearby Rudnica several years ago and identified.

It explained that of the eight postmortem samples from the Kizevak exhumation that it analysed, "two... are new identities, and one is a reassociation with a case from Rudnica which was recovered, sampled, and DNA identified in 2014".

The mass grave in an open-cast mine in Kizevak, near the Serbian town of Raska, was discovered in November. An exhumation was launched shortly afterwards but was temporarily halted at the beginning of December due to bad weather.

Belgrade Higher Court told BIRN that "the work will be continued depending on the weather conditions in the field".

The Higher Court said that the remains of at least five people have been found so far.

"Preliminary field, archaeological and anthropological information indicates so far that parts of at least five people have been observed or discovered, plus a large number of fragmented bones that cannot be reliably claimed to belong to someone in particular," the court explained.

Kosovo's Prime Minister Albin Kurti said on Monday that he had received information that the remains exhumed in Kizevak belong to ethnic Albanian war victims.

Speaking at a commemoration of the anniversary of massacres in the Kosovo villages of Kraljane/Kralan and Rezala/Rezalla, where a total of 185 ethnic Albanians were killed by Serbian forces, Kurti said that so far two new identifications have been made using DNA testing.

"The mass grave in Kizevak in Serbia is linked to the mass grave in Rudnica and we expect other people, victims from the Rezalla massacre who are on the list of missing persons, to be recovered in Kizevak," Kurti said.

Lawmakers in the European Parliament adopted a resolution on March 25 calling on Serbia to "investigate the remains of three bodies so far exhumed during searches in a mass grave in Kizevak village".

The mass grave found in Kizevak is the fifth such location to be discovered in Serbia since the end of Kosovo war 22 years ago. It is not far away from the Rudnica mine, where a mass grave was found in 2013 containing the remains of 52 people, all Kosovo Albanians.

In 2014, the International Criminal Tribunal for the Former Yugoslavia in The Hague sentenced former senior Serbian police official Vlastimir Djordjevic to 18 years in prison in part for his role in concealing the bodies of ethnic Albanians killed in Kosovo.

Over 900 bodies have been found in mass graves in Serbia, but no Serbian court has ever convicted anyone of involvement in

the cover-up.

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

Azerbaijan

Armenia-planted mines serious threat to civilian lives, obstacle to Karabakh progress (Azernews)

By Vafa Ismayilova

April 5, 2021

Presidential aide Hikmat Hajiyev has said that mines implanted by Armenia on Azerbaijan's liberated territories is a serious threat to civilians' health and safety and an obstacle to the region's socio-economic development.

"In 2005, UNGA declared 4 April as International Day for Mine Awareness and Assistance in Mine Action. Implanted mines by Armenia constitute a serious threat to the safety, health and lives of the civilian population, or an impediment to social and economic development in liberated lands," Hajiyev said on his official Twitter account on April 4.

Armenia's ongoing ethnic cleansing policy

He said that Armenia's refusal to provide minefield maps disturbs peace and trust in the region. Hajiyev stressed that according to international humanitarian law, Armenia grossly violates the Azerbaijani civilians' rights, Trend reported.

"Besides, Armenia, in violation of international laws, refuses to provide Azerbaijan with maps of minefields. Mines are killing the Azerbaijani population. The planted mines also delay the process of restoring the liberated territories," he added.

Hajiyev said that the environment is polluted by harmful substances contained in the mines and unexploded ordnance.

He described Yerevan's refusal to provide mine maps to Baku as part of Armenia's ongoing ethnic cleansing policy.

"This is an example of Armenia's war crimes, contradicting its international obligations. The Armenian side doesn't provide Azerbaijan with maps of minefields. The rights of the peaceful Azerbaijani population are grossly violated. This is also a continuation of the policy of ethnic cleansing and genocide against the Azerbaijani population," added Hajiyev.

Mine blast casualties rising

Meanwhile, the Azerbaijani Foreign Ministry voiced a similar stance, expressing its serious concern over the issue.

"Today marks the annual International Day for Mine Awareness and Assistance in Mine Actions. On this occasion, Azerbaijan repeats its grave concerns around the serious threat emanating from the massive mine contamination of its recently liberated territories by Armenia and the subsequent refusal of the government of Armenia to share the location of these mines in order to make the region safe," the ministry said. It stressed that Azerbaijan is faced with major mine contamination of its recently liberated territories, which represents a serious threat to the life, safety, and livelihoods of both military and civilians in the post-conflict period.

The ministry underlined that during almost three decades of occupation of Azerbaijan's internationally recognized territories, Armenia deliberately laid mines in these territories, as a result of which there had been numerous casualties among the Azerbaijani military and civilians.

"Since the signing of the Trilateral Statement by the leaders of Azerbaijan, Armenia, and Russia on November 10, 2020, which announced an end to all military activities between Armenia and Azerbaijan, 20 citizens of Azerbaijan, including 14 civilians have been killed as a result of mine explosions in the recently liberated territories. 85 citizens, including 16 civilians have been seriously injured, including the brave employees of the Azerbaijan National Agency for Mine Action (ANAMA) attempting to protect others," the ministry added.

Blatant violation of international obligations

The statement noted that with a view to inflicting as much damage as possible, as well as creating additional obstacles for civilians returning to their homes, Armenia also deliberately planted mines on a massive scale during its forced withdrawal following the counter-offensive operation of the Armed Forces of Azerbaijan.

"Armenia, in a blatant violation of its international obligations, now refuses to release information on the location of minefields. This is a severe breach of international humanitarian law," the ministry said.

The ministry said that the massive mine contamination of the liberated territories also seriously impedes the realization of the Azerbaijani government's rehabilitation and reconstruction plans.

"Most importantly, it affects the realization of the inalienable right of the hundreds of thousands of internally displaced persons to return to their homes in safety and dignity. Families forced from their homes for nearly thirty years still cannot safely return until these mines are cleared," the statement added.

High time for international reaction

The ministry stated that "Armenia's deliberate policy of planting mines at scale during the period of illegal occupation, and during its forced withdrawal from those lands, clearly demonstrates the intention to deny access of the hundreds of thousands of Azerbaijanis ethnically cleansed by Armenia to their homelands, to hamper the realization of fundamental rights of these people, and inflict as much unnecessary human suffering as possible. Armenia's conduct continues to impede the realization of the vision of peace, security, and cooperation in the region".

The ministry said that Azerbaijan had repeatedly called for the international community to voice their concern at the human cost of Armenia's landmines.

"Azerbaijan reiterates its appeal on Mine Awareness Day and calls on the international community not to turn a blind eye to Armenia's violations of its international obligations, including its deliberate policy of planting mines, impeding the return of internally displaced persons to their homelands, and refusing to release information on the location of landmines. We urge Armenia to uphold its international legal obligations and its moral duty to protect life. Azerbaijan will take all available and necessary legal measures to ensure peace and uphold accountability," the ministry said.

Some experts believe that Armenia has spent \$350 million to mine lands in and around Azerbaijan's Nagorno-Karabakh region that were liberated from occupation in the 44-day war.

Azerbaijani President Ilham Aliyev on February 26 described Armenia's failure to provide the maps of mined areas in liberated lands as the main difficulty for Azerbaijani IPDs to return to their homes. He said that this can also be considered to be a war crime as several servicemen and civilians were killed in mine blasts on liberated territories after the war.

UN-Azerbaijani mine clearance cooperation

Meanwhile, UNDP Deputy Resident Representative Charu Bist has described mines as a source of threat.

"Joint cooperation is necessary to eliminate the mine threat," said Bist in a statement on the occasion of the International Day for Mine Awareness and Assistance in Mine Action.

He said that the UN has been cooperating with Azerbaijan on mine clearance for a long time. Bist expressed hope for the continuation of cooperation on mine clearance between UN structures and other organizations.

"We cooperate with the Mine Action Agency of the Republic of Azerbaijan and will continue to provide support to this country in the areas of technical expertise, equipment and so on," Bist said.

Former Turkish ambassador Erkan Ozoral said that Turkey supports Azerbaijan in de-mining its lands liberated from the Armenian occupation.

"Armenia's refusal to provide Azerbaijan with maps of minefields contradicts international law. Turkey demands the soonest provision of minefield maps to Azerbaijan and at the same time supports it in the issue of mine clearance. Turkish sappers are participating in mine clearance [operations] in the liberated Azerbaijani lands," the former ambassador said.

A Moscow-brokered ceasefire deal that Baku and Yerevan signed on November 10 brought an end to six weeks of fighting between Armenia and Azerbaijan. The Azerbaijani army declared a victory against the Armenian troops. The signed agreement obliged Armenia to withdraw its troops from the Azerbaijani lands that it has occupied since the early 1990s.

OIC Contact Group reps visit Armenian war crime scenes in Aghdam (Azernews) By Vafa Ismayilova
April 6, 2021

The permanent representatives of the Organization of Islamic Cooperation (OIC) Contact Group on Armenia's aggression against Azerbaijan, have arrived in Azerbaijan's Aghdam region, the Azerbaijani Foreign Ministry has reported.

The delegation's visit to Aghdam region liberated from Armenia's occupation is aimed at witnessing the consequences of the war crimes committed by Armenia. The delegation is to visit Ganja as well.

The OIC contact group representatives are scheduled to meet officials at different state structures as part of the visit.

Following the Soviet Union's dissolution in 1991, Armenia waged a total war against Azerbaijan through armed attacks on the Nagorno-Karabakh region. The war lasted until a ceasefire in 1994. Some 30,000 Azerbaijanis are reported to be killed in the first Karabakh war. Armenia's forces displaced one million throughout the hostilities, while forcibly occupied 20 percent of Azerbaijan's internationally recognized territories – the Nagorno-Karabakh region and seven surrounding districts.

For nearly three decades, Armenia failed to implement the UN Security Council resolutions (822, 853, 874 and 884) demanding the immediate and unconditional withdrawal of its troops, which was the main obstacle to the resolution of the conflict.

The clashes between Armenia and Azerbaijan resumed after Armenia launched large-scale attacks on Azerbaijani forces and civilians on September 27.

The trilateral peace deal signed by the Azerbaijani, Russian and Armenian leaders on November 10, 2020, ended the 30-year-old conflict between Baku and Yerevan over Azerbaijan's Nagorno-Karabakh region that along with the seven adjacent regions came under the occupation of Armenian armed forces in the war in the 1990s.

On January 11, 2021, the Azerbaijani, Russian and Armenian leaders signed the second statement since the end of the 44-day war. The newly-signed statement is set to implement clause 9 of the November 2020 statement related to the unblocking of all economic and transport communications in the region.

Armenian Leader Asks Putin For Help With POWs Held By Azerbaijan (Radio Free Europe Radio Liberty) By Aza Babayan
April 7, 2021

Armenia's prime minister has asked Russian President Vladimir Putin for help in releasing dozens of prisoners of war captured by Azerbaijan during last year's brief war over Nagorno-Karabakh.

Speaking on April 7 during a trip to Moscow, Nikol Pashinian also said Armenia was interested in acquiring more Russian-made Sputnik-V vaccines.

Last fall's war between Armenia and Azerbaijan was waged over Nagorno-Karabakh, a mountainous enclave that is internationally recognized as part of Azerbaijan but has been controlled by ethnic Armenians since the early 1990s.

The six-week war concluded with a Russian-brokered cease-fire, under which a chunk of Nagorno-Karabakh and all seven districts around it were placed under Azerbaijani administration after almost 30 years of control by ethnic Armenian forces.

The agreement also led to the deployment of around 2,000 Russian peacekeepers along frontline areas and a land corridor connecting the disputed territory with Armenia.

More than 6,000 people died in the fighting.

The final status of Nagorno-Karabakh remains unresolved.

There are no official figures of how many Armenian POWs are being held by Azerbaijan, but the RBC news agency said there were about 140 Armenians still being held in Azerbaijan. It's unclear how many Azerbaijani POWs there are.

"I would like to note that in this context there is a very important issue that has not yet been settled," Pashinian told Putin. "This is a question of prisoners of war, hostages and other detainees."

"As we have repeatedly discussed...all hostages, prisoners of war, and other detainees should be returned to their homeland, but, unfortunately, we still have detainees in Azerbaijan," the Armenian prime minister added.

In his meeting with Putin, Pashinian said the first shipment of 15,000 doses of the Sputnik V vaccine was expected to arrive in Armenia on April 6, but the country needs more than 1 million doses in all.

"The first shipment was, so to speak, a symbolic shipment. We hope to acquire a large amount of the Russian vaccine, because it has proven its efficacy," he said.

Pashinian's trip to Moscow came as Armenia prepares for early parliamentary elections in June, triggered by opposition demands the prime minister step down over his handling of the war with Azerbaijan.

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

MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

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

Syria

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

Yemen

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

Special Tribunal for Lebanon

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

US offers \$10 mln for Hezbollah fugitive over Hariri killing (France 24)
March 29, 2021

The United States on Monday offered \$10 million to find a fugitive Hezbollah suspect who was convicted over the assassination of Lebanon's former prime minister Rafic Hariri.

The State Department said it would offer the reward for "information leading to the location or identification" of Salim Ayyash or "information leading to preventing him from engaging in an act of international terrorism against a US person or US property."

The Special Tribunal for Lebanon, set up by the United Nations in The Netherlands, in December convicted Ayyash in absentia to life in prison over the killing of Hariri in 2005.

Ayyash, 57, is believed to be in hiding in Lebanon where Hezbollah's chief Hassan Nasrallah has refused to hand him over.

The tribunal has since said it will also try Ayyash over three other attacks on Lebanese politicians in the mid-2000s.

The State Department said that Ayyash has also plotted to harm US military personnel.

Hariri, a Sunni Muslim, was allegedly killed because he opposed Lebanon's control by Syria, which is allied with Hezbollah, a Shiite Muslim movement backed by Iran.

The assassination sparked the Cedar Revolution which forced out Syrian troops.

The United States considers Hezbollah a terrorist group but the movement wields political power in Lebanon, holding seats in parliament.

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

Israel and Palestine

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

Gulf Region

Qatar deplores violence against civilians in Syria (Gulf Times)

March 31, 2021

Qatar reiterated its firm position condemning violence against civilians and flagrant violations of international humanitarian law and international human rights law in Syria, which were confronted with oppression and excessive violence, coinciding with the 10th anniversary of the launch of the peaceful protests of the Syrian people.

This came in a statement made by HE the Permanent Representative of Qatar to the United Nations in New York Ambassador Sheikha Alya Ahmed bin Saif al-Thani, before the UN General Assembly in its informal session, in which she briefed UN Secretary-General Antonio Guterres on the General Assembly decisions 193/75 on the situation in Syria, about the resolution on the human rights situation in Syria.

HE Sheikha Alya said that these violations have caused the worst humanitarian crisis witnessed, and led to the escalation of terrorism, and to dire consequences for peace and security in the region and the world, adding that it is especially unfortunate that among those who have most bore the brunt of the crisis are children, of whom millions have only known the scourge of wars.

She added that in view of this catastrophic situation, Qatar has been committed to its humanitarian responsibility and has been at the forefront of countries that contributed to providing humanitarian aid to the Syrian people, which exceeded \$2bn. She noted the legal and moral responsibility of Qatar towards ensuring justice and accountability for war crimes, crimes

against humanity and addressing impunity, as one of the factors contributing to the sustainability of peace and preventing the recurrence of crimes.

HE Sheikha Alya explained that the atrocities committed in Syria are the most documented, and they also include the worst use of banned chemical weapons against civilians, in blatant violation of international law, in this context. She referred to the effective role played by Qatar, along with the Principality of Liechtenstein, in establishing the international, impartial and independent mechanism under General Assembly Resolution 71/248, calling for continued support for the mechanism that has proven effective in addressing impunity.

The ambassador went on saying that after 10 years of the crisis, it has become clear to everyone that military solutions have not and will not succeed, and will only lead to more suffering and regional instability, stressing that a sustainable solution requires a political process that fulfills the legitimate aspirations of the Syrian people and maintains unity in Syria and its sovereignty and independence.

HE Sheikha Alya reiterated Qatar's support for the efforts of the Special Envoy of the Secretary-General to reach a solution through a meaningful political process that leads to a political transition in accordance with the Geneva Declaration and the full implementation of Security Council Resolution 2254.

She stressed the need to support the Constitutional Committee to achieve its purpose, stressing the need for measures to build confidence and protect human rights, especially addressing the issue of detainees urgently. She also called for ensuring that humanitarian aid reaches all those in need, and that it is delivered without hindrance.

Furthermore, she pointed out that these and other important elements were emphasised in the joint ministerial statement of Qatar, Turkey and Russia issued on March 11, 2021 in Doha. At the conclusion of her statement, HE Sheikha Alya reiterated Qatar's continued co-operation with international partners, and sincerely and earnestly seek possible ways to contribute constructively to ending the Syrian crisis.

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

ASIA

Afghanistan

The Pentagon is investigating whether special operators have committed war crimes, and if their commanders have even been checking (Insider) By Stavros Atlamazoglou

March 26, 2021

The Pentagon's Inspector General is investigating US Central Command's (CENTCOM) and US Special Operations Command's (SOCOM) handling of potential war-crimes cases within their operational jurisdiction or by their units.

CENTCOM is one of the more important unified combatant commands in the US military, as it is responsible for the Middle East and parts of Africa. SOCOM is responsible for developing, equipping, and employing most US special-operations units.

According to the Inspector General, the objective of the investigation is two-fold: First, to evaluate and determine the extent to which CENTCOM and SOCOM developed programs compliant with the Defense Department's Law of War requirements and aimed at preventing or reducing potential war crimes, and second, to determine whether CENTCOM and SOCOM properly investigated allegations of potential war crimes.

In addition to CENTCOM and SOCOM, Inspector General will be investigating US Forces-Afghanistan, Combined Joint Task Force-Operation Inherent Resolve — which is name for the US-led coalition against ISIS — and Joint Special Operations Command (JSOC).

The investigation comes after an ethics review within US special-operations units and a major scandal in the Australian special-operations community, where an extensive investigation revealed several cases of war crimes by the Special Air Service Regiment — a unit equivalent to Delta Force and SEAL Team 6 — and the Commando Regiments.

War fatigue or war crimes?

When it comes to the investigation, the view from below is mixed.

"I believe the military is getting political pressures from the top, forcing them to do something. War is a nasty place, and accidents do happen," John Black, a retired Green Beret, told Insider.

"However, the purposeful act of committing war crimes cannot be tolerated. Having been in [Army Special Forces] for more than 15 years ... I can say objectively that Army Special Forces are the most professional soldiers in the world and would never purposefully commit a crime," Black added.

Steve Balestrieri, a retired Special Forces warrant officer, also questioned the timing of the announcement.

"Was it because of the revelation of the Australian case?" Balestrieri told Insider. If so, "the powers that be may just want to be sure that US forces acted accordingly."

Accusations of alleged war crimes in the US special-operations community have been around for a while.

Matthew Golsteyn was accused of the illegal killing of a suspected Taliban bomb maker in Afghanistan in 2010, when Golsteyn was an Army Special Forces member. Golsteyn was one of several service members who were pardoned or granted clemency by President Donald Trump.

Perhaps the most well-known of those cases is that of Chief Eddie Gallagher, a Navy SEAL acquitted in 2019 of war-crimes charges in relation to the killing of a teenage ISIS fighter. Trump later restored Gallagher's rank.

In 2017, the Intercept published a scathing report on the Naval Special Warfare Development Group, as SEAL Team 6 is officially known, detailing instances of alleged war crimes and a culture of impunity. No one from that command was ever officially prosecuted for war crimes.

Insider understands that several Australian SAS operators involved in war crimes had participated in exchange programs or training with SEAL Team 6. That isn't proof of any illegal behavior by American commandos, but it shows the close relationship of those units at the highest level — one which often involves the sharing of ideas, tactics, and experiences.

Insider has learned that following several scandals over illegal actions or misconduct in the SEAL Teams, Naval Special Warfare command started an ethics program that all junior officers must go through.

"The investigation doesn't mean an admission of guilt. SOCOM should welcome civilian oversight, as they could therefore never be accused of running amok, like the SAS in Australia has to deal with. But like anything else, it shouldn't come with any effect on operations," Balestrieri said.

To investigate or not to investigate?

The military has a poor record of investigating itself, and both SOCOM and CENTCOM have a history of questionable procedures.

"Senior leaders rush to judgment and don't ensure that investigators are first 'qualified' to conduct the investigation," Retired Marine Corps Maj. Fred Galvin told Insider.

Nor do those leaders ensure that the "investigator and investigation are completely fair and impartial [and] that the investigator does not have any contact with the command other than receiving clear initial guidance on what to investigate in order to prevent command influence," Galvin added.

In 2007, Galvin commanded MARSOC Fox Company, a Marine special-operations unit, that was falsely accused of killing civilians in Afghanistan.

Seven Marine Raiders with the unit were ostracized for years despite all available evidence indicating they acted within the laws of war.

Currently, troops deploying under SOCOM and CENTCOM feel like they face competing pressures, as they are supposed to

conduct combat operations but suspect locals may want to use the US military justice against US troops.

"Anything questionable will result in at best a career-ending investigation or being incarcerated. Both have led to strategic victories for the enemy," Galvin added.

Members of the special-operations community are wary of the Pentagon investigation.

"I can't speak for any active-duty troops, but nobody likes outsiders poking into their business, because they're outsiders with no clue on what the job entails," Balestrieri said. "There will always be some who feel that there is a witch-hunt afoot, and we've seen those occur."

But the investigation, regardless of the outcome, seems unlikely to have a serious impact the commandos or their operations.

"There is an inherent risk when sending operators into harm's way. We as Americans must ensure that we have our soldiers' backs no matter what ... Operators aren't worried about investigations as a whole. No operator will be reluctant to pull the trigger. Hours and hours of drills and rehearsals make missions seamless," Black said.

Report: Biden to Reverse Trump Era Sanctions Against ICC Prosecutor Bensouda (Jewish Press) By David Israel
April 1, 2021

The Biden administration will revoke as early as this week President Trump's sanctions against the International Criminal Court's chief prosecutor Fatou Bensouda, Foreign Policy reported on Wednesday (Exclusive: Biden Plans to Repeal Trump-Era Sanctions on ICC). This will remove another source of friction between the US and its European allies, according to FP, which cites two sources familiar with the move.

According to FP, the Biden administration has been under enormous pressure since its January inauguration from human rights groups and European governments, which culminated in an open letter that was sent to the White House in February by more than 80 groups, calling the Trump sanctions a "betrayal of the US legacy in establishing institutions of international justice."

Last September, Secretary of State Mike Pompeo announced the United States was imposing sanctions on Bensouda and one of her top aides. He accused the court of "illegitimate attempts to subject Americans to its jurisdiction." He argued that since neither the United States nor Israel is a member of the International Criminal Court, they should not be subject to its actions.

In Executive Order 13928, issued on June 11, 2020, several months after the court's judges authorized an investigation into alleged war crimes by US service members and intelligence officers, President Trump determined that "any attempt by the ICC to investigate, arrest, detain, or prosecute any United States personnel without the consent of the United States, or of personnel of countries that are United States allies and who are not parties to the Rome Statute or have not otherwise consented to ICC jurisdiction, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby declare a national emergency to deal with that threat."

The executive order followed an April 2019 decision to revoke a US travel visa for Fatou Bensouda, a Gambian lawyer who serves as the ICC chief prosecutor. The State Department later restricted issuing visas to any ICC staff involved in "efforts to investigate US personnel."

According to Pompeo in September, he was taking "the next step because the ICC continues to target Americans, sadly." The sanctions were a response to an ICC investigation of alleged war crimes by US soldiers in Afghanistan.

The sanctions include a freeze on assets held in the US, or subject to US law, belonging to Bensouda and Phakiso Mochochoko, the head of the ICC's Jurisdiction, Complementarity and Cooperation Division. Pompeo also warned that "individuals and entities that continue to materially support those individuals risk exposure to sanctions as well."

The Biden administration has to respond by April 5 to an October lawsuit by the Open Society's Justice Initiative and four law professors who claim that the Trump executive order violates the constitution, especially freedom of speech. FP quotes James Goldston, a former ICC trial attorney who serves as executive director of the Open Societies Justice Initiative, who said, "The Trump executive order, an assault on the premier institution of international justice, is at odds with the Biden administration's professed aim of reasserting America's support for human rights in the world. It's past time for the order to be rescinded."

Despite the reported decision to remove the Trump sanctions, the Biden administration, like the Bush and Obama

administrations, do not recognize the ICC's jurisdiction over the US and Israel. Secretary of State Antony Blinken criticized the ICC's decision to open an investigation into Israel's alleged crimes in "Palestinian" areas. Blinken said, "The United States firmly opposes and is deeply disappointed by this decision. The ICC has no jurisdiction over this matter. Israel is not a party to the ICC and has not consented to the court's jurisdiction, and we have serious concerns about the ICC's attempts to exercise its jurisdiction over Israeli personnel."

And what about the ICC's investigation of American "war crimes?" In March 2020, the International Criminal Court ruled that its chief prosecutor could open an investigation into allegations of war crimes in Afghanistan including those that may have been committed by Americans.

It would be the first time the ICC designates US forces as defendants in a war-crimes prosecution, as part of its mission to seek justice for victims of war crimes, crimes against humanity, and genocide. Secretary Pompeo told reporters in Washington that the rulings were a "truly breathtaking action by an unaccountable, political institution masquerading as a legal body."

Prosecutor Bensouda said the court had enough information to prove that US forces had "committed acts of torture, cruel treatment, outrages upon personal dignity, rape and sexual violence" in Afghanistan in 2003 and 2004, and later in CIA black jails in Poland, Romania, and Lithuania. She said the investigation would also include allegations that the Afghan government forces tortured prisoners, including Taliban and anti-government groups.

Incidentally, even if the US is not a party to the Rome treaty that created the ICC, American citizens are under the court's jurisdiction in countries that have joined the treaty, which includes Afghanistan, Lithuania, Poland, and Romania.

In the words of Oliver Hardy to Stan Laurel: "Well, here's another nice mess you've gotten me into."

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

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

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

Bangladesh International Crimes Tribunal

1971 War Crimes: Trials of organisations ever elusive (The Daily Star) By Ashutosh Sarkar

March 31, 2021

The Awami League government has partially fulfilled its electoral pledge to hold trials over 1971 war crimes by bringing individuals to book but it is yet to make any considerable progress in trying organisations.

Since the last amendment to the International Crimes (Tribunals) Act-1973 in February 2013, which has provisions for trials of only individuals, the government has been saying necessary amendments would be made to facilitate the trial of anti-liberation organisations.

The law ministry prepared a draft to amend the law in 2014 but over the last seven years no visible steps have been taken to

pass the amendment, leaving unfulfilled the demand for trial of the organisations which acted as collaborators of the Pakistani occupation forces to commit one of the deadliest genocides of the last century.

Law Minister Anisul Huq on many occasions said the government was working to amend the law but his words are yet to be translated into deeds.

Contacted on March 23, Anisul Huq told The Daily Star that the government would take necessary steps to try the organisations involved in crimes against humanity and war crimes during the Liberation War, in line with its electoral pledge.

"We are committed to try any organisation that had committed crimes against humanity and war crimes. A proposal for amendment to the International Crimes (Tribunal) Act, 1973 for trying the organisations is awaiting the cabinet's approval," the minister said.

He said they would take necessary measures to this effect after the ongoing Covid-19 pandemic was over.

But the long delay is utterly disappointing for justice-seekers and war crimes victims and their families who have long been demanding trial of anti-liberation organisations, including Jamaat-e-Islami.

Delivering its verdict in the case against former Jamaat ameer Ghulam Azam on July 15, 2013, the International Crimes Tribunal-1 observed, "...Jamaat-e-Islami, as a political party under the leadership of accused Prof Ghulam Azam, intentionally functioned as a criminal organisation, especially during the War of Liberation of Bangladesh in 1971."

Established by highly controversial Abul Ala Moududi in 1941, the Jamaat had been banned twice before the independence of Bangladesh, in 1959 and 1964, for creating communal violence.

In independent Bangladesh, the party was banned immediately after liberation but was later allowed by the Ziaur Rahman regime to do politics.

Eminent writer and war crimes researcher Shahriar Kabir said it was frustrating that the government was not taking initiative for trying the anti-liberation organisations.

"Only the individual war criminals have been tried so far after the international crimes tribunals were established. But no initiative was taken yet to try the organisations, including the then Pakistan army high command, Jamaat-e-Islami, Razakar, Al Badr, Al Shams who were directly involved in the crimes against humanity and war crimes in 1971, which is not acceptable to the war crimes victims," he told The Daily Star recently.

Shahriar Kabir also said the law minister has been saying since 2014 that the government would amend the International Crimes Tribunal Act to try the organisations but no initiative was taken yet.

He, however, argued that such organisations can be tried under the existing law.

War crimes investigators in 2014 recommended banning Jamaat and six other organisations for their involvement in grievous crimes committed during the Liberation War.

The six organisations were Islami Chhatra Sangha (ICS), Jamaat's then student wing now called Islami Chhatra Shibir, Shanti Committee, Razakar Bahini, Al Badr Bahini, Al Shams Bahini, and Jamaat's mouthpiece Daily Sangram.

The demand for the trial of Jamaat as an organisation got momentum after youths occupied the Shahbagh intersection in the capital in February 2013 calling for the highest punishment to be handed down to war criminals and a ban on Jamaat and Shibir.

Following the protests, the government amended the International Crimes (Tribunals) Act, 1973, allowing the state to appeal against inadequate sentencing.

Some legal experts at that time said the Act had no provision for handing down punishment to any organisation and that the law should be amended again before the trial starts.

So far, a total of 100 persons have been tried for 1971 crimes at two separate special tribunals with six of them executed in the last 11 years.

Besides, appeal hearings of a total 22 war-crimes related cases have been pending with the Appellate Division for around 28 months. There is no possibility of quick hearing and disposal of the appeals due to the ongoing Covid-19 pandemic.

The Awami League-led government formed the first International Crimes Tribunal (ICT-1) on March 25, 2010 in line with the

party's electoral pledge to try people who committed crimes against humanity and war crimes in 1971.

The second tribunal (ICT-2) was formed on March 22, 2012, to expedite the trials. But the government kept one of the two tribunals almost dormant since September 15, 2015 following the drop of number of pending cases at the tribunals.

The ICT-1 has delivered a total of 31 judgments on war crimes related cases since February 28, 2013 to February 11 this year, while the ICT-2 has delivered 11 verdicts on such cases since January 21, 2013 to July 16, 2015, according to the information available on their websites.

According to a study of the Law Lab, a law chamber that conducts research on different legal issues, a total of 100 persons -- including 52 absconding convicted accused -- were tried so far at the two tribunals.

Of them, 67 were sentenced to death, 26 to life imprisonment, five got 20 years in jail, one (Ghulam Azam) was sentenced to 90 years' imprisonment, and one was acquitted.

A total of 34 appeals have been filed with the apex court challenging the war crimes tribunals' verdict, nine appeals were heard and settled and three appeals filed by accused -- Ghulam Azam, Mawlana Abdus Sobhan, and Abdul Alim -- were declared abated following their deaths, advocate Mohammad Shishir Manir, head of the Law Lab, told The Daily Star.

International Crimes Tribunal Registrar Sayeed Ahmed could not be reached for information and his comments on this issue despite repeated attempts over the phone.

Supreme Court spokesperson Mohammad Saifur Rahman said his office has no specific information about the pending appeals filed against the ICT verdicts.

The last war-crime related appeal hearing took place at the Appellate Division of the Supreme Court on December 3, 2019. Convicted war criminal Syed Mohammad Qaisar filed it, challenging the death penalty handed to him by a war-crimes tribunal in 2014.

However, law minister Anisul Haq said the progress so far has been satisfying.

"Prime Minister Sheikh Hasina led government was pledge-bound to bring the people, who had committed crimes against humanity and war crimes during the Liberation War, to trial. We are satisfied that the prime minister's commitment has been fulfilled as several war criminals have been convicted and sentenced to death and life imprisonment. Some of them were executed," he said.

Attorney General AM Amin Uddin told this newspaper that the government has formed the tribunals in order to fulfil the people's desire and expectations for trying the war criminals.

The tribunals have delivered several verdicts and many of the verdicts have already been executed after the apex court have disposed of the appeals and some appeals are pending with this court.

"I feel the government has fulfilled the people's expectations," he said.

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

War Crimes Investigation in Myanmar

UN envoy: Myanmar faces possibility of major civil war (StarTribune) By Edith M. Lederer
March 31, 2021

The U.N. special envoy for Myanmar warned Wednesday that the country faces the possibility of civil war "at an unprecedented scale" and urged the U.N. Security Council to consider "potentially significant action" to reverse the Feb. 1 military coup and restore democracy.

Christine Schraner Burgener didn't specify what action she considered significant, but she painted a dire picture of the military crackdown and told the council in a closed briefing that Myanmar "is on the verge of spiraling into a failed state."

"This could happen under our watch," she said in a virtual presentation obtained by The Associated Press, "and failure to prevent further escalation of atrocities will cost the world so much more in the longer term than investing now in prevention, especially by Myanmar's neighbors and the wider region."

Schraner Burgener urged the council "to consider all available tools to take collective action" and do what the people of Myanmar deserve — "prevent a multidimensional catastrophe in the heart of Asia."

A proposed press statement from the council was not issued after the meeting because China, a close neighbor of Myanmar, asked for additional time to consider its contents, likely until Thursday, several council diplomats said, speaking on condition of anonymity because the meeting was closed.

Chinese Ambassador Zhang Jun warned the council in remarks distributed by China's U.N. Mission that "one-sided pressure and calling for sanctions or other coercive measures will only aggravate tension and confrontation and further complicate the situation, which is by no means constructive."

He urged all parties to find a solution through dialogue that de-escalates the situation and continues "to advance the democratic transition in Myanmar," warning that if the country slides "into protracted turbulence, it will be a disaster for Myanmar and the region as a whole." The coup reversed years of slow progress toward democracy in Myanmar, which for five decades had languished under strict military rule that led to international isolation and sanctions. As the generals loosened their grip, culminating in Aung San Suu Kyi's rise to leadership in 2015 elections, the international community responded by lifting most sanctions and pouring investment into the country.

In the virtual meeting, Schraner Burgener denounced the killing and arrest of unarmed protesters seeking to restore democracy. She cited figures from Myanmar's Assistance Association for Political Prisoners that as of Wednesday, some 2,729 people have been arrested, charged or sentenced since the coup and an estimated 536 have been killed.

The Security Council adopted a presidential statement -- one step below a resolution -- on March 10 calling for a reversal of the coup, strongly condemning the violence against peaceful protesters and calling for "utmost restraint" by the military. It stressed the need to uphold "democratic institutions and processes" and called for the immediate release of detained government leaders including Suu Kyi and President Win Myint.

The statement is weaker than the initial draft circulated by the United Kingdom, which would have condemned the coup and threatened "possible measures under the U.N. Charter" -- U.N. language for sanctions -- "should the situation deteriorate further."

Stressing the urgency of action, Schraner Burgener told council members she fears that serious international crimes and violations of international law by the military "will become bloodier as the commander-in-chief seems determined to solidify his unlawful grip on power by force." "Mediation requires dialogue, but Myanmar's military has shut its doors to most of the world," she said at the virtual meeting. "It appears the military would only engage when it feels they are able to contain the situation through repression and terror."

"If we wait only for when they are ready to talk," Schraner Burgener warned that "a bloodbath is imminent."

The U.N. envoy called on those with access to the military, known as the Tatmadaw, to let them know the damage to Myanmar's reputation and the threat it poses not only to its citizens but to the security of neighboring countries.

"A robust international response requires a unified regional position, especially with neighboring countries leveraging their influence towards stability in Myanmar," Schraner Burgener said, adding that she plans to visit the region, hopefully next week.

Schraner Burgener said intensification of fighting in Kayin State has sent thousands fleeing to neighboring Thailand and Conflict in Kachin State with the Kachin Independence Army near the Chinese border intensified "to its highest point this year."

Armed ethnic groups on Myanmar's eastern and western borders are also increasingly speaking out against "the brutality of the military," she said.

The opposition of ethnic armed groups to "the military's cruelty ... (is) increasing the possibility of civil war at an unprecedented scale," Schraner Burgener warned.

"Already vulnerable groups requiring humanitarian assistance including ethnic minorities and the Rohingya people will suffer most," she said, "but inevitably, the whole country is on the verge of spiraling into a failed state."

Democratically elected representatives to Myanmar's National Assembly who formed a committee known by its initials CRPH sent a letter to Guterres and to Britain's U.N. ambassador Wednesday urging the Security Council to impose "robust, targeted sanctions that freeze the assets of not only military leaders but also military enterprises and the junta's major sources of revenue, such as the oil and gas sector."

CRPH also urged the council to impose an arms embargo against the military, facilitate humanitarian assistance including cross-border aid, refer the situation in Myanmar to the International Criminal Court "to investigate and prosecute atrocity crimes committed by the military, including genocide, war crimes and crimes against humanity," and consider whether there is a need to protect Myanmar's people from such crimes.

British Ambassador Barbara Woodward, who called for the council meeting, said afterward that "we will continue to discuss next steps with other council members" to prevent the military "from perpetuating this crisis."

"We want to consider all measures that are at our disposal," she said, which include sanctions.

U.S. Ambassador Linda Thomas-Greenfield told reporters before the council meeting that if the military don't go back to their barracks and continue to attack civilians "we can't just step back and allow this to happen."

"Then, we have to look at how we might do more," she said.

Russia's deputy U.N. ambassador, Dmitry Polyansky, told reporters Tuesday that all council members want the violence to stop and a restoration of dialogue and national unity. But he accused some countries and media outlets of "inciting the protesters to continue their protests," which amounts to interfering in Myanmar's internal affairs.

"Russia is not a big fan of sanctions" and "punitive measures," Polyansky said, "We shouldn't overstep this very thin line between trying to help and interfering into the internal affairs of sovereignty."

Death toll in Myanmar junta's crackdown on protests edges up to 550 (Arab News)

April 3, 2021

Myanmar security forces have killed 550 people, including two on Friday, as the junta continued its violent attacks on protests sparked by the military overthrew an elected government led by Aung San Suu Kyi on Feb. 1, the Assistance Association for Political Prisoners (AAPP) activist group said on Saturday.

Forty-six of the dead victims were children, the group said.

Despite the repression, opponents of the coup march every day in cities and towns across the country, often holding what they call "guerrilla rallies," small, quick shows of defiance before security forces can respond.

People also gather at night for candle-lit vigils but the huge rallies that drew tens of thousands in the early days of defiance have largely stopped in big cities.

The authorities, who had already shut down mobile data in a bid to stifle opposition, ordered Internet providers from Friday to cut wireless broadband, depriving most customers of access.

Authorities also issued warrants for 18 show business celebrities including social media influencers and two journalists under a law against material intended to cause a member of the armed forces to mutiny or disregard their duty, state media reported late on Friday.

All of them are known to oppose military rule and one, actress Paing Phyoe Thu, said she would not be cowed.

"Whether a warrant has been issued or not, as long as I'm alive I'll oppose the military dictatorship who are bullying and killing people. The revolution must prevail," she said on Facebook.

Paing Phyoe Thu regularly attended rallies in the main city of Yangon in the weeks after the coup. Her husband, film director, Na Gyi, has been wanted by the authorities under the same law since February.

Her whereabouts were not immediately known and it was not clear how she was able to post her message. Social media users in Myanmar did not appear to be connected early on Saturday.

The charge can carry a prison term of three years.

State broadcaster MRTV announced the warrants with screenshots and links to each of their Facebook profiles.

While the military has banned social media platforms like Facebook, the junta has continued to use social media to track critics and promote its message.

MRTV maintains a YouTube channel and shares links to its broadcasts on Twitter, both of which are officially banned.

‘Inhuman actions’

The United States condemned the Internet shutdown.

“We hope this won’t silence the voices of the people,” a State Department spokeswoman, Jalina Porter, told a briefing

Porter said the shutdown would also have consequences for people who use the Internet to benefit from online health programs.

The security forces have arrested numerous suspected opponents of the coup.

Myanmar Now new portal reported on Friday that five women who spoke to a visiting CNN news crew on the streets of Yangon this week had been taken away by security men.

Separately, one person was shot and wounded in a raid in the second city of Mandalay on Friday night, the Mizzima news service said.

The coup has also rekindled old wars with autonomy-seeking ethnic minority forces in the north and the east.

Myanmar’s oldest insurgent group, the Karen National Union (KNU), has seen the first military air strikes on its forces in more than 20 years since announcing its support for the pro-democracy movement.

The KNU said more than 12,000 villagers had fled from their homes because of the air strikes and it called for an international embargo on arms sales to the military.

“Their inhuman actions against unarmed civilians have caused the death of many people including children and students,” the group said in a statement.

Media has reported that about 20 people were killed in air strikes in KNU territory in recent days, including nearly a dozen at a gold mine run by the group.

The KNU signed a cease-fire with the government in 2012 to end their 60-year insurgency.

Fighting has also flared in the north between the army and ethnic Kachin insurgents.

The turmoil has sent several thousand refugees fleeing into Thailand and India.

[back to contents]

AMERICAS

North & Central America

[back to contents]

South America

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

Venezuela

5,000 Flee as Venezuela Launches Largest Military Campaign in Decades (New York Times) By Julie Turkewitz
April 2, 2021

Venezuela is waging its most concerted military campaign in years, targeting what it says is a criminal group operating within its border near Colombia but also sending an estimated 5,000 of its own civilians fleeing into the neighboring country.

The assault — which began with several days of airstrikes that security experts described as Venezuela’s largest use of firepower in decades — represents a significant departure from the largely hands-off approach it has long employed toward the illicit organizations that flourish along its border.

For years, officials in President Nicolás Maduro’s government have tolerated and sometimes even cooperated with these armed groups, many of them with roots in Colombia, as they moved drugs and other contraband between nations.

Now it has lashed out at one of them, though the reasons remain murky. Mr. Maduro has claimed in recent days that the attack reflects his government’s policy of “zero tolerance toward irregular Colombian armed groups.”

“We’ve never seen something like this on this scale,” Kyle Johnson, founder of Conflict Responses, a Bogotá-based nonprofit focused on security issues, said of the fighting.

The military campaign began on March 21 in Apure, one of the country’s poorest states, and has led to the deaths of at least nine people whom the Venezuelan government considers to be guerrillas and two of its own personnel, the defense minister, Vladimir Padrino, said.

Several Colombian rebel groups have operated in Venezuelan territory in recent years, including dissident members of the Revolutionary Armed Forces of Colombia who have refused to lay down their weapons following a 2016 peace deal.

The Venezuelan assault, centered around La Victoria, a town of about 10,000, has been aimed at a faction of FARC dissidents known as the Tenth Front, according to local residents, leading security experts to suggest that they may have broken unwritten rules laid out by the Maduro government or its allies.

The airstrikes that kicked off the campaign have been followed by ground fighting between the Venezuelan military and the Tenth Front that “has escalated every day,” said Juan Francisco García of the Venezuelan human rights group Fundaredes, which has an extensive communication network in the region.

He described “a civilian population trapped between warring groups.”

In interviews, witnesses in and around La Victoria described waking up on March 21 to the rumble of government trucks passing through town, followed by the roar of low-flying planes.

“It was still dark when I began to hear the trucks,” said Miguel Antonio Villegas, 66, the chief spokesman for the community council in La Victoria, who saw the military convoy through his window. Soon, he said, “the bombs began.”

As the villagers awoke, Mr. Villegas said, they gathered outside and saw explosions just to the east.

In the following days, Mr. Villegas said, bombing continued in the area near La Victoria, and soldiers began to pour into town, interrogating civilians and entering their homes, accusing them of collaborating with the guerrillas.

The FARC dissidents apparently responded. Two days after Venezuela's military campaign began, a bomb exploded at the tax office and the town lost power in an attack that Fundaredes attributed to the FARC group.

By the next day, bombing from government planes was so close to La Victoria that "even the floor moved," said Mr. Villegas. Terrified, he stuffed a backpack with belongings and fled with two family members to the bank of the narrow river that separates La Victoria from the Colombian town of Arauquita.

The bank was packed with neighbors who were also fleeing, said Mr. Villegas, who used a small boat to cross over to Colombia, where he and his family remain.

The military has since stepped up its presence in La Victoria, according to a civilian witness who asked not to be named, fearing retribution from Venezuelan security forces.

The man, the owner of a small market, described soldiers rounding villagers up, demanding identification, pinning them against walls and pointing weapons at them. In one instance, he said, a resident was forced to kneel and was then beaten and detained.

One man who spoke with a Human Rights Watch researcher said that four members of his family — his mother, father, brother and uncle — had been killed by Venezuelan security forces, which accused the family of being guerrillas, the group said. At least 11 civilians, said the researcher, had been detained by Venezuelan security forces.

The Venezuelan government has assigned two prosecutors to investigate accusations of human rights abuses, the country's attorney general, Tarek Saab, said. But the government has also sought to limit news coverage of the military campaign, according to Fundaredes.

On Wednesday in La Victoria, the Venezuelan authorities detained two journalists with the Venezuelan channel NTN24 and two human rights activists with Fundaredes who had been trying to document the crisis. They were kept for a day before being released, according to family members and friends.

Tamara Taraciuk Broner, the Americas deputy director at Human Rights Watch, called abuses documented by her organization as "a case study in the atrocities that the regime has been carrying out, and continues to carry out, with impunity."

She continued: "This should be a wake-up call for the International Criminal Court, which has the duty and the power to criminally investigate those who are ultimately responsible for the most heinous international crimes."

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

TOPICS

Truth and Reconciliation Commission

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

Terrorism

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

Piracy

Nigeria, Western allies stage naval drills in piracy hotspot (Business Recorder) March 25, 2021

Nigeria and several Western allies have begun annual joint naval drills in the Gulf of Guinea to combat piracy and other criminal activities, officials said Wednesday.

The area is a major maritime trade route stretching from Senegal to Angola, but a recent surge in piracy attacks has prompted shippers to call for a more robust foreign naval presence.

Armed kidnappings of seafarers hit record levels in 2020, according to the International Maritime Bureau (IMB), with the region accounting for 130 out of 135 attacks worldwide.

Pirates kidnapped 15 crew members earlier this month from a Dutch-owned chemical tanker after boarding the vessel off the coast of Benin.

Nigerian navy spokesman Suleman Dahun told AFP the annual multinational exercise code named "Obaganme Express", kicked off in Lagos on Saturday.

The five-day exercise "is aimed at improving tactical interdiction expertise in the fight against piracy and other maritime illegalities within the Gulf of Guinea (GoG)."

Piracy and Ship Attacks in the Gulf of Guinea (Marine Link) By Dennis Bryant
April 7, 2021

Incidents of piracy and attacks on merchant vessels in waters of the Gulf of Guinea are endemic. There are multiple factors at play, including but not limited to: poverty, limited government presence in coastal communities, minimal maritime law enforcement capability among coastal states, and corruption. Some foreign nations, primarily European, conduct patrols outside the 12 nautical mile territorial seas, but far too few to make a significant dent in the problem, and with no authority to operate closer to shore, where most of the attacks occur or where the attackers flee upon law enforcement arrival.

The Gulf of Guinea coastal states jealousy cling to their sovereignty but are unable to effectively address the problem. Cooperation among the coastal states has proven ineffective. For a variety of reasons, the coastal states have not devoted sufficient resources to address the problem.

Various proposals have been suggested for addressing this problem. All have failed for different reasons. I humbly recommend a comprehensive approach.

A United Nations-administered fund should be established to pay for resources, personnel, and training to maritime law enforcement agencies in each of the Gulf of Guinea coastal states. In exchange, those coastal states should authorize foreign nations to enforce coastal state law against violators operating in coastal state waters and to pursue pirates into the territorial seas for acts perpetrated on the high seas.

States with ships operating in waters of the Gulf of Guinea would be motivated to contribute to such a fund, as would owners and operators of ships engaged in such operations. Additionally, oil and gas companies involved in offshore activities and companies involved in imports and exports through ports along the Gulf would be incentivized to participate. Maritime law enforcement personnel in the coastal states must be recruited in sufficient numbers to deal with this problem. They must be well-trained and paid a living wage.

These personnel must be properly equipped. They must have uniforms, side-arms, and long guns. Some of their vessels must be capable of operating throughout the exclusive economic zone (EEZ). The vessels should be fitted with weapons deter and

apprehend pirates and armed criminals and outfitted for towing and other maritime operations. There must be proper shoreside bases for refueling and maintaining the vessels as well as the housing and training of personnel. The legal code of each of the coastal states must be examined to ensure that the crimes of piracy, maritime robbery, murder, assault, kidnapping, ransom, and related offenses are properly defined. There must be criminal investigators, prosecutors, and judges to properly process alleged offenders.

Cooperation among the coastal states should be encouraged so that suspects of maritime crimes in the waters of one coastal state would be subject to arrest in another state and then either prosecuted by the arresting state or extradited to the state where the offense occurred.

Foreign (non-coastal) states that conduct law enforcement patrols on the high seas of the Gulf of Guinea and coastal state law enforcement agencies should cooperate in efforts to deter piracy and maritime robbery and related crimes. Foreign states should be authorized by the coastal states to engage in legitimate hot pursuit of perpetrators into territorial waters. Their personnel should also be authorized to enforce coastal state laws against piracy and maritime crime within the territorial seas of the coastal states, with apprehended individuals turned over to coastal state authorities for appropriate action.

The above is a bare bones outline of the elements of an approach that I believe are most important in order to deter the current epidemic of piracy and maritime crime in waters of the Gulf of Guinea. The effort will require time, money, hard work, and dedication for all those involved. History has shown, though, that the best way long-term way to address such criminal activity is to rebuild the economies and civil societies in the coastal areas.

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

Gender-Based Violence

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

Commentary and Perspectives

Scale of Tigray horror adds to pressure on Ethiopian leader (The Guardian) By Emmanuel Akinwotu
March 28, 2021

Pressure is mounting on Ethiopia's prime minister, Abiy Ahmed, as the scale of horrors from his war against the northern Tigray region gradually emerge, revealing massacres, mass sexual violence and fears of ethnic cleansing.

Ethiopia has for months insisted that its army's operations, which began in October last year, have officially ended and solely targeted the Tigrayan People's Liberation Front (TPLF) leadership and forces, which ruled Ethiopia for almost three decades before Abiy came to power.

Abiy's government has repeatedly played down the most severe allegations against its forces in Tigray, and denied reports that Eritrean armed forces were active in Tigray fighting the TPLF.

Yet last week he finally conceded that Eritrea's soldiers were "at the border area" between Tigray and Ethiopia's former foe turned ally. Eritrea's army was now retreating from Ethiopia, he said. Eritrea's government has not publicly acknowledged any role in Tigray or confirmed its troops would retreat.

The independent Ethiopian Human Rights Commission last week said its investigations found over 100 people in the historic Tigrayan city of Axum were killed by Eritrean soldiers in November, confirming earlier revelations by Amnesty International and Human Rights Watch.

Reports confirming atrocities by Eritrean soldiers present in Tigray and revelations of the devastation of the past five months have fuelled international condemnation of both Ethiopia and Eritrea. The EU placed sanctions on Eritrea this week, amid concerns that many of the attacks could amount to crimes against humanity.

Reports by Amnesty International and Human Rights Watch have revealed several massacres and an explosion of sexual violence, torture and destruction of Tigrayan cultural and religious monuments and property.

Since aid groups and observers were granted access earlier this month, there has been a drip feed of shocking revelations. Last week, the aid group Médecins Sans Frontières (MSF) said its staff had witnessed extrajudicial killings on the road from Mekelle to Adigrat by Ethiopian troops. “We are horrified by the continued violence in Tigray, Ethiopia. This includes the extrajudicial killings of at least four men who were dragged off public buses and executed by soldiers while our staff members were present, on 23 March,” said Karline Kleijer, its head of emergency programmes.

Earlier this month, MSF said most of the more than 100 health facilities it had visited across Tigray had been looted, vandalised and destroyed in a deliberate and widespread attack on healthcare. What Abiy has insisted was a military operation against “criminals” has instead emerged as a bitter conflict waged against millions of civilians, with mass attacks and sexual violence driven by ethnic and historic regional divisions.

The military campaign against the TPLF, whom Abiy accused of attacking federal military camps and aiming to destabilise the country, has quickly recast the image of one of Africa’s youngest leaders who was awarded the Nobel peace prize for ending the long conflict between Ethiopia and Eritrea.

Amid a telecommunications blackout and the restricted movement of aid groups and international observers, many fear the true toll of the conflict may never be ascertained.

The United Nations, United States, European Union and aid groups have condemned violence in the region in recent weeks.

Thousands are thought to have died, with vast swathes internally displaced in the mountainous, agriculture region of five million people.

Nearly one million people remain inaccessible to aid groups, according to the UN, amid armed conflict with TPLF forces, which Ethiopia still maintains has officially ended. Earlier this month, in a leaked recording of a meeting between foreign diplomats and an Ethiopian army general, Yohannes Tesfamariam, he described the conflict in Tigray as a “dirty war” and civilian victims as “defenceless” in the most significant acknowledgement from Ethiopia’s authorities that fighting and threats to civilians were ongoing, particularly in Western Tigray.

The UN last week condemned “horrific forms of sexual violence” with more than 500 cases of rape reported in just five clinics in Tigray, and the numbers of actual cases likely to be far higher. “Women say they have been raped by armed actors, they also told stories of gang rape, rape in front of family members and men being forced to rape their own family members under the threat of violence,” explained Wafia Said, the deputy UN aid coordinator in Ethiopia in a briefing to member states.

On March 10, the US secretary of state condemned the violence, ramping up pressure on Ethiopia to end atrocities in Tigray. Following investigations, Antony Blinken said he had seen “very credible reports of human rights abuses and atrocities,” and that “forces from Eritrea and Amhara must leave and be replaced by ‘a force that will not abuse the human rights of the people of Tigray or commit acts of ethnic cleansing’.” Ethiopia dismissed Blinken’s statement as unfounded but said it would permit an investigation by the African Union.

On Monday the EU announced sanctions on Eritrea, dismissed by the country’s ministry of foreign affairs as “a futile attempt to drive a wedge between Eritrea and Ethiopia.”

Nearly 70,000 refugees have fled to camps in neighbouring Sudan since November, some suffering physical injuries from attacks in Tigray, others suffering from the horrors they witnessed before they escaped.

Before 26-year-old Elsa Berhe fled to Hamdayet town in Sudan, she was a midwife in Adwa, eastern Tigray and lived a comfortable life. In November, shelling and fighting destroyed much of Adwa. By early this year, several hospitals and clinics were destroyed, looted and taken over by Ethiopian forces. “I was secretly delivering home-to-home services for pregnant women,” she said. “There is gunfire every day, there is questioning every day,” she said, from the camp overlooking the Sudan’s border with Ethiopia. Attacks on medical officials had driven her to leave, she said.

“I saw an ambulance with a patient and a nurse,” when they were stopped by Ethiopian soldiers. “They killed the driver and the nurse and they drove away.” Later, she witnessed Eritrean forces gang rape a woman, Berhe said. “The international community has done nothing to stop the war. Destruction is happening, rape is happening daily and civilians are being killed.”

According to Adem Abebe, an expert at the Institute for Democracy and Electoral Assistance, the horrific nature of the conflict so far will probably lead to the TPLF remaining a long-term threat to Abiy. “Unless there is a negotiated settlement, the conflict will definitely be prolonged. But Abiy may now think that he has pushed the TPLF into a corner and that he is in a

much stronger position to negotiate.”

Rights experts concerned about alleged detention, forced labour of Uyghurs in China (UN News Service)

March 29, 2021

The experts said they have received information that connected more than 150 Chinese and foreign domiciled companies to serious allegations of human rights abuses against workers from the minority group.

Well-known brands Many businesses and factories implicated in the abusive practices are reportedly operating as part of supply chains of various well-known global brands, they added.

“We are deeply concerned by these allegations which, if proven, would constitute grave human rights abuses”, said the members of the Working Group on Business and Human Rights, who are among eight entities seeking to conduct fact-finding missions to China.

Uyghur workers have reportedly been subjected to exploitative working and abusive living conditions, according to sources, and hundreds of thousands allegedly have been held in “re-education” facilities.

Forced to work in factories Many have also reportedly been forcibly transferred to work in factories in the Xinjiang Uyghur Autonomous Region, located in northwest China, and elsewhere in the country.

“Uyghur workers have allegedly been forcibly employed in low-skilled, labor-intensive industries, such as agribusiness, textile and garment, automotive and technological sectors”, said Dante Pesce, Chairperson of the Working Group.

“While the Government of China justifies its actions relating to the treatment of Uyghurs by combatting terrorism and violent extremism, poverty alleviation or development purposes, we nevertheless respectfully urge the Government to immediately cease any such measures that are not fully compliant with international law, norms and standards relating to human rights, including the rights of minorities.”

The business of human rights The UN experts have written to the Government of China, and to private businesses both inside and outside of the country that may be implicated in the alleged abuses.

They have also contacted authorities in 13 countries where the businesses are domiciled or headquartered. These governments have been reminded of their duty to ensure that businesses under their territory or jurisdiction respect all human rights throughout their operations, in line with the UN Guiding Principles on Business and Human Rights.

“Many businesses are also implicated in these allegations, either directly or through their supply chains. Businesses must not turn a blind eye to this and must conduct meaningful human rights due diligence in line with the UN Guiding Principles to identify, prevent, mitigate and account for human rights abuses caused, contributed to or directly linked to their operations, products or services in Xinjiang and in other Chinese provinces”, said Surya Deva, Vice Chairperson of the Working Group.

He added that the Chinese Government also must create an environment conducive for all businesses operating there “to conduct human rights due diligence in line with international standards.”

Independent voices The 16 experts who issued the statement monitor specific human rights situations covering areas such as freedom of religion or belief, modern slavery, minority issues, human trafficking and cultural rights.

They were appointed by the UN Human Rights Council, which issued their mandates, and are not UN staff, nor do they receive a salary.

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

WORTH READING

Procedural Jus Cogens (Columbia Journal of Transnational Law)
By Anthony J. Colangelo

April 6, 2021

Jus cogens are a species of supernorm in international law. They are universally binding and trump all contrary rules—such as treaties and customary international law. They are typically framed in terms of substantive prohibitions: no genocide, no slavery, no crimes against humanity, etc. This Article seeks to identify a procedural jus cogens; namely, the right to due process of law made up of notice, a hearing, and an impartial and independent decisionmaker. To do so, it draws from what are called “general principles of international law”; that is, principles common to legal systems around the world, which make up a source of international law. It argues that a comparative approach to these principles can reveal an empirically supported, objective underlying natural law right. In particular, by looking to rights states deem most important, hierarchically superior, and foundational to their legal systems as contained in their constitutions, this approach solves major seemingly intractable jurisprudential and practical dilemmas for the international law of jus cogens by providing an alternative to horizontal, consent-based positivistic law of treaties and custom.

To make its argument it examines the 193 member states of the United Nations, plus Kosovo, the Republic of China (Taiwan), and the Vatican City (Holy See). Diligent research has revealed that virtually all states in the world secure the most basic requirements of due process: notice, a hearing, and an impartial and independent decisionmaker. More specifically, 189 states provide notice to the accused, 196 states provide for the right to a hearing, and 196 states provide for an impartial and independent decisionmaker. Moreover, the vast majority of these protections are constitutional. The right to notice is protected in 179 constitutions, the right to a hearing is protected in 193 constitutions, and the right to an impartial and independent decisionmaker is protected in 193 constitutions. This analysis easily satisfies the recent International Law Commission criteria that for a norm to qualify as jus cogens it must be accepted by “a very large majority of states . . . across regions, legal systems and cultures.” Discovering a procedural jus cogens would be revolutionary in some respects. A procedural jus cogens norm would expand the concept of jus cogens because such a norm would qualitatively differ from a substantive one since it is not merely a negative obligation on a state but imposes a positive duty to provide a right. Further, the Article’s argument holds powerful implications not just for international law but for domestic U.S. law as well. The Supreme Court long ago held that international law is part of our law, including the law of jus cogens, and mechanisms exist to enforce that law in U.S. courts.

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

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Francesca Bergeret, Senior Editor**

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Francesca Bergeret, Senior Editor**

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Francesca Bergeret, Senior Editor**

**Commentary and Perspectives
Alan Dowling, Associate Editor
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Grotian Moment: The International War Crimes Trial Blog:
<http://law.case.edu/grotian-moment-blog/>

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