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AFRICA

NORTH AFRICA

Libya

Libya: After Prison Escape, Derna Residents Rounded Up (Human Rights Watch)

March 8, 2022

An armed group associated with the Libyan Arab Armed Forces (LAAF) arbitrarily arrested at least 50 residents of the city of Derna following a January 16, 2022, prison escape, Human Rights Watch said today.

The armed group, Tarek Bin Ziyad Battalion, captured the five escapees, all from Derna, on January 20 and returned them to Garnada Prison, a high-security facility near al-Bayda in eastern Libya. But it has continued to detain an unknown number of Derna residents who were rounded up in the escape's aftermath presumably in Garnada Prison. The people detained include relatives of the five escaped prisoners but also former detainees from Derna and their relatives.

"Once again, unaccountable LAAF forces resort to brutal tactics to instill fear and terror among Derna residents," said Eric Goldstein, deputy Middle East and North Africa director at Human Rights Watch. "The eastern Libyan authorities should release without delay anyone arbitrarily detained and disclose the names and whereabouts of anyone they still hold, and the legal basis in each case."

Governance in Libya was divided after conflict in 2014 resulted in the fracturing of central authority and the emergence of competing interim authorities in the east and west of the country. Since March 2021, The Tripoli-based Government of National Unity (GNU) headed by Abdelhamid Dabeida replaced these former eastern and western based authorities. However, the relationship with the LAAF, an armed group under the command of Khalifa Hifter that effectively controls eastern Libya and parts of the south, remains fraught. On March 1, Libya's House of Representatives endorsed a second rival administration, the Government of National Stability headed by Fathi Bashagha. It is unclear where the new authority will be based and if it will operate in parallel to the GNU.

The LAAF in February 2019 took control of Derna, a city it had besieged for three years purportedly to drive out local fighters who were controlling the city. LAAF-linked groups arbitrarily detained and ill-treated residents and deliberately damaged homes with impunity. Hundreds of Derna residents remained displaced in western Libya, fearing reprisals if they return.

The current location and condition of the five recaptured escapees are unknown. However, based on what is known about

conditions in Garnada and other LAAF detention centers, there are grounds to fear that they have been ill-treated or transferred elsewhere without their families or lawyers being notified. The recaptured escapees are Anas Abdelaati Belleil, Ayoub Attia Abdullah Al-Jazawi, Hamza Mohamed Al-Awami, Ramadan Muftah Mohamed, and Nouri Ahmed Mohamed.

Human Rights spoke with Derna residents and reviewed online material about the round-up following the prison escape. In some cases, Company 2020, a unit under the Tarek Bin Ziyad Battalion, seized and detained more than one family member. The families included Al-Awami, Al-Sirwahi, Al-Ghammari, Al-Hinshir, Al-Shaaeri, Billeil, Abu Khutwa, Al-Mahjoub, Al-Freikh, Al-Jazawi, and Al-Naas.

Arbitrarily detaining people as a form of collective punishment or in an effort to force people to disclose information violates their right to liberty, security, and the right to due process.

A Derna resident previously detained by the LAAF in Garnada Prison said that members of Company 2020 under the Tarek Bin Ziyad Battalion had arrested members of his family in Derna after the prison escape, and held them in Garnada, then freed them.

“My relatives had absolutely nothing to do with the recent escape attempt, yet they were detained for some days and beaten,” said the former prisoner, who spoke on condition of anonymity for fear of retaliation against him and his family. “They had not been accused of any wrongdoing and no charges were brought against them.”

He said that he was detained for several years before he was cleared of all charges and released. He said that in the aftermath of previous escape attempts, guards would use collective punishment such as beating detainees who had nothing to do with the escape, or cutting bread from meals, which were already of bad quality.

“At Garnada, you can be tortured for the smallest thing,” he said. “If they find half a cigarette, you can end up being suspended by your limbs and beaten viciously with a plastic pipe; can you imagine what they will do to someone who tried to escape? Guards there compulsively torture.”

He said he was not allowed to see his family for over a year while he was in the prison: “I spent over a year in solitary confinement and was also beaten. I still have torture marks. I witnessed many who were tortured. One man who was 84 years at the time was tortured multiple times.”

He and another activist said that released detainees from Derna often remain under strict security restrictions that effectively force them to remain in Derna, such as being required to check in regularly, even if they have been cleared of all charges.

Safwan Al-Masouri, a member of the High Council of the State, an advisory body to the government under the 2015 Libyan Political agreement, and the only official to react to the allegations of mass arrests in Derna, said in a statement that torture at Garnada Prison had intensified after the prison break and urged government authorities to intervene.

Thousands are held in prisons run by the LAAF in eastern Libya including people accused of crimes in areas under their control and political opponents. Garnada Prison Complex is divided into a section administered by the Justice Ministry, nominally under GNU; another by LAAF military police, and a third newly established facility, by LAAF Company 2020, headed by Mohamed Bin Idris Al-Tajouri, at the time of the escape.

Torture and other ill treatment at the Military Police and Tarek Bin Ziyad prisons in Garnada is commonplace. Victims include children, as well as journalists and activists who have spoken to released detainees, a former prisoner told Human Rights Watch. Human Rights Watch found abuse to be systematic when it visited Garnada in 2015, although at time there was no wing run by the Tarek Bin Ziyad Battalion.

The LAAF tightly controls security and access to Derna and residents, fearing reprisal, were reluctant to speak with Human Rights Watch about the arrests, detention, and ill-treatment of their relatives. While most detainees from Derna are held in Garnada Prison, activists said that the LAAF has transferred some to other prisons in LAAF-controlled areas of eastern Libya, including a prison under the al-Marj Security Directorate known as Al-Rakh Prison, and a facility in al-Dashm military base in Sidi Freij in Benghazi.

International human rights law stipulates that a person can only be detained according to the law and by people authorized by law to detain prisoners, and that every detainee should be brought promptly before a judicial authority. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, further obligates Libya to investigate and prosecute all those responsible for torture in its territory.

Certain crimes, when committed on a widespread or systematic basis as part of a state or organizational policy to commit the crime, can constitute crimes against humanity during conflict or peace. These crimes include torture and arbitrary detention.

The International Criminal Court has a mandate to investigate war crimes, crimes against humanity and genocide in Libya since February 2011, yet has not announced any new investigations since 2017. The Independent Fact Finding Mission established by the United Nations Human Rights Council in June 2020 with a mandate to investigate violations of international human rights law and international humanitarian law committed in the country since 2016 is expected to submit a final report after the end of its mandate in June 2022.

“There is a need to address rampant serious crimes in Libya such as arbitrary detention and ill treatment to send a clear message to armed groups that they cannot benefit from impunity forever,” Goldstein said.

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CENTRAL AFRICA

Central African Republic

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

Guterres strongly condemns arrest of UN personnel in Central African Republic (UN News)

February 23, 2022

Secretary-General António Guterres has called for the release of four members of the UN peacekeeping mission in the Central African Republic (CAR) who were arrested in the capital, Bangui, earlier this week, his spokesperson said on Wednesday.

Local gendarmerie arrested the personnel on Monday while they were escorting a senior military officer from the mission, which is known by the French acronym, MINUSCA.

The incident occurred at the airport and those arrested were French peacekeepers, according to international media reports.

Procedure not followed

UN Spokesperson Stéphane Dujarric said the Secretary-General has strongly condemned their arrest.

The UN chief emphasized that MINUSCA personnel “enjoy privileges and immunities which are held in the interest of the United Nations”, he said, in line with the 2014 Status of Forces Agreement between the Organization and the Government of the CAR.

“The Secretary-General recalls that the 2014 Status of Forces Agreement establishes a specific procedure in cases where members of MINUSCA are suspected, by the authorities of the Central African Republic, of having committed an offence,” he added. “The Secretary-General notes that this procedure has not been followed in the present case.”

The Secretary-General has called on the CAR Government to abide by all its obligations under international law, including the Status of Forces Agreement, and release the MINUSCA personnel unconditionally and without delay.

He also reaffirmed the UN’s solidarity and continued support to the country.

America’s new bid to arrest Joseph Kony (The Independent)

March 7, 2022

The U.S., through its embassy in the Central African Republic, recently published a warrant offering up to US\$5 million for information leading to the capture of Ugandan warlord Joseph Kony. The U.S. had previously announced the bounty in early 2013. It has been on the trail of the Lord’s Resistance Army leader since the early 2000s, spending at least US\$800 million on efforts to bring him to book. We

asked international justice experts Tony Kirabira; PhD Candidate in Law, University of Portsmouth, and Leila Choukroune; Professor of International Law and Director of the University Research and Innovation Theme in Democratic Citizenship, University of Portsmouth, to unpack the renewed interest in the Ugandan fugitive.

What's the history of the Lord's Resistance Army?

The Lord's Resistance Army, a rebel group led by Joseph Kony, launched a war in northern Uganda in 1987. For over two decades, besides massacres and destruction of property, the group systematically targeted and abducted children to become its soldiers and sex slaves. The International Criminal Court issued arrest warrants for Kony and four of his top commanders – Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen – in 2005.

In 2008, the Ugandan forces and troops from neighbouring countries launched Operation Lightning Thunder, which drove the militants further into the Central African Republic. That's where Joseph Kony is believed to be stationed.

What has kept this group together? In the early stages of the war, it was believed that the Sudanese government provided logistical support to the group. At the time, Sudan had accused the Uganda government of supporting rebels in its Darfur region.

The Lord's Resistance Army also engaged in elephant poaching and illegal ivory trade in the Democratic Republic of Congo, to fund its war.

What's known about the group's activities today?

The Lord's Resistance Army is believed to have fewer than 1,000 fighters, all scattered in splinter groups. There are reports of its atrocities in South Sudan and Central African Republic. Significant reduction in the number of fighters, and deaths of commanders like Otti, Okot and Lukwiya, dismantled the group's top leadership. In addition, its commander, Ongwen, surrendered to U.S. forces in the Central African Republic in 2015. In 2021, Ongwen was convicted for war crimes and crimes against humanity, and sentenced to 25 years of imprisonment.

Why is the U.S. going for Joseph Kony now?

The U.S. has always maintained a strategic role and responsibility in the efforts to counter Kony's group. But its recent action – issuing a warrant and providing a WhatsApp number for relaying the information – poses more questions than it offers solutions. Previously, the U.S. put political pressure on the Democratic Republic of Congo to counter the rebel group. The George W. Bush administration provided logistical and intelligence support for the Operation Lightning Thunder in 2008 and 2009.

U.S. civil society has also been active in the efforts to neuter Kony's group. As a result, President Obama signed the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 in 2010.

In 2011, Obama deployed 100 military advisors in Central African Republic to “enhance regional efforts against the Lord's Resistance Army”. Succinctly, the deployment was premised on both national security and foreign policy interests of the U.S. While the foreign policy is magnified in the growth of U.S. presence and influence in the region, supporting counterinsurgency operations could be critical to national security interests.

But with the reduction in the group's capacity and threat, the renewed U.S. interest is not clear. Does the move aim to support the International Criminal Court's mandate, or is it simply a humanitarian intervention for civilians?

Following the conviction of Ongwen in 2021, the US Department of State issued a statement in support of the International Criminal Court's verdict. The statement noted: “While we continue to believe the court is in need of significant reform, we are pleased to see Ongwen brought to justice”.

It is in this same statement that the U.S. emphasised its goal of hunting down Kony. The US\$5 million prize for information leading to “the arrest, transfer, or conviction” of Kony was first announced by the Obama administration in 2013.

Different interpretations can be made from this explicit U.S. interest. The US\$5m prize could demonstrate a tacit support of institutions like the International Criminal Court, as alternative avenues for peace and justice. It is important to note that the U.S. is not a state party to the Rome Statute of the International Criminal Court. It has had a fractious relationship with The Hague based court in previous years.

Ultimately, the Biden administration could be viewed as a new chapter in the US – International Criminal Court relationship, albeit under “partial and conditional cooperation”. In essence, such cooperation is only limited to situations where U.S.

interests are at stake. Therefore, by placing a prize on Kony's arrest, the Biden administration could be demonstrating a willingness to assist in the enforcement of an International Criminal Court-sanctioned warrant, in the process offering support to the Court.

But it could be argued that searching for Kony is a U.S. entry point back into the Central African Republic. This is amid the growing influence of Russia in the country. France, the UK and the U.S. accuse Russian paramilitary forces of committing atrocities in the Central African Republic.

From a humanitarian perspective, the U.S. intervention can be founded on a moral imperative to protect civilian victims of the Lord's Resistance Army. And an external intervention would attain more legitimacy if received as a humanitarian intervention.

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Sudan & South Sudan

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

Sudan group: Tribal violence in Darfur has killed 16 people (ABC News)

March 8, 2022

Tribal clashes this week between Arabs and non-Arabs in Sudan's Darfur killed at least 16 people, a Sudanese medical group said Tuesday as security continued to deteriorate in the war-wrecked western region.

The violence erupted a couple of days ago in the town of Jebel Moon in West Darfur province, which was the scene of deadly tribal violence in recent months, according to the Sudan Doctors Committee. At least 16 others were wounded, it said.

Clashes in Jebel Moon first erupted in mid-November over a land dispute between Arab and non-Arab tribes. Dozens have been killed since then and authorities have deployed more troops to the area. Sporadic fighting has continued, however.

Sudan has been mired in instability following an October military coup that has rattled an already fragile democratic transition. The African country has also faced uphill security and economic challenges since the 2019 overthrow of longtime autocrat Omar al-Bashir and his Islamist government.

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

Al-Bashir's government responded with a campaign of aerial bombings and raids by the janjaweed, a militia that has been accused of mass killings and rapes. Up to 300,000 people were killed and 2.7 million were driven from their homes in Darfur over the years.

Al-Bashir, who has been in prison in Khartoum since his ouster, also faces international charges of genocide and crimes against humanity related to the Darfur conflict.

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Democratic Republic of the Congo

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

Two former warlords still held hostage by militia in DR Congo's Ituri (AfricaNews)

March 7, 2022

The eight negotiators sent by President Félix Tshisekedi to Ituri to negotiate a ceasefire with armed groups are still being held by the CODECO militia.

They were taken prisoner on 16 February. Among them are two former warlords, Thomas Lubanga and Germain Katanga who were previously convicted by the International Criminal Court (ICC) for war crimes and crimes against humanity in the early 2000s.

They were captured in the territory of Djugu, the militia's headquarters.

Since then, the authorities have been trying to obtain their release, but the militiamen have set conditions.

In addition to an amnesty for its fighters and their integration into the regular army, the CODECO militia has asked for the lifting of the state of siege that has been in place for ten months in Ituri, but also for a halt to military operations in the same province.

These demands according to analysts seem difficult for Kinshasa to meet and for the moment it is ruling out the release of hostages by force.

According to the Minister of National Defence, the negotiations are nevertheless progressing positively. He is even optimistic and says that the talks could soon reach a successful conclusion. The negotiations have been conducted for a fortnight from a distance. The authorities have appointed another former warlord as mediator.

Since their capture, the hostages have been taken to Gutsi, one of the militia's strongholds. This weekend, images of the captives were shared on social networks as proof of life. Thomas Lubanga and two other hostages are reportedly ill and without treatment, according to a government source.

According to the Codeco militia, the emissaries were held because the army, on the orders of the military governor, had carried out bombing raids in the area close to where the talks were being held. This accusation was rejected by the political-military leader.

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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**

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

Families Of Bureau De Change Operators Arrested For 'Financing Boko Haram' Protest In Kano (Sahara Reporters)

March 2, 2022

Family members of Bureau De Change operators arrested by the Department of State

Services (DSS) for allegedly financing terrorism have called on the Nigerian government to release their sons, husbands and fathers or take them to the court.

In March 2021, Senior Special Assistant to The President on Media and Publicity, Garba Shehu, said the Nigerian Government had arrested some Bureau De Change operators who were facilitating the transfer of money to Boko Haram terrorists.

He had said some Nigerians transferring money to the sect from the United Arab Emirates (UAE) were working with the BDC operators.

“Bureau de change are facilitating money to terrorists. We have already worked with the UAE. Convictions have been achieved of Nigerians who are transferring money to Boko Haram terrorists and this also happens domestically. And I tell you that by the time we finish this investigation, the shocking details will surprise many Nigerians,” Shehu had said.

“Dozens of persons have been arrested by security agents in an ongoing nationwide crackdown on suspected financiers and collaborators of Boko Haram.”

Those arrested are being kept in military and DSS facilities in Abuja and other places.

It was learnt that the Nigerian government last month granted their family members access to them for the first time since their arrest, 11 months ago.

The protesters, who demonstrated in Kano on Wednesday, lamented that the absence of their breadwinners had continued to take a negative toll on their families.

Boko Haram Still Using Children as Soldiers and Suicide Bombers in Nigeria (International Christian Concern)

March 6, 2022

Fourteen-year-old Halima Audo was captured by Boko Haram and imprisoned in a camp run by the Nigerian terror group. She described to Radio France International (RFI) the horror of witnessing several young girls being sent on suicide missions to detonate explosives in crowded markets during her time in the camp.

One of the youngest victims, Halima recalled, was a nine-year-old girl. Halima told RFI, “They put explosives on her, and she went with it. On the day of this particular mission there were three of them – all of them were young girls.”

Despite being scheduled to complete a suicide mission herself after several months in the camp, Halima Audo managed to escape with her life.

Unfortunately, with the rise of Boko Haram and the Islamic-State affiliated group Islamic State West Africa Province (ISWAP) in Nigeria, the exploitation of children as child soldiers has become a frequent and sobering reality. The two violent jihadist groups are known for their mass abduction of children, especially girls, as part of their bloody campaign to instate Islamic sharia law throughout Nigeria. ICC has reported in the past that the group prefers using younger children as suicide bombers and older children as soldiers.

The United States-based research group, Combating Terrorism Center, found that, since it deployed its first female suicide bomber in June of 2014, Boko Haram has carried out 240 suicide attacks by women and female children. One thousand two hundred people have been killed and more than 3,000 injured by these attacks.

Halima Audo, in her description of Boko Haram’s use of child soldiers, describes the tactics of the terrorist group.

“The Jihadists are using a combination of force and brainwashing to make children carry out such atrocities like suicide bombings and executions. Boko Haram said if you detonate a suicide bomb, you will go to paradise,” she says. Anyone who refuses is killed.

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Human Rights Risk Further Declines in Mali, Experts Say (New Delhi Times)

February 26, 2022

The security of civilians in Mali has improved in recent years, but the country must remain vigilant, according to human rights experts.

Alioune Tine, who was appointed in 2018 by the United Nations Human Rights Council to assist the Malian government in protecting its citizens, visited the country February 8-17.

During a video press conference on Tuesday, Tine noted an improvement in security in central and northern parts of the country. However, he also voiced concern about the withdrawal of international partners from Mali after France announced February 17 that its troops would leave because of tensions with the military government.

Tine ended his remarks by calling for “more integrated security strategies focused on the protection of civilian populations and their fundamental human rights.”

The improved security situation coincides with a military offensive in the past few months by the Malian army. Some activists say that the offensive involved arbitrary arrests and disappearances among the Fulanis, an ethnic group that resides mostly in north and central Mali. Fulanis say they are often unfairly accused of being jihadists.

Ibrahim Diallo is a member of two Fulani cultural organizations, Tabital Pulaaku and Pinal. He said that during a recent offensive in Niono, in Mali’s Segou region, some Fulani youth fled when they saw the army, fearing they could be unfairly targeted. As they fled, Diallo said, they were fired upon.

Diallo said he knows two people who were shot and has heard that they died, but has not seen the bodies.

Aly Barry is a doctor from the Mopti region in central Mali and a member of a Fulani association. He said from Bamako via a messaging app that the Malian army’s successful advances are “undeniable,” but that actions have negatively impacted the human rights of civilians.

Barry said a few dozen people were arrested February 20 in Niono, but he doesn’t know if they are in prison or dead.

Aguibou Bouaré is president of the National Commission on Human Rights, a governmental organization that independently investigates human rights abuse accusations in Mali. Bouaré confirmed that the security situation in the center and north of the country has improved, but said the commission has concerns about human rights abuses during the past few months of “ramping up” by the Malian army.

He said his group is recording allegations of human rights violations that are attributed to the armed security forces during this period, and that the investigations are continuing.

VOA reached a Malian army spokesman by phone, but he refused to comment on the incidents in Niono or elsewhere in the country.

U.N. investigating dozens of deaths in central Mali (Metro US) By Aaron Ross

March 4, 2022

The United Nations peacekeeping mission in Mali said on Friday it was investigating allegations that dozens of people were massacred in the centre of the country.

A video circulating on social media since Thursday shows dozens of badly-burned bodies with their eyes blindfolded and their hands bound together. Some of them appear to have holes in the back of their heads.

An official in central Mali, who asked not to be named, said the video shows the bodies of 35 men that were found on Tuesday night in the rural commune of Diabaly, an area where Islamist militants have been battling Malian soldiers.

The official said there were no eyewitnesses to the men’s deaths but that they are believed to be people who were arrested by the Malian army, some on Feb. 20 and others on March 1.

A senior Malian military officer, also speaking on condition of anonymity, said the video was filmed in Diabaly but that the circumstances of the deaths were not yet clear.

Olivier Salgado, spokesman for the U.N. peacekeeping mission in Mali, said the mission’s human rights division was investigating the deaths.

“We are concerned about these allegations and information, as well as these horrible images of people killed in circumstances that are not yet clear,” he told Reuters.

Mali’s military spokesperson did not respond to a request for comment.

The U.N. has repeatedly accused Malian soldiers of summarily executing civilians and suspected militants over the course of their decade-long fight against groups linked to al Qaeda and Islamic State.

The military has in some cases acknowledged that its forces were implicated in executions and other abuses, but few soldiers have faced criminal charges.

2 Malian soldiers, 2 UN peacekeepers die in latest attacks (CHRON) By Baba Ahmed
March 7, 2022

A United Nations peacekeeping convoy hit a roadside bomb in central Mali, killing two peacekeepers and wounding four others, the mission said Monday, while another attack on the Malian military left two dead.

The new violence comes just days after at least 27 soldiers were killed in an attack on a military camp in Mondoro in central Mali.

The U.N. logistical convoy was headed to the northern town of Timbuktu when it hit an improvised explosive device north of Mopti. U.N. spokesman Stephane Dujarric said all the peacekeepers who were killed and injured were from Egypt.

The United Nations condemns the attack, calls on Malian authorities “to spare no effort to identify the perpetrators,” and reiterates that targeting U.N. peacekeepers may constitute war crimes, Dujarric said.

Mali's military said the attack that killed two of its soldiers on Monday also wounded two others in Gao region in the north.

The spike in violence comes as the French military has begun withdrawing troops from Mali after more than nine years aiding the fight against Islamic extremism in its former colony. Many fear that the jihadis could now regain territory as France continues pulling out its soldiers over the next five months.

France first intervened in 2013, leading a military operation to force Islamic extremists from power in towns across northern Mali. But in the years since, those militants have carried out scores of attacks against the Malian military and U.N. peacekeepers, and have extended their reach into the center of the country.

Observers fear Mali's security situation also could deteriorate because of political upheaval: Col. Assimi Goita staged two coups in 18 months' time. He has postponed a new presidential election until 2026, leading to mounting tensions with international partners including France.

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Liberia

Finland releases Liberia war crimes suspect pending verdict (Global News Network) By Cholo Brooks
February 24, 2022

A Sierre Leone rebel on trial in Finland for war crimes in Liberia’s bloody conflict has been released by the court ahead of its verdict where he risks life in prison, the court said Wednesday.

Gibril Massaquoi, 51, has been on trial at Pirkanmaa district court for rape, ritual murder and recruiting child soldiers during the later years of Liberia’s second civil war, which ended in 2003.

The verdict is due in March or April.

Massaquoi denies all charges and claims he was not in Liberia when the alleged offences took place.

On Wednesday, the court released Massaquoi pending the verdict due to the fact that “Massaquoi has been imprisoned for approximately two years, which can be considered an exceptionally long period”.

“Moreover, an exceptionally long period of almost 20 years has already elapsed since the alleged acts”, the court said in a statement.

Finland tried the case as Finnish law allows the prosecution of serious crimes committed abroad by a citizen or resident.

The continued detention of Massaquoi “would be unreasonable”, the court said, calling for him to be “released immediately pending the outcome of the district court’s judgment.”

The court placed no restrictions on Massaquoi’s movements, district court judge Juhani Paiho told AFP.

He added that the release should not be seen as an indicator of how the court would rule on the question of guilt.

A life sentence in Finland means a convict can be considered for parole after 12 years. Most are released after serving between 12 and 20 years.

Born in 1970, Massaquoi was a senior commander of the Revolutionary United Front (RUF), a Sierra Leone rebel group that also fought in Liberia.

He moved to Finland in 2008 and was arrested there in March 2020 after a rights group investigated his war record.

In an unprecedented move, the Finnish court decamped to Monrovia between February and April last year, and again in September, to hear witness testimony in the case.

The proceedings were described as historic, as very few people have been tried for war crimes committed in Liberia, and none inside the country itself.

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

There are regular appeals to establish a war crimes tribunal inside Liberia, a poor nation of five million people where some ex-warlords remain powerful.

President George Weah has resisted the calls, however.

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EAST AFRICA

Uganda

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

Human Rights Body Given Week To Name Perpetrators Of Torture (SoftPower News) February 25, 2022

The Uganda Human Rights Commission (UHRC) has been given a week to present names of perpetrators and victims of human rights violations.

This followed concerns by Members of Parliament on the Committee of Human Rights that the Commission provided inadequate information which does not meet the parameters of the committee’s intended investigations.

On Tuesday, 08 February 2022, Deputy Speaker Anita Among directed the committee to investigate alleged human rights violations by security operatives, after Opposition legislators led by Leader of the Opposition, Hon Mathias Mpuuga walked out of the House.

While appearing before the committee on Thursday, 24 February 2022, the Chairperson of Commission, Mariam Wangadya said they registered 1,205 complaints of alleged human rights violations between January 2020 and January 2022.

“The human rights violations reported to the commission were influenced by the enforcement of the standard operating procedures by law enforcement agencies to mitigate the spread of Covid-19,” said Wangadya.

She cited 600 cases of alleged torture, 378 cases of deprivation of personal liberty, 90 cases of deprivation of life, 71 cases of deprivation of security of person and 65 cases of disappearance of persons. “Investigations of the 600 alleged tortures are in advanced stages although the speed at which the complaints are being resolved by the commission has been hampered by challenges like funding constraints, lack of quorum and few commission members,” Wangadya added.

She told MPs that the commission’s investigations at Kitalya prison with 87 inmates indicated that 35 of them were arrested by the UPDF in Kalangala and 52 by the Chieftaincy of Military Intelligence on charges related to the 2021 general elections.

Wangadya called on the committee to ensure funding to the commission to enable it effectively implement its mandate.

“We further look forward to advocacy efforts of the Committee to ensure that more members are expeditiously appointed to the Commission 1, to enable speedy hearings at the Tribunal and clearance of the backlog,” said Wangadya.

MPs, however, were dissatisfied with the information provided by the UHRC officials, saying it did not speak to the committee’s intended point of investigation.

Buhweju County MP, Hon Francis Mwijukye called out the commission for laying blame on the media for highlighting cases of torture in the country yet the acts have been witnessed. “Her view on torture in the country is vague. I want to ask her to tell us if according to her, we have torture in Uganda by security agencies and other state agencies,” said Mwijukye.

Nwoya East County MP, Hon Godfrey Okello tasked the commission to name perpetrators and victims of the alleged human rights violations. “We have always heard that there are elements in the UPDF and the Police Force who on their own, violate people’s rights. I would be happy if she made mention of such people because that is the centre of our terms of reference,” Okello said.

Terego District Woman MP, Hon Rose Obigah said naming and shaming of the perpetrators is a major way through which acts of violence and human rights offences will be restrained.

Hon Hanifa Nabukeera (NUP, Mukono District) asked the commission to present information on investigations done on the existence of safe houses where alleged torture is meted out.

UHRC Commissioner, Crispy Kaheru said they continue to receive reports on torture and have carried out investigations that will provide statistical information that will allow the Parliament committee to arrive at accurate findings. “The offenders involved in human rights violations are a varied matrix of stakeholders. I will not be shy to say that in some cases, indeed, security agencies have been fingered,” said Kaheru.

Ugandan rebel Joseph Kony: the latest US arrest bid raises questions (The Conversation) By Tonny Kirabira and Leila Choukroune
February 28, 2022

The US, through its embassy in the Central African Republic, recently published a warrant offering up to US\$5 million for information leading to the capture of Ugandan warlord Joseph Kony. The US had previously announced the bounty in early 2013. It has been on the trail of the Lord’s Resistance Army leader since the early 2000s, spending at least US\$800 million on efforts to bring him to book. We asked international justice experts Tonny Kirabira and Leila Choukroune to unpack the renewed interest in the Ugandan fugitive.

What’s the history of the Lord’s Resistance Army?

The Lord’s Resistance Army, a rebel group led by Joseph Kony, launched a war in northern Uganda in 1987. For over two decades, the group engaged the Uganda People’s Defence Forces, while also targeting civilians. Besides massacres and destruction of property, the group systematically targeted and abducted children to become its soldiers and sex slaves.

It is infamous for having pushed 66,000 children into war, and driven about 2 million people into camps. Over the years, various military campaigns by the Ugandan Army weakened the group and pushed its members into neighbouring Democratic Republic of Congo and South Sudan.

The International Criminal Court issued arrest warrants for Kony and four of his top commanders – Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen – in 2005.

The group took part in a two-year peace negotiation with the Ugandan government. The negotiation, brokered by South Sudan, collapsed in 2008. Kony pulled out after Uganda's government failed to urge the International Criminal Court to lift the indictment against him and the other top commanders.

In 2008, the Ugandan forces and troops from neighbouring countries launched Operation Lightning Thunder, which drove the militants further into the Central African Republic. That's where Joseph Kony is believed to be stationed.

What has kept this group together?

Besides its push for governance based on the Ten Commandments, the Lord's Resistance Army's primary objective was to overthrow the government of President Yoweri Museveni. They perceived Museveni's government as hostile towards Kony's Acholi ethnic group in northern Uganda.

In the early stages of the war, it was believed that the Sudanese government provided logistical support to the group. At the time, Sudan had accused the Uganda government of supporting rebels in its Darfur region.

The Lord's Resistance Army also engaged in elephant poaching and illegal ivory trade in the Democratic Republic of Congo, to fund its war.

What's known about the group's activities today?

The Lord's Resistance Army is believed to have fewer than 1,000 fighters, all scattered in splinter groups. There are reports of its atrocities in South Sudan and Central African Republic. The group's actions include violent attacks on civilian populations and abduction of children.

Significant reduction in the number of fighters, and deaths of commanders like Otti, Okot and Lukwiya, dismantled the group's top leadership. In addition, its commander, Ongwen, surrendered to US forces in the Central African Republic in 2015. In 2021, Ongwen was convicted for war crimes and crimes against humanity, and sentenced to 25 years of imprisonment. Why is the US going for Joseph Kony now?

The US has always maintained a strategic role and responsibility in the efforts to counter Kony's group. But its recent action – issuing a warrant and providing a WhatsApp number for relaying the information – poses more questions than it offers solutions.

Previously, the US put political pressure on the Democratic Republic of Congo to counter the rebel group. The George W. Bush administration provided logistical and intelligence support for the Operation Lightning Thunder in 2008 and 2009.

US civil society has also been active in the efforts to neuter Kony's group. As a result, President Obama signed the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 in 2010.

In 2011, Obama deployed 100 military advisors in Central African Republic to "enhance regional efforts against the Lord's Resistance Army". Succinctly, the deployment was premised on both national security and foreign policy interests of the US. While the foreign policy is magnified in the growth of US presence and influence in the region, supporting counterinsurgency operations could be critical to national security interests.

But with the reduction in the group's capacity and threat, the renewed US interest is not clear. Does the move aim to support the International Criminal Court's mandate, or is it simply a humanitarian intervention for civilians?

Following the conviction of Ongwen in 2021, the US Department of State issued a statement in support of the International Criminal Court's verdict. The statement noted: "While we continue to believe the court is in need of significant reform, we are pleased to see Ongwen brought to justice".

It is in this same statement that the US emphasised its goal of hunting down Kony. The US\$5 million prize for information leading to "the arrest, transfer, or conviction" of Kony was first announced by the Obama administration in 2013.

Different interpretations can be made from this explicit US interest. The US\$5m prize could demonstrate a tacit support of institutions like the International Criminal Court, as alternative avenues for peace and justice.

Prior to the Donald Trump administration, the US supported the International Criminal Court's interventions in Darfur and Libya. It is important to note that the US is not a state party to the Rome Statute of the International Criminal Court. It has

had a fractious relationship with The Hague based court in previous years.

Ultimately, the Biden administration could be viewed as a new chapter in the US - International Criminal Court relationship, albeit under “partial and conditional cooperation”. In essence, such cooperation is only limited to situations where US interests are at stake. In this case, the intervention in the fight against the Lord’s Resistance Army in Central Africa Republic.

Therefore, by placing a prize on Kony’s arrest, the Biden administration could be demonstrating a willingness to assist in the enforcement of an International Criminal Court-sanctioned warrant, in the process offering support to the Court.

But it could be argued that searching for Kony is a US entry point back into the Central African Republic. This is amid the growing influence of Russia in the country. France, the UK and the US accuse Russian paramilitary forces of committing atrocities in the Central African Republic.

From a humanitarian perspective, the US intervention can be founded on a moral imperative to protect civilian victims of the Lord’s Resistance Army. And an external intervention would attain more legitimacy if received as a humanitarian intervention.

Uganda-DRC reparations verdict raises questions about the price of justice (The Conversation) By Kerstin Carlson
March 3, 2022

In 2005, the International Court of Justice found that Uganda had committed serious violations of international law during the 1998-2003 war in the Democratic Republic of Congo (DRC).

The court found that Uganda had:

committed acts of killing, torture and other forms of inhumane treatment of the Congolese civilian population, destroyed villages and civilian buildings, failed to distinguish between civilian and military targets and to protect the civilian population in fighting with other combatants, trained child soldiers, incited ethnic conflict and failed to take measures to put an end to such conflict. (para 345)

That judgement concluded Uganda was liable for damage to the DRC. But it left the question of how much Uganda should pay up to the parties to decide.

These negotiations ultimately failed and the DRC took Uganda back to the court in 2015. The court has now determined that Uganda must pay the DRC US\$325 million in reparations.

This award represents a mixed victory for the DRC. On the one hand, it is much less than the \$11 billion it sued for. On the other hand, it’s a significant award, both in terms of money and policy. The International Court of Justice has not traditionally been asked to award reparations. Its determination that Uganda must pay the DRC \$65 million annually over the next five years represents a significant avenue for recognition of violations of international law.

In analysing the judgement and its implications, international law scholars have focused on the rules of evidence. Of particular interest is how damages are calculated.

The case is also significant because states are turning to this court more frequently to try cases involving violations of international humanitarian law, the laws of war. But it also raises a broader question of what happens when a court that’s designed to keep international peace starts assigning crippling damage awards.

If participation in international law practice carries deep financial risks to states, they may be less willing to engage. This could carry risks for the peaceful resolution of disputes.

Late to the party

There is a legal truism: where there is a right, there is a remedy. If the legally recognised harm you have suffered is irreversible (death, destruction, or actions with long-term consequences), the remedy is usually financial: reparations. Domestic courts have developed methods and legal principles for calculating what harm and legal violations should “cost”.

Public international law, the law that governs states, has been slow to follow. As I argue in my book on international law in Africa, one reason is that international courts are based on consent. With few enforcement mechanisms, symbolism is frequently their most effective tool.

Indeed, Uganda argued that compensation was unnecessary because the court had vindicated the DRC’s claims.

This reasoning echoes rationales provided by the court itself in previous cases. For example, in its 2007 *Bosnia v. Serbia* judgment the court stated that its findings were satisfaction enough and Bosnia was not entitled to financial compensation from Serbia.

This is not because the idea of financial reparation does not exist in international public law. In 1928, the Permanent Court of International Justice established the principle of reparation and ruled that “reparation must, as far as possible, wipe out all consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed.”

This strong standard has rarely been applied. In the 20th century, the International Court of Justice awarded reparations for interstate claims only once, in the 1949 *Corfu Channel* case. In the 21st century, prior to the Uganda reparations award, the court made only two reparations awards, each for very small sums (\$95,000 to Guinea; \$300,000 to Costa Rica).

Other international courts and court-like bodies, however, are developing reparations jurisprudence. The International Criminal Court has begun to focus on reparations to victims as a necessary element for giving the court’s work impact. Human rights courts, which hear claims of citizens against their governments, have substantial histories of awarding reparations, and a high rate of compliance with their decisions.

Outstanding questions

While reparations practices are growing in international courts covering many jurisdictions, challenges remain. The DRC-Uganda judgement highlights several of these.

First, there are questions of how to calculate damage and liability. While the court’s 2005 condemnation of Uganda was unequivocal, the 2022 reparations judgement rejects most of the DRC’s arguments regarding damages. It rejects future damages and arguments regarding long-lasting harm as well.

Next there is the question of punitive versus compensatory damages. Punitive damages are higher than mere compensation. They are awarded to hurt the party that committed the harm and discourage harmful behaviour.

The International Court of Justice does not award punitive damages, and restricts its compensatory damage scheme to those damages where a direct connection between the harm and the responsible state can be established. But many of the damages the court recognised in its 2005 judgement arose from harms recognised by international criminal law. International criminal law, which can sentence convicted individuals to jail, is certainly punitive.

There is thus an argument to be made that certain international law violations, such as those Uganda committed in the DRC, should carry the possibility of punitive reparations.

As I have argued elsewhere, international criminal law relaxes criminal law’s standards of evidence, so that war criminals will not benefit from the chaotic circumstances they helped create.

Applying punitive damages for violations of international humanitarian law could get around the problem of proving the DRC’s claims. It would put states at the same level of risk that their citizens already face from international criminal law.

Of course, many historians locate the seeds of World War II in the punitive reparations scheme of the Treaty of Versailles following World War I. This perhaps gives us pause as we consider how international courts should punish states, particularly as regards “crippling” damage awards.

Finally, there is the question of compliance. Uganda has been ordered to pay \$65 million annually for the next five years. It says it cannot. As law professor Diane Desierto notes, the International Court of Justice does not even have the administrative capacity to follow whether Uganda is complying.

International Criminal Court case against former Lord's Resistance Army commander Dominic Ongwen raises serious questions about child soldiers – Dr Paul Behrens (The Scotsman)

By Paul Behrens

March 3, 2022

The use of child soldiers is one of the most heinous crimes known to international law.

Grave crimes are committed against them, starting, often enough, with the brutal abduction from their families. They are frequently made to watch violent treatment inflicted on others, and when, as new recruits, they are forced to commit terrible crimes themselves, their path of suffering has only just begun. Before the appeals chamber of the International Criminal Court

(ICC), the hearing in the case of Dominic Ongwen, a man found guilty of the conscription of child soldiers, came to an end last month.

Ongwen was a high-ranking commander in the Lord's Resistance Army – an extremist rebel group in Uganda accused of war crimes and crimes against humanity and led by his superior, Joseph Kony.

In that hearing, I was an *amicus curiae* – one of several experts on international law whom the Chamber wanted to consult. I teach international criminal law at the University of Edinburgh, where the subject has a long tradition, going back beyond the first judgments of the International Criminal Court in 2012.

The court had its predecessors which dealt with more specific situations, including the International Criminal Tribunals for the former Yugoslavia (dealing with the civil wars following the breakup of Yugoslavia) and for Rwanda (dealing with the atrocities committed against the Tutsis in 1994). Their cases were followed with great interest in academia, and we explored their findings in our research.

But the atmosphere in the courtroom is something different still: more formalised and attended by people whose contributions may well change the direction of the law: in particular, the five appeals judges who presided over the hearing in blue robes and white bands, led by the Peruvian judge Luz del Carmen Ibañez and including the president of the ICC himself, the Polish judge Piotr Hofmański.

Ongwen, too, was in the courtroom – sitting only a few rows away from us, smartly dressed in suit and tie and looking, if anything, unexpectedly calm. But appearances do not always give a truthful look into the soul of men.

Last year, the trial chamber had found Ongwen guilty on more than 60 charges. The child soldier charge was among them, but also torture, rape and murder, sexual slavery, forced marriage and attacks on the civilian population.

He appealed the judgment, but even his appeal did, for the most part, not contest the facts behind the crimes. It rather noted that there were special circumstances that had to be taken into account.

One of these aspects was the 'insanity defence' – the claim that Ongwen had suffered from a mental disease or defect. The problem is that there was little evidence of that when the crimes were committed – certainly no indication that he was unable to understand what he was doing or that his actions were unlawful.

Duress was another point: the defence claimed that Ongwen had to follow orders; otherwise, Kony might have had him killed. And the warlord would have known about Ongwen's behaviour, because – so it was believed in the militia – he had supernatural abilities. Kony was allegedly in touch with 'the spirits' who would have told him about any insubordination.

That sounds bizarre. It is bizarre. But belief in demonic forces is perhaps closer to our part of the world than one may think (ten years ago, the story of 'Slender Man' – a scary figure appearing in internet lore – sent teenagers around the world into a panic and caused an attempted killing in the USA).

There is another point which makes the Ongwen case unusual: he himself had been a child soldier. The suffering he must have endured is almost beyond imagination – he was kidnapped on his way to primary school, put into an environment which his judges described as "extremely violent", subjected to beatings and forced to commit horrible crimes himself. When he was 13, he learnt that his own parents had been killed.

After that, however, he rose through the ranks. He took a leading role in the Lord's Resistance Army, and rather than seeking to escape, he eventually became commander of the Sinia brigade – one of the four units that made up the militia, where he recruited child soldiers himself, some as old as he had been when he was abducted.

The appeals chamber will now deliberate the case and will have to wrestle with these difficult questions, including the impact of Ongwen's abusive upbringing on his own responsibility.

Child soldiers cannot be tried by the court, they are below the age of criminal responsibility. But former child soldiers? One cannot help thinking that more than ten years after abduction, when Ongwen himself committed many of the crimes he had witnessed as a child, the assessment must change.

If former child soldiers cannot be punished at all, militia leaders all over the world will take note and press even more children into their ranks – knowing that fighters like that will forever escape the arm of the law.

The fate of every former child soldier is tragic. That must be considered at sentencing – and it was in Ongwen's case (his total sentence was 25 years' imprisonment). But it does not change the fact he committed the crimes, knowing full well what he did. Responsibility has to start somewhere.

When a man knows from his own experience what his victims endure and still proceeds to visit these horrors on them, there is no injustice done if he must face the consequences at the hands of international justice.

Court told how Gicheru tampered with witnesses (The Standard) By Kamau Muthoni
March 8, 2022

The International Criminal Court was yesterday told how lawyer Mr Paul Gicheru was singled out for arrest. The lead investigator said his team combed through witnesses' mobile phones and established crime patterns.

Trial Chamber III judge Maria Samba heard that although there were many suspects, ICC investigators gathered evidence implicating only a few.

P-0730 said the suspects included Mr Gicheru, Mr Silas Simatwo, an executive in an insurance firm associated with Deputy President William Ruto, P-0654, P-0579, persons number 28, 33 and 25.

ICC deputy prosecutor Mr James Stewart was told following the overwhelming evidence, the investigation team singled out Mr Gicheru, journalist Walter Barasa, Mr Philip Kipkoech and the late Mr Meshack Yebei as the main suspects.

Mr Yebei was touted as a star witness against Dr Ruto and journalist Joshua Sang. Mr Yebei was abducted on December 28, 2014, and found dead several months later. No arrests have been made since then. In 2015, the ICC denied Mr Yebei was on the prosecution's witness list but regretted that he had been killed.

Prosecutor Stewart said: "Why were these four (Gicheru, Barasa, Kipkoech and Yebei) selected for a warrant of arrest?"

The witness said: "Assessment of the evidence indicated that it was strong enough for a warrant of arrest."

He also detailed the frustration they had to go through investigating crimes committed during the 2007-08 post-election violence.

The witness narrated that the Kenya government declined to cooperate, while some witnesses had doubtful testimonies after being bribed. The investigators were also denied access to the crime scenes.

Witness P-0730 told the court the government was non-committal about giving investigators a leeway to question suspects who were interfering with witnesses as the cases involved President Uhuru Kenyatta, Dr Ruto and other senior government officials.

The witness said it would have been dangerous to ask the authorities to help as that would expose witnesses. "For me to conduct certain inquiries, I need to involve the Kenyan authorities. A simple example would be if I wanted to access the telephone data of a witness or a suspect. To do that, I would send a request for assistance to the Kenyan authorities."

P-0730 continued: "In this case, because they're not cooperating my concern is that I will not have a response.

"Additionally by making that request I will put somebody at risk because I will be identifying a witness or a suspect whose risk I also have to assess." According to the witness, investigators would have gotten information on what was happening in the country by intercepting phone calls.

However, this did not happen out of fear that they too were on the National Intelligence Services radar.

"We did not consider phone interception as there were concerns about the nature of those services. This was a trial of a President and Deputy President," stated P-0730.

On the witnesses, the investigator said those who were tampering with others had learnt a new tactic of contacting them using phones that could not be traced.

The judge heard that for the investigator to use this method, they had to factor in a technical plan that assesses the proportion, legality, whether the interception is allowed, and its necessity.

Towards the middle of May 2013, P-0730 was asked by the ICC to review allegations of witness interference.

He completed the review and shared how he believed a witness interference investigation could be conducted. He went through at least 350 reports on witness tampering. The reports were classified as witness intimidation or corruption of witnesses.

Kenya

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

4th Witness In Gicheru ICC Case Says He Was Given Sh500,000 To Withdraw Testimony (Capital News) By Jemimah Mueni

February 28, 2022

NAIROBI, Kenya, Feb 28 – The fourth prosecution witness in the ongoing trial case of lawyer Paul Gicheru, who is facing witness tampering charges at the International Criminal Court (ICC), on Monday said that he was offered Sh500,000 to withdraw his testimony.

He started by describing his first meeting with Gicheru, saying they at a location (16), in the company of another person labelled person (14).

According to the witness, person (14) was also a victim who had received a Sh500,000 bribe, and his role at the office was to explain to him 'how things are done'.

"I remember it was upstairs, a neat office and there was a reception," he said.

During cross-examination by the prosecution, the witness said he was to stop testifying in the case against DP Ruto and also assist in locating other witnesses in exchange for the money.

"He (Gicheru) told me that I was going to receive Sh500,000 if I stopped giving statements in the Ruto case, and I will receive more if I bring other witnesses that I know of," stated the witness. "Gicheru told me that 'mkubwa' wants no stone left unturned in this case and that he wanted me to assist in locating other witnesses," he said.

In the first meeting, the witness said Gicheru offered him Sh10,000 in cash which he referred to as transport money and was to receive the bribe money at another meeting.

He said he was provided with a phone number which he was to be contacted with for further directions.

"I received a call from someone who was calling on behalf of Mr Gicheru and was asked to travel to location (4)," he said.

The witness however said he decided not to show up, claiming that he was scared for his life. "I decided not to go and switched off my phone because I thought that it might be a trap and they had a plan to harm me," he stated.

Gicheru is facing 8 charges of witness bribery and intimidation in what the Prosecution said was an attempt to sabotage the case against Deputy President William Ruto and journalist Joshua Arap Sang.

He denied all the charges during the opening of the trial on February 15, 2022. The prosecution, during its opening remarks on February 14, 2022, said they will be presenting evidence of phone records and transactions to confirm that Gicheru acted to prevent witnesses from testifying and coerced them to recant their statements.

They stated that they will present evidence showing how Gicheru, while operating from his office in Eldoret, decided which witnesses will be targeted and how much money they will be given.

The prosecution also submitted that Gicheru was to lead the witnesses in signing legal documents to cease cooperation with the court.

Ex-ICC chief prosecutor, Kenyan lawyer to probe Ethiopia conflict (The East African) March 2, 2022

Kenyan lawyer Kaari Betty Murungi is among three international experts appointed to investigate a wide range of alleged violations committed by all sides in Ethiopia's

conflict, the UN Human Rights Council said Wednesday.

The team will be headed by former International Criminal Court (ICC) prosecutor Fatou Bensouda of Gambia, who served at the war crimes court from 2012 to 2021.

Council president, Ambassador Federico Villegas of Argentina also appointed Steven Ratner of the United States to serve on the newly-created International Commission of Human Rights Experts on Ethiopia.

The top UN rights body agreed last December, despite strenuous objections from the government in Addis Ababa, to send international investigators to Ethiopia, amidst a grinding 15-month war.

The commission was handed a one-year renewable mandate to impartially investigate allegations of violations and abuses committed by all sides in the Tigray conflict that erupted in Ethiopia in November 2020.

The investigators have also been tasked with establishing "the facts and circumstances surrounding the alleged violations and abuses, collect and preserve evidence, to identify those responsible, where possible, and to make such information accessible and usable in support of ongoing and future accountability efforts".

Wagalla Massacre: State-Sponsored Terrorism (The Elephant) By Salad Malicha
March 4, 2022

Thirty-eight years later, the quest for justice has remained nothing but an illusion for the people of Wagalla and, between the 10th and the 14th of February of every year, the sense of neglect is heightened. Survivors and victims' families meet every year during this period to rejuvenate their resoluteness to seek justice. The only real solace the suffering families have received is the acknowledgement in the Truth Justice and Reconciliation Commission Report that atrocities were visited upon them by their very own government. But the affected families still await the execution of the recommendations made in the report.

The Wagalla massacre is possibly one of Kenya's worst human rights violations. It took place between the 10th and the 14th of February 1984; heavily armed security officers descended on the quiet Wajir area, ostensibly to mop up guns illegally held by locals.

Balkanizing legislations

To truly understand what led to the Wagalla massacre, one must go back to the very formation of Kenya. Only in doing this do we realize that massacres such as Wagalla do not just happen – they are the result of a history that precedes them. And for the north, this history began even before Kenya became a nation.

According to a Kenya Human Rights Commission (KHRC) paper, *Foreigners at Home – The dilemma of citizenship in Northern Kenya*, the Scramble for Africa carved up much of the continent with little regard for the need to keep ethnicities together. In 1896, Emperor Menelik of Ethiopia, buoyed by his conquest over Italy II, wrote to the heads of states of Britain, Italy, France, Germany, and Russia, stating his claim over territory stretching from Juba River on Lake Turkana (formerly Lake Rudolf) to Marsabit Mountain.

The British, afraid that he would encroach on their colony, formed a boundary commission that was mandated to establish boundary features and map out the ethnic identities of the populations. The Northern Frontier District (NFD) was created as a buffer zone against international and inter-clan territorial conflicts that threatened to spill over into the colony.

To this end, several legislations were enacted by the colonialists. First, in 1902, the Outlying District Ordinance Act effectively closed the NFD, restricting movement in and out of the district. The Special Districts (Administration) Ordinance of 1934 gave extensive powers of arrest, restraint, detention, and seizure of properties in the north. Finally, the Stock Theft and Produce Ordinance (1993) legalized the collective punishment of northern tribes and clans declared hostile by the Provincial Commissioner (PC). The definition of what constituted a hostile tribe was left to the Provincial Administration to determine.

By the time of its independence, Kenya was practically divided in two – north and south – with specific laws in place that ensured that the north continued to be governed under draconian legislation that became even harsher after independence. An Indemnity Act passed in 1970 restricted the taking of legal proceedings regarding certain acts carried out in certain areas between 25 December 1963 and 1 December 1967. The Indemnity Act was passed to protect members of the security forces who participated in the secessionist Shifta War in northern Kenya between 1963 and 1967.

The stage was set for what happened in Wagalla two decades later.

In the 1980s, scarce natural resources and political tensions had led to feuds and repeated violent conflict between the Degodia and the Ajuran in Wajir. The government issued an ultimatum to both groups to surrender their weapons. The ruling administration felt that the Degodia, who surrendered just eight weapons (in comparison to the 27 surrendered by the Ajuran), had not complied fully and decided to mount a joint operation to disarm them.

Anatomy of the Wagalla massacre

The massacre at the Wagalla Airstrip occurred in what is presently Wajir County. The bloodbath began in the small hours of 10 February, ending with a stampede and a shootout on the chilly morning of 14 February 1984. All men and boys over the age of 12 years belonging to the Degodia sub-clan of the Somali tribe in north-eastern Kenya were rounded up and detained at the newly constructed airstrip in Wagalla, nine miles from Wajir town.

According to Annalena Tonelli, 1,000 people were killed, but according to various community groups, the number is closer to 5,000. Annalena is the undisputed heroine of Wagalla. An Italian volunteer and Catholic lay sister, Annalena had lived in Wajir for 15 years prior to the massacre, assisting the less fortunate, running a tuberculosis and rehabilitation centre.

The Wagalla massacre destroyed a community, changed its social cohesion, and placed the burden of regenerating the dead society on the shoulders of widows. Those murdered were husbands, fathers, brothers or guardians, citizens of this sovereign republic who had a right to have their lives protected by the state. If indeed the state had a case against these people, natural justice would have dictated that they be brought before the courts and charged according to the laws of the land. That was not the case.

This is the worst massacre recorded in Kenyan history. Previously, the government has said that only fifty-seven people had died. However, On Wednesday 18 October 2000, when he was minister in the Office of the President, William Ruto told parliament that 380 people had died in what has been called the Wagalla massacre.

The Member of Parliament who raised the issue, Elias Barre Shill, said the minister was trying to avoid crucial questions. Shill charged that more than 1,000 ethnic Somalis were victims of the 1984 killings, adding that the Kenyan government should apologize and pay compensation.

There were other massacres in Bulla Karatasi in Garissa, in Turbi, and in Malka Marri, but Wagalla remains a classic example of a state run amok, an illustration of the genocidal intentions of a government incapable of exerting any meaningful control over the security of its citizens.

Like most Kenyans, I learned about the Wagalla Massacre from newspaper stories about 5,000 men who were killed at an airstrip by the Kenyan government. I was shocked by what sounded like a tale from another world; in many ways, it was a tale from another planet. The Northern Frontier District, as it was then known, had for long operated under a different set of military laws from the rest of Kenya. Successive regimes treated its populations brutally. Only during the sunset years of the Moi era did the residents begin to feel free to speak out about that terrible event.

The facts and figures from the Wagalla massacre are now etched into the fabric of the history of Kenya. What is probably less known is that this massacre was a deliberate act of genocide, not a military operation gone rogue. It began at the policy level.

It all started with a high-level cabinet meeting at Harambee House, where the political idea of justifying a massacre was mooted. No details emerged from this meeting, no minutes or reports. Even the efforts of the Truth, Justice and Reconciliation Committee could not unearth the policy prescriptions discussed that initiated a process that culminated in the death of so many people. More fundamentally, the TJRC came under fire because of “inherent flaws” in its mandate – which allowed for amnesty recommendations in some cases – and concerns that it would fail to hear from the perpetrators as well as from the victims, and would thereby fail to explain how the crimes were allowed to occur.

These concerns led the late Nobel Peace Prize winner Professor Wangari Maathai to describe the commission as one designed “to facilitate impunity, hoodwink and massage the victims and sweep the crimes under the carpet”.

Sources within the corridors of power confirm that a meeting did take place at Harambee House where security issues concerning Wajir were discussed and orders issued to the Provincial Security Committee in Garissa to initiate a security operation against a small Somali sub-clan living in Wajir District.

State-sanctioned operation

The meeting gave authorization, but the timing, strategy, and resources were left to the Provincial Security Committee led by Benson Kaaria who was the Provincial Commissioner of North Eastern Province at the time. This committee authorized the District Security Committee (DSC) to prepare the ground for the military operation. The District Commissioner at the time, J.P. Matui, was on leave. In the available documents and in his own testimony at the TJRC, the acting District Commissioner,

M.M Tiema, appears to have been used to achieve a predetermined objective.

The final order for the operation was given on 8 February 1984. This was at a meeting held in Wajir by the Kenya Intelligence Committee. The DSC and the Provincial Security Committee were in attendance. This meeting was the crucial source of authority to undertake the major security operation. According to the Etemesi Report, the military operation began on 10 February with a signal from the Garissa Provincial Police Officer that read:

All Degodias plus stock in Griftu Division plus adjacent divisions will be rounded up and treated mercilessly. No mercy will be exercised. You will get more instructions from this Head Quarter in another two days. No nonsense will be accepted. Further instructions will follow on the relief of the stock. Report progress daily.

On that day, the military moved into all the areas occupied by the Degodia sub-clan and carried out their orders. The Commander of the operation was Major Mudogo. According to the Etemesi Report, the operation had no written "Operational Procedures". In layman's language, the military operation had no rules or limits, and the security forces were given a blank cheque to run riot. And run riot they did. They started detaining people from northeastern and eastern Kenya at four o'clock in the morning. The military was assisted in identifying their targets by KANU youth wingers, some of whom were from the targeted community.

Early in the operation, the military moved into Bulla Jogoo, a heavily populated section of Wajir. The Ministerial Statement and the Etemesi Report have their versions of what happened. Survivors have an altogether rather different and chilling story.

Military invasion and raids

According to the Ministerial Statement made in parliament by the Minister for Internal Security, the military moved into Bulla Jogoo at five in the morning and ordered the residents to leave their huts. The order was not complied with and "the commander gave orders for the huts to be destroyed."

The Etemesi Report has a slightly different version of events: by five in the morning, under the command of Captain Njeru, the army had already placed a cordon around the Manyatta. Administration Police and Kenya Police then moved in to round up the people. Residents were hiding in their huts in fear of the security forces. They were ordered to dismantle their homes and move out of the area. By two in the afternoon, they had not complied with the order and Major Mudogo gave the order for the huts to be razed.

Survivors say the huts started burning at daybreak when soldiers raided the area.

Government documents that appear to have been doctored after the event and suffer serious contradictions, say that 381 male Degodia were detained.

According to the Ministerial Report tabled in parliament, all the people were gathered and detained for screening and interrogation at the newly constructed airstrip at Wagalla. The Etemesi Report says the people were first divided into various sections for easy identification, then forced to strip naked. Survivors say those who refused to strip were summarily executed in front of their colleagues. A prominent religious leader was the first to be executed after he resisted the order to strip. All of this happened on 10 February 1984.

The operation to round up the Degodia sub-clan continued on 11 February. People were arrested from their settlements in places far away from Wajir District. Some herders were picked up as far away as Jalaqo in Modogashe, Garissa District. Some were captured in Eastern Province and others near Mandera District.

The net was cast so wide that nobody could escape the reach of the security forces. The Etemesi Report says that those arrested were placed under guard, and interrogations continued at the airstrip.

According to the DSC, having so many people detained made it impossible to interrogate them individually, so they were divided into subsections. In total, there were 11 subsections of the sub-clan at the airstrip. The method of interrogation applied was extreme even for that era.

After being forced to strip, the prisoners were ordered to lay face down on the hot surface of the airstrip during the hottest month of the year. Temperatures are so high in February that one can get cooked by the sun. Survivors say many people succumbed to heatstroke, and this is corroborated by the Etemesi Report, which adds that detainees were subjected to "physical beating". The physical beating, according to survivors, involved the butt of a gun, batons, and bayonets. A witness at the TJRC testified that the torture was so extreme that men complained they were sodomized at night. Survivors say people were being beaten to death in front of their colleagues.

To add to their misery, the people were denied food and water. A situation was created at Wagalla Airstrip that led to disaster

in the following days.

On 12 February, the acting District Commissioner (DC), M.M. Tiema, addressed a public gathering in Wajir. Witnesses say he issued a lot of threats. Official records indicate that he assured members of the public of security in the town and asked them not to panic. In reality, most people in town had either been detained or displaced due to fear of the military. The targeted sub-tribe were the dominant urban poor in the town and the place looked deserted and desolate. Tiema and Officer Commanding Police Division (OCPD) Wabwire decided to take a stroll to the Wagalla Airstrip to assess the progress of the operation. They were accompanied by another officer, C.M. Mbole, who was the head of the dreaded – now defunct – Special Branch.

Arbitrary shooting

Official reports indicate that as soon as the DC alighted from his vehicle, the crowd burst out shouting, some detainees moving towards him and others running away through an opening in the perimeter fence. That is when Wabwire ordered that those escaping be shot. A total of 13 people were shot dead in the confusion. Survivors remember the District Commissioner's visit, the shouting and the brief melee but have no recollection of shooting at this point. The Etemesi Report suggests that due to the difficult conditions they were subjected to, the people were begging for clemency from the District Commissioner. Witnesses report that there were many people who were killed in the first three days of the operation and the report of people running away was used to cover up that fact.

The District Commissioner jumped into his car and left the venue amidst the cries of the suffering men in the airstrip. The Etemesi Report says that the operation did not succeed in recovering guns or arresting any known bandits. The report is scathing about the DC and the OCPD leaving the situation to junior officers, calling their action a "cowardly move" lacking "any sense of responsibility".

On 13 February, official reports showed for the first time the confusion reigning among the authorities in Wajir. There was a state of "fear, confusion and panic" within the DSC. This is probably because of the sheer numbers of the dead at the Wagalla Airstrip. By this date many people had been tortured to death, others had died from heatstroke and a large number were facing death due to thirst and starvation. Since the operation had no clear guidance, there was no way forward. Reports indicate that a decision was reached to release the remaining men and transport them back to their homes. The Provincial Security Committee visited Wajir on this date and received a briefing on the situation. The committee agreed with the DSC's decision to release the remaining detainees.

The provincial security did not visit Wagalla Airstrip but flew right over it. Survivors told the TJRC that they clearly remember a helicopter flying over the airstrip and being threatened by being told that the PC was supervising the operations. The order to release the detainees was given as part of a cover-up that was conjured up after the event.

Corpses everywhere

The 14th of February, Valentine's Day 1984, is completely absent from official reports regarding what happened at the Wagalla Airstrip. The Etemesi Report says nothing about this to date. However, survivors say it was the morning on which the stampede happened.

By this date, the Wagalla Airstrip was full of dead bodies. The military and police manning the area were tired and jittery. They were butchering the detainees one after the other. It was no longer an interrogation, just a slaughter.

Witnesses recall the crowd surging once towards the barbed wire fence, which gave way, allowing hundreds to make a dash for the nearby bushes. The military opened fire and many were shot. In fact, people survived because of their determination to escape or to die trying, and not because they were released from the Wagalla Airstrip. The stampede saved many but caused confusion. It was no longer the clean operation envisaged by the government. A lot of people escaped and ran naked into the bushes near Wagalla. Corraling them was difficult because there were no roads and the forces involved in the security operations were by that time fatigued and demoralized. It was a nightmare of immense proportions. That Valentine morning the Wagalla Airstrip was full of bodies in different stages of decomposition. Some had died moments before, with fresh bullet wounds in their backs, others were injured and screaming for help. Dazed, weak men were milling around naked and totally disoriented.

According to the Etemesi Report, Tiema and Wabwire reported that 13 people were shot in the stampede and that, as arrangements were being made to transport people to their various destinations, 16 more bodies were discovered at the airstrip. The report says that it is "believed that they may have died as a result of dehydration, hunger and excessive exposure to the sun".

At that point, the security team was faced with the question of what to do with the dead bodies and the injured persons at the airstrip. Official reports say there were 29 bodies at the airstrip and, in a state of panic and confusion, the DSC decided to

“dispose of the bodies”. The Etemesi Report further states that “a total of 20 bodies were thrown into the bush near Korodile, 100 miles northwest of Wajir town, while the other nine were buried at an area 6 to 10 miles from the Wagalla Airstrip on the way to Giriftu. This was done by Lieutenant Chungo of the army and police inspector Wachira respectively”.

Bodies exterminated

Survivors remember things very differently. The dead, the injured, and the weak survivors were all thrown into the backs of army Lorries and disposed of in different locations. Some were discarded in the places mentioned in the official report and others were dumped as far away as Moyale and Mandera Districts. What they all agreed on is that bodies were disposed of as far away as 100 miles away from the Wagalla Airstrip. The Etemesi Report agrees with the survivors when it states that the “officers were unable to verify what took place at the airstrip and how many people died”.

Official records say that the Wagalla Massacre was a routine military operation gone wrong. The Etemesi Report is specifically focused on this angle. The report says there were no specific instructions given to the subordinate commanders other than to show no mercy to the detainees. It seemed to the committee that compiled the report that no individual was responsible for any specific action. Accordingly, this was mob action. The report says that the situation got out of hand and an “unfortunate incident occurred at Wagalla Airstrip”. It adds, “The system of interrogation used at the airstrip left a lot to be desired and was very unprofessional”.

The most contentious question concerning the Wagalla Massacre is the death toll. Just how many people died in the carnage? The government has for decades stuck with the figure of 57 dead, but this figure has no basis. No names or any other details of the deceased were given. The Etemesi Report, which was written under circumstances that guaranteed no independent judgment, arrived at this figure by adding up figures from various sources. According to the DSC, 29 people died at the Wagalla Airstrip. It was confirmed that 15 bodies were buried at Sister Annalena Tonelli’s compound. Sister Annalena allegedly left 12 bodies in the bush. One person died in the hospital and was buried in the public cemetery. These different numbers were added up to come up with the official death toll. The government’s own report admits that the confusion that reigned makes it impossible to know what happened at Wagalla Airstrip in February 1984.

When hope departs from a heart, only darkness remains, and where once a bright future promised, nothingness abides. The psychological scars caused by the absence of all the men in one’s family run deep. But the worst scars of all are the ones left when a community that once believed in justice and the truth is for decades denied them.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

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Somalia

US Bombed Somalia Amid Russian Invasion of Ukraine (Common Dreams) By Kenny Sancil

February 25, 2022

Just before Russian President Vladimir Putin launched his full-scale military assault on Ukraine, which has drawn accusations of potential war crimes and received global condemnation, the United States hit Somalia with the latest drone attack in its 15-year war against the impoverished nation.

In a statement released Wednesday, the U.S. Africa Command (AFRICOM) said its Tuesday airstrike targeted suspected al-

Shabab militants "after they attacked partner forces in a remote location near Dudauble."

The first known U.S. airstrike in Somalia in 2022 was the fifth since the start of President Joe Biden's tenure in the White House.

"Before him, Donald Trump escalated the U.S. war in Somalia like no one else had, bombing the country more in the first two years of his presidency than Barack Obama had in eight, all the way up to January 19, 2021," journalist and author Spencer Ackerman wrote Thursday on his Forever Wars blog. "George W. Bush plunged the U.S. into conflict in Somalia in the first place in 2006."

Ackerman continued:

I hesitate to call Somalia a forgotten war. I write in *Reign of Terror* that calling it forgotten implies its receiving public attention in the first place. Shortly before I wrote the book, I learned that the House Armed Services Committee had never issued any study of a war that was more than a decade old. There is neither expectation nor effort to articulate a strategy that can bring this circumstance to a conclusion. There isn't even pressure for the most basic oversight.

With minimal spillage of U.S. blood, treasure and less media attention, a war like the one the U.S. wages in Somalia can persist as long as there is funding for it. In Washington, there is nothing more than a vacant shrug of the shoulders and a numb assumption that whatever it is the U.S. is doing must be the best of bad options. After 15 years, AFRICOM doesn't need to justify the operation beyond signing off with "violent extremist organizations like al-Shabab present long-term threats to the U.S. and regional interests."

Writing as Russia's bombardment of Ukraine killed dozens of civilians and produced thousands of refugees, Ackerman stressed that he was not engaging in "facile whataboutism."

"I don't think there's any whataboutism necessary," argued Ackerman. "You do not, in fact, have to choose between American and Russian imperialisms. The correct choice is to detest and resist both, with emphasis placed on resisting your own state's aggression, since you stand the greatest chance of success against something justified in your name."

Jacobin's Europe editor David Broder made a similar point Thursday, arguing that progressives should vehemently oppose a U.S. military response to Russia's invasion of Ukraine—and what he characterized as the reckless foreign policies that made it more likely.

While "Putin was not driven to invade by Western threat or by a small but militant far-right minority in Ukraine," wrote Broder, "it should clearly be recognized that Western actions have helped prepare the way."

"This is not only because NATO's post-1991 expansion has encircled Russia or empowered its militarists to claim that lands devastated during World War II are again under threat," he noted. "More than that, Putin's claim to stand up for minorities in the Donbas draws on a now well-worn playbook of 'humanitarian' intervention."

According to Broder:

To observe that those who destroyed Iraq, Libya, and Yugoslavia have no standing to condemn him is not an exercise in "both-sidesism." The likes of Blair, Clinton, Trump, and Putin have often been on one same side, through material collaboration in the War on Terror and in their common undermining of the international law which they all claim to uphold. Time and again, Washington has allied with despots, come to see them as unreliable, then launched military offensives against them that succeeded only in spreading chaos. The Left has every duty to remember these disasters—and prevent them from being repeated in the present.

Ackerman, meanwhile, asserted that as long as the U.S. military drops bombs around the world, "it will need to be written about, especially since there has never been anything more than sporadic U.S. reporting on the Somalia war. It needs to be written about now because it happened now."

"That is not to say or imply that coverage of Ukraine is inappropriate," he added. "There is a Russian assault on Ukraine and that must be covered. It is instead to say that the ongoing horrors of a protracted war matter as much as the fresh horrors of a new one."

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Ethiopia

New report highlights Tigray atrocities, says Ethiopia could face famine (National Catholic Reporter) By Fredrick Nzwili

March 3, 2022

As Catholic officials in Tigray continue to call for meaningful peace talks and an end to atrocities and the humanitarian aid blockade, an international refugees organization is warning that Eritrean refugees in the northern region have nowhere to run.

Refugees International, a global organization advocating for displaced and stateless people, said in a report released March 3 that the humanitarian situation in Tigray was abysmal, with atrocities similar to war crimes displacing at least 2.5 million people inside and out of the country.

"The Ethiopian government has blocked virtually all food and medical shipments into Tigray, using food as a weapon of war," Sarah Miller, a senior fellow with Refugees International, said in the report, "Nowhere to Run: Eritrean Refugees in Tigray."

With starvation deaths mounting each day, she said in the report, and nearly 900,000 people in famine conditions, there are fears that the current situation in Ethiopia will mirror the Great Famine of the 1980s, when more than 1 million people died of starvation.

"The world should continue to be shocked at what is taking place in Tigray — manmade famine is something that should outrage all of us, including people of faith," Miller told Catholic News Service in an interview, while underscoring the role of faith groups in responding to the crisis and refugees in particular.

"Religious leaders inside Tigray and around the world have raised their voices in support of those suffering as a result of the humanitarian blockade. They should continue speaking out as much as they are able and sharing information with their communities about what is going on," she added.

Her views resonated with those of Catholic clergy from the region.

"We have statements indicating that half of the population in Tigray will die of starvation by the end of this year. In a literal sense, yes: We think this is a direction things may take if things continue as they are," said a cleric who could not be named for security reasons.

According to the report, among the vulnerable groups, Eritrean refugees in Ethiopia were receiving little attention or support, despite facing unique risks. In early 2021, two Eritrean refugee camps in Tigray were destroyed, allegedly by Eritrean troops, leaving approximately 20,000 Eritrean refugees missing. In January, refugees were killed by airstrikes that hit refugee camps. In a raft of measures, Refugees International wants the U.N. High Commissioner for Refugees to reconsider moving the refugees to new camps near active war zones. It also suggests quick resettlement of the refugees and neighboring countries, including Kenya and Sudan, to open their doors to them.

Miller said faith groups in the U.S. can voice support for refugees and welcome them, "including by helping them to find housing, jobs, and enrolling in school, etc." She said that, while the situation in Ukraine is dire, the world should not forget the crisis in Ethiopia.

"We hope that people will look beyond the headlines and remember that the crisis in Ethiopia is not over for those facing famine, internal displacement, and for specific refugee groups, including Eritrean refugees in Ethiopia, who need international protection and assistance and immediate access to their rights," she said.

Nowhere to Run: Eritrean Refugees in Tigray (Refugees International) By Sarah Miller

March 3, 2022

The humanitarian situation in Ethiopia's northern region of Tigray is nothing short of abysmal. Atrocities amounting to war crimes have led to the forced displacement of nearly 2.5 million people inside Ethiopia and into neighboring states. The Ethiopian government has blocked virtually all food and medical shipments into Tigray, using food as a weapon of war. With starvation deaths mounting each day and as many as 900,000 people in famine conditions, there are fears that the current situation in Ethiopia will mirror the Great Famine of the 1980s, where over 1 million people

starved to death.

Humanitarian actors, desperate to deliver life-saving aid, are unable to access those most in need. Ethiopian authorities are enforcing a communications blackout, and Ethiopian soldiers and rebels are targeting aid workers. Across three regions in Ethiopia, the UN now estimates some 9 million people need food assistance.

The entire population of Tigray and many parts of neighboring Amhara and Afar are suffering greatly. Among these, one vulnerable group is getting lost. Eritrean refugees in Ethiopia have received little attention or assistance despite facing unique risks. They fled one of the worst human rights situations in the world and are now being targeted, killed, kidnapped, tortured, subjected to discrimination, and otherwise abused in Ethiopia. Like Tigrayans, Eritrean refugees are also suffering from the food and medicine blockade.

Neither the Ethiopian state nor any other armed group are protecting Eritrean refugees in Ethiopia. The UN has been unable to guarantee their safety. Indeed, in early 2021, Eritrean troops destroyed two Eritrean refugee camps in Tigray, dispersing approximately 20,000 Eritrean refugees. In January 2022, refugees were killed by airstrikes that hit refugee camps. The UN and other aid actors have routinely been unable to reach the camps for weeks or even months at a time. Put simply, Ethiopia is no longer a safe country for Eritrean refugees.

Broadly speaking, all parties to the conflict need to participate in an inclusive peace process, and the humanitarian blockade of Tigray must be lifted immediately. Neighboring states, the African Union, financing institutions like the World Bank, and other states, including the United States, Turkey, China, and the United Arab Emirates, must push for an immediate ceasefire, full aid access, peace talks, and the respect of human rights for all inside Ethiopia. Fighting groups should never target civilians, including refugees and internally displaced people (IDPs).

Specific to Eritrean refugees, pressure must be brought to bear on Ethiopia to meet its obligation to protect refugees on its territory. Ethiopia should demand that Eritrean troops withdraw from the conflict and not have contact with or attack Eritrean refugees, and the Human Rights Council should investigate human rights abuses and kidnappings of refugees by Eritrean troops and other armed groups.

For its part, the UN Refugee Agency (UNHCR) should reconsider moving refugees to newly erected camps within easy reach of active conflict zones, instead focusing its efforts on helping Eritrean refugees find areas of refuge that provide greater safety, as well as durable solutions to their displacement. Indeed, it should work with donor states like the United States to offer resettlement as quickly as possible to those Eritrean refugees who are of greatest vulnerability and who may be interested in resettlement options. For Eritrean refugees who wish to stay in Ethiopia, UNHCR and Ethiopia should work with all relevant stakeholders to provide safe passage out of conflict zones to other parts of the country, including Addis Ababa. The UN should also work with neighboring states like Sudan and Kenya to prepare to welcome Eritrean refugees trying to leave Ethiopia and unable to find refuge elsewhere.

The tragedy in Ethiopia, and the famine in Tigray in particular, over the last year was described by the UN's Martin Griffiths as a "stain on our conscience." Overlooking the needs of some of the most vulnerable caught up in the crisis must not add insult to injury, especially as it is clear that Ethiopia is no longer an adequate refuge for those fleeing Eritrea

Context

Overview of the Conflict and Humanitarian Situation

In November 2020, rising tensions between Ethiopian Prime Minister Abiy and Tigrayan regional leadership culminated in an attack by Tigrayan forces on a federal military base in Tigray. Prime Minister Abiy responded with a military offensive on Tigray, and fighting quickly spiraled to include Tigray's armed forces, the Ethiopian army, Amharan militia, and Eritrean forces. The fighting remained largely in Tigray, and was accompanied by massacres, torture, kidnapping, widespread rape as a weapon, and the destruction of medical facilities and infrastructure. Banking and telecommunications were blocked, farms destroyed, livestock slaughtered, and a range of other human rights violations occurred over the next eight months. In addition, widespread looting continues to prevent people from receiving desperately needed food and medicine, and a mix of indiscriminate attacks and targeted violence by all parties has led to the deaths of some 25 aid workers over the last year.

In June of 2021, Tigrayan forces recaptured much of Tigray, and then pressed into Amhara and toward Ethiopia's capital, Addis Ababa. Toward the end of 2021, Ethiopia regained territory with the help of drones from other states, including Turkey, the United Arab Emirates, and Iran. Tigrayan forces, perhaps responding to international pressure or in order to regroup, abruptly returned to Tigray and called for immediate humanitarian access. To date, the fighting continues, and Ethiopian forces continue to block access to those in need.

The World Food Program recently reported that its operations would grind to a halt as fuel, funding, and stock are running out. They also report a record 9.4 million people in need of humanitarian food assistance in Ethiopia. Starvation deaths are

now being reported with somewhere between 425 and 1,201 people dying of hunger each day. Some non-governmental organizations (NGOs) report that the population—children in particular—are too malnourished to receive vaccines. Other reports depict displaced people eating leaves to survive. And a recent UN report noted an all-time low for food distribution in Tigray: supply stock, including therapeutic nutrition supplies to treat severe acute malnutrition, and fuel have almost entirely been depleted.

Thus far, international actors have been unable to stop the conflict or convince the government of Ethiopia to lift the blockade. For their parts, United Nations and African Union peacemaking efforts have gained little traction, and the United States, EU, and other donor states continue to push for peace talks. Other influential states, like China, Turkey, and the United Arab Emirates may also have opportunities to push Ethiopia to end the conflict.

Eritrean Refugees in Ethiopia

Eritrean refugees are among the most vulnerable populations affected by the atrocities, displacement, and deteriorating humanitarian situation in northern Ethiopia. Hundreds of thousands of Eritreans have sought refuge in Ethiopia in recent decades, and the country currently has some 149,000 Eritrean refugees. They have fled some of the worst human rights conditions in the world. For example, Eritrea ranks even lower than North Korea in the World Press Freedom Index of 2021. Freedom of worship, widespread persecution, forced military conscription, and other widespread rights violations are common. Those who speak out or are even suspected of opposition to government policy have been jailed for years, tortured, executed, and disappeared.

Eritreans who have fled to Ethiopia face similar challenges to refugees from other countries, like South Sudan, Sudan, Somalia, and Yemen. Ethiopia hosts 800,000 refugees, one of the largest refugee populations in the world. Most refugees are required to live in the camps, which are jointly run by the UN Refugee Agency (UNHCR) and Ethiopia's Refugee and Returnees Services (RSS) (formerly known as, ARRA, or the Agency for Refugee and Returnee Affairs). Until 2020, very few refugees had the legal right to work.

Before the war, many Eritreans in Ethiopia would migrate to Sudan, and some would travel onward with hopes of reaching Europe via Libya and across the Mediterranean Sea. On these routes, many have been trafficked, tortured, and/or sold into slavery. Of those who remained in Ethiopia, most resided in Tigray, largely due to geography (Tigray borders Eritrea) and cultural and linguistic similarities. Nearly all Eritrean refugees in Tigray were clustered in four camps: Hitsats, Shimelba, Mai Aini, and Adi Harush.

The Needs of Eritreans Still Inside Tigray and Amhara

Nowhere to Run

Since the start of the conflict, both Eritrean forces and Tigrayans have targeted Eritrean refugees—the former targeting Eritrean refugees as vengeance for having fled their native country (in many cases to avoid conscription), and the latter as vengeance for the atrocities Eritrean forces have committed against Tigrayans. As Human Rights Watch's Laetitia Bader indicates, "Eritrean refugees have been attacked both by the very forces they fled back home and by Tigrayan fighters....The horrific killings, rapes, and looting against Eritrean refugees in Tigray are evident war crimes." Eritrean refugees have also been scapegoated by Tigrayans who have suffered abuses by Eritrean soldiers. And they have been targeted by those wanting to attack Tigrayans, as many speak Tigrinya and may easily be mistaken for Tigrayan Ethiopians.

Some of the fiercest attacks have been carried out by Eritrean troops who crossed into Ethiopia to join the fight. In January 2021, satellite images revealed that Eritrean troops had destroyed the two northern Eritrean camps of Hitsats and Shimelba. These camps were home to approximately 20,000 Eritrean refugees. It was difficult to confirm the state of these camps for weeks and even months, as telecommunications were cut in Tigray, misinformation was common, and the conflict was raging.

The UN was finally able to gain access in March 2021, and confirmed that the camps were completely destroyed, with all occupants "scattered" and all humanitarian facilities "looted and vandalised." Human Rights Watch reported that these camps were directly targeted by "belligerent Eritrean and Tigrayan forces" who occupied the camps and committed abuses. Most residents are believed to have fled, but some Eritrean refugees were killed, and many more – potentially thousands – were kidnapped back into Eritrea.

Cross-border attacks on camps are not unheard of in many refugee situations, particularly along porous borders with tense security situations and ongoing conflict. However, the wholesale destruction of camps and the large-scale kidnapping from a country of asylum back into the country of origin is quite rare, and certainly cause for alarm. Indeed, Eritrea has taken advantage of the conflict in Ethiopia to settle old scores—and Ethiopia has permitted it. A recent Reuters report describes one kidnapping instance where soldiers detained a group of refugee leaders, pinning their elbows behind their backs and holding them for days in a church. They were then taken away in trucks and have not been heard from since.

Multiple Displacements, Unsafe Encampment, Lack of Assistance and Protection Since the destruction of the northern camps of Hitsats and Shimelba that displaced 20,000 Eritrean refugees early in the conflict, and attacks on Eritrean refugees and the civilian population elsewhere in Tigray, thousands more Eritrean refugees have been repeatedly displaced. Some have moved multiple times in Tigray. Others have sought safety in Addis Ababa. In one instance in December 2020, Eritrean refugees who had reached Addis Ababa, were forcibly escorted back to Tigray. To date, aid groups are unclear of what has happened to many of the 20,000 Eritrean refugees who left Hitsats and Shimelba.

Some Eritrean refugees managed to reach other camps. Approximately 5,000 made their way to Mai Aini and Adi Harush camps as of February 2021. However, their situation in these camps remains precarious. Since June 2021, UNHCR and other aid agencies have routinely been cut off from these camps, blocked from delivering food, medicine, and other assistance for weeks or even months at a time. In January 2022, UNHCR issued a statement indicating that its staff had been unable to reach Mai Aini or Adi Harush for three weeks. When UN staff finally reached the camps, they found “refugees scared and struggling to get enough to eat, lacking medicine and with little or no access to clean water.” They highlighted more than 20 preventable deaths due to the lack of medicine and health services.

Attacks have also targeted refugees in the camps. Some faced vengeance attacks by Tigrayans. In a recent airstrike by Ethiopian force, three refugees in Mai Aini – two of whom were children – were killed. Even last July, UNHCR raised the alarm about the safety of Eritreans in camps in Tigray, citing concern that 24,000 Eritrean refugees in Mai Aini and Adi Harush faced intimidation, harassment and were cut off from assistance. And in February 2022, thousands of Eritrean refugees fled Barahle Camp in Afar region after the camp was attacked and refugees killed and kidnapped.

Despite these dangers, UNHCR is working with the Ethiopian government to build new shelter and camps for Eritrean refugees near Dabat and Alemwach in the Amhara region. Some refugees approve of this relocation, if only because they are desperate to get out of harm’s way. However, many others do not feel they will be safe anywhere in Ethiopia, let alone in these camps. Eritrean refugees are commonly mistaken for or associated with Tigrayans, who face threats and discrimination across Ethiopia. Or they are associated by vengeful Tigrayans with Eritrean soldiers, who have been implicated in massacres, mass rape, and other abuses in Tigray. Host Tigrayan communities that had lived peacefully with Eritrean refugees for years now fear that Eritrean refugees cannot be trusted.

The Needs of Eritreans in Sudan

While most Eritrean refugees in Ethiopia are believed to have remained in the country since the violence began in November 2020, some have fled to Sudan, joining a larger, older caseload of Eritrean refugees there. The newly arrived Eritrean refugees are among some 55,000 Ethiopian refugees who made their way into Sudan in the early months of the conflict. Over 2021, the border between Ethiopia and Sudan became increasingly difficult and dangerous to cross and rising tensions stemming from longstanding grievances between Ethiopia and Sudan make it dangerous for refugees to flee to safety. In addition, Sudan’s coup in October 2021 and its aftermath have added financial and political strains, with potential impacts on its overall capacity to assist refugees.

In the early months of the conflict, Sudan received praise for its relative openness, despite already hosting a protracted refugee population of some 1 million people from various countries in the region. However, by June 2021, donors were raising concerns about the response by international organizations, taking the rare step of sending a letter to UNHCR to express frustration over a “lack of leadership and failing to act on prior donor warnings about gaps and delays in providing aid.”^[1] They cited a range of concerns for newly arriving refugees in Sudan, including risks of trafficking, armed recruitment, and sexual violence. The New Humanitarian Africa Correspondent and Editor

Philip Kleinfeld’s exclusive reporting on the matter cited senior aid officials in the camps as decrying a response that was “...the worst they had seen in their careers.”

Some of the concerns related to hasty efforts to find suitable sites for camps – a common struggle in any emergency displacement setting. The sites of Sudan’s more recently established camps, particularly Um Rakuba and Tunaydbah, are prone to weather risks, including severe storms, flooding, windstorms, and other hazards. A Médecins Sans Frontières (MSF) report highlights that one camp was built on “black cotton” soil that is hard and cracks during the dry season and becomes wet, sticky, and muddy during the rainy season.

Many have chosen to seek a life elsewhere, rather than languish in camps. One refugee, discussing others he knew who left for Libya stated, “They know the danger. I tried to tell them many times, but we cannot blame them. Look at this place—they go out of pure despair.” Indeed, many risk the dangers of smugglers and traffickers who are well-known to eastern Sudan, and profit heavily from desperate migrants and refugees trying to get to northern Africa and Europe. Reports indicate a threefold increase in smuggling since the start of the war. Eritrean refugees and others smuggled and trafficked have long been subjected to rape, torture, extortion, enslavement and detention, and in recent years reports of kidnapping refugees and trafficking them have been reported by the UN and rights groups. And among those that do reach northern Africa, many die

trying to cross the Mediterranean Sea in attempts to get to Europe.

Some of those who are smuggled or trafficked, including Eritrean refugees, are children who were separated during the conflict. Many still do not know what has happened to family members they lost during the fighting. While aid agencies have conducted family reunification where possible, unaccompanied minors are particularly vulnerable to trafficking and smuggling. Indeed, the trafficking route from eastern Sudan to northern Africa is a common and dangerous pathway for Sub-Saharan Africans trying to reach Europe.

Conclusion

True protection of civilians, including refugees in Ethiopia, will come only with the cessation of hostilities, lifting of barriers to humanitarian aid, and engagement in meaningful and inclusive dialogue. Any sustainable peace will also need to include measures of accountability for atrocities that have taken place. States with influence, including those in the region, as well as the United Arab Emirates, China, Turkey, the European Union, and the United States must press Ethiopia to pursue that path to peace. In the meantime, these actors, working with UNHCR, must take steps to ensure that those among the most vulnerable, including Eritrean refugees, have some path to safety. Ethiopia's allowance of Eritrean troops to operate in Ethiopia, direct attacks on refugees, and blocking of humanitarian assistance to refugee camps makes Ethiopia an unsuitable place for Eritrean refugees to access their rights, seek refuge, and find durable solutions to their displacement.

Recommendations

The Government of Ethiopia must:

Cease committing atrocities, end its humanitarian blockade, and uphold its obligations under international human rights and humanitarian law.

Provide protection and assistance to refugees on its territory, in accordance with its domestic law and international laws and never target refugees, IDPs, or other civilians during conflict.

Work with international humanitarian organizations to undertake concerted efforts to find and offer protection to Eritrean refugees who may be missing within Ethiopia.

Work with UNHCR and IOM to provide for Eritreans who wish to stay in Ethiopia safe passage out of conflict zones to other parts of the country, including Addis Ababa.

Acknowledge the ongoing presence of Eritrean troops and demand that Eritrean troops withdraw from the conflict and Ethiopian territory.

The UN Refugee Agency (UNHCR) should:

Make a concerted effort to find and offer protection to missing Eritrean refugees.

Work with the Ethiopian government to avoid establishing camps where there is no reasonable expectation that they will offer acceptable levels of safety and protection. Consult more widely with refugees on their views on safety and the building of new camps and solicit guarantees from the Ethiopian government that camps will not be targeted.

Focus its efforts on helping Eritrean refugees find other durable solutions to their displacement, including working with other countries to quickly pursue resettlement options for those in Ethiopia who are most vulnerable.

Work with Ethiopia and all relevant stakeholders to provide for Eritreans who wish to stay in Ethiopia safe passage out of conflict zones to other parts of the country, including Addis Ababa.

The United States government should:

Work with the UN and other states to demand a halt to violence and the humanitarian blockade, supporting national dialogue and the provision of aid to all regions, including Tigray, Amhara, and Afar.

Support accountability for grave human rights abuses by Ethiopia, Eritrea, and armed groups in Tigray and other regions, including through a Human Rights Council's investigations of kidnappings of refugees by Eritrean troops and armed groups and through a public U.S. atrocity determination.

Include Eritrean refugees among its priority groups for urgent processing and resettlement, and resettle a significant and substantial number of Eritrean refugees.

Neighboring states such as Sudan and Kenya should:

Prepare to welcome Eritrean refugees who are trying to leave Ethiopia and are unable to find refuge elsewhere, abiding by domestic and international obligations to provide protection to refugees.

Establish coordination bodies between civil society, the UN, NGOs, and local and national government officials in Sudan to work to prevent human trafficking of refugees (Eritreans and others) and other vulnerable groups in eastern Sudan.

While the world hopes for peace, the conflict in Ethiopia rages on, threatening to tear the country apart. Widespread displacement, ongoing human rights violations, and a humanitarian blockade has resulted in one of the today's worst humanitarian crises. Within this crisis, Eritrean refugees have been left with nowhere to run inside Ethiopia. They have been targeted and starved alongside their hosts and remain vulnerable to additional attacks from all of those party to the conflict. Put simply, Eritrean refugees are no longer safe in Ethiopia. The Ethiopian government must immediately work with the UN, donors, NGOs, and Eritrean refugees themselves to ensure that these refugees can find greater safety within Ethiopia, more secure refuge in neighboring countries, and the durable solution of resettlement.

Former ICC chief Fatou Bensouda to lead probe into atrocities in Ethiopia (Africanews) March 3, 2022

Former International Criminal Court (ICC) Chief Prosecutor Fatou Bensouda was appointed on Wednesday to head the UN commission of enquiry into alleged human rights violations by all parties to the conflict in Ethiopia.

In a statement issued in Geneva, the President of the Human Rights Council, Federico Villegas of Argentina, announced the appointment of the Gambian, as well as two other experts - Kaari Betty Murungi, a lawyer at the High Court of Kenya, and American Steven Ratner, a law professor - who will join the newly created commission.

Fatou Bensouda was the ICC's chief prosecutor from June 2012 to June 2021.

The international commission of enquiry on Ethiopia that she will lead was established for a period of one year. Its mandate is renewable if necessary, by a Human Rights Council resolution on 17 December.

Since its outbreak in November 2020, the war, which began in Tigray (northern Ethiopia) and then spread to the neighbouring regions of Amhara and Afar, has been marked by numerous allegations of abuses on both sides.

Last November, a joint report by the UN High Commissioner for Human Rights, Michelle Bachelet, and the Ethiopian Human Rights Commission documented possible war crimes and crimes against humanity in the conflict.

The three UN-appointed experts are mandated to investigate and gather evidence on human rights violations committed since 3 November 2020 by all parties to the conflict in Ethiopia. The aim is to identify, to the extent possible, those responsible for the violations with a possibility of prosecution.

The resolution establishing the commission was tabled by the European Union and adopted by 21 votes in favour out of 47 states in the Council, against 15 votes against (including China and many African countries) and 11 abstentions, during a special session of the Council.

The Commission will be required to provide an oral update on its work during the fiftieth session of the Human Rights Council in June 2022 and a written report at the following session in September.

The conflict between Ethiopian government forces and rebels in Tigray has left thousands dead, more than two million displaced and hundreds of thousands of Ethiopians in near-starvation conditions, according to the UN.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Serbian Court Urged to Jail Bosnian Wartime Prison Camp Official (Balkan Transitional Justice) By

Milica Stojanovic
February 24, 2022

A Belgrade court was urged to hand down a jail sentence to Osman Osmanovic, who is accused of war crimes against prisoners at a detention camp in Gornji Rahic in Bosnia and Herzegovina's Brcko area in 1992.

Prosecutor Dusan Knezevic on Thursday asked Belgrade Higher Court to hand down a six-year prison sentence to Osman Osmanovic, who is accused of abusing civilians and prisoners of war at the Rasadnik camp in Gornji Rahic in Bosnia and Herzegovina's Brcko area during the summer of 1992.

Knezevic said he believes that "in this case it has been established that the defendant committed the crimes with which he is charged, and I propose that the court deliver a conviction".

"The accused's defence is unfounded, contrary to other evidence and calculated to avoid [incriminating] the culprit," Knezevic told the court.

He added that Osmanovic, as a high-ranking officer at the prison, "was part of a system of organised torture of Serbs detained in the camp"

"I suggest that the court sentence him to six years in prison," Knezevic said.

But defence lawyer Djordje Dozet challenged the testimony of one of the former prison camp inmates, Vasiljko Todic, claiming that although he was interrogated about his time in the Rasadnik camp in six cases in court in the Brcko District, he never mentioned Osmanovic until 2018, when a criminal complaint against Osmanovic was filed.

Dozet said that it was obvious that Todic went through physical and psychological torture at the prison camp, like others who were held there.

But he insisted that "Osman Osmanovic did nothing to contribute to their disaster", and asked the court to acquit the defendant.

The indictment alleged that Osmanovic was a member of the Croatian Defence Council, and later of the Bosnian Army.

Osmanovic, a citizen of Bosnia and Herzegovina, has been in custody since November 2019, when he was arrested on the border between Serbia and Bosnia. Sarajevo asked for his extradition, but Serbia refused.

His trial in Belgrade started in June 2020, when he pleaded not guilty.

In the meantime, Serbia arrested another Bosnian citizen, Edin Vranj, a former senior Police Administration official in Bosnia and Herzegovina's Federation entity.

However, after sharp reactions from Bosnian officials and a meeting between the two countries' prosecutors in Belgrade, Vranj was released from custody and the Serbian prosecutor's office proposed that Bosnia take over his case.

Osmanovic's lawyer criticised this decision, saying that his client's case is similar and should also have been transferred to Bosnia.

"I must mention the Vranj case, where the prosecution proposes the transfer of the case [to Bosnia], proposes that detention be ended and the man released and not handed over to the authorities of Bosnia and Herzegovina, and my client to this day cannot exercise the right to have his detention commuted," Dozet said.

The verdict will be delivered on March 18.

Bosnia Convicts Serb Ex-Fighters of Deadly Attack on Civilians (Balkan Transitional Justice) By Aida Trepanic

February 25, 2022

Mile Vujevic, Vukasin Draskovic, Gojko Stevanovic and Ljiljan Mitrovic were convicted of committing a crime against humanity for their involvement in killing 67 fleeing Bosniak civilians in Lokanj, near Zvornik, in 1992.

The Bosnian state court in Sarajevo on Friday sentenced Mile Vujevic, Vukasin Draskovic and Gojko Stevanovic to 15 years in prison each and Ljiljan Mitrovic to eight years for their involvement in attacking a column of fleeing civilians, 67 of whom were killed, on July 14, 1992 near the village of Lokanj in the Zvornik area.

Four other defendants, Goran Maksimovic, Slavko Peric, Rajo Lazarevic and Mico Manojlovic, were acquitted.

The court found that Vujevic, Draskovic, Stevanovic and Mitrovic opened fire on the column of around 120 Bosniak civilians who were fleeing from the Teocak municipality.

Maksimovic was the commander of the Interventions Unit at the police's Public Security Station in Ugljevik and Mitrovic was his deputy, while Peric was commander of the Lokanj Company of the Bosnian Serb Army's Zvornik Brigade, and the other defendants were members of his unit.

The court found that Mitrovic singled out one captured civilian and then ordered two policemen to shoot him.

The Bosnian Serb fighters then separated around ten Bosniaks from the others, after their names were called out by Mitrovic, and shot them behind the church in the village of Vidrovine.

Mitrovic was also convicted of separating a group of eight of the Bosniaks from the others. The eight captives were then taken to detention facilities.

Judge Stanisa Gluhajic stressed that the victims were civilians.

"These were predominantly unarmed people, wearing civilian clothing, with only a few being dressed in hunting clothes, but they had the status of civilians," said Gluhajic.

The judge said that the civilians' goal was to reach territory outside Serb control in the Zvornik area. Commenting on the acquittals, judge Gluhajic said the prosecution had not proved beyond reasonable doubt that Vinko Lazic issued an order to attack the column.

He added that, on the basis of the evidence presented, it had not been proven that Maksimovic shot at the column, nor that he mistreated the civilians.

Gluhajic said that it had also not been proved beyond reasonable doubt that Peric was the de facto commander of the Lokanj Company at that point in time and that Djordjic issued orders on the date of the crime.

As for the acquittals of Lazarevic and Manojlovic, the judge said that witnesses did not confirm their presence at the scene of the crime.

The verdict can be appealed.

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

Official Website of the ICTY

We Need a Better Way to Prosecute Sexual Assault in Conflict (Foreign Policy) By Hikmet Karcic and Tanya L. Domi

March 9, 2022

Though rape is one of the most commonly perpetrated war crimes, it is rarely considered by international courts.

Following many years of organizing within the United States, Kosovar survivors of conflict-related sexual violence that occurred during the 1998 to 1999 Kosovo War are now pressing U.S. President Joe Biden to seek redress and accountability from the government of Serbia. An estimated 20,000 rapes of Kosovar women were carried out by Serbian soldiers and police during the conflict but, to date, only one has been prosecuted by a court of law, and it is now on appeal. According to Human Rights Watch, the assaults may have served as a means “to discourage women from reproducing in the future,” which indicates genocidal intent.

A letter sent to Biden by Democratic Congressman Adriano Espaillat of New York and 15 of his colleagues in December requested the administration to urge Serbian President Aleksander Vucic to bring justice to the perpetrators who raped and tortured Kosovar women, citing the case of Vafije Krasniqi Goodman, a U.S. citizen born in Kosovo who was raped by a Serbian police officer as a 16-year-old girl in her village in 1999.

Goodman, the first woman to go public about her rape in Kosovo, testified before Congress in 2019, emotionally detailing her abuse. The letter also addressed other alleged crimes against humanity perpetrated during the conflict, including the case of three Kosovar Americans who were executed in Serbia in 1999.

Despite its well documented human rights abuses and staggering death toll, only six men have been found guilty of crimes committed during the Kosovo War by the International Criminal Tribunal for the Former Yugoslavia (ICTY). And the body has completely failed to prosecute perpetrators of sexual violence from that conflict. Local courts in Kosovo are just beginning their own war crimes prosecutions. Last year, the first sex crime verdict against a Serbian police officer was handed down in Pristina.

Regrettably, this only follows more general trends. Though rape and sexual assault committed during conflict are legally considered atrocity crimes, they are rarely prosecuted by international and national courts. But now, by acting on the letter sent to him by lawmakers, Biden can initiate a course correction.

Most of the groundbreaking international jurisprudence on sexual violence has been generated by ad-hoc tribunals. The first international treaty to implicitly outlaw sexual violence was the Hague Convention of 1907. Article 46 of the document conveyed that “family honour and rights” must “be respected.” But this did not end impunity for conflict related crimes of sexual violence. Indeed, rape and sexual assault were not prosecuted at the Nuremberg Tribunals or by the Tokyo Tribunals after World War II, although Japanese authorities raped and detained an estimated 200,000 women in the Asian theater throughout the war.

Korean and other women enslaved by the Japanese also have not been able to achieve any form of justice in subsequent legal action. As recently as last year, a South Korean court upheld Japan’s immunity and dismissed victim claims against the Japanese government for reparations. The Japanese government has refused to apologize for these crimes, saying the issue of legal responsibility was resolved in past treaty agreements with South Korea. Justice has remained elusive for more than 70 years for these remaining survivors.

In 1949, the landmark Geneva Conventions were adopted by the United Nations, setting standards for the treatment of civilian populations during war. Among other provisions, they state, “Women shall be especially protected against rape, enforced prostitution, or any form of indecent assault.” But it was not until the wars fought during the breakup of the former Yugoslavia when two female survivors of sexual assault, Jadranka Cigelj and Nusreta Sivac, invoked this line to take action. After their rescue from the camps in 1992, Cigelj and Sivac, both lawyers, gathered over 200 testimonies of women who were raped by Bosnian Serbs. They presented the evidence to the ICTY, persuading prosecutors to act on the testimonies and include crimes of sexual violence committed during conflict.

During the Bosnian War from 1992 to 1995, Bosnian Serb forces strategically targeted women, children, and many men detained in concentration camps. The worst such incident occurred in 1992 in the Luka concentration camp in the town of Brcko, where Bosnian Serb authorities detained Bosnian Muslims and Bosnian Croats. Many of the male survivors have rarely spoken about their experiences given the taboos around sexual abuse perpetrated against men.

The chief perpetrators of these atrocities were Goran Jelusic and Monika Karan, a couple keen on sadistic torture and murder. While Jelusic was one of the first to be arrested and indicted by the ICTY in 1999, Karan slipped under the radar. She was a teenager at the time she committed the atrocities, later changing her identity and continuing to live in Republika Srpska, the Serb entity in Bosnia and Herzegovina. Karan was arrested in 2011 and convicted by a court in Brcko to four years in prison for war crimes against civilians. She was released early in 2014 and blended back into society.

In total, the ICTY charged more than 70 individuals with crimes of sexual violence including sexual assault and rape by ICTY, ultimately convicting 32 of them. This produced landmark international jurisprudence with respect to sexual violence during conflict. In a few different cases since 2000, the tribunal found rape to be a crime against humanity, an act of torture, and a tool of terror, establishing a clear link between rape and ethnic cleansing. However, the ICTY failed to establish that rape was a component of genocide, though an estimated 50,000 rapes were perpetrated during the Bosnian war.

The landmark precedent declaring rape a war crime was made in 1998 by the International Criminal Tribunal for Rwanda (ICTR). Established in 1994, the tribunal worked in parallel to the ICTY. Their case laws overlapped and supplemented each another. During the 1994 Rwandan genocide, roughly half a million women and children of the Tutsi ethnic group were raped, sexually mutilated, or murdered by Hutu extremist gangs and police during a span of 100 days. In 1998, Jean Paul Akayesu, the mayor of Taba commune, became the first person convicted for directing rapes of Tutsis, establishing the precedent that rape and sexual violence can constitute genocide. It was then used to convict Pauline Nyiramasuhuko, at the time the Rwandan minister for family welfare and the advancement of women, who ordered the rape and murder of Tutsi women and girls.

The International Criminal Court (ICC) levied its first conviction in 2016 for sexual crimes against Jean Pierre Bemba Gombo, former vice president of the Democratic Republic of Congo, for atrocities committed during the conflict in the Central African Republic from 2002 to 2003. But in 2018, to the dismay of survivors and human rights activists, Bemba was acquitted on all charges by the Appeals Chamber. In 2019, Congolese rebel commander Bosco Ntaganda was convicted for crimes committed in the Democratic Republic of Congo in 2003, including sexual slavery and rape. This time, the verdict was upheld by the Appeals Chamber. It is considered a landmark conviction for wartime rape.

More recently, the Yazidi community in Iraq was subjected to horrific crimes by members of the Islamic State after the fall of Sinjar province in 2014. In 2016, the Independent International Commission of Inquiry established by the United Nations released a report that labeled the crimes perpetrated against the Yazidis as “unimaginable horrors,” stating the acts constituted genocide in their entirety.

In 2021, the Iraqi Council of Representatives adopted the Yazidi Survivors Law, which should pave the way for prosecutions of Islamic State sex crimes and trafficking in domestic Iraqi courts. The law instituted reparations for Yazidi, Christian, Turkmen, and Shabak minority groups, and supports education, health services, and universal basic income for these communities. In 2021, a German court convicted an Islamic State member for genocide and crimes against humanity but did not address the alleged sex crimes. The enslavement and trafficking of Yazidi women and other sex crimes must be addressed in future trials.

Also last year, reports surfaced of a systematic rape campaign by the Ethiopian government forces against women in Tigray province in the country’s ongoing civil war. During a Ethiopian parliamentary session in on sexual violence in Tigray, Prime Minister Abiy Ahmed rebuffed the severity of the allegations, saying, “The women in Tigray? These women have only been penetrated by men, whereas our soldiers were penetrated by a knife.” Similarly, survivors of the concentration camps in China’s Xinjiang province have alleged systematic sexual violence and rape as a torture tactic against the Uyghur detainees.

In 2021, the Ethiopian Office of the Attorney General prosecuted four Ethiopian soldiers, three of whom were found guilty of rape and one of whom was convicted for killing a civilian in the Tigray region. There are also 28 Ethiopian soldiers on trial for killing civilians and 25 on trial for acts of sexual violence and rape.

Just last week, the ICC announced it will launch an investigation into alleged war crimes, including rape, perpetrated in Ukraine since 2013, when protests against Russian-backed President Viktor Yanukovich began and were soon followed by the Russian annexation of the Crimean Peninsula and strife in eastern Ukraine. There have already been reports of renewed sexual assaults since the full-scale Russian invasion of the country began last month.

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Kosovo Specialist Chambers

Azerbaijan

Azerbaijan Attacks Nagorno-Karabakh Land and Harasses Residents (International Christian Concern) March 9, 2022

Azerbaijan continues its aggression towards the Armenian land and people of Nagorno-Karabakh (Armenian: Artsakh). March 7, Azerbaijani forces opened fire on Armenian soldiers in several spots along buffer zones, which resulted in at least one death of an Armenian. Now, the area of Nagorno-Karabakh has been cut off from the gas supply.

The cause of the issue remains unknown but the damaged portion of the main gas pipeline remains under Azerbaijani control, and to date, Azerbaijan has not allowed the company specialists to access the site to assess the damage and repair it. Artsakh Ombudsman Gegham Stepanyan commented on the situation saying, "Obstructing the resumption of gas supply is proof of the intention of the Azerbaijani side to cause problems in the humanitarian sphere in Artsakh, to disrupt normal life."

On March 8, Azerbaijani forces also fired at the Artsakh Defense Army near Kharmort and shelled the village. Earlier in the week, Azerbaijan harassed the residents via loudspeakers threatening them to leave.

Azerbaijan invaded the Armenian-occupied territory of Nagorno-Karabakh after provocations beginning in the summer of 2020. The 44-day war officially ended after a ceasefire agreement was signed on November 10, although aggression and cultural erasure of the Christian nation continues today. Azerbaijan, with aid from its ally Turkey, has been accused of committing war crimes against the Armenian people of Artsakh during the war.

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MIDDLE-EAST

Syria

Sweden convicts mother of war crimes over minor fighting for ISIL (Al Jazeera)

March 4, 2022

A Swedish court has found a Swedish woman guilty of war crimes for failing to prevent her 12-year-old son from becoming a child soldier in Syria, where he was killed in the civil war.

Lina Ishaq, 49, who denied the charges, was sentenced to six years in prison, the Stockholm district court said in a statement on Friday.

Ishaq, a Swede who returned from Syria in 2020, was convicted of "grave violation of international law and grave war crime,"

the court said.

“She, in her capacity as protection guarantor, omitted to prevent her son Joan, 12-15 years, from being recruited by unknown accomplices and used as child soldier on behalf of IS in the armed conflict in Syria,” it said, referring to the ISIL (ISIS) armed group.

The boy, born in 2001, died in 2017, the Swedish prosecution authority said, without providing the cause of death.

‘Cult-like’ environment

The woman and her husband had been part of a “cult-like” environment and in April 2013 she brought her son to join his father and an older son in Syria.

The court found that she must have understood that her son was used as a child soldier.

“She has not taken adequate steps to stop this, neither has she wanted to stop it, but his role as a child soldier had been in accordance with her convictions,” the court said.

When she was charged in January, the prosecution authority said it was “the first time charges are being brought in Sweden for the war crime of using a child soldier”.

It also said that from August 2013 and to May of 2016 the boy allegedly took part “in hostilities performed by armed groups, including the terrorist organisation IS”.

About 300 Swedes or Swedish residents, a quarter of whom are women, joined ISIL in Syria and Iraq, mostly in 2013 and 2014, according to the Sapo intelligence service.

Charging returnees

Sweden did not have existing legislation at the time to prosecute people for membership in an armed organisation, so prosecutors instead sought other crimes with which to charge returnees.

Under Swedish law, courts can try people for crimes against international law committed abroad.

According to the United Nations, recruiting and using children under the age of 15 as soldiers is banned under international humanitarian law and recognised as a war crime by the International Criminal Court.

UN war crimes panel urges US to probe deadly Syria air raids (Al Jazeera)

March 9, 2022

UN war crimes investigators have urged the United States to carry out thorough probes into civilian casualties caused by US air raids in Syria to ensure that those responsible for any violations are held to account.

The UN Commission of Inquiry on Wednesday reiterated a “recommendation to the United States and all parties to conduct credible, independent and impartial investigations into incidents entailing civilian casualties in which their forces are implicated”.

The panel called on Washington to ensure those responsible for violations are held accountable and to make their findings public.

In November, US Secretary of Defense Lloyd Austin ordered a review of a 2019 attack in the Syrian town of Baghuz that caused civilian casualties, the Pentagon said at the time.

The New York Times had reported that the raid killed up to 64 women and children, a possible war crime, during the battle against the ISIL (ISIS) armed group.

The independent experts also called for easing Western sanctions on Syria to mitigate their impact on civilians who are grappling with shortages and “skyrocketing” inflation.

Syria war escalating, more probes needed into civilian casualties - UN experts (Reuters) By Stephanie Nebehay

March 9, 2022

Syria's war has escalated in the last months, marked by intensified shelling and aerial bombing by Syrian and Russian forces on rebel-held areas, U.N. war crimes investigators said on Wednesday.

Families in Syria, where rampant inflation hit 140% at the start of 2022, would be hard-hit by any disruption of wheat imports from Ukraine or Russia that could make prices for basic goods soar even further, they said.

The U.N. Commission of Inquiry called for reviewing Western sanctions on Syria to allow in more humanitarian aid and mitigate the impact on civilians grappling with shortages.

Hundreds of thousands have been killed in the war which began in March 2011 and has displaced half of its pre-war population of 22 million, panel chairman Paulo Pinheiro said.

"Our worry is that it's not a war that is coming to an end, it is actually on the uptick again," Hanny Megally, a member of the independent panel, told a news briefing.

"In the northwest, we've seen increased shelling and aerial bombardments from the Syria state and the Russian Federation and shelling from the ground, including use of indiscriminate weapons but also targeted rockets," he said. Drones and more sophisticated weapons such as Krasnopol-type precision-guided artillery were being used by the Damascus government or its Russian ally, the panel said in a report that examined some 14 deadly attacks in the second half of 2021.

The experts urged the United States to carry out thorough probes into civilian casualties caused by U.S.-led air strikes in Syria to ensure that those responsible for any violations are held to account.

"The (U.S.) investigations have been from our perspective not sufficient," Megally said.

The U.S. mission to the United Nations in Geneva had no immediate comment.

In late November, U.S. Defense Secretary Lloyd Austin ordered a review of a 2019 strike in the Syrian town of Baghuz that caused civilian casualties, the Pentagon said at the time.

The New York Times had reported that the strike killed up to 64 women and children, a possible war crime, during the battle against Islamic State.

The U.N. panel again urged the United States and all parties to conduct credible and independent investigations into incidents involving civilian casualties in which their forces were implicated.

"We are saying with the U.S., the investigations are not up to scratch and we are concerned about some of the tactics and strategies. The other parties often completely deny when the evidence is there or don't carry out investigations," Megally said.

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Yemen

Ansar Allah (Houthi) Group Practices Gravely Undermine Women's Rights (Mwatana)

March 8, 2022

The Iranian-backed Ansar Allah armed group (Houthis) has gravely undermined the rights of women and girls in areas under its control, Mwatana for Human Rights said. Ansar Allah (Houthis) should immediately end the targeting of women and particularly their presence in public space.

Ansar Allah has significantly harassed women traveling without a mahram, expelled and prevented women from work, imposed gender segregation in some universities, demanded women dress a certain way, and endangered women by preventing access to reproductive healthcare in some areas under its control. Ansar Allah has also fanned the flames of misogyny in areas under its control through different platforms.

Some Ansar Allah officials have sought to blame incidents targeting women or restricting women's rights as the actions of

individual members of the group. But, given the frequency with which Ansar Allah members have targeted and harassed women, the complete impunity for Ansar Allah members involved in doing so, the breadth of restrictions imposed on women, and that some of these restrictions are a result of official Ansar Allah policy, responsibility lies with the Ansar Allah (Houthi) group.

“Ansar Allah’s dangerous and disgraceful efforts to restrict women’s rights undermines the gains Yemeni women worked for decades to make, and undermines their presence in public space,” Radhya Al-Mutawakel, Chairperson of Mwatana for Human Rights, said. “Ansar Allah should stop this ideological targeting of women, Yemeni women don’t need guards of virtue; they need their rights respected, and accountability for all those who violate them.”

Women and their families face social stigma for openly discussing harassment and abuse that women face. Often, after abuse, women themselves are blamed. Mwatana has not included identifying details for any of those interviewed. This statement provides a snapshot of the ways in which Ansar Allah has undermined women’s rights in areas under its control. It does not provide an exhaustive accounting.

Ansar Allah harasses women traveling without a mahram

Yemeni law does not require that women travel with a mahram, but, for the past few years, Ansar Allah officials and Ansar Allah gunmen have frequently scrutinized and questioned women traveling alone. Ansar Allah members have told women they should only travel with a mahram (male relative), and demanded men traveling with women prove they are related to the woman, for example, by showing the couple’s marriage certificate, or identification cards, if the man and woman are otherwise related.

In 2021, Ansar Allah stepped up restrictions on women traveling.

Recently the most prominent incidents are taking place in Naqil Yaslah checkpoint about 40 kilometers south of Sana’a, stepping up restrictions on women traveling, confiscating their passports in some cases. Mwatana for Human Rights documented a number of these incidents.

At around 11:00 p.m. in November 2021, after a long journey from a southern governorate, four women reached the “Naqil Yslah” checkpoint. Ansar Allah group’s “Houthis” gunmen stopped the car until 5:00 a.m. They exposed the women to verbal harassment, accusations because they were traveling without a mahram. A woman of the four said:

“They referred to us as a “prostitution cell .” They were seven armed men who verbally harassed us, put us under terrible psychological pressure for six hours, took our passports, prevented us from getting out of the car, and searched our phones, computers and bags. Was moments of Hell.”

According to the women interviewed: “where is the mahram?” was among other questions addressed to them.

Ansar Allah only allowed them to leave after signing pledges that they would never travel without a mahram again. The women were threatened with imprisonment at the Security and Intelligence Bureau if they leave Sana’a again without a mahram.

Another documented incident was in the middle of the day in mid-January 2021. Ansar Allah gunmen stopped a 30-year-old woman for several hours at a checkpoint near Hajjah city, about 123 kilometers northwest of the capital, Sanaa. The Ansar Allah gunmen told the woman they stopped her because she was traveling without a mahram. They used offensive language and threatened her. She said:

The gunmen were looking at me as if they had caught me in an indecent act... I was insulted and verbally abused. The officer even asked if I was still a virgin?! He also threatened me with imprisonment and disciplining.

Ansar Allah only allowed her to leave after one of her relatives “maharam” came from another governorate and signed a pledge that his relative would never travel without a mahram again.

In a two-day period, Mwatana for Human Rights recorded 10 similar incidents in Hajjah governorate.

Ansar Allah members told some of the women that they stopped that they were implementing orders they had received from higher up in Ansar Allah that prohibited women from traveling without a mahram. Especially with the cars belong to organizations.

Another circular issued in September 2021, states: “It not allowed for a woman to use transportation means without a mahram. This order is applied in the city of Hajjah, those who violated them will be fined 200,000 riyals (approximately 330 US dollars) and a cow.”

Ansar Allah's restrictions on women's movement, and harassment of women when doing so, has affected women's ability to move freely, to participate in public and private life, and to work—many of the cases Mwatana observed involved women traveling for work. Some women told Mwatana that they have limited their movement in order to avoid harassment.

Ansar Allah endangers women by preventing access to reproductive health care

Ansar Allah has prevented and impeded women's access to reproductive health care in many areas under its control

In early 2017, Ansar Allah began impeding access to contraceptives in Saada governorate, in northern Yemen, and firmly under the group's control, by banning contraceptive injections in some health facilities. In late 2019, Ansar Allah expanded the ban on contraceptive injections to other health facilities in the governorate. In early 2020, Ansar Allah suspended reproductive health activities in four districts in Saada, depriving residents of reproductive health services, including counseling on family planning methods. In mid-2020, Ansar Allah intensified restrictions on the sale and circulation of contraceptives and other methods used for family planning, including birth control pills and condoms, in all government health facilities, private clinics and pharmacies in Saada governorate. At the end of 2020, Ansar Allah banned IUDs (intrauterine devices) in Saada governorate. A man from Saada told Mwatana, "Obtaining contraceptives happens in secret and at great risk."

In May 2020, the Ansar Allah-controlled ministry of public health and population in 'Amran governorate issued a circular, of which Mwatana has a copy, to health centers in the governorate restricting women's access to contraceptives. The circular, among other requirements, directed health centers to only provide women contraceptives in the presence and with the consent of their husbands. A 35-year-old cleaning woman said, "I had three miscarriages in the past six months because my husband refused to provide me with contraception." The woman explained she had miscarriages a few weeks into each of her three pregnancies.

On January 24, 2021, the Ansar Allah-controlled ministry of public health and population in Hajjah governorate issued a decision on "family planning methods." The decision required health centers and pharmacies in Hajjah governorate not to provide any method of family planning to women unless they had a prescription, the presence and consent of their husbands, and had shown the facility their marriage certificate. Ansar Allah said the decision was needed to preserve the "religious identity." A 37-year-old homemaker in Hajjah governorate said,

I came to the health center to pick up my contraceptive pills. They refused to give them to me and asked me to bring my husband so he can give his approval. This is a significant burden.

In January 2021, Ansar Allah ordered health workers to stop using an illustrated guidebook that was used in counseling sessions to help explain various family planning methods. Ansar Allah said the guidebook "opposed the religious identity."

Under international law, women's right to health includes women's sexual and reproductive health, including access, without discrimination, to reproductive health care services, goods and facilities. Preventing or restricting women's access to reproductive health—including by subjecting women's access to birth control to approval by husbands or male relatives—can have an enormous impact on women's physical and psychological health, and her ability to pursue work, education and broader cultural and societal participation. Ensuring a woman's right to health implies respecting her ability to make decisions about her own body.

Ansar Allah expels and prevents women from work

In a blatant violation of women's rights to work, the Houthi armed group in September 2021 issued a circular banning women from working in relief organizations in Hajjah governorate.

Mwatana verified that the circular is implemented in districts of Kahlan Afar, Bani Al-Awam, Shaghadra, and Najra district of Hajjah governorate. The circular claimed that the ban aims to protect women from "sexual extortion". Mwatana did not know if Ansar Allah had charged anyone or any organization or taken any measures related to sexual extortion.

Earlier, On Saturday, January 23, 2021, at about 6:30 pm, seven Ansar Allah gunmen stormed a restaurant in Sana'a, searched it, and expelled all the women working there. A witness said, "The gunmen said that reports indicated that the women working in the restaurant were wearing make-up and talking to the men!"

After storming the restaurant, the Ansar Allah gunmen took the restaurant's manager and some of the male staff to a police station, where the manager was forced to pledge in writing that the restaurant would "not employ women in any branch of the restaurant." Thirty women lost their jobs.

While the restaurant began to re-employ some of the waitresses in women's only sections after about two weeks, some of the women lost their jobs permanently. Before the Ansar Allah raid, the restaurant had imposed additional measures on female

staff, like requiring all female staff, including a couple of non-Muslim female staff at the restaurant, to wear a hijab while at work.

Ansar Allah's expulsion of working women from their jobs in Sana'a had a chilling effect, with some employers indicating they'd now prefer not to hire women to avoid similar problems. A couple of months later, Mwatana documented another incident in which Ansar Allah banned a number of women from having jobs in Al-Hodeida governorate.

Ansar Allah imposes gender segregation in educational facilities, cafes and restaurants

Ansar Allah has increasingly imposed gender segregation in universities, cafes, and restaurants, particularly in the capital, Sana'a.

Universities and educational facilities

On August 8, 2020, the president of Sanaa University, who was appointed by Ansar Allah, issued a decision requiring that male and female students be separated during graduation ceremonies and projects at the university.

On Wednesday, September 30, 2020, Ansar Allah officials raided a rehearsal for a graduation ceremony at a private Yemeni university. The armed Ansar Allah men forced the female students to leave, claiming they were preventing "mixing." A 28-year-old woman said:

When I saw the military crews and vehicles in the university's yard, I did not expect that the reason for their raid would be to prevent mixing. The gunmen shouted at the female students, "Cover up... and leave immediately."

The university held the graduation the next day, and the women attended, but the university changed the graduation's timing from the evening to the daytime, and those who attended reported feeling nervous afraid during what was meant to be a celebration.

On Thursday, December 31, 2020, before the start of the graduation ceremony for students of the Faculty of Commerce at Sana'a University, armed Ansar Allah men entered the hall and stopped the celebration, again claiming they were doing this to prevent "mixing" of men and women. In addition to expelling the audience, the Ansar Allah men arrested some of the students who had objected to Ansar Allah's stopping of the event.

Ansar Allah has also imposed or promoted gender segregation in other education facilities. In October 2020, Ansar Allah expelled three eighth grade girls that were studying in a private school in Amran governorate because they studied in the same classroom as boy students. The girls had to leave and attend a school farther away from their homes.

In January 2021, one of the oldest private English language teaching centers in Sanaa, began formal procedures to separate men and women in their classrooms. A 44-year-old teacher said, "This decision may lead to a decline in girls' education indicators in the long run." The teacher explained that the center might wait to start courses, or stop courses, if the required number of men and women did not enroll for each of the newly gender-segregated classes.

Ansar Allah has also tried to impose its view of how women should dress. In late 2020, Ansar Allah forced a number of public and private universities—including the Lebanese International University and the German University—to post circulars and posters with rules for how female students should dress.

Cafes, restaurants, and public places

Sana'a's Old City is home to many popular places to visit, to drink tea or coffee, or to sit with friends and family members, for example near Al-Sa'ila or in the ancient cafés "Samsara". These places have traditionally been frequented by men and women. Ansar Allah has issued directives forbidding women from many of these public places.

Some café and restaurant owners in Sana'a have also begun to enforce gender segregation, or to prevent the entry of men in some cases, to avoid Ansar Allah closing their businesses, or imposing fines. A number of halls and cafes have also stopped hosting cultural events, which were attended by men and women in past years.

Ansar Allah fans the flames of misogyny

Ansar Allah has adopted a militant view of women and women's place, and fanned the flames of misogyny.

In areas controlled by Ansar Allah, a number of Friday sermons and post-prayer sermons in mosques have been filled with misogynistic speeches about women, including stereotyping women's roles, like claiming women should be relegated to housework and childbearing, describing women as incomplete entities or humans, and objects that bring or carry evil and shame, and saying women's rights are "evil" and "delay victory."

More recently, there has been considerable preaching in mosques claiming family planning methods are used to implement “Western and hostile ideology”, that family planning must be confronted and prevented, and that family planning violates Islamic law.

Ansar Allah leaders have repeatedly sought to justify imposing restrictions on women’s rights as necessary to “preserve the religious identity.”

At various points, Ansar Allah members have even confiscated mannequins displaying women’s clothing in storefronts and windows, claiming they caused desire and contradicted the religious identity. For example, in 2018, Ansar Allah members covered the faces and bodies of women on billboards and the heads of mannequins on a street that sells wedding dresses. In 2021, Ansar Allah gunmen stormed shops and sidewalk salesmen on a street in Sana’a, confiscating dozens of mannequins.

After the COVID-19 pandemic began, Ansar Allah ordered beauty salons for women to close, but allowed barbershops for men to stay open.

Further restriction of women’s personal freedoms in Hajjah governorate in a circular, of which Mwatana has a copy. issued on September 21, 2021, includes orders to “prevent songs and night parties during women wedding ceremonies and specify a time for the wedding parties.” Additionally, songs, acoustics systems, and celebrations after sunset are prohibited whether the party is at home or at a wedding hall. Mwatana documented at least one incident in which two popular women singers were detained because they were performing at a wedding ceremony in Hajjah.

Ansar Allah said the circular was needed to “prevent intellectual invasion and, and not to allow the West to corrupt the morals of youth, especially females,”. It states: “Not allowing girls and women to have smart mobile phones, claiming that they “allow girls to browse immoral websites and corrupt their ethics. Moreover, any man whose wife, daughter, sister, or relative has a mobile phone, will be fined 200,000 Yemeni riyals, and a cow. “Mwatana verified that this circular is applied in the district of Kahlan Afar, Shaghadra, and some of the villages of Hjjah Almadina, such as Sharqi Abs, Bait Al-Hosn, Al-Marwa and Al-Rat`ah.

Also, the circular includes “preventing girls and women from wearing makeup for weddings and parties, banning the wearing of short outfits, tight Abaya, or short head coverings. Mwatana has verified that these orders are imposed in the city of Hajjah. Ansar Allah “Houthis” has recruited women employees in wedding halls, to check if the women are wearing make-up. They wipe the cosmetics off those who wear make-up and ask them to leave. Only women who wear Abayas and wear no make-up are allowed to participate in the party.

In light of practices that crudely perpetuate patriarchy and restrict women’s personal freedoms, Yemeni women are trapped in a long dark tunnel with a distorted understanding of its current and future consequences.

Senate Democrats call on Pentagon to probe civilian casualties in Yemen (Middle East Eye) By Umar A. Farooq
March 9, 2022

Senators Chris Murphy and Elizabeth Warren warn US military operations have had 'deep and long-lasting' consequences for Yemeni civilians

Leading US Senate Democrats Chris Murphy and Elizabeth Warren are demanding the Pentagon open new investigations into reports that dozens of civilians were killed as a result of US military operations in Yemen.

In a letter shared exclusively with Middle East Eye, the two lawmakers said the Biden administration should thoroughly investigate “credible reports of civilian harm, including those from Yemen”.

Murphy, a member of the Senate Foreign Relations Committee, and Warren, who serves on the Armed Services Committee, said new investigations should also include site visits, interviews with witnesses, and information from sources outside the US military.

“We urge you to open new investigations into reports of civilian harm from U.S. military operations in Yemen raised by credible NGOs or external sources, to report publicly and transparently on your conclusions, and to take appropriate steps toward redress and accountability,” the senators wrote in the letter dated Tuesday.

“The consequences of U.S. military operations in Yemen have been deep and long-lasting for scores of Yemeni civilians. We look forward to learning how you will work to provide transparency, accountability, and justice for those harmed.”

According to the Yemeni-based rights group Mwatana for Human Rights and the Columbia Law School Human Rights Clinic, 38 civilians - including 13 children - were killed in 12 US operations between 2017 and 2019. An additional seven civilians -

including six children - were injured.

The operations, which included ten air strikes and two ground raids, are a snapshot of the more than 500 US air strikes reportedly carried out across Yemen since 2009.

Previously, when the rights groups sent US Central Command (Centcom) 150 pages of documents showing evidence of civilian harm, the US military responded by dismissing civilian deaths in all but two of the incidents, and further rejected that any civilians were injured.

It also said that in both of the cases it acknowledged, compensation for the victims was "not appropriate".

The senators called on the Pentagon to "provide greater transparency into current military review processes, including how reports from credible NGOs or external sources are received and reviewed".

The Pentagon declined to comment to MEE, saying it "will respond to the author of the letter".

Murphy has also been a leading advocate on Capitol Hill for ending the war in Yemen, where a Saudi-led coalition intervened in 2015 to fight off Iran-aligned Houthis who took control of the capital, Sanaa.

The Saudi-led coalition has carried out more than 22,000 air strikes in an effort to roll back the Houthi rebels, with one-third striking non-military sites - including schools, factories and hospitals, according to the Yemen Data Project.

Last year, the Biden administration ended support for the Saudi-led coalition's offensive operations, but Murphy and other members of Congress have called on the White House to clarify Washington's role in the conflict.

Serious gaps in accountability For the past two decades, the US military has struggled to address the issue of civilian casualties in its operations across the Middle East and Asia.

Tens of thousands of civilians have been directly killed in the violence of Washington's post-9/11 wars, according to an analysis from Brown University's Costs of War Project.

Over the past year, the issue has come back into the spotlight after a US drone strike in August killed an aid worker and nine members of his extended family.

The New York Times also released a trove of Pentagon documents that revealed "deeply flawed intelligence" was used to conduct air strikes, resulting in the deaths of thousands of innocent people.

The newspaper also alleged the military attempted to conceal casualties from a 2019 air strike in Syria, which killed dozens of women and children.

In January, an independent study conducted by the Rand Corporation found the Department of Defense was not properly organised or equipped to address civilian casualties caused by the US.

That same month, Senators Murphy and Warren, along with 38 other members of Congress, urged Biden to overhaul Washington's armed drone policy, saying the targeting criteria for strikes was leading to the deaths of thousands of civilians, with little accountability.

"When there is little policy change or accountability for repeated mistakes this grave and this costly, it sends a message throughout the U.S. Armed Forces and the entire U.S. government that civilian deaths are the inevitable consequence of modern conflict, rather than avoidable and damaging failures of policy," the lawmakers wrote in Tuesday's letter.

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Special Tribunal for Lebanon

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

Israel and Palestine

Israel detains thousands in solitary confinement despite health risks, study finds (Middle East Monitor)

February 24, 2022

Thousands of detainees are forced into isolation for years, including minors, by the Israel Prison Service (IPS), according to the NGO Physicians for Human Rights.

Figures published by the prison service reveal 1,587 inmates had been held in complete solitary confinement in the first ten months of 2021, including 66 minors.

By the end of August of the same year, another 1,134 prisoners, among whom 53 were minors, were held in "individual seclusion" or "two-person seclusion".

Forms of isolation are considered psychological torture prohibited under Article 1 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is also inhumane and degrading behaviour prohibited under Article 7 of the International Covenant on Civil and Political Rights.

Palestinian prisoners and detainees are held in solitary confinement as a disciplinary measure, or in isolation, for reasons of state, prison or prisoner's security, authorities claim. Some are forced to carry out large parts of their sentence in such detention.

The figures provided by the prison service also indicate how long prisoners were held in "seclusion."

Of the 1,134 prisoners, 63 inmates were held for more than two months, reported Haaretz, 17 were held for a period of more than six months, 19 were held for a period between one and three years and 18 prisoners were held in seclusion for over three years.

The Israeli authorities have established special isolation units in many of their prisons, most notably Nafha Prison opened in 1980, Nitzan-Ramle opened in 1989 and in Beersheba, opened in 1992.

Anat Litvin, who oversees the department for incarcerated persons within Physicians for Human Rights, said: "The prison service is holding hundreds of inmates in solitary conditions, with full knowledge of the destructive impact it can have on their health."

The stats were compared to the year 2020, which exposed that the number of prisoners confined in solitary confinement was not unusual. In 2020, 1,979 inmates were held in solitary confinement, among them 88 minors, and 2,015 inmates, 64 of whom were minors, were held in seclusion.

Frustrated at the lack of cooperation regarding Israel's prison service's response to its freedom of information request, Litvin added: "Although the prison service said it had manually reviewed over 1,100 inmate files in its response to the request, it could not provide data as to the number of inmates held in solitary confinement."

"They also could not determine who or how many among them suffer from psychiatric illnesses and are under psychiatric care, which would place them among one of the at-risk groups whose solitary confinement is banned by the United Nations."

This led NGO Physicians for Human Rights to conclude that, "In the best case, the prison service is trying to prevent the requested information from emerging and in the worst case, it is not conducting proper follow-up for prisoners held in solitary conditions, and knowingly putting their health at risk."

Hundreds of Palestinians have been held in solitary confinement by Israel, to the extent that the policy is now part of the systematic approach approved by the legislature and implemented by the executive. Palestinian women are not excluded from this inhumane policy.

Israel is holding more than 4,500 Palestinian prisoners in its prisons, including 41 women and 140 children, all of whom are subject to the policy of isolation and are thus cut off from the outside world, which constitutes a form of psychological torture.

Several Palestinians killed by Israeli forces: Ministry (AlJazeera)

March 1, 2022

The Palestinian health ministry says one person killed in Beit Fajar, two others killed in Jenin in occupied West Bank.

Three Palestinians have been killed by Israeli forces in two different incidents in the occupied West Bank, the Palestinian health ministry said.

Ammar Shafiq Abu Afifa was killed by “Israeli occupation forces shooting at him near the town of Beit Fajar”, the ministry said on Tuesday.

The Israeli army did not immediately comment, when asked by the AFP news agency.

Afifa was a resident of the Al-Aroub refugee camp north of Hebron in the occupied West Bank, the official Palestinian news agency Wafa reported.

Separately, Israeli forces killed two Palestinians before dawn on Tuesday after coming under fire during an arrest raid in the northern West Bank, Israeli border police and Palestinian health authorities said.

Israeli border police said officers and undercover police entered the Jenin refugee camp to arrest a suspect “wanted for terrorist activity”.

“After the arrest of the suspect, as the forces left the house, heavy fire was opened from several directions, and undercover forces operating at the scene responded with live fire,” police said.

They said as police reached their vehicles, another assailant shot at the forces, “who responded with accurate fire”.

The Palestinian health ministry said two men were killed in the fighting. Wafa identified them as Abdullah al-Hosari, 22, and Shadi Khaled Najm, 18.

Troops arrested Imad Jamal Abu al-Heija, a freed prisoner, Wafa reported.

The news agency said the killing of the two Palestinians sparked a “massive and angry march” in Jenin.

Excessive force

The killings come just more than a week after a 14-year-old boy, Mohammed Shehadeh, was killed by Israeli forces in the West Bank town of Al-Khader.

Palestinian and international rights groups have long condemned what they say is the excessive use of force by Israeli forces.

B’Tselem, an Israeli rights group, said it had recorded 77 Palestinian deaths at the hands of Israeli forces in the West Bank last year. More than half of those killed were not implicated in any attacks, it added.

Last month, Amnesty International said in a new report that Israel was carrying out “the crime of apartheid against Palestinians” and must be held accountable for treating them as “an inferior racial group”.

Israel occupied the West Bank and East Jerusalem after the 1967 Middle East war.

Israeli settlements built on Palestinian land are considered illegal under international law. Today, between 600,000 and 750,000 Israeli settlers live in at least 250 settlements in the West Bank and East Jerusalem.

Israel soldiers throw stun grenade at 11-year-old Palestinian with special needs (Middle East Monitor)

March 1, 2022

An 11-year-old Palestinian girl with special needs has been rushed to the Hadassah Ein Kerem Hospital in Jerusalem to treat her fractured jaw after being attacked by Israeli soldiers with a stun grenade.

Manwar Burqan was gathered with her family near Damascus Gate in occupied East Jerusalem, to mark the ascension of the

Prophet Muhammed (peace be upon him), known as Israa and Miraj, when the occupation forces used heavy handed measures to disperse the Palestinians.

The stun grenade was thrown at Manwar, while occupation forces also sprayed skunk water at the crowd of Palestinians who could be seen running in an effort to avoid the foul water.

Manwar is deaf and attends a special needs school in the city.

Additionally, videos from the incident also show a 12-year-old girl being dragged across the ground and hit with a baton by armed Israeli soldiers and then strangled with it.

Palestinian news agency, Wafa, also reported on Israeli forces shoving a Palestinian man's head onto the pavement and placing a knee on his neck, suffocating him before arresting him.

Around 25 Palestinians were injured during the brutal attacks and twenty Palestinians were arrested by occupational forces, according to the Palestinian Red Crescent.

Israeli police in East Jerusalem shoot Palestinian teen dead (Middle East Monitor)

March 6, 2022

A Palestinian youth was killed by Israeli forces Sunday in occupied East Jerusalem, according to Israeli police, Anadolu Agency reported.

Israeli police released a statement saying the 19-year-old injured two police officers in an alleged knife attack in Jerusalem's Old City.

On Twitter, Public Security Minister Omer Bar-Lev also confirmed that the Palestinian teenager was killed by Israeli police, who he said acted "quickly and resolutely" after the alleged attack.

The Palestinian state news agency Wafa, citing eyewitnesses, said the Palestinian youth was "left bleeding helplessly on the ground until he died of his critical wounds in a few minutes."

Wafa identified the dead Palestinian as Samer Qawasmi, 19, adding that the incident took place in Bab Hutta in Jerusalem's Old City.

Israeli forces sealed the entrances to the Old City following the incident and set up checkpoints at the roads leading to the flashpoint Al-Aqsa Mosque compound.

Dozens of Palestinians were killed by Israeli forces in recent months for allegedly attempting to carry out stabbing or car-ramming attacks. Palestinian rights groups, meanwhile, accuse Israeli forces of deliberately killing Palestinians with no risk to their lives.

Israel occupied East Jerusalem during the 1967 Arab-Israeli war. In 1980 it annexed the entire city, in a move never recognized by the international community.

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Gulf Region

United Arab Emirates Chooses Solidarity Between Oil Producers Over Military Allies (The Intercept) By Ken Klippenstein

March 9, 2022

Amid mounting global criticism of his invasion of Ukraine, Russian President Vladimir Putin took time on March 1 for a call with a counterpart who has proved himself increasingly reliable: Mohammed bin Zayed, crown prince of Abu Dhabi and the de

facto ruler of the United Arab Emirates.

Based on Russia's public version of the call, Bloomberg reported that the crown prince "stated Russia's right to defend its national security" — an extraordinary concession to Moscow. But the quote was quickly removed, with a note reading that a new version of the story "updates from fifth paragraph with UAE statement." When the UAE issued its own readout of the call, the reference to Russia's right to defend itself wasn't there. Bloomberg went with the Emirati version.

"We just updated the story after the UAE put out a statement," the article's author, Bloomberg reporter Paul Wallace, told The Intercept. "Russia's government put one out first, and there was nothing from the UAE for a couple of hours or so. So we only had the Kremlin's take initially."

While it's of course possible that Russia misrepresented the call's contents, the UAE's sympathy for Moscow in the Ukraine conflict is hardly a secret. The National, a UAE-owned newspaper, ordered its foreign staff to not refer to Russia's invasion of Ukraine as an "invasion," according to an internal memo published by Telegraph reporter Campbell MacDiarmid. "It was shared with me because people on the foreign desk get really dispirited by editorial interference," MacDiarmid, who used to work for the newspaper, told The Intercept. "I would imagine that the UAE Foreign Ministry or similar handed the directive to [Editor-in-Chief] Mina Al-Oraibi." Asked to comment on the directive, Al-Oraibi did not dispute the authenticity of the memo but referred The Intercept to an article, published one day prior to MacDiarmid's reporting, in which The National referred to Russia's invasion of Ukraine.

The call between Putin and MBZ had come less than a week after the UAE, despite significant pressure from the U.S., abstained from a vote at the United Nations Security Council to condemn Russia's war-making. While the world has publicly and privately sanctioned Russian industry leaders, the nation's oligarchs are finding a warm welcome in the UAE. According to the Wall Street Journal, both the UAE's and Saudi Arabia's leaders have reportedly declined to take calls from Biden during the Ukraine crisis. All of this follows the UAE's decision, along with Saudi Arabia, to collude with Russia to drive up oil prices, sending gas prices to their highest levels in years and generating a bonanza of profits that will undermine the raft of new sanctions slapped on Moscow. The moves were only the latest in a series of developments that have shown the UAE drawing closer to Russia, marking a realignment that threatens to upend decades of warm relations between Abu Dhabi and Washington.

A former senior diplomat and a think tank official not authorized to speak publicly told The Intercept that U.S. diplomats believe Russia and the UAE cut a deal before the February 25 U.N. Security Council vote: The UAE would abstain from voting against Russia on Ukraine matters, and in exchange Russia would vote with the Emiratis on matters relating to Yemen. (The UAE's United Nations ambassador, Lana Zaki Nusseibeh, has denied engaging in a vote exchange.) On February 28, Russia joined the UAE on the U.N. Security Council in voting to designate Yemen's Houthi rebels a terrorist group.

Richard Mintz, a spokesperson for the UAE government, did not respond to multiple requests for comment.

Current and former U.S. officials The Intercept interviewed for this story expressed reactions ranging from disappointment to outright betrayal at the UAE's vote.

"It's past time we dispense with the fiction that the United Arab Emirates are a reliable security partner for the United States. Between the allegations of their passing U.S.-origin weapons on to terrorist groups in Yemen to their refusal to condemn Putin's illegal war in Ukraine, it is clear time and again that they do not share our values or our sense of security," Rep. Ilhan Omar, D-Minn., a House Foreign Affairs Committee member, told The Intercept. "The Biden administration should have stopped the Trump F-35 and drone sales on the grounds of human rights and civilian protection in Yemen, but since they did not, I hope this gives them the push they need to halt that sale immediately," she said, referring to an agreement former President Donald Trump inked on his final day in office to sell the UAE 50 F-35 fighter jets, drones, and other defense equipment totaling \$23 billion.

A senior Democratic Senate aide, who was not authorized to speak publicly, echoed similar frustrations: "When you consider the enormous amount of support, even deference, the U.S. has shown to the UAE, their abstention is really regrettable."

In addition to Congress, U.S. national security officials expressed dismay at the UAE's vote. "In supporting Russia on Ukraine, the UAE is not only showing astonishing ingratitude for America's providing Gulf security for the last 50 years," said Robert Baer, a retired CIA officer. "And that's not to mention all the blood Americans have shed."

The U.S. military acts as a security guarantor for the UAE against regional adversaries like Iran and Yemen's Houthi rebels. When Houthi forces in Yemen launched missiles at an Emirati air base in January, endangering U.S. troops stationed there, it was the U.S. military that reportedly intercepted the missiles. That was only part of a prompt defense response by Washington that would include sending the UAE a squadron of advanced F-22 fighter jets and the guided missile destroyer USS Cole, as well as a personal visit from U.S. Central Command chief Kenneth F. McKenzie. "Not a bad deal [for] them," a senior Army

official remarked to The Intercept.

“Even [Iranian President Ebrahim] Raisi called for a ceasefire,” complained one U.S. intelligence official. “The Gulfies play the blob like a fiddle.”

The tension is unusual for the oil-rich country, whose lavish spending on public relations outfits and think tanks that hire innumerable former U.S. officials has in the past insulated it from criticism in Washington, despite its sordid human rights record, including war crimes in Yemen and jailing of activists domestically. Regarding the U.N. Security Council alone, the UAE has hired dozens of strategic communications staffers to press its interests at the United Nations, as one former senior U.S. diplomat who worked at the U.N. told The Intercept. (Foreign lobbying disclosures with the Justice Department confirm that the UAE’s United Nations mission has signed agreements with the Glover Park Group, a Washington-based communications consulting firm run by several former Democratic White House officials.) The UAE has even hired two former aides to Samantha Power, who currently heads the U.S. Agency for International Development under President Joe Biden.

In a series of entreaties to top Emirati officials, the Biden administration has gone to considerable lengths to make its position on Ukraine clear. On January 4, one month before the invasion, Secretary of State Antony Blinken spoke with the UAE’s foreign affairs minister about Russia’s military buildup on Ukraine’s borders — a clear indication of its importance to the administration. But on February 23, days after Russia moved troops into Ukraine, the UAE’s foreign minister touted the “strength and solidity” of the country’s relationship with Moscow, as well as its interest in expanding cooperation.

The next day, Blinken spoke with the UAE’s foreign minister, condemning Russia in no uncertain terms and highlighting, according to a readout, “Russia’s premeditated, unprovoked, and unjustified attack against Ukraine and the importance of building a strong international response to support Ukrainian sovereignty through the UN Security Council.”

Despite the discussion, on February 25 the UAE abstained from voting on the U.N. Security Council resolution condemning Russia — joining China in doing so, much to the vexation of U.S. officials. Despite a wave of criticism, on February 28 Russia’s foreign minister announced that Moscow had taken another high-profile call with the UAE’s foreign minister, in which they discussed “further development of comprehensive Russian-UAE ties,” stressing that it had been at the request of the Emiratis.

“The Emirati vote in the U.N. Security Council further showed that the U.S.-UAE relationship is a one-way street where the U.S. makes massive sacrifices for this small authoritarian state and doesn’t even get solidarity in the Security Council in return,” said Trita Parsi, executive vice president of the Quincy Institute. “Ultimately, the blame should not go to the UAE — they are ruthlessly pursuing their national interest — the blame is on us for not pursuing ours.”

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ASIA

Afghanistan

Soldier who testified about Ben Roberts-Smith 'kicking a handcuffed prisoner over a cliff' has memory loss from the horrors of war but denies having 'hallucinations', trial hears (Mail Online) March 1, 2022

A former special forces soldier who revealed he suffers memory loss due to medications for mental illness will continue giving evidence at the Ben Roberts-Smith defamation trial.

The witness codenamed Person Four alleged that he watched Mr Roberts-Smith kick an unarmed and handcuffed Afghan prisoner off a 'steep slope' in the village of Darwan, Uruzgan province in September 2012.

Mr Roberts-Smith vehemently disputes the allegation and testified in the Federal Court that the man was a Taliban spotter

shot in a cornfield.

After rising through the elite soldiers' ranks to sergeant, Person Four was medically discharged from the Australian Defence Force in 2021.

Details of his mental health disorders and the medications he takes were also suppressed by the court.

As a result he suffers from some 'mental impairment,' and 'memory loss' on occasion, 'ruminating thoughts' and 'flashbacks' about his time serving in the defence force.

At times he has trouble sleeping, difficulty concentrating and recalling specifics.

'I think the minutia of things was fading away, small details, large details definitely not,' he said on Tuesday.

While he does experience 'flashbacks,' at times, he denied having 'hallucinations' or 'hearing things that are not real'.

Person Four said he was approached by another soldier he said wanted to 'discredit' Mr Roberts-Smith to a journalist.

He was asked if it was fair to say there were rumours this soldier codenamed Person Six wanted to bring Mr Roberts-Smith down.

'That's correct,' Person Four said.

Mr Roberts-Smith, 43, is suing The Age, The Sydney Morning Herald and The Canberra Times over reports that he committed war crimes and murders in Afghanistan between 2006 and 2012.

The embattled Victoria Cross recipient suggested accusations stem from jealousy in the ranks. One of a handful of Australian recipients of the Victoria Cross since 1970, he has suggested some claims stem from jealous associates spiteful of his achievements.

Person Four's evidence that began on Monday also focuses on an earlier contested mission in 2009 at a Taliban compound nicknamed Whiskey 108.

The fresh trooper on his first deployment 'outside the wire' was allegedly ordered to execute an older prisoner while his superior Mr Roberts-Smith did nothing to dissuade the command, nor stop him.

This makes him complicit in and 'responsible for murder,' according to the defence file, while another soldier has accused the decorated soldier of ordering the killing.

Following Person Four's objections answering questions could 'self-incriminate,' on Tuesday Justice Anthony Besanko excused the soldier from having to give evidence on the topic.

The trial continues.

Witness in Ben Roberts-Smith trial objects to questions about alleged murder of Afghan civilian (The Guardian) March 1, 2022

A former SAS soldier has sought to avoid answering questions over allegations he murdered an unarmed Afghan civilian during a raid by Australian troops in 2009, telling the federal court "I object on grounds of self-incrimination".

The evidence of the former soldier, anonymised before court as Person 4, came as part of a defamation action brought by his former comrade, Victoria Cross recipient Ben Roberts-Smith.

Roberts-Smith is suing the Age, the Sydney Morning Herald and the Canberra Times over reports he alleges are defamatory and portray him as committing war crimes, including murder, as well as acts of bullying and domestic violence.

The newspapers are pleading a defence of truth. Roberts-Smith denies any wrongdoing.

The newspapers claim in their defence that Roberts-Smith ordered the alleged murder of an elderly Afghan male by Person 4 during a raid on a compound called Whiskey 108, in the village of Kakarak on 12 April 2009.

Another Australian SAS soldier – known as Person 41 – previously gave evidence that two Afghan men, one elderly, were discovered hiding from Australian troops in a secret tunnel in a courtyard inside the Whiskey 108 compound.

Person 41 said when the two men were found, Person 4 and Ben Roberts-Smith borrowed the suppressor from his weapon. Person 41 told the court he saw Roberts-Smith grab the elderly man “by the scruff of his shirt”, walk him until he was in front of Person 4, and force him to his knees.

“RS [Roberts-Smith] pointed to the Afghan and said to Person 4, ‘shoot him’,” Person 41 told the court.

Person 41 said he stepped into a room off the compound to avoid seeing what he believed was about to occur. He said he heard a muffled round fired from an M4 rifle, and waited “15 or so seconds” before stepping back into the courtyard.

He said Roberts-Smith was no longer in the courtyard, but Person 4 was standing above the Afghan male, who was dead from a single bullet wound to the head. Roberts-Smith has previously told the court the allegation he had ordered the man shot was “completely false”.

Person 4, who was medically discharged from the defence force last year, was asked by Arthur Moses SC, representing Ben Roberts-Smith: “Are you aware that the respondents in this case [the newspapers] have alleged you murdered an unarmed Afghan male on 12 April 2009?”

“Your honour, I object on grounds of self-incrimination,” Person 4 told the judge.

After vociferous legal debate, Justice Anthony Besanko ruled Person 4 was required to answer the question.

Person 4 said “yes”, he was aware he had been accused of murder.

Moses asked Person 4 whether he was anxious that he had been subpoenaed – “unwillingly” – to give evidence in the trial brought by his former comrade.

“You have been anxious that the respondents may put to you their allegation that you unlawfully killed an Afghan male on 12 April 2009.”

Person 4 objected to answering again: “My only hesitation is in fear of incriminating myself.”

The judge, this time, did not compel Person 4 to answer the question.

“Thank you, your honour,” he replied.

Much of Person 4’s testimony focused on his mental health following his military service, which included seven deployments to Afghanistan with the SAS.

The judge ordered the suppression on reportage of the former soldier’s health conditions, and the names of the medications he has been prescribed.

But Moses told court Person 4 has suffered from “flashbacks, nightmares, distressing memories of traumatic events” following his military service.

Person 4 told the court he suffered “recurring thoughts ... with that comes a feeling of dread and ... flashbacks sometimes”.

He agreed with Moses that he sometimes experienced memory loss.

“I think the minutiae of things was fading away, small details – large details, definitely not,” he said.

He denied assertions by the barrister that he experienced “hallucinations”, was “hearing things that are not real”, was worried “someone is trying to harm you,” or heard “people screaming”.

He also denied experiencing “any confusion about events you think you’ve experienced”.

Moses told the court Person 4’s health issues were exacerbated by being subpoenaed by the newspapers to give evidence.

“We’re talking about a vulnerable person with significant mental health issues, with assertions being made, openly, that this person murdered an unarmed Afghan male on 12 April 2009.”

Moses told the court a “side deal” had been done between Person 4 and lawyers for the newspapers, whereby the newspapers’ lawyers had agreed not to question Person 4 about the events at Whiskey 108, in exchange for Person 4 giving evidence about another raid at Darwan in 2012.

In that raid, Roberts-Smith is alleged to have kicked a handcuffed, unarmed civilian off a cliff before the man was shot dead by

another soldier under Roberts-Smith's command.

Person 4 told the court he had seen Roberts-Smith kick the handcuffed man off the cliff: "I saw the individual smash his face on a rock, and I saw the teeth explode out of his face." Person 4 said Roberts-Smith ordered him and another subordinate to drag the man under a tree, where he was shot by the other soldier after discussion with Roberts-Smith.

Roberts-Smith has previously told the court this version of events could not have happened because there was no cliff and the man killed was an enemy spotter, lawfully killed after he was encountered hiding in a field.

Moses said the "transaction, arrangement, side deal, whatever they wish to call it" struck between Person 4 and the newspapers' legal team undermined the credibility of his evidence.

"The witness is, in effect, being influenced to give evidence, in exchange for [lawyers for the newspapers] not seek to have him compelled to answer questions about an alleged murder. That goes to his [Person 4's] credibility and the reliability of his other evidence."

He said the striking of a pre-trial arrangement was highly improper and had been done without the knowledge of the court. He said the newspapers' lawyers had said, in effect, "we'll take this from you, so we can sink Mr Roberts-Smith in this trial, but we won't ask you about your murder".

Nick Owens SC, acting for the newspapers, has argued there was no agreement, nor any improper arrangement, merely that he had made a forensic decision not to press certain questions if the witness objected.

During cross-examination, Person 4 told the court he was approached by members of the media to talk about events in Afghanistan, but he did not reply. He told the court he believed an SAS comrade, Person 6, was encouraging people to speak with the media "to discredit Ben Roberts-Smith". He agreed with Moses that Person 6 "wanted to bring Mr Roberts-Smith down".

Person 4 remains in the witness box. The trial continues.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

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Bangladesh International Crimes Tribunal

Two 'Al-Badr men' arrested (The Daily Star) March 5, 2022

Police on Thursday night arrested two alleged Al-Badr men on charges of committing crimes against humanity during the Liberation War.

Moniruzzaman Kohinur, 71, was arrested at his Elephant Road home in Dhaka while Alamgir Hossain, 70, was picked up from

his home in Tangail's Gopalpur upazila.

Matiur Rahman, deputy director of the investigation agency of the International Crimes Tribunal, said police handed the arrestees to the tribunal.

"The duo is accused of crimes against humanity and genocide during the Liberation War," he told The Daily Star yesterday.

The ACC was investigating into their alleged crimes.

Matiur said Kohinur from Gopalpur's Beradakuri village was the commander of Al-Badr in Tangail. He surrendered with the Pakistanis after the war. He was taken to India as a prisoner of war.

"Moniruzzaman Kohinur later went to Pakistan. From there, he moved to Japan with a Pakistani passport. After returning to Bangladesh in 1990s, he started living in Dhaka."

The ACC official said Alamgir, who hails from Chatutia village in Gopalpur, was involved in mass killings by the Pakistani occupation army as one of its local collaborators.

Meanwhile, Gopalpur upazila Muktiyoddhya Sangsad brought out a procession and staged a rally in the municipality town on Thursday night after the arrest of the two. It demanded capital punishment for the arrestees.

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War Crimes Investigation in Myanmar

UK MPs call for aviation fuel sanctions against Myanmar military (Mizzima) By Mizzima
March 6, 2022

A total of 55 British Parliamentarians from nine different political parties and Independent MPs have joined the call for aviation fuel sanctions against the Burmese military, reports Burma Campaign UK.

The report issued this week said the Parliamentarians are backing Early Day Motion 908, which calls on the British government to introduce sanctions to stop aviation fuel reaching the Myanmar military.

Since the military coup last year, the Myanmar military are increasingly using airstrikes against civilians, killing and injuring civilians, and forcing hundreds of thousands to flee their homes. This has created a humanitarian crisis.

"The Burmese military are committing crimes against humanity through the indiscriminate bombing of civilians in ethnic states. Sanctioning aviation fuel would help ground the jet planes and stop the bombings," said Rushanara Ali MP, who tabled the motion.

The Early Day Motion 'One year anniversary of the military coup in Myanmar', also calls on the British government to support a referral of Burma to the International Criminal Court (ICC) and to join the Rohingya genocide case at the International Court of Justice (ICJ).

Almost half a million people have been displaced in Burma since the attempted coup. The majority have been displaced because of airstrikes or the threat of air strikes, with jet planes, helicopters and drones circling over villages and preventing people from returning home because of the fear of being bombed. This is mainly taking place in ethnic states and Sagaing region and is causing a humanitarian crisis.

In the parliamentary motion, the MPs "note in horror the increased attacks by the military in ethnic areas including Chin, Karenni and Karen State over the recent months which includes the burning of people alive, torching of villages and killings of children" and demand "an urgent stop to the attacks".

"The British government has led on sanctions since the coup, systematically identifying sources of revenue for the Burmese

military and introducing targeted sanctions. Sanctions now need to be introduced on Burmese companies that supply aviation fuel to the military and British companies involved in any aspect of the supply of aviation fuel, including shipping, insurance and services,” said Karin Valtersson, Campaigns Officer at Burma Campaign UK.

Myanmar junta artillery fire kills seven Karen villagers (Myanmar Peace Monitor) By Mizzima
March 8, 2022

According to the Karen Peace Support Network (KPSN) seven people were killed and four injured when the Myanmar military fired heavy artillery at Klaw Day Village, Bu Tho Township in Karen State’s Mu Traw District, on 5th March.

Among those killed were three children, all girls, aged two, five and 14. A three-year-old boy and a 17-year-old girl were among those injured. A pregnant woman was also killed. KPSN said that the Burmese military knew the location of the village and deliberately targeted it, even though it was a civilian village. The attack came at 7.20pm, a time when the Burmese military knew people were likely to be in their homes. Such an attack is a war crime.

The Myanmar military has been using long-range heavy artillery based in Papun to attack civilians in Mu Traw.

Because the Myanmar military uses internationally bought weapons, paid for in part by international companies doing business with the military, the KPSN is calling for increased pressure on countries involved in supplying arms and equipment to the Myanmar military, including Russia, China, Pakistan, Iran, Belarus, India and Singapore.

The KPSN calls for targeted economic sanctions to be imposed at a much faster rate to cut military revenue because companies in business with the Myanmar military are complicit in the international crimes being committed against the Myanmar people.

The KPSN has also called for sanctions on the supply of aviation fuel to Myanmar because the majority of displaced people in Karen State are displaced by airstrikes or the threat of airstrikes, which has created a humanitarian crisis. The military are using drones to identify targets such as villages and IDP camps, which they later attack using airstrikes or heavy artillery.

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AMERICAS

North & Central America

U.S. is collecting evidence of possible Russian war crimes in Ukraine (CNBC) By Dan Mangan
March 7, 2022

The United States is collecting evidence of possible war crimes, human rights abuses and violations of international law by Russia during its ongoing invasion of Ukraine, a National Security Council spokesperson told NBC News on Monday.

The statement comes as Russia has been widely condemned for its attack on Ukraine, which has included shelling of civilian areas that has driven more than 1.5 million refugees out of the country.

It also comes a day after a New York Times journalist and the mayor of Irpin, Ukraine, reported seeing a family of two adults and two young children killed by Russian artillery, images of which were widely circulated around the world.

“We are appalled by Russia’s brutal tactics and the rising number of innocent civilians who have been killed in Russian strikes, which have reportedly hit schools, hospitals, kindergartens, an orphanage, residential buildings and those fleeing through humanitarian corridors,” the NSC spokesperson told NBC News.

“We are collecting evidence of possible war crimes, human rights abuses and violations of international humanitarian law,” they said. “We support accountability using every tool available, including criminal prosecutions where appropriate.”

The U.S. ambassador to the Organization for Security and Co-operation in Europe, Michael Carpenter, earlier Monday condemned Russian President Vladimir Putin for his “unprovoked war.”

Carpenter said 45 participating states launched the so-called Moscow Mechanism to document and gather evidence of violations of international law. A report from that inquiry will be presented to the International Criminal Court and the International Court of Justice “so individuals at all levels are held to account,” he said.

“The brutality of this war is both revolting and heartbreaking,” said Carpenter. “Children have been killed, grandparents driven from their homes, families forced to flee their country in the face of relentless strikes on civilian infrastructure.”

“The depravity of it all is mind-blowing.”

Carpenter cited Russia’s agreement on Saturday and Sunday to open a humanitarian corridor out of the cities of Volnovakha and Mariupol, which it then bombed as civilians began using it to flee the country.

“It is pure evil,” he said.

The ambassador also noted that on Monday, Russia proposed that Ukrainians flee the areas under Russian attack by going to Russia and Belarus, which are allies.

“This is the height of cynicism,” Carpenter said.

Secretary of State Antony Blinken told CNN on Sunday: “We’ve seen very credible reports of deliberate attacks on civilians, which would constitute a war crime. We’ve seen very credible reports about the use of certain weapons.”

The International Criminal Court’s chief prosecutor last week opened an investigation into Russia’s conduct in Ukraine.

“I am satisfied that there is a reasonable basis to believe that both alleged war crimes and crimes against humanity have been committed in Ukraine in relation to the events already assessed during the preliminary examination by the Office,” said the prosecutor, Karim Khan.

UN war crimes panel urges US to probe deadly Syria air raids (Al Jazeera)

March 9, 2022

UN war crimes investigators have urged the United States to carry out thorough probes into civilian casualties caused by US air raids in Syria to ensure that those responsible for any violations are held to account.

The UN Commission of Inquiry on Wednesday reiterated a “recommendation to the United States and all parties to conduct credible, independent and impartial investigations into incidents entailing civilian casualties in which their forces are implicated”.

The panel called on Washington to ensure those responsible for violations are held accountable and to make their findings public.

In November, US Secretary of Defense Lloyd Austin ordered a review of a 2019 attack in the Syrian town of Baghuz that caused civilian casualties, the Pentagon said at the time.

The New York Times had reported that the raid killed up to 64 women and children, a possible war crime, during the battle against the ISIL (ISIS) armed group.

The independent experts also called for easing Western sanctions on Syria to mitigate their impact on civilians who are grappling with shortages and “skyrocketing” inflation.

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Terrorism

Global Terrorism Index 2022 (ReliefWeb)

March 2, 2022

Global Terrorism Index 2022: Sub-Saharan Africa emerges as global epicentre of terrorism, as global deaths decline

The 2022 Global Terrorism Index (GTI) reveals that despite an increase in attacks, the impact of terrorism continues to decline. In 2021, deaths from terrorism fell by 1.2% to 7,142, while attacks rose by 17%, highlighting that terrorism is becoming less lethal. Two thirds of countries recorded no attacks or deaths from terrorism – the best result since 2007 – while 86 countries recorded an improvement on their GTI score. The number of deaths has remained approximately the same for the last four years.

The Index highlights that terrorism remains a serious threat, with Sub-Saharan Africa accounting for 48% of total global deaths from terrorism. Four of the ten countries with the largest increases in deaths from terrorism were also in sub-Saharan Africa: Niger, Mali, the DRC and Burkina Faso.

Following military defeats in Syria and Iraq, IS shifted its attention to the Sahel, with deaths from terrorism rising ten times in the region since 2007. The Sahel has become the new epicentre of terrorism. Terrorism in the region is compounded by high population growth, lack of adequate water and food, climate change and weak governments. Adding to the complexity, many criminal organisations are representing themselves as Islamic insurgencies.

The annual Global Terrorism Index, now in its ninth year, is developed by leading international think tank the Institute of Economics and Peace (IEP) and provides the most comprehensive resource on global terrorism trends. The GTI uses a number of factors to calculate its score, including the number of incidences, fatalities, injuries and hostages, and combines it with conflict and socio-economic data to provide a holistic picture of terrorism.

The Index shows that terrorism is becoming increasingly concentrated, contracting into countries already suffering from violent conflict. Conflict zones accounted for 97% of all deaths. The ten countries most affected by terrorism are all in conflict zones. Only 44 countries recorded a death from terrorism in 2021, compared to 55 countries in 2015.

The largest increase in terrorism was in Myanmar, where deaths rose 23 times from 24 to 521, followed by Niger, where deaths doubled, increasing from 257 in 2020 to 588 in 2021. Mozambique had the largest drop in terrorism deaths, falling by 82% to 93. The success was largely driven by counter-insurgency operations against IS by Mozambican forces, with support from Rwanda and the Southern African Development Community.

Also on a positive note, counter insurgency has significantly decreased Boko Haram's activities, with the organisation recording only 64 attacks in 2021. Deaths dropped by 92% from 2,131 in 2015 to 178 in 2021. The decline of Boko Haram contributed to Nigeria recording the second largest reduction in deaths from terrorism in 2021, with the number falling by 47% to 448.

Ukraine is likely to see an uplift in terrorism. In the 2014 crisis, the country recorded 69 terrorist attacks. Of serious concern are the knock-on effects of cyber terrorism to other countries. In addition to cyberattacks on the Ukraine, Russia has been credited with attacks on many other countries. It is possible that the threat of cyber terrorism will rise globally alongside the escalation of the Ukraine conflict.

The Ukraine conflict is likely to reverse gains in Russia and Eurasia, which recorded the largest improvement on the GTI in 2021, followed by North America. The MENA region has improved substantially, moving up two places from the least peaceful region in 2018. For the second year in a row, South Asia is the region most impacted by terrorism, while Central America and the Caribbean region recorded the lowest impact.

Steve Killelea, Founder & Executive Chairman, IEP: "Terrorism is becoming more centred in conflict zones, underpinned by weak governments and political instability, while in Europe and the US politically motivated terrorism has overtaken religiously motivated attacks. As conflict in the Ukraine dominates global attention it is crucial that the global fight against terrorism is not sidelined. Terrorist activity in the Sahel is increasing substantially, and is driven by Islamic militias."

"The decline of terrorism in the West coincided with the COVID-19 pandemic. Restrictions on freedom of movement, travel and the immediate threat to personal health may explain some of the fall. Once the emergency measures are removed there is the possibility of an uptick in terrorism activity."

As technology has advanced so has its use by terrorist groups. This includes missiles and drones, which extend the reach of their attacks and reduce their casualties. Affordable smartphones, social media and encryption are other technologies that also extend their networks, making the spread of propaganda and recruitment easier.

The report identifies IS and its affiliates as the world's deadliest terrorist group in 2021, despite deaths attributed to the group declining slightly from 2,100, to 2,066 deaths. The worst attack of 2021 occurred when an IS suicide bomber detonated two bombs at Afghanistan's Kabul International Airport, resulting in 170 deaths and more than 200 injuries.

Jamaat Nusrat Al-Islam wal Muslimeen, who operate in the Sahel, is the world's fastest growing terrorist organisation and was responsible for 351 deaths in 2021, a 69% increase. The world's most lethal terrorist group was the Islamic State of West Africa, where in Niger each attack averaged 15 deaths.

Attacks in the West have declined significantly, dropping by 68% in 2021, from the peak in 2018. In total there were 113 attacks in Europe in 2021, and seven attacks in the US. The US recorded a significant improvement in the impact of terrorism, recording its lowest GTI score since 2012. There were three attacks by Islamic extremists in Europe, the lowest amount since 2014.

Over the last three years in the West there has been a significant shift in the instigators of terrorism. Acts of religious terrorism declined by 82% in 2021, and have been overtaken by politically motivated terrorism, which now accounts for five times as many attacks. Most attacks which are driven by a left or right ideology are perpetrated by individuals or groups with no formal affiliation to a recognised organisation. The targets of these attacks are often similar, typically government organisations or political figures, and the motivations are similar. Both cohorts are radicalised online and hold the existing system in contempt.

Attacks in the UK halved in 2021 to 12, the lowest number since 2008, with only one being religiously motivated. The US

recorded seven attacks, with five being politically motivated and the remaining two unclassified. France recorded seven attacks down by 72% from the 25 recorded in 2020.

The conditions most closely associated with terrorism vary depending on the social and economic factors of a country. There is a clear link with political terror and a lack of acceptance of basic human rights for the majority of countries. For OECD countries, there is a strong relationship between increased terrorism and social inequalities, as well as easier access to weapons and higher militarisation. For other countries, weak institutions, group grievances and political terror are significant factors in driving terrorism.

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Piracy

Global pirate attacks and maritime armed robbery incidents lowest since records began (The National News) Nicky Harley
March 7, 2022

The global reporting centre for pirate and maritime armed robberies has recorded the lowest number of incidents since records began.

The International Maritime Bureau (IMB) received 132 reports of attacks against ships in 2021, the lowest since 1994.

It has attributed the drop in incidents to action taken by authorities but is calling for continued co-ordination and vigilance to ensure the long-term protection of seafarers.

“While the overall reduction in globally reported incidents is welcomed the IMB piracy reporting centre urges coastal states to acknowledge the inherent risk from piracy and armed robbery and robustly address this crime within the waters of their exclusive economic zone,” IMB Director Michael Howlett said.

“The IMB remains committed to actively engage and exchange information with coastal states to promote safety for seafarers and trade.”

Incidents last year included 115 vessels being boarded, 11 attempted attacks, five vessels fired upon and one vessel hijacked.

Last November the crew of Danish navy patrol vessel Esbern Snare shot five pirates, killing four, in the Gulf of Guinea in an exchange of fire off the coast of Nigeria.

The incident occurred when the Danish frigate, which has been patrolling the area since early November, attempted to board the pirate ship.

The IMB said the increased presence of international naval vessels and co-operation with regional authorities has had a positive impact in combating criminal gangs. It said the overall reduction in incidents in 2021 followed a decline in the Gulf of Guinea region, to 34 reported incidents last year from 81 in 2020.

However, although kidnappings at sea dropped 55 per cent in 2021, the Gulf of Guinea continued to account for all kidnapping incidents globally, with 57 crew taken in seven separate incidents.

The IMB urged crews to remain cautious and said the violent gangs continue to pose a high risk.

“The IMB commends the robust actions of the international navies and regional authorities in the Gulf of Guinea which appears to have positively contributed to the drop in reported incidents and ensuring continued safety to crews and trade,” Mr Howlett said.

“While the IMB applauds these actions it further calls on the coastal states of the Gulf of Guinea to increase their collaboration and physical presence in their waters to ensure a long term and sustainable solution to address the crime of piracy and armed robbery in the region.”

It recorded 35 incidents against vessels navigating the Singapore Straits, a 50 per cent increase from 2020 and the highest number of reported incidents since 1992. Vessels were boarded in 33 of the 35 incidents.

The EU has announced funding for a £1.3 million (\$1.72m) training programme to improve the safety of vessels in the Gulf of Guinea.

Nigerian Navy Maritime Operations - International Maritime Bureau (IMB) Exits Nigeria From Piracy Attack Prone Countries, Award's 77% Success to Nigeria (All Africa) By Kingsley Ononobi

March 9, 2022

Following the significant decline in piracy attacks in Nigerian waters put at 77 per cent occasioned by the Nigerian Navy's increased counter security operations against Maritime criminality, oil theft and other attacks, the International Maritime Bureau (IMB) has exited Nigeria from its Piracy List.

This feat was made known on Tuesday night by the Chief of Naval Staff, Vice Admiral Awwal Zubairu Gambo at the closing ceremony of the 2022 CNS Retreat with PSOs, FOCs and Commanders of Formations in Abuja.

While vowing to "sustain the tempo of our Maritime Security Operations efforts", the CNS said, "same will be extended to our neighbouring states to rid the entire Gulf of Guinea of acts of piracy and other criminal activities.

This is just as the Naval Chief warned Commanders, "that severe sanctions would be imposed for any act of indiscipline, fraud or connivance with criminal elements in the performance of your duties" adding. "You should be ready to solely bear the brunt of any misconduct from you or your men.

Vice Admiral Gambo said, "As you are all aware, the NN is the cardinal institution in the maritime sector that has the responsibility to lead the national response and prosecution of maritime threats. I make bold to say that the NN made giant strides in ensuring the security of the nation's maritime environment.

"It is heartwarming to note the significant decline in piracy attacks by 77 per cent on Nigerian waters as reflected in the International Maritime Bureau (IBM) Third Quarter 2021 report.

"I am glad to notify you that the latest IMB report (just last week) shows that Nigeria has exited the IMB Piracy List. However, considering the NN's lead role in the regional effort at combating piracy and armed attack against shipping, the Service will not relent.

"Also, the NN's effort at containing piracy in the nation's maritime domain has earned us commendation by the Office of the National Security Adviser on behalf of the President Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria.

To the newly appointed Principal Staff Officers, FOCs and Formation Commanders, the CNS said, "Notwithstanding the immediate gains of the past year, more is needed to be done to curb festering maritime crimes in the areas of crude oil theft, piracy, illegal migration and poaching.

"More so, as the nation's maritime resources are germane to national prosperity, NN's operational efficiency remains pivotal to national development.

"As newly appointed commanders, there is an intense sense of expectation that this Retreat has given to you to re-align your ideas and conduct to the imperatives of the maritime threats.

"Bear in mind that your appointment is an opportunity for you to contribute your quota to national security. You must therefore be focused and be ready at all times to squarely deal with issues of maritime threat in your areas of operation.

"You have to be committed and work towards attaining outstanding deliverables of the CNS SD 2021-5. This necessity is informed by the combination of our operational expectations and emergent threat scenario within the nation's maritime area of interest in a dwindling economy.

"In order to succeed in your new offices, I enjoin you to acquaint yourselves with the CNS Strategic Directives and other relevant NN statutes guiding your various responsibilities.

Consequently, he said, "Let me warn you that severe sanctions would be imposed for any act of indiscipline, fraud or connivance with criminal elements in the performance of your duties. You should be ready to solely bear the brunt of any misconduct from you or your men.

"You will be assessed periodically, assigned key performance indicators and would be expected to judiciously and legitimately deploy resources allocated to you.

Congratulating the senior officers on their new appointment as commanders, commandants and commanding officers, he said, "Always be reminded that your appointment is in recognition of your potentials, hence, you must strive harder to uphold the image of the NN in all your endeavours.

"I must commend the organisers and also the participants at this Retreat for their efforts in putting up very robust interactive engagements. Your efforts have obviously yielded the desired results as the major objectives of the Retreat have been achieved.

"However, I must hasten to add that the achievements from this engagement are only a concept. Your job is not done until you have successfully applied the proffered strategies to optimize NN operational efficiency.

"Consequently, I expect all Principal Staff Officers, Flag Officers Commanding and commanders of formations to take advantage of the useful suggestions made in this forum, towards repositioning the NN under your command.

"On my part, I assure you that the Naval Headquarters will give the required support in a bid to achieve the desired end state for the Service."

Presenting the Communique at the end of the Retreat, the Chief of Policy and Plans, Rear Admiral Saidu Sanusi said, "The following resolutions were reached at the end of the CNS Retreat 2022:

NHQ was to: (1) Explore new and emerging technologies including satellite technology for a survey of Nigeria's maritime domain and internal waters. (2) Review NN Training Policy.

"(3) Review the NNOs establishing the NAVTRAC and Directorate of Education to reflect the need to merge naval personnel training and education as inseparable human resource functions.

(4) Develop a standard list of specific tasks to be executed by COs of ships under the first line maintenance schedule.

"(5) Explore the possibility of securing direct funding for NAVDOC from the FGN. (6) Facilitate access to endowment funds and international donor agencies financing for R&D activities of NAVDOC. (7) Set up a committee to consider areas that require the promulgation of doctrine in the NN.

"(8) Provide ship handling simulators for NAVDOC. (9) Ensure that PMLSC vessels are equipped with communication sets that are compatible with NN communication sets.

"(10) Expand NHL hospitality facilities and services to Kaduna, Calabar, Benin, Lagos, Port Harcourt and Abuja. (11) Institute training of officers on Leadership in a Volatile, Uncertain, Complex and Ambiguous (VUCA) environment.

"(12) Rejig KPIs for measuring deliverables to accommodate achievements that could not be easily measured with numerical values.

(13) Reintroduce PWO course in NNS QUORRA training curriculum.

"(14) Set up desk offices at LOC and NHQ to oversee and ensure consummation of all existing contracts with OEMs. (15) Expedite the establishment of a Centre for Maritime Research and Security Studies at the NWCN.

"PSOs and AAs were to:

(1) Intensify mentorship for young officers and ratings. (2) Institute workable feedback and quality control mechanism across every stratum of NN leadership.

(3) Reinvigorate personnel evaluation reporting system.

"CPPLANS was to set up and chair an implementation team for the NHA, to among other things: (1) Develop a robust organisational structure and manning plan for the NHA with adequate representation from critical stakeholders across hydrography and other complementary fields in Nigeria.

"(2) Liaise with relevant committees of both chambers of the National Assembly towards facilitating the hitch free take-off of the NHA.

"CTOPS was to: (1) Facilitate NN representation in the National Diving Governing Council. (2) Reactivate the 9-channel line for fixed communication at NHQ and ensure the provision of an efficient official telephone system for staff and command officeholders.

"GMD NHL was to facilitate the floating of a PMLSC to be operated by AMSL.

"AAs (Administrative Authorities) were to (1) Sustain the concept of "Trinity of Command" using the instruments of Captain's Tables, Rounds and Divisions in the administration of personnel.

"(2) Facilitate execution of quick impact projects in their AORs. (3) Emplace measures to ensure prudent utilisation of assigned resources in the discharge of their duties as the NN would have zero tolerance for wastages.

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Gender-Based Violence

International Women's Day: What we don't know about women as 'weapons of war' (Monash University Lens) By Yolanda Riveros-Morales

March 8, 2022

We still don't know just how widespread and systematic the use of sexual violence is in conflict zones.

Sexual violence, a weapon of war recognised by many governments and international institutions, impacts thousands of people during and after conflicts. But how widespread and systematic it is largely remains a mystery that researchers are hoping to solve with improved data collection.

It's clear women and girls are at heightened risk of this type of violence in the rapidly deteriorating war underway in Ukraine. In conflict situations, sexual and gender-based crimes are war tactics used by both government and armed non-government groups.

In Colombia, a country with a long history of civil conflict, credible estimates put the number of conflict-related sexual violence victims between 1959 and 2020 at 15,760. The true figures are likely to be higher, and of those affected more than 90% were women and girls.

There's often no reliable real-time data from conflict-affected countries or those experiencing political fragility and tensions. This data is needed to better-understand the patterns of sexual and gender-based violence during different phases of conflict – including how widespread and systematic sexual violence is, in which locations it's occurring, and who the perpetrators, victims and survivors are.

Without accurate data, it's challenging to reduce sexual violence that disproportionately affects women and girls.

To fill this data gap, researchers are building a database with predictive power based on news articles and open-access non-governmental organisation reports in eight countries. All have experienced different types of conflicts between 2000 and 2020. They are Myanmar and the Philippines in Southeast Asia; Syria and Iraq in the Middle East; Nigeria, Central African Republic and South Sudan in Africa; and Colombia in Latin America.

For each report of sexual violence, information is extracted to identify where the event occurred, the type of violence, the characteristics of the victim, survivors and perpetrator, but – importantly – why the victims were the object of the crime. Other data being assessed includes other human rights violations that occurred simultaneously, the estimated number of sexual crimes, and when and in which location the event occurred.

It's clear sexual and gender-based violence is systematic from the existing data gathered. It's very different to isolated cases of intimate partner or domestic and family violence, where the main perpetrators are found within the homes of the victims. The repertoire of violence that most women and girls in conflicts are subjected to goes far beyond single acts of rape.

Sexual crimes occur with different frequencies, and include kidnapping for sexual purposes, forced marriages and maternity, trafficking for sexual exploitation, forced nudity, mutilation of women's bodies, and forced abortions.

Both government and armed non-government groups have used sexual crimes to exert power within civil society, punish or impose social norms, or as a cost-effective way to move people from their lands and homes.

In Myanmar, for example, data from the reports analysed between 2016 and 2017 show it's systematically used by those involved in ethnic-religious conflicts in Rakhine and Shan state.

In several cases, there is evidence of double victimisations of women and girls who live in shelters. They are women who were victims of rape subsequently forced into marriages to maintain their family's honour, or lured into sex trafficking networks hoping to provide food supplies and security for their families.

Read more: Rethinking Australia's response to forced marriage

Data also revealed other factors exacerbating sexual violence in countries currently affected by armed conflict, or following it. Natural disasters or the challenges imposed by the COVID-19 pandemic have increased the number of cases.

Sexual violence reports more than doubled during COVID-19 lockdowns between March and May 2020 in Nigeria. The Federal Capital Territory Sexual and Gender-Based Violence Response Team went from receiving between five and six weekly sexual violence reports, to 13 incidents per week during the pandemic.

Under international law, it's the nation's responsibility to guarantee recovery pathways for victims and survivors, as well as their access to justice. These pathways help victims prevent unwanted pregnancies and sexually transmitted diseases or other infections. It also guarantees mental health care to overcome trauma, and to pursue perpetrators through the judicial system.

Accurate, searchable databases can help break the silence on the experiences of victims and survivors, and prevent future acts. Silence prevails with no information, and no data. And governments would not provide services or reparations without hard evidence.

Information is persuasive, detailed data even more so in ensuring governments design and implement policies that work to prevent violence.

Syria's abyss: UN Syria Commission warns of escalating violence, plummeting economy and a humanitarian disaster (OHCHR - UN)

March 9, 2022

The recent escalation in violence combined with a plunging war economy and a devastating humanitarian crisis are inflicting new levels of hardship and suffering on a Syrian civilian population that has endured over ten years of conflict, a new report by the UN Syria Commission of Inquiry finds.

With more than half the pre-war population displaced and over 90% now living in poverty, Syrians are staring into a new abyss as violence escalates both in terms of military skirmishes and bombardments and in terms of abductions and killings away from the conflict zones.

“While parts of Syria are no longer subject to active fighting, make no mistake that violence against civilians continues across the country, from bombardment in the northwest, north and northeast, to targeted killings, unlawful detention and torture,” Commission Chair Paulo Pinheiro said. “The population is enduring crushing poverty inflicted on Syrians everywhere, in particular the internally displaced. These are the abysses faced by the Syrian people, caught between warring parties and everywhere being repressed and exploited by armed actors.”

Beyond active frontlines, daily life for Syrian women, men and children is ever more difficult and dangerous. Twelve million people are food insecure, and an unprecedented 14.6 million need humanitarian assistance.

Violations for monetary gain exacerbate the increasingly desperate economic situation. This has included hostage-taking for ransom, extortion and property seizures for confiscation or harvesting and selling crops. These violations are committed across the country by Government forces and other armed actors controlling territory, often targeting minorities.

Syria is today facing the worst drought it has seen in decades. Inflation, already close to 140% at the start of the year, continues to spiral out of control when the price of basic commodities was already skyrocketing. At the same time, the outbreak of conflict between Russia and Ukraine will only contribute to greater price pressure, likely pushing ever more Syrians into poverty.

In light of the deteriorating living conditions, the Commission has called for a review of the implementation and impacts of sanctions currently imposed on Syria. Despite humanitarian exemptions, more is required to mitigate unintended consequences on the daily lives of the civilian population brought about by over compliance.

“Where sanctions are not adequately reviewed, they can lead to further shortages and impede humanitarian assistance, for the most vulnerable populations, with devastating impact on everyone except the political and economic elite,” Mr. Pinheiro

warned.

Gender-based discrimination and violence continued, with women and girls disproportionately impacted in all walks of life. Women most often lack necessary civil documentation among internally displaced persons and struggle to access their legal rights. Girls are increasingly forced into early marriages, and boys are sent to do child labour or recruited into the conflict. The Hay'at Tahrir al Shams group controlling the Idlib pocket enforces so-called morality codes, which amounts to gender-based discrimination.

“Gender-based violence continues unabated in Syria, with women and girls subject to a range of violations depending on which armed actor holds sway over their areas,” Commissioner Lynn Welchman said. “Women suffer sexual and gender-based violence in detention - and in their daily life, as they navigate restrictions imposed by armed groups, the myriad checkpoints where they are particularly vulnerable, and the array of challenges that predate the current crisis and that have only been made worse by the ongoing conflict.”

The reporting period witnessed increased bombardments in the northwest of the country and skirmishes between the Turkish-backed Syrian National Army (SNA) and the Syrian Democratic Forces in the Northeast. The Commission documented grave violations of fundamental human rights and international humanitarian law by parties to the conflict, including war crimes and ongoing patterns of crimes against humanity.

In Idlib and western Aleppo in the northwest, residential areas have been shelled indiscriminately from the ground by pro-government forces.

“A bride was killed at her wedding along with four young sisters; a displacement camp for widows and their children was deliberately targeted; children were shelled on their way to school among the many incidents we investigated,” Commissioner Hanny Megally said.

Civilians have also been attacked with sophisticated precision-guided weapons and airstrikes – including in strikes where Russian fixed-wing aircraft were identified flying over targeted areas.

In northern Aleppo and in the Ra's al-Ayn and Tall Abyad regions controlled by the SNA opposition group, indiscriminate shelling and attacks with improvised explosive devices continued to cause fatalities among civilians. Artillery shelling by pro-government forces or by the Kurdish-led Syrian Democratic Forces against populated areas killed at least 13 and injured more than 91 civilians in documented incidents in the northern Aleppo area.

The Commission expressed concern by recent reporting on systemic failures in investigations into possible war crimes and other incidents causing civilian harm in Syria in 2018-2019 by the United States-led coalition. These include hundreds of reports of civilian casualties that the U.S. military had allegedly initially dismissed. The Commission reiterated its recommendation to the United States and all parties to conduct credible, independent and impartial investigations into incidents entailing civilian casualties in which their forces are implicated to ensure those responsible for violations are held accountable and to ensure non-repetition, and to make their findings public.

The landmark ruling in January 2022 by the Koblenz Higher Regional Court in Germany against a former Syrian intelligence officer active in the notorious Branch 251, found guilty of crimes against humanity and sentenced to life imprisonment, is little but welcome progress on accountability. In the report, the Commission takes note of the halting progress on accountability and renews its recommendation for Member States to redouble their efforts in this regard, in the absence of concerted action at the UN Security Council.

The Commission found that Government forces and other parties in the conflict continue to deliberately conceal the fate and whereabouts of detainees, in many cases leaving family members exposed to extortion for information or in danger of arrest or physical risks when searching for missing loved ones. The Commission commended the UN General Assembly for adopting resolution 76/228, requesting the Secretary-General to study this issue.

“All forms of accountability must be strengthened, from criminal investigations to addressing the daily justice needs of Syrians and bringing some resolution to the tens of thousands of families who are missing loved ones, through the creation of an independent, international mandate to coordinate and consolidate claims regarding those missing, including people subjected to enforced disappearance,” Mr. Megally said.

The Commission noted a small but increasing repatriation by Member States of their citizens detained in the notorious Al Hol and Al Roj camps in Northeast Syria. But close to 60,000 internees, 40,000 of them children, are still unlawfully held in the camps in appalling conditions, including 7,800 non-Iraqi foreigners. The camp populations live in conditions amounting to cruel, inhuman and degrading treatment, under constant risk of being injured, killed, or trafficked. The tension in the camps is rising with more killings and fears of large-scale violence. More than 90 murders and 40 attempted murders have occurred in Al Hol alone in the past year. The Commission has repeated its call for Member States to bring home their women and

children from the camps.

“No one accuses the children in Al Hol of crimes, but, for over three years, they have been held in horrifying conditions, without legal recourse, deprived of their right to education, to play, to proper health care. They are being punished for suspected crimes that their parents may have committed,” said Ms. Welchman.

The recent heavy fighting in and around the SDF-run al-Sina prison in the Ghwayran neighbourhood of Hasakah city in the Northeast, in which hundreds were killed and thousands were temporarily displaced, highlighted the plight of hundreds of children, mostly above the age of 12, held together with around 12,000 men suspected of links with ISIL in the SDF-controlled detention centres.

The Commission’s report is scheduled to be presented on 18 March during an interactive dialogue at the 49th session of the Human Rights Council.

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Commentary and Perspectives

Uzbekistan Should Stop Harassing, Jailing Bloggers (Human Rights Watch) By Svetlana Vorobyeva
March 3, 2022

In many countries social media has become the infrastructure of discussion in the public sphere. But in Uzbekistan, social media posts are often used as evidence in court against bloggers critical of the authorities.

Uzbek President Shavkat Mirziyoyev has repeatedly claimed he values free expression and the role of bloggers in society. In practice however, numerous bloggers have been prosecuted in recent months, raising renewed concerns about freedom of expression in Uzbekistan. In two recent cases, Sergey Mayorov, a lawyer, has lodged appeals against sentences imposed on his clients for criticizing the government. Fazilhoja Arifhojaev was sentenced to seven and a half years in prison, and Miraziz Bazarov to three years of house arrest. Mayorov told Human Rights Watch that he was pessimistic about whether the courts would consider the appeals from a human rights perspective. On January 26, the criminal court in Tashkent’s Almazar district found Arifhojaev guilty under article 244-1 of the criminal code for allegedly threatening public security by reposting and commenting on a Facebook post that had questioned whether it was appropriate for a Muslim to congratulate non-Muslims on their religious holidays. Human Rights Watch has repeatedly urged the authorities to amend article 244-1, which has been used to criminalize peaceful dissent and freedom of religion and belief. On January 21, the criminal court in Tashkent’s Mirobod district sentenced Bazarov on two counts of slander under article 139-3 of the criminal code for making videos on TikTok and YouTube, allegedly with insulting comments about teachers and pro-government bloggers. Bazarov had been attacked in Tashkent last March and was hospitalized with a broken leg, a severe concussion, and multiple internal and external injuries. Instead of investigating the attack and working to identify his attackers, the authorities opened a criminal case against him as soon as he was discharged from the hospital. On February 3, the Hazarasp District Criminal Court in Khorezm region sentenced Sobirjon Babaniyazov to three years in prison under article 158 of the criminal code for videos and audio messages on the social media platform Telegram that allegedly insulted the president. Babaniyazov apologized in court and claimed he was drunk when he made the videos. He said he was in despair over the lack of heating gas in his village and unemployment. Babaniyazov had been in pre-trial detention since April 18, 2021. Insulting the president online was explicitly criminalized last March. The amendment to the criminal code was widely criticized by international and local human rights defenders, who feared it would be used to silence criticism online. Babaniyazov’s case seems to justify those concerns. House arrest and imprisonment are not the only tools being used to silence critics and discredit bloggers and civil activists. Valijon Kalonov, a 52-year-old blogger and government critic from Jizzakh city, is being held in a psychiatric hospital in the Samarkand region. Kalonov was arrested last August on charges of insulting the president through mass media and distributing and displaying materials that threaten public safety and public order using social media after he criticized the president and called on YouTube for a boycott of the October election. In a December 23 verdict, which Human Rights Watch has seen, a criminal court in Jizzakh referred to a psychiatric examination which concluded that Kalonov did not understand and was not fully aware of his actions due to a psychosocial disability and that he required hospitalization. Those who know him are not aware that he has any mental health disability. The court ruled that Kalonov could not be held criminally liable and sent him for compulsory psychiatric treatment. Notwithstanding the lack of any credible evidence that Kalonov has a psychosocial disability, the forced medical treatment of anyone for that reason is discriminatory and violates the prohibition on ill-treatment. It is not the first time the Uzbek authorities have used forced psychiatric treatment to silence and discredit

critics. On February 22, Ruslan Khairnurov was released from house arrest that he had been under since December 31 for reposting an unverified Facebook message about a regional health employee accepting a bribe. A criminal case against him for slander under Article 139-3 of the criminal code is still pending even though Khairnurov said he deleted the post when he found the information to be untrue. Arifhojaev, Babaniyazov, Kalonov, Bazarov, and Khairnurov come from different walks of life and have different backgrounds and beliefs, but they have been deprived of their liberty because they used social media platforms to criticize life in Uzbekistan. The authorities should dismiss or vacate these cases.

Mining, Protests and a Young Villager's Death in Sulawesi (Human Rights Watch) By Andreas Harsono
March 4, 2022

On February 12, a young man was taking part in a seemingly routine protest by the Aliansi Rakyat Petani (Alliance of People's Farmers) about five kilometers from his home in Tada village in Central Sulawesi. Farmers and other local residents had been organizing almost daily protests since January 2021, demanding the revocation of the license for PT Trio Kencana, a mining company.

But things turned nasty that night. Protesters, angry that the governor had not kept his commitment to speak to them, blocked the provincial road with trucks. The police responded by deploying 15 trucks of their own and water cannons. The authorities turned off the electricity in the area. At around 11:30 p.m., local police started firing teargas to disperse hundreds of protesters blocking the Trans Sulawesi road. They arrested at least 59 protesters. Protesters alleged that the police used live ammunition to disperse the rally. Nine minutes after midnight, the protesters found the body of Erfaldi Erwin Lahadado, a 21-year-old mechanic. He had been struck by gunfire on his right shoulder. I checked Erfaldi's Instagram account. It shows him dressed in a bright yellow jacket next to his Honda motorcycle. His Instagram portrayed the life of a young man: music, family, friends, but no sign of activism. Why was he on the streets that night? In August, the Central Sulawesi government had granted PT Trio Kencana a license to start digging for minerals in Kasimbar and South Tinombo districts in Parigi Moutong regency. It's a huge area of 15,725 hectares, almost the size of Bandung or Washington, D.C. The land contains the homes, farms, schools, clinics and businesses – such as kiosks like the one run by Erfaldi's mother – of 50,000 people. Parigi Moutong is also Central Sulawesi's largest food-producing area. PT Trio Kencana says that it is mining gold on the Kasimbar site and has promised "environmental protection, community service, and transparency" on its website, but it is not clear to local residents how these commitments are being kept. Villagers are concerned about the possibility that their land will be confiscated and are angry about ongoing exploration activities, as three mining pits in Kasimbar have flooded rice fields nearby. Central Sulawesi, according to the Mining Advocacy Network, an Indonesian environmental group, is facing an ecological crisis because of excessive mining operations. The province has issued a total of 135 licenses over the last decade – 28 for an exploration phase and 107 others for operations already in production. The Mining Advocacy Network has called for the Ministry of Energy and Mineral Resources in Jakarta to revoke the license for this mining operation. Among local residents' chief complaints is that they say they were not consulted about the deal. They are afraid that more digging will pollute the soil and water in the area. Governor Rusdi Mastura promised on February 7 to meet with the affected communities. He has yet to do so. But he has called on the police to arrest "provocateurs." The Central Sulawesi police chief, Rudy Sufahriadi, has promised to investigate the fatal shooting. His team found 60 bullet casings at the scene and sent them for ballistic examination in Makassar, South Sulawesi, confirming the villagers' claim about live ammunition. Many local residents are skeptical that the police will be held accountable. The police promised to announce the result in March. Rosmawati, Erfaldi's mother, has repeatedly asked the police and authorities to find the person who shot her son and bring them to justice. She is hoping that his death will be the last among the farmers and others struggling to protect their land and environment.

How Far Will Russian Forces Go in Ukraine? (Human Rights Watch) By Kenneth Roth
March 4, 2022

As Russian forces invading Ukraine confront stronger and more effective resistance than the Kremlin probably anticipated, the big question is: what comes next. The Russian military has a history of meeting such resistance with serious violations of the laws of war, including deliberately targeting civilians and subjecting them to indiscriminate and disproportionate attacks.

Between 2015 and 2016, Russian and Syrian bombing largely devastated opposition-held parts of eastern Aleppo, the country's largest city by population. With the residents suffering under a punishing siege as well as indiscriminate attacks with cluster munitions and barrel bombs, incendiary weapons, and high explosive bombs, opposition forces ultimately surrendered. Russian forces repeated the same tactics later on, in Eastern Ghouta and Idlib, with equally devastating results. They deliberately bombed hospitals, markets, schools and apartment buildings, in some cases repeatedly. The aim was to make life so difficult for civilians that they would leave, isolating opposition forces and making it easier for Syrian ground troops to move in. Yet in Aleppo and Idlib, Russian forces operated mainly from the sky. With Russian ground forces engaged in Ukraine, perhaps the closest analogy to today's situation was the second war in Chechnya between 1999 and 2000, when

Russian forces utterly devastated the capital, Grozny, with an overwhelming display of indiscriminate firepower. In 2003, the United Nations reportedly called Grozny “the most destroyed city on Earth”. Russian forces also perpetrated several massacres, tortured and forcibly disappeared thousands, and engaged in other grave abuses in “mop-up” operations. Already there are signs that Russian forces in Ukraine are moving in a similarly indiscriminate direction, but these are early days. Russian forces in the east have used cluster munitions, which endanger civilians not only in their initial use, but also in the substantial unexploded ordnance that they leave behind. Although neither Russia nor Ukraine has joined the treaty banning cluster munitions, these attacks violate the prohibition of indiscriminate warfare, a longstanding part of customary international law codified in the Geneva conventions and their protocols, which both governments have ratified. In addition, firing ballistic missiles and rocket artillery, Russian forces are using explosive weapons with wide-area effects that are utterly inappropriate in populated areas. And they may be moving to encircle, and impose a siege, on the capital, Kyiv, and the second largest city, Kharkiv. Although sieges are a lawful tactic, they can set the stage for other serious abuse of civilians in the besieged area. So what can be done to stop a worsening spiral of indiscriminate warfare that would endanger countless Ukrainian civilians? Much has been made of how the many social media postings of attacks could serve as a deterrent by documenting and publicising any war crimes. But the attacks in Syria were also dutifully documented by video and disseminated on social media without sufficient effect. In the case of Idlib, international pressure did work to stop the targeted bombing of civilian structures. Military pressure from Turkish drone attacks on Syrian forces, diplomatic pressure from the French president, Emmanuel Macron, and the then German chancellor, Angela Merkel, and repeated denunciations from UN security council members succeeded in halting the Russian attacks in March 2020. They have, largely, not resumed. But the political stakes are higher in Ukraine, where Putin’s legacy is now at stake. And far more intense pressure has already been put on the Kremlin. The prospect of international prosecution for war crimes remains a potential moderating factor. Because Syria never joined the international criminal court (ICC), the court has not had jurisdiction over serious crimes committed there. The UN general assembly did establish a Geneva-based body to collect and preserve evidence of serious crimes. It has contributed to national prosecutions of Syrian officials, particularly in Germany, under the concept of universal jurisdiction. But even though Human Rights Watch traced command responsibility for the war crimes in Idlib all the way to Putin, no Russian official has been charged. It is not too late to start. More to the point, the ICC has jurisdiction over serious crimes committed in Ukraine under declarations filed by the Ukrainian government. Already the ICC prosecutor has announced an investigation, and 39 court members are backing him. The international community should now ensure that this investigation, and the court’s broader work, are fully resourced. Ultimately, the most powerful deterrent of atrocities by the Russian military may be the Russian people. Tens of thousands of Russians have taken to the streets in protest, despite a great likelihood of arrest. More than a million people have signed an anti-war petition, and various prominent people – artists, musicians, academics, writers – have signed open letters against the war. Emergency discussions on Ukraine at the UN general assembly and the UN human rights council are in the process of yielding global condemnation and the creation of a special mechanism to monitor, report on, and gather evidence of war crimes in Ukraine. These UN bodies should establish a similar mechanism for repression in Russia as well. By the same token, as the world’s governments impose targeted sanctions on people with complicity in the war and repression, they should avoid as much as possible harming ordinary Russians. Standing with the Russian people as they attempt to rein in Putin’s brutal tactics may be the best tool we have for preventing Kyiv and Kharkiv from becoming the next Aleppo and Grozny.

Explainer: Fighter jets to Ukraine a step too far for NATO wary of war with Russia (Reuters) By Gabriela Baczynska
March 9, 2022

Washington rejected Warsaw's proposal to transfer Polish MiG-29 fighter jets to Ukraine through a U.S. military base in Germany as the West seeks for ways to help Kyiv fight Russian invasion but fears being sucked into a war with nuclear-armed Moscow.

Here are NATO allies' considerations on providing fighter jets to Ukraine, which was attacked from the air, sea and land on Feb. 24. Moscow has targeted Ukrainian cities, sending some 2 million civilians fleeing and triggering more EU sanctions on Russian banks and trade, as well as blacklisting of officials and oligarchs. POLAND Poland is the largest ex-communist state in NATO and the European Union, and has a long history of fighting Russia and seeking to integrate with the West. It now sits on the eastern border of both blocs and neighbours Ukraine, with which it has many cultural and historical links. But Poland refused to go solo in providing jets to Ukraine, fearing it would be exposed to Russian retaliation without all of the NATO alliance rallying behind it. "Such a serious decision as supplying planes must be unanimous and unequivocally made by the whole North Atlantic alliance," said Polish Prime Minister Mateusz Morawiecki. Warsaw has warned previously about NATO's blind spot known as the Suwalki Gap, a 100-kilometre-long (60-mile) border running through farmland and woods on the Polish-Lithuanian frontier, the only thing that separates Russia's ally Belarus from Moscow's Baltic enclave of Kaliningrad. GERMANY Germany handed over 22 MiG-29 to Poland in 2003-04 and, under a resale clause, Poland would need to get Berlin's approval to pass them on to Ukraine. Russia's invasion of Ukraine has already forced Berlin to rethink its long-declared ban on exporting arms to war zones, a policy designed to break with the country's historical legacy of waging wars on Europe in the 20th century. Germany announced it would supply anti-tank weapons and anti-aircraft weapons from its

military stocks to Kyiv, as well as authorising Estonia passing on old East German howitzers and the Netherlands offering German-produced RPGs. While it has moved a long way from its initial offer of 5,000 helmets to Ukraine in late January, Germany is also keen to avoid moves that Russian President Vladimir Putin would see as provocation meriting military response. Germany hosts the Ramstein air base, the U.S. military's gateway to Europe and part of the biggest U.S. military community overseas, with around 50,000 service members, civilian employees and families living there. NATO The 30 NATO countries are legally bound to protect each other if one comes under attack. But the allies are wary of Putin's nuclear threat and have already refused Ukraine's calls to set up a no-fly zone to help protect it from Russian missiles and warplanes. "We are not part of this conflict," NATO head Jens Stoltenberg said last week. Two NATO sources told Reuters this week that providing fighter jets to Ukraine would also risk dragging the Western military alliance into a full-on military confrontation with Russia. "You could change the colours on the jets but you can't hide it from Russia," said one of the sources, who spoke under condition of anonymity. "The question is whether we are willing to accept Russia firing off missiles towards Tallinn or Riga, or somewhere in the Nordics, or in Poland. There is no political appetite for that."

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WORTH READING

The Legal Framework for Prosecution of Money Laundering Offences in Vietnam
Gregory L Rose and Thu Thi Hoai Tran
February 4, 2022

This paper analyses Vietnam's compliance with international anti-money laundering standards. It describes Vietnam's risk factors for money laundering and contrasts its high risk with its low rate of money laundering prosecutions, a contrast which suggests problems in the anti-money laundering prosecutions regime. It commences with a description of the evolution of the Vietnamese anti-money laundering legislation situated within relevant features of the national legal system. It then moves to a case study approach, describing the three money-laundering offences that were successfully prosecuted and a series of money-laundering cases that were not prosecuted. These reveal legislative inadequacies in relation to offences committed abroad or by corporations, and a lack of legal measures concerning unjust enrichment. In relation to criminal investigations, other difficulties occur, arising from significant gaps in the collection of financial intelligence concerning non-bank financial institutions and cash transactions, as well as the absence of specialised financial crime investigations units or of parallel financial investigations of predicate offences investigations. To address those problems, the paper makes five recommendations.

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