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War Crimes Prosecution
Watch

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Volume 14 - Issue 16
September 16, 2019

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

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AFRICA

NORTH AFRICA

Libya

Unspeakable Crime: Rape as a Weapon of War in Libya (Aljazeera)

September 7, 2019

"If you use a bomb it goes through the body. It kills and it leaves a mark. Any weapon does. But rape is an invisible weapon. It's only uncovered if the victim speaks out," says Imad Erg, a Libyan human rights activist.

He, along with other activists in exile working from Tunisia, aims to uncover crimes in Libya as conflict continues to tear apart their home country.

Following the Arab Spring in 2011 and the toppling of long-time leader Muammar Gaddafi, Libya fell into chaos as rival factions struggled for control of the country and its oil reserves.

And in a war waged with guns and missiles, factions are also using a more silent weapon: systematic male and female rape.

Erg and his co-workers review online videos, speak to victims, and document their cases in the hope of prosecuting the offenders in the International Criminal Court.

One victim describes being handcuffed naked and left hanging off a door. Another describes dogs biting him, and watching prisoners being forced to rape each other. Other cases involve being sodomised with sticks and weapons.

"Now I have physical problems," says a victim, known as Ali, who was held in prison for six years. "At times it goes away."

Among those vulnerable are refugees and migrants from Africa and the Middle East passing through Libya on their way to Europe as well as the people of the town of Tawergha. They have been systematically discriminated against since the Battle of Misrata, an opposition city during the Libyan Revolution, for appearing (without conclusive proof) to have sided with government forces.

Khadija is from Tawergha and was raped by her own neighbour as well as other men who have conducted a shocking and indiscriminate vendetta against the primarily black residents of the town.

"These men tied me up and began to harass me. Five [men]. I couldn't get away. They raped me twice. They tore my clothes off, saying 'You Tawerghans will pay for what you did in Misrata'," says Khadija. "I said 'But we've been neighbours for 20 years' ... It was horrible. I can't talk about it. Everyone looked at me when I came out of the house. What did we ever do to them?"

Faced with painful memories and lasting injuries from their abuse, the men and women must also shoulder rape's taboos.

"You can offer millions to a victim to testify in a court," says another victim, Yassine. "He'll say, 'No way. I can't tell you what happened to me.' He'll say, 'I don't want to be known.' The victim is afraid of being exposed. His fear of being humiliated is constant. You become paranoid. You think everyone knows. That's the worst part."

Bombs, Blood and Power Cuts: Libya's Slide Into Civil War (Bloomberg) By Samer Al-Atrush
September 11, 2019

General Saleh Abuda's orders to the troops besieging Tripoli came through a crackling radio early in the morning of July 22. "Destroy the enemy, advance on the capital," was the message, and with it another operation to break the stalemate in Libya's conflict had begun.

It unraveled within hours as Field Marshall Khalifa Haftar's self-styled Libyan National Army, or LNA, met stiff resistance. Shortly after the command, one pilot landed a beaten up L-39 Albatross Czech-made fighter plane on a highway in neighboring Tunisia and said he wanted out.

Libya is enduring its worst violence since the 2011 NATO-backed ouster of Moammar Qaddafi, which ushered in years of instability that allowed Islamist radicals to thrive and turned the country into a hub for migrants destined to Europe. Haftar had launched the war as the United Nations was laying the ground for a political conference to unite the country. It is now more divided than ever.

The latest upheaval in the North African oil producer started in early April when Haftar's fighters, the largest force in the country, first marched on the capital. With outside powers including Egypt and the United Arab Emirates backing him, Haftar promised an easy victory. But the government of Fayeze al-Sarraj, which was installed by the United Nations in 2016, fought back hard with Turkish military assistance.

People are inured to the tit-for-tat violence, and the long power cuts and gas shortages. Shops stay open late into the night on streets humming with generators. The temperature rises above 40 degrees Celsius (104 Fahrenheit) in the daytime. In the center of Tripoli, a city of more than 1 million people, families go out for strolls in the night on the corniche overlooking the Mediterranean.

At the O2 café in Tripoli, documentary maker Samer says he didn't imagine the country would end up like this when he joined the rebellion against Qaddafi. "I'm a realistic person," he said, declining to be identified by his full name. "Whichever side wins, there will be infighting. Chaos is to everyone's benefit."

Five days after the July 22 offensive, the LNA tried again to advance – and was repelled again. Near the front line, past miles of desolate homes south from Tripoli's downtown, medics had set up a field hospital in a sprawling compound that once housed the American embassy's staff before its evacuation during a previous war.

At the main clinic, a two-story villa nestled between an empty swimming pool and a tennis court, supervisor Abulqasim Shiwa woke up to the sound of bullets. The LNA had taken over a military base roughly 3 kilometers (2 miles) away. By 6 p.m., they had been forced to withdraw.

After treating a dozen wounded soldiers, Shiwa and the medics set out a meal on the villa's front porch, ignoring a drone that buzzed overhead before disappearing. They were cleaning up when the missile smacked into the porch. The blast blew the blood-spattered front door into the villa, riddling Shiwa with shrapnel. Five of the medics were killed. Shiwa, partly shielded by a pillar, survived.

"I felt my shirt was on fire and when I took it off and saw blood," said Shiwa, speaking at the porch where the missile hit. "I then started aiding people." The surviving medics found the dismembered chest of one of their colleagues, Aws Nusrat, at the edge of the swimming pool.

That morning, Ramadan Hamoum, a high-school principal and commander of the pro-government Knights of Zawiya militia,

had joined in an ambush that drew Haftar's forces into the military base before pounding them with anti-tank missiles.

Hamoum lost his nephew in the fighting. At his headquarters, a bullet marked villa a few hundred meters from the nearest LNA position in an abandoned airport, Hamoum was watching a National Geographic documentary on a big screen television on an afternoon in August. One of his soldiers was flicking through cell phone pictures of the LNA soldiers they'd killed.

"This one was sliced in half," the soldier reports. "They thought they'd enter Tripoli easily," Hamoum said, grinning.

Division of the country's wealth, and who gets the largest share, has been at the crux of the power struggles. Haftar's war is just the latest, and has already killed more than a thousand people, including about 100 civilians, and displaced tens of thousands. Many have rented apartments in the capital itself. Others who are unable to afford the rent have been housed in schools turned into shelters.

In the district of Abu Slim, one elementary school is hosting 19 families. A handwritten sign on the door of a classroom reads: "Welcome to your second home." Each classroom has been given to a family. Some, like Omar Jumaa, his wife and four children, have been displaced several times since 2011.

Jumaa is from Tawerga, which militias from the neighboring city of Misrata had razed to the ground in 2011, accusing its inhabitants of having supported Qaddafi.

He moved to Tripoli, but was displaced again last year when a militia in nearby Tarhouna marched on the capital, demanding access to the city's finances. He now fixes air conditioners when he can to scrape by. "This is my third time," he said. "What can I say? We're used to it."

It's a thought shared by many Libyans. On the morning of Aug. 24, a Grad missile slammed into a pavement at Tripoli's Metiga airport just opposite a row of airline ticket stores.

Hundreds of passengers sat in front of the entrance waiting for the flights, briefly suspended after the rocket strike, to resume. Days later, the airport suspended flights indefinitely after another rocket fell by a plane on the runway, injuring disembarking passengers.

The barista who runs a café at the airport just gave a wry smile. "We're used to it," he said.

Justice, Delayed in Libya (Human Rights Watch) By Hanan Salah
September 11, 2019

The scars ran deep. His back was a maze of thick welts, thinner scars and parts that resembled small craters. His wrists and ankles were raw from where he'd been shackled and suspended from a ceiling for hours, and his limbs appeared limp and stretched. His eyes were expressionless. The torture destroyed me as a person, Ali[1] said.

Ali, 24, told me he had been tortured within an inch of his life in Benghazi. He was stopped at a checkpoint by an armed group affiliated with the Libyan National Army (LNA) who accused his brother of fighting against the LNA in Benghazi. No matter that his brother was 1,000 kilometers away in Tripoli. Ali said he barely made it out alive after three days of almost non-stop torture.

Sadly, his story is not unique. During the past eight years, as Libya researcher at Human Rights Watch, I have interviewed hundreds of victims of human rights violations, or their relatives, and have visited dozens of prisons, migrant detention centers and informal detention facilities.

The list of serious abuses is long and goes well beyond torture and arbitrary detention, including those arising from the 2011 war that ousted Muammar Gaddafi, the more recent conflicts in 2014 and the current conflict in Tripoli.

I have investigated the plight of thousands forcibly displaced from their homes in Tawergha by armed groups from Misrata, the vast majority of whom cannot return home; extrajudicial killings and enforced disappearances by groups linked with the LNA; and sieges by the LNA that left civilians without access to food, water or medical care.

In the ongoing Tripoli conflict, there is wanton destruction of private property and indiscriminate attacks against civilians by all parties.

Many more violations are the direct result of systemic failures of consecutive post-Gaddafi governments and their supporters during periods of peace. We visited people held in long-term arbitrary detention without judicial review, primarily because post-2011 governments failed to establish a functioning justice system. In Misrata, we interviewed torture victims in detention

facilities run by the Justice Ministry, still bloodied after their ordeal. In Benghazi, we documented scores of politically motivated assassinations, including of activists and journalists, mostly by unidentified perpetrators where no one was held to account. In Tripoli, we met relatives and friends of victims of kidnapping and enforced disappearances by armed groups linked with the Government of National Accord (GNA).

In western Libya, we uncovered widespread abuses against migrants and asylum seekers by smugglers and the GNA-linked coast guards and prison authorities. Some were held in slave-like conditions.

Multiple armed conflicts and political rifts since 2011 have had a devastating effect on civilians. In the absence of central authority, armed groups have committed human rights crimes with impunity. Most notable are “Dignity” (Karama) the May 2014 military campaign by LNA commander General Khalifa Hiftar to take control of the eastern region to “root out terrorism,” and the ensuing war in Tripoli between competing factions, from which emerged three, then two, authorities, claiming legitimacy.

The situation has worsened since Hiftar’s April 4 war on Tripoli. The LNA, an armed group controlling eastern Libya and parts of the south and allied with the Interim Government, is trying to wrest control of western Libya from the competing, internationally recognized Government of National Accord. Over 100 civilians have been killed, thousands more displaced, and civilian infrastructure has been damaged.

Despite the magnitude of the human rights crimes in Libya, attempts to hold wrongdoers to account, in domestic and international courts, and through sanctions imposed by the United Nations Security Council, have failed to break the cycle of impunity.

Few cases have been heard by civil and military courts in Libya. The post-Gaddafi interim government, strongly supported by the UN and western governments, did not prioritize a functioning justice system. So thousands of people in east and west of the country remained in long-term abusive arbitrary detention without a hearing. Domestic courts, affected by political divisions and armed conflict, are barely functional, with procedures hampered by grave due process violations, including forced confessions, ill treatment, and lack of access to lawyers. In some areas, including the south, the criminal justice system has collapsed. Lawyers, judges and prosecutors are also prime targets of militias.

The prosecutor of the International Criminal Court (ICC) has a mandate to investigate war crimes, crimes against humanity and genocide in Libya yet the prosecutor has issued only one arrest warrant since 2011: against Mahmoud el-Werfalli, a commander linked to the LNA, for extrajudicial executions.

The UN sanctions have been underused: only eight people have been listed for individual targeted sanctions since the 2011 revolution, including two militia commanders and six people involved in trafficking. Attempts to list abusive warlords and officials have failed because powerful backers within the Security Council have blocked such designations. The UN Human Rights Council shut down its Commission of Inquiry on Libya in 2012 leaving inadequate public reporting on crimes committed by all sides in Libya.

Nor has Libya seen justice for crimes committed under Gaddafi’s rule. Although media reports that a Tripoli criminal court is investigating the June 1996 Abu Salim prison massacre in which 1,200 prisoners were killed, no one has yet been held responsible. Many who opposed Gaddafi remain missing, including prominent opposition members Jaballa Hamed Matar and Izzat al-Megaryef, who were arrested by Egyptian security forces in Cairo in 1990 and sent to Abu Salim. Lebanese Shia cleric Imam Musa al-Sadr disappeared in Libya in 1978; his fate remains unknown.

It will take strong political will to expose those behind the most serious violations and bring justice. The narrative that peace in Libya will come only through political and economic settlements and holding abusive warlords and officials to account is counterproductive, is ill conceived. Real peace depends on first seeing justice done. Libya urgently needs a robust investigative mechanism to establish responsibility for violations and to document and preserve evidence of these crimes – for example, an independent UN International Commission of Inquiry.

Peace and justice depend on each other. Ali was tired but he wanted me to document every detail that he could remember of his ordeal, and to see every scar. It mattered a lot that he could tell his story and know that someone would preserve it. Then maybe one day, those who tormented him would be arrested and sent to jail.

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Central African Republic

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

UN calls for urgent humanitarian funding and protection of civilians in the Central African Republic (Relief Web)

September 4, 2019

United Nations Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator Ursula Mueller today called for urgent additional funding to meet the humanitarian needs of 2.9 million people in the Central African Republic (CAR).

“I have witnessed the level of suffering among people affected by this complex emergency,” Ms. Mueller said in Bangui after a week-long mission to the CAR. “The humanitarian situation in this country continues to deteriorate. Most displaced people have been forced to flee multiple times and are unable to return home due to continued insecurity and lack of essential services. Spikes of violence in areas of the country that were not previously affected by the conflict are creating new displacement and humanitarian needs.”

This year, the number of people in the CAR who need humanitarian assistance and protection has increased from 2.5 million to 2.9 million. Two-thirds of the population depends on aid to survive; more than 70 per cent of the population has no access to safe drinking water. Some 1.8 million people in the country are food insecure.

During her mission, the Deputy Emergency Relief Coordinator visited Bria in eastern CAR as well as Alindao and Bangassou in the south-east. In some areas, she noted increased freedom of movement and humanitarian access, creating new hope for civilians. “People I met called for more access to essential services such as water, health and education. At this critical time, development actors need to increase their programming, while humanitarians will have to continue to provide lifesaving assistance.”

Ms. Mueller heard from dozens of crisis-affected women about their many challenges and the risks they face. “I was appalled and shaken by testimonies from women and girls who are affected by gender-based violence (GBV). They urgently need protection, and survivors need access to medical and psychosocial support,” she said. On average, an alleged GBV incident is reported every 60 minutes in the Central African Republic, and 92 per cent of victims are women and girls.

The Deputy Emergency Relief Coordinator also met humanitarian actors who are providing life-saving assistance to over 750,000 people every month. However, the CAR is one of the most dangerous countries in the world for humanitarians to operate in. So far this year, 3 humanitarian workers have been killed and 26 have been injured.

During her visit, Ms. Mueller stressed the critical importance of protecting civilians. “I appeal to all parties to abide by their obligations under International Humanitarian Law and to cease all acts of violence against civilians and humanitarian personnel and assets. This is a message I delivered throughout my mission, including in meetings with representatives of armed groups,” the Deputy Emergency Relief Coordinator said. “Victims and survivors, including of sexual violence, must receive justice and impunity must end for this society to heal.”

While the conflict continues, humanitarian assistance remains a lifeline for many affected communities. “I thank donors for their generous contributions thus far but much more needs to be done,” said Ms. Mueller. “Existing donors need to scale up funding for the humanitarian response, and we need additional donors to support these efforts.” The 2019 CAR Humanitarian Response Plan requires US\$430.7 million but is less than 50 per cent funded.

“Without additional funding, humanitarians will not be able to sustain and scale up the ongoing response,” Ms. Mueller said. “The people of this country need our help now and we cannot fail them.”

Central Africa president defends peace deal despite clashes, defections (The Sun Daily)

September 6, 2019

A peace accord aimed at ending years of violence in the Central African Republic remains solid, the country’s president affirmed Thursday, despite a fierce clash

between rival militias this week and the departure of two rebel leaders from their government posts.

“These are setbacks but we hope that they won’t endanger the accord,” President Faustin-Archange Touadera told AFP in an interview in Paris after holding talks with France’s Emmanuel Macron.

“I think the accord is quite strong, it has the support of the entire international community and the Central African people,” he said.

Around a dozen people were killed in the outburst of fighting last Sunday and Monday in Birao, a town in the far north, Touadera said, by rival groups who had nonetheless signed the peace deal reached in February.

The UN’s peacekeeping force in the country denounced the “rare violence” of the clash, in which market stalls were burned and thousands of residents fled.

The peace accord with the 14 militias vying for control of the country’s gold, diamond and other resources came after years of conflict since the ousting of Touadera’s predecessor Francois Bozize in 2013.

“We signed an accord that should stop such incidents,” Touadera said.

“But as you know, when weapons are still in circulation, these types of events are possible.”

Yet the fragile peace accord was further threatened Thursday with the departure of a second influential militia chief from his government post, just days after the head of another main militia leader quit.

Touadera has been struggling to prove he can convince the militias, which collectively control more than three-quarters of the territory, to lay down their arms.

“Some people are working against peace and trying to instrumentalise this accord to show that it won’t work,” he said.

“But I’ve said again and again, for now this is the only way to restore peace.”

Macron on Thursday called on his Central African counterpart to “undertake all efforts” to end the years of violence in the former French colony.

The French president, who first hosted Touadera for talks in Paris in 2017, stressed the importance of holding “free and inclusive” elections at the end of 2020.

France has provided weapons and training for Touadera’s forces, and still has around 300 troops in the country after a major military invention from 2013 to 2016 amid fears the country’s was on the verge of a Rwanda-style genocide.

But more recently Touadera has also welcomed aid and equipment from Russia, including some 170 training instructors widely thought to be mercenaries working closely with Russian mining companies.

French officials are warily eyeing Moscow’s inroads in a country it considers part of its zone of influence, but Touadera said the Russian help was “complementary” to France’s actions.

“We invite all our partners to support us, they act with full transparency in the country,” he said.

“We don’t see any conflict... there are plenty of areas where our different partners can participate, whether it’s the EU, the United Nations, the African Union or neighbouring countries,” he said.

Touadera’s government has repeatedly asked for a UN arms embargo to be lifted to allow his poorly equipped forces to reassert state authority across the country.

But the UN has demanded that it first make progress on reintegrating rebels into the security forces.

Thousands of people have been killed and about a fifth of the population of 4.5 million displaced in the wake of the 2013 coup.

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Sudan & South Sudan

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

South Sudan: Missing File Blocks Justice for Rapes, Murder (Human Rights Watch)

September 6, 2019

A missing case file is blocking appeals in the sexual assault case stemming from the July 11, 2016 attack on the Terrain hotel in Juba, South Sudan, Amnesty International, Human Rights Watch, and Legal Action Worldwide said today. The case file has not been seen since it was sent to President Salva Kiir in 2018.

One year after 10 soldiers were convicted for the sexual assault and rape of at least five aid workers and the murder of a journalist during the attack, the Supreme Court is unable to move forward with appeals by the victims and those convicted because of the missing file.

“It is outrageous that a year after the conviction the parties’ appeals cannot be heard because of a missing case file,” said Antonia Mulvey, founder and executive director of Legal Action Worldwide. “The authorities should ensure that there are no deliberate attempts to obstruct justice and locate the file, so the Supreme Court can examine the appeal.”

“The victims of this heinous attack, and their families, have suffered so much already – it’s unfathomably cruel to prolong their quest for justice,” said Seif Magango, Amnesty International’s Deputy Director for East Africa, the Horn and the Great Lakes.”

The authorities should ensure the rights of victims to a remedy and of the accused to a fair trial, including their right to appeal and their right to be tried or to obtain justice without undue delay, the groups said.

In September 2018, the rape and sexual assault survivors and the family of John Gatluak Manguet, the journalist killed in the attack, appealed the court’s decision to award US\$4,000 to each of the rape and sexual assault survivors, and 51 cows to the journalist’s family. They contended that the compensation was not commensurate with the crimes, and with the physical and mental trauma they have endured since the attack. The convicted soldiers also filed their intention to appeal the conviction.

“After the compensation was awarded, I felt violated again, I felt raped again by the justice system,” said Sabrina Prioli, one of the rape survivors. “Now we appeal because we want a formal compensation system that takes into account the gravity of the crime.”

The missing case file, which included the judgment, was sent to President Salva Kiir for confirmation before the judgment was delivered on September 6, 2018. The file has not been seen since. UN officials and diplomats strongly suspect the file was lost in the Office of the President.

For the case to proceed on appeal, a complete record of the case is required.

“While the trial of the soldiers in the Terrain case is a first step, the justice process isn’t finished yet,” said Jehanne Henry, associate Africa director at Human Rights Watch. “The disappearance of the case file has effectively stalled the appeal process and serves as a classic example of the justice system failures that exacerbate the culture of impunity in South Sudan.”

The appeal could set an important precedent for future prosecutions in rape cases in South Sudan, where sexual violence is widespread and has been used as a weapon of war since December 2013. Many women and girls, as well as men and boys, have been raped, gang raped, abducted, and forcibly mutilated. Their cases have not been effectively investigated and those responsible have not been brought to justice.

In one example, survivors of rape by government forces in the village of Kubi have been waiting for justice since February 2017. The government also dismissed November 2018 reports of rapes in Bentiu, in the northern part of the country, as “false” despite evidence indicating clear patterns of sexual attacks by armed men.

The human rights organizations note that, under South Sudanese law, trials involving crimes against civilians should be held before civilian courts, not military courts, as the Terrain Hotel case was.

On August 23, 2019, the chief justice of South Sudan, Chan Reec Madut, told the media that plans were underway to establish a special court for gender-based violence and that the court will handle both domestic violence cases and cases involving serious human rights violations.

Last year's convictions were an important first step toward accountability for human rights violations but should not be the last. South Sudan's authorities should ensure that justice takes its full course in this case, the organizations said.

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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**

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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

Boko Haram kill 4 in Nigeria village raid: Residents (Times Now)

August 31, 2019

Boko Haram jihadists have executed four people and abducted two others in a raid on a village in northeast Nigeria, residents said Saturday. Fighters stormed into Balumri village, 15 kilometres (10 miles) from the Borno state capital Maiduguri on Friday evening, slaughtering four male residents and abducting two others, inhabitants said.

"They (Boko Haram) slit the throats of four people and took away two others," Balumri resident Bura Abdiye said. "They sneaked into the village on foot after leaving their vehicles at some distance," he said. The jihadists looted food supplies before withdrawing an hour later, Abdiye said.

Umara Kyari gave the same account, saying Balumri residents were leaving the village for fear of renewed attack. "After burying the four slain victims of the attack, residents of Balumri are fleeing," Kyari said.

In an earlier incident on Thursday, Boko Haram fighters also shot dead two Balumri residents as they worked on their farms outside the village, according to Abdiye and Kyari.

The area has been repeatedly attacked by Boko Haram jihadists. The decade-long insurgency in northeast Nigeria has killed around 35,000 people, displaced some two million, and spilt over into neighbouring countries.

Boko Haram has been notorious for carrying out brutal attacks on civilians, abducting people, and unleashing suicide bombers on motor parks, mosques and schools. A splinter faction loyal to the Islamic State group has ratcheted up attacks against the military since last year.

Nigeria: Boko Haram Sacks Chibok Village, Sets House Ablaze (Vanguard) By Ndahi Marama
September 01, 2019

Suspected members of Boko Haram sect yesterday invaded Yimirmugza near Kautikari community of Chibok Local Government Area of Borno state, sacked community members, destroyed and set houses on fire. They equally looted some foodstuffs.

The insurgents stormed the community at the time most panicking residents have fled into the bush for safety.

According to an Elder statesman from Chibok, Mallam Abga Pogu said, "Reports coming from Yimirmugza, Kautikari in Chibok LGA indicates that houses were burnt, stores broken provisions looted, cars burnt and people injured". At the time of going to press, there was no official confirmation on the attack from the Police or military authorities, as all effort proved abortive.

Make Security Forces Accountable for Rights Abuse, UN Rapporteur Urges Buhari (This Day) By Ejofor Alike
September 04, 2019

The United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions, Ms. Agnes Callamard, has called on President Muhammadu Buhari to hold Nigeria's security forces accountable in their dealings with civilians, insurgents, religious groups and separatist movements across the country.

Callamard, who said she conducted an official country visit to Nigeria from August to September 3, 2019, spoke yesterday, and said during the visit, she met with representatives of the Ministry of Justice, Ministry of Interior, Ministry of Defence, the Ministry of Women Affairs and Social Development, the Department of State Services (DSS), National Commission for Refugees and IDPs; National Security Adviser (NSA); Director of Legal Services of the Federal Ministry of Defence; and the Commander of Operation Safe Haven.

Others she met with included the National Human Rights Commission, and representatives of the State Emergency Management Agency (SEMA); Security Adviser for the Governor of Benue State; Attorney General of Plateau State; and the Governor of Rivers State, among others.

According to her, the official final report of her visit to Nigeria will be presented to the UN Human Rights Council in June 2020. But in her preliminary findings she released yesterday, Callamard insisted that the "accountability crisis must be addressed."

"I will strongly recommend that the government, under the leadership of its president, draws a road map to address the quasi systemic absence of effective investigations and prosecution and of access to justice, particularly for the most vulnerable Nigerians," she said.

She accused the Nigerian authorities of undermining the institution of justice and the independence of the judiciary by not implementing court orders that relate to security agencies.

She noted that in response to the repeated and well documented allegations of extrajudicial killings and allegations of failure to protect, there had been more than 20 commissions of inquiry, panels, fact-finding exercises established by the federal government, State governments, the military and even the NHRC.

According to her, the government had acknowledged in 2016 that "in the course of security operations against Boko Haram in North-east Nigeria and recently in the context of countering militant and separatist groups like the Islamic Movement of Nigeria (IMN), the Indigenous People of Biafra (IPOB), and the Niger Delta Avengers, the Nigerian military have been accused of extrajudicial killings, torture, arbitrarily arrest and detention." The government report, she said, had further stated that all allegations of torture, extrajudicial killings and war crimes made against the Nigerian military would be investigated. She added: "On 11 August 2017, a Presidential Investigation Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement (PIP) was established to investigate the military's compliance with human rights obligations and rules of engagement across the country.

"From September 7, to October 6, 2017, the PIP held a public hearing in Abuja. The last hearing reportedly took place on

November 8, 2017, concluding the investigation. Its report was presented to Vice-President Yemi Osinbajo in February 2018 but has not been released publicly.”

The UN Special Rapporteur said to the best of her knowledge, none of these initiatives had led to investigations and prosecutions of any member of the military, police, civilian authorities or members of militias, such as the Civilian Joint Task Force in Borno State.

She added that in most cases, the main findings and outcomes were not even made public, with the exception of those conducted by the national human rights commission. She called for the investigation of every death or serious injury in police custody, and every alleged extrajudicial execution by an independent body.

“Officers suspected of being responsible should be suspended pending investigation; those who use legitimate lethal force should be cleared and those who are implicated in extrajudicial executions should be dismissed and brought before an ordinary civilian court and guaranteed the right to a fair trial in accordance with international standards without recourse to the death penalty,” she recommended.

She also recommended that the federal government should condemn publicly all extrajudicial executions and other unlawful killings, including of suspected armed robbers, and announce that perpetrators will be brought to justice in fair trials.

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Mali

Canadian military wraps up Mali peacekeeping mission

September 1, 2019

Canadian Armed Forces members are heading home after the military concluded its peacekeeping mission in Mali on Saturday.

More than 200 soldiers and eight helicopters were sent to Gao in the northern part of the African nation last July to support the ongoing UN mission there. Over the duration of the mission approximately 1,250 CAF members have deployed on Operation Presence-Mali.

They performed 11 medical evacuations, over 100 transport missions and had logged thousands of flying hours transporting passengers and cargo, according to a press release from the government.

“The professionalism of Canadian Armed Forces members was on display throughout the past year in Mali,” Lieutenant-General Mike Rouleau, commander Canadian Joint Operations Command, said.

“I am beyond impressed with the work our people have done to support peace operations in Africa.”

Canada is passing the baton to Romania and its helicopter division. A small transition team of Canadian soldiers will be deployed to help with the handover. Canadian civilian police officers are also still deployed on the mission until March 2021.

Some have questioned Canada's decision to end the mission now, and some have questioned the usefulness of the Canadian deployment altogether.

“There hasn't been enough conflict really to justify the expense,” Canadian-South African journalist Richard Poplak recently told CBC's Front Burner podcast.

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New Mali law risks giving rise to impunity for many past human rights violations, says UN expert (reliefweb)

September 10, 2019

I encourage the authorities in Mali to promptly revise the country's new law of "national understanding" which if left unaltered may prevent victims of many serious human rights violations getting fair and equitable justice, says the UN Independent Expert on the human rights situation in the country, Alioune Tine.

"The law as it stands may not only promote impunity for many of those responsible for serious human rights violations, but may also help to circumvent the traditional justice process and mechanisms and prevent many victims of serious violations from exercising their rights to fair and equitable justice, to obtain reparation and to know the truth about the violations committed in the past," said Tine.

At the end of his last mission to Mali in February 2019, Tine had welcomed the Government's decision to submit the draft law to a broad and inclusive consultation.

"This step was imperative before the National Assembly considered the measure so that it could take into account the concerns expressed by Malian human rights organisations," he said.

However, the independent expert believes that the law of national understanding as it appeared in the official journal on 24 July could result in situations allowing impunity for many serious human rights violations and should therefore be amended.

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Liberia

Liberia: Ex-Warlord Kunti K. Released from Detention Due to Procedural Error (Front Page Africa)

September 10, 2019

PARIS, France – Kunti K., who was in pre-trial detention in Paris on suspicion of crimes against humanity and torture, was released at the end of last week due to a procedural error. Kunti K. is subject to conditions of release, including being prohibited from leaving France.

Kunti K. was arrested in September 2018 while trying to flee France. Civitas Maxima and its sister organization in Liberia, the Global Justice and Research Project, publicly congratulated the French and Liberian authorities in June 2019 on carrying out investigations on the ground in Liberia, demonstrating the real progress made in this case.

Civitas Maxima represents several victims who have become civil parties against Kunti K. The association is itself a civil party in this case.

"We share the deep concern of our Liberian sister organization regarding this unexpected development, and urge the French authorities to ensure that the conditions of release placed on Kunti K. are adequate to ensure that he does not evade justice by leaving French territory, as he has tried to do in the past," Civitas Maxima said in a statement.

Kuti K. was born in 1974. He is a Liberian national, naturalized Dutch. He was allegedly a former commander in the United Liberation Movement of Liberia for Democracy (ULIMO) fighting during the First Liberian civil war (1989-1996).

The ULIMO was fighting Charles Taylor's National Patriotic Front of Liberia (NPFL) until 1996.

On 23 July 2018, the Swiss NGO Civitas Maxima launched a complaint in the name of Liberian victims before the Office of the

prosecutor in Paris.

On 4 September 2018, he was arrested by the OCLCH agency, the French police unit specialised in investigating war crimes, crimes against humanity, genocide and torture. Kunti K. was remanded in custody.

He is suspected of torture, murder, slavery, using child soldiers and cannibalism committed between 1993 and 1997, in Liberia during the civil war.

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EAST AFRICA

Uganda

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Kenya

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

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Somalia

Roadside blasts kill at least 5 in Somalia (AA) By Mohammed Dhaysane
September 8, 2019

At least 5 people including African Union peacekeeping mission forces in Somalia (AMISOM) were killed and several others wounded when a double roadside blasts targeted Amisom convoy in Somalia's Middle Shabelle region on Sunday, local media

reported.

The attacks took near African Union forces base in Burane vicinity near the town of Mahaday Middle Shabelle region.

”At least five people, mostly Amisom soldiers from Burundi, were killed and several others wounded after their convoy was targeted in double explosions near Mahaday district,” local radio broadcast Risaala said.

Muhyidin Hassan, a police officer in the region, confirmed the attack to Anadolu Agency over the phone but did not provide further information on the attacks.

African Union peacekeeping mission in Somalia also confirmed the incident and said that the attacks wounded two Amisom soldiers.

Somali-based al-Qaeda affiliated group al-Shabaab claimed responsibility for the double blasts saying that it had killed five Amisom soldiers in the attacks.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Ex-Police Chief Asks for War Crimes Acquittal (Balkan Transitional Justice) By Marija Tausan
September 12, 2019

In his closing statement to the Bosnian state court on Thursday, former Gorazde police commander Ibro Merkez’s lawyer said that the evidence did not support the war crimes accusations against the defendant, who had no effective control over the prisoners who were abused.

“There is no evidence that Merkez committed war crimes, but in fact he did the opposite,” defence lawyer Senad Bilic told the court.

The indictment charges Merkez, former chief of the police’s Public Security Station in Gorazde, with having planned, ordered and committed unlawful imprisonment of Serb civilians, in line with a decision by the Gorazde war presidency in July 1992.

But Bilic said that there was evidence showing that Merkez objected to the Gorazde war presidency’s decision, and did not even attend the session at which it was agreed.

He added that when his client went to the head of the war presidency, Hadzo Efendic, in an attempt to intervene, he was threatened.

Bilic argued that the evidence shows that Serb civilians were brought by army forces to the Public Security Station, and that Merkez had no authority over them.

“Due to his conflict with the [Gorazde war] presidency, Merkez did not have effective control... It was precisely because of his soft attitude towards the Serbs that he was later fired,” the defence lawyer said.

Commenting on the charges that Merkez kept the detainees in poor conditions, Bilic said that food was scarce and everyone ate the same, and that Merkez brought Red Cross-donated cans of food to prisoners.

Merkez is on trial alongside fellow ex-policemen Predrag Bogunic and Esef Huric.

They are all accused of committing crimes against Serb civilians who aged from seven to 70 years old when they were detained in Gorazde during wartime.

According to the charges, Merkez was the police chief in Gorazde from May to August 1992, Bogunic held the same position later and Huric was the commander of one of the police stations in Gorazde.

The prosecution has called for all three men to be convicted.

Bogunic's defence will presents its closing arguments on September 17.

Bosnian Serb General Radislav Krstic Denied Early Release (Balkan Transitional Justice) By Emina Dizdarevic
September 11, 2019

The Mechanism for International Criminal Tribunals in The Hague has again rejected a request for early release filed by Radislav Krstic, the wartime commander of the Bosnian Serb Army's Drina Corps, who was convicted in 2004 of aiding and abetting genocide.

In February this year, Krstic asked to be released early on the basis of the law in Poland, where he is serving his sentence.

According to Polish law, a person serving a 25-year sentence, which is the maximum term Krstic may serve in that country according to a Polish court's decision, has the right to file a request for conditional early release after having served 15 years.

In line with these regulations, Krstic gained the right to file a request for early release in December 2013.

His first request for release was rejected in December 2016.

The president of the Mechanism for International Criminal Tribunals, Carmel Agius, said on Wednesday that he refused Krstic's second request because it did not meet the conditions for consideration.

"There are no indications that there exist persuasive or exceptional circumstances that would justify Krstic's release prior to him having served the minimal number of years needed to consider him suitable for an early release," Agius said in his decision.

"In the absence of any new data on Krstic's current health condition, there are no indications of any persuasive or exceptional circumstances that would require his release to liberty prior to serving two-thirds of his sentence," he added.

Krstic will have served two-thirds of his sentence by the end of March 2022.

He was sentenced to 35 years in prison for assisting in and supporting the commission of genocide of more than 7,000 Bosniaks from Srebrenica in July 1995.

According to the verdict – the first for genocide in the Bosnian war – Krstic knew about the killings of the Bosniaks and allowed the Bosnian Serb Army's Main Headquarters to use personnel and equipment under his command to assist in the massacres.

He was initially sent to Britain to serve his sentence, but was attacked by fellow inmates inside the prison, after which he was transferred back to The Hague and subsequently sent to Poland to serve the rest of his term.

His attackers, who were all serving murder sentences, were convicted by a British court in February 2011 and given additional life sentences.

In 2013, the Hague Tribunal acquitted Krstic of contempt of court charges that were laid after he had refused to testify at the trial of former Bosnian Serb political leader Radovan Karadzic.

Jail Urged for Bosnian Serb in Visegrad Mass Killing Trial (Balkan Insight) By Albina Sorguc
September 12, 2019

The prosecutor told the Bosnian state court in his closing statement on Thursday that Radomir Susnjar, alias Lalco, should be given the maximum possible prison sentence for his participation in the murder of 57 civilians in a house in Pionirska

Street in Visegrad in June 1992.

“The crimes against children, women and the elderly were committed in a cruel manner. The defendant has not shown any regrets or remorse for his actions. The verdict must serve as a message to the victims and their families that they will never be forgotten,” said prosecutor Seid Marusic.

Marusic said that protected witnesses and eyewitnesses confirmed that Susnjar arrived at a house in Pionirska Street in Visegrad in June 1992, accompanied by fellow Bosnian Serb fighters Milan and Sredoje Lukic, to which Bosniak civilians from the village of Koritnik had been brought.

Milan Lukic had ordered the civilians to hand over their money and other valuables, then Susnjar searched them, ordering them to take their clothes off and turn around and stand naked in front of him.

The prosecutor said the civilians were then ordered to move another house owned by a man called Adem Omeragic, into which Susnjar forced the last civilian, Hasib Kurspahic.

Milan Lukic threw an incendiary device into the house, which caused a fire, Susnjar threw in a hand grenade, and all three started shooting to prevent the civilians from fleeing, according to the indictment.

“Witness Huso Kurspahic described what he had heard from his father Hasib, who survived ‘the living bonfire’ through sheer luck. His father knew the defendant under the nickname of Lalco. After having been pushed into Omeragic’s house, he smelled some sort of fuel. He was sitting on the doorstep when he heard a strong detonation and fell on his back. He was wounded, he heard crying and smelled burnt bodies,” Marusic said.

A two-day-old baby was among the civilians killed, he added.

Marusic said that Susnjar fled to France in an attempt to avoid arrest but was extradited to Sarajevo last year.

“Justice is slow but achievable,” he added.

Susnjar pleaded not guilty.

Milan Lukic was sentenced to life imprisonment by the Hague Tribunal for crimes in Visegrad, including the murders in Pionirska Street. Sredoje Lukic was sentenced to 27 years in prison. The defence will present its closing statement on September 18.

Bosnia Arrests Serb Ex-Soldier for Crime Against Humanity (Balkan Insight) By Emina Dizdarevic
September 10, 2019

State Investigation and Protection Agency police on Tuesday arrested Tadi Mitrovic, who is suspected of having committed a crime against humanity in Glogova on May 18, 1992.

“He has been charged, in his capacity as a Bosnian Serb Army member, with having acted contrary to provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War during a widespread and systematic attack against the Bosniak civilian population in the Bratunac area and its surroundings,” the Bosnian state prosecution said in a statement.

Mitrovic will be handed over to a prosecutor, who will decide on whether to file a custody motion or not.

ANALYSIS - War crimes suspects in Bosnia ‘pardoned’ due to ICTY closure (Anadolu Agency) By Erna Mackic
September 10, 2019

Less than two years after the closure of the International Criminal Tribunal for the Former Yugoslavia (ICTY), war crimes suspects who held high-level positions in political and military spheres in the Western Balkans have breathed a sigh of relief as regional co-operation between Bosnia and Herzegovina (BiH), Serbia, and Croatia now only exists on paper. Within the states themselves, “the prosecutorial activities have been reduced”.

Longtime Sarajevo lawyer Vasvija Vidovic, who has worked on war crimes cases in The Hague and the Court of BiH, believes that those responsible for war crimes have not been brought to justice, and that is why the dissatisfaction felt by war crimes survivors is deepening by the day.

"I personally know dozens of investigations into war crimes regarding rape alone, where the accused could be arrested immediately, but they are not," complains Bakira Hasecic, a survivor of the 1992 crimes in (what was then the eastern Bosnian town of) Visegrad and the president of the Women - Victims of War Association.

She says, "We also have cases from The Hague, marked 'high-priority', with approximately 800 suspects working in high-level positions, that have not been arrested. Can you imagine what it's like for us victims when we see these criminals on the streets?"

Hasecic explains that no one has been prosecuted for the atrocious crimes she survived, pointing out that most war crime suspects are believed to be living in Serbia. "We know the addresses of these people in Serbia; we have provided them to the Prosecutor's Office of BiH, but despite that, nobody is getting prosecuted."

Visnja Sijacic, legal advisor at the Humanitarian Law Center Belgrade, said that war crimes prosecutions in Serbia in recent years can be seen as a trend of "diminishing prosecutorial activity". After the completion of the ICTY's work, even the indictments did not come from the War Crimes Prosecutor's Office of the Republic of Serbia, but they were rather issued by the Bosnian Prosecutor's Office.

When it comes to war crime prosecuting at the state level in Bosnia and Herzegovina, Velma Saric, director of the Post-Conflict Research Center (PCRC), believes that the situation is particularly alarming concerning the Category A cases transferred from The Hague. It is concerning because there are no high-level indictments of those charged with the genocide committed in Srebrenica in July 1995 or during the siege of Sarajevo, the longest in modern history.

Mirela Hukovic-Hodzic, a BH Radio 1 journalist who monitored the trials at The Hague tribunal, stresses the fact that victims and families are dissatisfied with the current volume of war crime prosecutions, the length of those actions, and the low amount of sentences that have been imposed.

Experts and war crimes survivors see greater involvement of the international community as a possible solution. It is suggested that international prosecutors, judges, and legal advisers who worked at The Hague tribunal be employed as monitors in the regional judiciary in BiH in order to prosecute high-ranking military and political figures. This suggestion ultimately seeks to bring satisfaction to victims and achieve stronger coexistence in Bosnia and Herzegovina.

- Former ICTY cases fall to national courts

The ICTY closed in Dec. 2017. During its work, it brought a total of 90 indictments against high-ranking persons from the former Yugoslavia. Its successor, the International Residual Mechanism for Criminal Tribunals (IRMCT), has completed the appeal against Radovan Karadzic, the first president of Republika Srpska, sentencing him to life in prison for the genocide committed in Srebrenica, the shelling and sniping of Sarajevo citizens, taking international personnel as hostages, and crimes committed in other Bosnian municipalities.

The trial of Jovica Stanisic and Franko Simatovic, former members of the Serbian State Security Service, charged with crimes committed in BiH, is being held at the IRMCT, and so is the appeal of Ratko Mladic, a war commander of the Republika Srpska Army, who was also given a life sentence for the genocide in Srebrenica and other crimes committed in BiH.

Following the closure of the ICTY, war crime trials were left to the national courts in Bosnia and Herzegovina, Serbia, and Croatia. The Court of BiH continued its trials and, from 2005 to 2018, convicted a total of 217 men and five women for crimes committed all over BiH. However, in the past two years, the Organization for Security and Cooperation (OSCE) Mission to BiH believe that there has been a sharp drop in the number of convictions delivered by the Court of BiH, and that if it continues at this pace, it will take the BiH Prosecutor's Office another ten years to complete the cases.

According to official data from the Court of BiH, from 2005 to 2018, 106 persons were released, acquitted of charges of war crimes.

Gordana Tadic, the chief prosecutor of the Prosecutor's Office of BiH, told reporters during the launch of the OSCE report earlier in June that 150 less complex cases were requested to be transferred to the Cantonal District and Prosecutor's Offices of the Brcko District. She added that those cases, as of yet, could not be prosecuted because there was no State Strategy for War Crimes Cases.

In 2008, the National War Crimes Processing Strategy was adopted, creating a deadline of seven years for processing complex cases. Since the deadlines for processing war crimes cases were not met, changes have been made to the strategy. According to the Revised Strategy, all complex cases should be completed by 2023. However, amendments to this strategy have not yet been adopted by the Council of Ministers.

Hukovic-Hodzic said it was necessary to start working at full capacity because witnesses were "biologically disappearing" as

too much time was being spent on agreeing to various strategies, because of which the whole process was failing to produce the desired results.

- Scale of crimes

Saric believes that the sentences delivered for the crimes committed against Bosniaks, which are being prosecuted by the Court of Bosnia and Herzegovina against lower-ranking persons, are “absurd, given the scale of the crimes that occurred as well as the extent of the crimes, which can be easily understood if one just looks at The Hague tribunal’s website.”

Hasecic said they were not happy with the decision to refer rape and sexual assault cases to lower (entity) courts.

“There have been cases when the surviving victim was a witness in the city where she survived sexual abuse and where her family members were killed. Witnesses have to meet the perpetrators’ relatives on a daily basis, and even though they are protected witnesses, their identities have been revealed,” she said.

Hasecic can be called a brave champion of victims’ rights because she has not yielded to the numerous attempts to subdue her: she has been attacked with firearms three times, and her personal property was damaged as well as the vehicle owned by the Women - Victims of War Association, while she was trying to mark the locations of the assaulted Bosniaks in Visegrad.

“They killed me once already and all they have to do now is kill my soul,” Hasecic said, stating that she was not afraid and would not give up her fight for the rights of victims and prosecuting those responsible.

What is especially painful is that Serbia does not want to arrest and prosecute those responsible for war crimes committed in Bosnia and Herzegovina.

“The state of BiH made the disastrous mistake of giving dual citizenship to war crimes suspects even though they were in the database from the lists used at The Hague tribunal. About 80 percent of BiH’s war criminals are now in Serbia, which gave them refuge and became a promised land for them,” Hasecic also said.

Sijacic reminds that of the total of 11 indictments filed in 2018 and 2019, eight were brought in BiH.

“These are indictments of so-called ‘less complex’ cases, Sijacic said, referring to war crimes involving a small number of victims and the absence of indictments against high-ranking perpetrators. She pointed out that it would be wrong to conclude, based on the ICTY termination, that the need to prosecute war crimes had disappeared.

“Prosecutors and regional courts need to continue where the ICTY stopped,” Sijacic said.

- No political will

Regional co-operation of Bosnia and Herzegovina with the Republic of Serbia and Croatia, according to Hukovic-Hodzic, has never been fully realized, because “there was never a political will,” despite the co-operation agreements signed by the parties involved.

Vidovic pointed out that the absence of the Hague Tribunal was very noticeable. The tribunal not only worked on investigations but also, at the same time, there was then very close cooperation between all the countries in the region, to which they were obliged to.

“The tribunal issued warrants and remanded cases where certain persons were suspected of having committed a war crime. All prosecutors had very close cooperation with the competent prosecuting authorities. Now this has all been reduced because the [current] mechanism has a smaller capacity,” Vidovic said. She added that it would be very useful if the knowledge of prosecutors and others who worked at the tribunal would not go to waste but was rather used by hiring them as advisors or monitors to make investigations in the region more expeditious and of better quality.

Saric agrees with the proposal that the international community should be engaged more, explaining that the last phase of the genocide -- denial -- was what was now playing out in BiH.

Speaking about the stage of denial, she mentioned that the government of Republika Srpska had set up two commissions on crimes in Srebrenica and in relation to the sufferings in Sarajevo, despite the Hague verdicts, which already determined what happened during the war.

According to the Hague verdicts, after the Republika Srpska Army (VRS) captured Srebrenica on July 11, 1995, some 8,000 Bosniak men and boys were killed, while Sarajevo citizens were exposed to the shelling and sniper attacks of the VRS on a daily basis.

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

Official Website of the ICTY

IRMCT rejected Radovan Karadzic's Request for Review of Life Sentence (Sarajevo Times)
September 4, 2019

International Residual Mechanism for Criminal Tribunals has rejected a request by Radovan Karadzic, who has been sentenced to life imprisonment for genocide and other crimes committed in Bosnia and Herzegovina, to review the decision rejecting his appeal against the sentence.

Judge Carmel Agius has rejected Karadzic's request that a panel of judges appointed to decide his request for review of the decision rejecting his appeal against the final judgment.

It is not yet known in which state war criminal Radovan Karadzic will endure the life imprisonment on which he was sentenced on March 20th this year by a decision of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals, was confirmed for Avaz from The Hague.

It was stated earlier that Karadzic could serve sentence in the UN member states such as Norway, Sweden, Finland, Denmark, Estonia, Great Britain, Belgium, Germany, Poland, France, Austria, Italy, Spain and Portugal.

The President of the International Residual Mechanism for Criminal Tribunals Carmel Agius will decide where war criminal Radovan Karadzic will endure life imprisonment.

Radovan Karadzic will not have the right to appeal.

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

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

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

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

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

by the Trial Chamber.

The Trial Chamber sentenced Karadžić to life imprisonment.

ANALYSIS - War crimes suspects in Bosnia 'pardoned' due to ICTY closure (Anadolu Agency) By
Erna Mackic
September 10, 2019

Less than two years after the closure of the International Criminal Tribunal for the Former Yugoslavia (ICTY), war crimes suspects who held high-level positions in political and military spheres in the Western Balkans have breathed a sigh of relief as regional co-operation between Bosnia and Herzegovina (BiH), Serbia, and Croatia now only exists on paper. Within the states themselves, "the prosecutorial activities have been reduced".

Longtime Sarajevo lawyer Vasvija Vidovic, who has worked on war crimes cases in The Hague and the Court of BiH, believes that those responsible for war crimes have not been brought to justice, and that is why the dissatisfaction felt by war crimes survivors is deepening by the day.

"I personally know dozens of investigations into war crimes regarding rape alone, where the accused could be arrested immediately, but they are not," complains Bakira Hasecic, a survivor of the 1992 crimes in (what was then the eastern Bosnian town of) Visegrad and the president of the Women - Victims of War Association.

She says, "We also have cases from The Hague, marked 'high-priority', with approximately 800 suspects working in high-level positions, that have not been arrested. Can you imagine what it's like for us victims when we see these criminals on the streets?"

Hasecic explains that no one has been prosecuted for the atrocious crimes she survived, pointing out that most war crime suspects are believed to be living in Serbia. "We know the addresses of these people in Serbia; we have provided them to the Prosecutor's Office of BiH, but despite that, nobody is getting prosecuted."

Visnja Sijacic, legal advisor at the Humanitarian Law Center Belgrade, said that war crimes prosecutions in Serbia in recent years can be seen as a trend of "diminishing prosecutorial activity". After the completion of the ICTY's work, even the indictments did not come from the War Crimes Prosecutor's Office of the Republic of Serbia, but they were rather issued by the Bosnian Prosecutor's Office.

When it comes to war crime prosecuting at the state level in Bosnia and Herzegovina, Velma Saric, director of the Post-Conflict Research Center (PCRC), believes that the situation is particularly alarming concerning the Category A cases transferred from The Hague. It is concerning because there are no high-level indictments of those charged with the genocide committed in Srebrenica in July 1995 or during the siege of Sarajevo, the longest in modern history.

Mirela Hukovic-Hodzic, a BH Radio 1 journalist who monitored the trials at The Hague tribunal, stresses the fact that victims and families are dissatisfied with the current volume of war crime prosecutions, the length of those actions, and the low amount of sentences that have been imposed.

Experts and war crimes survivors see greater involvement of the international community as a possible solution. It is suggested that international prosecutors, judges, and legal advisers who worked at The Hague tribunal be employed as monitors in the regional judiciary in BiH in order to prosecute high-ranking military and political figures. This suggestion ultimately seeks to bring satisfaction to victims and achieve stronger coexistence in Bosnia and Herzegovina.

- Former ICTY cases fall to national courts

The ICTY closed in Dec. 2017. During its work, it brought a total of 90 indictments against high-ranking persons from the former Yugoslavia. Its successor, the International Residual Mechanism for Criminal Tribunals (IRMCT), has completed the appeal against Radovan Karadzic, the first president of Republika Srpska, sentencing him to life in prison for the genocide committed in Srebrenica, the shelling and sniping of Sarajevo citizens, taking international personnel as hostages, and crimes committed in other Bosnian municipalities.

The trial of Jovica Stanisic and Franko Simatovic, former members of the Serbian State Security Service, charged with crimes committed in BiH, is being held at the IRMCT, and so is the appeal of Ratko Mladic, a war commander of the Republika Srpska Army, who was also given a life sentence for the genocide in Srebrenica and other crimes committed in BiH.

Following the closure of the ICTY, war crime trials were left to the national courts in Bosnia and Herzegovina, Serbia, and

Croatia. The Court of BiH continued its trials and, from 2005 to 2018, convicted a total of 217 men and five women for crimes committed all over BiH. However, in the past two years, the Organization for Security and Cooperation (OSCE) Mission to BiH believe that there has been a sharp drop in the number of convictions delivered by the Court of BiH, and that if it continues at this pace, it will take the BiH Prosecutor's Office another ten years to complete the cases.

According to official data from the Court of BiH, from 2005 to 2018, 106 persons were released, acquitted of charges of war crimes.

Gordana Tadic, the chief prosecutor of the Prosecutor's Office of BiH, told reporters during the launch of the OSCE report earlier in June that 150 less complex cases were requested to be transferred to the Cantonal District and Prosecutor's Offices of the Brcko District. She added that those cases, as of yet, could not be prosecuted because there was no State Strategy for War Crimes Cases.

In 2008, the National War Crimes Processing Strategy was adopted, creating a deadline of seven years for processing complex cases. Since the deadlines for processing war crimes cases were not met, changes have been made to the strategy. According to the Revised Strategy, all complex cases should be completed by 2023. However, amendments to this strategy have not yet been adopted by the Council of Ministers.

Hukovic-Hodzic said it was necessary to start working at full capacity because witnesses were "biologically disappearing" as too much time was being spent on agreeing to various strategies, because of which the whole process was failing to produce the desired results.

- Scale of crimes

Saric believes that the sentences delivered for the crimes committed against Bosniaks, which are being prosecuted by the Court of Bosnia and Herzegovina against lower-ranking persons, are "absurd, given the scale of the crimes that occurred as well as the extent of the crimes, which can be easily understood if one just looks at The Hague tribunal's website."

Hasecic said they were not happy with the decision to refer rape and sexual assault cases to lower (entity) courts.

"There have been cases when the surviving victim was a witness in the city where she survived sexual abuse and where her family members were killed. Witnesses have to meet the perpetrators' relatives on a daily basis, and even though they are protected witnesses, their identities have been revealed," she said.

Hasecic can be called a brave champion of victims' rights because she has not yielded to the numerous attempts to subdue her: she has been attacked with firearms three times, and her personal property was damaged as well as the vehicle owned by the Women - Victims of War Association, while she was trying to mark the locations of the assaulted Bosniaks in Visegrad.

"They killed me once already and all they have to do now is kill my soul," Hasecic said, stating that she was not afraid and would not give up her fight for the rights of victims and prosecuting those responsible.

What is especially painful is that Serbia does not want to arrest and prosecute those responsible for war crimes committed in Bosnia and Herzegovina.

"The state of BiH made the disastrous mistake of giving dual citizenship to war crimes suspects even though they were in the database from the lists used at The Hague tribunal. About 80 percent of BiH's war criminals are now in Serbia, which gave them refuge and became a promised land for them," Hasecic also said.

Sijacic reminds that of the total of 11 indictments filed in 2018 and 2019, eight were brought in BiH.

"These are indictments of so-called 'less complex' cases, Sijacic said, referring to war crimes involving a small number of victims and the absence of indictments against high-ranking perpetrators. She pointed out that it would be wrong to conclude, based on the ICTY termination, that the need to prosecute war crimes had disappeared.

"Prosecutors and regional courts need to continue where the ICTY stopped," Sijacic said.

- No political will

Regional co-operation of Bosnia and Herzegovina with the Republic of Serbia and Croatia, according to Hukovic-Hodzic, has never been fully realized, because "there was never a political will," despite the co-operation agreements signed by the parties involved.

Vidovic pointed out that the absence of the Hague Tribunal was very noticeable. The tribunal not only worked on investigations but also, at the same time, there was then very close cooperation between all the countries in the region, to

which they were obliged to.

“The tribunal issued warrants and remanded cases where certain persons were suspected of having committed a war crime. All prosecutors had very close cooperation with the competent prosecuting authorities. Now this has all been reduced because the [current] mechanism has a smaller capacity,” Vidovic said. She added that it would be very useful if the knowledge of prosecutors and others who worked at the tribunal would not go to waste but was rather used by hiring them as advisors or monitors to make investigations in the region more expeditious and of better quality.

Saric agrees with the proposal that the international community should be engaged more, explaining that the last phase of the genocide -- denial -- was what was now playing out in BiH.

Speaking about the stage of denial, she mentioned that the government of Republika Srpska had set up two commissions on crimes in Srebrenica and in relation to the sufferings in Sarajevo, despite the Hague verdicts, which already determined what happened during the war.

According to the Hague verdicts, after the Republika Srpska Army (VRS) captured Srebrenica on July 11, 1995, some 8,000 Bosniak men and boys were killed, while Sarajevo citizens were exposed to the shelling and sniper attacks of the VRS on a daily basis.

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Domestic Prosecutions In The Former Yugoslavia

Serbian State Security 'Didn't Help Rebel Croatian Serbs' (Balkan Insight) By Milica Stojanovic
August 28, 2019

A protected witness told the retrial of Jovica Stanisic and Franko Simatovic at the Mechanism for International Criminal Tribunals in The Hague on Wednesday that the Serbian State Security Service (SDB) was not involved in the so-called 'Log Revolution' that saw Serbs rebel against the Croatian authorities in 1990.

The witness, who was only identified as male and a member of the Serbian Democratic Party, lived in Croatia at the time.

He told the UN court that the Serbian SDB also did not help set up a military training centre for rebel Croatian Serbs in Golubic, near their stronghold in the town of Knin in Croatia's Krajina region, before the war broke out in 1991.

He said that after Milan Babic, then president of the Knin municipality, declared a state of war on Radio Knin on August 17, 1990, local Croatian Serbs became anxious and started to organise themselves for their own security.

“Nobody ever told me that the SDB was involved in the Log Revolution and I maintain that nobody from the SDB ever commanded a single unit in the territory of Krajina at the time of the Log Revolution, nor did we receive any assistance whatsoever in that period from anyone,” he insisted.

The Log Revolution saw Serbs in the Knin area set up roadblocks using logs as part of their resistance to the Croatian authorities.

Stanisic, the former chief of the Serbian SDB, and Simatovic, former commander of the SDB-run Special Operations Unit, are charged with having been protagonists in a joint criminal enterprise led by then Serbian president Slobodan Milosevic, aimed at permanently and forcibly removing Croats and Bosniaks from large parts of Croatia and Bosnia and Herzegovina to achieve Serb domination.

Stanisic and Simatovic were acquitted in 2013 but the decision was overturned on appeal and a retrial ordered. Both pleaded not guilty again when the retrial started in December 2015.

The witness told the Hague court that he was a close associate of Milan Martic, who at that time was chief of police in Knin and later became a high-ranking official in territory held by rebel Serbs, and that, as far as he knows, Martic was not in touch with Stanisic.

“I think, in fact, I don’t think, I know that he didn’t have any relations or contacts with Jovica Stanisic at the time, which is to say he did not tell me anything about it although he talked to me about the most intimate things, so I found hard to believe that he wouldn’t mention something like that,” the witness said.

The witness also said that no one told him that one of the trainers in at the Golubic military camp, Dragan Vasiljkovic, alias Captain Dragan, was sent there by the Serbian SDB.

“Had he been sent there by the SDB he would have immediately encountered problems because there was a great animosity towards the State Security Service on part of Milan Babic, he considered everybody working in the State Security Service a potential enemy. He had a phobia against the State Security Service,” he said.

“So had Captain Dragan been sent by State Security Service at the time, Milan Babic would have immediately demanded that he should leave Krajina,” he added.

Vasiljkovic was convicted by a Zagreb court in 2017 of committing war crimes in Croatia and sentenced to 15 years in prison.

Serbian Intelligence Officer ‘Didn’t Know About’ Paramilitary Crimes (Balkan Insight) By Milica Stojanovic
September 11, 2019

A defence witness at former Serbian Security Service officials Jovica Stanisic and Franko Simatovic’s retrial said he knew Serbian paramilitary units were operating in Croatia in 1991 but didn’t know about crimes they committed.

Milenko Lemic, a retired officer of the Serbian Security Service (SDB), told Jovica Stanisic and Franko Simatovic’s retrial at the Mechanism for International Criminal Tribunals in The Hague on Wednesday that most of the paramilitaries present in Croatia’s Eastern Slavonia area in 1991 were from armed groups run by Serbian political parties, but said he did not hear anything about their involvement in fighting.

Stanisic, the former chief of the Serbian SDB, and Simatovic, former commander of the SDB-run Special Operations Unit, are charged with having been protagonists in a joint criminal enterprise led by then Serbian President Slobodan Milosevic, aimed at permanently and forcibly removing Croats and Bosniaks from large parts of Croatia and Bosnia and Herzegovina to achieve Serb domination.

Lemic told the court that as an intelligence officer, he was present in the Eastern Slavonia area in August 1991.

He said he was collecting information through “informal interviews” and that paramilitary organisations were among the subjects of his interest.

“As far as I can remember now, [Serbian politician] Mirko Jovic’s group, the Serbian Radical Party’s group and a group from the Serbian Renewal Movement [were there]. These three groups were the most numerously represented in the area,” Lemic said.

“We were informed of their crossing into that area, there was a lot of indiscipline and a lot of this information came from the people we talked to. I did not have any contact that would give me direct insight into all those developments,” he added.

Asked whether these paramilitary groups carried out armed operations at the time, Lemic responded: “That is something I do not know.”

He also said he did not know about crimes committed in the same area by paramilitary leader Zeljko Raznatovic, alias Arkan, saying that he only heard of them from Croatian media.

Although the hearing was formally open to the public, most of it was not broadcast by the UN court’s website, which shows all open sessions of the court.

Stanisic and Simatovic defendants pleaded not guilty in December 2015 after the appeals chamber of the International Criminal Tribunal for the Former Yugoslavia overturned their acquittal in their first trial.

The appeals chamber ruled that there were serious legal and factual errors when Stanisic and Simatovic were initially acquitted of war crimes in 2013, and ordered the case to be retried and all the evidence and witnesses reheard in full by new judges.

Defence lawyer Wayne Jordash told the court in June that the defence will call witnesses who will confirm that Stanisic was not in command of Serbian paramilitary or police units in Bosnia or Croatia during the war, as the indictment claims.

Stanisic has been on provisional release in Belgrade since July 2017 due to illness, but the trial has continued without him being present in court.

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Turkey

Turkey, US conduct 'safe zone' joint patrols in north Syria (The Washington Post) By Sarah El Deeb
September 8, 2019

Turkish and U.S. troops conducted their first joint ground patrol in northeastern Syria on Sunday as part of a so-called "safe zone" that Ankara has been pressing for in the volatile Kurdish-administered region.

Turkey hopes the buffer zone, which it says should be at least 30 kilometers (19 miles) deep, will keep Syrian Kurdish fighters away from its border. Turkey considers these Kurdish militias a threat, but they've also been key U.S. allies in the fight against the Islamic State group.

The presence of Turkish troops inside Kurdish-administered areas is a major development in the conflict along the border. Over the past four years, Washington has often had to play the role of arbiter, trying to forestall violence between its NATO ally Turkey and its local Syrian partners, the Kurdish-led fighters.

So far, the Kurdish-led forces have withdrawn as deep as 14 kilometers (nine miles) from the border and have removed defensive positions, sand berms and trenches.

The depth of the zone, as well as who will control it, is still being worked out.

Several Turkish armored vehicles with the country's red flag crossed into Syria where U.S. troops were waiting for them. About half a mile away, more U.S. armored vehicles flying the American flag waited for the patrol to begin. Associated Press journalists in the area around the village of Tal Abyad Sunday saw the vehicles linking up, with the U.S. vehicles leading the 12-vehicle convoy.

With local farmers and children looking on, the convoy then drove through the rolling Syrian countryside, a patchwork of green farms and dry scrubby grassland. The joint patrol ended after two and a half hours, with four stops along the way in villages near the border.

Local commuters patiently waited while the convoy blocked traffic.

"We don't know what this will do. We will see," said one onlooker.

The Syrian government, which withdrew from the area in the chaos of war after the conflict erupted in 2011, condemned the joint patrol Sunday and labeled it "an aggression."

Even as the patrol was taking place, Turkish President Recep Tayyip Erdogan said serious differences remained with the Americans.

"Our negotiations with the United States on the safe zone are continuing but we see with every step that what we want and what is in their head is not the same thing," he said.

"It is clear that our ally is trying to create a safe zone for the terrorist organization, not for us," he added, addressing crowds in the city of Malatya, eastern Turkey.

AP reporters in Tal Abyad said the patrol inspected a couple of Kurdish-controlled bases, where only days before workers had removed sand berms and closed trenches. U.S. troops had inspected the two bases on Saturday during patrols with the local Kurdish-led forces.

An initial agreement between Washington and Ankara last month averted threats of a Turkish incursion.

But in a reflection of the precarious Washington finds itself, Erdogan appeared to criticize the process, saying Sunday that a zone cannot be achieved with "with five or 10 vehicle patrols or with the deployment of a few hundred soldiers for show."

Details of the safe zone deal are still being worked out in separate talks with Ankara and the Kurdish-led forces in Syria, known as the Syrian Democratic Forces. The force is dominated by the People's Protection Units, or YPG, considered by Ankara to be a terrorist group because of its links to Kurdish insurgents inside Turkey.

While Turkish officials are calling it a "safe zone," Washington and the Kurdish-led forces speak of a "security mechanism" taking shape to diffuse tensions in northeastern Syria.

In a statement, coalition spokesman Col. Myles B. Caggins III said the Turkish forces "observed first-hand progress on destroyed YPG fortifications and areas where YPG elements voluntarily departed the area." He said the patrol demonstrates America's commitment to address Turkey's legitimate security concerns "while also allowing the Coalition and our SDF partners to remain focused on achieving the enduring defeat of Daesh," an Arabic acronym for the Islamic State group. Turkey has carried out several incursions into Syria during the course of the country's civil war in an effort to curb the expanding influence of the Kurdish forces. U.S. and Turkish troops carried out joint patrols in the northern town of Manbij last year, along the border of the areas controlled by Kurdish-led forces.

Sunday's joint patrol was the first one taking place east of the Euphrates River, where U.S. troops have a greater presence, and as part of the so-called safe zone that is still in the making.

For Turkey, a safe zone is important because it hopes some of the Syrian refugees it's hosted for years could resettle there, although it's not clear how that would work.

On Thursday, Erdogan warned his country could "open its gates" and allow Syrian refugees in Turkey to move toward Western countries if a safe zone is not created and Turkey is left to shoulder the refugee burden alone. Turkey hosts 3.6 million refugees from Syria.

The Kurdish-led administration in northeast Syria said it had agreed to the joint patrols, which came as part of the agreements that the U.S.-led coalition had reached with Turkey to avert a war. However, it said it would not accept any Turkish troops' permanent presence inside areas it controls.

Austrian writer acquitted of terror charges in Turkey (Houston Chronicle)

Sep. 11, 2019

Max Zirngast was taken into custody in September 2018 after Turkey accused him and two other people of "membership in an armed terrorist organization." They were accused of links to the Turkish Communist Party/Kivilcim. If convicted, Zirngast could have faced a prison sentence of up to 10 years.

The 29-year-old confirmed his acquittal to The Associated Press on Wednesday.

Zirngast, who has contributed to left-wing publications and was studying political science, was released from pre-trial detention in December.

Ties between Turkey and the European Union have been strained over the arrests of foreign journalists and others in Turkey.

Austria's government had demanded Zirngast's release.

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MIDDLE-EAST

Iraq

Iraq stampede kills 31 at Ashura commemorations in Karbala (BBC)

September 10, 2019

At least 31 people have been killed in a stampede during commemorations for the Shia holy day of Ashura in the Iraqi city of Karbala, officials say.

A health ministry spokesman said another 100 people were injured and warned that the death toll could rise.

The stampede reportedly occurred when a pilgrim tripped while hundreds of thousands were performing a ritual.

Ashura commemorates the martyrdom in battle of the Imam Hussein, a grandson of the Prophet Muhammad, in 680AD.

Every year, millions of Shia Muslim pilgrims travel to Karbala for Ashura, which falls on the 10th of Muharram, the first month of the Islamic lunar calendar. It is marked with mourning rituals and passion plays re-enacting Hussein's martyrdom.

One of the rituals is known as the "Tuwairij run", which sees pilgrims run down streets leading to the Imam Hussein Mosque in commemoration of the run from the ancient village of Tuwairij to Karbala that was undertaken during the 7th Century battle by the cousins of Hussein's half-brother Abbas.

A spokesman for Karbala province's media office told the BBC that as hundreds of thousands of people undertook the Tuwairij run one person stumbled and fell over, causing others to fall and triggering the deadly stampede.

However, security officials told the Associated Press that the stampede began when a walkway collapsed.

In 2004, more than 140 people were killed in a series of near-simultaneous bombings at shrines in Karbala and Baghdad during Ashura.

The following year, at least 965 pilgrims were killed in a stampede on a bridge over the River Tigris in the Iraqi capital, Baghdad, during a different Shia holy day. Panic spread among the pilgrims over rumours that there were suicide bombers.

From Syria to Iraq: Fighting to Try ISIS Terrorists Like Nazi War Criminals (Haaretz) By Wilson Fache and Stéphane Kenech
September 8, 2019

The war with the Islamic State may be winding down in Syria and Iraq, but the battle over how to bring its detained fighters to justice is only just beginning.

Some 2,000 male foreign fighters, including 800 Europeans, are believed to be held in Kurdish Syria, trapped in a legal limbo, since the war ended in March. The United States believes they should be returned to their countries of origin and stand trial, but most European countries are proving resistant to that idea. On a continent plagued by ISIS terrorist attacks, the main obstacle to repatriation may be hostile public opinion. Politicians, wary of being blamed for any subsequent attacks, have opted to keep their nationals away, including the families of alleged terrorists.

Indeed, critics say European governments are in effect creating their own "Guantánamos" in the overcrowded prisons and detention camps being run by the U.S.-backed Syrian Defense Forces across northeastern Syria.

The problem has already been debated for several years, with European powers holding various meetings across the world in a bid to advance the matter. But they are still a long way from finding a solution. "We talk, we talk, but we are nowhere," a source in a European Foreign Ministry tells Haaretz. "We are completely in the dark."

There have been various suggested solutions to the dilemma. In May, for instance, the Swedish government started lobbying for the creation of an international tribunal, possibly based in Iraq, to prosecute ISIS fighters for war crimes. Mikael Damberg, the country's interior minister, suggested that it could be modeled on the international courts established to prosecute perpetrators of the genocides in Rwanda and the former Yugoslavia. Others have called for a Nuremberg-like tribunal, referring to the German city in which Allied powers brought Nazi war criminals to justice after the end of World War II.

Interviews conducted with dozens of political figures, senior officials, military sources, lawyers, judges, experts, jihadists, victims and human rights defenders in the Middle East and Europe highlight the major challenges that need to be overcome before foreign ISIS fighters can be brought to justice, and how far European countries are from truly tackling this question. Some sources requested anonymity to freely discuss such a sensitive topic.

In early July, in the middle of wheat fields blackened by fires that burned all summer long, about 100 local Kurdish officials, lawyers and international experts gathered in a holiday resort near the city of Amuda for a conference to promote the

establishment of an international tribunal in the de facto autonomous Kurdish region of Rojava. Dozens of men in black, armed to the teeth, jealously guarded all entrances to the site.

“When you see the harm they have done, and considering this is where the caliphate was defeated, it is normal to ask that they be judged here. We have a desire for revenge,” Suaad Murad Khalef, a 21-year-old Yazidi survivor invited to speak at the conference, tells Haaretz. She was kidnapped on August 3, 2014, from the ancestral Yazidi homeland of Sinjar, northern Iraq, on the first day of the genocide against her ethnoreligious community. Like hundreds of other women, she was then sold as a sex slave, repeatedly being traded from one jihadist to another.

In the Kurds’ view, this international tribunal would lend a powerful voice to the victims of ISIS by putting them at the center of the judicial process and offering them reparations. It would also ensure that their region would benefit from long-lasting international support now the war is over.

For the time being, Syrian ISIS members are the only ones standing trial in Rojava. In Iraq, meanwhile, only charges related to terrorist acts are being heard. Sex crimes, such as those committed against the Yazidi women, are not considered, while crimes against humanity or genocide do not exist in Iraqi law.

“As a victim, I want to attend these trials,” says Khalef. “This is an opportunity for us to demand justice and to shed light on what has happened to us.”

Yet for more than two years, the Syrian Kurds who spearheaded the fight against ISIS (as part of the U.S.-led coalition) insisted that foreign jihadists languishing in their prisons be sent back to their home countries. Only a handful of nations, including Russia, responded positively to such a request, though, and a deafening European silence further irritated the Kurds, who called on the countries to take responsibility for their citizens’ actions.

But the Syrian Kurds have since changed tack and are now insisting that these individuals be tried in Rojava. However, European countries like the United Kingdom, France and Belgium see the Kurdish offer as neither practically feasible nor particularly desirable.

Indeed, most experts and officials Haaretz talked to see the chances of an international court being established in Rojava as slim. In Europe, supporting such a project is seen as a political risk. Turkey, a historical ally of the Western powers within NATO, sees the Syrian Kurds’ YPG militia — the backbone of the Syrian Democratic Forces — and its political affiliate to be subgroups of the PKK, a Kurdish-armed group that Ankara considers terrorist in nature.

The Syrian regime is another issue. Despite their dreams of emancipation, the Kurds maintained constant contact with Damascus throughout the war, and President Bashar Assad always promised he would regain control of the entire territory. Europe’s leaders worry that by leaving their detained nationals there for too long, they will, one way or another, end up in enemy hands. Some Western countries have seemingly taken drastic steps to pursue another option: smuggling foreign detainees from Rojava to Iraq. In January, 11 French nationals being held in northeastern Syria reportedly woke up in Baghdad after being transferred overnight. They were subsequently sentenced to death during a series of trials in May and June.

France, which opposes the death penalty, signaled that it would not stand in the way of the trials, saying it respects Iraq’s sovereignty. The French Foreign Ministry reiterated its government’s position that citizens who joined ISIS should be tried near to where the crimes were committed, but a spokesperson says it will ask for the death sentences to be commuted.

This alleged practice has alarmed human rights activists. “If a coalition partner is involved in the transfer of its nationals to Iraq, whose criminal justice system is seriously flawed and where torture is pervasive, and it has not taken measures to ensure that its nationals do not risk an unfair trial or torture in Iraq, then these transfers are illegal and the governments must be held accountable,” says Belkis Wille, a senior Iraq researcher for Human Rights Watch. The NGO says it has reason to believe that U.S.-led coalition forces transferred foreign fighters from Syria to Iraq in at least five cases, including detainees from Australia, Lebanon and the Gaza Strip, plus the French nationals.

The reported transfer is also attracting the attention of the United Nations. Agnès Callamard, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions at the Office of the High Commissioner for Human Rights, tells Haaretz she sent an official letter to the French government in August asking for an explanation over its possible involvement in the transfer of its nationals — a practice she views as counter to international law.

“Where is the process of justice? Truth? Justice has not been served, the truth is hidden,” says Callamard, speaking from a park in Oxford, England, where she teaches law. “What interests me is that we have a policy of providing justice to victims of the Islamic State group, whether they are in Iraq, Syria or in Europe. These are crimes of international scale, so we need a response that is commensurate with the crimes that have been committed.”

Given what she calls “the complexity of the situation,” Callamard says “there is not a single answer” to the problem. “In some cases, trials in the countries of origin are the best option. But given the nature of the conflict and the crimes committed, an international response is also required,” she adds, advocating a “Nuremberg-like” tribunal. She calls the alleged transfers “the antithesis of justice.”

Another person disturbed by the alleged transfers was considerably closer to the conflict than Oxford. Speaking to Haaretz in a deserted office on the outskirts of the city of Qamishli, a Kurdish anti-terror judge outlines her problems with the practice. “We didn’t want the French jihadists to be transferred to a country that would sentence them to death. It was France and the coalition that organized and sponsored this,” she tells Haaretz, requesting anonymity for security reasons. She looks visibly shaken by the actions: the Syrian Kurds’ ideology precludes capital punishment.

“What we want is for the trial of men and women of 52 different nationalities present on our territory to take place here,” she explains. “It makes more sense: the crimes were committed here. The victims, the perpetrators, the witnesses and the evidence are all here.”

As an alternative to the Syrian Kurdish proposal, some in Europe have suggested referring the matter to the International Criminal Court — although only the UN Security Council can do that. In May 2014, Russia and China blocked a draft resolution that would have given the ICC the jurisdiction to try war crimes committed in the Syrian civil war. Any new attempt would inevitably be vetoed by Russia, an ally of the Assad regime that is accused of at least as many crimes as ISIS. There is also no reason to believe that the United States, which advocates for repatriation, would vote in favor.

Moreover, neither Syria nor Iraq are party to the ICC’s founding treaty, the Rome Statute. Loopholes exist, but the ICC is perceived as ineffective in any case: Too slow, too expensive and better suited to judging the leadership than the numerous foot soldiers filling Iraqi and Syrian prisons.

According to several sources familiar with the talks, other EU officials floated the idea of creating a “regional” court that could sit in a Middle Eastern city such as Amman. Such jurisdiction would have the benefit of creating a powerful counter-narrative to ISIS’ propaganda, offering fair trials in a Sunni-majority country — radically different from Iraq’s current policy, which critics say is more akin to collective punishment than justice. But which Arab capital would be willing to take the political and security risk of hosting such a body?

In addition, leading Syrian political figures in exile are already speaking out against a hypothetical court that would exclusively try the crimes committed by ISIS yet give impunity to other parties to the conflict such as the Assad regime.

“The challenges are not legal; these could easily be solved. All the issues are effectively political,” Canadian war crimes investigator Bill Wiley, director of the Commission for International Justice and Accountability, tells Haaretz about all of the suggested solutions. “There are credible ideas, but there is also legitimate opposition to these ideas. No one agrees with anyone. Which is why we suspect that the talks between Europeans will fail.”

The scenario that seems likeliest to gain traction, according to European officials and experts, is to have Iraq-based trials in one form or another. Some European officials and experts, for example, are looking into the possibility of creating a “hybrid” court in the country. These would be trials in which international and national judges sit, integrated into the Iraqi judicial system. In Iraq’s case, international input could take the form of advisers rather than judges. Such a body would theoretically ensure fairer trials and that the death penalty be removed as an option. “We want Iraqis to abandon the death penalty — for legal and ethical reasons. That is the number one priority. But for them, it is, for the moment, inconceivable,” says a source in a European Foreign Ministry. “They are a bit like us after the war against the Nazi regime: a spirit of revenge.”

However, if the Europeans succeed in getting the Iraqis to acquiesce on the issue of capital punishment, they say it would then hypothetically be possible to legally organize the transfer of their citizens from Rojava to Baghdad.

Wiley, who works in close coordination with senior EU officials, suggested to them that such a court could be established in Iraq’s own Kurdish region. He believes it would be easier to negotiate with Iraqi Kurdish authorities over the capital punishment as they already have a general moratorium on executions. Their courts, he says, are also generally perceived as providing a higher degree of procedural fairness. “The idea is to put internationals in there after making small amendments to the criminal procedure law. That’ll up the level of fairness markedly,” he adds. Moreover, the security situation in Iraqi Kurdistan is much better than in the rest of the country; securing an internationalized court in the capital would be a huge and costly challenge. However, few among the sources Haaretz spoke to believe the central government would green light this. Ideas for how to deal with ISIS detainees have been discussed since at least 2016. But as of today, a Nuremberg-esque ISIS trial seems chimerical to many. “I am having a hard time believing that Iraq, a sovereign country, will agree to subject its judicial system to international tutelage. It makes no sense,” says French lawyer Nabil Boudi, who is defending a number of Europeans suspected of being ISIS members — including seven of the 11 French men transferred from Syria to Iraq earlier this year.

“In my view, everyone is buying time,” he says. “They come up with all these ideas so they don’t have to talk about bringing home their own citizens — which is, I think, the best solution.” Boudi fears that more European jihadists will quietly be transferred from Syria to Baghdad and receive life or death sentences without due process, and says he plans to take the matter to the European Court of Human Rights.

One issue concerning the Europeans when it comes to trying ISIS fighters domestically is the fear that they may not have enough evidence to successfully prosecute them in their own courts. “They worry that, for example, they could only prosecute them for material support and membership, with light sentences of four or five years,” says Wiley, whose organization has collected much evidence in Iraq and Syria, which it is storing in a secret location ahead of any trials. For Wiley, the best option remains the repatriation of foreign fighters — hence the need to provide the relevant services with the hard proof they need to put their nationals in jail for a longer time.

“Leaders have legitimate concerns; they fear for the security of their countries,” he says. “We work closely in Western Europe with prosecutors and the police. The second we can tell politicians that we have enough evidence to bring their fighters to justice, then maybe they will consider repatriation.”

In Baghdad, similar work is being set in motion by the UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh (the Arab name for Islamic State), probing acts committed by ISIS members that may constitute war crimes, crimes against humanity and possible genocide. It is preparing files that could also enable foreign states to conduct domestic trials — whether of their own nationals or individuals arrested on their soil.

“I have received requests to feed into and support trials in other states, including European countries,” British lawyer Karim Khan QC, who heads UNITAD, reveals to Haaretz. “We will be able to help them as soon as this month.”

Four Killed, Including a Civilian, Across Iraq in Day of Militant Attacks (Jerusalem Post)
September 7, 2019

At least three members of Iraq's security forces and one civilian were killed on Saturday in three separate attacks by militants, security sources said.

An army officer and soldier were killed when an explosive went off inside a house they were de-mining in the Sinjar district west of Mosul, and another soldier was injured. In Diyala province a sniper shot dead an intelligence official in an area northeast of provincial capital Baquba, and a civilian was killed when a bomb went off inside his car in an area west of the city of Samara in Salahuddin province.

Islamic State has not claimed responsibility for any of the attacks but the group is active in all three areas.

Iraq declared victory over Islamic State, which once held large swathes of the country, in December 2017, but the hardline Sunni militants have since switched to hit-and-run attacks aimed at undermining the Baghdad government.

They have regrouped in the Hamrin mountain range in the northeast, which extends from Diyala, on the border with Iran, crossing northern Salahuddin and southern Kirkuk province, an area security officials call a "triangle of death."

Judge reduces ex-Blackwater contractors' sentences for 2007 Iraq shooting that killed 14 (Fox News) By Melissa Leon
September 6, 2019

A federal judge on Thursday reduced the sentences of three ex-Blackwater security contractors who opened fire at a traffic circle in Baghdad, Iraq, in 2007, killing 14 unarmed civilians and injuring 17 others.

U.S. District Judge Royce Lamberth sentenced Paul Slough, Evan Liberty and Dustin Heard to 15 years, 14 years, and 12 years and seven months, respectively. The trio had received 30-year sentences in 2015 after being convicted the previous year on charges including voluntary manslaughter and attempted manslaughter. The sentences were the mandatory punishment for the commission of a felony while using a military firearm.

A fourth contractor, Nicholas Slatten, was sentenced to life in prison after being convicted in the same trial of first-degree murder.

In 2017, an appeals court overturned the 30-year sentences for Slough, Liberty and Heard, ruling that the punishment was excessive and unjust and was intended for gang members and drug traffickers -- not military contractors who had essentially been deputized by the U.S. government. The judges also overturned Slatten's conviction and ruled that he should have been tried separately from the other three.

The men claimed they thought they were under attack at the time. The shooting killed 10 men, two women and two boys, 9 and 11 years old. Prosecutors said Slatten was the first of the four contractors to fire. His attorneys said he mistakenly believed a suicide car bomber was approaching their convoy.

Slatten was convicted in December at his second retrial after the jury couldn't reach a unanimous verdict in the first retrial. He was once again sentenced to life in prison last month.

The shooting sparked tensions between the U.S. and Iraq and focused intense international scrutiny on the extensive use of private military contractors in Iraq. Slatten's supporters maintained that he was being prosecuted as a government scapegoat to cover up the increased use of private military contractors in Iraq at the time.

'Ignoring reality': Biden got it wrong on Iraq, Mattis says (Washington Examiner) By Kelly Jane Torrance
August 30, 2019

Former Defense Secretary Jim Mattis doesn't recite any of his conversations with President Trump in his upcoming book (much to the consternation of Washington journalists). But he does detail an evening with someone else who might be on the presidential ballot in 2020: Joe Biden, who was "ignoring reality" in Iraq, he says.

In *Call Sign Chaos: Learning to Lead*, co-written with Bing West and set to be published Tuesday, Mattis expounds on the lessons learned in his more than 40 years in the Marine Corps. His career culminated in three years as the head of U.S. Central Command, overseeing military operations in the Middle East and Central Asia from 2010 to 2013. That meant Mattis was in charge of American troops in Iraq and Afghanistan as war raged in both countries.

Mattis served under President Obama, and Vice President Biden visited Baghdad in the late summer of 2010. The general writes that the U.S.-led coalition had "at last succeeded in establishing a fragile stability" in Iraq. The administration was considering withdrawing some troops, and any forces remaining would require the permission of the Iraqi government, then led by the embattled Nouri al-Maliki. "The National Security staff in the White House believed that Maliki offered a continuity that, in their minds, would facilitate the withdrawal of U.S. troops." Mattis disagreed, and he told Biden so during dinner after "a hot Baghdad day."

"Prime Minister Maliki is highly untrustworthy, Mr. Vice President," Mattis said. "He's devious when he talks to us."

Mattis noted that in the election that year, Maliki had not garnered a majority of the votes, and he seemed to be stonewalling the formation of a new government. The Shiite leader had cultivated relationships with officials in Iran and Syria in the years he spent plotting to overthrow Saddam Hussein.

"He looks at our ambassadors and military advisers as impediments to his anti-Sunni agenda," Mattis told Biden, who was leading the administration's Iraq policy. "He wants to purge or marginalize Sunnis and Kurds from the government." Mattis said leaders across the Middle East had warned against continuing to throw American support behind Maliki.

Mattis also argued against pulling out precipitately. He said the training wheels shouldn't suddenly be pulled off the bicycle. "We should slowly inch the wheels up, allowing the Iraqis to wobble but not crash as they slowly pedaled down the path to self-sufficiency," he said. "If we pulled out too early, I noted, we would have to bring our troops back in."

The general's assessment fell on deaf ears.

"Vice President Biden and his assistants listened politely. But as we spoke, I sensed I was making no headway in convincing the administration officials not to support Maliki. It was like talking to people who lived in wooden houses but saw no need for a fire department," Mattis writes.

"I liked the Vice President," Mattis writes, even after Biden teased him: "Know why you're at CENTCOM?" Biden asked him. "Because no one else was dumb enough to take the job." "I found him an admirable and amiable man. But he was past the point where he was willing to entertain a 'good idea.' He didn't want to hear more; he wanted our forces out of Iraq. Whatever path led there fastest, he favored," Mattis writes. "He exuded the confidence of a man whose mind was made up, perhaps even indifferent to considering the consequences were he judging the situation incorrectly."

Biden reassured Mattis that Maliki wouldn't eject all American troops from the country. "Maliki wants us to stick around, because he does not see a future in Iraq otherwise," Biden said. "I'll bet you my vice presidency."

Mattis doesn't say whether he tried to collect on that bet. As he writes, "In October 2011, Prime Minister Maliki and President Obama agreed that all U.S. forces would leave at the end of the year."

Mattis' warnings proved prescient, as Maliki, free of American influence, went after Sunni politicians and districts, alienating a third of the country. "Iraq slipped back into escalating violence. It was like watching a car wreck in slow motion," Mattis writes. A Sunni revolt and a weak Iraqi Army allowed al Qaeda-aligned terrorists to return in 2014, calling themselves the Islamic State.

"It would take many years and tens of thousands of casualties, plus untold misery for millions of innocents, to break ISIS's geographic hold," Mattis writes. "All of this was predicted — and preventable."

Biden has been touting on the campaign trail his role in the decision that Mattis believes, as do many other experts, led to the rise of ISIS. "I was responsible for getting 150,000 combat troops out of Iraq — my son was one of them," he said on the Democratic debate stage in June.

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Syria

America's top ally in Syria warns ISIS is resurging and asks for more US support (CNN) By Ryan

Browne

September 7, 2019

America's top ally in the fight against ISIS, the commander of the Kurdish-led Syrian Democratic Forces, warned Friday that the terrorist group was resurging in Syria and asked for increased US support for his troops as they seek to keep ISIS from reestablishing itself.

Asked if he agreed with a recent Pentagon inspector general report that said ISIS was resurging in Syria after President Donald Trump's decision to withdraw about half the US troops from the country, Gen. Mazloum Kobani Abdi, the Syrian Democratic Forces commander, told CNN that "this is our opinion as well."

While US Defense Secretary Mark Esper recently said the terror group was not resurging in Syria, Mazloum told CNN in an exclusive interview that ISIS had prepared for its transformation into an insurgency even before it lost its last territorial holdings in the country.

Speaking through an interpreter, Mazloum said ISIS' new insurgency was enabled because the group had some freedom of movement in areas bordering the region of Syria that the Syrian Democratic Forces control, including across the border in Iraq and places west of the Euphrates River that are ostensibly controlled by the regime of Syrian President Bashar al-Assad, which the SDF has stayed independent of.

The situation in Syria remains complex, while the Russia and Iran-backed Assad regime is poised to recapture much of the country's west from various rebel groups, east of the Euphrates River the Kurdish-led SDF, which operates totally independent of the Assad regime and is backed by a US-led military coalition comprised of mostly European allies, largely retains control.

The SDF consists of about 35,000 personnel, including Kurdish and Arab fighters. Backed by thousands of US airstrikes and military advisers, the group played the lead role in driving ISIS from cities and towns across Syria, a campaign that saw ISIS lose its last territorial holdings in March.

Asked if Trump's decision to reduce the number of US troops in Syria from a peak of nearly 3,000 to fewer than half of that today had impacted his forces' ability to combat ISIS, Mazloum answered, "Of course this is impacting us negatively."

"We and the coalition and the Americans, we were very effective," he said. He added that some of the remaining US troops in Syria are busy manning observation posts along the Syria-Turkish border and are therefore less involved in combating the remnants of ISIS.

Mazloum said the US should honor its commitments to his group and the ISIS fight. "If Americans are not being seen as obeying their commitments," he said, it would be "not just harmful for us but harmful for the Americans as well."

One area of particular concern for both the commander and US officials is the ability of the Syrian Democratic Forces to

continue to guard tens of thousands of detained ISIS fighters and ISIS family members, including more than 2,000 foreign terrorist fighters from some 50 countries in makeshift camps and detention facilities.

"We are still holding them in very tough conditions," Mazloum said, adding that the SDF has a "very limited capability."

The SDF also has a security presence at the spiraling Al Hol internally displaced persons camp, which has swelled to some 70,000 inhabitants after the collapse of the ISIS caliphate.

Mazloum called the Al Hol camp a "time bomb," saying they have received inadequate assistance from the international community in dealing with the situation and that some countries had agreed to repatriate their citizens but had not followed through.

"I describe it as a petri dish for future extremism in these camps and in these detention facilities. Addressing these people, to include the detainees, is, in my view, a critical strategic issue," the chairman of the Joint Chiefs of Staff, Gen. Joseph Dunford, told an audience in Washington on Thursday.

The Trump administration has long sought to have countries repatriate their citizens who went to Syria to fight for ISIS and prosecute them but has had limited success, and their continued detention in Syria has caused concern.

"It's an untenable situation," Esper said this week while traveling in the UK, when asked about the foreign fighter issue.

"Our view has been that they should be repatriated and dealt with, dealt with appropriately. So that's the message, otherwise there, it's a risk to the region, right? I mean how long can we -- they -- be guarding these camps by others and, and you're talking about several thousand, several thousand fighters total, but there's a little bit over 2,000 foreign fighters, many of which come from Europe," Esper added.

Mazloum said he either wanted to see countries repatriate their citizens or for an international court to be established in northeast Syria that could prosecute the fighters.

Senior US officials have acknowledged that ISIS remains a threat but have stressed that the terror group is nowhere near as powerful as it was several years ago, when it controlled vast swaths of Iraq and Syria and sought to direct external operations around the world.

"I think it's fair to say that they still have a significant presence in Iraq and Syria. They're certainly nowhere near as strong as they were in 2017 and 2018, so they have been significantly degraded, again still maintain the ability to conduct insurgent, guerrilla-style operations and that's what they see today," Dunford said Thursday.

Mazloum said he would like to see the US help create political solutions for the areas that have been liberated from ISIS as well as provide increased military backing for the SDF, including financial support and additional equipment.

Dunford also said the SDF would require continued US and coalition support, saying, "I do believe that in the current environment, the Syrian Democratic Forces ... continue to need the support of the coalition to be effective in dealing with the residual ISIS presence, but as importantly training local forces to secure that territory that has been cleared by ISIS previously. So there's still work to be done, and we estimate some 50-60,000 local security forces in total would need to be trained to hold that ground, and we're probably some 50% of the way through."

Last week the US-led coalition said that in the last four months its "SDF partners detained more than 225 Daesh fighters," in Syria, using an Arabic name for ISIS. The coalition called the SDF "capable & reliable partners that suffered thousands of casualties in the fight against Daesh," adding that they "are maintaining stability & keeping Daesh from re-emerging" in northeast Syria.

But Mazloum's biggest concern appears to be the the prospect of a military offensive by Turkey into northeast Syria, something that Turkish President Recep Tayyip Erdogan has repeatedly threatened and has also sparked concern among US officials.

"Is there a possibility -- you've heard the political rhetoric -- that Turkey could move into northeast Syria? There is that possibility. I don't believe that that would be helpful to our mutual interests, and I think that's why we're so focused on finding an acceptable way to address Turkey's concerns and at the same time maintain campaign continuity against ISIS in northeast Syria," Dunford said Thursday.

The US and Turkey have been working on an initiative the US labels "a security mechanism" and that Turkey calls a safe zone along the Turkish border in northeast Syria, which Turkey says is needed to stop Kurdish PKK terrorists in Syria from attacking Turkey. As part of the initiative, the US and Turkish militaries have established a joint operations center and have

conducted a series of helicopter reconnaissance flights over the area. Joint ground patrols are expected to begin shortly.

The Turkish government sees the PKK as intrinsically linked to the Kurdish elements of the SDF, something Mazloum strongly denies, saying there is "no connection between the SDF and the PKK" and that the SDF is not part of the fight with Turkey.

The US also sees the SDF as separate from the PKK but acknowledges Turkey's security concerns in northeast Syria and considers the PKK to be a terrorist group.

Mazloum says the Turkish threats of an incursion have helped ISIS sleeper cells in northeast Syria, which he says will try to exploit any attack on the SDF. But he says he trusts the US to reach a deal with Turkey to avoid such a conflict, saying that with regard to the safe zone "so far it's going well."

Mazloum said his forces had agreed to a safe zone along the Turkish border averaging 5 kilometers (3 miles) in depth, with some sections extending to 12 kilometers (about 7 1/2 miles). "We have shown a lot of flexibility from our side," he said, adding that he was "confident that the Americans are going to be responsive to this flexibility" while saying that Turkey was making "provocative statements every day. This is making this process hard."

US Central Command, which oversees US forces in the Middle East, has released images of what it says is SDF units removing fortifications from areas that fall within the safe zone. But if the arrangement with Turkey were to collapse and the US were to abandon Syria, Mazloum made it clear that the SDF would much rather strike a deal with the Assad regime and Russia than live under Turkish occupation.

He called such a deal with the regime and Moscow a "bad solution" but said it is "the less bad solution."

Asked if he could send a message to Trump or leaders in Congress, Mazloum said he would ask them to support "Kurdish rights within Syria," acknowledging their role in the fight against ISIS.

Anti-ISIS operations in Syria face arduous task (Ahval)

September 8, 2019

The Coalition fighting the Islamic State (ISIS) in eastern Syria is facing an array of challenges that include attempting to defeat the extremist group's remnants and train the predominantly Kurdish Syrian Democratic Forces (SDF) while dealing with the distraction caused by Turkey's threats in the region, the Jerusalem Post wrote.

Washington has welcomed Denmark's decision on Friday to deploy military personnel to Syria in support of Operation Inherent Resolve, the article said, noting that the move arrives at a time when the Coalition is trying to get Western countries to commit forces to the increasingly complex challenges in eastern Syria.

Around 50-60,000 local security forces are needed to deal with the residual ISIS presence, a task that the coalition has accomplished by about 50 percent, the article quoted U.S. chairman of the Joint Chiefs of Staff Gen. Joe Dunford, as saying.

Plans to abolish any remnants of ISIS, however, must consider Ankara's security concerns along its southeastern border.

Turkey has long considered the SDF, the primary local militia in the U.S.-led coalition against ISIS, to be a terrorist organization and the Syrian wing of the outlawed Kurdistan Workers' Party (PKK), an armed group that has been in conflict with the country for over three decades. Ankara has repeatedly threatened to launch a military operation targeting areas held by the SDF.

"The idea that Turkey would like to do another Afrin-style operation in eastern Syria is a real fear for those on the ground," the article said, adding that Ankara is encouraging populism among the refugees and Syrian rebel groups Turkey works with through its talks of repatriating 1,000,000 Syrian refugees.

Meanwhile, more than 10,000 ISIS fighters are held in eastern Syria with no mechanism to prosecute them in eastern Syria.

Citing the example of Al-Hol camp, where there are more than 70,000 mostly women and children, of which 45,000 are thought to be ISIS supporters, the Jerusalem Post article said a new kind of ISIS 'caliphate' is emerging therein.

The United States is training the SDF and other layers of forces, including local forces that may serve along the border with Turkey to reduce Ankara's concerns, it said.

Questions are looming, however, about just how long the United States will remain uncertain as to what might come next in Syria, where the detainee threats, Turkey's threats to launch an operation and the ISIS sleeper cells remain on the agenda, it concluded.

Yemen

Saudi coalition may have used ‘double-tap’ airstrikes in Yemen, new report finds (The Independent) By

Richard Hall

August 31, 2019

Saudi Arabia and its allies may have used “double-tap” airstrikes in Yemen, researchers at investigative journalism site Bellingcat have revealed.

The tactic sees missiles fired once, then again when aid workers have rushed to the injured. It dramatically raises civilian death tolls and endangers rescuers.

Evidence has now been found to suggest that civilian targets in Yemen were hit by double-tap airstrikes. Researchers examined open source photographs and videos of attacks carried out by the Saudi-led coalition.

Their report, to be released on Monday and seen by The Independent, comes as the British government prepares to appeal a Court of Appeal judgement that forced it to freeze sales of UK arms to Saudi Arabia while it reconsidered whether they could be used to violate international humanitarian law.

The researchers behind the report say strikes that potentially breach humanitarian law have not stopped, which indicates “a clear risk that weapons sold by the UK may be used in breaches”.

By examining satellite imagery of the aftermath of airstrikes, researchers at Bellingcat – a non-profit organisation that specialises in open-source investigations – found at least six instances whereby civilian areas appear to have been hit by double-tap strikes.

Those targets included a funeral hall, two markets, a restaurant, a mosque and a residential area.

“The attacks on these locations appeared to kill and injure far more civilians than was proportionate to any likely military advantage. In some cases, such egregious civilian harm appears entirely foreseeable, suggesting that members of the coalition have intentionally conducted indiscriminate or disproportionate attacks,” the report says.

In one incident, which took place on the morning of 6 July, 2015, some 40 people were killed by two airstrikes which hit a market in the southern region of Lahij.

Using satellite imagery, Bellingcat researchers identified the target as a “bustling livestock market”.

After studying photographs and video footage of the aftermath of the attack, the team identified two large impact craters at the scene. A summary of the report said the evidence suggested a “double-tap strike”.

The same process was used to identify the practice in at least five other incidents, including an attack on a funeral hall in the capital Sanaa in October 2016, which killed more than 150 civilians.

Satellite images of the building show two distinct holes in the floor where the missiles entered the hall. The coalition initially denied responsibility for the strike, before blaming an intelligence failure.

“When the coalition hits a market twice, it shows that there is a lack of will to minimise civilian casualties or collateral damage. People are going to come after the first strike, so obviously you’re going to hit first responders and civilians,” Rawan Shaif, the lead of the Yemen team at Bellingcat, told The Independent.

“Even if there was a military target at these sites, the evidence suggests they were targeting individuals, and not weapons depots due to a lack of secondary explosions.”

She added: “Going in twice to make sure that an individual is dead, and causing all the collateral damage, is recklessness”

The Bellingcat report also alleges that the coalition’s own investigations into potential violations of humanitarian law “appear

to have been purely token in nature and forthcoming only in response to overwhelming international outrage”.

That assessment matches the findings of a similar report from a team of international lawyers and a Yemeni human rights group released earlier this month.

The nearly 300-page report alleges a litany of international law violations by the Saudi-led coalition in Yemen. It further claims that Riyadh covered up evidence of war crimes in subsequent investigations into deadly airstrikes.

Riyadh intervened in Yemen’s civil war in 2015 to reinstate the internationally recognised government of Abd-Rabbu Mansour Hadi, who was ousted by Iran-backed Houthi rebels.

The United Nations has accused the Saudi coalition of “widespread and systematic” strikes on civilian targets.

The coalition, led by Saudi Arabia and the United Arab Emirates, has admitted to causing civilian casualties in the past, but attributes the deaths to “unintentional mistakes” and says it is committed to upholding international law.

Together with the US, the UK has played a major role in supporting the coalition’s military campaign against the Houthis – who have also been accused of war crimes by the UN.

Red Cross says more than 100 people killed in airstrike on Yemen prison (The Guradian)

September 01, 2019

More than 100 people are believed to have been killed in an airstrike by the Saudi-led military coalition on a detention centre in Yemen, according to the International Committee of the Red Cross (ICRC).

The coalition said it had targeted a facility run by Houthi rebels that “stores drones and missiles”, but the rebels said the attack had levelled a building they used as a prison.

The ICRC rushed to the scene in the city of Dhamar with medical teams and hundreds of body bags.

“The location that was hit has been visited by ICRC before,” said Franz Rauchenstein, the committee’s head of delegation for Yemen. “It’s a college building that has been empty and has been used as a detention facility for a while. What is most disturbing is that [the attack was] on a prison. To hit such a building is shocking and saddening – prisoners are protected by international law.”

Rauchenstein said more than 100 people were estimated to be dead and at least 40 survivors were being treated for their injuries in hospitals in the city, south of the capital, Sana’a.

ICRC teams collecting bodies were “working relentlessly to find survivors under the rubble”, he said, but cautioned that the chances of finding any were very slim.

Footage obtained by AFP showed heavy damage to the building and several bodies lying in the rubble, as bulldozers worked to clear away huge piles of debris.

The coalition intervened in 2015 to support the government after the Iran-aligned Houthis swept out of their northern stronghold to seize Sana’a and much of Yemen, one of the Arab world’s poorest nations.

Fighting since then has claimed tens of thousands of lives and sparked what the UN calls the world’s worst humanitarian crisis.

Both sides stand accused of actions that could amount to war crimes. The coalition has been blacklisted by the UN for the killing of children, while Saudi Arabia and its allies accuse the Houthis of using civilians as human shields in densely populated areas.

Before the ICRC’s comments, the coalition had insisted the strike was conducted against “a military compound which was a legitimate military target”.

It said secondary explosions indicated the building was used to store weapons and that the Houthis were masking its identity by “claiming it was a secret prison”.

“This is a traditional Houthi tactic and a violation of the laws of armed conflict. This site was not registered with the United Nations [and] was not on the no-strike list,” said a coalition spokesman, Col Turki Al-Malk.

The coalition earlier said that it “took all precautionary measures to protect civilians”, but the Houthi television channel Almasirah said dozens of people had been killed and wounded in seven airstrikes that hit the building.

U.S., France, Britain may be complicit in Yemen war crimes, U.N. report says (Thomson Reuters) By

Stephanie Nebehay

September 03, 2019

The United States, Britain and France may be complicit in war crimes in Yemen by arming and providing intelligence and logistics support to a Saudi-led coalition that starves civilians as a war tactic, the United Nations said on Tuesday.

U.N. investigators compiled a secret list of possible international war crimes suspects, drawn from their latest report into violations during the four-year conflict between a coalition of Arab states and the Houthi movement that controls Yemen's capital.

Investigators found potential crimes on both sides, while also highlighting the role Western countries play as key backers of the Arab states and Iran plays in support of the Houthis.

The report accused the anti-Houthi coalition led by Saudi Arabia and the United Arab Emirates of killing civilians in air strikes and deliberately denying them food in a country facing famine. The Houthis for their part have shelled cities, deployed child soldiers and used "siege-like warfare", it said.

The Houthis drove Yemen's government out of the capital Sanaa in 2014. The Saudi-led coalition of Sunni Muslim states intervened the following year to restore the ousted government, a conflict that has since killed tens of thousands of people.

The prospect of famine has created what the United Nations describes as the world's biggest humanitarian crisis.

The U.N. report said its independent panel had sent a secret list to U.N. human rights chief Michelle Bachelet, identifying "individuals who may be responsible for international crimes".

Its appendix lists the names of more than 160 "main actors" among Saudi, Emirati and Yemeni top brass as well as the Houthi movement, although it did not specify whether any of these names also figured in its list of potential suspects.

"Individuals in the Government of Yemen and the coalition, including Saudi Arabia and the United Arab Emirates, may have conducted airstrikes in violation of the principles of distinction, proportionality and precaution, and may have used starvation as a method of warfare, acts that may amount to war crimes," it said.

"The legality of arms transfers by France, the United Kingdom, the United States and other States remains questionable, and is the subject of various domestic court proceedings." It found that a Joint Incidents Assessment Team set up by Saudi Arabia to review alleged coalition violations had failed to hold anyone accountable for any strike killing civilians, raising "concerns as to the impartiality of its investigations".

The U.N. panel said it had received allegations that Emirati and affiliated forces have tortured, raped and killed suspected political opponents detained in secret facilities, while Houthi forces had planted land mines.

Air strikes by the Saudi-led military coalition in southwest Yemen hit a prison complex, killing scores of people, the Houthi movement and a Red Cross official said on Sunday.

Saudi-led coalition rejects U.N. report on Yemen (Reuters)

September 05, 2019

A Saudi-led coalition fighting Yemen's Iran-aligned Houthi movement on Thursday dismissed as subjective and biased a United Nations report that called for a ban on arms transfers to Yemen's warring sides.

The report released on Tuesday said the United States, Britain and France may be complicit in war crimes in Yemen by arming and providing intelligence and logistics support to the coalition, which the study said deliberately starved civilians.

The panel of U.N. investigators who wrote the report recommended that all states impose a ban on arms transfers to the combatants to prevent them from being used to commit serious violations.

“The report was based on a number of inaccurate assumptions by the U.N. experts ... which stripped it of objectivity and impartiality,” said a statement published by the Saudi state news agency, SPA.

The coalition said it would provide a “comprehensive and detailed legal response” at a later time. It rejected the report’s assertion that the coalition had not cooperated or provided information to the panel.

Saudi Arabia and the United Arab Emirates, the main parties in the coalition fighting the Houthis controlling Yemen’s capital, are two of the biggest buyers of U.S., British and French weapons.

The report accused the coalition of killing civilians in air strikes and deliberately denying them food in a country facing famine.

The coalition said on Thursday that it remained fully committed to carrying out its military operations under the rules of international human law and international human rights law.

The Houthis drove Yemen’s government out of the capital Sanaa in 2014. The Saudi-led coalition of Sunni Muslim states intervened the following year to restore the ousted government, a conflict that has since killed tens of thousands of people.

The prospect of famine has created what the United Nations describes as the world’s biggest humanitarian crisis, where 24 million people rely on aid.

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Special Tribunal for Lebanon

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

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Israel and Palestine

On Israel's Election Day, Dutch Court to Consider War Crimes Case Against Gantz (Haaretz) By Amira Hass
September 10, 2019

A Dutch district court will hold a hearing regarding a case against Kahol Lavan leader Benny Gantz involving alleged crimes committed during the 2014 Gaza war on the same day that Israelis head to the polls in Israel's election.

The hearing seeks to determine whether the court has jurisdiction to consider a civil suit filed by a Gaza-born Dutch citizen, Ismail Ziada, against Gantz and a co-defendant. The suit seeks compensation for the deaths of six members of Ziada's family and a seventh person during Israel's 2014 war with Hamas in Gaza.

Gantz was the chief of staff of the Israeli army at the time. His co-defendant, Amir Eshel, was the commander of the Israel Air Force. The suit claims that Gantz and Eshel are liable for the bombing of Ziada's family's home in the Bureij refugee camp in Gaza and for the deaths Ziada's mother, three siblings, a sister-in-law and a nephew. A guest on the scene during the air raid was also killed.

The Israeli army said the building that the air force bombed served as a Hamas war room and that four members of the Hamas military wing and Islamic Jihad along with three civilians were killed in the attack. The Military Advocate General's office said it met standards of proportionality and necessity. Ziada's lawyer said in response that only one of those killed was a Hamas member, and was not active in the group.

Next week's hearing is on a motion filed by Gantz and Eshel's lawyer seeking to have the suit dismissed on the grounds that the Dutch district court in The Hague does not have jurisdiction in the matter.

The former Israeli military leaders' lawyer is claiming that the Israeli court system is accessible to Palestinians, and that in any event, Gantz and Eshel cannot be sued unless the killings were carried out deliberately or with disregard for the consequences, because the deaths occurred in the context of their official duties.

Ziada's suit alleges that Israeli courts do not afford him a genuine opportunity for a fair hearing in the deaths, which he says constitute war crimes. The lawsuit relies on the concept of universal jurisdiction in Dutch law that is accorded to those who have no opportunity to have their claims adjudicated elsewhere.

The killing of the Ziada family received wide attention after Henk Zenoli, a relative of Ismail Ziada's wife, returned an award in protest that he had received from Israel's Yad Vashem Holocaust memorial authority. Zenoli and his mother had saved a Jewish child, Elhanan Pinto, during the Nazi occupation of the Netherlands.

Israel PM Netanyahu vows to annex occupied Jordan Valley (BBC)

September 10, 2019

Israeli PM Benjamin Netanyahu has vowed to annex part of the occupied West Bank if he is returned to office next week.

He would apply "Israeli sovereignty over the Jordan Valley and northern Dead Sea", a policy certain to be backed by the right-wing parties whose support he would need for a coalition.

Palestinian diplomat Saeb Erekat said such annexation moves would "bury any chance of peace".

Israel has occupied the West Bank since 1967 but stopped short of annexation.

Mr Netanyahu, who leads the right-wing Likud party, is campaigning ahead of a general election next Tuesday. Polls suggest Likud is neck and neck with the opposition centrist Blue and White party, and may struggle to form a governing coalition.

Palestinians claim the whole of the West Bank for a future independent state. Mr Netanyahu previously insisted Israel would always retain a presence in the Jordan Valley for security purposes.

"There is one place where we can apply Israeli sovereignty immediately after the elections," the prime minister said in a televised speech.

"If I receive from you, citizens of Israel, a clear mandate to do so... today I announce my intention to apply with the formation of the next government Israeli sovereignty over the Jordan Valley and northern Dead Sea."

Mr Netanyahu also said he would annex all Jewish settlements in the West Bank, but this would need to wait until the publication of US President Donald Trump's long-awaited plan for a peace agreement between Israelis and Palestinians.

The PM said Mr Trump's so-called Deal of the Century was likely to be published within days of the elections and warned that his Blue and White opponents would not be able to handle its policies.

Later, Mr Netanyahu was whisked off stage and taken to a shelter as an election rally in the southern Israeli city of Ashdod was interrupted by sirens signalling possible rocket fire from Gaza.

Two rockets were intercepted by the Iron Dome system, the Israel Defense Forces say.

In a statement before the latest pledge was announced, Palestinian Prime Minister Mohammad Shtayyeh called Mr Netanyahu a "prime destroyer of the peace process".

This was echoed by senior Palestinian official Hanan Ashrawi. She told AFP news agency Mr Netanyahu was "not only destroying the two-state solution, he is destroying all chances of peace. This is a total game changer".

The two-state solution has long been the basis of peace negotiations but Mr Trump has not indicated whether it will be advocated in his plan.

Mr Erekat tweeted: "We need to end the conflict and not to keep it for another 100 years, as Netanyahu plans. Keep in mind annexation under international law is a war crime."

Israel occupied the West Bank, along with East Jerusalem, Gaza and the Syrian Golan Heights, in the 1967 Middle East war. It

effectively annexed East Jerusalem in 1980, and the Golan Heights in 1981, although neither move was accepted internationally for decades.

The Trump administration has since recognised both steps, overturning previous US policy.

The fate of the West Bank goes to the heart of the Israel-Palestinian conflict. Israel has built about 140 settlements there and in East Jerusalem which are considered illegal under international law, though Israel disputes this.

It's the second election in less than six months and opinion polls suggest a close vote similar to the one in April, after which no workable coalition could be formed.

Likud and Blue and White both won 35 of the Knesset's 120 seats.

Mr Netanyahu had hoped to establish a coalition and a fifth term in office but a dispute over a military conscription bill governing exemptions for ultra-Orthodox Jewish seminary students could not be resolved and parliament was dissolved in May.

It is likely post-election coalition talks will rear their head again and could last for weeks.

Mr Netanyahu is still facing three corruption investigations. He denies any wrongdoing and Israel's attorney-general must decide whether to formally charge him.

Palestinians: 2 teens killed by Israeli fire in Gaza protest (AP)

September 6, 2019

Two Palestinians, ages 17 and 14, were killed by Israeli gunfire Friday during protests along the perimeter fence separating Gaza and Israel, Gaza health officials said.

The teenagers' deaths marked an uptick in violence after months of relatively restrained demonstrations.

The Israeli military said the more than 6,000 Palestinian demonstrators engaged in "especially violent" protests. It said the protesters threw "a large amount of explosive devices, grenades and firebombs" and damaged parts of the border fence.

Israeli forces also detained two Palestinians who crossed the frontier into Israel.

Sami al-Ashqar, 17, was shot in the neck in the northern Gaza Strip and Khaled al-Rabie, 14, was hit in the chest in east Gaza City, doctors and the health ministry said. The ministry said 46 other people were wounded by live fire.

The Israeli army said it used "riot dispersal means."

In what seemed a response to the deaths, Palestinian militants in Gaza fired five rockets into southern Israel communities, the Israeli military said. There were no reports of injuries and no Palestinian group claimed responsibility for the rockets.

The U.N. envoy to the region, Nickolay Mladenov, condemned the shooting of the two teens, calling it "appalling." He wrote on Twitter that Israel "must calibrate its use of force, use lethal force only as a last resort, and only in response to imminent threat of death or serious injury."

Mladenov also urged protesters to be peaceful and called for ending "the cycle of violence."

Gaza's Hamas rulers launched regular weekend protests in March 2018 to demand the easing of an Israeli-Egyptian blockade that has crippled the territory since 2007.

More than 200 Palestinians and an Israeli soldier have been killed during the marches, which had been subdued in recent months after mediators brokered an unofficial cease-fire.

Hamas says Israel doesn't honor the agreement.

ICC TO REOPEN WAR CRIMES PROBE AGAINST ISRAEL (The Jerusalem Post) By Yonah Jeremy Bob

September 2, 2019

The International Criminal Court's top appeals chamber on Monday reopened the case of war crimes allegations relating to the 2010 Mavi Marmara flotilla.

After years of attempting to go after top Israeli political and military officials in Turkish and European courts and before the

ICC – for the deaths of 10 mostly IHH Humanitarian Relief Foundation activists killed by Israel Navy commandos – the split decision of the ICC Appeals Chamber keeps the case alive, although it does not mean that Israel will lose.

ICC prosecutor Fatou Bensouda can go further with criminally probing Israel, or she can decide to try closing the case for a third time, although her basis for doing so has narrowed.

The 2010 Mavi Marmara raid saw a group of rights activists, combined with a smaller group of IHH activists – which the quasi-government Turkel Commission Report identified as affiliated with the Muslim Brotherhood – board several ships in an attempt to break Israel's blockade of Hamas in Gaza.

The case, filed by IHH Turkish allies on the Comoro Islands has been among the most controversial ones within the ICC system, with multiple split votes and multiple rounds of appeals.

In November 2014, Bensouda tried closing the file for the first time, saying that while the IDF's conduct in the incident seemed to her to display elements of war crimes, the 10 activists killed simply did not constitute a high enough body count to warrant her involvement, since she focuses on mass killings.

Bensouda's decided to end her review of the Mavi Marmara raid at a preliminary stage – without ordering a full criminal investigation, let alone filing indictments. This was viewed by the pro-Israel side as a first ICC victory.

But then the court's Pretrial Chamber voted against Bensouda in a 2-to-1 split ruling over how to handle the flotilla raid, ordering her to open a full criminal investigation.

The prosecutor appealed to the ICC's Appeals Chamber, and got a mixed result in November 2015.

In a close 3-to-2 vote against Bensouda's appeal, the Appeals Chamber ordered her to review her conclusions a second time looking at some wider available information, but empowered her to come to the same decision as long as she performed that review.

In November 2017, she again decided to close the case against Israel's soldiers.

After reviewing additional information, she explained that, even as “there is a reasonable basis to believe that war crimes were committed by some members of the Israel Defense Forces... no potential case arising from this situation can, legally speaking, be considered of ‘sufficient gravity’...therefore barring the opening of an investigation.”

Crucial to her decision was her finding that, “there was no reasonable basis to believe that the identified crimes were committed on a large scale or as part of a plan or policy.”

Comoros appealed again, and in November 2018, the ICC Pretrial Chamber again ordered Bensouda to reconsider her decision in a split 2-1 decision.

She appealed again to the Appeals Chamber, which led to Monday's decision.

Previously, Israel has succeeded in closing a range of other international cases against the Jewish state regarding the flotilla. Turkey closed its cases against Israel after the two countries reached a deal in August 2016. The ICC case was the last big one still open.

While Israel commandeered and stopped most of the ships without incident, Israel Navy commandos boarded the Mavi Marmara and were attacked by IHH activists, leading to the injury of some commandos and the eventual deaths of 10 IHH activists.

Turkey and many others in the international community accused Israel of war crimes. But the Turkel Commission and the UN-sponsored Palmer Report not only cleared Israel of said crimes, but validated some of Israel's claims of fighting in self-defense. The Palmer Report did say that some of the IDF's use of force was excessive.

The war crimes complaint to the ICC in the case came from the Comoro Islands in May 2013. Because of the law firm that filed the complaint, many viewed the Comoros as undertaking the issue on behalf of various IHH-Turkish contacts.

Bensouda's alleged war crimes preliminary examination of the 2014 Gaza war and the settlement enterprise is still open, although there are indications that in November or December she may announce significant developments.

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Gulf Region

Saudi-Led Airstrikes in Yemen Kill More Than 60 in Prison, Rebels Say (The New York Times)

September 1, 2019

Airstrikes by the Saudi-led coalition fighting Houthi rebels in Yemen hit a university used as a detention center in a southwestern province on Sunday, killing at least 60 people, officials and the rebels' health ministry said.

A spokesman for the International Committee of the Red Cross said the death toll could be more than 100.

The attack was the deadliest so far this year by the coalition, which has faced international criticism for airstrikes that have killed civilians and hit nonmilitary targets.

Yemen officials said the airstrikes had targeted the university in Dhamar that is one of dozens of detention centers run by the Houthis in areas under their control. Dhamar is around 60 miles south of the capital, Sana.

The Saudi-led coalition said it had hit a Houthi military structure used to store drones and missiles in Dhamar, "in accordance with international humanitarian law." It said "all precautionary measures were taken to protect civilians."

"We were sleeping and around midnight; there were maybe three, or four, or six strikes," a wounded detainee, Nazem Saleh, said while on a stretcher in a hospital. "They were targeting the jail."

He said the International Committee of the Red Cross had visited the center two times before the airstrike. The agency, which inspects detention centers as part of its global mission, said it had visited the site in the past. Former detainees said the Houthis had also used the site in the past to store and repair weapons.

The strike occurred as the Swedish foreign minister, Margot Wallstrom, was leading talks in Jordan on Sunday as part of her attempt to restart peace negotiations and break the war's long stalemate.

Ms. Wallstrom told Swedish Radio last week that she wanted to "speak with as many people as possible," and planned to visit Saudi Arabia, the United Arab Emirates, Oman and Jordan, and meet officials from the United Nations.

She acknowledged that a deal signed in December was "fragile."

"I believe we have a great deal of trust with the parties, and we believe that it is our responsibility to try to ensure that this agreement is implemented," Ms. Wallstrom said.

The Houthi Health Ministry said in a statement that at least 70 bodies had been pulled so far from the detention center after the airstrikes. An additional 60 people were said to be wounded.

Abdul-Qader el-Murtaza, a rebel official, said 170 captured government fighters had been in the detention center.

"The targeted prison housed over 170 prisoners of war, most of whom were supposed to be part of a local exchange deal," he was quoted as saying by the Houthi-run outlet Al Masirah TV.

Residents said, however, that people arrested over being critical of the Houthis had been imprisoned in the detention center. They said at least seven airstrikes had hit the area.

Mohammed Abdul-Salam, a spokesman for the Houthis, posted on his Telegram account graphic photographs showing bodies under the rubble.

The International Committee for the Red Cross said on Sunday that it had sent "urgent medical supplies" to Dhamar, and Franz Rauchenstein, head of the delegation in Yemen, said he was heading to the area "to assess the situation."

"We estimate over 100 people were killed," Mr. Rauchenstein told reporters, adding that teams were working to find survivors under the rubble but that the chances "are very low."

The civil war in Yemen has claimed tens of thousands of lives, pushed millions to the brink of famine and spawned the world's worst humanitarian crisis.

The war erupted in September 2014, when the Houthis swept into the capital. The Saudi-led coalition intervened half a year later to back the internationally recognized government of President Abdu Rabbu Mansour Hadi.

The coalition faces widespread international criticism for airstrikes that have killed civilians, and the attack on Sunday was bound to bring condemnation from human rights groups.

The attack came as the Saudi-led coalition's partners — chiefly the United Arab Emirates and an array of Yemeni militias — are increasingly at odds over the war's aims. The past weeks have seen heavy fighting in Yemen's south between government forces and southern secessionist militias armed and funded by the United Arab Emirates. The separatists have taken control of the port city of Aden, which serves as an interim capital since the Houthi takeover of Sana in 2014.

On Thursday, Emirati jets bombed convoys of government forces, killing scores in a series of airstrikes to prevent them from retaking Aden. The Emirati strikes spurred popular anger against the U.A.E. Activists began an online petition collecting signatures to "kick Emiratis out of Yemen," and members of the Yemeni government issued a statement demanding the president to end the U.A.E. role in Yemen.

Sunday's airstrike was not the first to hit a rebel-run detention center.

In October 2016, an airstrike by the Saudi-led coalition hit a prison complex in the Red Sea port of Hodeida, killing at least 58 people, most of whom were prisoners serving jail terms for minor crimes or who were in pretrial detention.

At the time, the coalition said the prison complex was used as a command center for Houthis.

US, France, Britain may be complicit in Yemen war crimes: UN (Al Jazeera)

September 3, 2019

The United States, United Kingdom and France may be complicit in war crimes in Yemen by arming and providing intelligence and logistics support to a Saudi-led coalition that starves civilians as a war tactic, the United Nations has said.

A UN panel announced on Tuesday that investigators compiled a secret list of possible international war crimes suspects, drawn from their latest report into violations during the four-year conflict between a coalition of Arab states and the Houthi movement that controls Yemen's capital.

Investigators found potential crimes on both sides, while also highlighting the role Western countries have played as key backers of the Arab states and Iran has played in support of the Houthis.

The report accused the anti-Houthi coalition led by Saudi Arabia and the United Arab Emirates of killing civilians in air raids and deliberately denying them food in a country facing famine. The Houthis for their part have shelled cities, deployed child soldiers and used "siege-like warfare", it said.

The Houthis drove Yemen's internationally-recognised government out of the capital Sanaa in 2014. The Saudi-led coalition of Sunni Muslim states intervened the following year to restore the ousted government in a conflict that has since killed tens of thousands of people.

The prospect of famine has created what the UN describes as the world's biggest humanitarian crisis.

The UN report said its independent panel had sent a secret list to UN human rights chief Michelle Bachelet, identifying "individuals who may be responsible for international crimes".

Its appendix lists the names of more than 160 "main actors" among Saudi, Emirati and Yemeni top brass as well as the Houthi movement, although it did not specify whether any of these names also figured in its list of potential suspects.

"Individuals in the Government of Yemen and the coalition, including Saudi Arabia and the United Arab Emirates, may have conducted air strikes in violation of the principles of distinction, proportionality and precaution, and may have used starvation as a method of warfare, acts that may amount to war crimes," it said.

"The legality of arms transfers by France, the United Kingdom, the United States and other states remains questionable, and is the subject of various domestic court proceedings," it added.

Commenting on the report, Noha Aboueldahab, a fellow at the foreign policy programme at the Brookings Institution told Al

Jazeera that developing a list of perpetrators was within the UN's mandate.

"It is part of the UN's mandate to try to identify violations and humanitarian law crimes and, where possible, to identify those responsible for those violations. In terms of developing this list of potential perpetrators is within the UN's mandate.

"Although it is difficult to say who is on the list, it would be interesting to see if there are any individuals on this list from the US, France and UK," she added.

The report also said that it found that a Joint Incidents Assessment Team set up by Saudi Arabia to review alleged coalition violations had failed to hold anyone accountable for any strike killing civilians, raising "concerns as to the impartiality of its investigations".

The UN panel said it had received allegations that Emirati and affiliated forces had tortured, raped and killed suspected political opponents detained in secret facilities, while Houthi forces had planted land mines.

Air strikes by the Saudi-led military coalition in southwest Yemen hit a prison complex, killing scores of people, the Houthi movement and a Red Cross official said on Sunday.

Aboueldahab said that while justice could take time, the UN report was essential for building a case against suspected perpetrators.

"The statements coming out of the UN and multiple reports calling for accountability will probably not led to immediate prosecution, the information in these reports is absolutely crucial to build cases in the future."

War Crimes Committed by Both Sides in Yemen, U.N. Panel Says (The New York Times) By Nick Cumming-Bruce
September 3, 2019

All parties to the war in Yemen are committing horrific abuses, from arbitrary killings to rape and torture, with an impunity that underscores a collective failure of the international community, a panel of international experts said on Tuesday.

Saudi authorities directing airstrikes in Yemen that have inflicted heavy civilian casualties and deepened the country's dire humanitarian crisis may bear criminal responsibility for war crimes, the experts said in a report they will present to the United Nations Human Rights Council in Geneva next week.

Houthi authorities, they said, may have also committed war crimes, indiscriminately shelling civilian areas, targeting civilians with snipers, waging siege warfare and recruiting children to fight.

The United States, Britain, France and Iran could be complicit in abuses by providing intelligence and logistics support, and by making arms transfers that were of "questionable legitimacy," the panel said, and which perpetuated the conflict.

"The international community must stop turning a blind eye to these violations and the intolerable humanitarian situation" in Yemen, Kamel Jendoubi, the panel's chairman, said in a statement. The statement urged the international community to open an independent investigation to bring those responsible to account.

The panel said it had provided the names of individuals it identified as responsible for international crimes to the United Nations human rights chief Michelle Bachelet. The Human Rights Council, which she leads, will decide whether to pursue further action, including additional investigations.

Since 2015, Saudi Arabia and the United Arab Emirates have been fighting in Yemen to oust the Houthis, a Yemeni faction that controls the capital, and to restore the fragile, internationally recognized Yemeni government. The war has killed thousands of civilians, mainly in Saudi-led airstrikes, and pushed the country to the brink of famine.

Saudi Arabia opposed the Human Rights Council's decision to create the Yemen panel and has refused to cooperate with it. Neither has the United Arab Emirates, which largely withdrew from the war in July, or the Yemeni government. As a result the panel was unable to visit Yemen or Riyadh and based its findings on more than 600 interviews with victims, witnesses and other sources as well as documentary evidence.

The report adds to the pressure Saudi Arabia has faced in the council this year over the killing of the Saudi dissident journalist Jamal Khashoggi and over the Saudi government's harsh treatment of rights activists.

Rights groups hope the council will renew and strengthen the experts' mandate and provide them increased resources to preserve evidence, identify perpetrators and analyze command structures.

“Victims deserve to know that the international community stands with them,” said John Fisher, Geneva director of Human Rights Watch. Perpetrators, he added, “need to receive a strong message that those who commit serious crimes will face justice.”

The Saudi-led coalition’s airstrikes on civilian targets in 2018 and 2019 and its failure to address concerns about its target selection “may lead to criminal responsibility for war crimes at all levels of command,” the experts said.

The panel’s findings came two days after coalition aircraft bombed a prison around 60 miles south of the capital, Sana, which the International Red Cross said killed or wounded roughly 170 inmates.

“Responsibility for serious violations caused by the persistent failure to correct errors in the targeting process would rest on the highest levels of command, including civilian officials,” the report said.

The report included a confidential list of war-crimes suspects, but members of the panel declined to give any information about who or how many people are on it.

“There are no clean hands in this conflict,” Charles Garraway, an expert in the law of armed conflict and one of the panel members, told reporters. “Everybody, everybody is responsible.”

The United Nations recorded close to 20,000 civilian casualties in Yemen between March 2015 and June 2019, including more than 7,290 deaths, but the panel emphasized that no one knows the true extent of the casualties and concluded that these numbers were likely a gross underestimate.

Coalition airstrikes destroyed or damaged farmland, water facilities, port infrastructure and medical facilities, deepening what the United Nations has ranked as the world’s worst humanitarian crisis. Houthi forces planted mines on farmland, used hospitals for military purposes and deliberately targeted civilians with snipers, the report said.

A coalition naval blockade and the closing of Sana airport have drastically limited imports and deliveries of humanitarian aid to the 24 million people who depend on it to survive, including millions teetering on the brink of starvation. Houthi rebels have also obstructed and diverted deliveries of humanitarian aid and applied siege-like tactics around the cities of Taiz and Hajjah.

The panel said that Emirati personnel and Yemeni forces associated with them tortured and raped prisoners and regularly used sexual violence to force confessions, humiliate prisoners or to forcibly recruit them, the panel said. Forces loyal to the Saudi-backed Yemeni government indiscriminately shelled civilian targets and resorted to sexual violence.

Houthi authorities and affiliated popular committees were responsible for disappearances and the report cited the testimony of former detainees saying that their Houthi captors had tortured, raped and inflicted other forms of sexual violence on prisoners. The bodies of prisoners who died in detention bore marks of torture, the experts reported.

Houthi forces also recruited children as young as 12, and deployed children ages 14 to 16 in combat, the panel said. The report said that forces backed by the United Arab Emirates had also recruited children as young as 13 and that several were killed in the coalition offensive to try to capture the port of Hudaydah.

The panel also said that the warring parties had increasingly lashed out at critics, journalists and civil society activists. “Anybody speaking out on behalf of the people is being targeted by all sides of the conflict,” said Melissa Parke, a panel member.

Civilians have been trapped between the Houthis, the Saudis, and other parties for too long, said Radhya Almutawakel, chairwoman of a Yemeni human rights group, in a statement. “If these abuses are ever going to end, violations must be investigated, perpetrators held accountable, and victims given justice and redress.”

Yemen: Western powers may be held responsible for war crimes – UN (BBC)

September 4, 2019

The UK, US, France and Iran may be complicit in possible war crimes in Yemen over their support for parties to the conflict there, UN experts say.

A new report warns the countries they could be held responsible for aiding or assisting the commission of violations.

The Western powers provide weapons and logistical support to the Saudi-led coalition backing Yemen's government, while Iran backs the Houthi rebels.

The experts say both sides continue to commit violations with impunity.

Their report documents air strikes on civilian infrastructure, indiscriminate shelling, snipers, landmines, as well as arbitrary killings and detention, torture, sexual and gender-based violence, and the impeding of access to humanitarian aid in the midst of the worst humanitarian crisis in the world.

The UN says the four-year conflict has claimed the lives of at least 7,290 civilians and left 80% of the population - 24 million people - in need of humanitarian assistance or protection, including 10 million who rely on food aid to survive.

The Group of International and Regional Eminent Experts on Yemen conducted 600 interviews with victims and witnesses, and examined documentary and open-source material, for their second report for the UN Human Rights Council.

It says they found reasonable grounds to believe Yemen's government and the Saudi-led coalition, as well as the Houthis, had enjoyed a "pervasive lack of accountability" for violations of international humanitarian and human rights law.

The experts investigated a number of coalition air strikes on rebel-held areas in which civilians were killed. Such strikes raised concerns about the identification of military objectives and respect for the principles of proportionality and precautions in attack, they say. If there were breaches of the latter, which the experts consider highly likely, they would amount to serious violations of international law.

The experts also found reasonable grounds to believe that the Houthis were responsible for serious violations of international humanitarian law for having launched indiscriminate attacks resulting in the death or injury of civilians and, in some cases, by directing attacks against civilians.

All parties may also have used starvation as a method of warfare.

The experts call for the immediate cessation of all acts of violence committed against civilians and urge other states to refrain from providing weapons.

"States are obliged to take all reasonable measures to ensure respect for international humanitarian law by other states. Furthermore, the Arms Trade Treaty, to which France and the United Kingdom are parties, prohibits the authorization of arms transfers with the knowledge that these would be used to commit war crimes," they note.

"The legality of arms transfers by France, the United Kingdom, the United States and other states remains questionable, and is the subject of various domestic court proceedings," they add.

Melissa Parke, an Australian member of the Group of Experts, told reporters in Geneva: "It is clear that the continued supply of weapons to parties to the conflict is perpetuating the conflict and prolonging the suffering of the Yemeni people."

Where possible, the experts have identified "individuals who may be responsible for international crimes" and submitted a confidential list of their names to the UN High Commissioner for Human Rights.

There was no response to the report from the coalition, the Yemeni government or the Houthis. But they have all previously denied carrying out war crimes.

A UK government spokesperson said: "The UK has been at the forefront of international efforts to bring a diplomatic solution to the appalling conflict in Yemen. We operate one of the most robust export control regimes in the world."

UK government ministers have said in the past they cannot determine whether any civilian deaths have been the result of British bombs or planes because the coalition does not track their use.

The US has argued against halting arms sales or assistance to the coalition, saying that continuing them is more likely to help limit civilian casualties.

Australia may be complicit in war crimes if it supports Saudi-led coalition in Yemen – UN (The Guardian) By Ben Doherty, Christopher Knaus, and Helen Davidson
September 4, 2019

Countries – such as Australia and its allies – who arm and provide military support to a Saudi-led coalition that has starved civilians, bombed hospitals and blocked humanitarian aid as tactics of war, may be complicit in war crimes, a United Nations report has said.

A UN panel of experts has published a list of 160 politicians and military officers who could face war crimes charges, including

from Saudi Arabia, the United Arab Emirates, Yemeni government military forces and the Iran-aligned Houthi rebel movement.

Australia has embarked on a concerted push to expand defence exports in recent years, particularly to the Middle East. The former defence industry minister Christopher Pyne met key Saudi and Emirati officials to discuss exports in 2016 and 2017.

The three-member UN panel, which includes the former Australian Labor MP Melissa Parke, said there had been a “collective failure” by the international community to prevent extreme human rights violations.

The report found the conflict had been plagued by human rights abuses including hospitals being bombed, civilians being deliberately targeted by shelling and sniper fire, civilian populations being deliberately starved, medical supplies being blocked, rape, murder, enforced disappearances, torture, and forcing children to fight.

The panel “urges other states to refrain from providing arms that could be used in the conflict, and reminds them of their obligation to take all reasonable measures to ensure respect for international humanitarian law by all parties to the conflict”.

“Third states have a specific influence on the parties to the conflict in Yemen, or directly or indirectly support them, including by means of intelligence and logistic support,” the report said.

The UN report will bring renewed focus on international arms sales to Saudi Arabia’s military, including by Australia. While Australia’s defence department and weapons suppliers such as EOS say the weapons systems it sells to Saudi Arabia are not deployed in Yemen, critics say Australia cannot guarantee that its weapons have not been diverted to that conflict.

And regardless of whether Australian weapons cross the border into Yemen, the UN report raises concerns that Australia has sold weapons to suspected war criminals, and continues to do so.

The UN report names France, Iran, the UK and US, “among other states”, as potentially complicit in war crimes.

“States may be held responsible for providing aid or assistance for the commission of international law violations if the conditions for complicity are fulfilled. States are obliged to take all reasonable measures to ensure respect for international humanitarian law by other states.

“The continued supply of weapons to parties involved in the conflict in Yemen perpetuates the conflict and the suffering of the population.”

In July, photographs were published which showed Australian-built remote weapons systems being shipped from Sydney airport to the general department of arms and explosives of Saudi Arabia’s ministry of interior.

Labelling on the pallets identified the seller as ATK Alliance Techsystems Operations (Orbital ATK), a US-based company which sells the R400s remote weapons station manufactured by an Australian firm, Electro Optics Systems (EOS).

The R400s remote weapons station allows small cannons, guns or missile launchers to be mounted on military and light vehicles and operated remotely.

In an interview with the Defence Technology Review in 2018, the chief executive of EOS, Ben Greene, said the remote weapons station was a “game changer” which “meets and overmatches current threats”.

“This innovative technology for the first time allows 30mm cannon systems to be deployed with unprecedented accuracy on light vehicles, significantly enhancing lethality and protection without compromising mobility, and at low cost.”

Greene told the Guardian “no EOS product has, at any time, been deployed to or used in Yemen”, saying the weapons system supported the Saudi ministry of interior’s border operations, but did not cross international borders.

“We are physically in contact with the equipment.”

A spokeswoman for the defence department said Australia was not a participant in the Yemeni conflict and had consistently urged parties to respect international humanitarian law. Defence would not issue an export permit if it had concerns that goods exported by Australia might violate human rights, she said.

“Any military goods proposed for export by Australian firms are subject to a rigorous assessment process that takes into account Australia’s international obligations, including the Arms Trade Treaty, the impact the export could have on foreign policy, human rights, national security and regional security.”

Defence can ask arms exporters to provide an “end-use and non-transfer certificate by foreign government” ensuring weapons

are not on-traded or used unlawfully.

In October 2016, defence industry minister Christopher Pyne met with UAE officials “to discuss our defence industry”. In October 2017, he met with Saudi defence officials “to promote Australia’s world-class defence materiel and strengthen bilateral defence industry relationships”.

In January 2018, the then prime minister Malcolm Turnbull launched the Defence Export Strategy to boost Australian arms sales overseas, establishing the Australian Defence Export Office to manage all government-to-government sales. The government established a \$3.8bn fund – the Defence Export Facility – to provide finance to Australian defence companies seeking to sell arms overseas.

Earlier this year, a group of civil society organisations formed the Australian Arms Control Coalition to put pressure on the Australian government to halt arms exports to parties in the Yemen war.

One member of the Coalition, Save the Children, said the UN report should act as a “wake-up call” for Australia. The chief executive of Save the Children, Paul Ronalds, said Australia had been unable to guarantee that its arms exports were not finding their way into the Yemen conflict.

“What we know is that Australia has exported military assets to Saudi Arabia and the UAE, which the UN has said are among parties that have committed possible war crimes in Yemen. We’re concerned this could mean Australia is complicit in some of these war crimes, but there’s no way of knowing for sure because there’s no transparency in the system.”

The organisation’s Yemen country director, Tamer Kirolos, said it was unacceptable that those responsible were not being held responsible for the “killing, maiming, and other grave violations against thousands of Yemeni children”. Kirolos said the report showed starvation was being used as a weapon of war, a tactic directly affecting Yemeni children.

“Our teams are seeing the results of this terrible conflict every single day – children are coming in sick, malnourished, sometimes too weak to eat,” he said. “They’re dying of lack of clean and safe water, and medicines.”

Conor Costello from Oxfam Australia said there was “a real and present risk that arms sold by Australia to the United Arab Emirates and Saudi Arabia could be being used in Yemen in ways that could breach the rules of war and prolong the conflict”.

She said there was a lack of transparency and accountability in Australia’s arms export system, and that arms transfers to Saudi Arabia and the UAE should be suspended.

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ASIA

Afghanistan

A Morning In Afghanistan (Common Dreams) By Kathy Kelly
September 11, 2019

On a very warm September morning in Kabul, several dozen men, women, and children sit on the carpeted floor of a room at the Afghan Peace Volunteers’ Borderfree Center. The women cluster together. All wear burqas, but because of the heat they push the steel blue veils back, revealing their faces. Most of the men wear traditional tunics and pakol hats.

Parents and children alike listen intently to Masoma, a young Afghan woman who coordinates the Center’s “Street Kids School.” She explains the importance of steady attendance, and parents nod in agreement. Most of the 100 students come on

time for their Friday classes, but a handful had recently skipped, showing up only on the day when the center distributes monthly food rations for the Street Kids families.

The previous Friday, those who had missed more than two classes prior to the food distribution day walked away empty-handed—a hard lesson, but the volunteer teachers felt they must abide by the short list of rules governing the center. Anyone who misses classes two or more times in a month won't receive the ration.

Then Masoma's colleague, Dr. Hakim, stands and poses two blunt requests. "Please raise your hand," he says, "if you and your family have at least enough resources to meet your basic needs." About six hands are raised. Next he asks people to raise a hand if they couldn't make ends meet. Seven hands go up. Hakim says his organization wants to help families become self-reliant so that after their children leave the Street Kids School they will have another way to acquire essentials like beans, rice, and cooking oil.

Hakim now asks people to raise their hands if they could send one family member, like an older brother, to a three-month course on how to repair mobile phones. The idea is well-received. Notebook papers are circulated to gather parents' names, and, if possible, mobile phone numbers. Several women seek Masoma's help to write their names. She assures them she will stay in touch.

A tall young man, Habib, carrying a large tray of bananas and apples, politely offers fruit to each guest. Six years ago, Afghan Peace Volunteers members had befriended Habib when they met him in a busy market-place. His father had been killed when a bomb exploded in Kabul. I remember watching him work on a dusty, crowded street during a chilly afternoon shortly after he and his family had taken up residence in a miserable shack in Kabul. His little brother walked alongside him, holding his hand, while Habib carried a scale and asked people to weigh themselves on it. Habib looked forlorn and worried. The shy, anxious youngster had been regularly beaten by an uncle who tried to force him to join a militia; he now recognizes that Habib was wise to run away from the militia.

Today, Habib towers over me. Yesterday, he spoke eagerly at a small group meeting he had helped plan about ways to build caring relationships. Over the past three years, he has learned to read and write and has been at the top of his classes at a government school. He has also developed some construction skills. When I remark that several walls at the center were repaired and newly painted, Masoma smiled happily. "Habib!" she says. "He was a big help."

Over the past three years, Habib has learned to read and write and has been at the top of his classes. He has also developed some construction skills

A few adults linger alongside the center's shady garden, filled with fruit trees, grapevines, herbs, and flowers. Some of the Afghan Peace Volunteers used permaculture methods to design and cultivate the space. Others recently dedicated themselves to a "renewable energy team." Last year, the team helped forty-four families acquire solar energy. This year they hope to expand the effort.

Over the past week, young volunteers have gathered to plan for an upcoming "On the Road to Peace" conference. This will be the Afghan Peace Volunteers' third annual gathering of participants from each of Afghanistan's thirty-four provinces. The conference offers four days of intensive learning and discovery about cross-cultural understanding, nonviolence, and ways to abolish war.

Yesterday, Dr. Hakim and I asked for complete quiet inside the center's "office"—a large room lined with bookcases, file cabinets, mats, and sturdy pillows. In the center of the room, a jumble of cords and power strips are connected to a solar power battery, a fan, a router, and a collection of cell phones and laptops.

Earlier, Amy Goodman of Democracy Now! had invited Dr. Hakim and me to participate in interviews regarding President Trump's sudden decision to call off a secret meeting he claimed to have arranged between himself, Afghanistan's President Ashraf Ghani, and representatives of the Taliban who have been meeting with United States envoy Zalmay Khalilzad. Sitting on the floor, we huddled over Dr. Hakim's well-worn laptop waiting for Democracy Now! engineers to contact us by Skype.

Hakim and I suggested that neither Trump nor any of the negotiators in Doha were participating in a genuine peace process. Rather, it was a cruel charade, with each side seeking greater leverage by demonstrating their willingness to kill innocent people.

Many people living in Afghanistan greatly fear increased Taliban power over their cities, villages, roadways, and crumbling infrastructure. Taliban war crimes are frequently covered in global media. Less obvious to people in the U.S., but horribly real for people in Afghanistan, are acts of aerial terrorism regularly waged by the United States military.

Writing for The Daily Beast earlier this year, Andrew Quilty described how one Afghan family in the Helmand province suffered a vicious attack on their home last November. Two Taliban fighters had come to their home, insisting that

Obaidullah, the householder, let them in. He pleaded with them to leave, but instead the Taliban fighters fired on a joint United States and Afghan military convoy. Shortly thereafter, a United States A-10 Warthog plane strafed Obaidullah's home.

"Hundreds of rounds of ammunition—bullets the size of large carrots—fired by a weapon designed to disable armoured tanks, poured out of the plane's Gatling gun," Quilty wrote. "The two Taliban fighters had fled. Instead, Obaidullah and his fifteen-year-old son Esmatullah were killed; thirteen others suffered broken bones and shrapnel injuries from head to toe. One boy, fourteen-year-old Ehsanullah, lost both his eyes."

Less obvious to people in the U.S., but horribly real for people in Afghanistan, are acts of aerial terrorism regularly waged by the United States military.

In a report on civilian casualties, the United Nations Assistance Mission to Afghanistan attributed a rise in civilian deaths in 2019 to an escalation of the U.S. air war in the country. In addition, countless night raids carried out by joint U.S./Afghan forces have struck terror in families whose loved ones were killed in front of them. Ordinary Afghans whom I have met with in the past week are acutely aware of the night raids and link the gruesome pattern of killing civilians to United States trainers and the CIA.

Before Donald Trump pulled back U.S. participation, there had been nine rounds of talks, and the United States special envoy Zalmay Khalilzad was supposedly edging closer to a "peace" deal with the Taliban.

A genuine peace process would hold all warring parties accountable for crimes against humanity and would call for an immediate end to U.S. and NATO militarism in Afghanistan. It would urge the United States to humbly acknowledge the recklessness of its invasion and occupation.

Reliable non-governmental parties would be asked to develop ways for Afghans to receive reparations from all countries who've participated in the past eighteen years of war. Those responsible for pursuing a genuine peace process would need mentors and advisors. I recommend the Afghan Peace Volunteers.

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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

Tug-of-War Over ECCC Archives (The Khmer Times) By Ly Livsier

September 12, 2019

Since it was established in 2006, the UN-backed Khmer Rouge Tribunal is now slowly wrapping up their obligations, leading to concern over where its archives will be stored at the conclusion of the proceedings over Cambodia's darkest hour.

As the UN-backed Khmer Rouge Tribunal wraps up its duties, questions have arisen over the preservation and maintenance of the court's archives, including which institutions are qualified to store the valuable documents.^{[1][2][3][4][5][6][7][8][9][10]}

The Documentation Centre of Cambodia recently had BDLINK agency study public opinion regarding the ongoings of the Extraordinary Chambers in the Courts of Cambodia to get a gauge of the public's view over the issue.^{[1][2][3][4][5][6][7][8][9][10]}

So Farina, deputy director of DC-Cam, says the purpose of the study was to examine public opinion in relation to the archives of the ECCC.^{[1][2][3][4][5][6][7][8][9][10]}

She says the Khmer Rouge Tribunal was created to seek justice for the victims, therefore the preservation and maintenance of the ECCC's archive must involve and include their voices.

^{[1][2][3][4][5][6][7][8][9][10]} "There is an ongoing debate about the preservation and maintenance of the ECCC's archives," Ms Farina says. "It is

important to understand people's perceptions about the maintenance of these historical records." [1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23] [24] [25] [26] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100]

Ms Farina added that the 95-page study regarding the archives of the ECCC will be presented in a book that will be published at the end of this month, noting that there is also a plan to present the contents both through online and offline platforms.

"DC-Cam has prepared both a Khmer and English version to make it more accessible to the public," Ms Farina says. "We plan to launch it at the end of this month and invite relevant stakeholders to attend."

She explains that since the UN is involved, it is understandable that the global organisation would keep the archives. However, she also expresses concern over the archives leaving Cambodia when the UN departs at the conclusion of the tribunal.

"This [study] project shows which institutions are chosen by the victims and the general public to keep the documents," Ms Farina says.

She adds that Cambodians generally view that the archives must be maintained by a credible institution that is independent of any personal or political influences in order to prevent the contents from being altered, compromised, or demolished.

She notes that independence was important to ensure the integrity and security of the archives.

Ms Farina adds that DC-Cam did not conduct the study in order to remain independent, noting that some people also consider the institution to be qualified to store the ECCC's archives.

She says BDLINK agency is one of Cambodia's leading research institutions and qualified to analyse public perception.

Ms Farina says the study drew mainly on quantitative data and complemented by qualitative data in order to gain a deeper insight, adding that it focused on respondents in highly populated areas, including Phnom Penh, as well as Prey Veng, Kandal, Battambang, and Kampong Cham provinces.

"Information was collected from respondents through face-to-face interviews using structured questionnaires tailored to the type of respondent interviewed, which included people from different categories such as the general public, survivors, former Khmer Rouge cadres, students, teachers, and key information interviews with experts," she says. "BDLINK has made the book easy to understand," she adds. "The first few pages include all the main points and illustrate the answers from the respondents."

"The top four institutions that survey respondents would like to see store the ECCC's archives are the National Library, DC-Cam, Hun Sen Library and the Library of the Ministry of Justice," she notes.

Ms Farina says it is crucial for Cambodians to learn their history, including the Khmer Rouge regime.

"An individual ought to acknowledge both the good and bad within their history in order for them to be able to grow and become a better citizen and leader in the future," Ms Farina says.

Youk Chhang, DC-Cam director, says a library is the best place to store the ECCC's archives so that students can access the documents because a library is a crucial part of their education and research experience.

"A library represents freedom, it is neutral and independent," Mr Chhang says. "Students need to be free to learn rather than being brainwashed from such an early age by any institution."

"Institutions in Cambodia have political attachment or influence, no matter what," he adds.

Ros Sampeou, a victim of the Khmer Rouge and also head of DC-Cam's archives, says that the ECCC's archives is considered to be a compensation to Khmer Rouge victims and the general public. He adds that the documents are a rich source of education material useful for later generations.

"We want people to have free access to ECCC's archives without any restriction," Mr Sampeou says.

He adds that DC-Cam has been collecting all related documents that the ECCC publishes since the very first day of the Khmer Rouge Tribunal, noting that the collection expands beyond confidential documents.

Chum Mey, 88, one of only a handful of survivors who were imprisoned in Security Prison 21, which is now known as the Tuol Sleng Museum, supported the results of BDLINK's study that noted the four locations to store the archives.

"We must respect the decision of the people in the sampling," Mr Mey says. "The ECCC's archives should be stored in various places to make it more accessible and to ensure that the documents will not be compromised or demolished."

Mr Mey, a native from Prey Veng province, says the ECCC has brought justice for himself and his country. He notes that if the ECCC's archives is available for the public, later generations will be able to access the documents in order to gain an in-depth knowledge about the processes from the tribunal.

Neth Pheaktra, spokesman for the tribunal, says that the fate of the ECCC's archives following the end of the tribunal has been discussed in a number of meetings between Cambodian and UN officials, who will determine the outcome.

"When looking at the research methodologies [of the study], the survey itself is biased and lacks academic levity," Mr Pheaktra says.

"It doesn't reflect the reality of the facts, it contains a lot of leading questions and ignores one important institution, the Legal Documentation Centre, which is related to the ECCC, and which currently plays a crucial role in ensuring that the public has access to the ECCC's archives."

"This LDC is to store and preserve all court documents, both paper and electronic archives, by integrating with an electronic library that serve a purpose of study and research," he adds.

Mr Pheaktra says that according to universal practices, all archives belong to the state for preservation as records and a legacy for the future generations.

Since it was established in 2006, three former Khmer Rouge regime leaders have been sentenced to life imprisonment by the court, including Kaing Guek Eav, alias Duch, who commanded the S-21 prison, former head of state Khieu Samphan and Nuon Chea, former deputy secretary of the Communist Party of Kampuchea who died last month.

Other most senior leaders died without facing punishment, including Ieng Sary, former Minister of Foreign Affairs, his wife Ieng Thirith, former Minister of Social Affairs and top leader.

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Bangladesh International Crimes Tribunal

A Million Refugees May Soon Lose Their Line to the Outside World (New York Times) By Hannah Beech
September 5, 2019

About one million Rohingya Muslims in camps in Bangladesh could soon lose a vital connection to the outside world if the government moves forward with a threat to suspend cell service to the world's largest refugee settlement.

Citing "state security" and "public safety," the Bangladeshi telecommunications minister ordered a halt this week to mobile phone service in camps crowded with Rohingya Muslims who fled ethnic cleansing in their native Myanmar. The blackout is scheduled to take effect by Sunday.

"Our suffering will be unlimited if mobile phone communication goes off," said Ramjan Ali, a Rohingya refugee in Bangladesh.

The directive from the Bangladesh Telecommunication Regulatory Commission, which was issued last Sunday, notes that only Bangladeshis with national identity cards are allowed to possess local SIM cards and bans the sale of cellphone services in the camps. Telecom companies that violate the order will be fined, it said.

The Rohingya, most of whom flooded over the border to Bangladesh in 2017 following a campaign of murder and rape led by the Myanmar military, are largely stateless.

While extending a welcome to a huge, traumatized population of Rohingya, the Bangladeshi government has declined to categorize most as refugees and grant them the rights that come with such a designation.

The Bangladeshi authorities have pushed for the Rohingya to be repatriated as soon as possible, even though the leadership in Buddhist-majority Myanmar has not admitted to the orchestrated campaign of terror that catalyzed their flight, much less

forsworn any further violence.

Already, mobile internet services have been disrupted at night and early in the morning in the camps, members of the Rohingya community said. A nighttime curfew keeps aid workers and others out of the sprawling settlements, which have been inundated with mud and raw sewage during the monsoon season.

As in any community of this size, occasional violence has stalked the camps, including a series of murders and other violence attributed to the illegal drug trade. The criminal activity was one reason Bangladeshi officials gave in justifying the mobile phone ban.

But Rohingya said that innocent people, already devastated by having to flee their homes in Myanmar, were being unfairly punished.

“How will we communicate with our relatives without mobile phone communication?” said Mohammed Yusuf, who lives in a camp. “If any of our relatives falls sick or dies, we won’t even know what has happened.”

From Sri Lanka and Indonesia to Sudan and India, the authorities are using online blackouts to obscure areas of conflict. Across the border from the camps, in Myanmar’s Rakhine State, the government has shut off mobile internet services for many residents since June.

Rakhine State has been convulsed not only by anti-Rohingya pogroms but also by conflict between ethnic Rakhine Buddhists and the Myanmar military. While internet access was restored in four townships this month, human rights groups warn that the military is continuing incursions against ethnic Rakhine that could constitute war crimes.

This week, United Nations experts called for an independent investigation into the deaths of at least 15 ethnic Rakhine men who died in the custody of the Myanmar military. The men were accused of being linked to the Arakan Army, an ethnic Rakhine militia.

Other Rakhine civilians have been held in incommunicado detention or may have been tortured, the United Nations’ human rights investigators said.

For months, both Myanmar and Bangladesh have maintained a fiction that Rohingya repatriations are imminent. In the last failed attempt, late last month, 3,450 Rohingya were cleared to return home — a home where most of their villages have been razed and refuge comes in the form of internment camps.

The Bangladeshis prepared buses for the Rohingya to go back to Myanmar. No one showed up.

Instead, Rohingya in the camps observed the second anniversary of their exodus from Myanmar with peaceful rallies. As tens of thousands of people looked on, elders prayed and women gave speeches. Camp leaders spoke out against a plan by the Bangladeshi government to move some Rohingya to a cyclone-prone island in the middle of the Bay of Bengal. They wept at news of continuing repression at home.

Since the mass gathering in the camps, a number of top Bangladeshi administrators with oversight of the camps have been reassigned. More than 40 nongovernmental organizations working with Rohingya refugees have been ordered to cease operations, their employees said.

Aid workers noted that had the mobile phone ban been in effect late last month, social media would not have been inundated by images of a sea of Rohingya convened in nonviolent protest.

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War Crimes Investigation in Myanmar

'Justice for Victoria': Toddler testifies in Myanmar 'nursery rape' case (BBC)
September 11, 2019

A three-year-old girl who it is alleged was raped at her nursery in Myanmar has given evidence via video link at a trial in the capital, Nay Pyi Taw.

The case of the toddler, who by law cannot be named, has caused outrage in the country. Campaigners have given her the name "Victoria".

Police say the attack took place on 16 May. A school employee is under arrest and charged with raping her.

But DNA evidence has been inconclusive and nursery staff dispute it was him.

Police say a medical examination carried out after Victoria's mother had noticed her injuries and taken her to hospital showed the girl had been sexually assaulted.

A school driver called Aung Kyaw Myo, also known as Aung Gyi, was arrested in May in connection with the alleged rape. He was released for lack of evidence before being rearrested and charged.

He has yet to give evidence in court or enter a plea, the lawyer defending him told the BBC Burmese service.

Many believe he's been framed.

They point to CCTV footage obtained by BBC Burmese which shows him going into the nursery on the day of the alleged attack and apparently waiting in the reception area. It's claimed the video shows he had insufficient time to go and find Victoria and then attack her.

"It is impossible that he did it. We, all the teachers, were with the students all the time," Hnin Nu, one teacher questioned nine times by the police, told the BBC in July.

Another teacher, Nilar Aye, said Victoria had never left her sight on 16 May.

There have been widespread protests calling for justice for Victoria and for wider action to arrest an alarming rise in reported sexual assault, particularly towards children.

Many Burmese are unhappy with the police handling of the case, and say the chief suspect has been made a scapegoat.

Government figures suggest the number of all reported rapes in Myanmar has increased by 50% in the past two years. In 2018, there were said to be 1,528 attacks - in nearly two-thirds of the cases the victim was a child.

Campaigners feel Victoria's story has exposed a deeply worrying trend in a country where domestic violence is still seen as a private matter.

The shame heaped upon survivors of sexual abuse means many remain silent, the BBC's Myanmar correspondent Nick Beake reported in July. Some victims are bribed, others intimidated so they take back their allegations.

A new child law is set to be introduced in Myanmar which would allow police to open investigations even if nobody presses charges, but there are serious doubts about the skills and suitability of the officers who will be doing such sensitive work, our correspondent says.

Myanmar (also called Burma) is still a predominantly rural country and in some communities village elders oversee complaints - alleged victims can even be encouraged to marry their attackers. Male rape is not even a recognised crime.

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South America

Colombia threatens to denounce Cuba as sponsor of terrorism (The Washington Post)

September 10, 2019

Colombia threatened Tuesday to denounce Cuba at the United Nations unless it immediately turns over two guerrilla commanders believed to be living on the communist island.

The demand came in a letter sent to the Cuban Embassy in Bogota.

President Ivan Duque first pressed Cuba to arrest two National Liberation Army leaders after the group claimed responsibility for a car bombing in January that killed 22 people at a Bogota police academy.

But now the Duque government warns that it could denounce Cuba as a state sponsor of terrorism at the upcoming U.N. General Assembly because of the threat of an alliance between the ELN and a rearmed faction of the Revolutionary Armed Forces of Colombia, or FARC.

“As a result of the new circumstances . Colombia demands the Republic of Cuba immediately hand over to our judicial authorities all of the members of the ELN that are in Cuban territory,” the letter said.

The new pressure being exerted by Colombia threatens to further isolate Cuba in the region at a time it is already reeling from U.S. sanctions aimed at cutting off its support for Venezuela, which Duque has also threatened to denounce to the United Nations.

The FARC’s former chief negotiator, Luciano Marin, appeared in a video last month surrounded by heavily armed guerrillas saying he intended to rearm, accusing Colombia’s government of failing to live up to its commitments under a peace accord signed in 2016.

Marin said he would seek an alliance with ELN rebels who have been steadily filling the void in rural areas once dominated by the FARC.

Colombia claims that the video was shot in Venezuela and that President Nicolas Maduro is providing safe haven to hundreds of Colombian rebels who are planning attacks from the neighboring country’s territory.

Cuba, which had been sponsoring peace talks with the ELN and helped broker the historic deal with the FARC, has condemned the attacks inside Colombia.

But it has steadfastly refused to extradite two top ELN commanders best known by their aliases Gabino and Pablo Beltran, arguing it believes that would violate peace talk protocols that guaranteed the guerrillas’ safe return to Colombia in case negotiations end.

After taking office on a law and order platform last year, Duque put a hold on peace talks with the ELN.

Under a U.N. Security Council resolution passed in the wake of the 9/11 attack in the U.S., all member states are banned from providing financial or logistical support to terrorist groups. Both the ELN and FARC are considered terrorist organizations by the U.S. and European Union.

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Senate peace chief wants paramilitary warlords to testify before Colombia’s war crimes tribunal (Colombia

Reports) By Adriaan Alsema
September 9, 2019

The chairman of Colombia's senate peace commission wants former paramilitary commanders to testify before the country's war crimes tribunal to clarify their ties to politicians and businessmen.

Senator Roy Barreras (U Party) sponsored a bill on Friday to grant former paramilitary leaders the possibility to testify as witnesses.

The bill proposes to allow to testify "those paramilitaries who provide a new and enlightening truth exclusively as witnesses... in favor of the victims, for example the relatives of more than 100,000 missing in Colombia and who have the right to know what happened to their loved ones."

But Barreras' bill goes further. The current war crimes tribunal's powers automatically triggers investigations into so-called "third party-actors" who are incriminated in court. By allowing the paramilitary chiefs to testify, many could end up in court after years of successfully evading and even allegedly bribing justice.

Top AUC chief want to take part

Multiple key paramilitary commanders have asked to take part in the Special Jurisdiction for Peace (JEP), claiming that their associates in business and politics were never called to justice.

The JEP currently only allows members of the FARC and the armed forces to submit to the transitional justice system that grants them judicial benefits if they tell the truth.

But according to top AUC leaders, the majority of the businessmen and politicians that sponsored and benefited from their paramilitary reign of terror are walking away free.

The alleged war criminals in Colombia's jet set

Among the paramilitaries' alleged associates in what has become known as "para-economics" are some of the country's largest companies like state-run oil company Ecopetrol, beverage company Postobon, airliner Avianca and cement giant Cementos Argos.

These companies are allegedly complicit in the assassination of labor unionists and the mass dispossession of land of the country's 8 million victims of displacement.

Covering up a mafia state? Former Prosecutor General Eduardo Montealegre in 2016 left his successor 16,772 case files of businessmen involved in "different economic activities, particularly from the cattle, agriculture and hydrocarbon sectors," who allegedly collaborated with the paramilitaries for economic gain.

But last year, Martinez said he only had identified 2,311 businessmen and 1,835 (elected) state officials as suspects. No criminal charges against any of these alleged terrorism supporters were since reported.

Only 609 admitted paramilitary associates in politics and business requested submission to the JEP ahead of the closing of the deadline on Friday.

The paramilitaries and their associates are held responsible for 100,000 homicides or 87% of all civilians killed during the conflict. Among the AUC's alleged associates in "parapolitics" are former President Alvaro Uribe, Colombia's ambassador to Washington DC, Francisco Santos and Antioquia governor candidate Anibal Gaviria.

Rescuing the rights of victims

According to Barreras, the only way to prevent mass violation of the right of victims whose family members are still missing or are unable to return to their lands is by allowing the paramilitaries to testify before the JEP and extend the period for the third-party actors to submit to the transitional justice system.

Additionally, businessmen who were extorted by the AUC would be allowed to clear their name by the extension of the grace period for third-party actors.

Barreras' bill is likely to count on opposition from the ruling Democratic Center Party, which has been closely associated with the agricultural and mining businesses allegedly involved in land theft.

But crime has no political color; politicians from all sides of the political spectrum have been accused of land dispossession, meaning that the bill could receive opposition from all sides of the political spectrum.

Colombia had more than 39,000 terrorism support cases in 2015. Only 4,800 suspects are left (Colombia Reports) By Adriaan Alsema

September 8, 2019

Some 700 civilians and state officials who claim to have taken part in war crimes have requested to submit to Colombia's war crimes tribunal. Four years ago, the prosecution had 39,400 criminal investigations.

Prosecutor General Eduardo Montealegre said in 2015 that he had identified 22,130 non-combatant state officials who allegedly sponsored the AUC or indirectly took part in war crimes.

His Vice-Prosecutor General said to have between 14,000 and 15,000 cases related to civilians allegedly involved in the sponsoring of paramilitary organization AUC.

This number of cases had grown to 16,772 in 2016, Montealegre's successor, former chief prosecutor Nestor Humberto Martinez, said last year.

The disappearing politicians

When Martinez presented his results, he said that 1,835 non-combatant state officials, including "mayors, governors, judges, magistrates, prosecutors, congressmen, deputies and council members" were suspected of terrorism support charges after a purge of the cases he received.

Fifty-seven of these suspects have requested their cases be transferred to the JEP, according to newspaper El Tiempo.

The disappearing businessmen

According to Martinez, among the 2,311 civilian suspects that were left after his purge of the almost 17,000 cases he received are businessmen and individuals linked to "different economic activities, particularly from the cattle, agriculture and hydrocarbon sectors."

Forty-one of these suspects have asked the prosecution to be transferred to the JEP, according to El Tiempo.

On Thursday, a day before the deadline for civilians and non-combatant state officials to report themselves, the JEP said to have received 609 requests to be submitted, not including the 41 civilians and 57 state officials from the prosecution.

This would mean that no more than only 1.8% of alleged paramilitary sponsors identified in 2015 will be tried before the JEP and another 10.4% will be tried by the prosecution unless the corruption-ridden office decided to again archive the cases.

Argentina, Brazil, Paraguay, United States Create Counter-terrorism Group (Dialogo) By Eduardo Szklarz

September 6, 2019

In a clear step forward in the fight against terrorism, Argentina, Brazil, Paraguay, and the United States have created a coordination group to monitor the Tri-border area, where organizations such as Hezbollah fund themselves illegally.

The agreement, announced on July 19, 2019, coincided with U.S. Secretary of State Mike Pompeo's visit to Buenos Aires to commemorate the 25th anniversary of the attack on the Argentine Jewish Mutual Aid Society (AMIA, in Spanish). The Argentine court seeks to indict Iranian officials for ordering — and Hezbollah for executing — the AMIA attack that killed 85 people and injured more than 300.

"The four countries have made a decision to set up a regional security mechanism," said Argentine Foreign Minister Jorge Faurie at a press conference in Buenos Aires.

According to Faurie, the measure will help to coordinate political and diplomatic efforts to counter illicit activities in the region, as well as potential connections to transnational crime and terrorism financing. "This mechanism will be ratified in biannual meetings, with the coordination of the four ministries of foreign affairs and the support of other agencies in our countries that are competent in this field," he said.

Security analysts praised the initiative. "This counter-terrorist partnership is very important, since Latin America isn't free of terrorism", Luis Fleischman, sociology professor at Palm Beach State College in Florida and consultant at the Center for

Security Policy in Washington, D.C., told Diálogo.

“A group linked to the Islamic State was dismantled in Brazil. Hezbollah maintains a presence in Venezuela, and their supporters have been found in several countries in the region, including Peru and the Guyanas, with intentions to commit terrorist acts”, said Fleischman.

Argentina freezes Hezbollah assets

Argentina’s Financial Information Unit (UIF, in Spanish) ordered a freeze on the assets of Hezbollah and its leaders on July 18, after officially designating the organization a “terrorist group.” UIF said that Hezbollah had been designated a terrorist organization by many states, including Australia, Canada, Israel, the Netherlands, New Zealand, the United Kingdom, and the United States, as well as the European Union.

“These designations clearly show that Hezbollah has been responsible for committing numerous terrorist attacks worldwide,” Mariano Federici, UIF president, told Diálogo. “Today, Hezbollah continues to be a threat for national security and for the integrity of the financial and economic order in Argentina.”

Registry of terrorist organizations

As part of its commitment against terrorism, the Argentine government also implemented the Public Registry of People and Entities Linked to Terrorism and Financing. This database, created by a decree Argentine president Mauricio Macri issued on July 16, seeks to “prevent, counter, and eradicate terrorism and its financing,” according to Article 24.

The list designates Hezbollah and its leaders. Among these are Hasan Nasrallah, the group's secretary general; Hashem Safieddine, executive officer; Naim Qasim, deputy secretary general; and Samuel Salman el Reda, a member of the Hezbollah External Security Organization, who is accused of direct involvement in the AMIA attack.

“Hezbollah might be assisting the Venezuelan government of Nicolás Maduro with paramilitary assault troops, in addition to having strong bonds with narco-trafficking,” said Fleischman. “We expect countries like Chile to join this regional pact, since some Islamic extremists operate in the Andean country as well.”

Colombia: FARC Terrorists Assassinate Local Politicians After Declaring War (Breitbart) By Frances Martel
September 3, 2019

Police found a mayoral candidate, her mother, and four others dead in western Cauca, Colombia, on Monday, victims of an ambush by Marxist FARC terrorists. The Colombian government is offering 150 million pesos (\$43,574.25) for information on the whereabouts of a terrorist known as “Majimbu” or “Majin Boo,” and his accomplice known only as Marlón, who authorities have blamed for the massacre.

The killings follow the release of two videos depicting fugitive leaders of the Revolutionary Armed Forces of Colombia (FARC) calling for all-out war against the Colombian government, which they refer to as an “oligarchy,” for allegedly violating the 2016 peace deal. The deal offered uncontested senate seats to FARC leaders, including the two now declaring war: “Iván Márquez” and “Jesús Santrich.” Santrich appears to have abandoned the peace deal after being indicted for attempting to smuggle thousands of kilograms of cocaine into the United States.

Karina García Sierra was traveling with her mother, Otilia García, and four others, including city council candidate Yeisón Obando Llantén, in an SUV on Friday through a rural area in her town of Suárez when, Colombian authorities say, FARC terrorists intercepted the vehicle. Police found the car on Monday, apparently set on fire and littered with bullet holes. García, her mother, Obando, a bodyguard, and three others were found in the car.

García was 32 years old. She leaves her father, husband, and a three-year-old son.

The discovery followed the killing of four other members of García’s Liberal Party in the area on Sunday.

The Liberal Party is a member of the Socialist International. Members of radical Marxist groups like the FARC often disparage the Socialist International as insufficiently violent or leftist. The Socialist International has repeatedly condemned the socialist regime governing Venezuela, which aids and abets the FARC.

Prior to her assassination, García posted a video on Youtube denouncing armed criminals who had threatened campaign workers to remove all literature supporting García’s mayoral run. She claimed that political opponents were spreading lies among the rural population that she was interested in stealing their land and “bringing in the multinationals [corporations],” talking points commonly used by FARC terrorists against their enemies.

“Four armed subjects claiming to be from an illegal group [said they] had a direct order to prevent my campaign literature from being posted and to remove what has already been distributed,” García said in the video, posted on August 21. “It is very sad that this is being done today, just as the first woman runs of office and raises her hand to say she wants to participate in elections.”

She accused campaign opponents of, “before these armed groups, [making] irresponsible comments on [her] candidacy.”

“Like that I’m going to bring in paramilitaries, I’m going to bring in multinationals [corporations], I am going to take land from people. My God, don’t be irresponsible, this could have fatal consequences for me,” she pleaded.

García was actively campaigning against the FARC and Marxist National Liberation Army (ELN) terrorists who take advantage of the rural nature of Cauca to do their business there and against the illegal cultivation of marijuana there. Colombian reports describe Suárez as being in the heart of the FARC’s “marijuana triangle ... where the world’s best weed is cultivated” and a place where indigenous chiefs regularly rail against drug culture: traffickers “cruising in luxury cars, wearing giant gold chains, high-end clothes.”

“We can confirm that alias “Majin Boo,” one of the leaders of the FARC dissidence, is responsible through the influence he has in that zone of this atrocious crime,” Colombia’s High Commissioner for Peace Miguel Ceballos said following the discovery of the burned out vehicle. The Colombian government insists on referring to FARC terrorists who engage in violence as “dissidents” even though only one major FARC leader has kept his promise of abandoning terrorism: their chief, “Timochenko.”

“Timochenko” ran a failed presidential campaign in 2018 and suspended it after suffering a heart attack. His delicate state of health has apparently kept him from returning to the terrorist activities that Santrich, Márquez, and much of the FARC membership has chosen.

Defense Minister Guillermo Botero announced the reward for information that would lead to “Majin Boo,” the marijuana mogul of Cauca, and deployed special intelligence troops to the region to investigate the case. Local reports estimate that over 120 law enforcement officials have moved into Cauca to find those responsible.

Botero described the killing as premeditated murder, “a massacre executed in the worst way.”

The FARC have been waging war on Colombia for over half a century, responsible for hundreds of thousands of deaths, disappearances, forced abortions, kidnappings, and use of child soldiers. Former Colombian President Juan Manuel Santos won a Nobel Peace Prize for giving the FARC leadership legal immunity and uncontested representation in Colombia’s Congress. The “peace deal” triggered the biggest cocaine boom in the history of the country. Newly enriched, the FARC called for a new terrorist campaign last week against Bogotá’s “oligarchy.”

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Venezuela

Venezuela migrant crisis begs a ‘coherent, predictable and harmonized’ response: UNHCR (UN News)
August 29, 2019

The inflow of migrants to neighboring Latin American countries and the Caribbean is exacerbating social and economic tensions in the effort to protect the increasing number of people with vulnerabilities and those in need of international protection, the agency’s Joint UNHCR-IOM (International Organization for Migration) Special Representative for Venezuelan refugees and migrants, Eduardo Stein, said in a statement.

Despite dwindling resources and overwhelmed institutions, host countries, “continue to make commendable efforts to give protection and assistance and to promote the social and economic inclusion of Venezuelans in their territory,” Mr. Stein said.

“However, there is little doubt that the situation of Venezuelan refugees and migrants is surpassing the capacities of individual counties and of the region as a whole.”

Mr. Stein expressed he is “concerned that the limits on Venezuelans in accessing the territory of receiving countries may force them into making irregular journeys, leading to trafficking and smuggling, are exacerbating their vulnerabilities.”

The perils migrants face trying to reach new territory have gained international attention after grim stories have surfaced such as the June tragedy in Mexico’s Rio Grande, and the 30 Venezuelan migrants who vanished in an April boat accident.

“I respectfully exhort countries in the region to continue to articulate, coordinate and harmonize their policies,” Mr. Stein said, encouraging countries participating in the Quito Process, a road map intended to help integrate Venezuelan migrants into their host countries, to continue to seek responsibility-sharing in the support for people on the move.

Mr. Stein also stressed the need for a collective response, saying: “It is only through a coherent, predictable and harmonized regional response that countries in the region will be able to meet the unprecedented humanitarian challenge of responding to the needs of a growing number of Venezuelan refugees and migrants.”

UN human rights chief cites continued abuses in Venezuela (The Washington Post) By Scott Smith
September 9, 2019

The United Nations’ chief human rights official said Monday that millions of Venezuelans continue to suffer rights violations, including dozens of possible extrajudicial killings carried out by a special police force.

Non-governmental organizations report that the Special Action police force carried out 57 suspected extrajudicial killings in July alone within Caracas, Michelle Bachelet said in an oral presentation on Venezuela to the U.N. Human Rights Council in Geneva.

Bachelet’s latest presentation followed a scathing written report issued in early July that drew a government backlash. It found a “pattern of torture” under the government of President Nicolás Maduro and citing violations like arbitrary detention, extrajudicial killings, sexual violence and enforced disappearances.

Bachelet’s latest presentation, which also received pushback from powerful figures in Maduro’s government, noted some areas of progress, while pointing to more cases of human rights violations and declining conditions as more than 4 million Venezuelan have fled a country beset by hyperinflation that leaves monthly minimum wages equal to \$2.

While Bachelet said she had called for officials to dismantle the feared Special Action police force, the unit has actually received ongoing support from the highest levels of the government, she said.

Bachelet raised concern that groups that collaborated with her in the earlier report have since come under criticism and threats by senior officials.

“Reprisals for having cooperated with the United Nations are unacceptable,” she said. “I urge the authorities to take preventative measures.”

Bachelet said she worried about a proposed law criminalizing the activities of human rights organizations that receive money from abroad, which could further erode democracy in Venezuela, a once wealthy oil nation.

Highlighting advances, Bachelet said a member of her team recently was allowed to visit the Ramo Verde Military Center — a prison commonly used to hold what opposition leaders consider political prisoners — with an agreement for visits to come. The government also has released 83 people whose arrests human rights observers considered arbitrary, she said, adding that officials have agreed to consider another 27 cases, expecting action soon.

The only way to overcome Venezuela’s human rights crisis is for Maduro’s government and the opposition led by National Assembly President Juan Guaidó to return to negotiations overseen by Norway, Bachelet said, and renewed her offer to support all such efforts.

Socialist party boss Diosdado Cabello, considered Venezuela’s second most powerful figure after Maduro, said Bachelet is fixated on efforts by Venezuela’s government to carry on the socialist revolution launched by the late President Hugo Chavez.

Cabello said nobody paid attention to grave violations under previous right-wing administrations in Venezuela or other governments elsewhere, such as Chile, where Bachelet previously served as president.

“We’re not going to lose any sleep over whatever Ms. Bachelet says,” Cabello said. “She’s doesn’t fool us.”

Venezuela starts military exercises at the Colombia border, US promises Bogota 'full support' (Fox News) By

Morgan Phillips

September 11, 2019

Disputed Venezuelan President Nicolas Maduro announced the start of military exercises on his country's border with Colombia Tuesday, prompting Washington to promise the Bogota government its "full support."

"The moment has come to defend our sovereignty and national peace by deploying our defense resources in full force," Maduro said on Twitter. Roughly 150,000 military personnel will conduct drills through Sept. 28, said Remigio Ceballos, strategic commander of the Bolivarian National Armed Forces, who is overseeing operations.

Maduro has come under growing pressure from both the U.S. and Colombia, which along with 50 other nations back opposition leader Juan Guaidó as Venezuela's leader. They contend Maduro's reelection in 2018 was bogus.

Tensions spiked recently when Colombia and Venezuela accused each other of harboring hostile armed groups within their borders, intent on overthrowing the neighboring government.

Immediately after Maduro's pronouncement, U.S. Special Envoy for Venezuela Elliott Abrams said that Colombia would have full American support in the case of an attack by terrorist groups or Venezuelan armed forces.

"The United States is not closer [to a military conflict with Venezuela], but I do worry a lot about the Colombian-Venezuelan border," said Abrams via videoconference from Brussels, where he had been discussing the Venezuelan crisis with members of the European Union.

Abrams added that U.S. intelligence information has confirmed the presence of the left-wing Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) in Venezuela. Colombian authorities estimate as many as 1,000 ELN rebels — or around 40 percent of that rebel group's fighting force — operate from Venezuela. The rebels there plan attacks like the January car bombing at a Bogota police academy that killed more than 20 mostly young cadets, Colombia says.

"This is very dangerous because if there are cross-border attacks from Venezuela into Colombia, we can expect the Colombians to react. And obviously, we would be fully supportive of Colombia in that situation," said Abrams. The special envoy reiterated what the Trump administration has said on several occasions, that it is not the current policy of the U.S. government to consider a military response to the feud.

Carlos Trujillo, the U.S. ambassador to the Organization of American States, said it was "totally unacceptable" that Maduro's "illegitimate government" has threatened the region's security and peace.

"Colombia's allies will do everything possible to help one of the best allies we've had — not only in the Americas but in the world," Trujillo added during a conference call with reporters.

The Associated Press contributed to this report.

UNGA 2019: An Opportunity to Prioritize Venezuela – and Pressure Maduro (America's Quarterly) By Miguel

Pizarro

September 12, 2019

For over 20 years, Venezuela has lived continued waves of civil unrest and political turmoil. At first, the world was skeptical and deaf to the opposition's outcries, but soon the consequences of the regime's oppressive and misguided policies began to bear fruit. As staple goods disappeared from store shelves, and public figures were persecuted, arrested, tortured and exiled, the world slowly began to recognize there was an increasingly unsettling issue with democracy in Venezuela.

But 20 years is too long, and change is well overdue. Thankfully, we have seen in 2019 how world leaders' stance on this repressive regime has shifted greatly. However, much more work still needs to be done.

There is a new opportunity on the horizon with the upcoming UN General Assembly, which will be held on September 17. At this gathering, hundreds of world leaders and governments, including those who openly recognize National Assembly leader Juan Guaidó as interim president, will discuss and take action on the world's most pressing issues. Ending Venezuela's crisis should be one of them.

The international community has already taken strong actions in recent months that not only demonstrate the important role

it plays in Venezuela's crisis, but have allowed the opposition to attain a position of power, as a myriad of countries, parliaments, and international organizations support Juan Guaidó and the legitimate National Assembly. Moreover, key leaders raising their voices against the regime's human rights violations has helped determine those responsible for such crimes, who in turn have subsequently been sanctioned. Additionally, these international efforts have also led countries such as Colombia, Ecuador, and Peru to implement new immigration policies to attend the increasingly desperate situation of millions of Venezuelans that have fled the country.

On the other hand, the opposition, the now interim government of Juan Guaidó, has battled for years on every single front it has been able to. For 20 years we have peacefully taken the streets to demand our rights, despite the regime's repressive ways; We have fought holding high our Constitution in the National Assembly, even as elections and negotiations are compromised. We have fought and will continue to fight to restore free and fair elections. Unfortunately, the Maduro regime recently abandoned the latest attempt to find a negotiated solution to Venezuela's crisis, which was sponsored by Norway.

Meanwhile, joint international and national efforts have opened the door to investigating corruption schemes and identifying those responsible for Venezuelans' hunger and suffering. It has also allowed thousands of people abroad to learn about the situation and provide aid to help alleviate the dire reality.

The United Nations has increasingly recognized this grave situation. Last July, the UN High Commissioner for Human Rights (UNHCHR) Michelle Bachelet, submitted a report that accurately described the astonishing deteriorated humanitarian situation in Venezuela and rightfully put the blame on a regime that for over a decade implemented laws and practices that restricted democratic space and enabled the regime to commit numerous human rights violations. Two months later, in an oral update of the situation issued on September 9, Bachelet stated that millions of Venezuelans continue to suffer rights violations, including dozens of possible extrajudicial killings carried out by the regime's special police force.

On top of this, UN Refugee Agency and IOM in June assessed that over 4 million Venezuelans have fled the country, becoming one of the single largest population groups displaced from their country. In April, the UN Office for the Coordination of Humanitarian Affairs estimated that 7 million people in Venezuela are in need of humanitarian assistance, which represents 25% of the population.

Venezuela must be at the top of the agenda and a priority in the discussions. The General Assembly is the natural space in which the UNHCHR report should be discussed – the first UN report that, while long overdue, accurately describes Venezuela's current and dire situation which the opposition has denounced for over 20 years. The time to put the report into tangible action is now. This gathering of countries, governments and world leaders can no longer ignore what the UN itself has already recognized – Venezuela is in urgent need of change, and multilateralism can help address humanitarian needs and reach peaceful conflict resolutions. We need the international community to seize this opportunity and not make Venezuela just another recurring issue on UNGA's agenda.

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TOPICS

Truth and Reconciliation Commission

Now Streaming on YouTube: Confessions From a Presidential Hit Squad in Gambia (The New York Times)

By Julie Turkewitz

August 31, 2019

The day Malick Jatta confessed to shooting one of Gambia's best-known journalists, he wore the camouflage uniform of the armed forces and said the kill order came right from the former president. The testimony was streamed live, and tens of thousands watched.

“I’m sorry,” he said. Then he hung his head.

Gambia, a nation of two million people on the West African coast, is in the midst of a highly public truth and reconciliation commission designed to investigate atrocities committed during the 22-year reign of Yahya Jammeh, a leader who created a culture of fear and misinformation so deep that many still take care to call him a gentleman.

Two years after Mr. Jammeh lost an election and fled, investigators are holding what some experts have hailed as the most accessible truth commission in history. Officials have been methodically interviewing killers and victims, eliciting testimony into the deaths and disappearances of hundreds of people. Central to their effort is a live feed that sends that testimony through YouTube, Facebook, television and radio — directly into phones and homes around the country.

In Gambia, an overwhelmingly young and quickly urbanizing nation that now has one of the highest rates of mobile phone use in Africa, listeners stretch from the capital, Banjul, into the countryside and abroad to the diaspora. Many have been devastated by the testimony; others doubt its veracity.

But for all the excitement about the stream, some Gambians are questioning whether simply hearing the truth will be enough to deliver justice. It’s unclear if the commission will lead to trial or prison for perpetrators. Admitted killers are being released after their testimony. Mr. Jammeh is in exile, and no one knows if he will ever be prosecuted.

For Baba Hydera, the son of the Deyda Hydera, the murdered journalist, the confessions have brought only hollow relief.

“They say that it helps with closure,” he said. “That’s a lie.”

What he wants is to see his father’s killers before a judge.

The truth and reconciliation hearings began in January and are expected to last two years. Witnesses are testifying in English and local languages, including Mandinka and Wolof; a sign language interpreter follows along.

Some of the most searing testimony has come this summer. Mr. Jatta and other members of Mr. Jammeh’s hit squad, called “the junglers,” have told of the murder of Mr. Hydera, an influential editor who the regime code-named “Magic Pen.”

They’ve confessed to the killing of 56 West African migrants whom the government accused of being mercenaries.

And they’ve admitted to taking part in the assassinations of two American citizens, Alhagie Ceesay and Ebou Jobe, who the junglers were told were plotting a coup.

Mr. Ceesay, a father of two, was a Chevron employee who had been living in Houston; Mr. Jobe, a father of three, was an operations manager for Wal-Mart.

Mr. Ceesay’s family has said that they had returned to their native Gambia to start a business.

Cameras rolling, one member of the hit squad, Omar Jallow, testified that Mr. Jammeh had ordered that the Americans be killed and “chopped into pieces.”

Mr. Jallow described how his team “took plastic bags and they put them over their heads and they strangled them.”

Two junglers “cut off their heads,” he went on. “We took them and put them inside the grave and we buried them.”

A representative for Mr. Jammeh hung up the phone when called for comment.

Mr. Jammeh, who was Gambia’s second president since the country gained independence from Britain, took power in 1994 following a coup, and went on to win four presidential elections. His supporters hailed him for bringing roads, lights and education to areas in need.

But he also jailed dissidents and called journalists the “illegitimate sons of Africa.” He subjected Gambian AIDS patients to a self-proclaimed cure — a body rub and a banana. He sent his soldiers to hunt down people he accused of being sorcerers. He raped a former beauty queen named Fatou Jallow, according to her testimony, and he coerced other women into sex with cash, gifts and privileges, according to former officials.

Over time, his claims became so wild that the truth seemed to simply disappear.

Gambians voted Mr. Jammeh out in 2016 and after refusing to accept the results for weeks, he finally fled, only to reappear recently on Instagram, dancing the night away with a Congolese pop star and the president of Equatorial Guinea.

The president of that nation, Teodoro Obiang Nguema Mbasogo, has granted Mr. Jammeh refuge. Extradition would be difficult.

Since he left, Gambians have tried to put their country back together. Part of that process has been the truth commission, an 11-member body charged with examining the regime. It is not a trial, but rather an investigation. At the end, the commission will make recommendations as to who holds the greatest responsibility for atrocities, and the attorney general will decide whom to prosecute. But a major point of contention is that some perpetrators will go free in exchange for their testimony.

The goal of the hearings, said Abubacarr Tambadou, the attorney general, is to negate “a sense of disbelief in the country,” about the facts of the last two decades. The reality, he went on, is that to get to the facts — and to the worst offenders — some smaller players will have to be given amnesty.

Governments around the world have used truth commissions to investigate painful histories for decades. But early inquiries, like the one in Argentina in 1983, following the Dirty War, often happened behind closed doors, with a report made public afterward.

It is only more recently that technology and political pressure have pushed officials to open these commissions. South Africa, in 1996, after apartheid ended, allowed video cameras inside its hearings. Radio has also played a role. Then came the internet.

In recent years, other countries have begun experimenting with live streams, including Tunisia and Colombia, with varying degrees of reach. Part of what seems to have made Gambia’s stream so popular, said Eduardo Gonzalez, a transitional justice expert, is its inclusion of perpetrators. Not all commissions do this.

In Gambia, after years of silence and secrecy left people hungry for information, taxi drivers crowd around TV sets, glued to the testimony. Vendors in market stalls listen through earbuds. Even supporters of the former leader said that they were hooked.

The commission is held in Serekunda, outside Gambia’s capital, in a hotel draped with bougainvillea. The streams are run by a national broadcaster and a team of young journalists from the channel QTV.

On a recent day, 10,000 people were watching on QTV’s YouTube page. The channel’s truck, parked in the hotel courtyard, buzzed with a sense of national duty.

“I come from a family of big-time Jammeh supporters,” said Ansumana S.O. Nyassi, 29, a reporter. When the commission began, his own father called the hearings a “witch hunt” designed to malign Mr. Jammeh.

Then his father watched the hearings. He no longer supports the former president, Mr. Nyassi said.

Shortly after the junglers testified last month, the state released them from custody. Mr. Tambadou, the attorney general, said he could not reasonably ask for them to be held without charges. This angered many.

“They have to be in prison,” said Ya Mamie Ceesay, 67, whose son was one of the disappeared Gambian-Americans. “You cannot kill someone, take someone’s life, and then go free.”

In recent weeks, a coalition of victims has also questioned some testimony, accusing Mr. Jatta of downplaying his role in one of the massacres.

Because of this alleged lie — a violation of commission rules — victims say he should be put on trial.

If one purpose of the live feed is to put all Gambians on the same page, it’s plain that the country is not there. Months in, deep divisions remains over Mr. Jammeh’s legacy.

In the streets of Serekunda, some said they didn’t believe the testimony.

“I don’t see any use for it,” said Cherno Ceesay, 24. Anyone the regime punished, he added, probably “did something wrong.”

Further out in the countryside, several villages had lined the road with green flags, a show of support for Mr. Jammeh’s party, the Alliance for Patriotic Reorientation and Construction.

In one village, Sintet, Habibou Tamba, 33, said that he had been listening to the hearings religiously. “I agree, he committed crimes, heinous crimes,” he said of Mr. Jammeh.

But Mr. Tamba had been working for the Alliance party for years. It’s where he learned everything he knows about being a

strong, confident man, he said. A poster of the former president still hangs in his bedroom.

He believes Gambians should forgive their former leader.

“It’s a man I loved,” he said. And when you love a man, he went on, “it’s hard to abandon him.”

TRC Reflections: Ten Years Later (Part III) (Liberian Daily Observer) By John H. T. Stewart
September 4, 2019

“The first step towards reconciliation is the truth”. – Kristen Cibelli

Since its completion and presentation to the Government of Liberia in December 2009, the TRC final report has generated much controversy and public debate that continues today. The controversy and debate have centered mainly on those aspects of the report concerning prosecution and lustration. Largely lost in the debate are other important issues relevant to reconciliation, reparations and the consolidation of peace in Liberia.

What seems to be forgotten is the fact that aside from narrative accounts of the conflict, the TRC also developed a statistical version of information derived from statements given to the TRC in order to provide deeper insight into the violence that occurred during the 14-yr. civil war..

Ten (10) years later, following its release in 2009, a regenerated public interest in having the TRC recommendations implemented and the potential difficulties associated with the retrieval of facts to enhance possible future prosecutorial efforts, underscore that there is a need to provide deeper insight into the TRC report and enhance public understanding of it (TRC report) in a wider perspective.

Currently, efforts are underway to pass legislation leading to the establishment of a war and economic crimes court for Liberia. Towards this end, the Liberia National Bar Association led by its President Cllr. Tiawon Gongloe, has already completed draft legislation for the establishment of such a court in Liberia.

The commencement of any prosecutorial efforts in Liberia whether in fulfillment of the TRC recommendations or not is more likely than not to fuel intense public longing for a wholistic understanding of the TRC report and its recommendations. The TRC, in its desire to provide statistical analysis to the large volume of information it was generating from statement givers, engaged the services of the non-profit US based Benetech Human Rights Data Analysis Group (HRDAG) on a three-year contractual arrangement to help clarify through statistical interpretations, the history of violence and conflict in Liberia.

Under the project, the Benetech team analyzed more than 17,000 victim and witness statements freely given to the TRC. The analyzed data was compiled into a report entitled: “Descriptive Statistics From Statements to the Liberian Truth and Reconciliation Commission”.

The report is included as an annex to the TRC report. It is important to reemphasize that the HRDAG is a non-profit organization and its support to the work of the TRC was made possible through the support of the United States Department of State Bureau for Democracy Human Rights and Labor including several other donors listed in the report.

The team was led by a young American woman, Kristen Cibelli. Although a non-Liberian, she had not remained unaffected by the controversy generated following the release of the report. A year later, following the submission of the TRC report, and in the wake of the huge controversy it generated, she penned her reflections on the report, which can rightly be considered as her contribution to the national discourse.

In 2010 she wrote in a blog the following:

“The TRC’s final report has been covered extensively in the press. The coverage has focused, however, not on the bulk of content in the report but on the Commission’s controversial recommendation to ban Liberian President Ellen Johnson Sirleaf from holding future political office. Understandably, this issue has become quite controversial in reports throughout the media, including the blogosphere. But since so many years of work have gone into the TRC’s report, it is also useful to reflect on the broader role of the TRC in Liberia as well as truth commissions around the world. HRDAG has now worked with nine truth commissions over the past 15 years and we have given this question careful consideration”.

In this blog entry, I talk about how we analyzed the data from the Liberian TRC, some reactions to the TRC’s final report, and offer thoughts looking beyond the current public debate to the broader role and historical value of the TRC’s work.

During our three-year partnership with the TRC, the HRDAG team provided the statistical expertise to transform information from the TRC statements into scientifically defensible, quantitative information. This process was vitally important because it created a historical record of victims and violations based on the thousands of statements. This data helped the Commission

determine the proportional responsibility of specific factions and individuals for the most serious crimes during the TRC's mandate period, 1979 to 2003.

As manager of the project, I worked with our team to apply our deep statistical expertise throughout the many stages of the project. I made numerous visits to the TRC beginning in 2006 when the Commission was inaugurated. I also had the opportunity to live in Liberia for six months last year (2009). This enabled me to work closely with my TRC colleagues who analyzed the statements collected in Liberia and more than 1,100 additional statements collected from diaspora Liberians – Liberians who left the country.

This was a monumental task. Each statement had to be analyzed carefully to identify the “countable units” – violations, victims and perpetrators. That information was then transcribed onto forms – a process known as “coding.” Information from the coding forms for each statement was then entered into a specialized database. This effort was enormous and the TRC staff rose to challenge; nearly all of the statements collected in Liberia plus over 1,100 statements collected from diaspora Liberians were coded and entered into a secure database.

To put this accomplishment into perspective, it is helpful to compare it with previous truth commissions. For example, South Africa's Truth and Reconciliation Commission collected about 21,000 statements, just about 1,000 more than the TRC collected from Liberians living inside and outside the country. That may sound comparable – except when one considers that South Africa's population is nearly fourteen times larger than Liberia's.

The Liberian TRC was also the first to collect statements from members of the diaspora community – in this case Liberians living in Ghana, Nigeria, the United States and Europe. Many tens of thousands of Liberians fled Liberia's borders seeking refuge in neighboring countries and in the US and Europe during the war – By the end of 2003 an estimated 297,000 Liberians were living outside of the country. Not all of the statements from diaspora Liberians, and those living inside the country, could be coded and entered for inclusion in the statistical analysis due to resource constraints.

Since the scientific accuracy of the data is vital to the credibility of the TRC report, it is also important to consider the care that went into coding. When more than one person is working on coding, it is important to monitor a measurement known as inter-rater reliability (IRR). IRR measures whether different coders, given the same source material, produce the same quantitative output (e.g. the same number of victims and the same number and type of violations).

The coding team in Liberia achieved an overall average of 89% agreement on coding exercises throughout their work on TRC statements. This is considered a very high rate of IRR – and ensures that the information entered into the database is more than the individual interpretations of each of the coders.

The staff in the Coding and Database Unit remained dedicated and hardworking in the face of their daunting task and often less than ideal working conditions. You can read a summary of the report and more about our methodology here. I was inspired by the staff's ongoing commitment to processing as many stories presented to the TRC as possible – as accurately as possible. They felt that their work was an important service to the people of Liberia and I feel fortunate to have had the chance to work with them on this historic task.

The TRC's Final Report has provoked heated debate around the world, most of which has not centered on the statistical data. Much of the press coverage of the TRC Final Report – both national and international – has focused on the TRC's recommendation regarding President Sirleaf. President Sirleaf was not accused of having committed any direct human rights abuses, and therefore her name does not appear in the database of violations compiled by the TRC. It is extraordinary, however, for a truth commission to make such a determination about a current sitting head of state and this decision could have far-reaching consequences for Liberia.

The TRC has called clearly for prosecution of those the Commission found to be responsible for the most serious crimes. This decision has inspired much debate about whether or not this is the right approach for Liberia and if this is the direction in which Liberians want to go. Clearly this is a choice for Liberians to make. We are scientists. We do not do not judge the data, we provide the expertise to gather quantitative data from the statements and analyze this information.

However, interpreting statistics can be quite complicated. So it is very important to be clear about what the numbers represent and what they don't – particularly when they are being used to support an argument in a sensitive debate. In that light, I would like to clarify one misunderstanding that has been repeated in the press. When asked what is needed to bring reconciliation to the country, 60% of statement-givers to the TRC mentioned, “forgive and forget” among possible other responses. Some sources in the press have cited this finding but have incorrectly suggested that it represents the views of all Liberians.

To clarify, the statistic does not come from a random population-based survey. Instead, it is drawn from the responses of statement-givers to an open-ended set of supplemental questions included in the TRC's statement form. As an analyst, I want

to point out that the statistic represents the views of 17,416 statement-givers who elected to give a statement. But it does not statistically represent the views of 3.4 million Liberians as a whole.

It is, however, interesting to note that the majority of Liberians who gave statements to the TRC embraced forgiveness despite the fact that they were direct victims or witnesses of atrocities and face the greatest challenge in forgiving those responsible for their suffering.

My hope is that the current controversy surrounding the TRC report does not obscure the larger historical truths – and the voices of more than 18,000 victims and witnesses who gave the statements that we analyzed. Truth commissions help nations understand the impact of past policies – and coup d'états – such as those that occurred in Liberia. We hope that Liberians and others will study the findings carefully and consider the cost of violent regime change on the civilian population. Truth commissions can help direct not just decision makers – but entire nations – toward greater peace and prosperity. Our hope is that the collective experiences of those who engaged with the TRC are not lost in the debate.

For instance, our analysis uncovered important facts about mass human rights violations in Liberia. Forced displacement was the most commonly reported violation during the conflict – comprising about a third of the 163,615 total reported violations. Statements to the TRC documented more than 28,000 killings, the second most commonly reported violation.

According to the data, Charles Taylor's group of combatants, the National Patriotic Front of Liberia (NPFL), was responsible for more than three times the number of reported violations as the next closest perpetrator group. Surprisingly, older men were at greater risk for being killed or subject to looting violations than younger men. In contrast, the data suggests that young men, particularly teens 15 to 19 were at the greatest risk for forced recruitment as combatants.

By supporting the effective capture, preservation and analysis of statements relating to human rights violations, the TRC has been able to tell a broader truth about Liberia's conflict. An anonymized version of the TRC's data from statements collected in Liberia, and among diaspora Liberians, will be published on the TRC and HRDAG websites. We encourage scholars and other analysts to extend the analysis and compare statistical results from other sources of data with the information reported by the statement-givers.

The findings in the TRC report offer a new perspective on the history of Liberia and provide a context for how and why certain types of violence occurred. Ultimately, this analysis provides a deeper understanding of the possible causes behind the patterns of violence. Before people can be forgiven, we must first understand what they have done. The first step towards reconciliation is the truth.

At National Economic Dialogue: Stakeholders Call for War, Economic Crimes Court (Liberian Daily Observer) By David A. Yates
September 7, 2019

The persistent cry to establish the war and economic crimes court in the country received a breakthrough on Friday, September 6, 2019, when stakeholders at the just-ended three-day National Economic Dialogue (NED), principally recommended to President George M. Weah to establish the court.

In the recommendation, the stakeholders said the implementation of the proposes should be tied to the cabinet performance contracts with ministers, deputies, and assistants to sign and the President should immediately inform them about their marching orders.

The establishment of these courts, which falls under the medium term of the NED, also called on President Weah to implement the Truth and Reconciliation Commission (TRC) recommendations.

The NED, which brought together over 350 concerned participants from government, political parties, youth group, women, development partners, civil society organizations, and the institution of higher learning were all engaged in this conversations.

Dr. Toga Gayewea McIntosh, Head of NED Secretariat, who read the consensus document, call on President Weah Strengthen his capacity within the presidency to monitor the implementation and outcome of the just ended dialogue.

Reading the preamble, Dr. McIntosh said, "We note, the many economic challenges and are deeply concerned about the hardship brought upon our people as a result of these challenges.

"We are also deeply concerned about the possible negative impact these challenges could have on the viability of the nation's state and of the survival of our people."

He said the three-days NED conversation was focused on four interrelated areas, including the mobilization and management

of public finance; Promoting investment and growing private sector business; tracking existing high employment rate amongst our youthful population and the shortage of appropriate skills, and sustaining the peace and bring about genuine reconciliation.

“We, reach the general consensus that urgent and strategy strategies and the program must be undertaken by all stakeholders, all arm of government, private sector actors, non-governmental organizations, development partners, individual citizens, and our communities, all stakeholders and these actions should be taken within the next three years, effective from now.

“And the idea is to stop rapidly declining economic trend and beginning a gradual posterity economy’s growth pattern. We, recognized that and for this to become a reality and remain meaningful, this will require a high degree of commitment, political way and self-confidence, and sacrifices amongst the Liberian people,” he added.

Dr. McIntosh said the process begins with providing and responding effectively to three fundamental questions: What is it that we the Liberian people want; How do we as a people and government go about obtaining these things that we say we want; Are we really ready to collectively do those things that are different to get us to where we want to be?

He further said, “We, recognize the challenges facing the economy and the need to mobilize collective efforts while providing huge strategies to omen the pro-poor Agenda for Development and Prosperity (PAPD) that will be implemented in conjunction with our international partners to revive immediately our poor economy state to lay the needed foundation.”

Dr. McIntosh used the occasion to thank President Weah for initiating the dialogue and for his engagement.

“We, also thanked the UNDP, the EU, USAID, ECOWAS, among other partners and the Economy Dialogue Secretariat, all of the supporting staff that have made so we have a successful dialogue.

“We, the people of Liberia are pleased to submit the following practical initiatives and programs with a time-bound role map to be incorporated into the respective action strategic plan of responsible parties to bring about a speedily economy revival and growth within the next three years,” said they are durable things and vital for the survival and faith of the Liberian economy.

Under public finance mobilization and management, Dr. McIntosh said immediate actions should be taken within the next six months to complete the process for enactment of the custom code, negotiate and restructure extended debt and quantified (tell us how much), validate (find out the truth behind it) all of the domestic debts and negotiate around the finance.

He said the government should recapitalize the Central Bank of Liberia by enforcing existing rules and ensure compliance with an audit of other regulatory within the sector.

Dr. McIntosh said, “Our partners need to improve aid management and coordination; increase revenue collections with the appropriate strategy for small, medium and large taxpayers.

“Close the lope holds in our laws, policies and the processes to reduce linkages in the revenue collections side and the expenditure side.” President Weah, who received the consensus document from the NED secretariat welcome decision from the stakeholders and promise to immediately act upon it.

Weah said in order to implement these recommendations from the NED, he will in the few days set up a cabinet committee that will implement them.

President Weah assured stakeholders that their efforts and contributions will not go in vain, but will ensure that the people of Liberia reap positive benefits from their deliberations.

“I want to assure you that my Government will take these proposals into urgent and careful consideration. Our focus will be on implementation, although the timing will be a matter for synchronization and harmonization with existing programs and policies.

“Additionally, I wish to propose that the National Economic Dialogue Conference should take place on an annual basis, in order to conduct an annual review of the progress that has been made on implementation of the road map presented here today, as well as to analyze each year’s current economic situation so that the necessary adjustments, revisions, and amendments can be made to programs and policies,” he said.

Furthermore, “I wish to announce that I will shortly appoint a High Council of Economic Advisors in the Office of the President. This High Council will consist of both Liberian and international experts, renown for their expertise and experience in their respective disciplines, who will serve on a voluntary basis. They will be required to meet on a quarterly basis, to review our economic policies and programs, and advise my Government accordingly.

“Let me put you on notice that several of you who have participated in this National Economic Dialogue will be tapped to serve on the High Council of Economic Advisors. So let it come as no surprise to you.

“And now, I wish to thank all of you for your participation in this important Conference, especially those of you who traveled from far. I wish to assure you that your efforts and contributions to our National Economic Dialogue will not go in vain. I will ensure that the People of Liberia reap positive benefits from all that you have done here over the past three days,” President Weah added.

He reminded all Liberians, regardless of political affiliation, religion, creed, or tribe; whether resident or in the diaspora, that we all have a responsibility and an obligation to contribute our ideas and suggestions for the revitalization of our economy.

“We are all aware of the problems, most of which have existed for a very long time, and we have all suffered because of them. But this is not the time to point fingers or to apportion blame, for this will not solve anything. In fact, it is our very awareness of the extent of the problems and the hardships that they have caused, that moved us to seek leadership in order to try to resolve them.

“I now have that responsibility, as well as the opportunity, to find a new way forward. I welcome your constructive criticisms. But, more importantly, I invite your positive contributions to this national dialogue.

“In addressing the concerns raised by a previous speaker regarding that there should be more women in my Government, I want you to know that “more” already implies “more than one”. However, if the intention is to suggest that you want “additional” women in government, then let me assure you that we are on the path to employ more women. As Liberia’s “Feminist-in-Chief”, my commitment to inclusiveness of women at all levels of leadership and governance in our society remains firm and unwavering.

“Working together, we can make a difference. Let us always chose dialogue over confrontation, and work in harmony to strengthen and sustain our hard-won peace, because, without peace, our world will be difficult,” he said.

Truth and reconciliation commission begins first public hearings in Seychelles (Seychelles News Agency) By Sharon Ernesta
September 9, 2019

The Truth, Reconciliation and National Unity Commission on Monday began public hearings of human rights violations and other grievances which happened in Seychelles from the 1977 coup until the return of the multiparty system in 1993.

The commission will hear witness testimony in cases of murder, torture, disappearances and unlawful acquisition of properties for the next two weeks.

The first case heard Monday morning was that of Davidson Chang Him, who was shot to death on the day of the coup on June 5, 1977. Chang Him was one of three persons who lost their lives on that day.

Maxim Ferrari - a former minister in the government of late France Albert Rene who came into power following the coup which he led – was the first witness before the commission.

The purpose of the hearings held at the National House is to assist the commission in establishing the truth with respect to the allegations and to establish an accurate and objective public record of those violations.

The seven-member commission led by Australian lawyer Gabrielle McIntyre took their oath in May and started registering complaints and grievances from individuals early last month.

When opening the hearings McIntyre said all the hearings will be strictly in line with the commission’s mandate which is to establish the truth. “The establishment of the truth requires witnesses to come forward and people being willing to tell the truth.”

The commission is, therefore, asking that people with knowledge and information to what has happened to come forward.

Michael Green, the vice-chair of the commission, told journalists that whatever information and evidence are gathered during the process will help those affected in terms of knowing the truth, getting closure but also in some cases receiving compensation.

“At least 58 percent of the complaints received are asking for compensations whilst others only want to know the truth or receive an official apology. But compensations will also have to come in terms of monetary rewards for those who have lost properties,” explained Green.

Ferrari said that he was very happy to have had the chance to give his truth of what happened on the day when Rene seized power and other events that followed.

The commission, which was set up in 2018 following the approval of the National Assembly, will provide the public with the opportunity to settle past political divisions and grievances that began with the 1977 coup d'état.

The commission will be filing complaints for six months, a process that started in August. To date over 100 cases have been lodged to the commissioners.

The truth and reconciliation process leading towards national unity will be implemented in Seychelles - 115 islands in the western Indian Ocean - over a three-year period.

Climate change a top federal election priority for First Nations, says Bellegarde (APTN News) By Justin Brake
September 9, 2019

Climate change is a top priority for the Assembly of First Nations (AFN) as Canadians prepare to head to the polls in next month's federal election.

On Monday AFN National Chief Perry Bellegarde said of all the things his organization would like to see from federal parties heading into the election, they want "a commitment, first of all, to Mother Earth — to our natural world — and a promise to the next seven generations."

He also named health care, education and clean water as other election priorities, but said addressing the climate crisis and respecting Indigenous rights go hand in hand and provide a path toward closing the gap on other issues.

Bellegarde made the announcement during a press conference at Ottawa's Parliamentary Press Gallery, the same place where Prime Minister Justin Trudeau announced in June that Canada would proceed with the Trans Mountain Pipeline Expansion (TMX) despite resistance from First Nations along the pipeline route.

Bellegarde has maintained in recent months that while he believes in addressing the climate crisis, he also supports First Nations' right to invest in the expansion of Alberta's tar sands.

Trudeau's June 18 Trans Mountain announcement came just 24 hours after his government declared a climate emergency.

He has repeatedly stated that expanding fossil fuel infrastructure is a way out of Canada's dependency on oil.

In July the AFN also declared a climate emergency and demanded federal and provincial leaders to "take urgent and transformative" action on climate change.

Last year the International Panel on Climate Change (IPCC) warned the world has little more than a decade to reduce carbon emissions below pre-industrial levels to avert the worst impacts of climate change, including intensifying extreme weather like droughts fires and hurricanes.

One of the report's lead authors, Kirsten Zickfield, said in January that expanding the Alberta oil sands could hinder that prospect.

"If we build new fossil fuel infrastructure now, which will lock us into carbon emissions for decades, it will make it very difficult, if not impossible, to keep warming below 1.5 degrees," the Simon Fraser climate science professor said during a press conference in Vancouver.

While Bellegarde didn't specifically reference Trans Mountain on Monday, he hinted at the need to move beyond oil.

"We have to develop a vision of environmental stewardship that is global and holistic, that takes us beyond existing targets and timelines towards a sustainable future for our children, grandchildren and beyond," he said.

He also said respecting Indigenous rights is a pathway to finding climate solutions.

Bellegarde suggested Canada's failure to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is one such hindrance.

The declaration "says that all impacted parties need to agree to proposed project or development before it begins. And if it proceeds, it does so in a way that respects our rights and our traditional territories," he said.

“Upholding that standard would prevent the conflicts and court cases we’re seeing today. It would ensure everyone is treated fairly, and it would lead to greater economic prosperity for everyone.”

In 2015 Trudeau campaigned on a promise to implement the UNDRIP, but then failed to introduce legislation during its mandate.

Instead, Cree MP Romeo Saganash introduced a private members’ bill that, if passed, would have compelled Canada to ensure its laws aligned with the global minimum human rights standards for Indigenous peoples.

But that bill, C-262, was stalled by Conservative senators after being passed in the House of Commons. It died in the senate earlier this summer.

“We expect the next government to implement U.N. Declaration through legislation that is at least as strong as Bill C-262,” Bellegarde said Monday.

Citing new child welfare and Indigenous languages legislation, the national chief said four years of Liberal governance has brought “significant progress and impact,” but that “there’s more work to do.”

The national chief also called for changes to Canada’s legal systems.

“We want sweeping reforms to Canada’s legal system so it truly becomes a just system and not just a court of laws,” he said, citing the cases of Colten Boushie and Jon Styres.

“We need sweeping changes to ensure justice and legal systems address racism and discrimination.”

Responding Monday, the federal Green Party issued a news release supporting the AFN’s election priorities.

“A Green government will respect Indigenous sovereignty over self-defined and self-governed lands – whether First Nations, Métis or Inuit – and will respect all rights that their title to land entails, including the right to stewardship,” the statement says.

With the writ expected to drop any day, only the NDP have released their election platform.

The party’s “New Deal for People” promises a co-developed “national action plan for reconciliation” based on UNDRIP and the Truth and Reconciliation Commission’s calls to action, “to ensure that Canada’s laws, policies, and practices are consistent with Canada’s human rights commitments – including cultural rights, land rights, and rights to self-determination and self-government,” according to the NDP website.

The party has also promised to “replace mere consultation with a standard of free, prior, and informed consent for Indigenous communities affected by government policies – including for all decisions affecting constitutionally protected land rights, like energy project reviews.”

In June Trudeau said his government’s engagement with First Nations on TMX represented his definition of free, prior and informed consent.

“It is engaging, looking with them, listening to the issues they have, and responding meaningfully to the concerns they have wherever possible,” he explained.

Last week the federal court of appeal announced it would hear six new appeals on TM from First Nations, including the Tsleil-Waututh and Squamish Nations, who say they do not consent to the pipeline.

“We must promise to build a new economy...for the future of our planet,” Bellegarde said Monday.

“We have to promise to care for the lands that feed us, and renew our original promise to one another to mutually share and benefit from the lands and resources.”

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Terrorism

Islamic Group Accuses Rep. Hunter Of War Crimes During His Service In Iraq (KPBS) By Matt Hoffman
September 9, 2019

A group is calling for an investigation into East County Congressman Duncan Hunter in light of his claim that he likely killed hundreds of civilians while he was a Marine serving in Iraq.

Members of the local chapter of the Council on American-Islamic Relations (CAIR) made their case outside Hunter's El Cajon office Monday. The group said it has collected more than 8,000 signatures asking for the U.S. House of Representatives to investigate Hunter actions while in combat.

"I mean it's clear from the level of things he's done he should resign," said CAIR's Executive Director Dustin Craun. "He's not a good representative of this county — someone who's literally a war criminal should be in prison."

Hunter made the comments about killing civilians on the podcast "Zero Blog Thirty" in May.

"So I was an artillery officer we fired Hundreds of rounds into Fallujah," Hunter said. "Killed probably hundreds of civilians — scores — if not hundreds. Probably killed women and children if there were any left in the city after we invaded."

Hunter also admitted to posing in photos with dead enemy combatants.

A spokesman for the Congressman issued a statement that equated CAIR's actions to a political stunt designed to help his Democratic challenger Ammar Campa-Najjar, who is Palestinian American.

"For several years, the local chapter of CAIR has attempted to malign Congressman Hunter with these types of orchestrated stunts in an effort to provide political support for their endorsed candidates," the statement read. "This approach hasn't worked in the past, and it will not work now for the simple reason that anti-Semitic organizations that openly support terrorism warrant zero attention and have zero credibility."

CAIR San Diego refuted that statement. "To say that we're a terrorist aligned and anti-Semitic when Muslims are Semitic people — it makes no sense and it shows his level of racism and Islamophobia," said Dustin Craun, a CAIR spokesman.

Legal experts said Hunter posing with a dead body is not automatically a crime and the statute of limitations would make it unlikely the congressman would be charged. The 8,000 signatures were collected online across the nation and delivered to Speaker Nancy Pelosi's Office.

Constitutional cases resulting from the 9/11 attacks (Constitution Daily) By Michael Boyd
September 11, 2019

On September 11, 2001, terrorist attacks carried out against the United States would become the catalyst for at least two wars, dozens of new pieces of legislation, the creation of the Department of Homeland Security, and a slew of court cases that would test the boundaries of the Constitution as the nation struggled to find a sense of safety in the post-9/11 world.

Here's a look at some of the most impactful constitutional cases decided and questions that were posed as a result of 9/11 and the War on Terror.

Hamdi v. Rumsfeld (2004)

This Supreme Court case arose from the detention of Yaser Hamdi, a U.S. citizen captured in Afghanistan by the U.S. military in 2001. He was declared to be an "enemy combatant" fighting for the Taliban and was sent to the military prison at Guantanamo Bay for indefinite detention. When it was discovered that he was a U.S. citizen, he was transferred to a military prison in Virginia and his father petitioned the court for his release.

The petition asserted that because Hamdi was a U.S. citizen he was guaranteed the protection of the Fifth Amendment's Due Process Clause and thus should be granted access to an attorney and a trial. The government countered that it was a separation of powers issue in which the judicial branch should defer to the executive's ability to declare and detain "enemy combatants" in times of war.

In the plurality opinion, Justice Sandra Day O'Connor wrote that, although Hamdi's detention was authorized by Congress, due process demanded that a citizen held in the United States as an enemy combatant must be given a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker. After the decision, Hamdi was released after agreeing to renounce his U.S. citizenship.

Rasul v. Bush (2004)

This Supreme Court decision was issued on the same day as the Hamdi decision and also dealt with the rights of Guantanamo Bay detainees. The specific legal question at issue here was whether or not U.S. courts had jurisdiction, under the habeas corpus statute, to hear suits filed by non-U.S. citizen detainees at Guantanamo Bay for violation of their Fifth Amendment Due Process rights.

In a 6-3 decision authored by Justice John Paul Stevens, the court ruled that the statutory right to habeas corpus was not dependent on citizenship status and that, according to precedent reaching back to at least the mid-seventeenth century in the English Common Law, the right to habeas corpus can be exercised in “all...dominions under the sovereign’s control.” In this case, that included the U.S. naval base at Guantanamo Bay. The court found that U.S. courts did have jurisdiction to hear the detainees’ cases.

Hamdan v. Rumsfeld (2006)

This Supreme Court case arose from the capture of Salim Ahmed Hamdan, a bodyguard and chauffeur for Osama bin Laden. Hamdan was sent to Guantanamo Bay after being tried and convicted in a military tribunal that was established by the Department of Defense. Hamdan petitioned a U.S. court for a habeas writ, asserting that the military tribunal violated the Constitution and international law.

In a 5-3 decision authored by Justice John Paul Stevens, the Court found that the President had no inherent constitutional authority to establish these military tribunals. It then held that Congress had at most authorized military commissions that complied with the Uniform Code of Military Justice and the law of war. Because Hamdan’s trial had violated the UCMJ and the Geneva Conventions, it, therefore, exceeded the President’s authority and was illegal.

ACLU v. NSA (2007)

After 9/11 the National Security Agency of the United States implemented an electronic surveillance program called the Terrorist Surveillance Program which enabled the agency to secretly track the phone calls and emails of millions of Americans without first obtaining a warrant.

In 2006, the American Civil Liberties Union sued the U.S. government, alleging that the program was an overreach of executive power that violated, among other provisions, the First and Fourth Amendments. The trial court ruled in favor of the ACLU, agreeing that the program violated Americans’ constitutional rights. After this decision, President Bush announced that wiretapping warrants would be subject to approval by Foreign Intelligence Surveillance (FISA) courts but that it remained within the executive’s power to continue the program without warrants if they so desired.

In 2007, the trial court ruling was reviewed by the United States Court of Appeals for the Sixth Circuit, who overturned it on the basis that the ACLU and other plaintiffs did not have legal standing to sue because they could not say with certainty that they were surveilled as a result of the program. In 2008 the Supreme Court denied the request to review the decision without comment.

Boumediene v. Bush (2008)

Congress responded to the Court’s decision in Hamdan by passing the Military Commissions Act of 2006, which re-established the military commissions President Bush had created—and kept most of the features the Court held in Hamdan had violated military and international law. The law also barred foreign nationals labeled as “enemy combatants” from challenging their detention in the Article III courts. Lakhdar Boumediene, a Guantanamo Bay detainee, challenged the law, claiming that it unconstitutionally suspended the writ of habeas corpus in violation of Article I, Section 9 of the Constitution.

In a 5-4 decision authored by Justice Anthony Kennedy, the Court agreed. It first held that the Guantanamo Bay detainees had a constitutional right to the writ of habeas corpus—extending Rasul, which had addressed only the statutory question (and the Military Commissions Act had since withdrawn that statutory jurisdiction). The Court then held that the military commissions created by the Act were not an adequate substitute for habeas corpus, and therefore violated the Suspension Clause.

The Torture Memos and Enhanced Interrogation Techniques

In 2002, a series of memoranda were authored by the Department of Justice’s Office of Legal Counsel outlining methods for keeping U.S. officials from being charged with war crimes and also providing rationales for different enhanced interrogation techniques to be used on prisoners from the War in Afghanistan. Many saw the phrase “enhanced interrogation techniques” as a euphemism used to circumvent the use of the word torture and to distance the U.S. government’s actions from those proscribed by the Eighth Amendment and the Geneva Conventions.

Although no one was ever prosecuted as a result of the use of these techniques, many of the techniques, most prominently waterboarding, would face intense scrutiny from both government officials and the public. In 2009, President Barack Obama issued an executive order prohibiting the use of waterboarding and several other enhanced interrogation techniques.

Authorization for Use of Military Force Against Terrorists (2001 – Present)

This act was passed by Congress three days after the 9/11 attacks and allowed “the President to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States.” The act was a broad grant of war-making power given to the president by Congress and has no expiration date. By 2017 it had been invoked over 30 times to justify U.S. troop deployments in over 10 countries.

In 2016 President Obama pointed to the AUMF as authorization allowing him to use military force against ISIS in Syria and Iraq without additional congressional authorization. In July 2019, after the Trump administration briefed Congress on possible ties between al-Qaeda and Iran, many questioned whether or not the act could be used to authorize war against Iran 18 years after the 9/11 attacks.

The act also allowed the executive branch to label prisoners captured during these conflicts as “enemy combatants” – a status that would set the stage for the executive and judicial branch conflicts seen in the Guantanamo Bay detainee cases.

Recently, there have been ongoing debates and bills introduced in Congress from a bipartisan group of legislators over repealing or updating the AUMF.

Moath Hamza Ahmed al Alwi (2019)

On June 10, 2019, the Supreme Court decided not to hear an appeal by Moath Hamza Ahmed al Alwi, a Guantanamo Bay detainee who was captured by the U.S. military in 2001. Al-Awi argued that the 2001 AUMF could no longer serve as the basis for his detention eighteen years after his capture in a conflict that had now ended.

Justice Stephen Breyer wrote in a statement denying the appeal that he would be open to future constitutional challenges to indefinite detainment: “Al-Alwi faces the real prospect that he will spend the rest of his life in detention based on his status as an enemy combatant a generation ago, even though today’s conflict may differ substantially from the one Congress anticipated when it passed the AUMF, as well as those ‘conflicts that informed the development of the law of war.’”

Al-Aulaqi v. Panetta (2014)

Al-Alaqui v. Panetta was a lawsuit filed in 2012 challenging the targeted drone killings by the United States of three U.S. citizens in Yemen. Although the U.S. government has carried out targeted killings of suspected terrorists overseas since 2002, the Al-Aulaqui case was significant because it was likely the first time that a U.S. citizen was purposefully targeted and killed by U.S. forces outside U.S. borders, without an indictment, a trial, or due process.

Anwar Al-Aulaqi was an American-born Muslim cleric with dual U.S.-Yemeni citizenship. He was a member of al Qaeda in the Arabian Peninsula (AQAP) and was in hiding in Yemen. The U.S. Treasury Department had designated him a “global terrorist” in 2010, and after reports were published that Al-Aulaqi had been placed on a government “kill list,” the Center for Constitutional Rights and the ACLU filed a lawsuit on behalf of his father, Nasser Al-Aulaqi, challenging the government’s authorization for his son’s killing. A U.S. district court dismissed the case, ruling that the father—a Yemeni national—did not have standing and that the case was a political question which Congress and the President, and not courts, should decide.

In September 2011, U.S. drone strikes in Yemen killed Al-Aulaqi and another American, Samir Khan, as well as several others; a drone strike two weeks later at a restaurant in Yemen killed Al-Aulaqi’s 16-year-old son, Abdulrahman. The CCR and the ACLU filed another case charging that these killings violated the rights of the Americans killed in the attacks under the Fourth and Fifth Amendments. Though the court did find this case was justiciable, it held that there was no Fourth Amendment violation, and even if there were a plausible Fifth Amendment claim, there was no remedy under U.S. law available—the government had determined Al-Aulaqi was a threat to U.S. national security and the court would not challenge that assessment. Therefore, the case was dismissed, and it was not appealed.

Target drone strike killings as part of American counter-terrorism operations continue to this day, and they remain open constitutional questions.

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Piracy

Increase In Pirate Attacks In Esa'ala (Post-Courier) By Jerome Ikuavi
September 4, 2019

The peaceful coastline and islands of Esa'ala in Milne Bay Province into Alotau has been faced with increasing incidences of sea piracy as locals have become victims of hold-ups out at sea. Bwaioa community leader and village elder Rex Maro told this paper that with the recent incident on August 19, sea pirates had threatened two dinghies with gun shots as the passengers fled while the boat engines were taken by the thieves.

“A boat that was travelling from Sawaedi to Salamo and into Alotau was attacked as the skipper turned into the Sela Bay where all passengers and the skipper took refuge in the near bushes while the thieves attended to the empty boat taking the engine and the passengers belongings,” he said.

Mr Maro said there was another incident when a passenger boat was attacked at sea forcing passengers to jump overboard fearing their lives as the thieves took the engine and belongings leaving the passengers stranded and were later rescued by another boat.

“This has been ongoing and the local coastal people have been victimised by these pirates, however, nothing has been done by the authority,” Mr Maro said. He said the locals have been in fear to travel by sea on boats due to the continuing boat robberies while the provincial government and the government have been silent on the issue. “I am raising my concern for this ongoing matter to be addressed by the immediate authority and the leaders of the province,” he said.

Navy launches operation to combat sea pirates, others (The Punch)
September 4, 2019

The Nigerian Navy, Eastern Naval Command, has commenced an intensive maritime security operation code named: Yangha Mi, to tackle sea piracy, kidnapping and crude oil theft in Rivers, Cross River and Akwa Ibom states.

The operation, according to the Flag Officer Commanding, Eastern Naval Command, Rear Admiral David Adeniran, will cover the Eastern and Central Naval Commands between September 3 and 6, 2019.

Some communities in the coastal areas had raised the alarm over the increase in sea piracy and other crimes in their domain.

Adeniran noted that 14 ships, 46 riverside boats and aircraft would carry out intensive patrols on the waterways with the aim of improving security in the maritime sector and curbing criminal activities on the waterways.

He said, “This sea exercise, Yangha Mi, which means rescue me in Ibibio language, is one of the command’s numerous operational engagements aimed at ensuring maritime safety and security in the Nigerian maritime environment.

“This exercise will be conducted in the entire Eastern Naval Command area of responsibility and some parts of the Central Naval Command area of responsibility from September 3 to 6, 2019.”

The FOC stressed that the Operation Yangha Mi would consolidate the gains of similar operations of the command in accosting and seizing vessels used for crude oil theft and drugs trafficking.

He added that the navy was partnering sister security agencies in efforts to reduce criminality to a tolerable level on the waterways.

Adeniran added, “This operation will consolidate other operations in decreasing the incidents of sea robbery, kidnapping, crude oil theft and vandalism.

“The job of securing Nigeria is not for one agency alone; so, we are partnering sister agencies to ensure the successful fight against criminals. We have nothing less than 14 platforms that will be involved in this exercise. “Besides, the 46 boats that will also be involved, everyone, including those that are not physically here, are working in different capacities in this operation.”

Peace returns to Akwa Ibom creeks as ex-militants, police pursue pirates (The Sun) By Joe Effiong

September 9, 2019

Fishermen in Akwa Ibom have commended the combined efforts of the ex-militants and a team of amphibious mobile police squad from the office of the Inspector-General of Police, who have worked together to reduce frequent attacks by sea pirates.

The chairman of Mbo Indigenous Fishers Association, Mr Offong Etekkamba, told journalists at Rnwang, Mbo LGA of the state, that there was remarkable peace in the sea within the past two weeks since the amphibious police and some ex-militant leaders took over the surveillance of the waterways.

Mr Etekkamba, however, appealed to the state government as a matter of necessity, to maintain the current security measures instituted by the state Ministry of Agriculture and Women Development, which contracted Creek & Estuary Limited to partner the state government in the security of the maritime industry.

He commended the Commissioner for Agriculture and Women Development, Mrs Gloria Edet, for the intervention and maintained that with the involvement of ex-militants in the security of the waterways, sea pirates would find it difficult to operate in the state. Collaborating the opinion of the fishermen, the chairman, ex-militants leaders forum, "General" Kingsley Umoh Bassey, aka 007, said that those who operate in Akwa Ibom waterways as sea pirates were from other states of the Niger Delta region who find it difficult to operate in their state of origin because of the involvement of ex-militants in the surveillance of the water ways.

He also appealed to the state government to utilise the benefits of the Federal government amnesty programme by fully involving ex-militants who were familiar with the creeks in the security operations of the maritime industry in synergy with conversational security agencies.

On his part, the CEO of Creek & Estuary Limited, Effiong Okon Etim, said that the water ways was now safe for fishermen as the involvement of ex-militants in surveillance would put a permanent stop to the rampant criminality of sea pirates in the state.

Etim thanked the people of the coastal area of the State for their support in the course of the duty of the combined team of the amphibious police force and ex-militants leaders and averred that henceforth, sea piracy would be a thing of the past if the state government would continue in its resolve to rid the waterways of criminality.

Piracy problem is a threat to Nigeria's maritime economy (Lloyd's List) By Linton Nightingale
September 11, 2019

Nigeria would welcome a naval coalition in the Gulf of Guinea as part of efforts to stem the piracy tide, says Dr Dakuka Peterside, director general of the Nigeria Maritime Administration and Safety Agency.

The heightened risk of piracy attacks in the Gulf of Guinea is putting progress in Nigeria's shipping sector on hold, with would-be investors deterred due to the heightened security issue.

Dr Dakuka Peterside, director-general of the Nigeria Maritime Administration and Safety Agency, which is responsible for overseeing security under its scope of activities in the country's coastal waters, said the "negative impact" of hijackings and kidnappings was stunting shipping's development.

The only way that Nigeria could turn around its fortunes would be to change perceptions, a task easier said than done, he said at the West Africa Shipping Summit held as part of London International Shipping Week.

"We need to fix things. That's the ultimate way to change perception about Nigeria and what's going on in the Gulf of Guinea," Mr Peterside told Lloyd's List.

He had said in June that the piracy issue in the region would be eradicated in a matter of months.

Three months on and the upcoming piracy incident report published by industry watchdog for the third quarter of 2019 is likely to reveal more damning statistics of attacks in the Gulf of Guinea and Nigeria.

According to the International Maritime Bureau, around 73% of global kidnappings and 92% of global hostages are attributed to the region.

In 2018, Nigeria witnessed 48 actual and attempted piracy attacks, up from 33 the previous year. In its latest report, the bureau ranked Nigeria again as the highest country for reported incidents, with about 21 attacks out of 77 reported globally.

Dr Peterside said that “one act of piracy or maritime crime is bad enough”, though he is adamant that the country is on the right track as it looks to tackle the issue “head-on”.

“We have a plan. And that plan is now proceeding at a pace,” he said.

Crucial to the plan being implemented by the country’s maritime authority is the training of specialised personnel, which he admitted takes time. Meanwhile, assets including aircraft, helicopters and vessels to join the fight are still in the process of being acquired.

Once deployed, though, he believes that these will act as a deterrent and help to disincentivise pirates from continuing with attacks and illegal activity in the Gulf of Guinea.

“If you know you are likely to be caught and face the consequences the of the law, you know it will not be nice at all,” said Dr Peterside.

Following two major incidents in the Gulf of Guinea last month, which included the kidnapping of 17 seafarers off Cameroon and an attack on a liquefied petroleum gas carrier off Nigeria within a matter of days, BIMCO chief executive Jakob Larsen said Nigeria should embrace international naval co-operation to curb piracy in the region.

Dr Peterside said that Nigeria was open to the idea of a naval coalition in the Gulf of Guinea. “We are welcome to all options to tackling piracy in the Gulf of Guinea, as it is a matter that deserves priority and attention, and so any sort of partnership will not be ignored.”

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WORTH READING

Legal Definition of Torture in an International Context, & States’ Obligations under the United Nations Convention Against Torture

Mohammad Al Moghabat

Institute for European Studies

July 1, 2019

The prohibition of torture is considered as a general principle of international law; States are obliged to respect this right and prevent infringing it. Throughout this paper, the concept of torture in an international context will be highlighted, stressing the main branches and instruments of international law that deals with torture, to at the end conclude a common definition.

In the Introduction, a brief history of torture with different definitions and how it changed from being ordered by courts to being subject to an absolute prohibition will be provided.

In Chapter 2, the concept of torture as a jus cogens will be outlined, going through the absolute non-derogable right of not being subject to torture; under human rights instruments such as the UDHR and the ICCPR. In addition, presenting torture under International Humanitarian Law, specifically under the Geneva Conventions and their Additional Protocols as a war crime. While also discussing the crime of torture under international criminal law as a crime against humanity and how the case law of the Nuremberg Trials, ICTY, and the ICTR contributed in shaping the legal framework of the prohibition.

Chapter 3 will be dedicated to the United Nations Convention Against Torture as it is the specialized convention on torture. A thorough discussion will be presented on Article 1 that outlines the elements of the crime of torture and Article 2, that serves as the “Umbrella Clause” to the obligations of State parties of the Convention, in addition to setting the absolute non-derogable prohibition of torture.

Chapter 4 will present the conclusions of this paper, and how the concept of torture differs under the UNCAT from other branches of international law. To at the end, present a concluded definition of torture that avoids ambiguity and arguments that try to derogate from this right.

Going through these subjects, landmark judgments from international tribunals that helped ensuring the right not to be subject to torture will be highlighted, in addition to other international legal instruments. The travaux preparatoires of the UNCAT is very important to go through, it will help the reader stand at the position the drafters wanted from the Convention, and to avoid any misinterpretation of its provisions. Next to going through the General Comments issued by UN specialized bodies on relevant provisions when available, case law, and literature of specialized scholars in the field.

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War Crimes Prosecution Watch is prepared by the International Justice Practice of the **Public International Law & Policy Group** and the **Frederick K. Cox International Law Center** of **Case Western Reserve University School of Law** and is made possible by grants from the **Carnegie Corporation of New York** and the **Open Society Institute**.

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