



SCHOOL OF LAW
CASE WESTERN RESERVE
UNIVERSITY

War Crimes Prosecution
Watch

PILPG
A Global Pro Bono Law Firm

FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

Volume 14 - Issue 18
October 14, 2019

Editor-in-Chief
Alexandra Hassan

Technical Editor-in-Chief
Kurt Harris

Managing Editors
Gloria Neilson
Mary Preston

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

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

Contents

AFRICA

NORTH AFRICA

Libya

- **Doctor killed, two medics injured in airstrikes on field hospital (The Libya Observer)**

CENTRAL AFRICA

Sudan & South Sudan

- **War Crimes Victims Accuse French Bank of Complicity in Sudan Regime Abuses (Voice of America)**

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

- **Gbago Lawyer Asks ICC to Free Ivory Coast Ex-Leader (Eyewitness News)**

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

- **UN Kicks as Boko Haram Kills Another Aid Worker (This Day)**
- **SA had no jurisdiction to try me for bombings, says convicted Nigerian terrorist Henry Okah (City Press)**

Mali

- **UN Court Will Hold Trial for Timbuktu War-Crimes Suspect (Courthouse News)**
- **Statement attributable to the Spokesman for the Secretary-General on Mali (Africa News)**

Liberia

- **Liberia: Pres. Weah Casts Uncertainty over His Support for Establishment of War Crimes Court (Front Page Africa)**
- **Liberia: Despite President Weah's Ambivalence, War Crimes Court Almost a Done Deal (Front Page Africa)**
- **War Crimes Court Establishment Suffers Setback (Liberian Daily Observer)**

EAST AFRICA

Kenya

- **Kenyan Police on High Alert Over Potential Terrorist Attacks Around Mombasa (Newsweek)**
- **Kenya says it kills three militants planning attacks in Mombasa (Reuters)**

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- **Bosnian Serb Ex-Soldier Faces Trial for Attacks on Villages (Balkan Transitional Justice)**
- **Bosnian Serb Ex-Fighter Appeals Murder, Rape Conviction (Balkan Transitional Justice)**
- **Bosnian Serb Ex-Soldier Appeals Conviction for Killing Family (Balkan Transitional Justice)**
- **Bosnian Prosecution Criticised over War Crimes Indictments (Balkan Transitional Justice)**

International Criminal Tribunal for the Former Yugoslavia

Domestic Prosecutions In The Former Yugoslavia

Turkey

- **Turkey launches anti-terror operation in country's Northeast (Hurriyet Daily News)**
- **Turkey announces northern Syria invasion of ground forces; multiple civilians reported dead (Fox News)**

MIDDLE-EAST

Iraq

- **More Than 100 Killed And Thousands Injured In Anti-Government Protests In Iraq (NPR)**
- **USAID announces new funding for northern Iraq genocide victims, bringing total above \$400M since 2017 (Washington Examiner)**
- **Militias' ongoing harassment of Christians in Iraq, Syria focus of hearing (Angel US News)**
- **Iraq's removal of counterterrorism chief sparks controversy (Military Times)**

Syria

- **Mounting Syrian War Crime Cases Raise Hopes For Justice Against A Brutal Regime (NPR)**
- **Why Are Syrian War Crimes Being Prosecuted In Germany? (NPR)**
- **US accuses Syria of chemical weapons attack, vowing to not let it go 'unchallenged' (ABC News)**
- **Foreign Isis fighters in Syria 'should face war crimes tribunal' (The Guardian)**
- **Northeast Syria: Boys, Men Held in Inhumane Conditions (Human Rights Watch)**

Yemen

- **Yemen: US-made bomb used in deadly air strike on civilians (Amnesty International)**
- **UN rights council renews Yemen war crimes probe despite Saudi, Yemeni objections (France24)**
- **'Now it's just ghosts': Yemenis living under the shadow of death by airstrike (The Guardian)**
- **Yemeni officials say explosive device has killed 4 children (Star Tribune)**

Special Tribunal for Lebanon

Israel & Palestine

- **Palestinian hunger striker details 'physical and psychological' torture in Israeli prison (Mondoweiss)**
- **Arabs in Israel strike to protest deadly crime wave (PBS)**
- **Israel/ OPT: Legally-sanctioned torture of Palestinian detainee left him in critical condition (Amnesty International)**

Gulf Region

- **Saudi Arabia: Provide Justice for Khashoggi Killing (Human Rights Watch)**
- **Petition to investigate Saudi crown prince for crimes against humanity sent to ICC (CNN)**
- **America is likely complicit in war crimes in Yemen. It's time to hold the US to account (The Guardian)**

ASIA

Afghanistan

- **Counting the Dead Through the Fog of War in Afghanistan (Counter Punch)**

Extraordinary Chambers in the Courts of Cambodia

- **ECCC: New International Co-Prosecutor Appointed (AKP)**

Bangladesh International Crimes Tribunal

- **Convicted war criminal Sattar dies at DMCH (Dhaka Tribune)**

War Crimes Investigations in Myanmar

- **The dangers of playing neutral in Myanmar's armed conflicts (Frontier Myanmar)**
- **26 Murders in Rakhine Still Unsolved; Myanmar Military and AA Trade Blame (The Irrawaddy)**

AMERICAS

North & Central America

- **U.S. Weapons, Saudi Airstrikes, Yemeni Deaths: What a U.N. Report on War Crimes in Yemen Means for U.S.-Saudi Weapon Sales (Frontline)**
- **America is likely complicit in war crimes in Yemen. It's time to hold the US to account (The Guardian)**
- **The US withdrawal from northern Syria creates the perfect climate for war crimes (The Guardian)**

South America

- **Colombia makes sex trafficking arrests along desert border with Venezuela (Thomson Reuters Foundation News)**
- **Colombia's Peace Agreement Is Succeeding (Wall Street Journal)**
- **The Colombian city forgotten by peace (The New Humanitarian)**
- **Leader of Colombia's Los Pelusos crime gang killed, president says (Reuters)**

TOPICS

Truth and Reconciliation Commission

- **Senator Prince Johnson Supports President Weah's Decision to Seek Legislature's Advice on War Crimes Court (Front Page Africa)**
- **Native American 2020 candidate aims to raise awareness of indigenous peoples (The Guardian)**
- **Canada reveals names of 2,800 victims of residential schools (BBC News)**
- **Liberia: CDC Lawmakers Boycott Resolution (All Africa)**
- **War Crimes Court Establishment Suffers Setback (Liberian Daily Observer)**
- **The Establishment of the War Crimes Court Establishment in Liberia: Managing Fears and Expectations (Front Page Africa)**

Terrorism

- **A Balance Sheet On America's "War On Terror" In The Middle East (Lobe Log)**
- **FM Zarif Slams US Economic Terror as War Crime (Iran Front Page)**
- **Sri Lankan War Criminal Gotabaya Rajapaksa May Escape Accountability Yet Again, This Time by Running for President (Just Security)**

Piracy

- **Nigeria, Others Lose \$2bn to Pirates' Attacks Annually, Says Naval Chief (allAfrica)**
- **Mexican pirates posing greater risk in Gulf of Mexico to oil workers, tourists (Fox News)**
- **High Court: "Pirate Attack" was Attempted Fraud (The Maritime Executive)**

WORTH READING

- **State Acquiescence or Connivance in the Wrongful Conduct of Third Parties in the Jurisprudence of the European Court of Human Rights: Marko Milanovic**

AFRICA

NORTH AFRICA

Libya

Doctor killed, two medics injured in airstrikes on field hospital (The Libya Observer) By Safa Alharathy
October 8, 2019

The Field Medicine and Support Centre has announced the death of a doctor and the injury of two paramedics in pro-Haftar foreign airstrikes south of Tripoli on Monday.

The centre confirmed on its Facebook page that Dr Samer Al-Sibai was killed and a paramedic wounded in Al-Tuwaishah town.

It added that another paramedic was wounded in Zahra town.

[[back to contents](#)]

CENTRAL AFRICA

Sudan & South Sudan

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

War Crimes Victims Accuse French Bank of Complicity in Sudan Regime Abuses (Voice of America)
By Lisa Bryant
September 26, 2019

Sudanese victims of war crimes Thursday filed a criminal complaint against French bank BNP Parisbas for alleged complicity in human rights abuses committed by Sudan's regime.

BNP Parisbas has been targeted before over its dealings with Sudan. In 2015, a U.S. judge sentenced the bank to five years of probation and fined it nearly \$9 billion after it pleaded guilty to violating United States sanctions against not only Sudan, but also Iran and Cuba.

This case is different: Rights activists say it's the first effort to hold the bank criminally responsible for alleged complicity in crimes against humanity, genocide and torture in Sudan between 2002-2008. It says BNP was essentially acting as the de-facto central bank for the regime of former president Omar al-Bashir during that period, by allowing it access to financial markets.

"These crimes do not occur in a vacuum and no funds," said Cynthia Tai, executive director of U.S.-based nonprofit Project Expedite Justice, one of the rights groups supporting the Sudanese victims in the case.

"They occur because people can buy weapons, they can buy trucks and because people can buy the tools they need to commit these grave violations," she added.

ICC warrants issued

The International Criminal Court issued arrest warrants against Bashir on war crimes and genocide charges in Sudan's Darfur region but has been unable to prosecute him in The Hague. The ousted leader is on trial in his home country on corruption charges.

"We can take them to court, and I think that will be a first step," said Abdalhaleim Hassan, one of the Sudanese filing the complaint. He says the government-backed Janjaweed militia attacked his village in Darfur numerous times, killing people including relatives. Later, as a student rights activist, he says he was imprisoned and tortured. He now lives in the United States.

"My journey to the justice will be long. Not only the bank, but to bring the real criminals to the court," he said.

BNP could not be reached for comment Thursday afternoon. But a spokesperson told the AFP news agency that it was not aware a criminal probe had been opened and did not comment on judicial processes.

Lafarge cement manufacturer

This is not the first effort to hold French businesses responsible for rights abuses committed overseas. Authorities here are looking into whether Lafarge cement manufacturer paid the Islamic State group to keep its factories running in areas it controlled in Syria.

Anjali Sualy is a lawyer for the Paris-based International Federation for Human Rights, which is also supporting the Sudanese victims.

"We hope that by taking the step that we have today, we've put these companies on notice that they need to be aware that these types of business deals are risky," Sualy said. French investigating magistrates must now determine whether the Sudanese complaint is admissible and whether to open an investigation.

[back to contents]

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Gbagbo Lawyer Asks ICC to Free Ivory Coast Ex-Leader (Eyewitness News)
October 8, 2019

The lawyer for former Ivory Coast president Laurent Gbagbo has asked the International Criminal Court to "immediately and unconditionally" release him after his acquittal over post-electoral violence that killed around 3,000 people.

Gbagbo, the first head of state to stand trial in The Hague, and his deputy Charles Ble Goude were both cleared of crimes against humanity in January and released under conditions the following month.

The ICC's chief prosecutor has appealed the ruling alleging "legal and procedural errors".

Belgium agreed to host Gbagbo, 73, after he was released in February under conditions including that he would return to court for any prosecution appeal against his acquittal.

Ble Goude is living in the Netherlands under similar conditions.

Gbagbo's lawyer Emmanuel Altit sent a 22-page letter to the ICC asking it to "immediately and unconditionally free Gbagbo ... and to say that he is free to go wherever he wishes, for example his own country", adding that he should be able to contest next year's presidential election.

"Laurent Gbagbo could in effect, at the demand of political players in the country, be allowed to participate in the campaign ... or even be a candidate," said the letter, seen by AFP on Tuesday.

"Restrictions on his freedom could ... prevent him from playing a role in the public life of his country and in reconciliation."

Gbagbo faced charges on four counts of crimes against humanity over the 2010-2011 bloodshed which following a disputed vote in the West African nation.

Prosecutors said Gbagbo clung to power "by all means" after he was narrowly defeated by his bitter rival - now president - Alassane Ouattara in elections in the world's largest cocoa producer.

He and Ble Goude were tried over responsibility for murder, attempted murder, rape, persecution and "other inhumane acts" during five months of violence, both pleading not guilty.

However, judges dismissed the charges, saying that the prosecution "failed to satisfy the burden of proof to the requisite standard."

Against the backdrop of the Gbagbo controversy, Ivory Coast's opposition are trying to mark out common ground ahead of next year's presidential poll in which Ouattara, 77, has yet to confirm he is standing.

[back to contents]

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

UN Kicks as Boko Haram Kills Another Aid Worker (This Day) By Michael Olugbode
September 26, 2019

The United Nations has condemned the killing of one of the six workers held in captivity by the terrorist group, Boko Haram.

The insurgents had Wednesday uploaded a video online showing how the humanitarian worker was beheaded, two months after six workers of Action Against Hunger (AAH), an international humanitarian organisation, were abducted.

Ahmad Salkida, a journalist well known for his link with the group, had equally through his verified Twitter handle, said the aid worker, a male was executed at a close range.

Salkida said that he saw the video of the execution.

Salkida added that the Islamic State of West Africa Province (ISWAP), said it took the action because "the government deceived them," following months of secret negotiations between a team of intermediaries and unnamed officials.

"#ISWAP has executed one of the six aid workers, working with the Action Against Hunger that was abducted two months ago in Borno," Salkida tweeted

"One of the male aid workers was executed at close range in a short video clip seen by this reporter.

"The group said it took the action because 'the government deceived them,' following months of what is now known as secret negotiations between a team of intermediaries and unnamed officials".

The execution of the worker, is coming against the backdrop of allegation by the military that AAH was conducting illicit affairs supporting the terrorist group.

The UN condemnation of the killing was made by the United Nations Humanitarian Coordinator in Nigeria, Mr. Edward Kallon, who said: "I am appalled and deeply saddened by the news of the horrific execution of an aid worker this morning. My most heartfelt condolences go to his family, friends and colleagues.

"The United Nations calls on authorities to ensure the perpetrators are brought to justice. The United Nations also calls for the immediate release of all aid workers who are still in captivity.

“I am also extremely concerned about the increasingly dangerous and restrictive operating environment for implementing humanitarian assistance in crisis-affected areas, where humanitarian aid workers continue to face challenges as they strive to deliver urgent, life-saving assistance.

“I renew the call for all parties to the conflict to ensure the protection of aid workers and to respect international humanitarian law according to the humanitarian principles of humanity, neutrality, independence and impartiality.

He noted that the humanitarian community in Nigeria is working in line with the 2019-2021 Humanitarian Response Strategy, jointly agreed with the Government of Nigeria, to provide life-saving assistance to 6.2 million of the most vulnerable people in Borno, Adamawa and Yobe states.

SA had no jurisdiction to try me for bombings, says convicted Nigerian terrorist Henry Okah (City Press) By Sizwe sama Yende
October 8, 2019

Convicted Nigerian terrorist Henry Okah (54) is launching a court application seeking to declare that South Africa had no jurisdiction to try him for bombings in the strife-torn Niger Delta region.

The Johannesburg High Court convicted and handed Okah a 24-year sentence in March 2013 for bombings that killed 12 people and injured 36 in Nigeria.

Okah was convicted on 13 counts of terrorism, including engaging in terrorist activities, conspiracy to engage in terrorist activities, and delivering, placing and detonating an explosive device, relating to two car bombs detonated in Abuja, Nigeria, on October 1 2010, the anniversary of the country's independence.

He is the de facto leader of the Movement for the Emancipation of the Niger Delta (Mend).

Mend, formed in 2006, has claimed responsibility for attacks on oil companies operating in the petroleum-rich Niger Delta through sabotage, guerrilla warfare and kidnapping of foreign oil workers.

According to Okah's court papers, his trial should have been conducted in the International Criminal Court (ICC) and he should have been charged under international humanitarian law.

He has applied for a declaratory order.

Okah was charged and convicted under the Protection of Constitutional Democracy Act but he argues that the ICC is the only institution suited to intervene between a rebel and a country.

His lawyer, Idemudia Uriesi, said that when his client's trial began, South Africa had already adopted the UN Conventions on Terrorism.

Although Okah's previous appeal attempts to overturn his convictions failed in the Supreme Court of Appeal and the Constitutional Court, Uriesi said he was confident that this time the application for a declaratory order would be successful.

“Something in the Concourt judgment caught our attention that he could have been appropriately charged under the international humanitarian law ... he is saying ‘I should be tried by the ICC because I'm fighting the Nigerian government, South Africa has no jurisdiction over this matter,’ Uriesi said.

He said under international humanitarian law a person who is arrested had to be charged before a military tribunal with competence in warfare to determine first if the acts he committed were terrorist in nature and then determine liability.

“The South African courts assumed from the beginning that those were the acts of a terrorist but there was no process undertaken to determine such through a competent tribunal.

“He was tried in terms of the wrong law and should have been tried on Geneva Convention Acts,” said Uriesi.

In his affidavit, Okah said that his prosecution under the Protection of Constitutional Democracy Act effectively stripped him of his rights, including judicial rights due to him under the Geneva conventions, while it afforded Nigerian soldiers immunity from prosecution.

“It is submitted that the preparatory needs in legal defence of persons accused of committing crimes in conflicts are peculiar, which necessitates prosecutions and trials under appropriate statutes. Section 12 of the Geneva Convention Act prescribes the detention by the SA National Defence Force with respect for their rights, of prisoners of war,” Okah said.

“The Correctional Services Act No 111 of 1998 does not recognise the rights of a prisoner of war and my imprisonment under inhuman conditions in South African prisons severely and adversely affected my defence and ensuing appeals processes,” he added.

Okah said that he had intended to call former presidents Jacob Zuma and Goodluck Jonathan of Nigeria as “hostile witnesses”, but was told by the court that the duo could not be compelled to appear in a South African court under existing laws.

Okah explained that he intended to subpoena Zuma because he was made aware that he allegedly interfered with the judicial process by intimidating magistrates into signing search and arrest warrants without prima facie evidence of wrongdoing on his part.

“The interference of Zuma, I learnt, had been brought about partly due to pressure from the MTN group as was reported by Nigerian media had faced threats of the nationalisation of the assets by the government of Nigeria, and on the other hand bribes paid to Zuma and his associates; which bribes were said to include cash and oil wells in Nigeria,” reads Okah’s affidavit.

Regarding Jonathan, Okah said that after the October 1 2010 bombings, the former president had told Nigerians that he was aware of the identity of the perpetrators and had exonerated him.

“Article 27(2) of the ICC Act expressly allows for presidents and other government officials to be compelled to appear before a hearing under the ICC statute. It is my submission that had I secured the appearance in court of these two witnesses, the outcome of my trial would most certainly have been different, and this was only possible had I been tried under the ICC Act,” he added.

A date for the case has not been set.

[back to contents]

Mali

UN Court Will Hold Trial for Timbuktu War-Crimes Suspect (Courthouse News) By Molly Quell
October 1, 2019

The International Criminal Court said Tuesday it will move forward with a trial against an accused Islamic militant charged with committing war crimes in the ancient Malian city of Timbuktu.

The ICC, a United Nations court, said in a statement that its panel of judges unanimously found “there are substantial grounds” to believe that Al Hassan Ag Abdoul Aziz is responsible for crimes against humanity and war crimes, including torture, rape, and sexual slavery.

The Hague-based court was established by the Rome Statute in 2002 to prosecute genocide and crimes against humanity globally.

Al Hassan is charged with being the enforcer of a separatist Muslim group that banned music, forced women to wear headscarves and destroyed non-Muslim religious sites in the western African country of Mali. Large parts of the country fell to Islamic separatist groups in 2012 following a coup.

As the alleged de facto leader of Timbuktu’s police force, prosecutors say Al Hassan is responsible for the torture, rape and slavery of citizens in the city between April 2012 and January 2013.

During hearings in July to determine if there was enough evidence to bring charges, prosecutors claimed Al Hassan was a senior member of Ansar Dine, an Islamic extremist group with links to al-Qaeda. He is one of the first people to be brought before the global court on gender-related charges.

“The targeting and persecution of women was such that it became emblematic of the physical and moral violence inflicted on all residents of Timbuktu,” ICC Prosecutor Fatou Bensouda said in her opening statements.

Another man, Ahmad al-Faqi al-Mahdi, has also been prosecuted in relation to crimes in Mali. He was sentenced by the ICC to nine years in prison in 2016 for destroying religious monuments.

Al Hassan's defense argued that the trial was really against the system of Islamic law and lead counselor Melinda Taylor asked the court to "release this sardine back into the sea," implying that her client was too minor of a player to be prosecuted.

The three-judge panel disagreed, though the full decision is confidential and a redacted version is not yet available.

Dates for the trial have not yet been scheduled.

Statement attributable to the Spokesman for the Secretary-General on Mali (Africa News)
October 7, 2019

The Secretary-General strongly condemns the attacks against the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) this morning. A Mission convoy hit an improvised explosive device in Aguelhok, Kidal region. One peacekeeper from Chad was killed and three others were seriously wounded.

In a separate incident earlier, a MINUSMA temporary operating base in Bandiagara, Mopti region, was attacked by unidentified assailants. One peacekeeper from Togo was seriously wounded.

The Secretary-General expresses his deep condolences to the family of the deceased peacekeeper, as well as the Government and people of Chad. He wishes a speedy recovery to those injured.

[back to contents]

Liberia

Liberia: Pres. Weah Casts Uncertainty over His Support for Establishment of War Crimes Court (Front Page Africa) By Willie T. Tokpah
October 2, 2019

President George Mannah Weah has again cast uncertainty over his support for the establishment of war and economic crimes court in the country, stating that his government has never called for the courts.

President Weah told scores of citizens who had gathered at the Roberts International Airport on Tuesday, October 1 to welcome him back from the United Nations General Assembly that instead of his government focusing on the establishment of war and economic crimes court, he's more concerned about finding a way to fix the already crumbling economy.

"Since we came to power, I have never one day called for the War Crimes Court. You the journalists called for War Crimes Court, Liberians are calling for war crimes court, both the victims and perpetrators are calling for war crimes court," said President Weah.

President Weah had earlier told world leaders at UNGA that his government is a "listening administration" and will pay keen attention to its people as it relates the prosecution of people accused of committing war crimes and crimes against humanity.

He said at UNGA: "What I have discerned from their cries is that it is important to bring closure to the wounds from the 14 years of Liberia's brutal civil war, and that we need to agree on a mechanism that would guarantee the sustenance of peace, stability, justice, and reconciliation, as well as enhance our prospects for economic recovery."

In his address, President Weah also expressed concern about the incessant pressure piling on his administration for the establishment of War and Economic Crimes Court as compared to his predecessor, Ellen Johnson-Sirleaf.

Now, his comments upon arrival at the RIA seem to be in sharp contrast with the growing public perception that his administration is now poised to support the establishment of the Special Courts.

The Liberian leader had earlier written the Legislature before making his trip to the UN, calling on the body to advise him on

the process of establishing the war and economic crimes courts.

Wrote President Weah to the Legislature: “As President of the Republic of Liberia, I am committed to a holistic implementation of the National Consensus (recommendations of the dialogue) and do hereby call on the National Legislature to advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC report, including the establishment of war and economic crime courts.”

Now, the Liberian leader seems to have on his support for the courts, arguing that Liberians should be more concerned about fixing economic problems than pressurizing his leadership for a situation that was created by others.

Said Weah: “You calling for war crimes court, and I said why this time when we have economic issues and trying to develop our country. Why should we focus on the war crimes court now, when we did not focus on it 12 years ago? Those people who were part of the entire process of what happened to us lead for 12 years, so why now, is that what you want?”

The August 2003 Accra Comprehensive Peace Agreement called for the establishment of the Truth and Reconciliation Commission, which later called for the establishment of the courts to prosecute individuals who bear the greatest responsibility of atrocities committed during the civil war.

It is now two years into Mr. Weah’s term since he was elected in 2017, and the backers of the courts are arguing that he’s the right person to implement the TRC report because he played no part in the civil hostilities.

He told world leaders at the UN that he has already begun consultations with the Legislature and will have a broader engagement with the Liberia Judicial System, strategic international partners and organizations to determine pertinent issues such as legal framework, timing, venue, and funding for the establishment of the courts.

But Weah during an interview with journalists at the RIA on Tuesday, October 1 – which was also his birthday – said his comment at the UN did not suggest that his leadership is in support of establishing a War and Economic Crimes Court, but wants the National Legislature to deal with the matters.

“What I did, is to explain to them, why now? If you don’t understand my English, you have to go back to my speech to better understand,” President Weah said.

“The Legislature has a reason now to sit and talk about the issues surrounding war crimes court, instead of you disrupting the peace of this country.”

Reaction To His UNGA Speech Criticisms

Meanwhile, President Weah has defended his statement at the UN, saying he sees no reason why there should be mixed reactions among Liberians.

“I don’t know why people will have mixed feelings when I informed the UN about what is unfolding on the ground. I don’t think any Liberian should have mixed feeling when I told the UN that we have economic issues on the grounds and to see how they can help us.”

“I can remember a couple of years back, I was one of those that went with the government to beg for debt relief and there was no need to have mixed feelings when Liberia is faced with serious economic challenge.”

According to Weah, some of the issues he presented were intended to attract partners’ support in addressing the current challenges.

“We rely on donors because we don’t have the capability and strength. We believe that the international community can do a lot for us, so your leader has to go and ensure that we work together,” President Weah said.

Liberia: Despite President Weah’s Ambivalence, War Crimes Court Almost a Done Deal (Front Page Africa)

October 3, 2019

Duport Road, Paynesville – The scars of the 1990 civil war are still fresh for Monday-Ma Ben – Washington. Just 20-years-old when her little sister was shot in the head and killed by rebels of the National Patriotic Front of Liberia, Washington returned to the killing fields, Thursday, now the site of a shrine built in memory of thousands of Liberians massacred during the long-running civil war.

“They killed everyone. . . she was the last person. I remember the rebel saying that day, ‘my last gunshot cannot go in vain’

“and my sister was shot in the head.”

Crying Not Enough to Save Sister

Washington, like many Liberians had trekked to Duport Road to seek refuge. “When the war started, we went to live with our father until one-day for the first time we witnessed someone being killed by a gun. We saw the rebels bring two men who were short and struggling to die.”

Washington recalls that the longer the war lingered, the more normal it became to see such damning images of death in the midst of a brutal war. “Where we are now was a village”, she lamented pointing to the Duport Road shrine hosting the bones of victims from the massacre.

Chronicling the moments leading to her sister’s death, Washington recalled: “One day, a lady amongst the rebels identified my younger sister whom she said she had quarreled with before the war, and because of that my sister was arrested and taken to the rebel base. On the first arrest, she was released and again they arrested and the next day; we heard her crying amongst several others in buses, her crying didn’t last long, and she was shot in our presence in the head since that day we left the village in fear.”

On Thursday, Washington says she was gripped with mixed emotions. “I am happy that they are talking about establishing a war crime court to give some us of justice for the loss of our relatives.”

It was here on Duport Road, Thursday, that a working committee of the lower house of the National Legislature, led by Representative Larry Yanquoi (District No. 8, Nimba County) came to officially endorse the establishment of a war and economic crimes court and submit its recommendations to President George Manneh Weah, who over the past 72 hours, has been triggering controversy over his position on the establishment of a war crimes court.

President Flip Flops on Court Issue

Prior to his departure for the 74th Session of the United Nations General Assembly, the President won international praise for submitting a letter to the legislature, seeking advice on the implementation of the Truth and Reconciliation Commission’s recommendations that include the setting up of a war crimes court, marking the first-ever step toward addressing the legacy of its 14-year civil war that killed an estimated 250,000 people and displaced more than a million.

Said President Weah: “As President of the Republic of Liberia, I am committed to a holistic implementation of the National Consensus (recommendations of the dialogue) and do hereby call on the National Legislature to advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC report, including the establishment of war and economic crime courts,” President Weah said in a letter to Speaker Bhofal Chambers. The President added that “accountability of past human rights violations are essential ingredients for sustainable peace and achievement of inclusive development”.

The President’s communication drew admiration from civil society and human rights organization, both at home and abroad. “President Weah’s support for a war crimes court is an important step for victims and for helping to ensure the violence that brought so much pain and loss to Liberia will not happen again,” said Adama Dempster at CSO Human Rights Advocacy Platform of Liberia and the Secretariat for the Establishment of a War Crimes Court in Liberia. “This decision benefits the victims, the country, and the rule of law in Liberia.”

Hassan Bility at Global Justice and Research Project and the Secretariat for the Establishment of a War Crimes Court in Liberia, chimed: “In the past few years we have made significant progress in cases abroad to try alleged perpetrators of Liberia’s wartime crimes. But our people should have the chance to see justice at home. Liberia should work with the United Nations and other international partners to set up a court that can hold fair, credible trials.”

Upon his return home this week from the UNGA however, the President changed his tune, suggesting that he had never public called for the establishment of the court and was in fact, more concerned about fixing the country’s dwindling economy.

“Since we came to power, I have never one day called for the War Crimes Court. You, the journalists called for War Crimes Court, Liberians are calling for war crimes court, both the victims and perpetrators are calling for war crimes court,” said President Weah.

President Weah had earlier told world leaders at UNGA that his government is a “listening administration” and will pay keen attention to its people as it relates the prosecution of people accused of committing war crimes and crimes against humanity.

Said the President: “What I have discerned from their cries is that it is important to bring closure to the wounds from the 14 years of Liberia’s brutal civil war, and that we need to agree on a mechanism that would guarantee the sustenance of peace,

stability, justice, and reconciliation, as well as enhance our prospects for economic recovery.”

In his address, President Weah also expressed concern about the incessant pressure piling on his administration for the establishment of War and Economic Crimes Court as compared to his predecessor, Ellen Johnson-Sirleaf.

President's Current Position Contradicts '04 Stance

Ironically, in 2004, at the peak of his football career, Mr. Weah, then a United Nations Ambassador, made international headlines when he called for the formation and establishment of a War Crimes Court in Liberia to arrest and prosecute all “warlords” for recruiting and arming children in Liberia.

Weah argued at the time that the tribunal when established, should be given the authority to identify, locate, arrest and prosecute all those who committed heinous crimes during the devastating and bloody war in the country.

Addressing a news conference held at the UNICEF-Liberia headquarters in Monrovia on 23rd April 2004, Mr. Weah made specific reference to warlords who forcibly recruited, trained and armed the Liberian children to participate in the 14-year arms conflict. “Those who armed the children and committed heinous crimes against them should be brought to book”, the UNICEF Goodwill Ambassador noted, adding that those to be prosecuted include warlords and military commanders of the various belligerent groups who, for their own selfish gains, brought children into the conflict.

For Rep. Yanquoi, who himself was among the many who sought refuge on Duport Road during the war, the die has already been cast, even if the President appears ambivalent about his stance.

“We are supposed to have 49 signatures but we have 51 now – with still an opportunity for a few to be added before we close Friday. So, we didn’t feel we needed to sneak it under the floor of the House; we wanted to publicize the work that we have done especially in the wake of ambivalence of the President who haven’t told the Liberian people that he was prepared to take action by writing the plenary to advise him as to the implementation of the TRC report, including the establishment of the war crimes court.”

The lawmaker said the resolution has been months in the making. “Since May last year, one year five months, the plenary of the House received two petitions – from a cross section of Liberians, one calling for the establishment of a war and economic crimes court and one calling not to establish one. So, the plenary and the joint committees comprising claims and petition, judiciary and governance and governance reforms. And so, since then we have been working and there have been series of consultations held with the assistance of some of the pro-human rights groups and partners and today we have culminated the work into a resolution.”

Rep. Yanquoi said he is in awe that most people who are in favor were happy that the President had said something that they all wanted to hear – but are now baffled at his sudden ambivalence. “Now apparently, he said it to appease Liberians on his way to the United Nations General Assembly. Unfortunately, on his way back on Tuesday, he made a statement that made Liberians to feel that if something is not done, the war crimes court situation will elude us. So, we who have the matter at hand, have an obligation to make sure that the court is established and that the legislature should not be used as a scapegoat. Even when he went to the UN General Assembly he said to the international community, ‘I’m prepared and opened to the establishment of the court. To now, come and ask Liberians why now is unbelievable.’”

The lawmaker averred that the best way to show the world is to say “we want a war and economic crimes court.”

Yanquoi: ‘Almost a Done Deal’

Rep. Yanquoi said lawmakers will be putting the resolution on the floor before the close of session Friday. “So, that Liberian people will know that the House of Representatives has taken a decision and we know that the Senate will concur and we will give a resounding yes to the president to go ahead and establish the court. If he needs a copy of such law from this committee, we are blessed with a copy which we have been vetting, even with the support of other people that have vast knowledge in it. So, our gathering here is to tell the world that the joint committee has completed its work and has spoken to colleagues, more than 52 persons have signed on it. So, it’s almost like a done deal.”

Thursday’s symbolic gesture was a welcome relief for Representative Yekeh Kolubah(District No. 10, Montserrado County), a former child soldier who has been a strong advocate for the establishment of the court. “I am here to support the coming of the War Crimes Court and we will do all we can to ensure that the court evolves in this country. We heard our President asking why now because we were amused by some of the very people especially President George Weah. This is why we want the court so that we can tell the people how President Weah supported Model. All the football he played he supported us to bring war. Any attempt for this President to stop the War Crimes Court, we want them to arrest him to show the reason why he doesn’t want the War Crimes Court.”

For the residents of Duport Road, returning to the scene of the massacre brought back painful memories.

John Fahn, a senior elder in the community, who has lived in the area for 30 years, justice is at hand for the many friends, loved ones and relatives lost in the war.

John Fahn, a senior elder in the community, who has lived in the area for 30 years, said, justice, is at hand for the many friends, loved ones and relatives lost in the war. "They killed people because of their tribe... I saw dead bodies. After the war when ECOMOG came, because of the hunger, they hired people to collect skeletons and remains of people killed in the war for two cups of rice. We collected bones and skeletons from all around Duport Road and buried it here."

War Crimes Court Establishment Suffers Setback (Liberian Daily Observer) By Leroy M. Sonpon, III
October 8, 2019

The House of Representatives, on Friday, October 4, failed to include and discuss a resolution to establish a war crimes court in Liberia after a full submission of the "Resolution on the establishment of War Crimes Court in the country" to the Chief Clerk of the House's office on Thursday, October 3, 2019.

If the eight-page Resolution on the establishment of a war crimes court did not appear on the Monday, October 7 agenda, the last session day of the House of Representatives for adjournment, it means the Resolution has suffered a setback; it is no longer a done deal and is, therefore, inevitably deferred for the 3rd Sitting, which will begin on the second working Monday, January 13, 2020.

The Senate formally recessed for the 2nd Sitting over the weekend.

As has been repeatedly reported by the Daily Observer, the Resolution has a signature of 50 out of the 73 members of the House of Representatives, which is little over two-thirds of the Lower House.

In Friday's session, the Chairperson on the House Claims and Petition, Montserrado County District #4 Representative Rustonlyn Suacoco Dennis, visibly enraged broke into tears when the movant, Bong County District #1 Representative Albert Hill, rejected her amendments for inclusion and discussion on "Resolution on the establishment of War Crimes Court in Liberia," and "Article 96" on the House Agenda as part of the business of the day.

In an uncontrollable and fuming tone in session, she described Rep. Hill's action as "misplaced, displaced and disgraced," arguing that the Bong County lawmaker, who is one of the signatories to the Resolution, did not know the essence of what she claimed as "integrity document."

In protest, she walked out of the House chamber, muttering "nonsense," especially to a denial of the Resolution to be placed on Friday's agenda for automatic forwarding to the Senate for concurrence.

Montserrado County Districts #10 and #13 Representatives Yekeh Kolubah and Edward Flomo respectively, and Margibi County District #3 Representative Ellen Attoh-Wreh, in session, openly joined Rep. Dennis to condemn Rep. Hill for rejecting the Resolution.

Disappointed at Speaker Chambers

In a press conference, immediately after the session, Rep. Dennis said she was disappointed at Speaker Bhofal Chambers for "shamefully masterminding the removal of the Resolution on the agenda," an allegation the Speaker rejected and said it was excluded in keeping with Legislative practice.

The House Claims and Petition chairperson said it was disheartening for the Speaker, who was once a champion for the establishment of a war crimes court, to refuse to put the Resolution on the agenda, and described his action as "misbehavior."

She said the Resolution was formally launched at the Du-port Road Cemetery Memorial on Thursday, October 3, 2019.

"We have 50 signatures, which is more than two-thirds of our membership, calling for the establishment of a war crimes court and even have the propensity to remove him," she said.

Speaker Chambers' Response

Also, in a brief chat with journalists, the Speaker categorically denied removing the Resolution from the agenda as Rep. Dennis allegedly accused him of and said the failure to include and discuss the Resolution was the prerogative of the movant – Rep. Hill – who denied Rep. Dennis' amendments.

He added that besides that rejection, the Plenary had earlier voted to carry the Resolution to establish a war crimes court to their respective constituents for subsequent discussions during the 3rd Sitting following the president's two-page letter for advice and guidance on the creation of a war crimes court.

The Speaker said that it was agreed that there will be consultations to help lawmakers to make an informed decision.

Besides the House Committee on Claims and Petition efforts on establishing a war crimes court, President George Weah also wrote members of the House of Representatives to advise and guide him on the implementation of the Truth and Reconciliation Commission (TRC) recommendations and the establishment of a war crime court.

"I am committed to a holistic implementation of the National Consensus, and do hereby call on the Legislature to advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC report, including the establishment of the Economic and War Crimes Courts," the president wrote.

The House of Representatives expresses its support for full implementation of the TRC recommendations, including the establishment of an Extraordinary Criminal Court, and commits to working with President Weah for the court's establishment.

Based on section 48 of the TRC Act that provides that "The Head of State shall report to the National Legislature within three months of the receipt of the report of the TRC, and on a quarterly basis thereafter, as to the implementation of the Commission's recommendation 'and' and all recommendations shall be implemented and 'where the implementation of any recommendation has not complied with, the Legislature shall require the Head of State to show cause of such-non-compliance. Therefore, this matter before us is overdue and that the President should act effectively, immediately on said Legislative enactment without seeking advice from the Legislature because the TRC is already an Act of Enactment by the Legislature that is awaiting presidential approval."

Signatories:

Rep. Lawrence Morris, District #1, Montserrat County Rep. Jimmy Smith, District #2, Montserrat County Rep. Rustonlyn Dennis, District #4, Montserrat County Rep. Samuel Enders, District #6, Montserrat County Rep. Yekeh Kolubah, District #10, Montserrat County Rep. Richard Koon, District #11, Montserrat County Rep. George Samah, District #12, Montserrat County Rep. Edward Flomo, District #13, Montserrat County Rep. Abraham Corneh, District #14, Montserrat County Rep. Abu Kamara, District #15, Montserrat County Rep. Hanson Kiazolu, District #17, Montserrat County Rep. Hans Barchue, District #1, Grand Bassa County Rep. Mary Karwor, District #2, Grand Bassa County Rep. Matthew Joe, District #3, Grand Bassa County Rep. Vicent Willie, District #4, Grand Bassa County Rep. Thomas Goshua, District #5, Grand Bassa County Rep. Cryton Duncan, District #1, Sinoe County Rep. J. Nagbe Sloh, District #2, Sinoe County Rep. P. Mike Jurry, District #1, Maryland County Rep. Isaac Rolands, District #3, Maryland County Rep. Bob Sheriff, District #1, Grand Cape Mount County Rep. Mambu Sonii, District #2, Grand Cape Mount Co. Rep. Emerson Kamara, District #3, Grand Cape Mount Co. Rep. Albert Hills, District #1, Bong County Rep. Prince Moye, District #2, Bong County Rep. J. Marvin Cole, District #3, Bong County Rep. Robert Womba, District #4, Bong County Rep. Edward Karfiah, District #5, Bong County Rep. Joseph Kolleh, District #7, Bong County Rep. Francis Nyumalin, District #1, Lofa County Rep. Julie Wiah, District #2, Lofa County Rep. Clarence Massaquoi, District #3, Lofa County Rep. Beyan Howard, District #5, Lofa County Rep. Prince Tokpa, District #1, Nimba County Rep. Joseph Somwarbi, District #3, Nimba County Rep. Rogers Domah, District #7, Nimba County Rep. Larry Younquoi, District #8, Nimba County Rep. Zoe Pennue, District #1, Grand Gedeh County Rep. Alex Grant, District #3, Grand Gedeh County Rep. Tibelrosa Tarponweh, District #1, Margibi Co. Rep. Ivar Jones, District #2, Margibi County Rep. Ellen A. Attoh-Wreh, District #3, Margibi Co. Rep. Ben Fofana, District #4, Margibi County Rep. Clarence Gahr, District #5, Margibi County Rep. Byron Zahnwea, District #2, River Cess County Rep. Alexander Poure, District #1, River Gee County Rep. Francis Young, District #2, River Gee County Rep. Francis Dopoh, District 3, River Gee County Rep. Alfred Koiwood, District #1, Gbarpolu County Rep. Joseph Matthew, District #3, Gbarpolu County

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

EAST AFRICA

Kenya

Kenyan Police on High Alert Over Potential Terrorist Attacks Around Mombasa (Newsweek) By Hunter Moyler
September 30, 2019

Kenyan police are on high alert after recovering intelligence suggesting that several operatives had been sent into the country by al-Shabaab, a Somali jihadist group affiliated with al-Qaeda.

Police believe seven operatives have been sent into Kenya to carry out attacks on several key counties. Both Kwale and Kilifi counties are located along the country's coast on the Indian Ocean and both border Mombasa, Kenya's second-largest city by population, to the southwest and north. Police told media that they believe the al-Shabaab militants intend to carry out attacks on several important institutions in the two counties and Mombasa, including Moi International Airport, Kenya Ports Authority and the Standard Gauge Railway terminus. "It is likely that the operatives may use the opportunity to target social places including hotels and beaches along the Kenyan Coast," a September 28 letter obtained by Kenyan newspaper The Daily Nation that was addressed to police commanders read. Police believe that the terrorists are likely to use United Nations-branded vehicles in carrying out the attacks to avoid suspicion. For now, Kwale County police commander Alexander Munyao cautioned officers in a letter obtained by the Nation to be vigilant and wary of any government vehicles. He also told police to stand guard at "colleges, churches, hotels, beaches and supermarkets." The alert comes just after an attack on American and European Union military personnel by al-Shabaab in neighboring Somalia. On Monday, the terrorist group used car bombs to attack Baledogle Airfield, a Somali military base where the U.S. military was helping to train native forces. According to the Telegraph, Al-Shabaab, which means "the youth" in Arabic was formed in Somalia in 2006 and began as the military wing of the Islamic Courts Union, a fundamentalist group of religious courts that united in opposition to the country's secular parliament. The group once controlled most of southern Somalia but has since lost much of its territory and clout. Even so, it has successfully carried out other deadly attacks in the capital of Mogadishu and at a luxury hotel over the past year. The United States Department of State's Bureau of Consular Affairs issued a travel advisory for American citizen visiting Kenya on April 9, 2019. The official travel advisory suggests travelers "[e]xercise increased caution in Kenya due to crime, terrorism and kidnapping." The State Department also updated its travel advisory for Somalia on April 9, and advised Americans to avoid traveling to the country altogether "due to crime, terrorism, kidnapping and piracy." The U.S. government had not updated its Kenyan or Somali travel advisory to reflect the recent attacks by al-Shabaab as of 11 a.m. Monday morning.

Kenya says it kills three militants planning attacks in Mombasa (Reuters) By Joseph Akwiri
October 1, 2019

Kenyan police shot dead three men suspected of planning militant attacks in the coastal city of Mombasa on Tuesday, ahead of national day celebrations to be hosted in the city this month, according to a senior official.

The suspects were killed in a raid on a house in Majengo Mapya, a suburb in the city's south, said Paul Leting, director of criminal investigations in the coast region. Seven other suspects were detained. "That house was a hideout for planning attacks and other criminal activities," Leting told journalists at a press conference in Mombasa. Weapons including a grenade, 1,700 rounds of ammunition, a rifle and 15 pistol holders were seized in the raid, Leting said. Police also recovered two bullet-proof jackets, Quran journals, police and military uniforms, military face masks, eight machetes and gun oil from the suspects' hideout. Two security sources who asked not to be identified said the slain suspects were on Kenya's terrorism watch-list and had been trailed for a while. A terrorism alert from police last month warned that fighters from the al Shabaab Islamist group in neighbouring Somalia were planning attacks at targets including churches, universities, hospitals and schools in Kenya's coast region. Leting did not say whether the suspects were connected to al Shabaab. Shabaab fighters frequently launch attacks in Kenya's north, the capital Nairobi and the coast, to try to press Kenya to pull its troops from Somalia, where they are part of a peacekeeping force.

[back to contents]

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb Ex-Soldier Faces Trial for Attacks on Villages (Balkan Transitional Justice) By Semir Mujkic

October 4, 2019

The Bosnian state court announced on Friday that it has confirmed an indictment charging Zeljko Novakovic with committing crimes against humanity during attacks on several Bosniak-populated villages in the north-western Bosanski Novi area between early May and September 1992.

Novakovic, who has both Bosnian and Serbian citizenship, is accused of having participated, in collaboration with others, in the murders, torture and persecution of the Bosniak civilian population in the two villages.

“Within a widespread and systematic attack conducted by the army, police, Territorial Defence force, armed groups and paramilitary formations of the Serbian Forces of the Serbian Republic of Bosnia and Herzegovina, which later became the Bosnian Serb Army, against the non-Serb civilian population in the municipality of Bosanski Novi, an armed attack was conducted on the civilian settlements of Donji Agici, Gornji Agici, Crna Rijeka, Suhaca, Hozici, Blagaj, Alici, Ekici and other settlements in the Japra valley, Urije and other places inhabited by Muslims,” the indictment alleges.

During the attack, civilian buildings were destroyed and non-Serb civilians were killed or expelled from their homes, which were set on fire and pillaged, says the indictment, which was confirmed in June but only announced by the court on Friday.

Men were taken away and detained at the Mlakve stadium and the fire station in Bosanski Novi, while more than 4,000 civilians were transferred to Dobož on a freight train, the indictment also claims.

It further alleges that the persecution continued with the deportation of at least 13,000 non-Serb civilians from the Bosanski Novi area.

The prosecution claims that Novakovic, as a member of the Serb Armed Forces, participated in the persecution of the non-Serb civilian population in Bosanski Novi on ethnic and religious grounds.

A separate trial of several other former fighters for crimes in the villages of Alici and Ekici is already underway.

The defendants are Ljuban Babic, Ranko Balaban, Rajko Karlica, Milenko Brcin, Mirko Odzic, Milenko Babic, Ratko Goronja, Nikola Reljic, Dragan and Ranko Baltic, Miroslav Kapetanovic and Ranko Grab.

Bosnian Serb Ex-Fighter Appeals Murder, Rape Conviction (Balkan Transitional Justice) By Marija Tausan

October 7, 2019

Sasa Cvetkovic's defence on Monday launched an appeal at the Bosnian state court against the verdict that convicted the wartime fighter of killing two elderly Roma women in May 1992 and raping two Bosniaks, one of them a minor, in June 1992.

The defence called for a retrial or for a reduction in Cvetkovic's 12-year sentence, which was handed down in March this year.

In its appeal, the defence said that the testimony of the only eyewitness to the murders of Mejra and Alaga Halilovic in the village of Sase in the Srebrenica municipality was inconsistent because he gave different statements about the place from which he saw the killings.

The defence also said that it put forward a witness who saw who committed the murder and said it was not Cvetkovic, but one of the paramilitary volunteer fighters who were in Sase at the time.

As for the rape of the minor in Bratunac, the defence also said the victim was not a credible witness because she was not consistent in her statements and gave three different versions of who participated in the rape.

Cvetkovic then addressed the court, saying he grew up with the eyewitness to the murders of the elderly Roma women and claiming that the two of them had had a fight. Cvetkovic also claimed that the eyewitness was an alcoholic.

Prosecutor Ivan Matesic accepted that in certain details, the minor who was raped at the age of 15 by four men was inconsistent in her statements over the years.

But, he added: "What all her statements have had in common since 1994 is Sasa Cvetkovic."

Bosnian Serb Ex-Soldier Appeals Conviction for Killing Family (Balkan Transitional Justice) By
Lamija Grebo
October 10, 2019

Sretko Pavic, a former member of the Volarska Company with the Sixth Ljubija Battalion of the Bosnian Serb Army, asked the appeals chamber of the Bosnian state court in Sarajevo on Thursday to quash the sentence convicting him of wartime crimes or order a retrial.

The court found Pavic guilty in June this year of having participated in the murder of five civilians in the village of Rizvanovici in the Prijedor area in the second half of July 1992, and sentenced him to 13 years in prison.

The verdict said that the civilians, all members of the Causevic family, were captured in a forest and then detained in a building next to a checkpoint in Rizvanovici.

A day after they were detained there, Pavic and another Bosnian Serb soldier called Pero Stevandic took them out and killed them in the vicinity of a nearby school building. Stevandic has since died.

Pavic's defence said it was appealing against the verdict because of what it said were substantial violations of the law during the criminal proceedings, and because the verdict had wrongly and incompletely established the facts in the case.

Defence lawyer Ranko Dakic said it was indisputable that members of the Causevic family were killed in the village of Rizvanovici, but that Pavic was not the killer.

Dakic explained that a protected witness codenamed S-1 was the only alleged eyewitness to the killings and accused him of trying to shift the guilt for his own wrongdoing onto Pavic.

"Witness S-1 gave false testimony... Witness S-1 fabricated all this with the aim of avoiding his own responsibility," Dakic said.

He also said that troops from the Ljeskarska Company participated in detaining the Causevics, while Pavic was a member of the Volarska Company.

Pavic also addressed the court, saying he only heard about the case after having been accused of killing the family.

"I know I have nothing to do with this, I know I was convicted unjustly," he said.

The prosecution meanwhile argued that the defence's appeal should be rejected as unfounded and the verdict convicting Pavic upheld.

"The evidence on which the [first-instance] court based the verdict has not been seriously called into question," said prosecutor Sedin Idrizovic.

The appeals chamber will hand down its ruling at a later stage.

Bosnian Prosecution Criticised over War Crimes Indictments (Balkan Transitional Justice) By
Nermina Kuloglija
October 10, 2019

The Bosnian state prosecution filed nine war crimes indictments from the start of 2019 to the beginning of this month, but the state court decided not to confirm three of them.

Instead it decided that the cases were not complex enough for the state-level judiciary and sent them to lower-level courts in the country's two entities, the Federation and Republika Srpska.

The fact that a third of the indictments raised this year in war crimes cases were deemed insufficiently complex to try at the

state level shows that the Bosnian prosecution is still refusing to follow a national strategy adopted in 2008 to deal with the country's huge backlog of war crimes cases.

The national strategy says that only the most complex cases should be dealt with at the state level, while all the others should be sent to lower-level courts, in an attempt to speed up the processing of the hundreds of remaining cases of crimes dating from the 1992-95 war.

The strategy also says that the state prosecution "should file a proposal to transfer a case at the earliest possible stage of the criminal proceedings".

Tarik Crnkic is the prosecutor in the case against Milenko Gojgolic, which was transferred from the state level this year to the District Court in Eastern Sarajevo, where Gojgolic is now on trial for the rape and inhumane treatment of a civilian.

Crnkic said that all cases should be transferred in the investigation phase, "as it is much simpler to handle cases in which you have been involved since the beginning of the investigation".

"By collecting evidence from the beginning and performing supervision of the evidence collection, you get a full picture of the criminal case in question, which certainly results in a better evaluation of evidence and facts when making a prosecutorial decision," he explained.

However, transferring cases which have already been investigated by the state prosecution means that prosecutors have wasted valuable time that could have been devoted to other cases.

Federal prosecutor Munib Halilovic, who used to work with the state prosecution and is now a member of the supervisory board for the implementation of the national war crimes strategy, said that the negative consequences of the state prosecution's practice of filing indictments in cases that should be referred to the entity level have been reduced by "the positive steps taken by the Court of Bosnia and Herzegovina, which now refers [some] unconfirmed indictments to entity courts".

Cases should have been finished 'a long time ago'

Bosnia's revised war crimes strategy, which was drafted because previous targets for clearing the huge backlog of cases were not met, but which has been awaiting approval by the country's Council of Ministers for more than a year, also stresses the need to send simpler cases to lower-level courts in the entities so the state-level court can get on with hearing the more important and complex cases.

"The uneven distribution of cases, as well as the prosecution of less complex cases by the Prosecution and Court of Bosnia and Herzegovina, are some of the reasons for the non-efficient processing of the most complex war-crime cases," the revised strategy says.

A recent report by the OSCE mission to Bosnia and Herzegovina also concluded that the state prosecution "does not dedicate its time and resources exclusively to investigating and prosecuting the most complex war-crime cases".

"The Mission notes that, although the Prosecution of Bosnia and Herzegovina has filed indictments in several very complex cases in the past two years, many of the cases on which it has worked are not complex enough to justify the state-level prosecution, showing the failure of that institution to focus on most complex cases only, as required under the national strategy," the report said.

The report proposed that the state prosecution should make a review of all its cases and submit proposals to transfer the simpler ones to entity-level courts.

Commenting on the OSCE report, Ruzica Jukic, the deputy chairperson of the High Judicial and Prosecutorial Council, Bosnia's judicial overseer, said that she thought that the less complex cases should have been transferred to the entity level "a long time ago".

"I think they would all have been completed by now," Jukic said.

Instead, because of the backlog, many war crimes suspects "will not live to see their cases be processed", she warned.

[back to contents]

International Criminal Tribunal for the Former Yugoslavia (ICTY)

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

Domestic Prosecutions In The Former Yugoslavia

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

Turkey

Turkey launches anti-terror operation in country's Northeast (Hurriyet Daily News)
September 27, 2019

Turkey launched anti-terror operation against PKK in the country's northeast, the Interior Ministry said on Sept. 26 in a statement.

Some 75 teams comprising 1,125 personnel are taking part in the Operation Kiran-4 which launched in Sept. 24, in northeastern Kars, Ağrı and Iğdır provinces, the statement said. Operations in the region will continue, the ministry added.

On Aug. 17, Turkey launched Operation Kiran in country's southeast against PKK terrorists in Van, Hakkari and Şırnak provinces, followed by the launch of Operation Kiran-2 on Aug. 27 in Mardin, Şırnak and Batman provinces.

Operation Kiran-3 also launched in Sept. 21 and targets terrorists in Bestler-Dereler and Herekol regions of southeastern Şırnak and Siirt provinces.

As a part of Operation Kiran-1,2,3, the security forces have neutralized 48 terrorists, destroyed 58 caves and seized large quantities of ammunition so far.

In its more than 30-year terror campaign against Turkey, the PKK -- listed as a terrorist organization by Turkey, the U.S. and the EU -- has been responsible for the deaths of 40,000 people, including women, children and infants. The terrorist YPG is the PKK's Syrian branch.

Turkey announces northern Syria invasion of ground forces; multiple civilians reported dead (Fox News) By Melissa Leon
October 9, 2019

Turkey announced Wednesday that its ground forces invaded northeastern Syria to fight against Kurdish forces just hours after launching an initial assault in the area, as the first reports of deaths emerged.

Turkish President Recep Tayyip Erdogan launched Operation Peace Spring on Wednesday after President Trump announced the U.S. would withdraw American troops from the area, a move considered by many analysts a blow to the U.S.-backed Kurdish forces there. Erdogan said the mission was to "neutralize terror threats against Turkey and lead to the establishment of a safe zone, facilitating the return of Syrian refugees to their homes."

At least seven civilians were killed in Turkish strikes in northeastern Syria since the country launched an assault Wednesday morning, according to activists and a war monitor.

Trump told reporters Wednesday that he would do "far more than sanctions" against Turkey if the country didn't act in the most "humane way as possible," and that he hoped Erdogan would act rationally. When asked what would happen if Erdogan wiped out the Kurds, Trump threatened to "wipe out" Turkey's economy, saying he'd done it once before.

Kurdish forces in northeastern Syria were guarding thousands of captured Islamic State (ISIS) fighters with the help of the U.S. in the area.

The president said the captured terrorists were "really bad people who should go back to Europe."

Earlier Wednesday, Trump warned Turkey that its initial assault was a "bad idea."

"The United States does not endorse this attack and has made it clear to Turkey that this operation is a bad idea," Trump said in a White House statement. "Turkey has committed to protecting civilians, protecting religious minorities, including Christians, and ensuring no humanitarian crisis takes place -- and we will hold them to this commitment."

A spokesperson for the Kurdish-led Syrian Democratic Forces said Wednesday that Turkish forces "started to carry out airstrikes on civilian areas" and caused a "huge panic among people of the region."

U.S. military officials told Fox News the president ordered the U.S. military not to get involved in the strikes, after the Kurds requested air support from American forces.

A group of Turkish forces first entered northeastern Syria on Wednesday morning near Tal Abyad and Ras al-Ayn, Bloomberg had reported. Artillery units later shelled suspected Syrian Kurdish targets in Tal Abyad, while two mortar shells hit the Turkish border town of Ceylanpinar, according to Turkey's state-run Anadolu news agency.

"We said to various countries, we'd like you to take your people back. Nobody wants them, they're bad," Trump said, adding that "maybe the Kurds [...] if not them, Turkey" would deal with the ISIS fighters.

If the fighters escape, they would "go back to Europe," according to the president.

Trump said the situation was "not a fair deal" for the U.S., and that going into the Middle East was the "worst mistake the U.S. has ever made."

"We're doing jobs that [Europe, Russia, Iran, Iraq, Turkey, Syria] should be doing. [...] We're 7,000 miles away," he said.

President Trump announced Sunday the U.S. would pull American troops out of northern Syria, a move leaving the U.S.-backed Kurdish forces -- longtime allies in the fight against ISIS in Syria -- in peril. Ankara has considered the Syrian Kurdish forces to be terrorists allied with a Kurdish insurgency within Turkey.

[back to contents]

MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

More Than 100 Killed And Thousands Injured In Anti-Government Protests In Iraq (NPR) By Bobby Allyn
October 6, 2019

Iraqi authorities say at least seven more people were killed in clashes between protesters and police in eastern Baghdad on Sunday, bringing the death toll from nearly a week of anti-government rallies throughout Iraq to more than 100 with thousands of others injured.

Protesters, who took to the streets on Tuesday frustrated over joblessness and corruption, have been met with live ammunition from security forces attempting to break up the mass demonstrations that have convulsed Baghdad and parts of southern Iraq for days.

So far, 104 people have been killed and 6,107 have been wounded in the unrest, according to figures released by Iraqi security officials. More than 1,200 security members are among the injured.

Demanding better basic public services like electricity and water and renouncing corruption, a small group of protesters assembled seemingly spontaneously last week before being dispersed by security forces.

Then the protesters put out a call to re-converge on social media and the response took observers and government officials aback: Thousands of mostly young adults in their 20s, outraged over inadequate services and poor job prospects in the oil-rich country, came out to push for more opportunity and an end to corruption.

The Iraqi army and police have responded by firing live rounds, tear gas and rubber bullets into crowds. As protests spread to other parts of the country, the bloody clashes continued.

The six days of street demonstrations mark the most serious challenge Prime Minister Adel Abdul-Mahdi has faced since he assumed office last October. He has committed to meeting with protesters without armed forces to have a dialogue about their demands.

"I will go and meet them without weapons and sit with them for hours to listen to their demands," Abdul-Mahdi said on Saturday in remarks on state television.

Abdul-Mahdi announced a plan to pay out unemployment assistance and provide government-backed housing for low-income residents in an attempt to satisfy the demonstrators who have set buildings aflame and sparred with authorities.

The United Nations envoy for Iraq, Jeanine Hennis-Plasschaert, took to Twitter on Saturday to denounce the violence, saying: "This must stop."

"I call on all parties to pause and reflect. Those responsible for violence should be held to account. Let the spirit of unity prevail across Iraq," wrote Hennis-Plasschaert.

Protesters called for top government officials to step down, as authorities cut off Internet service in Baghdad and across much of the country.

Demonstrators on Sunday also called for Iran to stop meddling in Iraqi politics. Amid growing unrest, Marta Hurtado, a spokeswoman for the United Nations high commissioner for human rights, urged the Iraqi government to allow citizens to peacefully assemble and exercise their rights to freedom of expression without fear of a violent crackdown.

"The use of force should be exceptional, and assemblies should ordinarily be managed without resort to force," Hurtado said in a statement.

All incidents in which security forces killed or injured protesters should be promptly and transparently investigated by the government, Hurtado said.

Hurtado also said reports that three journalists covering the protests were detained and the government cutting off Internet service were alarming and should be examined.

"Blanket internet shutdowns are likely to contravene freedom of expression, unduly restricting the right to receive and impart information and may exacerbate tensions," she said.

USAID announces new funding for northern Iraq genocide victims, bringing total above \$400M since 2017 (Washington Examiner) By Jeffery Cinema
October 2, 2019

U.S. Agency for International Development Administrator Mark Green announced millions of dollars in new funding to support victims of the genocide perpetrated by the Islamic State terrorist group in northern Iraq.

Despite almost \$400 million in American aid to communities in northern Iraq, close to 1 million Christians, Yazidis, and other religious minorities remain displaced in the wake of ISIS' campaign of terror. To further aid these communities, Green unveiled new funding for partner organizations in Iraq at a Wednesday event hosted by the Accord Network, an association of Christian humanitarian organizations.

USAID will give almost \$4 million in grants to six local groups in Iraq as part of the New Partnerships Initiative, an effort launched in May to expand USAID's partner base, according to a press release. With these new financial awards, American funding for persecuted minorities in northern Iraq since 2017 will surpass \$400 million.

Among the recipients is the Philadelphia Organization for Relief and Development, which will use the funds to build a community center in Qaraqosh, a predominantly Christian town where about half of the Christian families displaced by ISIS have returned. In addition, funding given to the Jiyān Foundation for Human Rights will support trauma rehabilitation services for genocide survivors as well as interreligious and interethnic dialogue.

Apart from the six grants for local groups, USAID will give \$9 million to Samaritan's Purse, a Christian humanitarian aid organization, to help displaced minorities return to northern Iraq.

Wednesday's announcement comes less than two weeks after USAID awarded almost \$7 million to Catholic Relief Services to assist the Chaldean Catholic Archdiocese of Erbil in northern Iraq. Even with hundreds of millions of dollars devoted to genocide victims a USAID official said last week there has been "only modest success" in the U.S. government's effort to help victims return home, with a lack of security posing a major challenge.

Militia units known as Popular Mobilization Forces, which emerged to fight ISIS and are mostly made up of Shia Muslims, operate freely in parts of northern Iraq. These militias are often loyal to Iran, and they have impeded the return of displaced individuals to towns such as Batnaya and Bartella.

But if security is the primary challenge to enabling displaced persons to return home, cohesion among minority communities is also an obstacle.

"The second greatest challenge is making sure these communities which have been oppressed, attacked in ways that are almost incomprehensible, they also need to stick together and work together," Green told the Washington Examiner. "And we need Christian communities, whether it be Orthodox or Chaldean Catholic, they need to be working together as communities for the sake of the whole."

"The existence and success of each of these communities is key to restoring that sense of the mosaic of faiths and the mosaic of communities that ISIS tried to destroy," said Green.

Militias' ongoing harassment of Christians in Iraq, Syria focus of hearing (Angel US News) By Kurt Jenson
September 3, 2019

The genocide conducted by the Islamic State against Christian communities in Iraq and Syria has turned into continued harassment by Iran-backed militias and shows no signs of abating soon.

This was part of the bleak picture explained Sept. 26 at a hearing conducted by the U. S. Commission on International Religious Freedom.

There were outlines of atrocities, but few designated solutions, despite the millions invested in Iraq by the U.S. government.

"Recent years have been especially unkind to Iraqi religious minorities," said Tony Perkins, chairman of the commission. "The rise of ISIS in 2014 compounded these challenges."

The Islamic State, or IS, as it is more commonly known now, was driven out of its last caliphate stronghold in Syria in April. But outliers have been conducting guerrilla attacks, and this is compounded by the militias, called Popular Mobilization Forces, surrounding the Christian villages and turning homes into empty hulls without plumbing or electricity.

The Christian minority population in the region before the war was in the millions. Now, there are only an estimated 200,000 remaining. As many as 150,000 remain in refugee camps.

No Iraqi Christian leaders spoke or were represented at the hearing.

Hallam Ferguson, an assistant administrator of the U.S. Agency for International Development, pointed out that American aid to the region has increased to \$380 million, with faith-based partners including Catholic Relief Services and the Knights of Columbus.

CRS, which is the U.S. bishops' overseas relief and development agency, will administer a \$6.8 million contract for Chaldean Catholics in Archdiocese of Erbil, Iraq, USAID earlier announced.

"We are struggling against tectonic forces in Iraq," Ferguson said. "Decades of government neglect and corruption have marginalized these communities." Until the Iraqi government improves security, "we will continue to see limited returns."

USAID defines success by the number of religious minorities willing to return to their home villages "on their own terms."

The militias harassing Christian minorities are formally part of the Iraqi government, and Ferguson added that the U.S. "is not satisfied with their command and control." Orders appear to originate at lower levels of the organizations.

Reine Hanna, director of the Assyrian Policy Institute, told the panel that the Ninevah Plain Protection Units, which are military units formed to fight off IS intrusion, has been proven to be an American ally.

"The communities of the Ninevah have always been called 'the voiceless.' But they've always had voices. The trouble is, no one's been listening."

The Yazidis, who are practitioners of Yazidism, a monotheistic faith with some similarities to Christianity and Judaism and live largely in Iraq, "have always been the last in Iraq to receive anything," said Pari Ibrahim, executive director of the Free Yezidi Foundation. "We must have the chance to join the modern economy."

Politically, they are underrepresented "in every possible way," she added, holding only one seat in the Iraqi parliament, and the public educational system teaches children "the most vicious stereotypes of the Yazidis."

A further challenge to refugees, when they survive the harassment, is getting "secure title to their land," said Scott Portman, a director of Heartland Alliance International.

This is a particular problem for displaced Christians, since the typical claim of corrupt government officials "is that their land was abandoned."

"Refugees are not getting compensation for the homes they have lost. They need to get that from the Iraqi government."

And further, "They need justice. They have to be trials of the ISIS perpetrators, with a focus on those who committed atrocities."

In a Wall Street Journal commentary in April, Carl Anderson, Supreme Knight of the Knights of Columbus, wrote: "Washington's designation of Iran's Islamic Revolutionary Guard Corps as a foreign terrorist organization should encourage Baghdad to rethink its embrace of Iran-backed militias. If Iraq wants Iraq to remain Iraq, it should get serious about protecting minorities before it is too late."

Iraq's removal of counterterrorism chief sparks controversy (Military Times) By Bassem Mroue
September 29, 2019

The Iraqi prime minister's removal of a top military commander from his post triggered heated political protests and uncertainty over the weekend, at a time of soaring tensions between the country's chief security partners in the region, Iran and the United States.

Prime Minister Adel Abdul-Mahdi removed Lt. Gen. Abdul-Wahab al-Saadi from his post as the commander of the country's elite counterterrorism forces and transferred him to the Defense Ministry on Friday, without providing an explanation.

The decision sparked speculation that some among Iraq's Iran-backed politicians were uneasy with the commander's growing popularity among Iraqis. The Arab state finds itself increasingly caught in the middle between the U.S. and Iran, as the two countries lead rival blocs vying for influence in a tumultuous region.

The 56-year-old general, who in recent years led the fight against the Islamic State group working alongside the U.S.-led coalition, said he did not know the reason for the proposed transfer and would prefer to retire rather than be moved to the defense ministry.

"There is no job for me at the Defense Ministry ... I prefer to retire," al-Saadi said by telephone from Iraq.

Al-Saadi told The Associated Press that Abdul-Mahdi informed him in a phone call that he had signed an order to move him to the Defense Ministry. Officials have not provided an explanation for the move.

News of al-Saadi's decommissioning led most news channels in Iraq over the weekend, and triggered a supportive hashtag from Iraqi fans. Many were angered by what they see as the sidelining of a prominent figure credited with successfully leading several major battles against the Islamic State group, including the nine-month battle to recapture the city of Mosul after

which the group was declared defeated in 2017.

Al-Saadi is known to be on good terms with the Americans who have been training and arming the counterterrorism force he commands.

A few hundred Iraqis protested in a district of Baghdad Sunday, with one supporter saying he saw “foreign hands” behind the decision — a reference to Iran.

Former Iraqi Defense Minister Khalid al-Obeidi said the way al-Saadi has been sidelined “raises more than one question mark” and said the winners will be “the terrorists and Daesh outlaw,” a reference to remnants of the Islamic State group. Former Iraqi Prime Minister Haider al-Abadi tweeted: “Is this how the state rewards its fighters who defended the homeland?”

Al-Saadi, an officer since the days of late Iraqi President Saddam Hussein, later was trained by the Americans. The elite counterterrorism force he commands was also armed, trained and equipped by the U.S.-led coalition. He was wounded four times in battles against ISIS militants.

Iraq’s prime minister has also recently moved to disarm the country’s many Iranian-backed militias, seeking to bring them under the control of the national army.

[back to contents]

Syria

Mounting Syrian War Crime Cases Raise Hopes For Justice Against A Brutal Regime (NPR) By Deborah Amos
September 24, 2019

Omar Alshogre can remember every detail of his torture in Syrian jails: the electric shocks, the brutal beatings, the rancid food and open wounds, the days he was suspended by his wrists from the ceiling for hours, then returned to a cramped cell where sleep was only possible in shifts.

Sometimes the torture consisted of forcing him to listen. “They put us in the corridor just to hear the torture, and this guy is saying, ‘Please kill me. I can tell you whatever you want. Stop or kill me,’” he recalls.

Brutality was standard in Branch 215, a military intelligence prison in Damascus known for gruesome torture techniques as documented by Human Rights Watch.

Alshogre was 17 when he was arrested and sent to Branch 215 in December 2012 for joining protests against the regime of President Bashar Assad in his hometown of Bayda, on the Mediterranean coast. It was the Arab Spring. In Tunisia and Egypt, dictators were already out. He wanted change in Syria too. Instead, he was swept up in a brutal campaign to stifle dissent. The Assad regime has waged a war against civilians, jailing tens of thousands who are packed into filthy cells where thousands have been tortured and killed.

“The first dead body I saw [in] prison, I was scared,” he remembers, “because when you see a dead body you see yourself. You can see your face. That’s you going to be like him very, very soon.”

Remarkably, Alshogre survived for three years. Many prisoners died within weeks or months.

Now, harrowing testimonies like Alshogre’s could be key to what happens next.

As the Assad government solidifies its hold after more than eight years of civil war, a network of survivors and lawyers who fled Syria, many bearing stories of torture, is now gaining some ground in pursuing justice against regime officials accused of war crimes. Much of the fight is playing out in European courts, where large refugee communities and prosecutors can use laws that allow trials even for suspected crimes committed abroad.

Alshogre was released in June 2015, barefoot and coughing up blood. He weighed just 75 pounds. Even his mother didn’t

recognize him after she paid an intermediary \$20,000 for the release that saved his life, he recalled in a recent interview in Stockholm.

He crossed the border to Turkey and soon after joined a human wave of refugees heading for Europe, a journey that took him to Sweden in 2015.

Now, Alshogre is the most visible and vocal witness to atrocities committed in Syria's prisons. He has spoken on college campuses and has given a TEDx talk. He has even spoken at the White House and briefed members of Congress.

Alshogre speaks English with a slight Swedish accent, learning both languages quickly in his first year in Stockholm. Tall and delicately thin, he recounts his abuse in Syria's vast prison complex, sometimes in a whisper and other times at a full roar.

"It's something I'm still living with. Everyone who was with me, everyone I remember, everyone died," he says flatly.

When he arrived in Sweden, he became the go-to guy for Syrian families whose relatives are still detained. "I'm talking about 20,000 families who sent me messages on Facebook and Instagram," he explains. "The phone was like 24 hours a day."

One day he got a chilling call from Syria. An ominous voice carried him back to the dark cell and daily beatings.

"I recognized this voice. I know exactly who this guy. He just said, 'Why you don't shut up? Do you want money, or do you want me to kill you?'" Alshogre recalls the threat from the man who he says tortured him every day for more than a year.

Then, Alshogre turned the tables, demanding answers from his former torturer.

"What makes you enjoy hurting people and torturing me when you know I never did anything wrong!" Alshogre says he told the man on the phone. He says he could hear the man sob. "He knows he's guilty. This guy killed many hundreds of people. As long as I still alive, they are going to stand in front of the judge and admit they tortured people."

Alshogre's faith in justice keeps him going, motivated by those who died in jail. "'Omar, please, if you get out of prison, do something. Talk about us.' People felt no one cared," he recalls being told by older inmates, who taught him how to survive and gave him a mission.

He has joined other victims, witnesses, activists and lawyers to wage an unprecedented legal battle for justice in European courts. He has given testimony to German lawyers and prosecutors, as well as to European war crimes investigators, to build cases against a regime determined to cling to power.

The evidence of Syrian war crimes is overwhelming. Since 2012, the Commission for International Justice and Accountability, an independent nonprofit group funded by Western governments, has worked with Syrians on the ground to ensure that evidence is collected and stored for future trials. In addition, a Syrian military police defector, code-named Caesar, slipped out of the country in 2013 with some 55,000 photographs on a thumb drive stashed in his shoe. The photos show emaciated and bruised corpses tagged with prison numbers.

Last year, acting on evidence compiled by CIJA and witness testimony, French and German prosecutors issued the first international arrest warrants for senior Syrian officials: then-national security chief Ali Mamlouk and the then-head of the Air Force Intelligence Directorate, Jamil Hassan. Yet Assad and his lieutenants remain beyond prosecutors' reach as long as they stay in Syria, protected by military allies Iran and Russia. Moscow also provides diplomatic protection, wielding its veto at the U.N. Security Council to block an international tribunal.

In separate cases in February, police in France and Germany made arrests that were hailed as the first detentions in Europe of suspected Syrian security officials. One of Germany's detainees was a colonel in Syrian military intelligence prisons. German prosecutors called him only Anwar R., in keeping with national privacy laws, but his full name was soon widely reported as Anwar Raslan, which witnesses and researchers have confirmed to NPR.

He is "strongly suspected of crimes against humanity and other crimes," according to the prosecutors' statement. "As head of the investigative department, Anwar R. determined and directed the operations in the prison, including the use of systematic and brutal torture," the statement says.

The trial will be a landmark for Syrians everywhere: the first time a high-ranking Syrian official will face Syrians in open court in a war crimes case.

The case is also remarkable for Germany, which is changing the way war crimes are prosecuted — not in an international tribunal but in a national court, says Stephen Rapp, a former U.S. State Department ambassador at large for war crimes issues.

"Germany is the capital of accountability in the case of Syria and [has] shown it can be done — shown it's possible to arrest people and bring them to court. There are a dozen other cases that they are working on," Rapp says.

Rapp, who has experience as a prosecutor in an international tribunal in the 1990s, is serving as an adviser to European groups investigating war crimes.

Raslan is being prosecuted in Germany under the principle known as universal jurisdiction, which means people suspected of the most serious human rights crimes can be tried in German courts. "The national prosecutor can prosecute even when the victims are not German citizens. And even when the perpetrator is not in Germany," Rapp says.

Universal jurisdiction has been in German law since 2002, but legal experts say that the large number of Syrian refugees, many of whom are torture survivors, has motivated German prosecutors to build cases.

"Germany has 800,000 Syrian refugees. It's been profoundly affected," Rapp says. "And these people came to this country because of the torture. A lot of other horrible things were also happening, but that was a key part of it, so it makes sense that the trials are in Germany."

"You can't torture people and kill them in custody — it's illegal. Forget international law — it's illegal under Syrian law," says Bill Wiley, a Canadian war crimes investigator who is the founder and executive director of the Commission for International Justice and Accountability.

He says his investigators have verified state-sponsored torture as a response to the 2011 Syrian uprising. In detention centers and prisons, officers reported up the chain of command to superiors in Damascus, including Syria's president, Assad.

"There are documents that say, 'The bodies are piling up. We have no space in the refrigerators anymore. So, we have to start figuring out how to deal with this,'" says Wiley, quoting from communications between a Syrian prison official and his superiors.

NPR recently visited the CIJA headquarters in Western Europe; its location is kept secret for security reasons. There is no website or a sign on the door. In an inconspicuous building, the cramped office holds more than 800,000 official Syrian documents stored in cardboard boxes behind a locked metal door, according to commission members. "There is 3.6 metric tons of paper," Wiley says. The documents are digitized, and "each page is given a bar code that has a unique evidence number."

In late 2011, CIJA began training Syrian activists to collect evidence and created a risky smuggling network. "We've had a couple of men killed, some wounded, in Syria," Wiley says about the price of moving tons of documents across the Syrian border.

CIJA investigators have prepared legal briefs that link torture and murder to Assad.

"There are documents that show that the information about torture was not only known to him but also known to the individuals that reported directly to him, and nothing was done to stop it," says Wiley.

The commission also tracks lower-level officials, counting more than a dozen who have migrated to Europe.

Raslan was one of them. He and his family had settled in Berlin among the Syrian refugee community.

When German prosecutors asked CIJA for information about Raslan, the commission was already working on a dossier. "They got more than I think they had anticipated," Wiley says. German police arrested Raslan a few weeks later.

"He is the biggest fish arrested in the West at this point," says Wiley about Raslan. "He was a full colonel, head of interrogation in two intelligence branches in Damascus, meaning he was responsible for the teams that interrogated detainees and everything that goes with that in the Syrian context."

There are more cases coming, says Chris Engels, CIJA's director of operations and investigations. He gets hundreds of requests a year for information and is coordinating with 13 European countries.

"Germany definitely has political will to move forward," Engels says, and so do other European countries. "Several of the countries with which we have the opportunity to work are really pushing forward."

Anwar al-Bunni, a human rights activist and lawyer from Syria, is central in building a case against the Syrian regime. He aims to put the Assad regime on trial in German courts and put torturers behind bars.

More than four years ago, he founded the Syrian Center for Legal Studies and Research, based in Berlin, and works with a

handful of Syrian volunteers. In addition, he coordinates with 30 Syrian lawyers across Europe who identify witnesses and collect refugee testimony about systematic abuse in Syria's prisons.

A chance meeting in 2014, on his first day in Berlin at a refugee registration center, is also part of the story.

"I didn't recognize him the first while. I'm thinking, 'I know this guy. I know this guy,' " says Bunni, 60. "The next day, 'Oh, that's Anwar Raslan. [He] was a security officer, for sure; he knows me."

The last time he had seen Raslan was in Damascus in 2006. "He kidnapped me," Bunni says. "When he delivered me to the official prison, they took off my blindfold, and I saw him and asked his name."

His rough arrest by Raslan is an indelible memory: "He slapped me twice on my face," he says. Bunni was sentenced to five years in prison.

This past February, when Raslan was arrested by German police, the charge was based partly on testimony that Bunni had gathered and delivered to German prosecutors. Eleven witnesses have agreed to testify; Bunni is one of them.

"This is the first time the victim faces the criminals," says Bunni. "It is the first time in history that we break the immunity."

Bunni says he, his three brothers and a sister have spent a combined 75 years in prison for their activism. When his older siblings got long prison sentences in the 1980s, Bunni was getting his law degree at Damascus University. He established a human rights center in the Syrian capital and became well-known to Syrian activists. His work has been recognized by the German Association of Judges.

Germany offered him asylum after his prison release in 2011, but he remained in Damascus to defend and track demonstrators as the uprising gained steam. When the government moved to arrest him again in 2014, he figured they aimed to kill him in prison. He fled to Berlin with his family.

Now he is challenging the Assad regime again, this time in European courts, which again puts him at risk, he says, because there are Syrian agents in Europe.

"Let them watch me. I don't care," he insists. "I have a weapon that they don't have," he says, referring to Germany's universal jurisdiction law. "If they kill me, that means my weapon will be stronger against them. The regime should be afraid of me."

Bunni has partnered with the European Center for Constitutional and Human Rights, a nonprofit law group based in Berlin. Founder Wolfgang Kaleck says universal jurisdiction, in Germany and in a handful of other European countries, has revolutionized war crimes prosecution. The push for accountability is led by Germany.

Americans too have taken legal action against Syrian officials in the United States, such as in the case of slain journalist Marie Colvin. U.S. courts have also tried suspected international war criminals, including for charges such as lying to immigration agents.

But Germany has a combination of a large Syrian refugee population and a broad interpretation of universal jurisdiction.

"Among the estimated 800,000 Syrian refugees, you will find a lot, a lot, of witnesses," says Kaleck. Their testimonies have persuaded prosecutors to move forward.

"The question is, when do they show impact? We don't know," he says. "You have to be patient and impatient at the same time when you deal with these crimes." "This is an open wound, and the earlier you try to treat this wound, the better," he says.

Patrick Kroker, a Berlin lawyer who heads Syrian investigations at the European Center for Constitutional and Human Rights, agrees. He says the cases are complex and time consuming, but any success in court sends a message. The arrest warrants issued for high-ranking Syrian officials in 2018 spurred more investigations across Europe.

"It's a wider movement," says Kroker, "because these crimes cannot be investigated by one country alone. Not by one prosecutor alone."

His organization has partnered with prosecutors in Austria, Norway, the Netherlands, France, Switzerland and Sweden, countries that have some version of universal jurisdiction. But he too is cautious about the timeline for justice.

"Bashar [Assad] is not going to be in a German prison in the next few years. It's not going to happen," Kroker says he tells Syrian witnesses. "The only thing we can promise — that we would fight as hard as we can for you to get your rights."

If Syrian authorities are worried about court challenges in Europe, there has been no apparent official response to the

international warrants or the upcoming trial of a former official. The Assad regime has repeatedly denied torture and war crimes charges.

The regime is now on the brink of victory. It got there by flouting the rules of war against its own civilians, say researchers and legal experts, and with the military support of Russia and Iran.

Most of the more than 5 million Syrian refugees in the Middle East and in Europe are unlikely to voluntarily go back if there is no change in the system and there is risk of arrest and torture. But even with the war dying down, the Assad regime made more than 5,600 arbitrary arrests last year, according to the Syrian Network for Human Rights, an independent monitoring group. The group says it documented nearly 2,000 arrests of Syrians who had returned after fleeing their homes.

In the meantime, war crimes trials and investigations in Europe can serve another purpose, says Tobias Schneider, a German specialist on Syria and a research fellow at the Global Public Policy Institute, a nonprofit research center in Berlin.

"These vanguard cases provide a truth-seeking function that we are unlikely to see in Syria as the Assad regime reimposes itself," he says, and as the government fights to restore control across the country.

The German court documents provide a historical record of the brutality of the war, especially for families that have lost a loved one, says Schneider, and will offer "recognition of what they've gone through and the suffering they've endured."

And, he adds, it is likely that Germany will host a large Syrian community for the foreseeable future. It's important for Germans to know what happened to the Syrians, and why, and who were the people involved.

"Germany is the hub where the Syrian narrative, outside the control of Bashar al-Assad, is going to emerge," Schneider says.

The victims

The German justice system is Fadwa Mahmoud's last hope. She now lives in Berlin. Her husband, Abdelaziz al-Khair, and son disappeared at the Damascus airport in September 2012.

She doesn't know if they are alive or dead. Still, she knits for them, obsessively. She says, "I need to knit nice things for them. Maybe they are cold."

Her husband, a medical doctor, is a prominent dissident. In the early days of the uprising, he went to Beijing to get backing for talks between the nonviolent opposition and the government.

When he returned to Damascus, Mahmoud sent their son to pick him up at the airport. She got a call from her husband when they were loading luggage in the car trunk. "Please make lunch so we can all eat together" was the last message she received from them. They have not been heard from since.

She cannot go home to look for them because she would be arrested too. "I was wanted by five intelligence branches," she says, with a short laugh. "Unfortunately, I am a dangerous woman."

For her, the arrest warrants for top Syrian officials brought some relief. The upcoming trial, the first time a Syrian official faces his accusers in court, has restored some hope.

"The trial is going to be very important. It will empower every detainee," Mahmoud says. "There is something achievable."

Why Are Syrian War Crimes Being Prosecuted In Germany? (NPR) By Deborah Amos
September 25, 2019

The battle to hold Syrian officials accountable for torture is gaining momentum in Germany. It's a country with a lot of Syrian refugees and a belief in the importance of examining the past.

STEVE INSKEEP, HOST:

Germany has been trying to bring torturers in Syria to justice. German authorities arrested a couple of ranking Syrian officials on suspicion of war crimes that happened earlier this year. Germans view Syria's war as their business because so many Syrian refugees have ended up in Europe. And there is another reason for Germans to get involved. NPR's Deborah Amos reports.

DEBORAH AMOS, BYLINE: Germany knows something about accountability - Germans call this memory culture - for the Nazi era, for the Holocaust. Again, when the wall came down and the two Germanys became one, there was a reckoning with the communist past.

LUTHER SCHULTZ: Please come nearer here a little bit for beginning. Welcome to the memorial for the victims of the communist dictatorship.

AMOS: This is the Stasi Museum, once the nerve center of the East German secret police. The tour guides were prisoners here. Even 40 years after he was jailed, Luther Schultz wants visitors to know what it was like to live under a hardline system. He never forgets.

SCHULTZ: It was the only party in power. When you criticize this party, you will be detained.

AMOS: The parallels to Syria are striking. Syria was a close ally of East Germany. It's long been documented that Syria's state security was modeled on the Stasi and trained by them, too. Dissent is harshly punished. In the dictatorship of Bashar al-Assad, the price rose sharply after a popular uprising in 2011 - tens of thousands detained or disappeared, according to the U.N. Luther Schultz sees those parallels.

SCHULTZ: Very, very hard, tough times. They want justice, of course.

AMOS: Syrians want justice for war crimes well documented by a trove of incriminating official papers and pictures smuggled out of Syria over eight years of war. Finally, German prosecutors and police are acting on that evidence with arrests in February.

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED REPORTER #1: German police have arrested two former Syrian intelligence officers for crimes against humanity.

SOUNDBITE OF ARCHIVED RECORDING

UNIDENTIFIED REPORTER #2: Germany is set to put on trial two Syrian officials allegedly responsible for torture on behalf of the Assad regime.

AMOS: The arrests were headline news in countries with Syrian refugee communities in Germany, in Canada and Australia. The Syrian officials had slipped into Germany with the refugees. The trial will be a landmark for Syrians - the first time high-ranking officials will face witnesses in open court. But the case is also remarkable for Germany, which is changing the way war crimes are prosecuted - not in an international tribunal but in a national court under a legal doctrine known as universal jurisdiction that allows prosecutors to bring cases for war crimes outside Germany's borders.

STEPHEN RAPP: Germany is the capital of accountability in the case of Syria and has shown that it can be done. There are, you know, maybe a dozen other cases that they're working on.

AMOS: That's Stephen Rapp. He's an adviser to European groups investigating war crimes, has been a prosecutor on international tribunals and a State Department official. Germany, he says, has a lot at stake.

RAPP: Germany has 800,000 Syrian refugees. It's been profoundly affected. And these people came to this country because of the torture. Other things, horrible things, were also happening, but that was a key part of it. So it makes sense the case be done in Germany.

AMOS: Ameenah Sawwan, a young Syrian activist, witnessed the horrible firsthand when her neighborhood back home was bombarded by missiles loaded with chemicals. She fled to Berlin in 2016.

Were you there when the chemical weapons hit?

AMEENAH SAWWAN: I was there. I did not feel it at the beginning, but I definitely felt it when I went out to the streets and started to hear people screaming. It was one of the most horrible experiences.

AMOS: It's important to tell these stories, she says. But she's frustrated by the slow pace of justice. The Syrian officers arrested by German police were well-known to Syrian refugees. The officials had been living with them in Germany for a few years. The trial is a small step for a traumatized community.

SAWWAN: They look at this as a baby step.

AMOS: Still, it's unprecedented for Syrian witnesses to describe torture in court, as they will do in Germany, stories Syrian families can only whisper about in Damascus.

SAWWAN: They're really brave. They amaze me, to be honest. I thought at some point that some Syrians won't have the

patience to deal with this bureaucratic system towards justice, no matter what.

AMOS: When the wave of Syrian refugees arrived in 2015, many Germans backed Chancellor Angela Merkel's welcome.

AMOS: Now, you can find cafes like this one where Germans come for Syrian culture and cuisine. But there's been a backlash, too - the rise of an anti-immigration party that turned anger into votes. Those working on the war crimes cases see the trials as a way to counter some of the resentment against the newcomers. The trial will highlight why the refugees had to flee and remind Germans of the value of accountability.

MOHAMED AMJAHID: To be honest, I don't know. This is a new thing. It's an experiment, somehow.

AMOS: I've come to the offices of a German newspaper to interview a journalist assigned to cover the trial.

AMJAHID: My name is Mohamed Amjahid. I am a journalist working for the weekly newspaper, Die Zeit.

AMOS: You explain the Syrian community to Germans, correct?

AMJAHID: It's not my main task, but it's part of my work, yes.

AMOS: He monitored Syrian reaction on Facebook when the arrests were first announced.

AMJAHID: It just exploded. It exploded. Because they woke up here as refugees, and they've noticed that Syrians who committed crimes in Syria, they are hiding here as refugees, too.

AMOS: Are you struck by the difference between the reaction from the Syrian community and from the German community?

AMJAHID: Yes. There is no reaction from the German community. So it's a very clear gap.

AMOS: For Germans, this could change when the trial begins when Syrians give an official account of a war that destroyed their country, the torture chambers that forced so many to flee. For Syrians, it's an official German record in court that shows that while the Assad regime has won the war, the victims get a say in how the history is written. Deborah Amos, NPR News, Berlin.

US accuses Syria of chemical weapons attack, vowing to not let it go 'unchallenged' (ABC News)
By Conor Finnegan
September 26, 2019

U.S. intelligence has determined that the Syrian regime of Bashar al-Assad used chlorine as a chemical weapon on May 19, according to Secretary of State Mike Pompeo. He said the Trump administration will not let it go "unchallenged."

The attack -- which the State Department had previously warned about -- is just the latest atrocity Assad's regime is said to be responsible for in Syria's eight-and-a-half-year old war, many of which amount to "war crimes and crimes against humanity," Pompeo said Friday.

Days after the United Nations announced that Assad and the Syrian opposition agreed to finally convene a constitutional committee to begin a negotiated settlement to the war, the U.S. has been rallying Western and Middle Eastern allies and partners to hold the line of pressure against Assad.

In particular, the U.S. has tried to use funding for reconstruction, vowing to withhold any until Syria and its chief backer Russia agree to a political process. The announcement that the constitutional committee will convene in the coming weeks is a sign of that campaign's success, according to U.S. special envoy for Syria James Jeffrey, calling it a "glimmer of hope that this conflict can be ended the right way."

Pompeo provided few details about the chlorine attack, beyond that it was conducted in Latakia province and was part of Assad's larger assault on Idlib province -- the last rebel-controlled stronghold. Since April, regime forces -- boosted by Russian airstrikes -- have moved into Idlib despite a ceasefire with Turkey, which backs the rebels.

The offensive has killed over 1,000 people, according to the U.N. It has also sparked fears of a slaughter in Idlib, which houses more than 3 million civilians who've fled Assad's forces from elsewhere in Syria, and prompted concern about a new flood of refugees moving into Europe.

President Donald Trump has warned Syria and Russia of any escalation against Idlib, but has been unwilling to take actions to halt it.

In May, the State Department said it had seen "signs" of a possible chlorine gas attack, but was "still gathering information," according to spokesperson Morgan Ortagus. Months later, Pompeo declined to say how the U.S. had reached its determination.

"The United States will not allow these attacks to go unchallenged, nor will we tolerate those who choose to conceal these atrocities," Pompeo said Friday, but he later declined to preview any response.

The Trump administration has twice conducted airstrikes on the regime, in April 2017 and April 2018 after Assad reportedly used sarin gas. The Assad regime and Russia have denied Assad's forces have used chemical weapons. The U.N. chemical weapons watchdog, the Organization for the Prohibition of Chemical Weapons, or OPCW, confirmed chemical weapons were used in both attacks, but did not ascribe blame.

But Pompeo implied that military action was unlikely, given that it was chlorine and not sarin gas used. He did announce, however, that the U.S. will provide a new \$4.5 million in funding to the OPCW.

"This is different in some sense in that it was chlorine, so it's a bit of a different situation," he said.

Special envoy Jeffrey later told reporters, "We're not going to tie ourselves down to any military or political, diplomatic action. ... Four people were wounded. It was four months."

Instead, U.S. officials pointed to new sanctions from the Treasury Department against one company, three of its Russian employees and five Russian-flagged ships for smuggling jet fuel into Syria for Russian forces. The fuel has "enabled" Assad's "continued bombing campaigns that destroyed numerous hospitals, schools and public spaces, resulting in civilian deaths," according to Treasury.

While Pompeo accused Assad of war crimes and crimes against humanity, the U.S. has stopped saying he "must go," instead saying that there must be a political transition in Syria and they believe he would not win free and fair elections.

Among the regime's many atrocities, Pompeo specifically called out the detention and disappearance of more than 100,000 people in Assad's prisons, including a "number of American citizens."

"We call upon the Syrian regime to release them all," he added, highlighting U.S. journalist Austin Tice, who has spent seven years in captivity.

Foreign Isis fighters in Syria 'should face war crimes tribunal' (The Guardian) By Dan Sabbagh
October 2, 2019

Foreign Islamic State fighters held in overcrowded prisons and lawless refugee camps in north-east Syria – including about 60 Britons – should be put on trial there as part of an international effort to de-radicalise the region, according to senior local officials.

Politicians and soldiers from the Kurdish-led region said they needed western help to deal with the prisoners locally, including setting up a recognised war crimes tribunal, amid warnings that Isis could otherwise rebuild.

Images emerged this week of the insanitary conditions in makeshift prisons where people of more than 50 nationalities were held in packed cells, sometimes 20 to a room. Meanwhile, local politicians admitted they had lost control of the refugee camps to Isis radicals.

Dr Abdulkarim Omar, the de facto foreign secretary of the self-styled Autonomous Administration of North and East Syria, and the co-chair of its foreign affairs committee, said: "We call for the establishment of an international tribunal to prosecute those fighters here in our region.

"Those people, the Isis criminals, committed their crimes in our region and against our communities. Evidence, proof and witnesses against them are in this region, and we can prosecute them."

Omar, speaking before pictures of the prison interiors were published in the Times, admitted his administration was struggling with the postwar legacy. Omar said the region only received "5% of the resources it needs" from the international community to help. Officials repeatedly described the prisons and camps as a "ticking time bomb".

Estimates of the number of Isis fighters in detention vary. The administration puts the figure at 6,000, including 1,000 foreigners, but others say the true number is double that. Some have been in custody for two or more years without trial after Isis sustained a series of battlefield defeats.

Refugee camps hold in excess of 100,000 people, mostly women and children, with the largest, the al-Hawl camp, holding more than 70,000.

Isis lost the last of its territory in March, defeated by the primarily Kurdish members of the Syrian Democratic Force (SDF) with military support from a US-led coalition, marking the end of an eight-year war that killed 12,000 troops. What was initially a Kurdish territory on the Turkish border has become a multi-ethnic region of 5 million people, east of the Euphrates River, and separate from the areas controlled by President Bashar al-Assad.

British sources estimate that just over 60 adult Britons – an equal mix of men and women – are being held in detention or are living in camps in north-east Syria. The UK has made little effort to repatriate them.

In two high-profile cases, the UK has stripped citizenship from Shamima Begum and Jack Letts. Two others accused of murdering western hostages – Alexandra Kotey and El Shafee Elsheikh – may be extradited to the US.

Two British MPs who went on a fact-finding mission to north-east Syria last month, including a visit to a refugee camp, said the UK had a “debt of honour” to help those who fought Isis on the ground, and said the situation in the prisons and camps was critical.

Lloyd Russell-Moyle, a Labour MP who chairs the parliamentary group on north-east Syria, said the local authorities needed western help: “The time bomb of captured Isis fighters and radicalised families is beyond the capacity of north-east Syria to address. Failure to prioritise this would be international security negligence of the first order.”

The MPs also criticised the UK for not recognising north-east Syria politically, with ministers refusing to meet administration officials when they visited London earlier this year.

Another member of the delegation, the Conservative MP and former prisons minister Crispin Blunt, said: “So far the shirking of our nation’s responsibility has been wholly shameful.” He called on Boris Johnson to “reverse this position with due urgency”.

The lack of local control has prompted concerns that there could be a repeat of what happened in Iraq in the aftermath of the US invasion, where Isis leaders congregated in, and were further radicalised at Camp Bucca. Last month, Isis’s leader, Abu Bakr al-Baghdadi, released an audio message calling on Isis fighters to liberate prisoners and those living in refugee camps.

The US, which has 1,000 troops in the region, is opposed to the creation of a local war crime tribunal. It wants foreign fighters to be repatriated and put on trial in their home countries.

Whitehall sources argue that problems with collecting evidence that could stand up in a British court mean it may only be possible to charge returnees with membership of a banned organisation, which carries a maximum 10-year sentence.

Control of refugee camps, such as al-Hawl, is increasingly in the hands of “radical women” from Tunisia, Somalia and Russia. On their recent visit, the MPs heard aid workers report that their tents were burned down and they are regularly pelted with stones.

Sixteen British families are among the 12,700 people from outside Syria and Iraq living in al-Hawl, according to the local administration, though there is limited evidence that any sustained effort has been made to establish details about who is in the camp. “They haven’t done any fingerprinting or any ID,” one of the British politicians said.

Conservative dress codes were strictly enforced. Members of the SDF guarding the camp said a mother killed her daughter with a hammer for not wearing the chador and her body was left out in the camp as a warning to others.

Local politicians said the UK and other countries should be prepared to repatriate children born to Isis members, as part of a deradicalisation programme. “These children are victims, their only guilt is that they belong to parents who joined Isis,” Omar said.

Describing the children in the camp, who are from 55 countries beyond Syria and Iraq, as “the cubs of the caliphate”, Omar said: “If we do not address this problem and provide rehabilitation for some of them, we expect a future of terrorists.”

Some countries, such as France and Belgium, have taken in a few orphaned children, but a recent review led by the Home Office concluded that children in Syria with a claim to British citizenship should be left there.

Over the weekend, however, it was reported that Johnson was considering whether to authorise a raid by UK special forces to repatriate children born to British parents.

Northeast Syria: Boys, Men Held in Inhumane Conditions (Human Rights Watch)

October 8, 2019

A Kurdish-led armed group backed by the United States-led coalition against the Islamic State (also known as ISIS) is detaining thousands of Syrian and foreign men and boys in severely overcrowded informal detention centers in northeast Syria, Human Rights Watch said today. The heightened possibility of a Turkish invasion of northeast Syria underscores the urgent need for countries to immediately ensure that their imprisoned citizens can return home for rehabilitation, reintegration, and appropriate prosecution in line with international standards.

On October 7, 2019, US President Donald Trump announced a pullout of US troops from northeast Syria, an area controlled by the Kurdish-led armed group, the Syrian Democratic Forces (SDF), which had been a key member of the international coalition against ISIS. The group is detaining thousands of Syrian and foreign men and boys in severely overcrowded schools and other buildings in northeast Syria.

“Thousands of people, including children, are stuck in what amounts to shockingly overcrowded prisons on suspicion of being ISIS, but no one is accepting responsibility for them,” said Letta Tayler, senior crisis and conflict researcher at Human Rights Watch. “Any authority that effectively controls these informal prisons is legally bound to urgently improve conditions and ensure that each and every detainee is held lawfully.”

The SDF says it is holding 12,000 prisoners, including 4,000 foreigners, in 7 detention centers in northeast Syria. Human Rights Watch spoke to two witnesses, including a former prisoner, who described harrowing conditions and severe overcrowding in the detention centers. The Kurdish-led Autonomous Administration controlling northern Syria says it lacks the resources to detain the prisoners properly and that their own countries should bring them home for investigation and potential prosecution. Most countries have failed to do so.

Human Rights Watch interviewed a journalist who said he had visited one of the detention facilities and reviewed his video footage published in The Times of London on September 30. The footage showed cells with dozens of men in orange jumpsuits packed together tightly, their bodies touching, and an equally crowded medical block in a detention center holding boys. The journalist said the detainees included British, French, Belgian, and US citizens, and that they were held in “terrible, terrible conditions.” CBS news published similar images on September 17. Human Rights Watch was not able to verify the images independently.

According to The Times, the people pictured were captured during the battle of Baghouz, which ended in February, and held on suspicion of being ISIS members.

Another person who visited one of the detention centers showed Human Rights Watch two recent photos that also showed severe overcrowding as well as male prisoners who appeared to be children sharing cells with men.

The journalist, Anthony Loyd, said he saw more than 450 detainees in the hospital block of one detention center, including children as young as 12. Many patients were not receiving adequate care and some had died of their injuries in the detention center, he said.

“Several prisoners had multiple amputations and I saw one with his intestines hanging out beneath a bloody dressing. The situation was pretty bleak,” Loyd said. “There were children there.”

The SDF is detaining many boys, some as young as 12, in informal detention centers, but others, particularly younger boys, are held with their parents in camps for suspected ISIS family members or in centers for children apprehended without their parents. One 16-year-old, who spoke with Human Rights Watch in June at a center for unaccompanied boys, said that the SDF and US forces appeared to decide at random which boys to imprison and which to send to the camps or centers.

“One American twice put me in a line to go to jail. But another American cursed him and said, ‘Why are you putting him back? The boy is small,’” the boy said.

The evidence and images reviewed by Human Rights Watch strongly suggest that conditions are unfit to hold detainees and fail to meet basic international standards.

Countries that have refused to allow the return of their nationals held in informal detention centers, or in squalid northeast Syrian camps holding more than 100,000 women and children related to ISIS suspects, nearly half of them foreigners, cite national security concerns and insufficient evidence for prosecution as justification for leaving them there.

Local authorities claim they do not have the necessary infrastructure to prosecute foreign ISIS suspects in line with international due process standards. They have nevertheless set up courts that have tried thousands of Syrian ISIS suspects in

flawed proceedings. But neither the Syrian government nor the international community – including the Autonomous Administration’s own international partners – recognize the courts, raising doubts about the enforceability of the rulings.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Mandela Rules”) require that “[a]ll accommodation provided for the use of prisoners ... shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.” The rules state that “sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner” and that “[a]dequate bathing and shower installations shall be provided.”

The Autonomous Administration should stop detaining children solely for suspected ISIS membership. Children who have been associated with armed groups should be treated primarily as victims who need rehabilitation assistance and help reintegrating into society. Children who may have committed other violent offenses should be treated in accordance with international juvenile justice standards and detained only as a last resort. Child suspects should be held separately from adults, unless it is considered in the child’s best interest not to do so.

In addition to immediately ensuring that citizens trapped in northeast Syria can return to countries that guarantee due process, countries including members of the International Coalition against ISIS should also press and provide support to detaining authorities to end the inhumane conditions for those who cannot be promptly taken home or be involuntarily resettled without risk of torture or ill-treatment, including citizens of Iraq. The detaining authorities should ensure that anyone it is holding has been detained according to law, including prompt judicial review of each detainee to ensure the legality and necessity of detention, and that no one is held in inhumane or degrading conditions.

Under the International Covenant on Civil and Political Rights, anyone detained on suspicion for committing criminal offenses should be taken promptly before a judge or an equivalent authority to order their release. Anyone so detained is entitled to a trial within a reasonable time or release. The UN Human Rights Committee, which interprets the covenant, has said that the right to a judicial review of detention continues at all times, including in emergency situations.

Pending repatriation or third-country resettlement of non-Syrian prisoners to countries where they are not at risk of torture, ill-treatment, or unfair trials, the US-led coalition and countries with nationals held in northeast Syria should provide financial and technical support to the detaining authorities. The funding should be used to ensure that the authorities house all detainees in official prisons that are built to accommodate detainees and meet basic international standards including standards regarding juvenile justice.

“That those detained are ISIS suspects is no excuse for home countries to look the other way,” Tayler said. “If conditions in these prisons don’t improve, then home countries’ fears of radicalization and ISIS resurgence could become a reality.”

[back to contents]

Yemen

Yemen: US-made bomb used in deadly air strike on civilians (Amnesty International)

September 26, 2019

A precision-guided munition made in the USA was used in a Saudi and Emirati-led air strike carried out on 28 June of this year, on a residential home in Ta’iz governorate, Yemen, killing six civilians – including three children, Amnesty International said today.

The laser-guided bomb, manufactured by US company Raytheon and used in the attack, is the latest evidence that the USA is supplying weapons that are being used by the Saudi and Emirati-led coalition in attacks amounting to serious violations of international humanitarian law in Yemen.

“It is unfathomable and unconscionable that the USA continues to feed the conveyor belt of arms flowing into Yemen’s devastating conflict,” said Rasha Mohamed, Amnesty International’s Yemen Researcher.

“Despite the slew of evidence that the Saudi and Emirati-led coalition has time and again committed serious violations of international law, including possible war crimes, the USA and other arms-supplying countries such as the UK and France

remain unmoved by the pain and chaos their arms are wreaking on the civilian population.”

Amnesty International spoke to two family members and two local residents, including two witnesses to the attack. The organization also analysed satellite imagery and photo and video materials of the aftermath of the attack to corroborate the witness reports.

The organization’s arms expert analysed photos of the remnants of the weapon dug out from the site of the strike by family members and was able to use product data stencilled on the guidance fin to positively identify the bomb as a US-made 500 pound GBU-12 Paveway II.

Among the six civilians killed in the attack, which took place in Warzan village in the directorate of Khadir, were a 52-year-old woman and three children, aged 12, nine and six.

One family member told Amnesty International: “We buried them the same day because they had turned into severed limbs. There were no corpses left to examine. The flesh of this person was mixed with that person. They were wrapped up [with blankets] and taken away.”

One eyewitness told Amnesty International: “I was around three minutes’ walk away working at a neighbouring farm. I heard the plane hovering and I saw the bomb as it dropped towards the house. I was next to the house when the second bomb fell... and I got down onto the ground.”

The closest possible military target at the time of the attack was a Huthi Operations Room on Hayel Saeed Farm – approximately 1km away. However, that stopped operating more than two years ago after being struck by several coalition air strikes in 2016 and 2017. Witnesses told Amnesty International there were no fighters or military objectives in the vicinity of the house at the time of the attack.

A second air strike occurred in the same spot approximately 15 minutes after the first, indicating that the pilot wanted to guarantee the destruction of the al-Kindi family’s house. The home was struck again five days later while family members were at the house inspecting the site. No one was injured or killed in the latter attack.

Since March 2015, Amnesty’s researchers have investigated dozens of air strikes and repeatedly found and identified remnants of US-manufactured munitions.

“This attack highlights, yet again, the dire need for a comprehensive embargo on all weapons that could be used by any of the warring parties in Yemen.” said Rasha Mohamed.

“Serious violations continue to take place under our watch, and it is as crucial as ever that investigative bodies, namely the UN-mandated Group of Eminent Experts, are fully empowered to continue documenting and reporting on these violations.

“Arms-supplying states cannot bury their heads in the sand and pretend they do not know of the risks associated with arms transfers to parties to this conflict who have been systematically violating international humanitarian law. Intentionally directing attacks against civilians or civilian objects, disproportionate attacks and indiscriminate attacks that kill or injure civilians are war crimes.

“By knowingly supplying the means by which the Saudi and Emirati-led Coalition repeatedly violates international human rights and international humanitarian law, the USA – along with the UK and France – share responsibility for these violations.”

A recent report by the Group of Eminent Experts on Yemen, established by the UN Human Rights Council, concluded that the repeated patterns of air strikes carried out by the coalition raise “a serious doubt about whether the targeting process adopted by the coalition complied with [the] fundamental principles of international humanitarian law.”

The report further documents a range of serious violations and abuses by all sides to the conflict in Yemen – a conflict, which the UN states will have killed over 233,000 Yemenis by year end both as a result of the fighting and the humanitarian crisis. The UN Human Rights Council is slated to vote on the renewal of the Group of Eminent Experts today or tomorrow. Amnesty International, in coalition with other organizations, is urging states to support the Human Rights Council resolution extending and enhancing this group’s mandate.

According to the Defence Security Cooperation Agency, in 2015 the US government authorized the sale of 6,120 Paveway guided bombs to Saudi Arabia; in May 2019, President Trump bypassed Congress to authorise further sales of Paveway guided bombs to Saudi Arabia and the United Arab Emirates.

UN rights council renews Yemen war crimes probe despite Saudi, Yemeni objections (France24)

September 28, 2019

The United Nations Human Rights Council voted to extend by one year an international probe of alleged war crimes committed in Yemen, despite strong opposition from Saudi Arabia and several of its allies.

UN nations voted 21 to 8, with 18 abstentions, in favour of a resolution that renewed the UN-backed investigation for a year.

Last month, investigators detailed evidence of possible war crimes committed in Yemen by both the Saudi-led coalition and the Houthi rebels supported by Iran.

In that report, the team of UN-mandated investigators said all parties in Yemen's bloody conflict had committed a "substantial number of violations of international humanitarian law".

Many of these violations may amount to "war crimes", the report said, citing widespread arbitrary detention, rape, torture and the recruitment of children as young as eight to take part in hostilities.

It said coalition air strikes had caused "most of the documented civilian casualties", including strikes on residential areas, markets, funerals, weddings and medical facilities.

The report said there were "serious concerns about the targeting process applied by the coalition", pointing out that in many cases there were no apparent military targets in the vicinity of the attacks.

Covering the period from September 2014 through June 2018, the report did not address a series of deadly strikes during the summer that killed dozens of children in rebel-held areas and sparked international outrage.

The coalition and the Yemeni government, which together are battling the Houthis, strongly criticised the probe's initial report, arguing that it underplayed rebel violations and Iran's role.

The Arab group in the rights council had backed a rival text that called on Yemen's national human rights commission to take charge of future investigations into the conflict.

That proposal was a non-starter for many states, given a widespread lack of confidence in the Yemeni commission.

The approved resolution, led by a group of European states and Canada, calls on investigators to deliver another report next September.

In what may have been a consolation to the Arab group, the council passed a second Yemen resolution calling for support for the national commission, but its impact is largely meaningless as the international probe continues its work.

Probe members said they needed more time for a full documentation of the range of violations in Yemen's conflict, which has killed nearly 10,000 people since March 2015 and triggered what the UN has called the world's worst humanitarian crisis.

Twenty-two million people in the country need aid, many of whom are at risk of famine.

Riyadh's ambassador to the UN in Geneva, Abdulaziz Alwasil, said he voted no because the resolution did not address his "legitimate concerns", notably about the "lack of balance" in the probe's first report.

The fact that it went to a vote underscored divisions on the issue within the 47-member rights council, which typically strives for consensus.

Britain's UN Ambassador Julian Braithwaite had said his government was particularly "disappointed" that consensus could not be reached with the Arab group, as happened when the probe was set up a year ago.

"It is clear that in many instances, alleged violations committed by all parties have not yet been fully documented, particularly those committed by the Houthis," Braithwaite told the council.

Human Rights Watch (HRW) said the vote "sent a clear message that it stands with Yemeni civilians".

"States at the UN Human Rights Council stood firm today, in the face of shameful efforts by the Saudi-led coalition to quash a UN expert inquiry," HRW's Geneva director, John Fisher, said in a statement.

Saudi Arabia intervened in Yemen in March 2015 when President Abd-Rabbu Mansour Hadi fled into exile as rebels closed in on his last stronghold.

'Now it's just ghosts': Yemenis living under the shadow of death by airstrike (The Guardian) By Bethan McKernan
September 30, 2019

It has started to rain and the angry sky is threatening thunder, but a lone figure is picking his way through the rubble of Dhamar detention centre in Houthi-controlled northern Yemen.

His name is Mustafa al-Adel. Although his brother Ahmed, a guard, died here when the site was recently hit by a ferocious airstrike, he is still employed to watch over the ruins. At night he sleeps in the least damaged building. He doesn't mind the rain, he says. It has washed away the blood.

"You can see Ahmed's blue blanket up there," the 22-year-old said through a mouthful of the stimulant qat, pointing at the second floor of what used to be the guards' quarters. "There were 200 people here but now it's just ghosts."

Adel is one of dozens of people the Guardian met on a rare 6,000km journey through Yemen's patchwork of Houthi-, government- and separatist-controlled areas, who described how more than four years of war have changed their lives beyond recognition. Suffering is palpable everywhere. But it is in the rebel-held highlands of Yemen's north that the world's worst humanitarian crisis has taken root and the spectres of cholera, hunger and Saudi airstrikes loom.

The overnight attack on Dhamar on 1 September was the deadliest so far this year by the Saudi-led coalition of 20 Arab nations fighting to restore the deposed president, Abd Rabbu Mansour Hadi, according to the Yemen Data Project, a database tracking the war. Even by the standards of a conflict defined by indiscriminate bombing of civilians at markets, weddings and hospitals, the violence was shocking.

At least 100 people died in what eyewitnesses said were seven strikes that pulverised the area. It took five days to remove all the bodies impaled on metalwork ripped from the walls in the blasts.

As a community college campus turned into an informal detention centre, the Dhamar site should have been on the coalition's no-strike list. It was also an attack that targeted their own: about half of the prisoners were captured Hadi soldiers and half were civilians arrested by the Houthis, said a survivor, Ali Ahmed al-Abasi, 39, from his hospital bed.

Pictures of the burnt and bloody faces of the dead are now on the wall near the entrance for families to come and identify. In some cases there are no faces left: just hands.

"The Red Cross visited us three months ago," Abasi said. "There is no way the coalition didn't know we were there."

The coalition denied it had struck a detention centre, saying it had hit a military site used by the Houthis for restoring drones and missiles.

Strikes such as those on Dhamar that could constitute war crimes hit northern Yemen on an alarmingly regular basis. Saada province, the Houthi heartland on Saudi Arabia's border, is targeted the most. Barely a street in the town of the same name has been left untouched: the post office, central market and countless civilian homes are gone.

Death comes from above at any time. Over a lunch of chicken, rice and sweet honeyed fatteh, the unmistakable thud of a nearby missile shook the windows of a restaurant. The diners paid no attention to the whine of the Saudi warplane even as it circled back for a second, third and fourth hit.

The scorched earth strategy has not brought Saudi Arabia any closer to winning this war. Its crown prince, Mohammed bin Salman, then defence minister, launched Operation Decisive Storm in March 2015 after the Iran-backed Houthis took the capital Sana'a, forcing Hadi to flee to Riyadh.

However, the Houthis – officially known as Ansar Allah – are an experienced decades-old guerrilla movement. With the help of Tehran, they now possess sophisticated drone technology and can launch cross-border rocket attacks deep into Saudi Arabia, targeting assets such as oilfields, military bases and airports.

Footage of heroic Houthi exploits loops endlessly on the rebel al-Masirah television channel, and Houthi battle songs, known as zawamil, are so catchy even loyalist troops like to play them. The lyrics taunt Prince Mohammed with promises of more Houthi gifts sent over the border.

Some now call Yemen Saudi Arabia's Vietnam. But the truth is, without a steady supply of weapons, vehicles and technical expertise provided by the UK, US and other western nations, the current stalemate would be even worse for Riyadh.

Yemenis are well aware of where the bombs that fall on their heads originate from. Technical information and serial numbers

from missile parts that survive explosions can easily be traced to western arms manufacturers.

At the bomb and mine clearance agency in Sana'a, weapons parts recovered from airstrikes glow hot in the sun. Among them are motor parts from four sensors from cluster bombs – explosives illegal under international law because the submunitions inside released on impact cause indiscriminate harm over a large area. The labels say they were made by the US Goodrich Corporation and manufactured in Wolverhampton, UK.

Goodrich ceased operations in 2012 and it is not known if at the time of manufacture, which could predate the cluster bomb ban, the parts were intended for use in a bomb or later taken into one. Collins Aerospace, formed after Goodrich's parent company merged its subsidiaries, still operates from the Wolverhampton site.

Aside from waves of airstrikes, life in Sana'a – a city famous for its charming 2,500-year-old architecture, resembling tall gingerbread houses – appears normal on the surface. The Houthis have done a good job of routing al-Qaida from their territory and the streets are cleaner and more orderly than anywhere else in the country.

The relative calm comes at a price: according to Mwatana, one of the only human rights groups still operating, dissenters are routinely imprisoned and tortured, and the Bahá'í religious minority have been persecuted as Israeli spies.

The Saudi blockade of Houthi Yemen's airspace and land and sea borders keeps the north on a constant knife edge. The Houthi leadership in Sana'a has secured supply lines overland from Oman, a diplomatic source said, meaning they can cling on. But ordinary Yemenis are suffering greatly. The markets in Sana'a are full of produce, but the collapsed economy means food and fuel are now twice as expensive as before the war.

Eighty percent of the population – some 24 million people – are now dependent on aid to survive. Half of that number are on the brink of famine. The UN says by the end of the year the combined death toll from fighting and disease will be 230,000, or 0.8% of the country.

Every hospital in the city is overflowing with malnutrition and cholera patients from families in neighbouring provinces who have scraped together the cash to send loved ones for adequate treatment in the capital.

At al-Sabeen women and children's hospital, Jamila Mohammed Hamad, 36, says cholera now visits her family every year when the rainy season starts. She lost her three-year-old girl last summer. Now she is back in al-Sabeen's cholera reception tent, praying her two-year-old niece survives. The little girl, Qasima, was lying on her back gazing blankly at the tent's ceiling, sweat plastering her curly hair to her forehead.

Men are dying too. Green and flowery posters of those killed fighting and innocents lost to airstrikes cover the walls of homes, businesses, cars and street signs, Hezbollah-style. The pictures of "martyrs" are accompanied by the Houthi sarkha, or scream, which is stencilled in red and green on almost every surface: "God is great, Death to America, Death to Israel, Curses on the Jews, Victory to Islam."

The Houthis began life in the 1990s as a religious protest movement born in opposition to Riyadh's attempts to spread Wahhabism, the ultraconservative Sunni Islamic doctrine, over the border in Yemen's Zaydi Shia lands. While at failed peace talks their political agenda appears muddled, they have evolved into a sophisticated military organisation. As the Saudi blockades and air campaign have strangled the life out of entire communities, sympathy for the Houthi cause among many in the north has deepened. Unable to feed their families as work dries up and inflation soars, some men feel they have no choice but to join the movement and draw a fighter's salary of \$100 (£81) a month.

Nowhere is the injustice more keenly felt than in Dahyan, the small village in Saada where a year ago a Saudi airstrike targeted a bus full of little boys on their way to a school trip, killing 44. A piece of the missile seen by the Guardian identified it as a MK-82 bomb. Munitions experts have said it was a laser-guided Paveway, manufactured by the US company Lockheed Martin. Lockheed deferred questions to the Pentagon and US State department. The State Department said it had no comment.

At the site of the attack, 44 small faces now peer down from a banner strung across the street, next to a mural which says: "America kills Yemeni children."

In the village cemetery, the children's graves have become something of a pilgrimage site. Twelve-year-old Yusuf al-Amir almost went on the fateful trip: now he visits his friends' graves most afternoons after school.

Taking his jambiya, a Yemeni ceremonial dagger, from his belt, he cut away a plastic sheet to reveal the twisted skeleton of the bus, which now rests next to the children. A Saudi jet roared overhead as he talked about missing his friends.

In the martyrs' section of the cemetery, there are two freshly dug graves. The groundskeeper said he was not expecting any

green-clad funeral parties today. But he knows more will come.

Yemeni officials say explosive device has killed 4 children (Star Tribune) By Ahmed Al-Haj
October 8, 2019

SANAA, Yemen — Yemeni health officials on Tuesday said an explosive device has gone off near the flashpoint port city of Hodeida, killing at least four children.

The explosion took place late on Monday in the town of Wadi Nakhla in the southern district of Hays, the officials said.

Two other children were wounded, they said. All the casualties were from the same family.

The officials blamed the Houthi rebels, saying they scattered land mines and explosive devices in areas under their control in Hodeida to hamper a push by government forces last year.

Recent heavy rainfall and floods in the region have exposed land mines, which are largely unmapped and remain a threat to civilians.

Yemen's war pits the Iran-aligned rebels against the internationally recognized government, backed by a Saudi-led coalition since March 2015.

Elsewhere in the war-torn country, security officials and tribal leaders said forces loyal to the internationally recognized government have captured a strategic town on Tuesday from the rebels in the southern province of Dhale.

They said the fighting for the town of Fakher has killed around two dozen fighters from the two sides and wounded more than 300 others. The town is located on the main roads that lead to the rebel-held Ibb province.

All officials spoke on condition of anonymity because they were not authorized to brief the media, and the tribal leaders demanded anonymity for fear of reprisal.

The government forces said in a statement they had taken dozens of villages and towns in their attack from the Houthis in Dhale.

Majed al-Sheibi, a spokesman for the government forces in Dhale, said they advanced on Ibb to "liberate it from the Houthis" who control Yemen's north and the capital, Sanaa.

The conflict in Yemen began with the 2014 takeover of Sanaa by the Houthis, who drove out the internationally recognized government of President Abed Rabbo Mansour Hadi.

In March 2015, the coalition launched its air campaign to prevent the rebels from overrunning the south.

The fighting in the Arab world's poorest country has killed tens of thousands of people and left millions suffering from food and medical care shortages and pushed the country to the brink of famine.

[back to contents]

Special Tribunal for Lebanon

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

[back to contents]

Israel and Palestine

Palestinian hunger striker details ‘physical and psychological’ torture in Israeli prison (Mondoweiss) By

Yumna Patel

October 9, 2019

Palestinians are expressing outrage after hunger-striking prisoner Heba al-Labadi, 24, revealed new details surrounding her interrogation by Israeli forces and numerous torture tactics used on her in order to force her to end her strike.

Al-Labadi, a Palestinian-Jordanian national, was detained by Israeli forces on August 20th at the Allenby Bridge border crossing while she was traveling with her mother, on their way to attend a family wedding in the West Bank. She has been on a hunger strike in protest of her detention for 15 days.

According to Haaretz, her arrest was related to meetings she allegedly had with Hezbollah-affiliated individuals in Beirut while visiting her sister. Her lawyer clarified, however, that she met one time with an announcer from a Hezbollah-owned radio station.

Her case, along with several other young Palestinians of university-age arrested in recent weeks, has garnered lots of attention locally and on social media.

A second Jordanian national of Palestinian origin, identified by local media as Abdulrahman Marei, was reportedly arrested on September 2nd at the Allenby Bridge, also on his way to attend a wedding in the West Bank.

For the first 25 days of her arrest, al-Labadi was denied visitation from her lawyers, and was only transferred from an interrogation to a prison 32 days after her arrest.

On September 25, more than a month after she was arrested, Israeli authorities issued a six-month administrative detention order — with the possibility of renewal — against her, prompting her to begin her hunger strike.

Al-Labadi’s lawyers confirmed that she has lost some eight kilograms (around 17.5 pounds) of weight since starting her hunger strike, and has continued to refuse any food, vitamins, and salt, accepting to only drink water.

Heba al-Labadi, a Jordanian national of Palestinian origin, has been on hunger strike since September 30 in protest of her detention without charge or trial by Israeli authorities.

The widely condemned practice of administration detention, which allows for the indefinite detention of Palestinians without charge or trial, allows Israeli authorities to imprison individuals without ever informing them why.

Finally on October 3rd, al-Labadi’s lawyer Samer Simaan, was allowed to visit her. During the visit, al-Labadi spoke of the horrific conditions she is being held in in Israel’s Jalameh prison.

“After Hiba announced her hunger strike, she was transferred to isolation in Jalameh Prison, where she reports being abused and harassed by the prison guards attempting to make her end her hunger strike,” Adameer reported, recounting al-Labadi’s statements to her lawyer.

According to al-Labadi, Israeli guards enter her cell to search her every two hours, including throughout the night.

“Hiba’s isolation cell is filthy and has surveillance cameras,” Addameer said, adding that the cell has no windows, and is fitted instead with an air conditioning unit “meant to keep the cell cold.”

“There is nothing in the isolation cell except for one dirty sheet. Hiba is not allowed any yard time,” the group added.

Additionally, al-Labadi has not been able to shower since being transferred to Jalameh because the area where she is to shower is “completely exposed.”

Middle East Monitor, citing the PLO Prisoners’ Committee, reported that Israeli interrogators “got close to her body intentionally and used the dirtiest words to insult her,” citing accounts from al-Labadi.

She also reportedly told the committee that Israeli interrogators “insulted Islam and Christianity,” and “said that I am an extremist and told me that they had arrested my mother and sister and they would put me under renewable administrative detention for seven and a half years and then release me to the West Bank and put me under 24-hour surveillance.”

All of these conditions, including the lengthy interrogations and harassment by soldiers, the groups say, are meant to pressure al-Labadi into ending her hunger strike, which has been gaining increasing attention locally and internationally.

According to Haaretz, the Jordanian Foreign Ministry “delivered an official objection” to the Israeli ambassador in Amman demanding the release of both al-Labadi and Marei.

“Addameer holds the Occupation’s authorities fully responsible for the lives of detainee Hiba Al-Labadi and all of the hunger strikers,” the group said in a statement, adding that al-Labadi is one of six administrative detainees currently on hunger strike.

“The Occupation’s systematic and widespread use of administrative detention against Palestinians violates all applicable international conventions and covenants, and may amount to a war crime,” the group continued.

As of September, Addameer recorded 5,000 political prisoners being held in Israeli jails, including 43 women and 425 administrative detainees.

Arabs in Israel strike to protest deadly crime wave (PBS)

October 3, 2019

Arab citizens of Israel observed a general strike and held protests Thursday over a wave of deadly violence within the minority community.

Schools and businesses in Arab towns and villages were closed following a call by Arab leaders, and newly elected Arab members of Israel’s parliament skipped the swearing-in out of solidarity. Thousands took part in a protest in the northern Arab town of Majd al-Krum, where two brothers and a third man were killed in a brawl involving guns and knives earlier this week.

The protesters waved signs and chanted slogans calling for an end to the violence and criticizing what they see as indifference on the part of Israeli authorities. The police say they are doing everything they can to stem the violence and are urging community leaders to do more to help them.

Police say there have been more than 70 killings in Arab communities this year, nearly as many as in each of the past two years, when Arabs made up more than half of all murder victims nationwide.

Arab leaders say Israeli police largely ignore the violence in their communities, everything from family feuds and mafia turf wars to domestic violence and so-called honor killings. Israel’s Arab citizens make up 20% of the population and are descended from Palestinians who remained in the state after the war that surrounded its creation in 1948. They have the right to vote but suffer discrimination and say authorities treat them like second-class citizens.

An Arab coalition made major gains in last month’s parliamentary elections, and has made improving public safety one of its top priorities. The 13 newly elected lawmakers did not attend the swearing-in at the Knesset because they were taking part in the strike.

“A racist government has neglected us and the police have abandoned our neighborhoods to gangs and criminals,” Ayman Odeh, the head of the Arab parliamentary bloc, tweeted. He said the strike was to demand weapons searches, tougher action against organized crime and higher budgets for education.

Police say there have been more than 70 killings in Arab communities this year, nearly as many as in each of the past two years, when Arabs made up more than half of all murder victims nationwide.

“If there is no other choice, we will block streets to return safety to the streets,” he said. The police adamantly reject the allegations of indifference.

“Police are continuing to speak to the leaders of the communities in order to try and prevent the incidents from taking place, but at the same time also working inside the communities, patrolling more,” police spokesman Micky Rosenfeld said.

He said seven new police stations have been opened in Arab communities this year and there are plans to open eight more in the coming months. This year alone, police have confiscated 4,000 weapons and arrested some 2,800 people on weapons-related charges, according to Rosenfeld.

But he said local leaders need to do more to cooperate with police and to prevent violence.

“It has to come also from inside the community,” he said. “They can’t just, you know, decide at a wedding to open fire and shoot in the air. These are basic issues that have to be dealt with by the leaders of the communities.”

Thabet Abu Rass, the co-director of the Abraham Initiatives, a group that promotes coexistence between Arabs and Jews, has worked to improve relations between the police and Arab communities as part of the group's public safety program. But he said there is still a security vacuum in many Arab towns and villages that allows criminals to thrive.

"In terms of public and private safety our Arab towns are kind of ex-territorial, it's kind of outside of Israel," he said. "While we are citizens of the state of Israel, the state is not here, not in our towns."

He said there's a high level of mistrust between police and Arab citizens that makes cooperation difficult, and that the lack of a police presence inside the communities makes people reluctant to come forward with information for fear of violent reprisal.

"We are willing to cooperate with the police in issues related to combatting violence and crime in our community," he said. But "before cooperation, we would like to see a police presence in our towns."

[back to contents]

Gulf Region

Saudi Arabia: Provide Justice for Khashoggi Killing (Human Rights Watch)

October 2, 2019

Following the Saudi government's belated admission of responsibility for the October 2, 2018 murder of Jamal Khashoggi, it should move promptly to provide justice for its role in the crime and release jailed government critics, Human Rights Watch said today. It should also provide redress and an apology to injured family members and associates and end illegal surveillance and persecution of citizens expressing their opinions, at home and abroad.

Saudi authorities have obstructed meaningful accountability for Khashoggi's murder. The ongoing trial of 11 people remains shrouded in secrecy and the government has refused to cooperate with an investigation led by the UN special rapporteur for extrajudicial killings, Agnes Callamard. Moreover, Saudi authorities have not stopped the sweeping campaign of repression against dissidents and activists, of which Khashoggi was a victim. During an interview with the news program 60 Minutes on September 29, 2019, Crown Prince Mohammed bin Salman said he did not order Khashoggi's murder but took "full responsibility as a leader in Saudi Arabia," noting that the killers were government agents.

"Crown Prince Muhammad bin Salman taking responsibility but not the blame for Khashoggi's murder is insufficient," said Sarah Leah Whitson, Middle East director at Human Rights Watch. "If he's serious, the crown prince and his government should provide transparency into the ongoing trial and reveal everything they know about the planning, execution, and aftermath of Khashoggi's murder. Instead, Saudi authorities are doubling down on repression and continuing to silence independent Saudi voices that Khashoggi sought to defend."

In response to this and other egregious Saudi abuses, other countries should support targeted sanctions on members of the Saudi leadership responsible for ongoing human rights violations and retain the sanctions until they end the violations, Human Rights Watch said.

Saudi authorities do not appear to have probed the potential role of top Saudi leaders in the murder, and they have never disclosed the location and condition of Khashoggi's remains. Under international law, a state is responsible for the unlawful acts of its agents acting in their official capacity – in this case, the deliberate, premeditated, and extrajudicial execution of a government critic. For international crimes such as torture, commanders up to the highest level can be held liable for crimes committed by their subordinates under the principle of command responsibility.

Callamard noted on June 19, when releasing her findings, that there is evidence that responsibility for Khashoggi's murder extends beyond the 11 people on trial and that the mission to execute Khashoggi required "significant government coordination, resources and finances." She concluded that there is credible evidence warranting a United Nations criminal investigation of high-level Saudi officials, including Crown Prince Mohammad bin Salman, for their role in the murder.

While she did not find definitive evidence linking the crown prince to the murder, she did not rule out his involvement. She said that he “had played an essential role in a campaign of repressing dissidents” and that experts found it “inconceivable” that such a large-scale operation could be carried out without the crown prince being aware that a “mission of a criminal nature, directed at Mr. Khashoggi, was being launched.”

“The Saudi Arabian government should make clear to the world that it would be willing to cooperate with a UN investigation, including allowing access to evidence and suspects implicated in the crime in Saudi Arabia,” Whitson said. “If the Saudi government seeks a UN investigation into the recent attack on its oil facilities, then it should also show that it is committed to and will cooperate with an investigation into this murder.”

The Saudi government also should offer some remedy to those injured by its crime by apologizing to Khashoggi’s family, friends, and associates, and apologizing to the US and Turkish governments for murdering a US resident on Turkish soil, Human Rights Watch said. It should compensate those harmed, not with secretive payoffs in exchange for silence, but with an admission of wrongdoing.

The Saudi Arabian government, after an admission of responsibility, should assure the international community that it will end its attacks on journalists, writers, and others criticizing the government, as well as releasing those unjustly detained. Khashoggi’s murder took place amid successive waves of arrests of Saudi dissidents, clerics, journalists, intellectuals, businesspeople, royal family members, and women’s rights activists after bin Salman became crown prince in July 2017. The authorities have subjected many of them to unfair trials, and some have alleged that authorities tortured them in detention.

Releasing those languishing in prison for expressing their opinions is the most urgent action needed, Human Rights Watch said. Then the government should accompany their release with a serious commitment to a host of reforms to ensure that Saudis can speak freely. It should revamp its intelligence forces that target dissidents, as well as establish laws that enshrine peaceful critics’ rights, a penal code that articulates elements of real crimes, and an independent judiciary.

Human Rights Watch has previously called for individual sanctions against Mohammed bin Salman over the Saudi-led coalition’s indiscriminate bombing and unlawful blockading of essential goods to Yemen’s civilian population. His government’s responsibility for continued major human rights violations, some which amount to war crimes in Yemen, only strengthens the case for sanctions against top Saudi leaders as long as the serious abuses continue.

In addition to supporting targeted sanctions, countries should halt sales of advanced surveillance equipment to Saudi Arabia until it stops targeting independent dissidents and activists for repression and releases those convicted in unfair trials. Companies doing business in Saudi Arabia should adhere to international human rights standards and create monitoring systems to ensure that their business activities do not harm human rights.

“Businesses are quietly returning to their profit-making activities in Saudi Arabia, but they remain on the hook for their own human rights responsibilities,” Whitson said. “That includes verifying that their business will neither contribute to nor benefit from ongoing human rights abuses in the Kingdom.”

Petition to investigate Saudi crown prince for crimes against humanity sent to ICC (CNN) By Jim Sciotto, Taylor Barnes and Sharif Paget
October 2, 2019

Two Washington attorneys are calling on International Criminal Court chief prosecutor Fatou Bensouda to push for an investigation into Saudi Arabia's crown prince for the alleged kidnapping, torture and assassination of Saudi journalist Jamal Khashoggi one year after his disappearance as well as for other crimes against humanity, according to a petition obtained by CNN on Tuesday.

Attorneys Bruce Fein, a former associate deputy attorney general under President Ronald Reagan, and W. Bruce DelValle drafted the petition on behalf of the National Interest Foundation, a Washington nonprofit frequently critical of US policy in the Middle East, saying Saudi Crown Prince Mohammed bin Salman “has ruthlessly and systematically persecuted his political detractors, opponents, or rivals,” since being elevated to his position in June 2017. The petition was submitted in July but had not been made public

The petition refers to the murder of Khashoggi, who worked for The Washington Post prior to his death on October 2, 2018; the torture of dissidents; persecution of human rights activists; multiple war crimes in Yemen and other offenses as instances of the crown prince's crimes against humanity.

Last November, the CIA concluded that bin Salman personally ordered the death of Khashoggi, despite the Saudi government's denials that the de facto ruler was involved. In June, a United Nations investigator said in a report that there is credible evidence the crown prince bears responsibility for Khashoggi's death, though the Saudi foreign minister later called

the report "flawed." Although President Donald Trump had signaled that he would not take strong action against Saudi Arabia, a key US ally, or its crown prince, Secretary of State Mike Pompeo said earlier this year that Khashoggi's killers must "be held accountable."

The petition cites cases of states that were not party to the ICC's founding Rome Statute and were still referred by the UN Security Council to the ICC for investigation. Saudi Arabia is not a party to the Rome Statute.

The petition contends that the "Crown Prince's assassination of Mr. Khashoggi threatens international peace and stability" and "if left unpunished, the assassination will embolden Mohammed bin Salman to greater recklessness."

It adds that "there can be little doubt that his nation's vast wealth gives him unlimited financial resources to continue to globally pursue his penchant for vicious crimes against journalists, dissidents and critics of his regime on an industrial scale."

Fein told CNN that "it's hard to know" how long the petition process will take, saying it will "(depend) on whether other witnesses are willing to cooperate." He added that bin Salman "shot himself in the foot" during a CBS "60 Minutes" interview that aired earlier this week in which the crown prince again denied any personal involvement in Khashoggi's murder but said he takes "full responsibility" for it.

"Under the law of command responsibility, he is responsible not only for what he knew but what he should have known. You just can't be willfully blind," Fein said.

America is likely complicit in war crimes in Yemen. It's time to hold the US to account (The Guardian) By Mohamad Bazzi
October 3, 2019

Since Saudi Arabia and its allies intervened in Yemen's civil war in March 2015, the United States gave its full support to a relentless air campaign where Saudi warplanes and bombs hit thousands of targets, including civilian sites and infrastructure, with impunity. From the beginning, US officials insisted that American weapons, training and intelligence assistance would help the Saudis avoid causing even more civilian casualties.

But this was a lie meant to obscure one of the least understood aspects of US support for Saudi Arabia and its allies in Yemen: it's not that Saudi-led forces don't know how to use American-made weapons or need help in choosing targets. They have deliberately targeted civilians and Yemen's infrastructure since the war's early days – and US officials have recognized this since at least 2016 and done little to stop it.

A team of United Nations investigators, commissioned by the UN Human Rights Council, presented a devastating report in Geneva in early September detailing how the US, along with Britain and France, are likely complicit in war crimes in Yemen because of continued weapons sales and intelligence support to the Saudis and their allies, especially the United Arab Emirates.

Despite pressure from Saudi Arabia, the Human Rights Council voted last Thursday to extend its investigation.

If the council pursues an aggressive investigation based on the 274-page report, the world might finally see some accountability for war crimes committed in Yemen over the past five years. The report's authors submitted a secret list of individuals who may be responsible for war crimes to the UN human rights commissioner, Michelle Bachelet, but it's unclear if that list includes any western officials. The report said third states that have influence on Yemen's warring parties – including the US, Britain, France and Iran – "may be held responsible for providing aid or assistance for the commission of international law violations".

American complicity in the Yemen war goes beyond providing training and intelligence support, and selling billions of dollars in weapons to the UAE and Saudi Arabia, which has become Washington's largest weapons buyer. The US is looking the other way while its allies commit war crimes and avoid responsibility for instigating the world's worst humanitarian crisis.

The full scope of human suffering in Yemen has been partly obscured because the UN stopped updating civilian deaths in January 2017, when the toll reached 10,000. And while the actual death toll is far higher, many news reports still rely on the outdated UN figures.

In June, an independent monitoring group, the Armed Conflict Location & Event Data Project, released a report detailing more than 90,000 fatalities since the war began in 2015.

In April, the United Nations Development Programme issued a report warning that the death toll in Yemen could rise to

233,000 by the end of 2019 – far higher than previous estimates. That projection includes deaths from combat as well as 131,000 indirect deaths due to the lack of food, health crises such as a cholera epidemic, and damage to Yemen's infrastructure.

Beyond the moral reasons for the US to help end Yemenis' suffering, the conflict has also harmed American interests in the region. The Yemen war has created new instability in the wider Middle East, and increased tensions between regional rivals Iran and Saudi Arabia. The Saudis and their allies support Yemen's internationally recognized government, while Iran supports the Houthi rebels, who took control of the country's major cities in 2014.

On 14 September, the Houthis claimed responsibility for attacks on two major oil installations in Saudi Arabia, saying they were retaliation for the Saudi bombing of Yemen. But Saudi leaders and Donald Trump's administration blamed Iran for the attacks, without providing direct evidence. Trump has threatened to carry out military strikes and impose additional sanctions against Tehran, after he unilaterally withdrew the US from an international agreement signed in 2015 that limited Iran's nuclear program.

For its part, Saudi Arabia quickly invited American and UN experts to help investigate the attacks on its oil facilities. Ironically, Saudi officials have refused to cooperate with most international investigations of their actions in Yemen, including the recent UN report that found the kingdom and its allies likely committed war crimes.

Like previous investigations by human rights groups and journalists, the UN report documented how the Saudi-led coalition has killed thousands of civilians in airstrikes; intentionally starved Yemenis as a war tactic; and imposed a naval and air blockade on Houthi-controlled areas that has drastically limited deliveries of humanitarian aid. The report also found that the Houthis likely committed war crimes by planting landmines, deploying siege tactics against several cities, using child soldiers and indiscriminately bombing civilian areas.

Despite years of warnings from groups like Human Rights Watch and UN investigations that documented growing evidence of war crimes in Yemen, US officials – first under Barack Obama's administration and then under Trump – continued to approve weapons sales to the Saudi and Emirati militaries. US officials realized as far back as 2016 that senior Saudi and UAE leaders were not interested in reducing civilian deaths in Yemen, according to two members of the Obama administration who gave little-noticed testimony before Congress in early March.

Speaking to the House subcommittee on the Middle East, North Africa and international terrorism, the former officials – Dafna Rand, an ex-deputy assistant secretary of state, and Jeremy Konyndyk, the former director of the Office of US Foreign Disaster Assistance – outlined how US officials helped the Saudis choose their targets in Yemen, created "no-strike" lists and sent trainers to reduce civilian harm.

"We came to the conclusion by late 2016 that although there were very many well-meaning and professional generals in the Saudi ministry of defense, there was a lack of political will at the top senior levels to reduce the number of civilian casualties," Rand told the committee.

Saudi and allied warplanes have conducted more than 20,000 airstrikes on Yemen since the war began, an average of 12 attacks a day, according to the Yemen Data Project. Only about a third of these attacks are on military targets. The coalition has also bombed hospitals, schools, markets, mosques, farms, factories, bridges, and power and water treatment plants.

One of the most persistent false arguments advanced by Trump administration officials against efforts to end US involvement in Yemen is that the Saudis need American support and training to prevent even more civilians deaths. But the latest UN report belies that argument, showing the Saudis have not done any credible investigations into their attacks on civilians or taken enough measures to minimize casualties, even with US and British training.

In fact, the UN findings reinforce revelations from a recent UK case brought by anti-war campaigners. A UK court of appeal ruled that British arms sales to Saudi Arabia were illegal. Documents presented during the case showed that, despite the British government's claims, Saudi bombings of civilian targets took place within days after the UK provided training to the Saudi air force.

Despite the mounting evidence of war crimes, Trump still firmly supports Mohammed bin Salman, the ruthless Saudi crown prince who is an architect of the Yemen war. Since April, Trump has used his veto power four times to prevent Congress from withdrawing US military support and ending weapons sales to Saudi Arabia and its allies. Congress could not muster enough votes to override Trump's vetoes.

The latest UN investigation, which found the US is likely complicit in war crimes, should give new momentum to the majority in Congress that wants to end American involvement in a disastrous conflict.

[back to contents]

ASIA

Afghanistan

Counting the Dead Through the Fog of War in Afghanistan (Counter Punch) By Nicolas J S Davies
October 7, 2019

During one week in late September, U.S.-led forces killed at least 70 civilians in two incidents in Afghanistan. A U.S. drone strike on September 19th killed at least 30 farmers harvesting pine nuts in Nangarhar province. Then on September 23rd, at least 40 civilians, including women and children, were reported killed in a combined U.S.-Afghan attack on a village in Taliban-controlled territory in southern Helmand province.

These massacres gained some attention from the international media. But, as with mass shootings in the U.S., the way they were reported obscures the reality that these are just the bloodiest incidents in daily, systematic violence that kills thousands of people day in day out in Afghanistan and other U.S. war zones, with little Western media attention or public awareness. This is as true of the violence of endless war as it is of endemic domestic gun violence in the U.S.

In a rare and commendable effort to break through the corporate media silence and resulting public apathy, the BBC set out to track the violence of the war in Afghanistan in more detail for a single month. For the full month of August, it sent out reporters to different parts of the country, including some Taliban-held areas, and compiled their individual reports into a data-set and a published report to paint a more complete picture of life and death in America's longest war.

The BBC counted an average of 74 men, women and children killed each day, a total of 2,307 people killed in the month of August, with another 1,948 people wounded.

The report broke down the numbers of people killed both by who they were and by how and where they were killed. The BBC classified the dead as 1,007 anti-occupation fighters (Taliban, Al Qaeda and IS), 675 government troops and police, 496 civilians and 3 U.S. troops.

The BBC was able to broadly identify how 2,089 of them were killed: 844 in armed clashes; 515 in air strikes; 255 by snipers or targeted killings; 249 in explosions; 118 by shelling; and 108 in ambushes.

The killing documented by the BBC spanned every part of Afghanistan, with the largest numbers killed in Kabul; nearby Ghazni province (the bloodiest of all, with 232 people killed in 66 attacks); and Balkh province around Mazar-e Sharif in the north.

Mohibullah, from Uruzgan province, who brought his brother to the main hospital in Kandahar with a bullet in his shoulder, angrily told the BBC, "Whenever there's an operation in our area, ordinary people can't move anywhere. If they do, American or Afghan forces shoot them. They drop bombs wherever they want. All the houses around us have been destroyed."

While the BBC report reveals a more comprehensive view of the daily slaughter in Afghanistan than most media reports, it is still an incomplete picture. The BBC counted only the lowest confirmed number of people killed in each incident, dropping conflicting reports of higher casualties, and, as the report said, "hundreds of reports were excluded and the true number of attacks and casualties could be much higher."

The BBC also noted that Afghan government forces treat their own casualty figures as secret and refused to confirm them, while the Taliban rejected the BBC's count of its casualties as "baseless allegations" and government propaganda. The U.S. military has a long and sordid history of counting civilians it kills as enemy combatants, from Vietnam to its current wars, so the Taliban's response is likely to be at least partially correct.

But at least the BBC tried to systematically report war-deaths from around the country in real time. The UN Assistance Mission in Afghanistan (UNAMA) has published regular reports on civilian casualties since 2007, but they have been more fragmentary and incomplete. They include only confirmed minimum numbers of civilian deaths in incidents investigated by the UN human rights office in Kabul, and only the ones for which it has been able to complete its investigations.

Fiona Frazer, the current UN human rights chief in Afghanistan, told the BBC that “more civilians are killed or injured in Afghanistan due to armed conflict than anywhere else on Earth.” But she added that, “Although the number of recorded civilian casualties are disturbingly high, due to rigorous methods of verification, the published figures almost certainly do not reflect the true scale of harm.”

The tragedy of Afghanistan is only obscured and compounded when UNAMA’s reports, which are based on UN investigations of only a fraction of the killings taking place across the country, as Frazer acknowledged, are cited by journalists and academics around the world as if they were actual estimates of the total number of civilians killed in the war.

The number of combatants killed in Afghanistan is also largely unknown and ignored. The international media were surprised when President Ghani revealed in January 2019 that 45,000 Afghan troops and police had been killed since he took office in September 2014. If the BBC’s finding that government troops and police were about a third of the people killed in August 2019 was also true for the period Ghani referred to, total Afghan war deaths for those 52 months would have been about 130,000 to 140,000.

It is considered good journalistic and academic practice to cite the lowest confirmed numbers of deaths in armed conflicts, as the BBC did in its report, and as other journalists do in accounts of drone strikes, air strikes and other U.S. military operations. But when this practice is applied to numbers of deaths in an entire war, journalists, academics and UN and government officials also have a duty to make it clear that these are only minimum confirmed numbers and to give readers some idea what proportion of actual deaths they are likely to represent.

The war in Iraq is the only one of America’s recent wars for which more comprehensive epidemiological mortality studies have been conducted. As in wars in other countries, these studies found a scale of war deaths that is many times higher than widely published figures based on compilations of media reports, hospital records, human rights investigations and other “passive” sources.

Les Roberts, the lead author of the first Iraqi mortality study published in 2004, and of commonly referenced studies in Rwanda and the Democratic Republic of Congo (DRC), told me that serious epidemiological studies usually find that passive sources have only revealed between 5% and 20% of actual war deaths in conflict zones.

But the U.S. and U.K. governments and the corporate media did their best to “rubbish” the epidemiological studies conducted in Iraq in 2004 and 2006. This left the public so confused that opinion surveys in both the U.S. and the U.K. found that average citizens believed only 10,000 Iraqis had been killed in the war, even after the Lancet medical journal published the epidemiologists’ estimate of 600,000 violent deaths.

As the Saudi-led war in Yemen has provoked growing worldwide outrage, U.K.-based ACLED (Armed Conflict Location and Event Data Project) has stopped simply reporting the casualty figures published by the World Health Organization (WHO) and the UN, which are based on surveys of hospitals in Yemen. ACLED has instead compiled its own reports of war deaths from the beginning of the war in 2015 to the present, and its figures are now widely accepted by international media in place of the much lower UN figures. As of June 2019, ACLED counted 91,600 war deaths in Yemen. That does not include deaths from preventable diseases and food shortages in the resulting humanitarian crisis, which, as UNICEF has reported since December 2016, kill at least one child every ten minutes.

But like the BBC’s August death count in Afghanistan, ACLED’s figures from Yemen are probably still only a fraction of the actual number of people killed. Passive reporting is still just passive reporting. ACLED cannot detect every Saudi air strike or every firefight in remote areas of Yemen any more than the BBC’s reporters could detect every air strike or night raid on remote villages in Taliban-held regions of Afghanistan.

Just as a scientific mortality study was needed to reveal that about 3,000 people died as a result of Hurricane Maria in Puerto Rico, only comprehensive mortality studies can produce reliable estimates of the true scale of the slaughter in America’s endless wars. Such studies are sorely needed for Afghanistan, Yemen, Libya, Somalia, Syria and Pakistan.

Absent such studies, the BBC’s August survey in Afghanistan and ACLED’s reports on Yemen are among the most reliable reports available, but they should be referenced or cited with the clear understanding that what they report are confirmed minimum numbers of people killed. The question they leave unanswered is: what fraction of the true numbers of people killed do these reports represent?

The considerable experience of epidemiologists in war zones around the world, including in Iraq, suggests approximate answers to that question, as I have explained in my reporting on these questions over the past fifteen years. This has led me to conclude that the true death toll in America's post-9/11 wars is not in the tens of thousands, nor even in the hundreds of thousands, but in the millions.

The terrible reality that is hidden in plain sight is that America's wars are far more deadly and destructive than widely published figures would suggest. It is therefore up to journalists, academics, activists and citizens to grasp this reality and to respond appropriately, by calling clearly and firmly for: an end to these wars; a genuine accounting of their human cost; criminal prosecutions of U.S. officials responsible for illegal attacks on foreign countries and other war crimes; and the payment of war reparations to the people and countries they have damaged or destroyed.

[back to contents]

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

ECCC: New International Co-Prosecutor Appointed (AKP)

September 26, 2019

Ms. Brenda J. Hollis (USA) has been appointed as the new International Co-Prosecutor in the Extraordinary Chambers in the Courts of Cambodia (ECCC) effective Sept. 1, 2019, said the ECCC in a press release dated today.

Her appointment was made by His Majesty Norodom Sihamoni, King of Cambodia, following the nomination by the United Nations Secretary-General Antonio Guterres, and the approval by the Supreme Council of the Magistracy, it pointed out.

Ms. Hollis replaces Mr. Nicholas Koumjian (USA) whose appointment ended in June this year, added the same source.

According to the press release, Ms. Hollis was appointed as the Reserve International Co-Prosecutor in 2015. She served as the Prosecutor of both the Residual Special Court for Sierra Leone (RSCSL) and the Special Court for Sierra Leone (SC SL) from February 2010 through August 2019, where she earlier also served as the Principal Trial Attorney responsible for leading the prosecution of former Liberian President Charles Taylor.

Between 1994 to 2001, Ms. Hollis held various positions in the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), including lead counsel in the preparation of the case against former Serbian President Slobodan Milosevic and co-counsel in the 'Ladle case, the first litigated case in an international tribunal since the Nuremberg trials.

Ms. Hollis has trained judges, prosecutors and investigators in Cambodia, Indonesia and Iraq. She has also assisted victims of international crimes in Colombia and in the Democratic Republic of Congo to prepare submissions requesting investigations by the International Criminal Court. Ms. Hollis is a former U.S. Peace Corps volunteer and retired from the U.S. Air Force with the rank of Colonel.

[back to contents]

Bangladesh International Crimes Tribunal

Convicted war criminal Sattar dies at DMCH (Dhaka Tribune)

October 5, 2019

Convicted war criminal Abdus Sattar Pyada has died of old age complications at the Dhaka Medical College Hospital (DMCH).

The 76-year old man of Patuakhali Sadar upazila was pronounced dead by the on-duty doctor at the DMCH emergency around 5:59pm on Saturday.

Confirming the matter, Senior Jail Super of Kashimpur High Security Central Jail Shahjahan Ahmed said: "Sattar was taken to Shaheed Tajuddin Ahmad Medical College Hospital after he fell sick on Saturday.

"As his condition deteriorated, he was shifted to the DMCH where he died. His body has been kept at DMCH morgue for autopsy."

On August 13 last year, the International Crimes Tribunal-1 found Sattar and four other Patuakhali men guilty of committing crimes against humanity during the Liberation War in 1971, and sentenced them to death.

He was involved with Convention Muslim League, an anti-liberation political party, and was part of the Razakar Bahini.

[back to contents]

War Crimes Investigation in Myanmar

The dangers of playing neutral in Myanmar's armed conflicts (Frontier Myanmar) By Stella Naw
September 28, 2019

International analysts and academic researchers often adopt a stance of objective neutrality when discussing armed conflict in Myanmar, thinking it adds weight and credibility to their words. However, a "neutral" attitude towards Myanmar's civil wars that disregards unequal power relations and the lived reality of people on the ground can have deadly consequences for people living in conflict zones.

A Western academic from a leading peace-research centre in Norway told me in 2016, "Ethnic people blame the Burmans [Bamar] for being racists, yet they are just as racist towards the Burmans". This common judgment is a false moral equivalence. Ethnic nationalities face institutionalised discrimination at all levels of Myanmar society.

It is self-preservation that forced ethnic nationalities to take up arms to defend themselves from state violence and to protect their ancestral lands. Overlooking the experiences of ethnic nationalities and taking the apparently neutral line that "both sides are racist" feeds the assumption that ethnic people share the blame for the violence they suffer.

Naw K'nyaw Paw, the general secretary of the Karen Women's Organisation and a recipient in 2019 of an International Woman of Courage Award presented by the United States Secretary of State, told me, "The fact is that the Burma Army has had a long history of gross human rights violations and a policy aimed at wiping out ethnic people and taking over control of ethnic lands. This vision is being executed through 'Four Cuts' and 'Scorched Earth' approaches, aspiring through these to weaken EAO [ethnic armed organisation] support and actively targeting civilians to achieve these ends."

There is also a tendency by analysts and researchers to discredit or dismiss those with different or opposing perspectives by claiming that they are not neutral. Mr Dustin Barter, a PhD researcher at Cambridge University with humanitarian experience in Myanmar's conflict zones, identifies a similar impulse in the humanitarian sector. The fear of being discredited pushes some aid workers "to try and be 'neutral', which actually means euphemising and ignoring what are nearly always uneven conflicts where there is a clear oppressor," he told me.

Given the scale of abuses perpetrated by the Myanmar military over decades, it can hardly be objective to say that "all sides" of

the conflicts have violated human rights to an extent such that there is no clear victim or perpetrator. Any analysis that glosses over decades of Myanmar army atrocities against civilians is taking its side, even if there is no intention to do so.

An analysis of the August 15 attacks on the Defence Services Technological Academy at Pyin Oo Lwin in Mandalay Region and other targets in northern Shan State by three members of the Northern Alliance found that they were “equally culpable in their abuses against civilians and their attacks should likewise be investigated as possible war crimes.”

The analysis, “Why war will never end in Myanmar”, appeared in online publication Asia Times on August 20. Shortly afterwards, in the last week of August, Myanmar military spokespeople Major-General Tun Tun Nyi and Brigadier-General Zaw Min Tun both used the phrase “war crimes” on separate occasions when talking to journalists about the August 15 attacks. It may be a coincidence but the military had not previously accused its enemies of “war crimes” at its briefings, suggesting a deliberate change in language choice. Whatever the author’s intentions, the result was a legitimisation of the military’s disingenuous talking points and spin.

K’nyaw Paw said, “All civilian lives are important, no matter what side of the conflict they are on. However, you cannot compare the conduct of the Burma Army with that of the EAOs when the Burma Army considers targeting civilians a necessary and acceptable part of this conflict.”

Moral equivalence is especially harmful in research that will be considered by governments for making policy.

An investigation into “public service delivery in ethnic minority areas” by researchers at University of Toronto and funded by the Canadian government is being conducted in partnership with the Myanmar Institute for Peace and Security, a Yangon-based think tank that is distrusted by many ethnic civil society groups because of what they see as a consistent habit of soft-peddalling of Myanmar army abuses.

MIPS’s summary report for 2018 includes tallies of armed “clashes” and “incidents” involving explosives but does not record troop movements, the resupplying and extension of bases and the overall, continued militarisation of ethnic nationality lands, where the presence of Myanmar army soldiers acting with impunity is an everyday threat for local communities, whether or not they engage ethnic armed organisations in combat. More than a question of methodology, it leaves politics and lived experiences in the dark.

What’s worse is that analysts and academics often make interpretations of equivalence – whether directly, or by reducing wars of conquest and liberation to a quantifiable series of “clashes” – without giving enough thought to how their analysis, and its influence on decision-makers, will impact people living in conflict zones.

Early on August 31, a 60 millimetre mortar shell slammed into Maw Hit village in northern Shan’s Kutkai Township and killed five people: a woman, 34, and her son and daughter, aged 14 and nine, and a woman, 19, and her four-month-old daughter. Four villagers were injured. Although no one claimed responsibility for the incident, the Myanmar army has been known to use 60mm mortars of the type whose remnants were found in the village. However, church leaders and the wider community chose to remain silent.

If community members were to publicly accuse the Myanmar army of responsibility for the shelling, they would risk violent retaliation from the military and the possibility of the four injured being denied medical treatment at the government hospital in Lashio. Speaking out publicly to demand justice could also result in them being charged under the Unlawful Associations Act for aiding a rebel group, which can result in a prison term of five years. This fear of being seen as taking sides is a silent indignity suffered by civilian populations in conflict zones, with real and immediate consequences.

After the incident, civil society organisations in northern Shan, including humanitarian groups, issued a statement urging both sides to stop fighting so they could continue to provide emergency assistance to people displaced by the conflict.

The “neutrality by necessity” faced by residents of remote conflict areas is far removed from the liberties enjoyed by international analysts and researchers, who can speak out with little personal cost. As outsiders, they always have the option of leaving, but the communities they are studying do not have that choice.

“In my opinion you cannot be neutral in conflict. You have to weigh up who has more power and gets more support and who is using this to oppress people on a wide scale,” said K’nyaw Paw.

Anyone trying to understand or explain armed conflict in Myanmar needs to be aware that what is being said and how it is said, can have serious and immediate consequences for those who bear the brunt of the fighting.

26 Murders in Rakhine Still Unsolved; Myanmar Military and AA Trade Blame (The Irrawaddy) By Moe Moe
September 30, 2019

Twenty-six people including police and civilians have been murdered in northern Rakhine State since December, according to the Myanmar military's True News Information Team.

Sixteen civilians and 10 police officers and village administrators have been killed, according to the True News team, outside of clashes between the Arakan Army (AA) and the Myanmar military.

"These kinds of incidents have only happened since the AA entered [Rakhine State]," said Brigadier General Zaw Min Tun during a military press conference on Saturday in Naypyitaw.

All of the killings remain unsolved and authorities say they have been unable to identify any suspects or motives.

More than 70,000 people have been displaced in northern Rakhine State including Rathedaung, Buthidaung, Kyauktaw, Ponnagyun and Mrauk-U townships since clashes broke out between the AA and the Myanmar military on Nov. 30 last year.

The military, known as the Tatmadaw, has kept a division of troops stationed in Mrauk-U since 1990. According to Brig-Gen Zaw Min Tun, they have never had a problem with local residents and innocent civilians have only been murdered since the AA insurgency broke out.

The AA, however, claims the Tatmadaw is committing war crimes in the area.

"We have recorded war crimes committed by the military with strong evidence. We are cooperating with the international community to reveal them," said AA spokesperson Khaing Thukha.

U Pe Than, a member of the Arakan National Party (ANP)'s Central Executive Committee, said the unsolved crimes have undermined the rule of law and in turn encouraged more killings because no perpetrators have been held accountable.

While the AA and the Tatmadaw have blamed each other for the killings, U Pe Than said it is also possible that some of the crimes stemmed from personal disputes.

"If a third party, disguised as the AA or Tatmadaw, has killed civilians, that organization should claim responsibility. Both sides now say they don't murder civilians, but people are dying frequently," he said.

The Tatmadaw declared a unilateral ceasefire in December 2018 for much of the country that lasted for nine months but the declaration didn't apply to Rakhine State.

The Tatmadaw has recently been fighting with three members of the Northern Alliance—the AA, the Ta'ang National Liberation Army and the Myanmar National Democratic Alliance Army—in Shan and Kachin states since the three groups launched coordinated attacks on several sites including a military academy in Mandalay Region in August.

AA spokesperson Khaing Thukha said clashes are likely to intensify in Rakhine State as the military has brought in reinforcements.

"Fighting happens daily not because our brotherhood launches attacks but because the Tatmadaw launches attacks. The clashes may end if the military halts its assaults," said Khaing Thukha.

Officials from the Tatmadaw and the Northern Alliance groups met with government peace negotiators for talks brokered by China in Shan State's Kengtung on Aug. 31 and Sept. 17 but no agreement was reached to stop the fighting. Brig-Gen Zaw Min Tun said the three ethnic armed groups are not interested in peace.

The AA was established in 2009 in Kachin State's Laiza with the support of the Kachin Independence Army (KIA) and in 2014 stated its dream of moving to Rakhine State. The Tatmadaw considers the AA an insurgent group and has said it will not allow the AA to establish its base in Rakhine.

The AA claims to have the full support of the ethnic Rakhine people and says it would prefer political dialogue to fighting, as local residents bear the brunt of violence in Rakhine State.

[back to contents]

North & Central America

U.S. Weapons, Saudi Airstrikes, Yemeni Deaths: What a U.N. Report on War Crimes in Yemen Means for U.S.-Saudi Weapon Sales (Frontline) By Zoe Todd

October 1, 2019

The sun had already crested the mountains when about 50 schoolchildren gathered around a bus in Dahyan, a town nestled in a dusty valley near the Yemen's northeastern border with Saudi Arabia. It was Aug. 9, 2018, and a 7-year-old boy clambered into the bus with his classmates. He had insisted on wearing his Eid clothing for the field trip, his first, to a nearby water dam. His father reluctantly agreed to let him go.

That same morning —14 miles southeast of Dahyan, at a hospital in Sa'dah — International Committee of the Red Cross nurse Marta Rivas Blanco prepared for her shift. The 38-year-old had almost stayed at the office that morning to catch up on paperwork. Then her phone rang. On the line, a field officer warned of an incoming wave of patients. An airstrike had hit a school bus at a busy market in Dahyan.

The children arrived at the hospital in cars and ambulances. Some came alone, others were carried by sobbing relatives, Blanco said. The hospital ran low on medical supplies within hours.

"That day we were all the day in the hospital. The day after, we went again," Blanco wrote in an email to FRONTLINE. "You feel that you try your best, but sometimes it is not enough."

More than 40 people died in the attack, including at least 11 children between the ages of 10 and 15. Others survived with severe wounds, including the 7-year-old boy from Dahyan. Shrapnel embedded near his eye, in his leg and foot, which was badly broken. At home, his father stood in front of the television, horrified, and watched a broadcast of the airstrike's aftermath.

"Half bodies and body parts were scattered," he recounted a year later during a recorded interview with aid organization Save the Children. (The organization withheld names to protect the families.) "Just prior to that tragedy, he asked me to buy him a bicycle, but I told him, 'Son, it's too dangerous outside, and if you got hit by a motorcycle or a car and something happened to you, I would never be able to live with myself.'"

The airstrike is one of nearly a dozen attacks by a Saudi-led coalition included in a recent U.N. report. A team of investigators appointed by the U.N. Human Rights Council found that the airstrike violated international humanitarian law and details numerous similar incidents in Yemen that may amount to war crimes.

And for the first time, the experts named and implicated "third states," including the United States, France and the United Kingdom, for selling weapons used in the conflict.

"We have a war that's going on. It's causing immense suffering and frankly most of that suffering is caused by arms," said Charles Garraway, one of the experts behind the report and a former military lawyer. "The tragedy in Yemen is so awful at the moment that somehow one has got to reach some form of settlement to stop the war."

With the support of the U.N. Human Rights Council, the group of experts wants to continue its investigation and publish additional reports, placing further pressure on countries to stop supplying weapons to Saudi Arabia.

Before the report was released, President Donald Trump seemed determined to maintain the flow of U.S. weapons to Saudi Arabia and its allies — despite bipartisan protests in Congress. Robert Jordan, the U.S. ambassador to Saudi Arabia from 2001 to 2003, said the report's findings likely won't sway the Trump administration, which "doesn't seem to mind being an outlier."

"The clear message being sent by this administration is that the Saudis can pretty well act with impunity in Yemen," Jordan said. "I'm not saying we [should] refuse to sell weapons to the Saudis forever, but if we say we don't want these weapons used in a war in Yemen, the Saudis would have difficult times, I think, replacing those weapons systems in any short period of

time.”

The Saudi-led coalition has refuted the experts’ findings. In a statement published Sept. 5 through the Saudi Press Agency, coalition spokesperson Col. Turki bin Saleh Al-Malki said the three experts were misled by their sources in Yemen. He emphasized the coalition is committed to following international humanitarian and human rights law.

“If that’s what they’re trying to do, it ain’t working,” Garraway said, pointing to the deadly air campaign in Yemen.

Saudi Arabia is America’s biggest arms buyer, with more than \$129 billion in active foreign military sales with the United States as of May 2019, according to the U.S. Bureau of Political-Military Affairs. There will likely be a significant increase in the number of deals under a 10-year, \$110 billion agreement to modernize Saudi Armed Forces, which was struck in 2017.

In the aftermath of a Sept. 14 drone attack on a Saudi oil processing plant, Trump emphasized the financial benefit of the U.S.’s relationship with the kingdom.

“They’ve been a great ally,” Trump told reporters at the White House. “They spend \$400 billion in our country over the last number of years. Four hundred billion dollars. That’s a million and a half jobs. And they’re not ones that, unlike some countries, where they want terms; they want terms and conditions. They want to say, ‘Can we borrow the money at zero percent for the next 400 years?’ No. No. Saudi Arabia pays cash.”

Congress, however, is wary of the relationship. A flurry of legislation has been drafted to slow or even pause U.S.-Saudi arms deals, largely because of the kingdom’s human rights record and controversial air campaign in Yemen. Earlier this year, the Trump administration tried to ram through a \$8.1 billion arms deal to Saudi Arabia, the United Arab Emirates and Jordan. The House and Senate voted to block the sale, a decision Trump then vetoed. The Senate Foreign Relations Committee has since introduced the Saudi Arabia False Emergencies Act, a bill to protect congressional oversight of major sales by amending the Arms Export Control Act.

Another proposed law introduced in February, the Saudi Arabia Accountability and Yemen Act of 2019, would suspend certain arms sales to Saudi Arabia, including bombs, rockets, aircraft and even ammunition.

“Since 2015, we have seen Saudi Arabia utilize American-made weapons in what started as a campaign to restore the legitimate Yemeni government but has degenerated into one of the most devastating humanitarian crises in the world and a wholly destabilizing campaign,” Sen. Bob Menendez (D-N.J.), who sponsored the bill, wrote in a statement to FRONTLINE.

“Our message is that we will continue to support legitimate security needs, but that there is no military solution to the conflict in Yemen, and that our efforts should be to support immediate relief for some of the most vulnerable and suffering, and that a political path forward is the only way to ensure lasting stability and for all Yemenis to live in security and dignity.”

Sen. Todd Young (R-Ind.), who co-sponsored the bill, visited Saudi Arabia, the United Arab Emirates and Oman in early September. During a meeting in Jeddah with Saudi Crown Prince Mohammed bin Salman, who is also the minister of defense, Young said he pressed the de facto Saudi leader on coalition airstrikes and urged him to keep a promise to contribute \$750 million to a U.N. humanitarian appeal for Yemen. He also brought up Jamal Khashoggi, the journalist murdered last October at a Saudi embassy in Turkey.

Young said he wanted the crown prince to understand why members of Congress are trying to block weapons sales from the United States to Saudi Arabia, despite President Trump’s endorsement of the deals. He cited Khashoggi’s death, as well as the violations of international humanitarian law in Yemen described in the recent U.N. report. During the meeting, Prince Mohammed expressed desire to improve his relationship with the legislative branch, Young said.

“I emphasized to the crown prince that it was essential that he understand that the relationship between the United States of America and our elected representatives on the one hand, and the kingdom of Saudi Arabia on the other, is tenuous and fragile,” Young said.

Bilal Saab, a political-military analyst with the Middle East Institute in D.C., said that if America cuts off its supply of weapons to Saudi Arabia, it’s likely the kingdom will turn to other countries. Saab, a former senior advisor for security cooperation at the Pentagon, argues the conversation should instead focus on how to make U.S. arms deals count by using sales for better leverage. Though there are conditions on how U.S. weapons can be used by buyers, these are notoriously difficult to track or enforce — especially with opaque regimes.

“We all know very well that we have little control over these things,” Saab said. “You can imagine when the Saudis come in — open the door with their own cash — and that we’re going to be able somehow tell them how to use it and how to maintain it and all that sort of stuff? That’s just not going to happen.

“With us having access to the Saudis, even though they’re still performing poorly with their targeting campaign, it’s much better than having no access to the Saudis at all and not giving them any weapons.”

The United Kingdom, which was also named in the U.N. report, faces similar questions about how to move forward with the Saudis. In June, the UK Court of Appeal ruled the arms sales to Saudi Arabia were unlawful because the British government did not consider whether the weapons would be used to violate international humanitarian law. The ruling does not stop the arms sales but forces the government to reconsider the matter. France, meanwhile, has not yet taken steps against transactions with Saudi Arabia. French Minister for Europe and Foreign Affairs Jean-Yves Le Drian did express concern about the conflict in Yemen. In an interview Sept. 20 with French broadcaster CNews, he said there were “huge risks of conflict” in the Middle East and warned “the smallest spark could cause a conflagration.”

Meanwhile, Yemen remains the world’s worst humanitarian crisis. Nearly 80 percent of the population — some 24 million people — now need help to survive, according to the U.N. Office for the Coordination of Humanitarian Affairs. Top donors to the internationally funded humanitarian response plan include the United Arab Emirates, the United States, Saudi Arabia and the United Kingdom. Yet, as of August, the plan has received less than half of the \$4.2 billion required to provide assistance such as food, shelter and health care.

Yemen’s civil war is rooted in nearly a decade of political unrest that escalated into military conflict in 2014, when the anti-government, Iran-backed Houthi movement took over the country’s capital, Sana’a. Yemeni President Abd-Rabbu Mansour Hadi fled to Saudi Arabia, where he appealed to the international community for help. Saudi Arabia responded by assembling a coalition of countries from the Middle East and Africa, notably the United Arab Emirates, to launch a military offensive against the Houthis and their allies. The years since have plunged Yemen ever deeper into crisis, with a staggering number of civilian deaths. One database, compiled by the Armed Conflict Location & Event Data Project, has recorded nearly 99,000 fatalities since 2015. The organization receives funding from international and government sources including the U.S. Department of State. The data doesn’t include deaths from starvation or disease, two worsening threats for Yemeni people. The country is wracked by cholera and the U.N. experts in their recent report expressed “deep concerns that starvation may have been used as a method of warfare.”

Martin Griffiths, special envoy of the U.N. Secretary-General for Yemen, has repeatedly told the U.N. Security Council that “Yemen cannot wait,” and the international community must step up. Though he has managed to engage the warring parties in talks, notably negotiating a cease-fire for the beleaguered port city of Hudaydah last year, Griffiths says the crisis is unsustainable. In a Sept. 16 briefing to the open session of the U.N. Security Council, he again stressed the urgency of the situation and the importance of ending the war without further conflict. “There is simply no argument, no choice, no better use of our energy now than that endeavor,” Griffiths told the council. “We see therefore the war not merely continuing to wreck the lives and livelihoods of men and women in Yemen. We also see it threatening to metastasize into something that threatens the existence of Yemen itself.”

America is likely complicit in war crimes in Yemen. It's time to hold the US to account (The Guardian) By Mohamed Bazzi
October 3, 2019

Since Saudi Arabia and its allies intervened in Yemen’s civil war in March 2015, the United States gave its full support to a relentless air campaign where Saudi warplanes and bombs hit thousands of targets, including civilian sites and infrastructure, with impunity. From the beginning, US officials insisted that American weapons, training and intelligence assistance would help the Saudis avoid causing even more civilian casualties.

But this was a lie meant to obscure one of the least understood aspects of US support for Saudi Arabia and its allies in Yemen: it’s not that Saudi-led forces don’t know how to use American-made weapons or need help in choosing targets. They have deliberately targeted civilians and Yemen’s infrastructure since the war’s early days – and US officials have recognized this since at least 2016 and done little to stop it.

A team of United Nations investigators, commissioned by the UN Human Rights Council, presented a devastating report in Geneva in early September detailing how the US, along with Britain and France, are likely complicit in war crimes in Yemen because of continued weapons sales and intelligence support to the Saudis and their allies, especially the United Arab Emirates.

Despite pressure from Saudi Arabia, the Human Rights Council voted last Thursday to extend its investigation.

If the council pursues an aggressive investigation based on the 274-page report, the world might finally see some accountability for war crimes committed in Yemen over the past five years. The report’s authors submitted a secret list of

individuals who may be responsible for war crimes to the UN human rights commissioner, Michelle Bachelet, but it's unclear if that list includes any western officials. The report said third states that have influence on Yemen's warring parties – including the US, Britain, France and Iran – “may be held responsible for providing aid or assistance for the commission of international law violations”.

American complicity in the Yemen war goes beyond providing training and intelligence support, and selling billions of dollars in weapons to the UAE and Saudi Arabia, which has become Washington's largest weapons buyer. The US is looking the other way while its allies commit war crimes and avoid responsibility for instigating the world's worst humanitarian crisis.

The full scope of human suffering in Yemen has been partly obscured because the UN stopped updating civilian deaths in January 2017, when the toll reached 10,000. And while the actual death toll is far higher, many news reports still rely on the outdated UN figures.

In June, an independent monitoring group, the Armed Conflict Location & Event Data Project, released a report detailing more than 90,000 fatalities since the war began in 2015.

In April, the United Nations Development Programme issued a report warning that the death toll in Yemen could rise to 233,000 by the end of 2019 – far higher than previous estimates. That projection includes deaths from combat as well as 131,000 indirect deaths due to the lack of food, health crises such as a cholera epidemic, and damage to Yemen's infrastructure.

Beyond the moral reasons for the US to help end Yemenis' suffering, the conflict has also harmed American interests in the region. The Yemen war has created new instability in the wider Middle East, and increased tensions between regional rivals Iran and Saudi Arabia. The Saudis and their allies support Yemen's internationally recognized government, while Iran supports the Houthi rebels, who took control of the country's major cities in 2014.

The US is looking the other way while its allies commit war crimes and avoid responsibility for instigating the world's worst humanitarian crisis.

On 14 September, the Houthis claimed responsibility for attacks on two major oil installations in Saudi Arabia, saying they were retaliation for the Saudi bombing of Yemen. But Saudi leaders and Donald Trump's administration blamed Iran for the attacks, without providing direct evidence. Trump has threatened to carry out military strikes and impose additional sanctions against Tehran, after he unilaterally withdrew the US from an international agreement signed in 2015 that limited Iran's nuclear program.

For its part, Saudi Arabia quickly invited American and UN experts to help investigate the attacks on its oil facilities. Ironically, Saudi officials have refused to cooperate with most international investigations of their actions in Yemen, including the recent UN report that found the kingdom and its allies likely committed war crimes.

Like previous investigations by human rights groups and journalists, the UN report documented how the Saudi-led coalition has killed thousands of civilians in airstrikes; intentionally starved Yemenis as a war tactic; and imposed a naval and air blockade on Houthi-controlled areas that has drastically limited deliveries of humanitarian aid. The report also found that the Houthis likely committed war crimes by planting landmines, deploying siege tactics against several cities, using child soldiers and indiscriminately bombing civilian areas.

Despite years of warnings from groups like Human Rights Watch and UN investigations that documented growing evidence of war crimes in Yemen, US officials – first under Barack Obama's administration and then under Trump – continued to approve weapons sales to the Saudi and Emirati militaries. US officials realized as far back as 2016 that senior Saudi and UAE leaders were not interested in reducing civilian deaths in Yemen, according to two members of the Obama administration who gave little-noticed testimony before Congress in early March.

Speaking to the House subcommittee on the Middle East, North Africa and international terrorism, the former officials – Dafna Rand, an ex-deputy assistant secretary of state, and Jeremy Konyndyk, the former director of the Office of US Foreign Disaster Assistance – outlined how US officials helped the Saudis choose their targets in Yemen, created “no-strike” lists and sent trainers to reduce civilian harm.

“We came to the conclusion by late 2016 that although there were very many well-meaning and professional generals in the Saudi ministry of defense, there was a lack of political will at the top senior levels to reduce the number of civilian casualties,” Rand told the committee.

Saudi and allied warplanes have conducted more than 20,000 airstrikes on Yemen since the war began, an average of 12 attacks a day, according to the Yemen Data Project. Only about a third of these attacks are on military targets. The coalition has also bombed hospitals, schools, markets, mosques, farms, factories, bridges, and power and water treatment plants.

Saudi and allied warplanes have conducted more than 20,000 airstrikes on Yemen since the war began, an average of 12 attacks a day.

One of the most persistent false arguments advanced by Trump administration officials against efforts to end US involvement in Yemen is that the Saudis need American support and training to prevent even more civilians deaths. But the latest UN report belies that argument, showing the Saudis have not done any credible investigations into their attacks on civilians or taken enough measures to minimize casualties, even with US and British training.

In fact, the UN findings reinforce revelations from a recent UK case brought by anti-war campaigners. A UK court of appeal ruled that British arms sales to Saudi Arabia were illegal. Documents presented during the case showed that, despite the British government's claims, Saudi bombings of civilian targets took place within days after the UK provided training to the Saudi air force.

Despite the mounting evidence of war crimes, Trump still firmly supports Mohammed bin Salman, the ruthless Saudi crown prince who is an architect of the Yemen war. Since April, Trump has used his veto power four times to prevent Congress from withdrawing US military support and ending weapons sales to Saudi Arabia and its allies. Congress could not muster enough votes to override Trump's vetoes.

The latest UN investigation, which found the US is likely complicit in war crimes, should give new momentum to the majority in Congress that wants to end American involvement in a disastrous conflict.

The US withdrawal from northern Syria creates the perfect climate for war crimes (The Guardian) By Simon Tisdall

October 7, 2019

Donald Trump's rash and foolish decision to pull the remaining US ground troops out of northeast Syria is a shocking betrayal of the Kurdish forces that were instrumental in destroying the Islamic State "caliphate". It opens the way for a vicious, protracted struggle between the Kurds and Turkey's military, which is poised to cross the border. And that in turn presages more civilian suffering in a country that has seen far too much during the past eight years.

Trump's impromptu order was taken against the advice of his generals and diplomats and without prior consultation with allies such as the UK that have forces in the field. It came following a telephone conversation with Recep Tayyip Erdoğan, Turkey's president, on Sunday evening. Trump tried last year to withdraw US forces but was thwarted at the time. Now he has got his myopic, capricious way. Erdoğan has been pushing for months to create what he terms a "safe zone" on Syrian territory 20 miles deep by 300 miles long. For him, too, altruism is not a motive.

The US's contemptible retreat and Turkey's illegal land-grab represent the final collapse of western policy in Syria.

Erdoğan has three aims, all problematic. One is to force the Kurdish-led Syrian Democratic Forces (SDF), which comprise about 60,000 fighters, away from Turkey's southern border. Erdoğan vilifies the SDF as terrorists in cahoots with the PKK – the Turkey- and Iraq-based Kurdistan Workers' party that Ankara has been fighting for decades. The terrorist tag is not remotely accurate. But demonising all Kurds as enemies of the state is a familiar tactic used by Erdoğan to bolster his divisive, dictatorial nationalist agenda.

Second, Erdoğan has plans to return, by force if necessary, many if not most of the 3-4 million Syrian refugees who have entered Turkey since 2011. His ruling AKP party and its ultra-nationalist allies have encouraged growing anti-migrant sentiment, effectively expelling these refugees from the larger cities. They're happy that blame for Turkey's faltering economy, high unemployment and social tensions can be directed at Syrians and other foreigners rather than at their own corrupt, repressive and incompetent management.

Erdoğan is also badly in need of a political and strategic success after a series of domestic reverses, including the AKP's humiliating loss of Turkey's two biggest cities, Istanbul and Ankara, in recent elections. Talk grows of an end to the Erdoğan era – something he cannot abide. Erdoğan also hopes to correct the mess he has previously made of his Syria policy. He initially courted the Damascus regime after 2011, then turned against it, then colluded with Russia and Iran – Bashar al-Assad's main backers. That put him at odds, latterly, with Washington, Turkey's key Nato ally.

In the gullible, geopolitically ignorant Trump, however, Erdoğan has found a friend and like-minded instinctive authoritarian. It's plain Trump would rather give Erdoğan – a co-collaborator with his Moscow mate, Vladimir Putin – what he wants than keep faith with the Kurds. This unlovely, three-way gangster-partnership now presages a world of problems in Syria. One possible consequence is that the Kurds, their loyalty and sacrifices again repaid with betrayal, will cut a self-preservatory deal

with Assad – or, alternatively, that their thwarted drive for an independent state will revive.

Dangerous, too, is the boost the US retreat potentially gives to Isis. The jihadists, down but not out despite Trump's self-serving claims of victory, are already said to be regrouping in northern Iraq. Fears grow that detention and refugee camps in eastern Syria where tens of thousands of Isis militants, supporters and families, including about 2,000 foreign fighters, are held under Kurdish guard may be compromised – and could become recruiting centres for Isis redux. The White House says the Turks will take charge. Given their record of covert dealings with jihadists, that's a big, reckless, overly optimistic gamble.

Renewed fighting in northeast Syria, potentially spreading westwards to areas such as Afrin – seized in an earlier Turkish incursion – and even to besieged, war-ravaged Idlib, threatens yet another humanitarian disaster. What Turkey now proposes, with Trump's blessing, amounts to the forcible repatriation of hundreds of thousands of defenceless civilians into what may soon be, or already is, a war zone. Don't be fooled by US-Turkish spin. It's not safe. And it's not right. This is a war crime in the making.

Viewed more broadly, the US's contemptible retreat, and Turkey's illegal land-grab, represent the final, miserable collapse of western policy in Syria. It marks the abandonment of any remaining pretence that the US and Europe have the will, the commitment and the humanity to rescue the Syrian people from a murderous regime, make good on the reform promises of the Arab spring, and create a viable path to democratic self-governance.

Even more so than Iraq after the 2003 invasion, Syria has become the epic failure of our age. Thanks to those geostrategic mobsters Trump and Erdoğan, with a big assist from smarter-by-far Putin, the country faces informal partition into highly conflicted, de facto Turkish, Iranian, Russian, Israeli and jihadist areas of influence and control; a repugnant regime in Damascus of mass murderers and assassins will escape justice; and the dream of an inclusive democracy is dashed.

For Syrians of all backgrounds and beliefs, a paradoxically permanent instability is the new normal. And, since you ask, is there any point demanding that the UK and Europe take a stand and, at last gasp, resist this foul denouement? Not really. It's too late now. The Syrian failure is printed on all of our foreheads. It indelibly shames us all.

[back to contents]

South America

Colombia makes sex trafficking arrests along desert border with Venezuela (Thomson Reuters Foundation News) By Anastasia Moloney
October 7, 2019

Colombian police broke up an accused criminal ring that sexually exploited children from Colombia and neighboring Venezuela on Monday, authorities said, exposing the dangers of sex trafficking faced by destitute Venezuelan migrant families.

Arrested were eight Venezuelans and Colombians, accused of exploiting boys and girls ages 13 to 17 in Colombia's poor and arid northern La Guajira province, authorities said.

Sex traffickers prey on desperate families in La Guajira province, which shares a porous desert border with Venezuela, according to Colombia's attorney general's office.

More than 1.4 million Venezuelans have moved to Colombia, fleeing a long-running political and economic crisis in their homeland that has caused severe shortages of food and medicine.

The victims were tricked and offered money, food and shelter in La Guajira in exchange for "commercial sex," the attorney general's office said.

The accused traffickers included taxi drivers, authorities said.

Children were taken to hotels and motels in the tourist areas of La Guajira where they were abused.

They were forced to perform sex acts and undergo violence by customers who paid 40,000 to 80,000 Colombian pesos (\$12 to \$24 U.S.).

One Venezuelan girl was tied up and drugged by traffickers, and another 13-year-old girl was held captive for a year and drugged as well, the office said.

"The teenager was also beaten so that she did not leave the building," the authorities' statement said.

A boy was forced to wear a wig and women's clothes "to satisfy the sexual desires" of male customers, it said.

Colombian authorities and campaigners warn that criminal networks running sex-trafficking rings are increasingly targeting destitute Venezuelan women and child migrants.

Over the past year, Colombian authorities have found dozens of Venezuelan women forced into prostitution, often in Colombia's tourist cities, with little food and their documents seized.

Under the country's anti-human trafficking law, convicted traffickers can receive prison sentences of up to 25 years.

The sexual exploitation of women and girls remains the most common form of human trafficking in South America.

Colombia's Peace Agreement Is Succeeding (Wall Street Journal) By Bernard Aronson
October 2, 2019

Colombia has its problems, but readers of your editorial "No Peace in Our Time in Colombia" (Sept. 17) would be surprised to learn that since the signing of a peace agreement in 2016 between the government and the FARC guerillas, Colombia has enjoyed the lowest levels of violence nationally since the mid-1970s and thousands of Colombians are able without fear to visit rural regions of the country that have been off limits for decades. Under the agreement, 13,049 full-time FARC combatants and part-time militia members turned in their weapons and demobilized. About 8% are unaccounted for—lower than usual in negotiated peace settlements—but that doesn't mean they all went back to war. Some, mostly small farmers, returned to their daily lives. Others continued drug trafficking or rejected the peace agreement on ideological grounds.

The Journal raises legitimate concerns about the recent decision of Iván Márquez, who led the FARC negotiating team, to abandon the peace process but ignores the fact that Mr. Márquez has been hiding in the mountains for the past year and there is no evidence he has or can "pull together thousands of FARC" dissidents. Though the Journal claims "the terror leaders have said, never mind" to peace, the senior leaders of the FARC, which is now a lawful political party, have denounced Mr. Márquez's decision and reaffirmed their commitment to the peace agreement.

Serious problems in implementation and continued threats to Colombia's security remain. Neither the outgoing or the incoming Colombian government moved quickly enough to bring government security and services to the rural areas the FARC vacated, and those vacuums have been filled by narco-trafficking gangs, the ELN guerillas—who were not part of the peace process—and FARC dissidents. About 126 demobilized FARC members and more than 500 social activists, human-rights defenders, land reformers and indigenous leaders have been assassinated since the agreement was signed.

Finally, the Journal claims the peace agreement provides "amnesty" to the FARC. Actually, FARC combatants, state actors and financiers of paramilitaries accused of violating international humanitarian law or war crimes must confess their crimes or face up to 20 years in prison. Those who confess face up to eight years of sanctions, acceptable to their victims, such as removing land mines in a court-designated location that provides "effective restrictions on liberty."

The Colombian city forgotten by peace (The New Humanitarian) By Joshua Collins
October 1, 2019

During much of five decades of civil war, Buenaventura was considered the most dangerous city in Colombia – notorious for particularly gruesome killings as the FARC rebel group, Colombian paramilitaries, and narco-traffickers fought to control the main maritime cocaine-smuggling route.

A landmark 2016 peace deal was supposed to have changed all that, but for many residents of Buenaventura and surrounding areas in the state of Valle de Cauca –cut off geographically from the rest of Colombia by the Andes mountains– the war never ended.

“The peace is two steps forward and one step back,” said Oney Bedoya, an international security consultant and Colombian army veteran. “Our entire culture suffers from post-traumatic stress. It creates an inability to trust, a lack of social cohesion, and damaged people lashing out – generations who grew up in violence.”

And that generational violence is taking its toll.

Since 2015, Médecins Sans Frontières says it has treated 21,000 victims of psychological or sexual trauma in Buenaventura, which locals have dubbed “The Forgotten City”.

“When we arrived, there was one functioning hospital and one psychiatrist who offered services three days a week,” said Yann Le Boulaire, head MSF coordinator in the region. “This for a city with a population of over 400,000 people.”

He described patients suffering from extreme psychological trauma resulting from prolonged exposure to violence – many also hampered by stigma as people in the region often associate seeking help for mental problems with weakness.

“But we’re making progress,” Le Boulaire said. “Twenty-one thousand people out on the street telling the community that the trauma isn’t their fault is the best awareness programme we could have.”

‘Invisible frontiers’

According to an August 2019 study by the International Crisis Group, 45 percent of cocaine exports leave Colombia through the Pacific coast. Decades of government neglect and increasing lawlessness have allowed dissident groups to put down long roots and flourish in Buenaventura.

“Things got much worse here in the late 90s,” explained Darwin Molina, a local activist who tries to help local citizens from poor neighbourhoods get elected to political office. “The US ‘War on Drugs’ and the escalation of hostilities under (former Colombian president) Uribe brought FARC out of the jungles and into the city.”

Molina described a four-way war over the lucrative cocaine trade that transits the city as leftists from FARC battled right-wing Colombian paramilitaries, narco-gangs from the state capital of Cali, and US-backed Colombian state forces.

In 2001, even amid the escalating violence, the Colombian government decided to privatise and modernise the formerly public port. As the flow of goods increased, so did the fighting to control territory that became more valuable by the day.

“All the national companies left because of the violence. And any youth that wants a better education? Well, they left too.” Molina said. “We have lost a generation – either to crime or displacement.”

A study by the Norwegian Refugee Council found that in 2013 and 2014, before the end of hostilities, 13,000 people were displaced yearly from Buenaventura alone.

People in Buenaventura speak of the “invisible frontiers” of the city – sections such as Antonio Nariño and La Planta, that police cannot enter. Violence is commonplace in these lawless zones and residents keep silent due to fear of the criminal groups that have carved out private fiefdoms in the city.

Molina took The New Humanitarian on a tour of his neighbourhood, adjacent to two such conflict zones. He pointed out the crime scenes of 11 murders that had occurred over just the last three months.

“A few weeks ago an 11-year-old child was caught in the crossfire of a gunfight. After being shot, he tried to run home to that doorway,” said Molina, gesturing towards a nearby building. “He died before his parents realised he had even left the house.”

State authorities reported 703 murders in the Valle de Cauca region during the first four months of 2019, an increase of 75 percent over 2018. For comparison, New York, a city with nearly 20 times the population, reported 80 murders during the same period. Molina and several aid workers who spoke to TNH insisted the actual rate in Buenaventura is far higher, with many murders going unreported due to fear of reprisals.

Buenaventura police say the small neighbourhood gangs are employed by narco-traffickers to destabilise the city through terror and keep the authorities away, leaving them free to run their cocaine empires from the port and surrounding areas.

“We don’t deal with wounds,” said Le Boulaire. “There are no wounded here, except psychologically. We deal with deaths.”

“Much of the violence is invisible, that is to say it is never reported to the police,” he continued. “We deal primarily with people suffering from psychological trauma. Eighty percent of the people who come to us for help have been eye-witnesses to a homicide.”

One aid worker, who asked that his name not be used for security reasons, spends days trying to track down, collect, and identify the bodies of people who have disappeared.

“The truth is that no one knows how much of the violence goes unreported. Government studies are only a guess,” he said.

He works in regions controlled by dissident groups, often interviewing the very same criminals responsible for the violence in an effort to find the remains for loved-ones who have been without answers for months or years.

Worse to come?

In 2016, a popular vote on a peace accord between the Colombian government and FARC failed by a razor-thin margin. Then-president Juan Manuel Santos pushed the controversial accord through anyway, officially ending the longest-running conflict in the Americas.

But the nation remains deeply polarised over its implementation, and recent events have placed the deal even further in jeopardy.

President Ivan Duque, who won the 2018 election after promising to dismantle and renegotiate aspects of the accord, has used parliamentary strategies to slow down and challenge its roll-out. He cites the criminal activities of FARC dissidents, who have refused to lay down arms, and calls for FARC leaders to be charged with war crimes – leaders who were granted immunity under Santos in return for joining the government.

On 29 August, three ex-FARC leaders proclaimed a return to arms and vowed to return to the jungles on the Venezuelan border to wage war once again.

Under the 2016 peace accord, the government promised to develop former rebel-controlled areas, but the process has been slow and political corruption on all levels has led to much of the money being squandered or used inefficiently.

And in the vacuum left by the FARC, a plethora of other dissident groups has risen up to battle over a region now largely ignored by the government.

“The government isn’t living up to its promises,” said Father Jon Reina, one of the leaders of strikes that shut down the city in 2017 over frustration with a lack of infrastructure and investment. “Our problems are threefold: corruption; the drug trade; and an utter lack of economic opportunity for those who live here. This creates a cycle of violence that can only be addressed at the federal level.”

Some here worry that the recent FARC fracture could worsen the situation in Valle de Cauca even if it doesn’t signal an official return to war.

“When a youth with no education is given the opportunity to work for the narcos, he can earn more in a few weeks than he would otherwise earn in a two years working a minimum wage job,” said Molina.

He worries that as the new FARC dissidents look for allies and foot-soldiers in their renewed war, this region is likely to be fertile ground for their recruiting efforts.

“If the government doesn’t cultivate the peace, they will reap war,” Molina said. “Whether that war is officially acknowledged or not.”

Leader of Colombia's Los Pelusos crime gang killed, president says (Reuters) By Julia Symmes Cobb and Tom Brown
September 27, 2019

The top leader and founder of Colombia’s Los Pelusos crime gang has been killed in an operation led by the national police, President Ivan Duque said on Friday.

The gang is one of the most well-known criminal organizations in the Andean country and involved in fighting that has endangered hundreds of thousands of people in areas along the eastern border with Venezuela.

Luis Antonio Quintero, known by his alias Pacora, was a former leftist rebel who commanded some 440 gang members, the government said.

The 49-year-old was wanted on terrorism and murder charges and located in Norte de Santander province on Thursday.

“It’s clear we are going to completely break up this group,” Duque said in a statement from the United States, where he

traveled for the United Nations General Assembly this week.

Quintero was responsible for the killings of human rights activists and community leaders, the statement added.

Duque has faced criticism from some in the international community for not doing more to stop killings of activists from being committed with impunity across the country.

Another leader of Los Pelusos was captured in the operation, the statement added. It did not provide details about the circumstances of Quintero's death.

[back to contents]

TOPICS

Truth and Reconciliation Commission

Senator Prince Johnson Supports President Weah's Decision to Seek Legislature's Advice on War Crimes Court (Front Page Africa) By Gerald C. Koinyeneh
September 26, 2019

The debate of the establishment of a war and economic crimes court came into the limelight recently when President George Weah sought the Legislature's advice on the establishment of the court.

Support for the establishment of the court is garnering momentum as several members of the House of Representatives have affixed their signatures to a document calling for its establishment. However, one of the key figures included in the defunct Truth and Reconciliation Commission's (TRC) recommendations for sanction, Senator Prince Johnson, has said that it will be unlawful to establish such court in the country.

Addressing reporters at the Capitol Building on Wednesday, September 25, Senator Johnson stated that because of its illegality, the clause within the TRC Report barring certain individuals from Liberian politics for 30 years was thrown out by the Supreme Court during the administration of ex-President Ellen Johnson Sirleaf.

Senator Johnson, once a fierce warlord during the first round of the civil war, headed the rebel faction, the Independent National Patriotic Front of Liberia (INPFL).

According to Liberia's Truth and Reconciliation Commission (TRC), the INPFL can be held liable for just two percent of the total violations —2,588 —tallied in its final report.

Though this figure is low compared with Taylor's NPFL with 41 percent (63,843 violations), INPFL leader Prince Yormie Johnson is documented as having the highest number of violations ever recorded for individual perpetrators during the whole civil war, which lasted 15 years. Johnson earned this record in comparatively short spell (1990 to 1993) in the civil war.

In addition to killing Doe, the TRC documented other crimes committed by Johnson's INPFL: "Two trucks filled with native Krahn and Mandingoes were captured from ECOMOG by the INPFL and apparently killed since they were never accounted for," the report reads.

Among Senator Johnson's violations, according to the TRC, are killing, extortion, massacre, destruction of properties, force recruitment, etc.

But in 1992, Senator Johnson fled into exile. Following the end of the war, he returned in 2005 and was elected Senator of Nimba County.

He was reelected in 2014 and is currently serving his second nine-year term. The Nimba Senator often defends his actions during the war, especially when the name of former President Samuel K. Doe is mentioned. Sen. Johnson usually speaks of protecting his kinsmen from the Doe regime.

Senator Johnson, now in his late 50s, father of 12 children, is a son of a bush hunter in Nimba County. He first resorted to arms as a member of the failed 1985 General Thomas Quiwonkpa invasion, which was intended to topple the Doe regime. Quiwonkpa, a son of Nimba, was arrested and butchered when the uprising failed. Johnson fled into exile.

This infuriated President Doe, who sent members of the army to Nimba. Nimbaians, including women and children, were slaughtered and that massacre is known today as the “Nimba Raid.”

Further trying to justify why he thinks the war crimes court would be “illegal”, Senator Johnson pointed out that Article 97 of the Constitution of Liberia, which grants amnesty to actors of the Military junta’s People’s Redemption Council (PRC) for whatever actions it may have taken that led to the change of government in 1980 as well as before and after the adoption of the 1986 Constitution of Liberia, also covers him and others, who took part in 15-year civil carnage.

Article 97 ‘A’ states: “No executive, legislative, judicial or administrative action taken by the People’s Redemption Council or by any persons, whether military or civilian, in the name of that Council pursuant to any of its decrees shall be questioned in any proceedings whatsoever; and, accordingly, it shall not be lawful for any court or other tribunal to make any order or grant any remedy or relief in respect or any such act.”

‘B’: “No court or other tribunal shall entertain any action whatsoever instituted against the Government of Liberia, whether before or after the coming into force of this Constitution or against any person or persons who assisted in any manner whatsoever in bringing about the change of Government of Liberia on the 12th day of April, 1980, in respect of any act or commission relating to or consequent upon: (i) The overthrow of the government in power in Liberia before the establishment of the government of the People’s Redemption Council; (ii) The suspension of the Constitution of Liberia of July 26, 1847; (iii) The establishment, functioning and other organs established by the People’s Redemption Council; (iv) The imposition of any penalties, including the death penalty, or the confiscation of any property by or under the authority of the People’s Redemption Council under a decree made by the Council in pursuance of but not limited to the measures undertaken by the Council to punish persons guilty of crimes and malpractices to the detriment of the Liberian nation, the people, the economy, or the public interest; and (v) The establishment of this Constitution.”

Senator Johnson indicated that the Doe regime was influenced by this constitutional provision to do ‘what it did’ and its actions led to the civil war.

According to him, former President Taylor, sensing the adverse implication of a war crimes court or tribunal, passed a resolution granting amnesty to all participants of the war.

He also added that ex-President Ellen Johnson Sirleaf challenged the TRC resolution barring her and other 48 people including Sen. Johnson from politics in Liberia for 30 years at the Supreme Court, which termed that particular TRC’s recommendation “unconstitutional.”

He backed President Weah for seeking the lawmakers’ advice and called on his colleagues in the Legislature to carefully read the Constitution before taking a stance for.

Unlike Sirleaf, who sought redress to the Court, Senator Johnson noted that it was prudent for the President to ask the Legislature for their opinion.

Meanwhile, Senator Johnson responding to allegations about him bragging recently for killing former President Samuel Doe in September 1990, said at no time he talked about the incident.

A lawmaker of Grand Gedeh County, where Doe hailed from, Representative Zoe Pennue, addressing the media upon his returned from abroad recently, noted that while away, he was told that Senator Johnson, who now prides himself as an Evangelist, in a sermon to his congregation allegedly boasted about killing the former President. Rep. Pennue said Senator Johnson’s constant boasting and justification of killing the former Liberian president, who was his (Pennue’s) uncle is counterproductive to the peace of Liberia.

Pennue called on stakeholders, including the religious community, international organizations and diplomatic missions in Liberia to “call Senator Johnson to order” to stop sowing seed of discord as the war is over and Liberians are united and rebuilding their nation.

But Senator Johnson noted that he was referring to his fellow Nimba County lawmakers, who have signed a resolution paving the way for a war crimes court in Liberia.

In an apologetic tune, Sen. Johnson stated that he has since tried to reach out to Rep. Pennue to make him understand, but Rep. Pennue has not responded to his call.

“Mr. Pennue misunderstood me. I mean no harm to the people of Grand Gedeh. I was only trying to make them (Nimba lawmakers who signed up to the petition) know that I came to liberate them from the hard hand of the administration of Samuel Doe. I mean no harm. I want to see Liberia moves forward. I appeal to him to relax the aggressiveness towards me. We are neighbors. We are in-laws,” he pleaded.

Native American 2020 candidate aims to raise awareness of indigenous peoples (The Guardian) By Adam Gabbatt

September 29, 2019

In a video launching his presidential campaign, Mark Charles, hair tied in a tsiiyéel, a Native American hair knot, introduces himself in the Navajo language.

“Yá’ át’ ééh. Mark Charles yinishyé,” Charles says.

“Tsin bikee dine’é nishlí. Dóó tó’aheedliinii bá shishchíín. Tsin bikee’ dine’é dashicheii. Dóó tódich’ íi’ nii dashináli.”

Roughly translated, Charles is explaining that his father was Navajo and his mother Dutch American. What doesn’t need explaining is that if Charles were elected in November 2020, he would become the first Native American president of the United States.

It’s an extremely long-shot bid. But Charles is also aiming to use his campaign to raise awareness of the historic, and continuing, abuse of Native Americans and other ethnicities, hopefully resulting in an improved constitution that he believes would better reflect the modern-day US.

“Do we want to be a nation where we the people actually means all the people?” Charles says.

“Because if we do, then we have some foundational level work to do.”

Native American people living on reservations, Charles says, have always been overlooked by politicians. The territory of the Navajo Nation covers 27,000 square miles alone – enough to make it the 48th largest state in the US. Despite that, Charles says, the territory of 350,000 people is rarely visited by politicians running for president.

Charles is determined to change that with his campaign. He held his first campaign event on the Navajo Nation, at a chapter house – a communal meeting place – near Fort Defiance, north-east Arizona. His second event was at the Indian Pueblo Cultural Center, in Albuquerque, New Mexico, and another at the Denver Indian Center.

“Almost every state I go to I want my first contact to be with the indigenous nations, the indigenous peoples of that state,” Charles said.

“I really want to connect with them again because I’m coming on to their land to campaign and I want them to know me and to understand who I am and, and why, why I’m there.”

Charles believes he is the best person to lead the country as a whole, but he is also running with some ideas that would specifically help Native Americans, African Americans and other people of color. On the stump he talks a lot about creating a “common memory” – educating people on the atrocities committed in the past and the challenges different races face.

Independent presidential candidate Mark Charles speaks on 20 August 2019 in Sioux City, Iowa. FacebookTwitterPinterest
Independent presidential candidate Mark Charles speaks on 20 August 2019 in Sioux City, Iowa. Photograph: Stephen Maturen/Getty Images
At the center of Charles’s platform is the establishment of a “truth and conciliation commission”, which would work towards creating that memory. His idea is modeled on the Truth and Reconciliation Commission set up in South Africa, after the end of apartheid.

“I don’t call ours truth and reconciliation because reconciliation implies a previous harmony, and if you know our history you know that’s not true.”

In South Africa the Truth and Reconciliation committee hearings, which allowed both victims and perpetrators to explain their experiences, were broadcast live, in what has been described as the “gold standard” for how a divided society might deal with a violent past. Charles believes his committee could eventually lead to an at least partial rewriting of the US constitution.

Charles said he had the idea for “that type of conversation years ago”.

“But I did not know the best way to bring that proposal to the nation. And after observing several presidential campaigns, I realized every four years we have a dialogue about who we are and where we’re going: our presidential campaign cycle.

“So I felt like this is an important enough of a proposal that it actually could very well be the center of a presidential campaign. So one of my motivations in running for president is to raise this issue of truth and conciliation to the national level.”

Charles grew up in New Mexico, and went to university in California, before spending 11 years living in the Navajo Nation, which is spread across Arizona, Utah and New Mexico.

Three of those years were spent on a remote sheep camp, where Charles and his young family lived in a one-room hogan, a traditional Navajo house, which had a dirt floor, no running water, no electricity and was six miles from the nearest paved road.

Charles isn’t the first Native American to run for the White House. Russell Means, an activist from the Lakota tribe who died in 2012, ran for the Libertarian party nomination ahead of the 1988 election, but came second to the Texas congressman Ron Paul.

In 2018 there was a breakthrough for Native American women in particular, when Sharice Davids, from Kansas, and Deb Haaland, from New Mexico, became the first Native American women to be elected to Congress. Both Davids and Haaland are Democrats. Charles says he has voted for both Democrats and Republicans in the past, but believes his best chance for office is to eschew both parties.

“I don’t want people to think that because I’m running as an independent I’m not a serious candidate,” Charles said. He believes he would not clinch the Democratic or Republican nomination – aside from anything else, he isn’t a member of either party – but he plans to be on the ballot in all 50 states, and is committed to running all the way through to November.

“If our country does not begin creating this common memory, and does not make a decision on whether we want to be a place where we the people means all the people,” Charles said, “We’re going to continue to face these deep racial divides that we’ve had in our country since its founding.”

Canada reveals names of 2,800 victims of residential schools (BBC News) By Robin Levinson-King
October 1, 2019

For more than a century, they were anonymous. But now the names of 2,800 indigenous children who died in Canadian residential schools will finally be known.

From Abel Evan Francois to Zotique Kahkikyas, one by one, the names of residential school victims were revealed in a powerful ceremony honouring "the children who never came home".

It took more than a decade for researchers to identify nearly 3,000 children who died in Canada's residential schools - compulsory boarding schools run by the government and religious authorities during the 19th and 20th Centuries with the aim of forcibly assimilating indigenous youth.

Many families were never notified, and the children were buried in unmarked graves.

"Children were taken away and put into these schools absent of love and care and affection. I think many of them probably passed away in quite lonely circumstances," says Ry Moran, the Centre's director.

But on Monday, their names were finally known, when the National Centre for Truth and Reconciliation, in partnership with Aboriginal People's Television Network, unveiled a national memorial register. All 2,800 names were inscribed on a red scroll, which stretched 50 metres (164 feet).

"Today is a special day not only for myself, but for thousands of others across the country. To finally bring recognition and honour to our school chums, to our cousins, to our nephews, to our nieces, that were forgotten," says Barney Williams, a residential school survivor and member of the Tla-o-qui-aht First Nations in Meares Island, British Columbia.

"We're ensuring that people know these kids. Know that when we talk about the children who never came home from these schools, they were real children with real names who came from real communities with real families. This makes the gravity of what we're dealing with, as a country, all the more real," says Mr Moran.

The Centre now hopes to collect the stories behind the names on the register.

"We're taking an important step to make sure the children who never returned home from those schools were honoured, celebrated and most importantly loved," he says.

What were residential schools?

From about 1863 to 1998, more than 150,000 indigenous children were taken from their families and placed in state-run boarding schools.

The children were often not allowed to speak their language or to practise their culture, and many were mistreated and abused.

The landmark Truth and Reconciliation report, released in 2015, said the policy amounted to "cultural genocide".

Since 2007, the Canadian government has settled with thousands of living survivors, paying more than C\$3bn (\$2.3bn, £1.8bn) in what is considered the largest class-action settlement in Canadian history.

In recent years, the Canadian government has made reconciliation with indigenous people a priority.

Monday's memorial for the students who never returned is one of many ways that governments and institutions are trying fulfil the recommendations listed in the Truth and Reconciliation Commission's report.

What else happened on Monday?

Also on Monday, in Val d'Or, Quebec, the provincial government released the Viens Inquiry, named for retired Superior Court justice Jacques Viens who was tasked with investigating how provincial police, laws, policies and institutions discriminate against indigenous people.

The inquiry was commissioned in 2016 after several women in Val d'Or came forward with allegations of sexual abuse by local police. Authorities said they believed the women but did not have enough evidence to lay charges.

The 520-page report found that indigenous people in Quebec are victims of "systemic discrimination" in accessing public services.

It urged the government to issue a public apology.

"Thousands of people are being robbed of their dignity because they are being kept in deplorable living conditions, at the margins of their own cultural referents. In a developed society like ours, this is simply unacceptable," Mr Viens said in his address.

Liberia: CDC Lawmakers Boycott Resolution (All Africa)

October 8, 2019

Six members of the House of Representatives, all from the governing Coalition for Democratic Change, including Speaker Bhofal Chambers have refused to affix their signatures to a resolution, calling for the establishment of an extraordinary criminal court for Liberia to prosecute international crimes, particularly from the 14-year Liberian civil war.

However, more than two-thirds majority (50) of the 73-members House of Representatives signed the resolution, calling on President George Manneh Weah to contact the United Nations, international partners, institutions and civil society organizations for assistance to establish an extraordinary criminal court here that allows trials of international crimes in accordance with international standards and best practice.

The six CDC lawmakers who turned blind eyes on the document include Montserrado County District#5 Representative Thomas P. Fallah; Representative Solomon C. George of Monterrado District#7; Representative Acarous Moses Gray of Montserrado Distric#8; Montserrado District#9 Representative Munah E. Pelham Youngblood; Sinoe County District#2 Representative Cllr. J. Fonati Koffa, and Speaker Bhofal Chambers of Maryland County District#2, respectively.

Representative Solomon C. George says he didn't sign the resolution because according to him, it is untimely. He maintains that Liberia does not need a war crimes court, but an economic crimes court instead, that would help in retrieving some of the country's stolen money.

The document, read and signed since July 18, 2019, had been held up in the House until last week, when it was made public amid public outcry for the constitution of said court. It followed recent communication from President George Manneh Weah to members of the 54th Legislature, soliciting their advice on growing calls for the formulation of the court.

But the resolution notes that the matter regarding prosecution of international crimes, as recommended by final report of the Truth and Reconciliation Commission of Liberia is overdue, calling on President George Manneh Weah to act effectively, immediately on said Legislative Enactment without seeking advice from the Legislature, because the TRC is already an Act of Enactment by the Legislature.

President Weah himself has been playing a devil's advocate role on the matter, at one moment, seeking advice from the legislature on the way forward, while in another, going before the 74th General Assembly of the United Nations and questioning why the clamor for the international criminal court now under his presidency when previous Liberian administrations under which the Comprehensive Peace Agreement that gave birth to the TRC was signed, its work completed and recommendations made, were not pressurized for such court.

Returning home recently from the U.N., President Weah told journalists he had never been an advocate for war crimes court in Liberia.

However, the resolution, which originated from the Office of the Chairperson on Claims and Petition, Montserrado County District#4 Representative Rustonlyn Suacoco Dennis, notes that the civil wars from 1989 to 2003 resulted in death and destruction across Liberia, including displacement of nearly half the population and horrific abuses, including summary executions, massacres, rape and other forms of sexual violence, mutilation and torture, forced conscription and use of child combatants.

It recalls that Article XIII (13) of the Liberian Comprehensive Peace Agreement signed on August 18, 2003, provided for the establishment of a Truth and Reconciliation Commission (TRC) to provide a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to get a clear picture of the past to facilitate genuine healing and reconciliation in Liberia. See page 10 for full text of the resolution and lawmakers' signatures.

War Crimes Court Establishment Suffers Setback (Liberian Daily Observer) By Leroy M. Sonpon, III
October 8, 2019

The House of Representatives, on Friday, October 4, failed to include and discuss a resolution to establish a war crimes court in Liberia after a full submission of the "Resolution on the establishment of War Crimes Court in the country" to the Chief Clerk of the House's office on Thursday, October 3, 2019.

If the eight-page Resolution on the establishment of a war crimes court did not appear on the Monday, October 7 agenda, the last session day of the House of Representatives for adjournment, it means the Resolution has suffered a setback; it is no longer a done deal and is, therefore, inevitably deferred for the 3rd Sitting, which will begin on the second working Monday, January 13, 2020.

The Senate formally recessed for the 2nd Sitting over the weekend.

As has been repeatedly reported by the Daily Observer, the Resolution has a signature of 50 out of the 73 members of the House of Representatives, which is little over two-thirds of the Lower House.

In Friday's session, the Chairperson on the House Claims and Petition, Montserrado County District #4 Representative Rustonlyn Suacoco Dennis, visibly enraged broke into tears when the movant, Bong County District #1 Representative Albert Hill, rejected her amendments for inclusion and discussion on "Resolution on the establishment of War Crimes Court in Liberia," and "Article 96" on the House Agenda as part of the business of the day.

In an uncontrollable and fuming tone in session, she described Rep. Hill's action as "misplaced, displaced and disgraced," arguing that the Bong County lawmaker, who is one of the signatories to the Resolution, did not know the essence of what she claimed as "integrity document."

In protest, she walked out of the House chamber, muttering "nonsense," especially to a denial of the Resolution to be placed on Friday's agenda for automatic forwarding to the Senate for concurrence.

Montserrado County Districts #10 and #13 Representatives Yekeh Kolubah and Edward Flomo respectively, and Margibi County District #3 Representative Ellen Attoh-Wreh, in session, openly joined Rep. Dennis to condemn Rep. Hill for rejecting the Resolution.

Disappointed at Speaker Chambers

In a press conference, immediately after the session, Rep. Dennis said she was disappointed at Speaker Bhofal Chambers for

“shamefully masterminding the removal of the Resolution on the agenda,” an allegation the Speaker rejected and said it was excluded in keeping with Legislative practice.

The House Claims and Petition chairperson said it was disheartening for the Speaker, who was once a champion for the establishment of a war crimes court, to refuse to put the Resolution on the agenda, and described his action as “misbehavior.”

She said the Resolution was formally launched at the Du-port Road Cemetery Memorial on Thursday, October 3, 2019. “We have 50 signatures, which is more than two-thirds of our membership, calling for the establishment of a war crimes court and even have the propensity to remove him,” she said.

Speaker Chambers' Response

Also, in a brief chat with journalists, the Speaker categorically denied removing the Resolution from the agenda as Rep. Dennis allegedly accused him of and said the failure to include and discuss the Resolution was the prerogative of the movant – Rep. Hill – who denied Rep. Dennis' amendments.

He added that besides that rejection, the Plenary had earlier voted to carry the Resolution to establish a war crimes court to their respective constituents for subsequent discussions during the 3rd Sitting following the president's two-page letter for advice and guidance on the creation of a war crimes court.

The Speaker said that it was agreed that there will be consultations to help lawmakers to make an informed decision.

Besides the House Committee on Claims and Petition efforts on establishing a war crimes court, President George Weah also wrote members of the House of Representatives to advise and guide him on the implementation of the Truth and Reconciliation Commission (TRC) recommendations and the establishment of a war crime court. “I am committed to a holistic implementation of the National Consensus, and do hereby call on the Legislature to advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC report, including the establishment of the Economic and War Crimes Courts,” the president wrote.

The House of Representatives expresses its support for full implementation of the TRC recommendations, including the establishment of an Extraordinary Criminal Court, and commits to working with President Weah for the court's establishment.

Based on section 48 of the TRC Act that provides that “The Head of State shall report to the National Legislature within three months of the receipt of the report of the TRC, and on a quarterly basis thereafter, as to the implementation of the Commission's recommendation ‘and’ and all recommendations shall be implemented and ‘where the implementation of any recommendation has not complied with, the Legislature shall require the Head of State to show cause of such-non-compliance. Therefore, this matter before us is overdue and that the President should act effectively, immediately on said Legislative enactment without seeking advice from the Legislature because the TRC is already an Act of Enactment by the Legislature that is awaiting presidential approval.”

Signatories:

Rep. Lawrence Morris, District #1, Montserrado County Rep. Jimmy Smith, District #2, Montserrado County Rep. Rustonlyn Dennis, District #4, Montserrado County Rep. Samuel Enders, District #6, Montserrado County Rep. Yekeh Kolubah, District #10, Montserrado County Rep. Richard Koon, District #11, Montserrado County Rep. George Samah, District #12, Montserrado County Rep. Edward Flomo, District #13, Montserrado County Rep. Abraham Corneh, District #14, Montserrado County Rep. Abu Kamara, District #15, Montserrado County Rep. Hanson Kiazolu, District #17, Montserrado County Rep. Hans Barchue, District #1, Grand Bassa County Rep. Mary Karwor, District #2, Grand Bassa County Rep. Matthew Joe, District #3, Grand Bassa County Rep. Vicent Willie, District #4, Grand Bassa County Rep. Thomas Goshua, District #5, Grand Bassa County Rep. Cryton Duncan, District #1, Sinoe County Rep. J. Nagbe Sloh, District #2, Sinoe County Rep. P. Mike Jurry, District #1, Maryland County Rep. Isaac Rolands, District #3, Maryland County Rep. Bob Sheriff, District #1, Grand Cape Mount County Rep. Mambu Sonii, District #2, Grand Cape Mount Co. Rep. Emerson Kamara, District #3, Grand Cape Mount Co. Rep. Albert Hills, District #1, Bong County Rep. Prince Moye, District #2, Bong County Rep. J. Marvin Cole, District #3, Bong County Rep. Robert Womba, District #4, Bong County Rep. Edward Karfiah, District #5, Bong County Rep. Joseph Kolleh, District #7, Bong County Rep. Francis Nyumalin, District #1, Lofa County Rep. Julie Wiah, District #2, Lofa County Rep. Clarence Massaquoi, District #3, Lofa County Rep. Beyan Howard, District #5, Lofa County Rep. Prince Tokpa, District #1, Nimba County Rep. Joseph Somwarbi, District #3, Nimba County Rep. Rogers Domah, District #7, Nimba County Rep. Larry Younquoi, District #8, Nimba County Rep. Zoe Pennue, District #1, Grand Gedeh County Rep. Alex Grant, District #3, Grand Gedeh County Rep. Tibelrosa Tarponweh, District #1, Margibi Co. Rep. Ivar Jones, District #2, Margibi County Rep. Ellen A. Attoh-Wreh, District #3, Margibi Co. Rep. Ben Fofana, District #4, Margibi County Rep. Clarence Gahr, District #5, Margibi County Rep. Byron Zahnwea, District #2, River Cess County Rep. Alexander Poure, District #1, River Gee County Rep.

Francis Young, District #2, River Gee County Rep. Francis Dopoh, District 3, River Gee County Rep. Alfred Koiwood, District #1, Gbarpolu County Rep. Joseph Matthew, District #3, Gbarpolu County

The Establishment of the War Crimes Court Establishment in Liberia: Managing Fears and Expectations (Front Page Africa) By Tennen B. Dalieh
October 9, 2019

President Weah after nearly two years into his presidency, on September 14, 2019, finally submitted to the Liberian Legislature a proposal seeking the honorable legislature to advise his government on the processes and mechanisms to implement one of the key Truth and Reconciliation recommendations.

The decision is a dramatic twist from his initial indecisive and non-committal posture on the agitations that had mounted for the establishment of the court. Many are of the view that the political decision could not have come without behind the scene arm-twisting. For President Weah is believed to have a soft spot for Senator Prince Johnson, the former warlord who killed former President Samuel Kanyon Doe, and many others whose names are tagged for criminal accountability in the records of the Truth and Reconciliation Commission. The reality is sinking in and the country is somewhat divided on the mechanisms to address war crimes accountability, reconciliation and nationally healing.

In retrospect, the story is reflecting the Comprehensive Peace Agreement signed in August 2003 in Accra made provision for the setting up of a Truth and Reconciliation Commission as a hybrid restorative justice pathway.

Perpetrators of the war and financiers of the gross human rights abuses and violations that attended the war of attrition were recommended for prosecution. The period for the criminal accountability was set between 1979 to October 2003. Others were to be blacklisted from holding public office(s) for a period spanning thirty years. Liberia's former President Ellen Johnson Sirleaf was supposed to be among this category after her confession at the TRC was in admittance of having doled out 10,000USD to the National Patriotic Front of Liberia (NPFL) of erstwhile President Charles Taylor. She had suggested that the offer was not in support of the arms struggle but humanitarian gesture, even though the NPFL was an arms group.

It is then possible to understand why the process to implement this aspect of the TRC recommendation has been contentious. It has been a sheer display of political lip-service much to the frustration of many victims of the brutal civil conflict, international human rights bodies and TRC former commissioner Jerome Vedier etc. He would later flee the country claiming that his life was under threat for pushing the case of implementation. Other commissioners were divided on the issue of implementing the recommendation so as not to ruffle feathers of political heavy weight. And the issue of implementing the TRC is kept in abeyance with some people citing flaws in the document in attempt to discredit its authenticity.

One dicey issue has been the constitutionality or legitimacy of the war crimes court establishment outside of the Liberian judicial system. But this is supposed to be an international court based on international humanitarian law, which supersedes national laws. Liberia is also signatory to many international treaties like the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) amongst many others, hence Liberia's legitimate basis for establishing the War Crimes Court.

Meanwhile Senator Prince Johnson, like many of those who bear the greatest burden of the 14 years conflict, are yet not remorseful but are on record justifying their participation in the crisis.

In the face of the fragility and poverty situation attributed to the war, the voices clamoring for retributive justice say it is about addressing impunity and sending the strong message that never again arms struggle that violates international and national laws will be employed by warlords. How to reconcile that legitimate argument with the equally important imperative of preserving the peace by not creating conditions where the vulnerability of unemployed youths, cannot be manipulated to make the country ungovernable, combined with a neopatrimonial semi-democratic state where state resources are still available to persons named in the TRC report. This is the thrust of the article.

In trying to play the balancing act, key questions comes to mind, namely: have the pre-war conditions that stirred the conflict been addressed? This major object of the TRC is enunciated in the need to investigate, "the antecedents of the crises which gave rise to and impacted the violent conflict in Liberia..." What are the goals of retributive justice and restorative justice? What purpose those each of them serve?

There is therefore sufficient reason to embrace transitional justice as it is further seeking to heal historic identity cracks between so called settlers and indigenes, as well as the lingering effects of authoritarian and politicization of the military all of which is bundled in the narratives of inordinate human rights abuses and Liberia's political history.

But there are those who are on the contrariness of the matter and are referring to socio-economic woes that are prevailing as

the priority need of ordinary Liberians, women and youths especially who were exploited and abused in the war. The TRC is not silent on the matter and even suggested reparations. The delivery in this area has been very negligible to note with sprinkling of actions from the Peacebuilding Fund in league with Independent Human Rights commission working on series of palava hut mediations and some youth empowerment projects that have not been very transformative.

All Liberians eye are on the unequal distribution of national wealth which has also opened an increased advocacy window for the economic crimes court as a supplement of the war crimes court advocacy. The hordes of excombatants that are now increasing in narcotics substance abuse and are tagged zogos represent threat to national stability but not much has been done to retrieve reintegrate and purposively engage them in the needed productive sector.

Dr. Walt Kilroy who study Liberia's attempt at reintegrating ex-combatants argues that the DDRR process was far from participatory neither did it considered the inputs of ex-combatants into programmes development and decision making.

Additionally, the prevailing state of Liberia security sector cannot be ignored in making a case for war crimes court. There is a theoretical affirmation on point that democracy flourishes when ordinary citizens can have access to the law and breaks the culture of impunity was a strong basis for development partners' support towards Liberia reform its justice system. Like several country coming from civil conflict, the challenges are still herculean- courts still marred with corruption, unnecessary bureaucracy, untrained staff members, centralized judicial system etc. The process of access justice is still farfetched with citizens having little or no trust in the justice system.

Communities continue to take personal steps (community Watch team) to serve in the place of inaccessible Police personnel, community palava hut to "settle civil matters" outside of the bureaucratic judicial system. The lack of trust in the justice system remains a substantial 'piece of the pie' that has dealt with as Liberia moves toward a sustainable peace and development as there is a correlation between justice and development.

However many are asking: is the establishment of the court capable of curtailing the uneven distribution of wealth and improvement in service delivery? This is an area for open debates to better educate the public on the plus and minus of the proposition to have the court or not. The heightening poverty levels beyond Household Income and Expenditure statistics released by Institute of Statistics and Geo Information Services of 54% is widening and making it more challenging for national stability as evident in rising crime rates and mass actions calling attention to political corruption and hardship. These are conditions that create a restless society and as Paul Collier argues in his Greed vs. Grievance theory, the motivations for conflict are manifested in the germane concerns of citizens.

The figures in the education sector also paints a grim picture explaining the depth of the socio economic strait laced conditions that is driving proponents of the benefits of the war crimes court.

By 2008, after the conduct of Liberia's census, with a growing population of about 4million, UNESCO states that Liberia adult literacy rate was at 42.94% while the male literacy rate 60.77% with females at 27.03%, a huge gap between the sexes. Post Conflict status, the quality of education in Liberia ranks the lowest in the Mano River Region, with the country's young population having little access. As one of the major causes for the conflict, it still remains prevalent.

It is therefore imaginable how challenging it is for the majority of the citizenry to appreciate the political questions that need answers in taking position on a critical issue as establishment of war and economic crimes court.

In the same vein, there are questions on: how can rising gender based violence reminiscent of the war days be sacrificed implicitly by not accommodating war crimes in dealing with the notoriety?

Liberia is still caught in the web of neo patrimonialism as defined by Diana Cammack, a form of governance where real power and real decision making lie outside the formal institutions; decisions about resources are made by big men and their cronies, who are linked by informal private and patronage clientelism before and beyond the state structures. Within this framework, it is understandable while accountability for war crimes remains highly contested, 15 years after the CPA. Also, addressing corruption and promoting transparency remains farfetched. The retributive justice opportunity against the option of restorative justice becomes a hard choice to make.

For the establishment of the war crimes court could be a 'potential source of conflict' and scrimmage if not analyzed through the neopatrimonialism lens within which context Liberia fits.

Those culpable under the law currently wield high influence in the underworld that controls the 'upper world', the public space. They have amassed ill-gotten resources. They have the gut to throw spanners in the work of the war crimes court. The scope of the would-be war-crimes court if the legislative submission for its establishment remains murky in terms of the number of persons under the blanket of notorious persons to be tried. So, the fears that loom large cannot be elevated.

For example, Former President Sirleaf (2011 Nobel Peace Laureate) is named and placed on 30 years public service ban.

Former Supreme Court Justice Kabineh J'aneh was LURD's head of delegation at the Accra Peace talks. Toga Gayawea McIntosh, Liberia 'Statesman' who recently led Liberia's National Economic Dialogue (NED) and Isaac Nyenabo, Liberia's Ambassador to the European Union and Belgium are named 'financier'. Furthermore, at the Legislature, are Sen. Prince Johnson, Sen. Morris Saytumah, Sen. Sando Johnson, and Sen. Peter Coleman and Rep. George Boley, amongst others. Benoni Urey, Liberia's businessman and politician plus Emmanuel Shaw of Lonestar Cell, one of Liberia's communication giant, both named in the TRC report is 'advisor' to President George M. Weah. The complexities of the relational interlinks must not be taken for granted nor ignored.

Madam Sileaf told Al Jazeera journalist, Mehdi Razzan Hassan in a television interview that the findings and recommendations of the TRC were taken to Liberia's Supreme Court, and the opinion of the Court reduced the War Crimes Court establishment to 'palaver hut' discussion items. Palava hut has not provided the need healing of a cracked nation in want of reconciliation that cannot blur justice. So, a recourse to the Statute of the ICC- known as the Rome Statute, establish a permanent, independent Court to investigate and bring to justice individuals who commit war crimes, crimes against humanity, and genocide becomes the option to go for.

The lessons of the past in this experimentation and how it has worked in another context must be considered. Even as the court option becomes the fair recourse in dealing with grave human rights issues of the past the issue of reparation of approximately US\$500m to paid over 30 years to deserving women as victims of the carnage cannot be buried in the frenzy to punish notorious warlords still having the upper hand to unleash more havoc.

The United Nations Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law [8] provide five formal categories of reparations: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. These phases must be crossed for justice to come full circle.

[back to contents]

Terrorism

A Balance Sheet On America's "War On Terror" In The Middle East (Lobe Log) By Charles W. Dunne
October 7, 2019

Eighteen years after the terrorist attacks of September 11, 2001, the United States remains engaged in a multi-front war against a multi-faceted extremist-terrorist threat, much of which emanates from the broader Middle East and North Africa. Although no longer referred to as the "Global War on Terror"—a Bush Administration coinage abandoned during President Barack Obama's first term—the difference is largely semantic. All three administrations since 9/11 have pursued broadly similar strategies to defeat the threat, and counterterrorism remains at the top of Washington's foreign policy agenda, as President Donald Trump's 2017 National Security Strategy makes clear.

There have been some notable successes in the fight. Al-Qaeda (AQ) has splintered and the "caliphate" of the Islamic State (IS) is no more. Both groups have suffered serious leadership losses and their operational capabilities have been degraded.

But America's war on terror, no matter what it is called, is very far from over. While AQ and IS may have lost much of their ability to mount major mass casualty attacks in the United States and Europe, splinter groups remain a dangerous threat to US interests in the region and to the people who live there. New opportunities for terrorist groups to rebuild and strike back may arise as they take advantage of state weaknesses and ungoverned spaces in Yemen, Syria, the Horn of Africa, and elsewhere.

Of particular concern are the largely hidden costs of the war on terror to the civilian populations in whose midst the war is being fought. The noncombatant death toll of the drone war of the Obama and Trump Administrations, no longer released to the public, has likely reached thousands. And robust US support for authoritarian allies waging their own counterinsurgency wars has often led the United States to ignore severe abuses of civilian populations in the course of armed conflicts and to excuse serious human rights violations committed under the directive of "anti-terrorism" laws. Such abuses by allies, perpetrated with political cover from the American government, not only risk implicating Washington in their transgressions—including war crimes in Yemen—but may compromise the United States' long-term goals of ameliorating the conditions that

fuel violent extremism in the first place.

The high-water mark of al-Qaeda's terrorist ambitions probably occurred in 2014, when AQ-linked militants attempted to seize the Pakistani frigate PNS Zulfikar in an alleged plot to attack an American warship in the Indian Ocean and provoke a military confrontation between the United States and Pakistan. (An unconfirmed report suggested there may have been a nuclear weapon on board the Zulfikar at the time, casting the attack in an even more ominous light.) The attempt failed, but even by then it was clear that AQ's global ambitions had suffered a series of harsh setbacks. The Obama Administration's AfPak (Afghanistan-Pakistan) strategy had succeeded in eliminating AQ's core leadership through a relentless campaign of drone strikes and intelligence operations, culminating later in the raid that killed Osama bin Laden in 2011. His son Hamza was killed, too, in a US attack sometime this year. Bin Laden's deputy, Ayman al-Zawahiri, now AQ's nominal leader, remains in hiding. The group has lost much of its capacity to mount attacks in the United States and no longer ranks among the top terrorist threats here, a distinction that increasingly belongs to homegrown right-wing extremists and "lone wolf" attackers, often of indeterminate ideology.

The Islamic State has suffered similar sweeping reversals. It conquered vast swaths of territory in Syria and Iraq beginning in 2014, for a time threatening to overrun Baghdad itself and shaking the foundations of the modern Middle East state system. The IS leadership proclaimed a new "caliphate" on June 29 of that year, with the Syrian town of Raqqa as its capital. At its height, the caliphate controlled over 38,000 square miles of territory—including vital economic, strategic, and agricultural assets as well as key transportation corridors—stretching from western Syria to eastern Iraq. For a time, IS ruled over nearly 12 million people and built a financial empire worth billions of dollars from illicit oil revenues and criminal enterprises including robbery, kidnapping, and extortion. In addition to the atrocities and terrorist attacks perpetrated in areas under its control, from 2015 to 2018 IS and its affiliates managed to mount spectacular mass-casualty attacks in Paris, Belgium, Istanbul, Baghdad, Egypt, and elsewhere. The US State Department noted in its annual terrorism report in 2015 that IS was becoming a greater threat than al-Qaeda.

American intervention in Syria and Iraq in 2014 gradually began to turn the tide, combining massive airstrikes, drone attacks, and Special Forces raids with supplies, logistics, and intel support to the reorganizing Iraqi Security Forces (which had nearly collapsed under the IS onslaught) and the nominally anti-Assad coalition comprising the Syrian Democratic Forces. Over a period of three years, the Islamic State was forced out of virtually all its territorial conquests. IS lost its self-proclaimed capital city of Raqqa in October 2017, a few months before Iraqi Prime Minister Haider al-Abadi announced that IS had been forced from its last stronghold in Iraq. The Syrian Democratic Forces declared the caliphate finished in March 2019 after its defeat in Baghouz in eastern Syria, the last town it held in the country.

There is no denying that US counterterrorism strategy has posted robust victories over al-Qaeda, the Islamic State, and other smaller groups, degrading their operational and leadership capacities and reducing their ability to organize and carry out mass-casualty attacks far from their bases of operation. Overall, incidents of worldwide terrorism have fallen; the 2018 global terrorism report by the Institute of Economics and Peace noted that deaths from terrorism fell by 44 percent over the three previous years, matched by a 42-percent drop in terrorism's global economic impact. These successes are far from complete, however. While the main jihadi organizations have been broken into smaller pieces, they are scattered throughout the Middle East, Africa, and South Asia, where governance remains weak and the extremists' ability to pose a serious threat to states, civilian populations, and US interests on the ground remains strong. These smaller groups are harder to track and eliminate and they have amassed significant influence while embedding themselves in local populations, substantially improving their ability to win "hearts and minds" and inspire attacks on US and allied interests in the region and in Europe.

Daniel Byman, writing for the West Point Combating Terrorism Center, puts it this way: jihadi groups "can comfort themselves knowing that their overall sphere of activity has expanded, the enduring weakness of regimes in the Muslim world will give them considerable operational space, and problems with Muslim integration in Europe may present new opportunities." Indeed, as retired US Lieutenant General Michael Nagata, former director of strategic operational planning at the National Counterterrorism Center, remarked recently, "America now confronts more terrorists today than it did on 9/11."

Nor have IS and AQ themselves entirely gone away. Prior to the destruction of its caliphate, IS made plans to go underground in the event of its territorial defeat, stockpiling arms and establishing secret networks and safe houses in preparation to wage long-term guerrilla-style campaigns in Iraq and Syria. It has now "substantially evolved into a covert network," the United Nations secretary-general said earlier this year, and still has 14,000-18,000 armed militants active in the two countries. For its part, al-Qaeda has focused on reconstituting itself in Syria since 2014, building local political influence and military capacity, possibly in preparation for mounting new attacks against the United States and its interests. Idlib province in northwestern Syria has become a safe haven for AQ elements, drawing the military attention of both the United States and Russia.

In addition to the resilience of terrorist movements, certain policy choices by the United States have hampered development of a more comprehensive and effective strategy. To be sure, resources devoted to counterterrorism have increased dramatically overall since the early 2000s, reaching, for example, a peak of 22 percent of discretionary spending in 2008 (16 times more than in 2001) and 14 percent of said spending in 2017 (11 times more than in 2001). However, according to Nagata, the vast

bulk of counterterrorism resources, manpower, and policy support is allocated to military and law enforcement responses to the terrorism phenomenon, with considerably less earmarked for arguably more impactful tactics, such as denying resources, interdicting travel, and preventing extremist indoctrination and recruitment. This imbalance amounts to treating the symptoms and not the disease.

American counterterrorism policies have been rendered less effectual not just by lack of resources devoted to preventing radicalization and to non-kinetic disruption of terrorist networks and logistics, but by a larger failure to address the conditions that create fertile ground for violent extremism in the first place: highly unequal economic opportunity (compounded by corruption and crony capitalism), large-scale human rights abuses, and repressive political systems that tolerate little dissent. These and other problems constitute broad failures of governance that have deepened critical deficits in freedom, gender equity, knowledge, human security, and youth opportunity, as documented extensively in the UN's Arab Human Development Reports, fueling conditions in which extremism thrives. While the United States cannot fix any of these deficits on its own, its failure to place them consistently at the forefront of American diplomatic engagement with the countries of the Middle East remains a weakness in US counterterrorism policy.

Moreover, the United States often fails to appreciate the humanitarian toll of its counterterrorism tactics and the extent to which they can contribute to radicalization and boost terrorist recruitment efforts. The use of drones to attack safe havens and individual extremists is a key example. The Obama Administration transformed the use of drones into a major component of US counterterrorism operations, conducting upwards of 550 attacks in Pakistan, Yemen, Somalia, and other countries from January 2009 to January 2017. President Trump is on pace to surpass that record. The tactic is no doubt effective in eliminating extremist leadership elements at a minimal cost to US military personnel and assets, and the purported surgical nature of such attacks has likely resulted in lower civilian death tolls than might otherwise be expected. But even a reduced number of noncombatant deaths has proven very costly. In Iraq and Syria alone, the estimated number of dead from US drone strikes through January 2019 ranges from a low of 1,257 (a CENTCOM estimate) to 7,500 (as calculated by the transparency organization Airwars). Complete figures for other theaters in which the United States is active, such as Somalia, Afghanistan, and Yemen, are rough and insufficient, due in no small part to the relative lack of transparency in the Obama Administration's drone policies and President Trump's decision in March 2019 to cancel an annual public report on drone strikes, which included figures on civilian casualties. The secrecy and lack of accountability in US drone policy encourage abuse and contribute to conditions that feed violent extremism.

If the lack of public oversight in the drone war and other operational aspects of American counterterrorism strategy should be a matter of serious concern, so should the policy of outsourcing much of Washington's counterterrorism campaign to authoritarian allies, with limited skepticism and minimal oversight.

The United States has defended a Saudi-led coalition's campaign against Houthi rebels in Yemen partly because the Houthis are allied with Iran. As importantly, Washington also sees Riyadh as an integral part of (or, at least, as one that pays the price for) its own longstanding war in Yemen against al-Qaeda in the Arabian Peninsula (AQAP). The war has evolved into a deadly stalemate with mounting civilian casualties, a growing humanitarian crisis, and no end in sight.

The Obama Administration initially supported the Saudi intervention in part to prevent AQAP from gaining political momentum by taking the lead in the anti-Houthi fight. Further, the Trump Administration deliberately conflated Washington's support for the Saudi-led coalition's actions in Yemen with its own military campaign against AQAP, which has been ongoing since the Bush Administration. The results have been damaging all around. The United States has been accused by the United Nations of possible complicity in coalition war crimes. Its support for corrupt and abusive Yemeni counterterrorism units has left as much as \$500 million worth of military equipment unaccounted for. This has also opened the United States to charges that it has deliberately ignored human rights abuses by Yemeni and coalition forces and, because of these policies, helped drive recruitment by al-Qaeda.

Egypt, another close American ally, has been fighting its own war against a Sinai-based affiliate of the Islamic State, Wilayat Sina (Sinai Province), since 2011. Actual military operations are shrouded in secrecy due to a news blackout imposed by Egyptian authorities, but a May 2019 Human Rights Watch report found that Egyptian security forces have engaged in "enforced disappearances, torture, and extrajudicial killings, collective punishment, and forced evictions," in addition to air strikes that have killed numerous civilians. (Islamist militant groups in Sinai were also sharply criticized by HRW for abuses they carried out.) Egyptian security forces also stand accused of engaging in a campaign of extrajudicial killings in Cairo and other places in the country beyond Sinai, likewise in the name of fighting terrorism. A Reuters investigation documented 465 killings of accused "terrorists" in hundreds of incidents with the security forces over a period of three and a half years. The killings took place without due process and under deeply suspicious circumstances, according to victims' families and outside forensic experts. Many of those slain had been disappeared months earlier, probably by security forces, only to turn up dead in what many believe were staged shootouts.

The US State Department acknowledged in its 2018 report on human rights in Egypt that Egyptian security forces engage in a wide range of abuses, including torture and "unlawful or arbitrary killings." Nevertheless, that same year Secretary of State

Mike Pompeo released \$195 million in military assistance to Egypt that was previously withheld due to human rights concerns.

Compounding the problem of regime impunity vis-à-vis US policy is the fact that the United States has largely ignored the proliferation of “anti-terrorism” and anti-protest laws that are liberally employed to silence political opponents by applying overly broad definitions of terrorism to include such offenses as insulting government authorities or criticizing official policies. Such laws have been used effectively in Saudi Arabia, Jordan, Egypt, and elsewhere in the region to jail activists, bloggers, and peaceful protesters. The United States rarely—if ever—questions these laws or practices, implicitly accepting the approach as a normal part of counterterrorism strategy.

American counterterrorism strategy has had many successes, large and small, in the 18 years since 9/11, the most important of which is the prevention of another foreign-origin major attack on US soil. This achievement is due to the huge investments the United States has made in intelligence, kinetic capabilities, alliance building, and advancing technological and tactical capacity. Terrorist groups in the Middle East and elsewhere, however, remain resilient and adaptable and continue to pose threats to American interests overseas and potentially at home. Going forward, the United States must thoroughly evaluate its policy choices and resource allocations to ensure the effective pursuance of the long-term battle to address the extremist-terrorist threats it faces.

FM Zarif Slams US Economic Terror as War Crime (Iran Front Page) By IFP Editorial Staff
October 9, 2019

Iranian Foreign Minister Mohammad Javad Zarif has blasted the US economic terrorism against Iran as a war crime and war on civilians.

He made the remarks in a Wednesday address to the International Conference on Global Economy and Sanctions”, held in Al-Zahra University of Tehran.

In his speech, he discussed the US’ hostile policies against Iran, giving a definition of “sanction” and “economic terrorism”.

He said that using the term “sanction” for the United States’ measures has no legal ground.

He also stated that the US measures are in violation of the JCPOA and the UN Security Council Resolution 2231, and not only have not been taken for law enforcement but are aimed at breaking the law and for the US’ illegal use of a legal term.

In response to comments by the US secretary of state who had claimed that if people of Iran want to have food to eat, they should force their government to change its policies, Foreign Minister Zarif said using starvation of civilians is a blatant example of war crime, and terrorism is also an example of an international crime.

“This measure by the US not only does not bear the legal conditions of sanctions, but involves the legal conditions for economic terrorism. Since the main target of economic terrorism and war is civilians, it amounts to a war crime.” Zarif also noted that the primary and fundamental strategy of the Islamic Republic of Iran and people for countering the United States’ maximum pressure is maximum resistance.

Highlighting the reliance on internal forces and capabilities as the examples of such resistance, the foreign minister underlined that Iran’s capabilities are growing in this path.

Zarif also noted that one of the ways to combat the US economic terrorism is to minimize the unnecessary tensions in relations with the other governments, particularly with the neighbours, by observing the principles of wisdom, dignity and expediency.

“We must believe and be committed to concentrating our national strength on the immediate target, namely countering the US ‘economic terrorism’ and getting through these conditions.” He also emphasized the necessity for vigilance and caution in countering the US measures, stressing, “We should not allow the US to turn its hostile and illegal policies against Iran into an issue and stance of the international community or to change the question and its unilateral economic terrorism against the Iranian nation into a legitimate international issue.”

The Iranian foreign minister also described the use of national currencies for economic exchanges as another way to deal with the US economic terrorism, stating, “We have begun negotiations with many countries about the complicated barter systems, some of which have yielded results and some others are going to be finalized, as the INSTEX mechanism proposed by the Europeans is founded on this basis – in case the Europeans have their own political power and will – and this would be an alarm for the US to see its closest friends, at least in theory and not in practice, breaking away from (the US) dollar.”

Sri Lankan War Criminal Gotabaya Rajapaksa May Escape Accountability Yet Again, This Time by Running for President (Just Security) By Beth Van Schaak

October 9, 2019

Recent developments in a pair of human rights cases in U.S. federal court against former Sri Lankan Defense Minister and current presidential hopeful Gotabaya (“Gota”) Rajapakse may delay key efforts by litigators to hold him accountable for war crimes committed during the country’s brutal civil war. The plaintiffs in the cases are racing against time: should Gotabaya win the presidential election scheduled for Nov. 16, he may be entitled to head of state immunity. The cases in the Central District of California are unfolding against the backdrop of efforts in Sri Lanka to challenge Gotabaya’s eligibility for the presidency based on questions about whether he rightfully has U.S. or Sri Lankan citizenship.

As has been discussed at length on Just Security([here](#), [here](#), and [here](#)), defendant Gotabaya helped oversee the brutal final phases of the war as defense minister to his brother, then-President Mahinda Rajapaksa. The nearly three-decade-long civil conflict pitted government forces against the Liberation Tigers of Tamil Eelam (LTTE).

As we have reported, there is significant evidence in the public record that Gota himself directed the bombing of civilian hospitals and the killing of civilians to pummel the LTTE into submission. In the notorious “white flag incident,” documented by a United Nations Panel of Experts convened by the U.N. Secretary-General, former Sri Lankan Army Commander Sarath Fonseka alleged that Gota (see [here](#) and [here](#)) ordered the summary execution of surrendering LTTE leaders and their families as they emerged from their hideout frantically waving a white flag.

Just Security’s co-editor in chief, Professor Ryan Goodman of NYU Law, argued in 2015 that members of the Rajapaksa regime should be criminally prosecuted for their involvement in these atrocities given the significant likelihood that the Rajapaksa brothers would again make a bid for power. Indeed, as a naturalized U.S. citizen, Gotabaya could have been prosecuted under the War Crimes Act of 1996 (see our prior coverage [here](#)), intended to prosecute war crimes committed by U.S. citizens committed anywhere in the world. Charges never materialized, however, and — as feared — Gota is now running for president.

Gota was nominated by the Sri Lanka Podujana Peramuna Party (SLPP) on Aug. 11, 2019, but not before human rights lawyers filed two suits against him in the Central District of California.

In one suit with the San Francisco-based Center for Justice & Accountability (CJA), plaintiff Ahimsa Wickrematunge brought a case against Rajapaksa for the extrajudicial killing of her late father, famed Sri Lankan journalist and former editor-in-chief of *The Sunday Leader*, Lasantha Wickrematunge.

Lasantha had foreordained his assassination in a poignant and prescient editorial left for posthumous publication: “When finally I am killed, it will be the government that kills me.” In late 2007, Lasantha had begun reporting on a corruption scandal involving the Sri Lankan military, then headed by Gotabaya. Gotabaya subsequently filed a defamation suit against Lasantha’s paper, and the State Intelligence Service began surveilling his phone. On Jan. 8, 2009, Lasantha alerted colleagues that he was being followed as he drove to work. Shortly after, he was stabbed in the head by unknown assailants clad in black and driving on motorcycles.

Lasantha’s daughter, Ahimsa, moved with her mother and siblings to Australia to escape threats connected to Lasantha’s publications. In the U.S. suit, *Wickrematunge v. Rajapakse*, which was brought under both the Alien Tort Statute (ATS) and the Torture Victim Protection Act (TVPA), Ahimsa argues that the assassination of her father was part of a more widespread and systematic attempt by Sri Lanka’s government to silence journalists during the war. The defendant’s citizenship will be crucial to overcoming the presumption against extraterritoriality applicable to the ATS since the Supreme Court decided *Kiobel v. Royal Dutch Shell*. (The TVPA, by contrast, is expressly extraterritorial, so its reach was not altered by *Kiobel*).

The other suit, *Samathanam v. Rajapaksa*, was brought on behalf of Roy Samathanam, who was tortured by government forces overseen by Rajapaksa. As I originally wrote at Just Security, Samathanam, a Canadian citizen, alleges that he was detained and tortured by the Terrorism Investigation Division of the Sri Lankan police from 2007 to 2010. This suit — brought exclusively under the TVPA by Hausfeld and the International Truth and Justice Project (ITJP) — raises no extraterritoriality concerns since the statute is expressly extraterritorial.

In an amended complaint filed on June 26, 10 other victims — 8 Tamil and 2 Sinhalese individuals denominated by pseudonyms for their safety — alleged that they too were detained and tortured by Sri Lankan police and in army camps.

For both cases, Gota was served with process while in a Trader Joe’s parking lot in suburban Los Angeles in April 2019. The cases are being heard in the Central District of California, known as a “rocket docket” for the speed at which it resolves matters before it.

Gotabaya's lawyers at Arnold & Porter LLP filed motions to stay and to dismiss in both cases. The defense has argued that if Gotabaya wins the election, he would be entitled to absolute head of state immunity. In the alternative, his attorneys argued, principles of international comity, the doctrine of forum non conveniens, and the non-justiciability of the plaintiffs' ATS and TVPA claims warranted dismissal of the case.

On Sept. 23, Judge John F. Walter, who is presiding over the Samathanam case, granted the motion to stay based on the papers, without oral argument, reasoning that this outcome was "appropriate because it would preserve judicial resources, impose no identifiable harm on Plaintiffs, and would avoid unnecessary burdens on Defendant." Judge Walter did not rule on the motion to dismiss but rather set a scheduling conference for Dec. 30, 2019, and a hearing on the defendant's motion to dismiss for Jan. 13, 2020.

Last week, Judge R. Gary Klausner notified Wickrematunge's counsel that he too would be deciding the recent motions in that case on the pleadings. Klausner's ruling remains forthcoming, but he may follow Judge Walter in granting a stay, in light of Sri Lankan elections. Or, he may rule on the motion to dismiss and also stay the case if Gotabaya wins his election. In either scenario, Klausner should not dismiss the case with prejudice if Gotabaya is elected, as it would likely be impossible to effectuate service again in the United States.

Meanwhile, in Sri Lanka, Gotabaya's candidacy for president has itself been challenged in recent days, given dizzying developments involving his citizenship. Under Sri Lanka's Constitution (Articles 91 and 92, as amended by Section 20 of the 19th Amendment), only candidates with exclusive Sri Lankan citizenship are eligible for the presidency.

News media have reported that Gota renounced Sri Lankan citizenship in 2003 in order to become a naturalized U.S. citizen. At the time, he was working in Loyola Law School's IT department. When his brother was elected president in 2005, however, Gota returned to Sri Lanka and reportedly initiated the bureaucratic process required for applying for citizenship in Sri Lanka (see this article for some background). The application allegedly was granted by Gota's brother, Mahinda, in the few days between when the latter stepped down as prime minister of Sri Lanka and then ascended to the presidency.

In a lawsuit brought in Sri Lankan courts, civil rights activists Chandragupta Thenuwara and Gamini Viyangoda have argued that Gota did not lawfully obtain his Sri Lankan citizenship because his certificate was technically executed by his brother during this brief interregnum. A three-judge panel of Sri Lanka's Court of Appeals heard these claims last week and dismissed them on Oct. 4, clearing the path for Gota to continue his presidential bid (this opinion does not appear to be publicly available yet).

To add to the drama, earlier this year, Sri Lankan news reports suggested Gota had not officially renounced his U.S. citizenship in order to be eligible for the presidency. Indeed, Gotabaya was not included in the U.S. Treasury Department's notice of individuals who had renounced U.S. citizenship as of June 30, 2019. To add to the confusion, a WhatsApp message containing what appeared to be a fraudulent certificate of renunciation was widely circulated across the country in August. These claims were not addressed as part of the recent litigation against Gota in Sri Lanka.

Should Gotabaya prevail in the election next month, justice may again be delayed for those journalists and civilians who suffered grave human rights violations under the Rajapaksa regime.

[back to contents]

Piracy

Nigeria, Others Lose \$2bn to Pirates' Attacks Annually, Says Naval Chief (allAfrica) By Eromosele Abiodun
September 30, 2019

The Chief of Naval Staff, Rear Admiral Ibok Ekwe Ibas, has revealed that Nigeria and 15 other countries in the Gulf of Guinea are currently losing a sum of \$2 billion to pirate attacks annually.

The Naval Chief's revelation was coming two months after Nigeria was rated as number one in pirate attacks in the Gulf of Guinea in a report by the International Maritime Bureau (IMB).

Ibas also confirmed THISDAY's exclusive report that Nigeria loses several millions of dollars to illegal fishing and poaching on the nation's coastal and territorial waters.

The Chief of Naval Staff, who disclosed this while speaking at the Annual General Meeting (AGM) of the Maritime Security Providers Association of Nigeria (MASPAN) over the weekend in Lagos, said the Navy's efforts are continuously being fine-tuned to counter emerging challenges through maintenance of credible presence within the nation's maritime domain.

Ibas, who was represented by the Flag Officer Western Command, Rear Admiral Oladele Daji, added that apart from the traditional crime of robbery and piracy that have bedevilled the maritime domain for decades, there are other emerging security threats such as sabotage of oil and gas infrastructure and marine resource theft as well as other trans-national organised crimes that are being tackled by the Nigerian Navy.

He also lamented that the security threats keep evolving from traditional to conventional warfare.

According to him, "The maritime domain has been under threat by piracy, sea robbery, illicit trafficking, illegal unreported and unregulated fishing and marine pollution. Now we have emerging security threats within the Nigerian maritime domain that stem largely from non-military causes such as socio-economic agitations and a large army of unemployed and under-employed youths in the coastal communities, whose activities manifest through attacks on shipping.

"It is estimated that the annual cost of piracy to the Gulf of Guinea region is over \$2 billion especially in the maritime domain of Cameroon, Equatorial Guinea and Nigeria. However, the frequent abuse by diverse interest across the vast maritime domain has continued to give cause for concerns.

"More disturbing is the fact that many of the illicit acts at sea are directed at the economic lifeline of the nation, with negative impact on development and wellbeing of our citizens." He noted that the maritime space has tremendous economic potentials due to its rich hydrocarbon deposit, fishery, resources, and several port facilities, saying if well harnessed, these resources are capable of improving the livelihood of the nation's population.

The International Maritime Bureau, he stated, ranked the Gulf of Guinea as one of the most troubled global waterways after the Gulf of Aden.

THISDAY had recently exclusively reported that Nigeria was losing \$600 million annually to illegal and unreported fishing by foreign vessels as a result of lack of equipment such as Automatic Identification System (AIS) and Vessel Monitoring System (VMS), and adequate manpower to police the country's vast coastline.

It was also reported that the country also spends \$800 million annually on fish importation, being the fourth largest importer of fish in the world, after China, Japan and the United States.

Mexican pirates posing greater risk in Gulf of Mexico to oil workers, tourists (Fox News) By Hollie McKay
September 30, 2019

In the calm waters of the Gulf of Mexico, drilling platforms hum away under the sunshine. But, in the dark of the night, they are becoming more and more subject to vicious attacks launched by modern-day pirates.

"Although oil and diesel stealing has been going on for decades, there has been an increase in criminal activity reported in the last four years," Johan Obdola, founder of the Global Organization for Security and Intelligence, told Fox News. "It is estimated that the stealing in Mexico is up to 1.18 million barrels a day, bringing millions to criminal organizations, and making it very difficult to control."

And, controlling the matter is convoluted by the notion that little is known about the exact network of pirates who are believed to have been born out of local fisherman circles. Even corrupt government workers themselves have aided some of the piracy, experts have asserted. Since he took office in December 2018, President Andrés Manuel López Obrador vowed to make oil theft a top national-security priority. This past January, officials shut down several Mexican Petroleum (Pemex) pipelines in an attempt to curb the smuggling and piracy, but the shortage triggered a schism among the oil-hungry cartels and a national deficit that angered people across that country.

Obrador also declared that the Navy would maintain perpetual surveillance of off-the-coast operations to protect against piracy. But, many analysts have contended that the problem only has worsened. According to the Maritime Herald, pirate robbery, aggression, and looting – including boats and marine thieves – rose some 310 percent in 2018, and experts say it has continued to rise.

Much of the piracy has been focused on offshore platforms operated by Pemex – Mexico's state-owned oil company – resulting in massive losses reaching \$1 billion in revenue annually. Some officials have argued the modern-day piracy took on a life of its own around six years ago with the "energy reform" that sought to privatize some of the country's oil industry and take away some of the substantial debt that Pemex was accruing.

In August 2014, Mexico implemented an overhauled energy reform policy – with controversial constitutional amendments designed to end the longstanding and entrenched state monopolies in its energy sector.

“Mexico's energy reform to allow for privatization became law back in August of 2014. This has taken the full control and corruption capabilities away from Pemex. For the past eight decades, Pemex has had full control of this mighty cash cow. The consumers had no different outlets than the Pemex gas station,” explained Lee Oughton, the managing partner and chief operating officer of the Mexico City-based Fortress risk-management company. But, the private enterprise has also meant pirates and other illicit players would have more in which to meddle. The opening of the oil market has brought with it dozens of leading conglomerates to Mexico – and hundreds of active platforms – which have lacked security and remained vulnerable to intrusion, security analysts said.

Over the past two years, the country's navy has fielded more than 300 reports about the stealing of hydrocarbons in oil tankers and other critical equipment and machinery, ranging from pipework and communication equipment to cash, motors, and aluminum.

“Sea pirates aren't always looking for oil, often what they want is this equipment to sell on the black market,” one Mexican ex-intelligence official explained.

Investigators also have documented numerous cases of pirates ambushing oil ships in Mexican seas and making illicit fuel transfers between ships, as well as boarding platforms and threatening personnel to complete robberies.

Pirates often have been disguised as fishermen, or as Mexican law enforcement or officials when boarding the platforms.

Despite the deployment of maritime surveillance ranging from ocean patrols to helicopters to interceptors, the rampant piracy has proven to be a steep challenge to squash. Sporadic spouts of severe violence have brought some attention to the piracy issue in recent years, and there's been no shortage of terrifying examples of pirates at play.

In 2010, American tourist David Hartley was out with his wife on Falcon Lake – part of the Rio Grande, a lengthy body of water hedging the United States and Mexico waters, when attackers dressed as Mexican police on fishing boats shot and killed him. It marked a string of several Mexican pirate attacks amid the international reservoir.

In April, Mexico Daily News reported that pirates locked up the crew of an oil rig in the Gulf of Mexico as they set about searching for anything of value. Over six hours later, as many as six pirates finally left and the rig's captain was able to issue an emergency alert.

Earlier this month, grainy cellphone footage emerged showing Mexican pirates boarding a vacation riverboat demanding money and possessions from passengers at gunpoint. Police said it wasn't the first time such an incident had taken place.

But, sea pirates have been only one part of the fuel embezzling crisis. The public and the now-growing number of private oil companies operating in Mexico have had to contend with the huachicoleros -- people dedicated to stealing fuel and other commodities.

“Run very similarly like a cartel, with again the local communities supporting this group due to the availability to use cheaper fuel than filling up at the local gas stations. Some of their current strongholds are in the areas of Guanajuato, Hidalgo, Puebla, and Veracruz,” Oughton said. He added that when the new government came in, “the president sent around 5,000 troops to protect the pipelines from the huachicoleros. This initiative backfired [and was blamed for] an apparent fuel shortage... in January 2019. This was a smokescreen to lay blame at this group's feet and take away the... responsibility from their incompetence and inability to control these bad actors.” The organized crime syndicate is reported to have stolen upwards of 14.5 million liquid gallons annually. Much of the criminal activity has taken place in a notoriously lawless patch known as the Red Triangle, stretching from Tepeaca, Palmar de Bravo and Quecholac to Acatzingo, Acajete and Tecamachalco.

“This is an enterprise creeping towards the billions. The illegal fuel sales have been an added avenue for the cartels to make money. The huachicoleros seem to be the named criminal entity to control the market. That being said, cartels have controlled the majority of the communities for years,” Oughton said. “This would suggest that there is a collaboration or synergies between these groups.”

More than 600 illegal pipeline taps, according to Pemex data, was recorded in the first six months of the year alone.

“Whole communities support it and go in and buy it directly because oil is expensive in Mexico,” one official explained. “They offer cheaper gas than the stations; they donate stolen fuel to those in need; they offer barrels as prayer offerings.”

However, whole communities have suffered steeply from the associated violence. The fuel industry has ignited its own deep-seated war without frontlines and sandbags, just a nagging feeling of sinister uncertainty. Huachicoleros frequently have

confronted police and military. The oil-industry city of Coatzacoalcos in the Gulf state of Veracruz was hammered in August with a particularly harrowing violent spate, in which suspected members of the Jalisco New Generation Cartel blocked the exits at the Caballo Blanco nightclub and proceeded to set the room ablaze – killing some 28 people trapped inside. The attack allegedly was motivated by the notion that the club owner either had traded drugs from a rival gang or refused to make extortion payments.

Scores have been murdered or “disappeared” in the region in recent years, with little justice for their mourning families.

Guanajuato also has emerged as a combustion site for the fruitful criminal oil economy, dominated by the Santa Rosa de Lima Cartel, which was subject to a government crackdown in July of this year as the country’s financial intelligence unit froze almost \$2 million in bank accounts connected to the oil-centric group.

Moreover, in January of this year, a pipeline explosion killed at least 91 people in the central Mexican state of Hidalgo. Allegations of illegal taps on the highly-pressurized system soon emerged. In addition, static electricity from the clothing of people around the pipeline contributed to the blast, preliminary findings showed.

According to Obdola, oil revenues have become an increasingly fortune-amassing component of several cartels – ranging from the Gulf Cartel and the Zetas to New Generation and Sinaloa, once helmed by Joaquín “El Chapo” Guzmán. The fragility of justice also has played a prominent role in the ongoing violence, with some 90 percent of crime and homicides going unpunished, according to think tank Zero Impunity. Mexican officials who spoke on the condition of anonymity told Fox News that the piracy and oil-stealing issues were one of three main causes of concern, along with human trafficking and weapons trafficking.

Some official estimates contended that only 60 percent of the country's oil was distributed legally to the state-operated gas stations, with the other 40 percent channeled through illicit means. One intelligence official surmised that cartels with connections to the pirates and oil thieves even have operated entire gas stations with their illicitly extracted goods. A portion is believed to leak back into the U.S. black market, too.

“But, the U.S. probably isn’t the biggest end consumer. The majority of the stolen oil would be utilized locally, also moving to Venezuela and Colombia in the Latin America region,” Oughton added, “even potentially going as far afield as China and the surrounding region.”

High Court: "Pirate Attack" was Attempted Fraud (The Maritime Executive)

October 7, 2019

In a ruling issued Monday, the High Court of London ruled that the tanker Brillante Virtuoso was irreparably damaged not by pirates, as her owner and banker claimed, but by a group of conspirators. Justice Nigel Teare found that the owner's claims of piracy were improbable, and he reached the "firm conclusion" that the attackers intended to destroy the vessel, that they had the assistance of the master and chief engineer as they went about the task, and that the owner orchestrated the scheme in order to defraud his insurer.

On July 6, 2011, Brillante Virtuoso was drifting off Aden, awaiting a team of unarmed security contractors before transiting Bab el-Mandeb. A small boat approached carrying seven masked, armed men. The men informed the crew that they were "security," and they came aboard with the master's permission. (The disputants in the case agreed that the boarding party's members were likely current or former Yemeni Coast Guard or Navy servicemenbers.) They ordered the crew to the day room, and escorted the master to the bridge and the chief engineer to the engine room.

On the bridge, at about 0024, they ordered the master to make way for Somalia, which would require a course east-southeast. Instead, he steered southwest, towards Djibouti and away from Somalia. At about 0228, the engine came to a stop, either due to mechanical failure or to the chief engineer's actions. At 0245, the attackers detonated an IED in the fuel purifier room, starting a fire. An accelerant and additional fuel caused the fire to spread. The attackers departed, and the chief officer made a distress call reporting a pirate attack (at 0303). The SSAS was activated at 0306. The master and crew (except for the chief engineer) abandoned ship at 0416 and were rescued by the cruiser USS Philippine Sea.

The chief engineer remained on board for the next two hours, but did not carry out standard engine room fire-fighting provisions like shutting down vents, closing off remotely-activated fuel valves or activating the fixed firefighting system.

After a survey of the fire damage, the vessel was judged a total loss, and owner Marios Iliopoulos and banker Piraeus Bank filed a \$77 million insurance claim.

As the case proceeded, Iliopoulos declined to provide electronic documents related to the case to his own counsel or to the

plaintiffs, raising questions for the court.

In his ruling on the case, Justice Teare noted multiple inconsistencies in the owners' account of the attack. The incident occurred within Yemeni waters off Aden, a location where Somali pirates had never attempted a boarding before (and have not since). In VDR recordings, the attackers identified themselves as "security," suggesting that if they were pirates, they would have had to have known that the vessel was awaiting a security detail. They brought with them an incendiary device. The master allowed them to come aboard, even though they were masked and armed and the ship was awaiting an unarmed security team. When directed to steer towards Somalia, the master selected a much different heading, but the attackers did not detect this or correct it.

"I do not consider that there is a plausible explanation of the events which befell *Brillante Virtuoso* which is consistent with an innocent explanation," Teare wrote. "I have found that in the present case a group of armed men, on the instructions of the Owner, were permitted to board the vessel and set fire to it, as part of an attempt by the Owner to defraud the Underwriters."

In 2016, Marios Iliopoulos was arrested in London and charged with conspiracy to commit fraud in connection with the *Brillante Virtuoso* case.

[back to contents]

WORTH READING

State Acquiescence or Connivance in the Wrongful Conduct of Third Parties in the Jurisprudence of the European Court of Human Rights

Marko Milanovic

University of Nottingham School of Law

September 24, 2019

This article examines the jurisprudence of the European Court of Human Rights with regard to the acquiescence or connivance of states parties to the European Convention on Human Rights (ECHR) in the wrongful conduct of third states (which themselves may or may not be parties to the ECHR) or non-state actors. It discusses the origins of the acquiescence or connivance test in the Court's case law, which is idiosyncratic and does not stem from general international law. The article also discusses the test's legal nature, arguing that its conceptual basis remains unclear, and that the current state of the case law could support two theories.

First, that acquiescence or connivance, as applied in the Court's most recent cases, is an ECHR-specific rule of attribution of conduct, which deviates from the general rules of attribution in international law, as codified by the International Law Commission in its Articles on State Responsibility. The Articles themselves do allow for the possibility of sector-specific rules of state responsibility; Article 55 ASR, entitled *lex specialis*, thus provides that the Articles 'do not apply where and to the extent that the conditions for the existence of an internationally wrongful act or the content or implementation of the international responsibility of a State are governed by special rules of international law.' One view of the Court's acquiescence or connivance test is thus that it provides us with an example of a *lex specialis* rule of attribution of conduct in the sense of Article 55 ASR.

The alternative view, however, is that the Court's acquiescence or connivance jurisprudence would best be conceptually framed as an ECHR-specific theory of state complicity. Under such a framing, the state acquiescing or conniving in the wrongful conduct of a third party is being held responsible for the assistance it provides to that third party, rather than for the third party's own conduct – in other words, the complicity rule is not necessarily an attributive one. While such a rule would arguably differ from the ILC's general approach to wrongful state aiding and assisting in Article 16 ASR, it would not be an ECHR-specific rule of attribution, or at least it would not always operate with an attributive effect. I argue that such a conceptual framing would best accommodate human rights-specific needs while maintaining coherence with general international law. Even under such a framing, however, there are many aspects of the acquiescence or connivance test that require further clarification by the Court.

[back to contents]

War Crimes Prosecution Watch Staff

Founder/Advisor
Dean Michael P. Scharf

Faculty Advisor
Jim Johnson

Editor-in-Chief
Alexandra Hassan

Managing Editors
Mary Preston
Gloria Neilson

Technical Editor-in-Chief
Kurt Harris

Senior Technical Editors
Lysette Roman
Jaclyn Cole
Demari Muff

Associate Technical Editors
Kriston Lyons
Benjamin Boggs

Emerging Issues Advisor
Judge Rosemelle Mutoka
Contact: warcimeswatch@pilpg.org

Africa

Libya
Alex Lilly, Senior Editor
Jessica Sayre Smith, Associate Editor

Central African Republic
Amy Kochert, Senior Editor
David Codispoti, Associate Editor

Sudan & South Sudan
Amy Kochert, Senior Editor
George Kamanda, Associate Editor

Democratic Republic of the Congo
Amy Kochert, Senior Editor
Elizabeth Connors, Associate Editor

Côte d'Ivoire (Ivory Coast)
, Senior Editor
, Associate Editor

Lake Chad Region

, Senior Editor
, Associate Editor

Mali

, Senior Editor
Asako Ejima, Associate Editor

Liberia

, Senior Editor
Divyang Patel, Associate Editor

Uganda

Elen Yerosyan, Senior Editor
Matthew O'Connor, Associate Editor

Kenya

Elen Yerosyan, Senior Editor
Emily Hoffman, Associate Editor

Rwanda (International Criminal Tribunal for Rwanda)

Elen Yerosyan, Senior Editor
Luke Palmer, Associate Editor

Somalia

Elen Yerosyan, Senior Editor
Kathryn Meloni, Associate Editor

Europe

Court of Bosnia and Herzegovina, War Crimes Section

David Krawiec, Senior Editor
Laura Graham, Associate Editor

International Criminal Tribunal for the Former Yugoslavia

David Krawiec, Senior Editor
, Associate Editor

Domestic Prosecutions in the Former Yugoslavia

David Krawiec, Senior Editor
Alexander Peters, Associate Editor

Turkey

David Krawiec, Senior Editor
Kristina Aiad-Toss, Associate Editor

Middle-East

Iraq

Alex Lilly, Senior Editor
Michael Zucker, Associate Editor

Syria

Alex Lilly, Senior Editor
Tyler Portner, Associate Editor

Yemen

Matt Casselberry, Senior Editor
Brenna Diley, Associate Editor

Special Tribunal for Lebanon

David Krawiec, Senior Editor
, Associate Editor

Israel and Palestine

Matt Casselberry, Senior Editor
, Associate Editor

Gulf Region

, Senior Editor
Maev Dineen, Associate Editor

Asia

Afghanistan

, Senior Editor
, Associate Editor

Extraordinary Chambers in the Courts of Cambodia

David Crawiec, Senior Editor
, Associate Editor

Bangladesh

Estefania Sixto Seijas, Special Senior Editor
Amanda Makhoul, Associate Editor

War Crimes Investigations in Myanmar

Estefania Sixto Seijas, Special Senior Editor
Elizabeth Safier, Associate Editor

Americas

North and Central America

Matt Casselberry, Senior Editor
Shannon Golden, Associate Editor

South America

Amy Kochert, Senior Editor
Changdae Baek, Associate Editor

Venezuela

, Senior Editor
Cory Novak, Associate Editor

Topics

Truth and Reconciliation Commissions

Alayna Bridgett, Senior Editor
Sophia Billias, Associate Editor

Terrorism

Alayna Bridgett, Senior Editor
John Collins, Associate Editor

Piracy

Alayna Bridgett, Senior Editor
Nicole Divittorio, Associate Editor

Gender-Based Violence

Estefanía Sixto Seijas, Special Senior Editor
Rachel Adelman, Associate Editor

Commentary and Perspectives

Alayna Bridgett, Senior Editor
Courtney Koski, Associate Editor

Worth Reading

Alexandra Hassan, Editor-in-Chief
Dillon Brown, Associate Editor

War Crimes Prosecution Watch is prepared by the
International Justice Practice of the **Public International Law & Policy Group**
and the **Frederick K. Cox International Law Center** of
Case Western Reserve University School of Law
and is made possible by grants from the **Carnegie Corporation of New York**
and the **Open Society Institute**.

Grotian Moment: The International War Crimes Trial Blog:

<http://law.case.edu/grotian-moment-blog/>

Frederick K. Cox International Law Center:

<http://law.case.edu/centers/cox/>

Cox Center War Crimes Research Portal:

<http://law.case.edu/war-crimes-research-portal/>



To subscribe or unsubscribe from this newsletter, please email warcimeswatch@pilpg.org.