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

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Democratic Republic of the Congo

More than 50,000 Flee New Armed Attacks in Eastern DR Congo (VOA News) By Lisa Schlein
October 9, 2020

The U.N. refugee agency is racing to help tens of thousands of Congolese forced to flee a recent upsurge of violence in eastern Democratic Republic of Congo.

More than two-thirds of the DR Congo's 5.5 million internally displaced people fled because of armed conflict in North Kivu and Ituri provinces. The latest surge of fighting, which has displaced more than 50,000 people, is compounding the misery of a displaced population that is the largest in Africa.

The U.N. refugee agency reported that brutal attacks in North Kivu, many blamed on the armed group Allied Democratic Forces, have displaced a huge number of children, including many who are unaccompanied.

UNHCR spokeswoman Shabia Mantoo said civilians are caught up in a vicious cycle of violence and displacement, with many forced to flee for the second time this year. Fighting in Pinga, an area in North Kivu, has reached an alarming stage, she said.

Mantoo added that a U.N. inter-agency mission that went to the area in August received reports of human rights violations, including killing, rape, kidnapping and use of child soldiers.

"Over 270 children associated with armed groups were identified, and allegations of child recruitments, killings and mutilation of children, and sexual violence against children were also documented," she said. "At least 54 children who were recently released by one armed group were then apparently forced to join an opposing faction in the area."

Mantoo said similar scenes of brutality are occurring in Ituri Province. In the southern territory of Irumu, she said there has been a sharp increase in violence with the emergence of a new armed group.

At the same time, she noted there has been an intensification of attacks by other armed groups and militia in the region.

"These groups all apply the same destructive methods of looting and burning houses to the ground, which makes it difficult for the displaced to return to their villages," she said. "Since July this year, more than 120,000 people have been displaced by this surge of violence in the Southern Territory. ... Armed groups have continued their attacks in September, killing at least 43 people and kidnapping 17 more in the territory."

The displaced are having a hard time meeting their basic needs, Mantoo said, adding that shelter is scarce and many are forced to sleep out in the open. She said the UNHCR, partners and local authorities are providing shelter, health care, water, and sanitation and protection. She said the aid is crucial but much more is needed, with funding covering only 61 percent of this year's \$168 million appeal for refugee and IDP assistance in DRC.

Thousands flee armed group attacks in eastern DR Congo (UNHCR)
October 9, 2020

UNHCR, the UN Refugee Agency, is rushing support to tens of thousands of people who have been recently displaced in the aftermath of brutal attacks and fighting by the armed groups in the Democratic Republic of the Congo's North Kivu and Ituri provinces.

More than 50,000 people have fled in the aftermath of a recent upsurge in fighting in North Kivu. The displaced include an overwhelming number of children – including many who are unaccompanied by either a parent or guardian.

Brutal attacks blamed on the armed group Allied Democratic Forces (ADF) killed at least 13 people at a site hosting forcibly displaced people in Mbau village, Beni Territory, on September 21. In fear for their lives, many others fled from the nearby fields where they were working, leaving everything behind. The following day, the same armed group reportedly looted and burnt down a health clinic at Musuku village. A health practitioner and several other civilians have not been seen since September 22.

As the violence continues to affect civilians in the eastern parts of the country, there is a sense of shock, panic and fear in many areas with people anticipating more attacks and not wishing to return to their homes.

A large number of the displaced have now fled for the second time this year and have found shelter with host families in Mangina town who were already struggling to meet their own basic needs. Some have taken refuge in an overcrowded church,

while others lack proper shelter and are forced to sleep in the open. Civilians are caught up in a vicious cycle of violence and displacement with no hope in sight – making the region a constant epicenter of human suffering.

To respond to the needs of those forcibly displaced and their local host communities, UNHCR, its humanitarian partners and local authorities, are providing aid, including shelter assistance, healthcare, water and sanitation and protection.

UNHCR is also assisting forcibly displaced people in Pinga, an area in North Kivu, where ongoing fighting has reached an alarming stage endangering innocent lives. Clashes following the split of different factions within the NDC/R armed group have displaced between 40,000 - 60,000 people since July.

Through a UN inter-agency mission during August in the area, and ongoing protection monitoring, UNHCR and partners have received reports of human rights violations including killings, rape and kidnappings. Over 270 children associated with armed groups were identified, and allegations of child recruitment, killings and mutilation of children, and sexual violence against children were documented. At least 54 children who were recently released by one armed group were then apparently forced to join an opposing faction in the area.

UNHCR is reinforcing its presence in the area and preparing the distribution of relief items for at least 15,000 people as well the construction of emergency shelters, and working with communities on strengthening their protection mechanisms. In Ituri Province in the Southern Territory of Irumu, there has also been a sharp increase in violence with the emergence of a new armed group and an intensification of attacks by other armed groups and militia.

These groups all apply the same destructive methods of looting and burning houses to the ground, which makes it difficult for the displaced to return to their villages. Since July this year, over 120,000 people have been displaced by this surge of violence in the Southern Territory.

In July and August, peace consultations led by local authorities had concluded with a unanimous call to cease hostilities by all armed groups in the area. However, the efforts could not bring peace with the long-standing land disputes between different communities remaining unresolved and without a disarmament process. Armed groups have continued their attacks in September killing at least 43 people and kidnapped 17 more in the Territory.

The new displacements in North Kivu and Ituri add to the over 3.4 million persons already internally displaced in the two provinces. There are currently 5.5 million people internally displaced in the DRC, one of the largest displaced population globally and the largest in Africa.

UNHCR needs US\$168.2 million to respond to refugee and IDP needs in DRC this year but has only received 61 per cent to date.

DR Congo's small Tutsi community targeted by anti-Rwanda hostility (Yahoo News) By Samir Tounsi
October 14, 2020

Gathered in the hollow of a remote valley in eastern DR Congo, women on one side and men on the other, around 500 people attended the funeral of Bonaventure Kinyegeria, a Congolese cattle raiser murdered by militiamen.

The armed attackers killed Kinyegeria near the small territory of Minembwe in the highlands of South Kivu province on October 6, making off with his cows.

The daylight raid may have been over cattle, but it was also tied in with a local conflict spurred by a reawakening of deep-seated distrust of Rwanda by many in the Democratic Republic of Congo.

Kinyegeria, 56, was one of the DRC's Banyamulenge community, which has distant origins among Rwanda's minority Tutsi people.

But when it comes to their nationality, the Banyamulenge are categorical: "Congolese, and how!" mourners uniformly told AFP at the funeral.

One of them, a doctor who gave his name only as Sebastian, said that "we were already in the region" before the Berlin Conference of 1884-85 -- when European colonial powers divided up Africa.

But the issue is less clear for many other Congolese, who see these ethnic Tutsis as Rwandan -- or as agents of Rwanda. Disputes over land rights also arise, particularly during the seasonal migration of livestock.

The murder of the Tutsi cattleman was no isolated incident. Banyamulenge people say that last year they became the targets of militias from other Hauts Plateaux (highlands) communities -- Babembe, Bafuliru and Banyindu -- who joined forces with

rebel movements from neighbouring Burundi.

"We have lost more than 300 people and 240,000 head of cattle," said pastor Joseph Harera, whose figures could not be verified by an independent source.

To counter these attacks, two militias claim to defend the Banyamulenge, with the help of a colonel who deserted from the Congolese army.

After the funeral, the community leader and local notables rode home on motorbikes to their stronghold at Minembwe, where the Banyamulenge say they live in harmony with the Babembe and traders from provincial capital Bukavu.

Minembwe is largely inaccessible by land. The road coming up from the cities of Uvira and Fizi on the shore of Lake Tanganyika is impassable because of insecurity, bad weather and its ruinous state.

Apart from helicopters from the UN mission in DR Congo, a small cargo plane from Bukavu flies in two or three times a week with supplies. It lands at an improvised airfield in the middle of rolling pastures at the foot of a mountain.

Against this backdrop, with the silhouettes of herdsmen carrying long sticks dotting the fields, and cattle, pretty brick houses and an open market in the shade of a eucalyptus tree, Minembwe seems to all appearances a little paradise lost in the heart of the highlands.

But this peaceful community rouses fiery passions in the media and on social networks across the country.

Decentralisation minister Azarias Ruberwa threw petrol onto the fire during a visit to the village on September 28 after pulling out all the stops to see that it be granted the status -- and powers -- of a full-fledged commune.

Ruberwa, himself a Banyamulenge, has had a house built in the middle of the fields beyond the airstrip, a South Kivu official told AFP.

Some Congolese view Ruberwa's actions as benefitting Rwanda and undermining the "territorial integrity" of DR Congo.

Yet Minembwe shares no border with Rwanda. The frontier lies dozens of kilometres (miles) away, in the northeast of the Hauts Plateaux between Bukavu and the Ruzizi plain.

The distance does not satisfy the community's detractors.

"If we leave Minembwe in the hands of these occupiers, tomorrow we'll have no country left," prominent opposition figure Martin Fayulu said last week.

"We will be the first people in Africa to be colonised by another African people," the former presidential candidate added.

On Wednesday in the capital Kinshasa, police dispersed a protest called by Fayulu to "say NO to those who covet the lands and riches of DRC", party activists said.

The youth leader of Fayulu's Ecode party, Serge Welo, told AFP that the tyres of Fayulu's car were punctured.

Police twice dispersed a few dozen of his supporters, who were shouting "no to the Balkanisation of the Congo", outside the police station, according to an AFP journalist.

On his return from Kinyegeria's funeral to his modest office, Minembwe mayor Gadi Mukiza sought to explain why his small community -- which he estimates at 10 square kilometres (less than four square miles) -- inflames passions across the biggest country in sub-Saharan Africa.

"We are invaded by extremists," Mukiza said.

"The background to all this is the problem of nationality. People say that the Banyamulenge are not full-fledged Congolese."

To try to defuse the explosive issue, President Felix Tshisekedi cancelled the plan to grant Minembwe the status of a commune.

Instead, he promised to set up an expert commission to redefine its territorial limits.

But in Minembwe, as the sun sets into plumes of white mist rising over the fields, the dispute seems far away.

"People from outside are imposing tribalism," sighs one local after the funeral.

"The conflict is about our cows," responds another.

Since Kinyegeria's death, cattle rustlers have struck again around Minembwe.

At least 10 people killed, 1 injured in armed attack in DR Congo (Big News Network)

October 18, 2020

At least 10 civilians were killed and another one was injured when unknown armed people attacked two villages in the northeastern province of Ituri in the Democratic Republic of the Congo, Jean-Pierre Lemabo, the head of the Mobala chiefdom, told the Congolese 7sur7 news portal on Sunday.

The incidents took place in the chiefdom's villages of Mayanza and Batibi on Friday night. The attackers are not still identified.

"We were informed that two families were killed with a machete and a knife. The first family consists of six people, the second one of five. The child from the first family was seriously injured and then taken to a local medical facility. Thus, there are so far 10 dead and one injured," Lemabo said.

Since the area is loosely controlled by the government forces, local residents are frequently attacked by different rebel groups.

DR Congo: Wanted Warlord Preys on Civilians (Human Rights Watch)

October 20, 2020

Congolese authorities have not arrested a rebel commander wanted for multiple crimes under a June 2019 warrant even as his forces have continued to carry out summary killings, rapes and sexual slavery, extortion, and forced recruitment of children.

Congolese judicial authorities on June 7, 2019 issued the warrant for the militia leader, Guidon Shimiray Mwiswa (known as Guidon), for participating in an insurrection, recruiting child soldiers, and committing the crime against humanity of rape in eastern Democratic Republic of Congo. The authorities also have not provided survivors of sexual violence adequate assistance. Congolese authorities should enforce the arrest warrant and bring to justice Congolese army officers found to have assisted him.

"A 2019 arrest warrant has not stopped Guidon from committing horrific abuses against civilians in areas he controls," said Thomas Fessy, senior Congo researcher at Human Rights Watch. "His backers within the Congolese army should be investigated and prosecuted for using an abusive group as a proxy force."

Guidon commands a faction of the Nduma Defense of Congo-Rénové (NDC-R), which until it split in July 2020, controlled more territory than any other armed group in eastern Congo. It was effectively in administrative control of much of Walikale, Lubero, Masisi, and Rutshuru territories in North Kivu – an area roughly the size of neighboring Rwanda. Human Rights Watch has not been able to identify any attempt by Congolese authorities or United Nations peacekeepers to arrest Guidon. Instead, there is evidence that elements of the Congolese army have been collaborating with the NDC-R. However, since the group split into two factions in July, Congolese troops have carried out military operations against Guidon's forces and say they are seeking to arrest him.

Between January 2016 and September 2020, Human Rights Watch interviewed more than 100 people, including victims and witnesses of attacks in all four territories, former child soldiers, Congolese security sources, UN staff, and local activists. Human Rights Watch also analyzed and authenticated a trove of footage filmed by local residents with undisclosed cameras showing abuses by NDC-R fighters and evidence of collaboration between the Congolese army and the NDC-R. Given the large scale of the abuses and the remoteness of the areas where the NDC-R has been operating, this research covers only a fraction of the abuses committed.

Since 2014, NDC-R forces have killed dozens of men, women, and children in those four territories, many of them hacked to death with machetes or shot. During attacks, fighters looted and burned houses, and tortured men and women with knives and machetes, said witnesses and victims, including former child soldiers.

In January, NDC-R fighters detained about 12 people at a banana plantation in Rutshuru territory. "[The fighters] made us sit together and started to cut us with machetes," a 17-year-old boy said. At least two men were killed. NDC-R fighters have also committed widespread sexual violence against women and girls, including rapes and sexual slavery. Women and girls described being raped, in some instances while being beaten, stabbed with knives, or tied up. Some survivors said they were raped repeatedly, in some instances by several fighters.

Human Rights Watch documented 15 cases of rape, of 11 women and 4 girls, and heard reliable accounts of scores of other cases. A 14-year-old girl from Masisi territory described being raped by an NDC-R fighter while returning from the fields in early 2020: “He took me and pushed me on the ground. He said, ‘If you refuse, I will shoot you in the stomach.’”

NDC-R fighters have also forcibly recruited scores of young men and boys and imposed forced labor and illegal “taxes” on people living in areas under their control. People who did not comply or failed to pay were kidnapped, severely beaten, and ill-treated while detained in underground pits at NDC-R bases. Since the arrest warrant was issued, the Kivu Security Tracker – a joint project by Human Rights Watch and the New York University-based Congo Research Group – found that NDC-R forces killed about a hundred civilians.

Guidon, 40, is an ethnic Nyanga and former government soldier from Walikale territory who defected in 2007 to become a rebel fighter. Shortly thereafter, he joined the Nduma Defense of Congo (NDC) under Ntabo Ntaberi Sheka. In 2014, Guidon broke away from Sheka and established the NDC-R. Sheka surrendered to the authorities in 2017 and was charged with mass rape, murder, pillaging, recruiting child soldiers, and torture. His trial took place before a military court in Goma, which has yet to deliver its verdict. Human Rights Watch has previously documented serious abuses by Sheka’s forces.

In January 2018, the UN Security Council added Guidon to the UN sanctions list, freezing his assets and imposing a worldwide travel ban. Reports by the UN Group of Experts and the Congo Research Group, along with videos obtained by Human Rights Watch, have shown that Congolese army units have continued to support and collaborate with the NDC-R, from planning military operations to providing the group with arms and ammunition.

A Congolese army spokesman in North Kivu told Human Rights Watch by phone in October that government troops were “actively seeking to arrest Guidon.” “We want to get him alive so we can hand him over to face justice,” said Maj. Guillaume Njike Kaiko. “We have seen no evidence but if army officers were found to have collaborated with the [NDC-R] group, they will be handed over to the competent authorities because that would be against the army’s mission.”

The Congolese government should step up efforts to arrest Guidon and end his capacity to commit abuses, Human Rights Watch said. Congo’s international partners should publicly and privately urge the administration of President Felix Tshisekedi to act.

Under article 190 of Congo’s constitution, supporting non-state armed groups amounts to high treason. In February 2013, 11 African countries signed the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region in Addis Ababa, in which they agreed not to tolerate or provide support to armed groups. Congolese authorities should investigate the sources of support to the abusive NDC-R forces – whatever the faction – and act to stop it. Military commanders implicated should be suspended and appropriately disciplined or prosecuted.

“Congolese commanders have helped Guidon’s rebels control vast swathes of territory despite killing civilians, raping women and girls, and causing massive displacement,” Fessy said. “The Congolese authorities not only need to shut down Guidon, but also all those military officers who have kept him from justice.”

Since the NDC-R was established in 2014, its leaders have promised to provide the Nyanga people greater access to land and mineral resources, to fight the armed group Democratic Forces for the Liberation of Rwanda (Forces démocratiques de libération du Rwanda, FDLR) and to improve their representation in public office and the army. With several thousand members, the NDC-R set up governance structures and a sophisticated system of illegal taxation, mainly on households and mining activities. Guidon’s NDC-R rapidly became a key partner for Congolese army units operating in the area.

Human Rights Watch documented widespread abuses by the NDC-R against civilians in parts of Masisi territory as well as in and around the town of Katsiru, in Rutshuru territory. The Kivu Security Tracker reported that the group killed more than 130 civilians, including children, since 2018.

On July 8, 2020, the NDC-R split in two, when deputy commanders broke away from Guidon. Both factions have since been fighting for control, forcing thousands of people out of their homes.

In December 2019, the NDC-R took control of Katsiru, a town with an estimated 33,000 people in western Rutshuru territory. In Katsiru, Guidon’s troops imposed taxes and forced labor, looted houses, and stole harvests from fields.

Following clashes with a rival armed group in early 2020, Guidon’s forces accused civilians of collaborating with the enemy, and on January 21 and 22 went on a rampage, killing at least 15 women, men, and children in nearby Kabweja, Mukaka, and Kinyamugezi.

On January 22, NDC-R fighters killed two loggers in Bulanda village. A man who managed to escape told Human Rights Watch: “[My friend] was on a log. I heard gunshots and saw him fall.” He recognized the attackers as NDC-R by their clothing and said that a second person was killed nearby. On the same day, NDC-R fighters ordered Katsiru residents to bury those the

fighters had killed earlier. Witnesses said that some corpses were mutilated, with genitals and other organs cut off.

Guidon's troops also committed widespread abuses against civilians in Masisi territory, as the NDC-R expanded its reach in late 2018. In early January 2019, NDC-R fighters killed at least 15 civilians in the area of Shibu, near Ronga. A woman said she heard gunshots as she was walking back from the fields carrying her child on her back. On arriving home, she saw her 8 and 12-year-old boys lying dead in the yard. She tried to flee but she and her child were both struck by a bullet. That day, she said, the NDC-R killed nine other people in a single house: a mother who had given birth three days earlier, a nanny, and seven children. "The three-day-old baby died because he was abandoned," she said. Four other men were also killed in the area that day.

In April 2019 in Ronga, the NDC-R detained a couple and their year-old baby because they had not paid the unofficial monthly tax. The man paid a fine for his release, but he was not able to pay more to free his wife and child. "A few days later, we heard that some detainees had been killed while trying to flee overnight," he said. "I found my wife and child dead. She had been shot in the back and died with the baby strapped to her back." The bodies of three other women who were held for the same reason were also found the same day, April 9. NDC-R fighters also fatally shot two shepherds in nearby Rugarambiro. Two witnesses said both bodies' genitals had been cut off and taken away.

Human Rights Watch documented that NDC-R fighters killed seven more people, including two women, in July 2019, in two separate incidents. Witnesses said genitals also had been removed from most male corpses.

The NDC-R committed further abuses near Miandja, Bapfuna groupement, from August 2018 onwards after they pushed the Nyatura militia, mostly ethnic Hutu, out of the village. A man from this area prepared a list documenting the killings of 21 civilians by the NDC-R in Bapfuna and Bashali-Kaembe groupements between August 2018 and August 2019. Sexual Violence in Masisi and Rutshuru

Human Rights Watch interviewed rape survivors and heard credible reports of dozens of other cases of sexual violence in the Katsiru area.

In January 2020, NDC-R fighters captured four women peeling bananas in a plantation and raped them. One woman who was seriously injured died on her way to Mweso hospital, near Katsiru, said one survivor.

In February, another rape survivor said: "Not one day goes by without a woman who has been raped going to the health center.... [The NDC-R fighters] tell us that the Nyatura [another armed group] are our children. 'We must rape you,' they say."

Human Rights Watch also interviewed seven women and three girls from Masisi raped by NDC-R fighters. An 18-year-old woman said that Guidon's troops stopped her on her way to Bibwe market in September 2019, accusing her of not paying the monthly tax. They stole her money and beat her severely. She said they put her in a small house where a fighter raped her at least twice. She was released after her mother gave them a goat.

In January 2020, a 14-year-old girl, displaced to Mpati, was walking on the road with two girlfriends when three NDC-R fighters stopped and raped them in the nearby bush. "When we resisted, they told us, 'We're going to kill you,' so we couldn't do anything," she said. The three girls were taken to an NDC-R position but managed to escape overnight during an attack from the Nyatura.

Human Rights Watch also heard credible reports of girls being held as sex slaves for several days or weeks in the NDC-R camps. An activist described this situation in Katsiru in February:

When [NDC-R fighters] meet pretty underage girls, they forcibly take them to their camps.... They use them as wives for a while, then chase them away. They have to go home. It's like taking turns; they take other pretty girls afterwards. That's what happens. They are kept for several days before being chased away. The families of these girls don't know how to protest – if they did, they could be killed.

A 45-year-old woman said NDC-R fighters abducted her 14-year-old daughter along with four other girls in March 2019. They were in a camp in Mpati where they had been displaced. She said the fighters took them to their position and several men repeatedly raped them. Her daughter was only able to escape two months later.

The woman said that in July 2019, four NDC-R fighters came to their house and forced her to lead them to her daughter, who had gone into hiding. They took them to their position, where they beat them and detained them in an underground pit – common in NDC-R positions – with their hands and feet tied. NDC-R fighters repeatedly raped both of them. The mother was released nine days later, and the daughter was freed eventually, following ransom payments. Fearing further retaliation, the daughter fled Mpati.

In June, the UN Group of Experts on the Democratic Republic of Congo found that armed combatants, especially those from

NDC-R and the Collectif des mouvements pour le changement/Forces de défense du peuple (CMC/FDP), a coalition of Nyatura militias, had “committed widespread conflict-related sexual violence amidst recurrent fighting in Masisi and Rutshuru territories from January 2019 to February 2020.... Those acts included rape, gang rape, some instances of sexual slavery and forced marriage” that “may amount to torture, may constitute war crimes and crimes against humanity.”

The Group of Experts further noted that, “Some NDC-R and CMC/FDP commanders committed those acts, and commanders of both armed groups, who had effective control, failed to take the necessary measures to punish subordinates responsible for those acts, despite awareness thereof or owing to willful ignorance.”

The NDC-R set up a sophisticated illegal tax system in areas under their control. Adults were forced to pay about 1,000 Congolese francs (US\$0.60) per month for a security tax known as lala salama (“sleep in peace” in Swahili). Guidon’s group at times also imposed additional taxes on the population. Those unable to pay were often detained, beaten, raped, and forced to pay large sums in cash or in-kind to be released.

The NDC-R often forced adults and children to take part in “community labor,” or salongo in Swahili. Several people from Masisi said that men and boys were forced to work one or two days a week. This included heavy work, such as digging trenches or constructing shelters at NDC-R positions, building and cleaning roads, or clearing land.

Those who failed to comply with the salongo were beaten and forced to pay “fines.” For the work, the NDC-R gave them jetons, tokens which certified their attendance.

A teacher from Masisi territory said: “We keep the jetons jealously. If I lose it and they [NDC-R] stop me on the way, they can kill me. Even the students have to do this work.”

The NDC-R rapidly benefited from the support of Congolese military officers who used the group as a proxy force in their fight against other militias. Several sources told Human Rights Watch that Guidon’s troops had consistently received material and operational support from the 3307th, 3410th, and 3411th regiments of Congo’s armed forces since at least early 2018. These regiments were all involved in operations dubbed “Sukola 2” (“clean-up” in Lingala) against FDLR rebels. Support was also channeled through the 34th Military Region in Goma.

The NDC-R actively took part in military operations against FDLR rebels and its offshoots throughout 2019, according to several sources, confirming its prominent role as a proxy force for the Congolese army. This collaboration appeared to be closely managed by certain networks within the Congolese military in exchange for access to resources where the NDC-R operated and controlled much of the business and trade of gold and minerals around mining sites.

Senior Congolese army officers have provided NDC-R troops with material support such as arms and ammunition. At least five sources said that Gen. Innocent Gahizi, former deputy commander in North Kivu, was among them.

At least four sources said that Col. Yves Kijenga, the former commander of the 3411th regiment in Kitchanga, met senior NDC-R commanders to arrange the delivery of military equipment several times and managed day-to-day operations with the group. At least two other sources also confirmed the involvement of Col. Claude Rusimbi, a commander from the same regiment.

Rusimbi denied the allegations when Human Rights Watch contacted him by phone in October. He said he had “not participated in any meetings” with the NDC-R and that he was “not aware of any army support” to the group. Human Rights Watch attempted but was not able to reach Gahizi and Kijenga.

In the town of Katsiru, for instance, residents said that the collaboration between government troops and the NDC-R was well known. “We see them together – they even drink beer together,” one resident said in February. “The Ndime Ndime [NDC-R] ‘arrest’ people, but soldiers don’t intervene.”

Two sources described a meeting they attended in Katsiru on December 23, 2019, with local authorities and an army commander in town – from the 3307th regiment in Nyanzale – who had asked the NDC-R to come to the city. “We were all there one morning and [an army commander] rang ‘General’ Guidon from his phone,” one of the two witnesses said. “[The army commander] told him, ‘Guidon, can you send troops to guard the town of Katsiru?’ At 2 p.m. that same day, [NDC-R] fighters were already there.” The same witness said that Guidon himself stayed overnight in town. He left the day after but came back to Katsiru about two weeks later.

Guidon’s forces held several positions near Katsiru with an estimated 200 fighters – some of whom were recruited locally – residents said. Only 17 government soldiers and 7 police officers were stationed in town.

Videos obtained by Human Rights Watch provide further evidence of this collaboration. In one of them, filmed in Masisi territory in 2019, an NDC-R fighter said:

We have no problems [with the Congolese army]. Yesterday, we came into Masisi town and we were with them. We work together and the collaboration is going very well. We also spent the night together.... When we need ammunition, it's not really a problem. All we need is to make a phone call and an army convoy comes over. We aren't rebels.

In another video, an NDC-R fighter said: "At the end of the day, we wanted to be integrated [into the army]... Our training is like that; we are the government's children. Whenever we cross paths with government troops, we have a conversation."

An NDC-R commander seen in a different sequence went even further: "When [Mapenzi Likuhe, Guidon's then-deputy] arrives in Goma, he first goes to the [34th] military region's headquarters. There, they assign police officers to guard his house." Other sources confirmed the occasional presence of Mapenzi in Goma for meetings with army officers.

From late 2018, Guidon's NDC-R increasingly became an asset for Congolese army units conducting operations against other armed groups. NDC-R fighters were often sent to the front line and they successively pushed fighters from the Conseil national pour le renouveau et la démocratie (CNRD) – a splinter group from the Rwandan FDLR – and their dependents out of Masisi from December 2018 through to January 2019, as well as the CMC.

In another video, an NDC-R fighter described the division of roles in combat. "We split in two groups. We would be out in the front and they [the Congolese army] would be out back," he said. Or we would cover one side and they would cover the other, and we would regroup in a set location."

In a video shot in 2019 in Masisi territory, two officers from the Congolese army's 3410th regiment are seen discussing their collaboration with the NDC-R. "Our cohabitation has been very peaceful," one said. The other, who is being called "commander," said that the NDC-R fighters "can even sleep over at our position if they want ... they really are tied to us, they are our children. They came to join in the operations against the FDLR." He added, "Why would you call someone who is hanging out with us a 'rebel'?"

Human Rights Watch also received reports alleging collaboration between Rwandan security forces and Guidon's NDC-R. Such information should be investigated.

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Côte d'Ivoire (Ivory Coast)

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

Cameroon closes schools as Boko Haram suicide bombings increase (Citizen Digital)
October 19, 2020

Cameroon says it has again closed more than 60 schools on its northern border with Nigeria to save children and teaching staff from increasing Boko Haram attacks. The central African state has deployed its military to teach displaced children in locations they say are safe. Boko Haram is increasingly using suicide bombers, as the military has drastically reduced the terrorist group's firepower.

Ousmanou Garga, the Cameroon basic education official on the northern border with Nigeria, says recent Boko Haram attacks have made many schools unsafe.

Garga says several dozen schools in Cameroon's Mayo Sava, Mayo Tsanaga and Logone and Chari administrative units that border Nigeria's Borno state, the epicenter of Boko Haram, no longer function.

"Sixty-two schools have been closed. The children have to be either scholarized [educated] in other schools very far from their own villages or to abandon schools. Thirty-four-thousand-and-fifty-four students have been registered as IDPs. We have the students of the host communities; we have even refugee students," Garga said.

Garga said teachers in all the affected schools fled with the children they teach.

Cameroon's military has been reporting at least three Boko Haram attacks every week since January. The military says most of the attackers are suicide bombers, mainly women and children. The military says the terrorist group has torched 13 schools within the past two months, held at least 200 people for ransom and abducted an unknown number of civilians.

Colonel Ndikum Azeh, commander of Cameroonian troops fighting Boko Haram in the Mayo Sava, Mayo Tsanaga and Logone and Chari administrative units, says the military has been deployed to protect civilians in the area. Azeh says some troops have also been deployed to teach displaced students in safer areas less susceptible to Boko Haram attacks.

"Ashigashia [a border town] has for long been a target for Boko Haram assault as early as [since] 2014. The hierarchy [military] thinks that to sustain a good security situation, it is through the youths and the best process is through their education," Azeh said.

Nongovernmental organizations, rights and humanitarian groups have been calling on Boko Haram to respect the intergovernmental Safe School Declaration. Desire Fouda of the NGO School First says the declaration should be observed to protect students and ensure they are able to obtain an education.

"We sensitize different actors in education to respect those guidelines on safe schools declaration so that all the different actors should contribute to help those children to have access to education," Fouda said.

Boko Haram terrorists have been fighting for 11 years to create an Islamic caliphate in northeast Nigeria. The fighting has spread to Cameroon, Chad, Niger and Benin, with regular killings, abductions and burnings of mosques, churches, markets and schools.

Six Chad soldiers killed by Boko Haram fighters: Army (AhramOnline)

October 20, 2020

Boko Haram fighters killed six Chadian soldiers in the Lake Chad region, where deadly jihadist attacks against civilians and security forces are on the rise, the army said Tuesday. Security experts say Boko Haram, which originated in Nigeria in 2009, has established bases on islets dotting Lake Chad, a vast swampy expanse in the border region straddled by Nigeria, Chad, Niger and Cameroon.

The soldiers were killed while patrolling a group of islets on the Chad-Nigeria border, army spokesman General Azem Bermendoa Agouna told AFP.

Twelve other soldiers were wounded and the military killed around 10 "terrorists", he said.

The Chadian army launched an offensive against Boko Haram in April after some 100 soldiers died in an attack by the group on one of its bases.

President Idriss Deby then claimed to have pushed the jihadists out.

But attacks have continued despite the military operation.

Fighters from a dissident branch, the Islamic State West Africa Province (ISWAP) group, are also extending their grip and influence around Lake Chad.

At least 36,000 people have been killed and around three million displaced in the decade-long Islamist conflict which spread from northeast Nigeria to Chad, Niger and Cameroon.

Those countries have formed a regional military coalition to fight the jihadists.

Over 122 Boko Haram, ISWAP Terrorists Surrender to MNJTF in Lake Chad – Force Commander (PRNigeria)

October 21, 2020

At least 122 Boko Haram/ISWAP fighters have surrendered to the Multi National Joint Task Force (MNJTF) in the Lake Chad region in the last three months, the Force Commander, Major General Ibrahim Yusuf has disclosed.

Yusuf disclosed this on Monday at the ongoing inception workshop to articulate a regional communication strategy to prevent violent extremism in the Lake Chad Basin organized by the MNJTF and the UNDP in N'Djamena, Chad.

The commander said the deployment of kinetic and non-kinetic strategies is what resulted in the terrorists' surrender, in addition to the public awareness campaign conducted by the Force to prevent indoctrination and recruitment by Boko Haram/ISWAP and also to empower populations to resist the negative narratives and deconstruct the terrorists' ideologies.

He informed that the MNJTF have facilitated the formal transfer of the surrendered fighters and their family members to their respective national authorities, and the process of physical transfer, will be completed by the end of this month.

Yusuf highlighted the need for a comprehensive, regional and non kinetic strategy to complement the largely kinetic approach of the MNJTF to tackle the security threats in the Lake Chad Basin.

He noted that the communication strategy of the MNJTF is not robust enough to achieve the desired result, which informed the ongoing inception workshop.

“It was this realization that motivated the force to engage with the lake chad basin commission and the UNDP on the need to articulate a comprehensive and robust strategy based on an all inclusive participatory methodology.

“This workshop is relevant to the attainment of the mandate of the MNJTF. It is pertinent to state at this point that the ultimate objective of this workshop is to produce a framework for defeating Boko Haram/ISWAP. One of the major strands of this non kinetic approach is strategic communication.

“Consequently, our expected outcome of this strategy when it is finally produced include: resistance and rejection of Boko Haram/ISWAP activities; drastic reduction in the capacity of the terrorists to radicalize and recruit innocent members of the public; as well as an increased number of terrorists defecting and surrendering within the Lake Chad Basin”, the commander said.

The Borno state governor, Babangida Zulum in his goodwill message, expressed optimism that the workshop will address the salient issues, and proffer workable strategies to counter Boko Haram, and violent extremism.

Zulum said it was also still important to continue to create adequate awareness in order to hijack the negative impacts of violent extremism as propagated by the terrorists.

The governor however assured of the support of the Borno state government in the implementation of the strategies that will emerge from the workshop.

Meanwhile, the United Nations Development Programme (UNDP), says Military solutions cannot defeat terrorism in the Lake Chad region alone, and called for a review of strategies targeted at the ideologies and psychology of Boko Haram/ISWAP terrorists in the region.

The Resident Representative, UNDP, Chad, Ms. Lisa Singh, said that despite the military success against insurgency in the Lake Chad region, security remains a major threat and youths, women are still being recruited into the sect.

“We are therefore forced to review our strategy to understand the terrorists’ ideology and psychology. Why are the population being recruited? How can we counter this”, she said at an ongoing inception workshop to articulate a regional communication strategy to prevent violent extremism in the Lake Chad Basin organized by the MNJTF and the UNDP in N'Djamena, Chad.

Singh noted that the terrorists sect are deploying propaganda as a tool to recruit people willingly or forcefully.

“This highlights that the military is not the only solution”, she added. To this end, Chadian Minister of Defence, Lt-Gen. Mahamat Abali Salah, tasked the workshop participants to produce a framework that will defeat the Boko Haram/ISWAP ideology and bar their propaganda and messages.

Salah who was represented by Brig-Gen. Mahamat Hesseni Sarkoto, said the “goal is to have a just and prosperous Lake Chad by the end of this workshop”.

We expect to have a positive change in this hostile environment we find ourselves and this workshop should not just be one more in the midst of many “ , the Minister urged.

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Mali

Sahel: Another massacre in Mali, 12 civilian killed in Mopti (North Africa)

October 15, 2020

Twelve civilians were killed in volatile central Mali on Tuesday morning in addition to 12 soldiers who died in a twin attack that began overnight, police and humanitarian officials said. The group was travelling in a minibus following a military convoy sent to reinforce an army outpost which was attacked in the early hours of Tuesday, when it fell into an ambush, according to a police official. The civilians were on their way to a weekly market in Bankass, a town in central Mali’s Mopti region, when the attack occurred. The police official said that two women and a baby were among the civilian dead. A humanitarian official working nearby confirmed the account.

Three Malian soldiers were killed in the convoy ambush, the army said, offering a provisional tally. Nine soldiers were killed in the earlier outpost attack.

Mali has been struggling to contain a jihadist insurgency that first emerged in the north of the country in 2012, and which has since spread to the centre of the country and neighbouring Burkina Faso and Niger. Thousands of soldiers and civilians have been killed in the fighting to date, and hundreds of thousands of people have been forced to flee their homes.

In Mali, the centre of the vast country has become the epicentre of the violence, with jihadist attacks and ethnic violence commonplace. Anger at the brutal conflict contributed to protests against president Ibrahim Boubacar Keita this year, which culminated in his ouster in a military coup on August 18.

Extremist rebels attack UN peacekeepers in Mali; 1 killed (Associated Press) By Sam Mednick

October 16, 2020

A U.N. peacekeeper was killed in Mali and others injured in separate attacks in the north of the country, Stephane Dujarric, spokesman for the United Nations secretary-general, said in a statement.

A bomb hit a U.N. vehicle in the Kidal region killing one Egyptian peacekeeper and seriously injuring another on Thursday.

In a separate attack in Timbuktu, gunshots fired toward the U.N. camp injured one peacekeeper from Burkina Faso, said the statement. Dujarric said attacks targeting peacekeepers could amount to “war crimes” and called on Mali’s authorities to urgently bring the perpetrators to justice.

The attacks by suspected Islamic extremists come just days after 12 civilians and at least 11 soldiers from the army were killed in the center of Mali, said the statement.

The U.N. peacekeeping mission has been in Mali since 2013, after Islamic extremists took control of major towns in the north. A French-led military operation dislodged the rebels, but the jihadists have since regrouped in rural areas and expanded their reach, targeting Mali’s army and the U.N. mission. According to the U.N., 135 peacekeepers in Mali have been killed due to hostile incidents.

The jihadist threat is compounded by Mali’s current political upheaval. In August, President Ibrahim Boubacar Keita was ousted from power by a military junta. Under international pressure, the junta appointed a civilian-led government to lead the country through an 18-month transition period to new elections. Last week the administration helped to secure the release of four hostages, including Malian politician Soumaila Cisse and three westerners, in exchange for the release of nearly 200 jailed jihadists.

The attacks this week highlight Mali's fragile security, says an expert.

"These attacks sow more mistrust between the public and the government, further eroding confidence after the release of convicted militants who've rejoined the battlegrounds," said Laith Alkhouri, an intelligence specialist who researches violent extremists in West Africa.

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Liberia

Liberia: Human Rights Defenders Target Those Preventing Establishment of War Crimes Court (Front Page Africa) By Obediah Johnson

October 13, 2020

The Global Justice and Research Project (GJRP) has called for the imposition of multiple sanctions on public officials and those preventing the implementation of the recommendations contained in the final report of the erstwhile Truth and Reconciliation Commission (TRC), especially the establishment of a war crimes court in Liberia.

According to the group's head, Mr. Hassan Bility, "deceitful and hypocritical politicians" in Liberia continue to compromise citizens' popular call for the prosecution of those who committed atrocities and war crimes in Liberia for political reasons.

He made specific reference to the Speaker of the House of Representatives, Bhofal Chambers. Mr. Bility made these comments when he appeared as guest on The Advocates for Human Rights platform on Monday, October 12 via the social media.

The Advocates for Human Rights works locally and globally to fight injustice, restore peace, save lives and build the human rights movement.

The group continues to monitor human rights conditions and to advocate for the human rights of asylum seekers by working with members of Congress, reporting to the United Nations, and helping the public understand the importance of the right to seek and enjoy asylum from persecution.

Mr. Bility disclosed that the Maryland County lawmaker has been allegedly "blocking" the views of his colleagues on the establishment of the court.

He observed that the Coalition for Democratic Change led government of President George Manneh Weah remains unwilling to ensure the establishment of the court in Liberia.

He noted that despite the situation, the GJRP remains unwavering to ensure the prosecution of former Liberian warlords, some of who are serving in the legislative and executive branches of the Liberian government, while others remain out of the country.

Mr. Bility disclosed that multiple orchestrated campaigns have been launched by some of these war criminals against Liberian human rights defenders and activists.

He pointed out that the return of some of these war criminals from Finland and the United States pose a serious threat to both human rights defenders and war victims in Liberia.

He maintained that though some of these war criminals have gained both political and financial strengths, his group will cooperate and use international laws to ensure that some of those who committed atrocities and war crimes are prosecuted.

"At several conferences and meetings we had with civilians and non-civilians all across the country-one of the main things they always talked about is why are these trials not being held in Liberia. And we told them that it is our responsibility as Liberians to call on our elected officials and government to make sure that these trials are held here".

"But in the absence of the willingness of the Liberian government to do so, we will continue to hold people (war criminals) accountable through cooperation, the use of the universal jurisdiction or working with jurisdictional authorities of other

countries to make sure that some of these people are held accountable”

Mr. Bility added: “What we have begun to see is an orchestrated campaign by some of these warlords to intimidate human rights workers and those testifying in cases. We are very much concerned about the return of several of them which poses a serious threat to us and some of the witnesses. Some of the perpetrators are here-in the legislative and executive branches of government”.

He pointed out misinformation and political reasons as contributing factors for the intimidation of human rights defenders seeking the prosecution of those who committed heinous crimes and atrocities during the warring days in Liberia.

He noted that though his group does not have evidence to substantiate state-sponsored attacks on human rights defenders, there are hard facts that some government officials and others from political parties have made threatening comments against these activists and defenders.

Mr. Bility disclosed that his group has realized that the majority of Liberians who spoke at various conferences and meetings held by the GJRP want a court to be established in Liberia to ensure the prosecution of war criminals here, instead of prosecuting them in foreign countries.

He attributed the citizens’ quest to the building of confidence and hope in the working of Liberian human rights defenders and others who ensured the prosecution of several warlords in the United States and other countries.

“The Liberian people who were afraid to speak out began to believe in the possibility of justice. The series of arrests that were made overseas have now shifted the fears among Liberians. Perpetrators are the ones that are ones now afraid and they have begun to organize themselves to intimidate human rights defenders and workers”.

Mr. Bility added that despite the citizens’ willingness to the establishment of the court in Liberia remains very challenging with House Speaker Bhofal Chambers serving as an obstacle.

“The Executive has raised some technical arguments that it is not our job to make laws and your talk to the lawmakers. The biggest obstacle I now see is the Speaker of the House of Representatives Hon. Bhofal Chambers. The Speaker has completely refused to allow a candidate voice to be heard on the floor”.

Mr. Bility, however, commended the government for allowing foreign investigators to come into Liberia to probe war crimes based upon separate requests filed by their authorities abroad.

For his part, the head of the Human Rights Watch, Mr. Adama Dempster, recalled that significant efforts have been made by civil society actors, legislators and others to ensure the establishment of a war and economic crimes court in the country.

He added that a national civil society movement has been launched in Liberia to help end the culture of impunity in the society.

He pointed out that in November 2018, a march for justice was held by civil society actors and others in demand for the full implementation of recommendations contained in the final report of the Truth and Reconciliation Commission.

Mr. Dempster further recalled that at the end of the national economic conference, participants also called for the establishment of a war and economic crimes court and implementation of the TRC report.

He added that though President George Manneh Weah assured participants the implementation of the resolution signed and adopted, the Liberian Chief Executive is yet to actualize his promise. Mr. Dumpster further claimed that the Speaker of the House of Representatives Dr. Bhofal Chambers is allegedly blocking the resolution signed and submitted by majority of his colleagues for the court in Liberia.

“In July, a national legislative conference was held under the theme: Justice and Accountability. 54 members of the House of Representatives signed a resolution for the establishment of a war and economic crimes court in Liberia. But as we stand, that resolution which has been signed, has been blocked by the current Speaker of the House of Representatives, Hon. Bhofal Chambers”.

He maintained that since President Weah requested lawmakers to advise him or provide guidance on all legislative and other necessary measures on the Implementation of the TRC report and the establishment of a war and economic crimes court, nothing has been heard from the National Legislature, through Speaker Chambers.

He noted that the downplaying of these efforts applied by civil society actors, campaigners, and human rights activists and war victims are “unwillingness and lack of interest for justice and accountability in Liberia by the government”.

Speaking further, Mr. Dempster observed that government is not showing any real interest in the establishment of a war crime court in the country.

He noted that contrary to the government implementing recommendations and ensuring the protection of war victims and addressing past crimes, Liberia is now in the corridor “where the increasing parade of former general and rebels continue themselves from generals association continue to enjoy top positions in government at the level of national security and other areas in the government sector”.

He maintained that the current situation has increased delays, raised eyebrows among the public, especially war victims.

“There are a couple of challenges that civil society activists, war victims continue to experience. Some of those challenges include a lack of a safe and enabling environment for these individuals and actors to do their work in pursuit of accountability and justice across the country. Another challenge has to do with an unwillingness on the part of government especially the Speaker of the House of Parliament to put the resolution calling for the establishment of war crimes on the floor for plenary decision”.

Mr. Dempster noted that as a result of not addressing past crimes, there has been an increasing wave of crimes including multiple mysterious deaths and insecurity which remain worrisome in Liberia.

He pointed out that the lack of “strong international push” on the government to ensure its compliance with the July 2018 United Nations Human Rights Committee Observation and Recommendation remains a major concern to civil society activists, war victims and others in Liberia.

“Crimes are being committed on a daily basis in Liberia. We think that the international community should exert more pressure on the government. It’s clear that international crimes are punishable under international laws and the establishment of a war crimes court has an international bearing. The responsibility for the implementation also rest with the international committee and we think that the United Nations should stand up because Liberia is of no exception to Rwanda”.

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Uganda

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Kenya

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Ex-Malawian minister convicted in passport scandal linked to Rwandan genocide fugitive (The New Times) By John Namalenga Jnr

October 13, 2020

A former Malawian minister has been convicted for illegally awarding passports to Rwandan refugees living in the southern African country, including fugitives linked to the 1994 Genocide against the Tutsi.

Uladi Mussa, who served as Minister for Homeland Security, whose docket covered immigration, is accused of, among others, fraudulently awarding a passport to Rwandan genocide suspect Vincent Murekezi. Murekezi was transferred to Rwanda last year and remains in custody. He was convicted for separate offences committed in Malawi, and was transferred to Rwanda in January last year to complete his sentence, before he can be tried over Genocide crimes.

Murekezi was a wanted fugitive for decades, but had used his connections in government to avoid capture, including fraudulently acquiring a Malawian passport.

The former Malawian minister, who was arrested in 2017 over these charges but has since been out on bail, was convicted alongside the Regional Immigration Officer David Kwanjana.

Upon conviction, Judge Chifundo Kachale of the Lilongwe-based high court revoked their bail.

Court is due to sentence them next week.

Two other people, who were co-accused in the case, were acquitted.

Reacting to the verdict, Kamudoni Nyasulu who represented the Malawian state described the development as vindication of what they had been arguing in court. "For those of you who were there at the beginning, we had indicated that this case was really based on incompetence. That we had people in office who didn't know what their responsibilities were, and the court has just confirmed it," added Nyasulu. A statement released after the arrest of the former minister and his colleagues indicated that they were being charged with negligence of official duties and misuse of public office. In 2017, the Malawi Magistrate Court convicted and sentenced Murekezi to 5 years imprisonment after he was convicted for corruption and tax evasion.

He was found guilty of evading taxes amounting to 2.2 million Malawi Kwacha of import duty through his company in 2007.

Murekezi was later extradited to Rwanda following a prisoner exchange agreement signed between Rwanda Correction Service and Malawi Prisons.

Though he had been convicted in absentia for Genocide by a Gacaca court, Murekezi has the right to seek retrial in the ordinary courts.

Besides Murekezi, prosecution in Rwanda last year said that at least a dozen indicted Genocide fugitives were believed to have found a safe haven in Malawi.

Rwanda pursues 40 Genocide fugitives believed to be in Belgium (The New Times) By James Karuhanga

October 15, 2020

Even as Rwanda is waiting to see what courts in Belgium decide after the recent arrest of three Rwandan Genocide fugitives there, an official has told The New Times that at least 40 suspected mass murderers are known to be hiding in the European country.

According to the National Public Prosecution Authority (NPPA) spokesperson, Faustin Nkusi, Kigali has so sent 40 extradition requests to Brussels over the past two decades. The 40 are extradition requests, Nkusi noted, are "of those whom we are sure they live in Belgium." Nkusi added: "These are extradition requests we sent in different periods. And we continue to collaborate with Belgian judicial authorities who have travelled to Rwanda to conduct investigations on such cases."

He however declined to divulge further details - such as names and locations - concerning the 40, saying that this could

jeopardise the investigations that still being done. Belgium, like a dozen other European countries is home to a big number of genocidaires who fled Rwanda and are wanted for Genocide, and extermination after their involvement in the 1994 Genocide against the Tutsi.

Last December, a Belgium court sentenced Genocide suspect Fabien Neretse, 71, to 25 years in jail after being found guilty of Genocide, murder, war crimes and crimes against humanity. This was not the first Genocide trial in Belgium but it was the first time that a criminal prosecution and conviction was based on a law punishing genocide, introduced there in 2017.

Last week, Jean Pierre Dusingizemungu, president of the Genocide survivors' umbrella body, Ibuka, told The New Times that as has happened with similar cases in Belgium, in the past, he expects no extradition. Dusingizemungu noted that the behaviour by European countries "of dragging their feet and delaying justice" is delaying the process of psycho-social reconstruction for genocide survivors. "Delaying justice by protecting the mass killers in this manner is delaying survivors' reconstruction. It doesn't help because a survivor's psycho-social reconstruction journey involves justice," he said.

Previous trials in Belgium including that of two catholic nuns, found guilty, in 2001, of participating in the massacre of more than 7,600 people at the Sovu convent in Butare, were based on a universal jurisdiction punishing people for war crimes and crimes against humanity.

Initially, three trials; the one of Neretse, Emmanuel Nkunduwimye and Ernest Gakwaya were to happen at the same time.

However, last year, a court decided to first hear Neretse's case separately. Arrested in 2011 in Brussels - Nkunduwimye and Gakwaya are, among others, suspected of having been active members of the Interahamwe militia, something they deny.

UN judge orders Rwandan genocide suspect sent to The Hague (The Free-Lance Star) By Ben Curtis
October 21, 2020

An 87-year-old Rwandan genocide suspect being held in France will be sent temporarily to a United Nations court in the Netherlands for a medical assessment amid concerns about his health and the coronavirus pandemic, a judge ruled Wednesday.

Félicien Kabuga, one of the most wanted fugitives in Rwanda's 1994 genocide, was arrested outside Paris in May after 25 years on the run. He faces charges of genocide and crimes against humanity for allegedly equipping militias that killed more than 800,000 ethnic Tutsis and moderate Hutus who tried to protect them.

Kabuga has denied involvement in the genocide.

A court in Paris approved Kabuga's extradition to the International Residual Mechanism for Criminal Tribunals in Arusha, Tanzania. But his French lawyer, citing fears that Kabuga could contract COVID-19 in Tanzania and other health issues, argued that the suspect should instead be sent to the Hague detention unit of the mechanism.

The mechanism, which deals with cases remaining from now-closed U.N. tribunals that prosecuted atrocities committed during the Balkan wars of the 1990s and the Rwandan genocide, has branches in The Hague and Arusha.

In a written ruling, mechanism judge Iain Bonomy said he concluded based on medical documentation that "transfer to the Hague Branch of the Mechanism will pose far less risk to Kabuga than transfer to Arusha."

In The Hague, Kabuga's health will be assessed to establish if he is fit enough to be flown at a later date to Arusha to stand trial there.

It was not immediately clear when Kabuga would be transferred to The Hague.

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Somalia

Feared Shabab Exploit Somali Banking and Invest in Real Estate, U.N. Says (The New York Times)
By Abdi Latif Dahir

October 11, 2020

The Shabab, the Somalia-based militant group that is Al Qaeda's most powerful ally in Africa, is not only collecting millions of dollars in tariffs and payoffs but moving the money through local banks and even investing it in real estate and businesses, according to a new United Nations Security Council report.

The report describes how the Shabab, known for suicide attacks and a severe interpretation of Islam that bans music and other pleasures, have diversified their funding streams. Although financial dealings with the Shabab are prohibited under Security Council sanctions, the report said the group had found ways to expand from strictly cash transactions into utilizing bank accounts and electronic mobile services to save, transfer and invest money.

A Security Council panel of experts that monitors Somalia produced the report, which has not yet been made public. The New York Times obtained an advance copy.

The Shabab's deadly attacks have wreaked havoc in Somalia and across East Africa. The group sustains an estimated 4,000 fighters, and expands its power, by collecting money from around south and central Somalia, including in the capital, Mogadishu, the report said.

The group charges vehicles transporting goods, demands that businesses pay a monthly fee and forcibly collects zakat, the annual alms that observant Muslims are expected to pay.

The Shabab also have penetrated Mogadishu's port, blackmailing importers to pay a levy on goods, the report said. In all the cases the report documented, business owners paid up, citing threats and violence if they refused.

The report found evidence that Shabab operatives had stored and transferred the money through accounts operated by Salaam Somali Bank, a leading bank in Somalia.

In response, the bank said that it had never "opened an account for a sanctioned individual or entity" and that it had taken unspecified actions against suspicious accounts, but it did not rule out the possibility that the Shabab had found surreptitious ways to use the bank. The country's finance minister also acknowledged the Shabab's ability to exploit the banking system and called the group's financiers "very cunning."

The report comes just a few months before crucial elections in Somalia, a strategically located country in the Horn of Africa that has endured cycles of dysfunction and mayhem for decades. It also is contending with the coronavirus pandemic, swarms of locusts that are destroying crops and floods that have displaced hundreds of thousands of people.

The Shabab pose a growing threat to Somalia and the region, even though the group has lost territory in the past five years, suffered high-level defections and been degraded by sustained American airstrikes.

The report is especially damning for the Somali government, which is backed by the United States and the United Nations. They have insisted that Somalia take steps to modernize its banking so that groups like the Shabab that are under sanction cannot exploit the system's weaknesses.

"Al-Shabab's use of formal banking systems enables the immediate transfer and distribution of large amounts, including in areas it no longer directly controls, eliminating the risk of physically transporting cash across hostile territory," the report said.

The Security Council's experts on Somalia, a six-member panel based in Nairobi, are responsible for monitoring compliance with sanctions imposed on Somalia. The panel undertook the same work on Eritrea, another Horn of Africa country, until 2018, when sanctions there were lifted after Eritrea mended relations with neighboring Ethiopia.

In past years, the panel's reports have examined topics such as how food aid in Somalia was redirected by corrupt contractors and how the Shabab's bomb-making operations became sophisticated.

But the focus this year has largely been on the Shabab's sources and movement of funds.

During the reporting period, from last December to this August, the report's authors found evidence that the Shabab had generated about \$13 million in revenue. This included an estimated \$2.4 million from checkpoints in the Lower Juba region in southern Somalia and \$5.8 million from charging businesses in the southern port city of Kismayo. The report includes redacted copies of receipts for these transactions.

Two bank accounts associated with the Shabab — paid into by retailers, shipping agencies and car dealerships — generated more than \$3 million.

The report linked the transfers to the Salaam Somali Bank. In two separate accounts reviewed by the panel of experts — one receiving port duties, the other alms collection — the panel found large cash deposits and frequent transfers that exceeded the \$10,000 limit that would have required the bank to report them. In one of the accounts, \$1.7 million was transferred entirely in 87 transactions, with one person receiving \$310,000.

Over a 48-hour period in May, more than \$322,000 was transferred from these two accounts to a third bank account, the report said, showing “an institutional link between the accounts and an organized approach to the distribution of funds.”

The panel of experts recorded a total of 128 transactions that would have warranted disclosure to Somalia’s Financial Reporting Center, which investigates suspicious financial activities.

A review of the accounts “revealed no obvious legitimate outgoings or expenditures,” the report said.

In a statement, a Salaam spokesman said the bank had taken “appropriate actions against numerous accounts” believed linked to “suspicious activity.” The bank also said the United Nations had reached out to it about the panel’s investigation but that since the bank had not “received the details of these accounts” it was “unable to determine whether the appropriate action has been taken against these accounts.”

After decades of war, Somalia has achieved a modicum of peace, as it looks to build functioning public institutions. This includes oversight of financial outlets like banks.

But enforcement by the weak Somali government remains inadequate, hindered by many obstacles, including the lack of widespread proof of legal identity. The U.N. report noted how identity documents used to open the Shabab’s bank accounts had been acquired just days before. A recent study also showed how the country’s informal hawala system of money transfer underpinned the sale and trade of illicit arms.

In an interview, Somalia’s finance minister, Abdirahman Beileh, acknowledged the Shabab’s pervasive use of domestic financial systems.

“We are meeting with the banks and informing them of the danger they are in,” he said in an interview from Mogadishu. Calling the Shabab a “mafia,” he said that whenever the authorities closed one loophole, the group figured out another way to move money. “These are people who are very smart and very cunning,” he said.

The report also described the Shabab’s well-organized financial system, with regular audits to prevent losses. Besides spending on intelligence and military expenditures, the group has invested tens of thousands of dollars in property and business enterprises in Mogadishu’s bustling Bakara Market, which sells a wide range of goods and is the country’s biggest open-air bazaar.

The findings prove how the Shabab are embedded deep into Somali society, said Rashid Abdi, an analyst and researcher who specializes in the Horn of Africa.

“It’s no longer an insurgency but an economic power,” Mr. Abdi said in a telephone interview. “It’s a shadow state that’s out-taxing the government even in areas it doesn’t control.” The Shabab, he said, are becoming a “much more entrenched, resilient and deep-rooted organization that doesn’t have to rely on might or military force to stay relevant.”

Taiwan charges Chinese captain over killing of 'Somali pirates' (BBC News)

October 21, 2020

Prosecutors in Taiwan have charged the captain of a fishing boat with ordering the killing of four suspected Somali pirates eight years ago.

The four were shot dead in the Indian Ocean in September 2012.

The killings came to light after mobile phone footage of the incident was posted online.

Prosecutors say the suspect, a Chinese national, admitted ordering the killings while captaining the Taiwanese vessel.

The suspect said the alleged Somali pirates shot at his boat and three other boats fishing in the area, before one of the fishing boats managed to knock the men into the sea.

Despite knowing the men had no way of defending themselves at this point, the suspect told officials he ordered his Pakistani security guards to shoot them so that they could not get away and ask other pirates to hijack his vessel, prosecutors said.

The suspect has been indicted on homicide and gun control charges, according to local media reports.

The killings were exposed after a mobile phone containing footage of the incident was left in a taxi in Fiji, and found by someone who posted the video on YouTube in 2014.

In the video, four men can be seen in the water, some clinging to debris, as some 40 rounds of ammunition are fired at them. A man is heard giving orders in Mandarin.

Campaign groups have argued for years that the incident highlighted issues with lawlessness at sea, and a lack of regulation in Taiwan's fishing industry.

According to local media reports, prosecutors have recommended a relatively lenient sentence because the alleged pirates opened fire first.

Homicide carries a minimum 10-year sentence in Taiwan.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Over 150 Judges and Prosecutors discussed Processing of Cases related to War Crimes in BiH (Sarajevo Times) October 10, 2020

The Annual Prosecutorial Symposium, which, due to the pandemic, took place in an online format on 8 and 9 October 2020, gathered some 150 prosecutors, judges and other criminal justice professionals who took part in a number of panel discussions on criminal matters.

The OSCE Mission to Bosnia and Herzegovina (BiH) supported the organization of two panel discussions on the processing of cases related to trafficking in human beings (THB) and war crimes. The panels were an opportunity for prosecutors and experts to discuss issues and share experiences in these areas.

“Combating trafficking in human beings is one of the OSCE’s priorities as THB affects virtually all its participating States, either as countries of origin, transit or destinations. This modern form of slavery is an affront to human dignity, often involving psychological terror and physical violence. The human rights of trafficked persons have to be at the centre of all efforts to combat human trafficking, prosecute traffickers and provide redress to victims of trafficking,” said Boris Topić, National Anti-trafficking Officer at the OSCE Mission to BiH.

The war crimes panel discussion, jointly organized with Trial International, focused on the overview of progress and challenges still facing Bosnia and Herzegovina judiciary in processing of war crimes cases, particularly the distribution of cases in line with the goals of the Revised National Strategy for War Crimes Processing. The panel also addressed legal and procedural challenges in prosecuting and sentencing sexual violence cases, as well as appeal processes related to these types of crimes.

Šeila Heljić, President of the FBiH Association of Prosecutors stated: “The Annual Prosecutorial Symposium has become one of the most important training opportunities for prosecutors and other criminal justice professionals. The symposium and the panels provide participants with insight into the present state in this field and enable the exchange of experiences. Continuous training is of crucial importance for enhancing the capacity of the criminal justice sector, including its effective processing of THB-related and war crimes cases.”

The panel discussion on THB was jointly supported by the OSCE Mission to BiH, the Judicial and Prosecutorial Training Centres of the entities, the USAID BiH through International Organization for Migration Mission in BiH, the European Union and Council of Europe Joint Project Horizontal Facility, the US Embassy and the U.S. Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training, and the International Forum of Solidarity-Emmaus

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

Official Website of the ICTY

Hearing Witness Testimony in Trial of Stanisić and Simatović concluded (Sarajevo Times) October 9, 2020

Today, at the Hague branch of the International Residual Mechanism for Criminal Tribunals (Mechanism), a Trial Chamber composed of Judge Burton Hall (Presiding) of the Bahamas, Judge Joseph Masanche of Tanzania, and Judge Seon Ki Park of the Republic of South Korea, concluded hearing witness testimony in the trial of Jovica Stanišić and Franko Simatović. As the Presiding Judge said in his closing remarks, this is a milestone in particular in the context of a pandemic.

The final five Defence witnesses were heard from 1 September to 8 October 2020 in a modified courtroom with enhanced safety measures.

Judge Hall announced that final requests for the admissions of documentary evidence would be due on 2 November 2020, final trial briefs would be due on 26 February 2021, and closing arguments will be heard in the last week of March 2021. The trial judgement is expected in the first half of 2021.

Originally, the evidence presentation was expected to conclude in June 2020, but it was interrupted by the global COVID-19 pandemic, which limited movement in the Netherlands and Serbia. The Mechanism adopted numerous safety protocols to ensure the continuation of its cases, and Judges, staff, and counsel worked remotely, to the extent possible, until conditions were safe to resume in-court hearings.

This is the first retrial held before the Mechanism. Stanišić, formerly Deputy Chief and Chief of the State Security Service (DB) of the Ministry of Interior of the Republic of Serbia, and Simatović, formerly employed in the Second Administration of the Serbian DB, were charged before the International Criminal Tribunal for the former Yugoslavia (ICTY) with having directed, organised, equipped, trained, armed, and financed special units of the DB and other Serb forces, which were involved in the commission of murder, persecution, deportation, and forcible transfer of non-Serb civilians from large areas of Croatia and Bosnia and Herzegovina between 1991 and 1995.

On 30 May 2013, an ICTY Trial Chamber found that Stanišić and Simatović could not be held criminally responsible for these crimes and acquitted both accused of all charges. Following the appeals proceedings, on 15 December 2015, the ICTY Appeals Chamber quashed the ICTY Trial Chamber's decision and ordered a retrial and the immediate detention of the accused.

The retrial commenced before the Mechanism on 13 June 2017 with the Prosecution's opening statement. The Prosecution case was closed on 21 February 2019. A total of 51 witnesses were heard in court for the Prosecution. The Defence case commenced on 18 June 2019, and 29 witnesses were heard in court for both accused.

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Domestic Prosecutions In The Former Yugoslavia

Tadic-Ljubic: Importance of Establishing a Network of Prosecutors and Investigators (Sarajevo Times) October 15, 2020

On 13 October 2020, the Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina, Gordana Tadić, paid a working visit to the Prosecutor's Office of the Tuzla Canton (TK) in Tuzla, where she met with the Chief Prosecutor Tomislav Ljubić and his associates.

At this working meeting, the work of the two respective prosecutors' offices in extraordinary circumstances caused by the Covid 19 pandemic was discussed, along with the common topics related to the prosecution of war crimes cases and organized crime cases, as well as the fight against human trafficking and illegal migrations and the prosecution of the cases related to the migrants' situation in Bosnia and Herzegovina.

A special topic of the meeting was the work on war crimes cases, particularly in the light of the recently adopted National War Crimes Strategy, and cases that should be transferred to be prosecuted by the judicial institutions of the Tuzla Canton in accordance with the Strategy, as well as the importance of continuing the 2019 IPA project which refers to the prosecution of war crimes cases and the work of judicial institutions.

At the meeting, the Chief Prosecutor emphasized the importance of establishing a Network of Prosecutors and Investigators for the purpose of a more efficient combatting trafficking in human beings and smuggling of persons, in which the Prosecutor's Office of the Tuzla Canton also participates.

Moreover, the work of the Strategic Forum of Chief Prosecutors and Police Officials, which was formed in Bosnia and Herzegovina in order to better coordinate the prosecutorial community and police agencies in Bosnia and Herzegovina, was highlighted.

The visit to the Prosecutor's Office in Tuzla is the second working visit of the Chief Prosecutor to the prosecutor's offices in both entities and in the Brčko District, and meetings with other prosecutors' offices in Bosnia and Herzegovina are planned in the coming period.

Bosnian Serb Battalion Commander Convicting of Aiding Genocide (Balkan Transnational Justice)

By Mladen Obrenovic
October 16, 2020

The Bosnian state court convicted Srečko Acimović on Friday of aiding genocide by assisting the detention and killing of more than 800 Bosniak men from Srebrenica in July 1995.

The men were detained by Bosnian Serb forces in a school building in the village of Ročević, near Zvornik, and then killed on the banks of the River Drina near Kozluk.

Acimović was found guilty, in his capacity as commander of the Bosnian Serb Army Zvornik Brigade's Second Battalion, of having deliberately offered assistance from July 14-16, 1995 to members of a joint criminal enterprise whose plan was to detain, summarily execute and bury able-bodied Bosniak men from Srebrenica.

The joint criminal enterprise's plan was also to forcibly resettle women, children and the elderly from Srebrenica, the verdict said.

Explaining the verdict, judge Stanisa Gluhajić said that it had been proved beyond reasonable doubt that Acimović "deliberately offered assistance in the execution of the plan and the commission of genocide against the Bosniaks".

"The defendant was aware that they would be killed, but he then knowingly committed acts aimed at carrying out the plan to commit genocide," Gluhajić said.

"Acting on orders received from the Zvornik Brigade's command, the defendant provided ammunition and issued an order to transport the captives to the banks of the Drina River in Kozluk, where they were summarily killed and buried at an old gravel factory site. On that day – July 15, 1995 – 818 men from Srebrenica were killed," he added.

The murdered captives were then buried in sandy pits on the river bank, Gluhajić continued. They were identified only after their bodies were exhumed.

“The defendant did not design the plan, but he was aware of the captives’ destiny. His contribution was not crucial, but it was significant,” the judge said.

More than 7,000 Bosniak men and boys were killed by Bosnian Serb forces in a series of massacres after they seized Srebrenica in July 1995 – a crime that has been classified by domestic and international courts as genocide.

Friday’s verdict was a first-instance ruling and can be appealed.

The court imposed restrictions on Acimovic’s freedom of movement, banning him from leaving Bosnia and Herzegovina, confiscating his travel documents and ordering him to report to the police in Kozluk every Monday.

“The defendant is specifically warned that he may be ordered into custody should he fail to respect the prohibitive measures,” Gluhajic said.

Croatia Charges Two Serbs With Torturing Prisoners (Balkan Transitional Justice) By Anja Vladislavjevic
October 8, 2020

Croatian police on Thursday confirmed the arrests of two men who are suspected of committing war crimes against prisoners of war at Ovcara Farm near Vukovar, where more than 200 prisoners were tortured and killed in November 1991.

The police said that a criminal investigation established “a well-founded suspicion” that the first suspect, then as a 43-year-old and the second suspect, then as a 28-year-old, were members of Serb paramilitary units and “brutally physically abused a large number of people”. Both are Croatian citizens.

It is suspected that the two men were among a group who formed a line in front of a hangar at Ovcara Farm and forced the prisoners – captured and detained members of the Croatian Army, Croatian military volunteers and a small number of civilians – to pass through it while being beaten.

The Serbs allegedly beat them severely with parts of automatic weapons, wooden and metal sticks and various other objects “during which the prisoners suffered severe bodily injuries, intense pain and specific physical suffering”.

Police filed a criminal charge against two men to Osijek County State’s Attorney’s Office.

The police statement emphasised the importance of investigating war crimes, stating that 49 people were charged during 2018 and 2019 for crimes committed in the 1991-95 ‘Homeland War’.

In the first nine months of 2020, six charges were filed against eight alleged perpetrators for a total of 36 war crimes, the police statement added.

Vukovar was besieged from late August 1991 by the Yugoslav People’s Army and Serb paramilitaries.

The defenders of the Croatian town surrendered on November 18, after which all the non-Serb population was expelled, and a number of prisoners of war and civilians were deported to prisons and detention camps in Serbia, while more than 200 people were executed at the nearby Ovcara Farm and in other places.

Over 3,000 soldiers and civilians died during the siege of Vukovar and its aftermath, 86 of them children. After being under the control of rebel Croatian Serbs for four years, the town was peacefully reintegrated into Croatia under the Erdut peace agreement in 1996 and 1997.

The highest-ranking officers to be convicted of crimes related to Vukovar were the former Yugoslav People’s Army officers Veselin Sljivancanin and Mile Mrksic, who were tried by the Hague war crimes tribunal.

Sljivancanin was found guilty in 2007 and then returned to Serbia after serving two-thirds of his sentence in 2011.

Mrksic was also found guilty in 2007 and died while serving his sentence in Portugal in 2015.

Bosnian Serb Ex-Soldiers Claim Innocence of Prijedor Killings (Balkan Transitional Justice) By Lamija Grebo
October 12, 2020

Boro Milojsica and Zelislav Rivic, both former members of the Sixth Company of the

Bosnian Serb Army's Ljubija Battalion, addressed the Bosnian state court during closing arguments in their retrial on Monday and insisted that they were not guilty of killings in the Prijedor area during wartime.

"I did nothing wrong," Milojica said.

Rivic told the court that he didn't feel he was guilty.

Under the first-instance verdict handed down in June last year, Milojica was found guilty on two counts of committing murders of Bosniak civilians in the village of Hambarine in the Prijedor area in July 1992 and sentenced to eight years in prison.

But Milojica and Rivic were acquitted on four counts of having committed murders of Roma, Bosniak and Croat civilians in the Prijedor area in July 1992 while they were as members of the Ljubija Battalion.

However, the state court's appeals chamber quashed the verdict and ordered a retrial.

The prosecution insisted that it had proved its case.

"What is important for all prosecution witnesses is the fact that their probative value has not been brought into question by the defence teams," prosecutor Sedin Idrizovic said.

Both defence lawyers insisted however that the prosecution had not shown that their clients were guilty.

"I think that no crimes from the six counts have been proved beyond reasonable doubt, so I propose a verdict of acquittal," said Milojica's defence lawyer Ranko Dakic.

The verdict has been scheduled for October 26.

Croatia to Investigate Bosnia Croat General for War Crimes (Balkan Transitional Justice) By Albina Sorguc
October 13, 2020

The County State's Attorney of Zagreb has taken over the investigation of Zlatan Mijo Jelic, who allegedly committed crimes against Bosniak civilians while he was a senior officer with the Bosnian Croat wartime force, the Croatian Defence Council, the Bosnian state court told BIRN.

"On October 2, the Bosnian state court received a note that the County State's Attorney of Zagreb had taken over the criminal prosecution of defendant Zlatan Jelic on July 8," the state court said.

The Bosnian state court had asked the Croatian authorities to take over the case because Jelic is living in Croatia.

The Bosnian prosecution accuses Jelic, as commander of the First Active Battalion and First Light Assault Battalion of the Croatian Defence Council's military police, and as commander of defence in Mostar who had all the Croat units in the town under his control, of accused of staging a widespread and systematic attack on the Bosniak civilian population in the Mostar municipality from May 1993 to March 1994.

Crimes committed included ethnic cleansing, illegal detentions, taking men to frontlines to do forced labour or be used as human shields, the abuse and torture of prisoners and the persecution and relocation of women, children and elderly people, according to the indictment.

Jelic was charged with committing crimes against humanity, but the Bosnian state court has pointed out that Croatia does not have this offence on its statute books, so the case will go back to the investigation phase in Zagreb.

As well as his Croatian Defence Council role, Jelic was also a general in the Croatian Army. After the war, he became the commander of the Bosnian Army's First Croatian Guards Corps, but was suspended by the commander of NATO's Stabilisation Force SFOR over an alleged ethical violation.

He then became the manager of the Siroki Brijeg football club and was on the executive board of in Bosnia and Herzegovina's Football Association.

He left the country in 2012 and moved to Croatia, where he has citizenship.

The case is one of dozens in which the Bosnian authorities are seeking to prosecute people who are suspected or accused of genocide or war crimes who now live in Croatia or Serbia.

During the commemoration in August this year of the 25th anniversary of Operation Storm, during which Croatian forces defeated Serb rebels, Croatian President Zoran Milanovic awarded medals to various Croatian Defence Council units, one of which was received by Jelic.

Responding to criticism from Bosnia and Herzegovina, Milanovic told Vecernji List newspapers that he gave the medals to "units, not individuals".

A warrant was issued for his arrest in October 2014 because he did not respond to the summons to serve his sentence, and then the Bosnian authorities asked Serbia to take over the enforcement of his verdict.

But the Higher Court in Belgrade has repeatedly postponed hearings to discuss the Djukic case, and he remains at liberty.

Alic explained that the goal of the Tuzla Gate exhibition is "to show what the Serbian judiciary is doing, despite the court-established facts".

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Turkey

Turkey blasts Armenia's deadly attack on Azerbaijan's Ganja as 'war crime' (Daily Sabah) October 17, 2020

Armenia is committing a "war crime" and must be held responsible for its "atrocities," Foreign Minister Mevlüt Çavuşoğlu said Saturday.

Çavuşoğlu's comments came after a deadly attack on the Azerbaijani city of Ganja overnight by Armenia.

"To remain silent to this savagery means to be an accomplice to these murders," he said on Twitter.

At least 13 civilians, two of them children, were killed and 45 wounded in Ganja by Armenian shelling overnight, Hikmat Hajiyev, a foreign policy aide to Azerbaijani President Ilham Aliyev, said Saturday in an online briefing with journalists.

"We support a humanitarian cease-fire, but Armenia isn't giving it a chance .. they keep targeting residential areas," Hajiyev said. He said further that Azerbaijan had "liberated" two out of seven regions in Nagorno-Karabakh since the conflict began.

Aliyev vowed to take revenge on Armenia for the killings on the battlefield, stressing that Azerbaijan would never attack civilians.

The head of Turkey's parliament also condemned Armenia's attack on Ganja.

"Rogue state" Armenia's attack on the cities of Ganja and Mingachevir again targeted innocent civilians, Parliament Speaker Mustafa Şentop said on Twitter early Saturday.

Şentop called on the international community to condemn Armenia's attacks on civilians. "Those who still shut their eyes to these war crimes should know that they will be accused under international law of being accomplices," he said.

The attack on Ganja came only six days after a missile struck another residential part of the city of more than 300,000 people, killing 10 civilians and leaving many on edge.

Azerbaijan's civilian populated areas have come under intense attacks from Armenia since clashes broke out between Armenian and Azerbaijani forces in late September over Nagorno-Karabakh region.

Relations between the two former Soviet republics have been tense since 1991 when the Armenian military occupied Nagorno-Karabakh.

Around 20% of Azerbaijan's territory has remained under illegal Armenian occupation for nearly three decades. Multiple U.N. resolutions, as well as many international organizations, have demanded the withdrawal of the Armenian occupying forces.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

"Yazidi Female Survivors Law" in Iraq is groundbreaking but not enough (Open Global Rights) By

Kristin Smith & Sonali Dhawan

October 13, 2020

The COVID-19 pandemic has exacerbated existing inequalities in Iraq, further endangering vulnerable populations, including sexual violence victims and survivors. These survivors are particularly vulnerable with the reported resurgence of the Islamic State in Iraq, making reparations for victims and survivors of conflict-related sexual violence urgent to prevent their re-victimization and the recurrence of these crimes.

The armed conflict that spread across Iraq after the emergence of the Islamic State raised existing violence to an unprecedented level. Sexual violence was used as a tactic of war, oppression, and destruction during Islamic State's reign of terror, particularly systematic sexual violence inflicted against minority groups, including Yazidi women and girls. Amnesty International reported that Islamic State fighters systematically targeted thousands of Yazidi women and girls, forcing them into sexual slavery. The UN Human Rights Council's Commission of Inquiry for Syria found that the Islamic State demonstrated "intent to destroy the Yazidi in whole or in part," and that these crimes were acts of genocide. Despite overwhelming documentation and evidence of atrocity crimes, victims and survivors of conflict-related sexual violence in Iraq have not been offered a formal path to justice or accountability to date.

In March 2019, Iraqi President Barham Salih submitted the "Yazidi Female Survivors Law" to Parliament for review. The draft law introduces a number of significant reparation measures for Yazidi women captured by the Islamic State, including compensation, rehabilitation, medical treatment, and economic opportunities. The draft law recognizes the crimes against the Yazidis as genocide and stipulates that perpetrators of "abduction and captivity" not be included in any "general or special amnesty."

The draft bill, while groundbreaking, is too narrow to address the needs of some of Iraq's most vulnerable communities. The bill appears to have been drafted with little input from affected communities, excluding a number of the victims' primary demands. A new report by ABA Center for Human Rights proposes revisions to make the bill's reparations more responsive to the unique needs of victims of one particular subset of atrocity crimes: sexual violence.

A primary critique of the draft bill is its narrow focus on kidnapping and on a limited group of victims, excluding many crimes committed against men and boys, as well as women and girls of other religious or ethnic groups. Broadening the draft bill's focus to all victims and survivors of sexual violence would provide a start toward Iraq's larger obligation to all victims of human rights violations by addressing the needs of a particularly vulnerable and targeted group and subset of crimes that are often under-reported and under-prosecuted. Importantly, comprehensive reparations can also address the immediate needs of victims and survivors by providing medical and psychological care, restoring access to education and economic opportunities, resolving parental status, and locating missing family members. Furthermore, the reparation regime should provide the families of disappeared victims with access to available reparation measures and address their right to information about both reparations and the violations that occurred. Reparations that give victims and their families a role in creating social change can be transformative, countering structural inequalities in society.

The draft bill does not cover all the crimes that were allegedly committed, even though international human rights law requires that the right to a remedy be applied without discrimination. In response, the Center has recommended that the draft

law be revised to include all victims and survivors of sexual violence. United Nations agencies in Iraq reported that Turkmen, Christian, and Shabak women were subject to sexual violence while in Islamic State captivity. Human Rights Watch also reported that Islamic State fighters arbitrarily detained, tortured, and forcibly married Sunni Arab women. Providing reparations to one ethnic or religious group while excluding others may exacerbate sectarian and inter-community tensions and deter reconciliation efforts under already sensitive security conditions.

One further recommendation to improve the draft bill would be the addition of privacy and confidentiality protections in all aspects of the reparations program. Without these protections, victims and survivors may be unwilling to participate, fearing for their safety or that of family members or social stigma. Past efforts at combatting violence against women, for example, have been unsuccessful in protecting victims and their families from these risks.

Iraq does not have domestic legislation criminalizing war crimes, crimes against humanity, or genocide. Instead, it has relied on counterterrorism laws to prosecute suspected members of the Islamic State. Though not frequently applied by courts, Islamic State members may be entitled to release under a 2016 general amnesty law under certain circumstances. The Center therefore recommends that Iraq include a provision within the draft bill clarifying that no statute of limitations should apply to atrocity crimes (including acts of sexual violence when they constitute genocide, crimes against humanity, or war crimes) and that amnesties should not be applied to perpetrators of sexual violence crimes.

For reparations to be truly effective, the Iraqi government must employ a holistic approach to protecting vulnerable populations, and the challenges of doing so have been made clear through past challenges in addressing domestic violence, which is on the rise globally as the result of the COVID-19 crisis. However, Iraqi law does not address domestic violence, and the criminal code provides defenses and mitigated sentences in domestic violence situations. The Center has provided key recommendations to the pending Protection from Domestic Violence Bill. Fear of increasing domestic violence during Iraq's coronavirus lockdown has made it clear that the government must act to pass the bill.

Moreover, policy ambiguity makes it unclear as to whether Iraqi-registered NGOs can even provide shelter to victims, and the Iraqi government continues to criminalize shelters for those escaping gender-based and domestic violence. The Organization of Women's Freedom in Iraq (OWFI) has been accused by the General Secretariat of the Iraqi Council of Ministers of illegally sheltering women fleeing domestic violence. The ongoing criminalization of shelters that provide life-saving services puts women and girls at even greater risk of domestic violence, torture, or death amid the pandemic.

Adoption of both bills and undertaking a comprehensive review of sexual violence provisions in Iraq's criminal code would help protect women and children from future violence, but more remains to be done. Accountability for past crimes is also needed to alter the prevailing climate of impunity. To do so, atrocity crimes should be expressly penalized in Iraq's criminal code, along with other procedural changes to ensure accountability for atrocity crimes. Consultations with Yazidi victims for example show that for many, justice (including criminal accountability) is a top priority, but the lack of a legal framework and failure to prosecute sexual violence crimes as such demonstrates the need for significant structural changes.

The draft law, if approved by Parliament, would be a significant step in establishing a comprehensive record of the crimes committed during the conflict that can allow affected communities to heal and rehabilitate. Involving communities of victims and survivors in the process will help to ensure that the reparation program meets their unique and most urgent needs while also building toward larger goals of truth, reconciliation, justice, and accountability. Establishing a truly comprehensive and transformative reparations program will be difficult, but it is an important investment in the long-term stability of Iraq

John Bolton denies responsibility for deaths of Iraqi civilians: 'You don't know what you're talking about' (Independent) By Andrew Naughtie

October 15, 2020

John Bolton, one of the leading US advocates of the Iraq War has denied having the deaths of Iraqi people on his conscience, insisting that the war only lasted four weeks and accepting no responsibility for the violence that reigned for years afterwards.

Mr Bolton, who served as UN ambassador under George W Bush before a spell as national security adviser under Donald Trump, made the comments to veteran interviewer Mehdi Hasan on his show on online service Peacock TV.

Mr Hasan asked Mr Bolton if he really harboured no regrets about the Iraq war, for which he was a loud advocate in the early 2000s.

"All those thousands of people who died in Iraq," asked Mr Hasan, "all of those innocent Iraqi civilians, men, women, children, killed by US airstrikes, some of them in massacres – Haditha, Mahmudiyah, Balad – none of those weigh on your mind?"

“You don’t know what you’re talking about,” replied Mr Bolton. “The Iraq War, which was the period that lasted about four weeks and resulted in the overthrow of Saddam Hussein, was a brilliant military victory by the United States and other coalition forces.

“And that, the removal of Saddam Hussein from power, was the right idea at the time, and it’s true today.

“Where the United States made a mistake – and I’ve said this repeatedly over the years – was in the period following the overthrow of Saddam Hussein. I do not think we should have set up a coalition provisional authority. I think we should have kept troops there for a lot of reasons, but I think we should have turned responsibility for the government over to Iraqis as soon as possible.”

Mr Bolton reiterated his distinction between the invasion of Iraq (“the Iraq War”) and the long aftermath where the US-led coalition tried to establish political stability while fighting violence and sporadic attacks – a period that, as Mr Hassan said, included many civilian deaths, including in massacres for which Western forces were investigated by their own governments.

“People talk about the Iraq war as if it started in 2003 and lasted until 2011 when Obama withdrew everybody, as if every single decision in that eight-year period followed inevitably, unalterably, from the single decision to invade in 2003. And that’s simply not right.”

Mr Hasan pointed out that Mr Bolton was in fact part of the Bush administration after the four-week period he defines as the Iraq War, and that he did not quit in objection to what was happening. “Do you ever worry you may have to face a court to answer for that war and that occupation, for the war crimes that happened back then?”

Mr Bolton was dismissive. “Of course not, because what you’re saying is completely ludicrous, and those who made those kinds of criticisms are not reflecting what actually happened.” Blaming many post-invasion deaths on Iranian interference, which he said inflamed sectarian divisions and eventually “broke the country apart”, he declined several times to directly answer Mr Hasan’s question of whether those deaths weighed on him.

Since his tenure in the Trump administration, Mr Bolton has become one of the president’s most caustic critics. His book *The Room Where It Happened*, published earlier in 2020, portrayed the president as incompetent and unfit for office, disqualified by a perverse admiration for dictators and authoritarians and an inability to distinguish between the US’s interests and his own personal political gain.

The administration tried hard to block the publication of the book, claiming it would illegally reveal classified and sensitive material. In the end, it was released in June to a poor reception, with reviewers criticising Mr Bolton’s writing and his perceived grandiosity. A federal government lawsuit over the book’s publication is now underway.

Iraq discovers mass grave of Daesh victims in Kirkuk (Middle East Monitor)

October 21, 2020

Iraqi security forces have discovered what is believed to be the mass grave of people killed by Daesh in the Kirkuk governorate, local media reported yesterday.

A security officer told Alsumaria on condition of anonymity that local officials had found the “remains of 45 people killed by Daesh militants in the village of Dawood Al-Alouka.” He added that the local forensic authorities are trying to identify the victims.

Daesh gained full control over Iraq’s Mosul, Salahuddin, and Anbar provinces in 2014. The militant group also seized territory in Diyala and Kirkuk. It was reported to have left dozens of mass graves in which they buried thousands of Iraqis. In 2018, the UN said that there were 202 mass graves across the former Daesh-held areas, in which some 6,000 to 12,000 people are buried.

In 2017, the Iraqi army declared victory over Daesh after recapturing all of the territories that were under the group’s control. Nevertheless, the militants continued to attack government targets.

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Yemen

Yemen's Houthis release two US hostages in exchange for about 200 fighters (Middle East Eye)

October 14, 2020

Yemen's Houthi rebels freed two American hostages on Wednesday in exchange for about 200 of the group's fighters and supporters detained in Oman, officials said.

The Wall Street Journal reported that Sandra Loli, a humanitarian worker that was held for three years, and Mikael Gidada, a businessman held for about a year, were released as part of the deal, according to Kash Patel, a deputy assistant to US President Donald Trump, who worked on the agreement.

In addition to the two Americans, the remains of a third, Bilal Fateen, were also being sent back to the United States. It was not known how long he was held by the Houthis or the circumstances surrounding his death.

The Journal said the individuals were transported out of Sanaa onboard a Royal Oman Air Force plane hours after about 200 Houthis were allowed to return to Yemen from Oman - where they had been held for some years.

The Journal added that the deal also included the delivery of medical aid to Yemen.

"The United States welcomes the release today of US citizens Sandra Loli and Mikael Gidada from Houthi custody in Yemen," National Security Adviser Robert O'Brien said in a statement.

"We send our condolences to the family of Bilal Fateen, whose remains will be repatriated as well. We extend our sincerest thanks to Sultan Haitham bin Tariq of Oman and King Salman of Saudi Arabia for their efforts to secure the release of our citizens."

Houthi spokesman Mohammed Abdulsalam tweeted that the Yemenis who returned to the capital, Sanaa, included people who had either been stranded in Oman or were casualties of war who had travelled there during UN-brokered peace talks held in Sweden in 2018.

"The United Nations did not bring [them] back" in line with the agreement reached, Abdulsalam said.

Pompeo blames Iran for humanitarian crisis

Yemen has endured years of chaos since the Houthis seized Sanaa in late 2014 and ousted former president Abd-Rabbu Mansour Hadi.

Saudi Arabia and its allies intervened in the country's civil war in March 2015, and have since carried out more than 20,000 air strikes in an effort to roll back the rebels, with one-third striking non-military sites, including schools, factories and hospitals, according to the Yemen Data Project.

The protracted conflict has triggered what the UN calls the "world's worst humanitarian crisis", with roughly 24 million people forced to rely on aid while 10 million are near famine.

The UN envoy to Yemen, Martin Griffiths, has for months been pushing all sides to agree on a ceasefire deal that would pave the way for broader talks to end the war.

The conflict has become a dividing issue in American politics, with Congress having voted twice to end US support for the Saudi coalition in Yemen, and Trump vetoing the measures.

Also on Wednesday, Secretary of State Mike Pompeo met in Washington with Saudi Foreign Minister Prince Faisal bin Farhan al-Saud.

Asked in a news conference about efforts to end the war, Pompeo placed blame on the humanitarian crisis squarely on the

kingdom's regional rival Iran.

"We're doing everything we can to provide our diplomatic support as Saudi Arabia works to try and come to a better solution inside of Yemen," Pompeo said.

"The United States has been a significant donor, providing humanitarian resources for the region. It has just proven difficult when the Iranians direct the Houthis not to allow that food, those medicines, the much needed goods to get inside and be distributed inside of Yemen."

Rights experts urge UAE to halt repatriation of Yemeni nationals (UN News)

October 15, 2020

In an appeal to the United Arab Emirates (UAE), where the Yemeni men were resettled after their release, the independent experts cautioned that "their forced return (to Yemen would) put their lives at risk".

After more than five years of fighting, Yemen's armed conflict has created one of the world's worst humanitarian emergencies.

The fact that non-State armed actors control parts of the country "does not allow the provision nor compliance with diplomatic assurances", the experts said, adding that such assurances "where provided, do not release States from their international obligations ...in particular the principle of non-refoulement".

'Continuous arbitrary detention'

The independent experts, or Special Rapporteurs, also noted with concern that that the men faced "continuous arbitrary detention at an undisclosed location" in the UAE. They were allegedly forced to sign documents agreeing to their repatriation, the experts said, or else "remain indefinitely in Emirati detention...without charge or trial".

They also insisted that no State has the right to expel, return or otherwise remove any individual from its territory whenever there were "substantial grounds" to believe that the person would be in danger of torture in the State of destination.

"Resettled detainees seem to be systematically forced to return to their countries of origin where, in most cases, they may face serious risks of torture and ill-treatment," the experts continued.

No risk assessment "This repatriation process is happening without any form of judicial guarantees, or individual examination and assessment of risks, which blatantly violates the absolute prohibition of non-refoulement under international human rights and humanitarian law."

The development follows the experts' earlier concerns shared with the Emirati Government in July 2020.

"We further demand that the UAE authorities disclose the terms of the resettlement programme (with the United States), immediately release all former detainees at Guantanamo Bay resettled in the UAE, and allow them to reunite with their families", they added.

Saudi minister defends kingdom over Khashoggi murder, Yemen war (Middle East Eye) By Ali Harb

October 15, 2020

Less than two weeks after the second anniversary of the murder of Jamal Khashoggi, Saudi Arabia's foreign minister, Prince Faisal bin Farhan, is visiting Washington for a "strategic dialogue" with the US administration.

On Thursday, Prince Faisal spoke to the Washington Institute on Near East Policy on range of topics in which he defended the kingdom's human rights record and its relationship with the US.

The foreign minister said Riyadh is ensuring accountability for the murder of Khashoggi, constantly working to minimise civilian casualties in Yemen and detaining women's rights defenders, including Loujain al-Hathloul, over "serious crimes" that are judicial matters.

To assess his defence of Saudi Arabia's human rights record, Middle East Eye spoke with Sarah Leah Whitson, the executive director of Democracy for the Arab World Now (DAWN).

Envisioned by Khashoggi, DAWN was relaunched late last month to document human rights abuses and advance democracy in the Middle East. On Khashoggi

Faisal bin Farhan: We are ensuring accountability

"The killing of Jamal Khashoggi was an abhorrent act, a terrible act, a terrible crime, and we have stated that quite strongly. We have taken very active measures to hold those responsible accountable," Prince Faisal said on Thursday.

Khashoggi was murdered and dismembered by Saudi government agents at the kingdom's consulate in Istanbul in October 2018. The Saudi government initially insisted that he had left the building alive, before acknowledging that he had been murdered.

Still, Riyadh insists that the assassination was a rogue operation that happened without the involvement of top officials.

Last month, a Saudi court delivered what it called the "final" ruling in the killing, sentencing eight people to as many as 20 years in jail.

The foreign minister said the main responsibility of the state in terms of accountability was preventing similar crimes in the future.

"We're committed to building in the safeguards and processes in our security services to ensure that something like this cannot happen again, that there is the necessary oversight, the necessary controls in place," he said.

Sarah Leah Whitson: The actual perpetrators are still free

"In terms of ensuring that this doesn't happen again, the first and foremost requirement would be to ensure that the actual perpetrators are held accountable for their crimes," Whitson told MEE.

The human rights advocate noted that even the "sham" trial avoided indicting top officials alleged to be involved in the assassination, including Saud al-Qahtani, a top adviser to Crown Prince Mohammed bin Salman, who has been the target of US sanctions for his role in the killing.

Whitson said Prince Faisal's claims merit a "failing grade".

"On the most basic level, if the Saudi government is not willing to tell us where they hid Jamal's body, nothing they can say about transparency and accountability has any credibility," she said.

On Loujain al-Hathloul and political detainees

Faisal bin Farhan: They are being prosecuted for serious crimes by an independent judiciary

"They are not detained because of any human rights activity or activities related to women's emancipation. They are charged with serious crimes under our laws and everyone is equal under the law in the Kingdom of Saudi Arabia," the foreign minister said of the detainees.

"If you break the law, you are subject to its precepts and the prosecutor has said quite clearly that he sees... serious crimes, and the courts are independent. They will adjudicate and will take the necessary actions as they see fit. And when will they be released, this is up to the courts, not to the government."

Over the past three years, the Saudi government has embarked on a brutal crackdown on dissent, arresting activists, journalists, religious scholars, women's rights activists and even some royals.

Hathloul and other human rights defenders have been tortured and sexually harassed in detention, according to human rights groups.

On Wednesday, Prince Faisal dismissed international criticism of Saudi Arabia. "I think everybody has the right to perceive things as they understand," he said.

Sarah Leah Whitson: Notion of judiciary prosecuting people for free expression is farcical

"The notion of an independent judiciary just doing its job in Saudi Arabia is a bit of a mockery because the laws that the judicial system has been delegated to uphold are on their face abusive, and on their face criminalise free expression, critical speech, basic everyday freedoms that are supposed to be protected by human rights law," Whitson said.

She noted that the "serious crimes" that Hathloul and others are accused of committing include innocuous activities, including applying for a job at the United Nations, or wishing for an end to the Gulf rift, as in the case of Muslim scholar Salman al-Awdah.

"It's very telling that the foreign minister of Saudi Arabia thinks it's a 'serious crime', when the citizens of his country express their opinions and wish for reform," Whitson said.

On Yemen

Faisal bin Farhan: Saudi-led coalition never targets civilians

"No intentional indiscriminate attacks by the coalition have taken place, but there are... errors in war," the foreign minister said.

"I mean we have seen this in many conflicts, even modern conflicts in which other nations have taken part. War is a complex environment, especially in a place like Yemen, so there will be errors."

Rights groups have extensively documented the damage caused by the Saudi-led coalition in Yemen, which is battling against the impoverished country's Houthi rebels.

Riyadh maintains the Houthis are an Iranian proxy that pose a threat to regional security, but Tehran denies giving material support to the Yemeni rebels.

The conflict, which started in 2015, has killed more than 100,000 people and brought the country to the verge of starvation. Over the past five years, coalition bombs have hit school children, markets, weddings and funerals.

On Wednesday, Prince Faisal said Riyadh is working to avoid civilian casualties. "We are striving and working very hard - and I think the numbers will show that there is significant effort by the coalition to minimise damage to civilian targets."

Sarah Leah Whitson: There is a deliberate and systematic pattern of targeting civilians

"You don't make hundreds and thousands of mistakes of bombing civilian areas," Whitson told MEE.

"This is about a deliberate and systematic pattern of targeting civilian areas - not just schools, but hospitals, not just hospitals, but universities, not just universities but residences, not just residences but factories - that are deliberately designed to terrorise the Yemeni people."

Late in September, the UN group of Eminent and International Regional Experts on Yemen accused the Saudi-led coalition of conducting air strikes "in violation of the principles of distinction, proportionality and precaution, acts that may amount to war crimes".

Whitson said Saudi Arabia's defence against such "credible" accusations of war crimes is merely regurgitating "empty talking points" from PR experts.

Yemen war: Houthis and government complete prisoner exchange (BBC News)

October 16, 2020

Some 680 Houthi rebels and 400 pro-government fighters were flown between the capital Sanaa and the second city of Aden on Thursday and Friday.

The swap was agreed at UN-supervised talks in Switzerland last month.

On Wednesday, the Houthis freed two US hostages and 200 of their supporters were allowed to return from Oman.

Yemen has been devastated by a conflict that escalated in 2015, when the rebels seized control of much of the west of the country and a Saudi-led coalition of Arab states launched a military operation to restore President Abdrabbuh Mansour Hadi's rule.

The fighting has also reportedly left more than 110,000 people dead; triggered the world's worst humanitarian disaster, with millions on the brink of famine; and left the country even more vulnerable to the Covid-19 pandemic.

The International Committee of the Red Cross (ICRC), which oversaw the prisoner exchange, said 352 people had been released on Friday, after more than 700 on Thursday.

Planes transported pro-government fighters to Aden, the temporary seat of Mr Hadi's government, and Houthis to Sanaa, the rebel-held capital, where they were welcomed by cheering crowds and a brass band.

The ICRC conducted one-on-one interviews and medical checks with the freed prisoners to be sure they wanted to be

transported home and were healthy enough to do so, it said.

They were also provided with clothes, money for transportation, and personal protection equipment to protect against the transmission of Covid-19.

The UN special envoy to Yemen, Martin Griffiths, told the Security Council on Thursday that the operation was an "airlift of hope".

"This will bring immense relief and comfort to all those families who waited so long to be reunited as well as to other families, close relations, friends and members of their communities," he said.

But Mr Griffiths noted that there remained many thousands more conflict-related prisoners and urged the warring parties to meet very soon to discuss further releases in line with the commitment they made at UN-brokered peace talks in Sweden in 2018.

The Stockholm Agreement should have resulted in 15,000 prisoners being exchanged within a month.

Houthi spokesman Mohammed Abdul Salam said the exchange brought "back hopes of building peace", while Information Minister Moammar al-Eryani tweeted that the Saudi-backed government was committed to continue working to secure the release of all the rebels' detainees.

Mr Eryani said five journalists were among those freed by the Houthis, and alleged that they had undergone "heinous psychological and physical torture". He also warned the rebels that they would be held responsible for the safety of four other journalists who have been sentenced to death.

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Special Tribunal for Lebanon

Official Website of the Special Tribunal for Lebanon

In Focus: Special Tribunal for Lebanon (UN)

STL Media Advisory - Pre-Trial Judge schedules third Status Conference in the Ayyash Case (STL-18-10) on 04 November 2020 (Special Tribunal for Lebanon)

October 20, 2020

The Special Tribunal for Lebanon's ("STL") Pre-Trial Judge, Daniel Fransen, will hold a third Status Conference on 04 November 2020. The hearing aims at reviewing the status of the Ayyash case and ensuring the expeditious preparation for trial, through an exchange between the Prosecution, Defence and Legal Representatives of the Victims.

In a scheduling order issued today, the Pre-Trial Judge states that the hearing will begin at 10.00 AM (C.E.T.) The Status Conference will be public; however, the Judge might decide to go into closed session during the course of the hearing if confidential matters need to be discussed.

The Status Conference will take place in the STL courtroom, with the possibility for the participants who are unable or prefer not to be present, to participate via video-conference with prior authorization of the Pre-Trial Judge.

The hearing will be streamed on the STL website with a 30-minute delay in Arabic, English, and French.

The first status conference in the Ayyash case took place on 22 July 2020 and the second status conference took place on 16 September 2020. In accordance with Rule 94 of the STL Rules of Procedures and Evidence, the Pre-Trial Judge shall convene a status conference within no more than eight weeks after the initial appearance of the Accused -or its equivalent in absentia proceedings. The Pre-Trial Judge shall also convene status conferences within eight weeks from the previous one, during the pre-trial proceedings, and until the case is ready for trial.

Israel and Palestine

Israel orders demolition of new Palestinian school in occupied West Bank (Daily Sabah)

October 8, 2020

An Israeli court on Thursday ordered the demolition of a new Palestinian school in the occupied West Bank. The court ruled that Ras al-Tenneen school in eastern Ramallah city was built without the necessary construction permit and rejected an appeal against its imminent demolition, according to Abdullah Abu Rahma, a Palestinian activist. Rahma told Anadolu Agency (AA) that some 50 children were already enrolled in the school, which was recently built and is run by the Palestinian Education Ministry. He said Palestinian activists have started gathering at the school to prevent Israeli officials from razing the structure. The school is located in a part of the occupied West Bank classified as Area C which accounts for around 60% of the West Bank territory and remains under full Israeli control since 1995.

Palestinian children face the challenge of getting an education in the occupied territories as most of their schools consist only of caravans and playgrounds. Destroying the hope and means of education, and with it the future of Palestinian children and youth, Israel effectively does not allow Palestinians to build schools and other public structures by denying them building permits.

Palestinian schools have long been subjected to Israeli violence. During the 2014 Gaza war, the Israeli army launched a military operation on Gaza, destroying 24 schools. Israeli shelling killed at least 15 Palestinians sheltering in a United Nations-run school and another 17 near a street market. In February 2018, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) said that at least 45 schools in Palestine were facing the threat of destruction by the Israeli authority. In a released statement, the OCHA acting coordinator for the occupied Palestinian territories, Roberto Valent, pointed out that a Palestinian school in east Jerusalem was destroyed by Israeli soldiers, and added: "The demolition was carried out on the grounds of lack of Israeli-issued permits, which are nearly impossible to obtain."

Israel has already demolished more than 500 structures in the West Bank and the Gaza Strip this year, OCHA said late September. In a statement, the U.N. office said 506 buildings were razed by Israeli forces in the West Bank on the pretext of lacking a building permit.

According to the statement, a total of 134 structures were demolished in east Jerusalem. OCHA said Israeli forces brought down 22 buildings over the past four weeks, causing the displacement of 50 Palestinians and causing harm to around 200 others. According to the U.N. office, eight demolitions out of 12 in east Jerusalem were carried out by the owners themselves to avoid fines and fees imposed by the Israeli authorities.

Turning to the international community to halt Israeli demolition, Palestinians have long argued that the Israeli government uses the issue of security as an excuse to force them further from the city and to expand settlement projects in the occupied territories.

Despite ambiguity in international law, Palestinians are winning the 'legitimacy war' (Middle East Monitor)

By Ramzy Baroud

October 8, 2020

'International law' remains one of the most discussed terms in the context of the Israeli occupation of Palestine. It is almost always present, whether the discussion pertains to the Israeli wars and siege on Gaza, the expansion of illegal Jewish settlements in the West Bank or the encroaching apartheid throughout Israel and the Occupied Territories.

Despite the importance and relevance of the term, however, it rarely translates into anything tangible. The Israeli siege on Gaza, for example, has continued, unabated, for nearly 14 years, without international law serving as a protector of Palestinian civilians against Israeli violations of human rights. More recently, on September 13, the Israeli government approved 1,000

illegal settlement units in the West Bank, in stark violation of international law. It is likely that Israel will go ahead with it, anyway.

With regard to violating international law, Israel is in a unique category of its own, for Israel's behavior is always governed by its military strength and the backing of its Western allies.

To gain more insight into the relationship between international law, conflict resolution and accountability, I spoke with Professor Richard Falk, one of the world's leading experts on international law and former UN Special Rapporteur on Palestinian Human Rights.

Of particular relevance to our discussion are the current Palestinian efforts at pursuing international action to hold alleged individual Israeli war criminals accountable at the International Criminal Court (ICC). The fact that the Court has agreed to investigate alleged war crimes in occupied Palestine has generated an angry response from Israel and unprecedented sanctions from Washington, targeting ICC judges and staff, including Prosecutor, Fatou Bensouda.

I asked Professor Falk about the 'limited scope' of the ICC investigation, as the Court will only be looking into Israeli war crimes, thus, for now, excluding crimes against humanity, among other illegal practices that should be applicable in the case of Israel.

"The scope of the investigation is something that is ill-defined, so it is a matter of political discretion," Professor Falk said, adding that "the Court takes a position that needs to be cautious about delimiting its jurisdiction and, therefore, it tries to narrow the scope of what it is prepared to investigate."

"I don't agree with this view ... but it does represent the fact that the ICC, like the UN itself, is subject to immense geopolitical pressure," Falk told me. Still, the seasoned international law expert described the ICC investigation as a "breakthrough".

"It's a breakthrough even to consider the investigation, let alone the indictment and the prosecution of either Israelis or Americans that was put on the agenda of the ICC, which led to a pushback by these governments ... Israel has denounced the Court as if it is improper to examine any State that claims the matter of geopolitical impunity. So you have a core denial of the rule of law."

Undeniably, this breakthrough and the advanced position of international institutions regarding the illegitimacy of the Israeli occupation are the outcome of the insistent effort put in by Professor Falk and other champions of international law throughout the years. In fact, the relentless attempts aimed at silencing Falk – and others like him – were carried out so that their criticism of Israel's violations did not, eventually, lead to such dreaded investigations, like that of the ICC.

"There are very militant Zionist-oriented NGOs, like UN Watch, that engage in defamatory kinds of activities and use all their resources and energy to persuade people, including the UN Secretary-General, to criticize me and urge my dismissal or some type of sanctions," Falk reflected on the challenges he faced during his term at the UN between 2008-14.

Fortunately, but also tellingly, "in the end, the role of Special Rapporteur was respected ... and there was so much support for my activity, including foreign ministries and also from outside the Islamic world. I felt that it was an important kind of presence to maintain."

"The Zionist groups were, of course, very frustrated and they didn't try to respond to my reports on the violations of human rights in the Occupied Territory; instead, they concentrated on defaming and smearing the messenger rather than addressing the message," Falk said, identifying the very essence of the strategy used by pro-Israel groups, whether at the UN or elsewhere.

I also asked Professor Falk about the term 'Israeli occupation' as, in my limited understanding, the term has been devised by the Geneva Conventions – and previous international definitions – to regulate a transitional period during which an Occupying Power is in charge of the welfare and well-being of the civilian population living in an Occupied Territory.

"International law is quite ambiguous about the duration of a military occupation and Israel has made a kind of specious argument that the Geneva Conventions and the normal law governing belligerent occupation doesn't apply here, because this is disputed sovereignty rather than a case where another country has been occupied," Falk said.

Coupled with US-western support and vetoes at the Security Council, Israel has historically exploited this ambiguity to entrench – instead of ending – its occupation of Palestine.

Since international law "doesn't provide an endpoint to the Occupation, the most effective way of challenging it from an international law perspective is that Israel has committed so many fundamental breaches of the obligations of an Occupying Power – the establishment of the settlements, the incremental annexation, the integration of Jerusalem into the sovereign State of Israel.."

“They are all fundamental violations of the Fourth Geneva Convention and they represent an effort to make the end of Occupation not possible in the sense that it was meant: turning the society back to the civilian population that is occupied,” Falk continued, describing this situation as a “serious flaw, legally and politically.”

“But is there a reason for optimism?” I asked Professor Falk, whose energy and tireless work continue to define this indefatigable warrior of human rights.

“As colonialism and oppression lost their acceptance as forms of legitimate political behavior, the political balance shifted and the perseverance of national struggles turned out to be more formidable than the weaponry at the disposal of the colonial powers,” Falk said.

According to Professor Falk, history is clearly on the side of Palestinians, who are already “winning the legitimacy war”.

Palestinian courts to look at legal action against Israeli settlers (Middle East Monitor)

October 15, 2020

For the first time, Palestinian Authority courts are going to look at cases filed by Palestinian citizens related to violations alleged to have been committed by Israeli settlers, Wafa news agency has reported.

Minister of Justice Mohammed Al-Shalaldeh said that the PA will “facilitate the task of victims whose rights have been violated by settlers.” The courts will cooperate with other government agencies and civil society institutions, he added.

According to Palestinian Basic Law, any citizen whose rights are violated has the right to file a lawsuit in the local courts. However, this will be the first time since the PA was established in 1994 that its courts will be looking at cases against Israeli citizens, none of whom have ever faced charges in a Palestinian court.

“Work is underway to collect criminal evidence and to file the first case against settlers, whose names are known, for committing crimes and violations against citizens in the Old City of Hebron and the town of Burin, south of Nablus,” explained the minister.

The Palestinian cabinet, he pointed out, has decided to form a national team to hold accountable and prosecute settlers who commit crimes against the Palestinian people before the Palestinian courts following the decision by President Mahmoud Abbas to forgo the Israeli and American agreements and understandings.

In May, Abbas declared an end to all agreements signed between the Palestinians and both Israel and the US, including security cooperation, in response to the then imminent threat of Israeli annexation of large parts of the occupied West Bank.

“According to the national legislation in Palestine, and based on the Code of Civil and Commercial Procedure, there are provisions for the prosecution of a foreigner, which applies to the settlers who reside within the Palestinian territorial jurisdiction over the occupied land,” said Al-Shalaldeh. “As such, we have the right to charge them based on the fact that settlements are a war crime, punishable by law in accordance with the Fourth Geneva Convention, and based on the statute of the International Criminal Court.”

In closing, the Justice Minister noted that the issue is not only limited to settler attacks, but also to issues such as the Israeli authorities withholding the bodies of Palestinians killed by their soldiers and security services.

Israeli Navy Ships Attack Palestinian Fishing Boats In Northern Gaza (International Middle East Media Center) By Ali Salam

October 15, 2020

Israeli navy ships opened fire, on Wednesday evening, at Palestinian fishing boats in Gaza territorial waters in the Beit Lahi Sea, in the northern part of the coastal region.

Eyewitnesses said the navy fired many live rounds at the Palestinian fishing boats near the Shore of the Sudaniyya and the al-Waha areas, west of Beit Lahia.

They added that the fishermen had to sail back to the shore in fear of additional Israeli attacks without being able to fish and provide for their families.

The attack is one of the ongoing violations by the Israeli navy and the army against the impoverished Palestinians in the besieged Gaza Strip.

There are around 4,160 fishermen and 700 workers in professions associated with the fishing sector, they are the main providers for their families (a total of 27,700 persons) and are all directly impacted by the ongoing Israeli violations. (Data from the Palestinian Center For Human Rights)

Israel Plans to Punish Palestinian Man by Pouring Concrete into His Bedroom (Palestine Chronicle)

October 16, 2020

The Israeli military has taken the bizarre decision to pour concrete into the bedroom of a Palestinian man, suspected of killing a soldier, local media reported.

The Israeli military twice sought permission to demolish the family home of Nazmi Abu Bakr, who authorities accused of murder after he allegedly dropped a brick on the head of a soldier who later died. The Israeli High Court of Justice denied the military permission to demolish the Abu Bakr family home in this instance, however. Demolition would not be appropriate as his wife and eight children were not involved in any crime, the country's top court said. The Israeli military now plans to pour concrete into the suspect's bedroom, i24 News reported, permanently sealing access to that part of the house. Abu Bakr, 49, was charged with murder in June this year over the death of soldier Amit Ben Ygal in Ya'bad in the northern West Bank. Israel frequently razes the homes of Palestinians accused of harming or attempting to harm Israeli civilians or security forces, an action condemned by rights groups as a war crime in the form of collective punishment.

Rights group reports escalation of Israel demolition of EU-funded Palestine projects (Middle East Monitor)

October 19, 2020

Euro-Med Human Rights Monitor has documented a sharp increase in Israeli demolition of European Union (EU)-funded Palestinian projects built in occupied territories, a report issued over the weekend revealed.

According to the report, which was circulated by world news agencies, in 2019 the Euro-Med monitor documented a record high of 204 Palestinian structures that Israel had demolished in East Jerusalem alone, representing a spike when compared with previous years.

Israel further demolished or seized 127 structures funded by international donors, mainly the EU and its member states, in East Jerusalem and Area C, twice as much as in 2018.

"Despite the coronavirus pandemic and the accompanying economic crisis, Netanyahu's government has significantly stepped up the demolition of Palestinian structures further," the report explained.

"For instance, the number of house demolitions in East Jerusalem between January and August 2020 was 89, compared to 104 for all of 2019 and 72 in 2018. This is putting Israel's government on track for a record year in the number of razings of Palestinian structures in East Jerusalem."

The report confirmed that Belgium, Estonia, France, Germany, Ireland and Norway delivered a joint stake-out on the Middle East at the United Nations in late September, in which the European states reaffirmed their deep concerns about Israel's settlement activities and demolitions of Palestinian structures.

According to the Euro-Med report, the statement of the EU countries noted: "The period from March to August 2020 saw the highest average destruction rate in four years."

Meanwhile, the report found that the number of EU-funded projects implemented in the occupied territories decreased to 12 in 2019, compared with 75 in 2015.

The report reiterated that the EU countries should stand up against Israel in order to stop its demolitions. Instead, the report divulged, the EU used to hide the size of damage Israel caused the EU-funded projects, calling for MEPs to investigate the Israeli demolition and issue a report on it.

Chairman of the Euro-Med Human Rights Monitor Dr Ramy Abdu communicated that the EU adopts a strong rhetoric against Israeli settlements in the occupied territories, but its members are calling for taking a similar stance against the Israeli targeting of the Palestinians in the areas subject to danger.

"It is impossible and it is intolerable to remain silent over this worrying escalation of the Israeli demolition and the retreat of EU funding for projects in the Palestinian territories," Abdu expressed.

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ASIA

Afghanistan

Australia police drop probe into Afghan ‘war crimes’ reporting (Al Jazeera)

October 15, 2020

Police on Thursday dropped a lengthy investigation into a journalist who exposed alleged war crimes by Australian special forces in Afghanistan.

The Australian Federal Police said prosecutors found there were “reasonable prospects of conviction” in the case against Australian Broadcasting Corporation journalist Daniel Oakes, but determined it was not in the public interest to proceed with criminal charges.

The decision came more than three years after the broadcaster ABC published the so-called “Afghan files”, which alleged Australian troops had killed unarmed men and children in Afghanistan, a potential war crime.

Police were investigating Oakes and his producer, Sam Clark, for obtaining classified information from a government whistleblower – even controversially raiding the ABC’s Sydney headquarters last year.

In a statement, the federal police said prosecutors “considered a range of public interest factors, including the role of public interest journalism in Australia’s democracy” before deciding not to prosecute.

ABC’s managing director David Anderson welcomed the police decision on Oakes, but added the “matter should never had gone this far”.

“That the CDPP [Federal Prosecution Service] has reached the decision that prosecuting our journalists is not in the public interest only compounds what we have argued all along: Journalists in this country should not be prosecuted for doing their jobs and legislation needs to be changed to provide proper protection for journalists and their sources when they are acting in the public interest,” Anderson said in a statement.

Last year’s raids on the ABC came a day after police searched the home of a political reporter for Rupert Murdoch’s News Corp over a 2018 article alleging the government planned to expand its powers to spy on Australian citizens.

That case was also dropped earlier this year, but the twin operations sparked a storm of protest from media and civil liberties organisations.

Although the country’s press can report largely free of political interference, strict defamation laws, court gag orders and state security laws affect what can be printed and broadcast.

And unlike most Western democracies, Australia does not have a bill of rights or a constitutionally enshrined protection for freedom of speech.

Following the raids, key news organisations put aside their normally fierce rivalry to jointly call for laws to protect public-interest journalism.

The government subsequently announced new oversight of criminal probes into journalists, but insisted on the need to crack down on leaks and said reporters could not be considered above the law.

Australian Defence Force orders ban on destruction of evidence from Afghanistan war, as inquiry into alleged war crimes nears end (ABC News) By Dan Oakes

October 15, 2020

The Australian Defence Force has ordered a halt on the destruction of any records relating to Australia's two-decade-long war in Afghanistan, more than four years after an inquiry commenced into allegations of war crimes by Australian special forces.

The ABC has obtained an internal Defence bulletin sent last week that places an embargo on the shredding of any records relating to ADF operations in Afghanistan between 2001 and 2015.

The bulletin states the embargo is at the direction of the "Afghanistan Inquiry Task Force".

When asked about the nature of the task force, the existence of which has not been disclosed before now, Defence responded:

The Inspector-General of the Australian Defence Force (IGADF) has been conducting a wide-ranging but highly secretive inquiry into allegations that Australian special forces committed war crimes — including the murder of civilians — in Afghanistan since early 2016.

The report, compiled by NSW Supreme Court judge and Army Reserve Major General Paul Brereton, is expected to be completed before the end of the year and is widely expected to shine a light on a number of allegedly unlawful killings by Australian SAS troopers and commandos.

Over the last three years, the ABC has reported on a number of incidents in which Australian special forces soldiers allegedly committed war crimes by killing unarmed civilians in Afghanistan.

Some incidents have already been referred to the Australian Federal Police (AFP) for investigation and possible prosecution.

After a Four Corners program aired in March showed the killing of an unarmed Afghan man by an SAS soldier, Defence Minister Linda Reynolds quickly referred the incident to the AFP and the soldier was suspended from duty.

Defence records relating to those incidents would potentially be crucial for any police investigation into alleged war crimes.

Those materials could include helmet-cam vision taken on operations, photographs, patrol reports, inquiry reports, drone vision and post-operation debriefs.

When the ABC asked Defence why it had waited four years since the commencement of the IGADF inquiry before ordering a halt to any disposal of relevant records, it replied that the embargo was standard procedure.

"In accordance with these requirements, key operational records relating to planning and conduct become eligible for destruction after 20 years," a Defence spokesperson said.

"As we approach 20 years since Australia commenced operations in Afghanistan, it is the appropriate time to implement an embargo to ensure these records are preserved.

"As required, Defence will apply an embargo to similar operational activities when they approach record management milestones."

The Australian Federal Police declined to comment, referring the ABC to the Defence Department.

The ABC has also learned that the IGADF inquiry has subpoenaed records from the Australian War Memorial (AWM) as part of its investigation into alleged war crimes.

When asked whether it would comment on the subpoena, the war memorial said: "It is not the Australian War Memorial's

place to discuss matters before the Inspector-General of the Australian Defence Force."

Director for the Australian Centre for International Justice, Rawan Arraf, said the timing of the embargo on the destruction of records was concerning.

"It really does raise serious questions about whether the Defence Department has had the proper processes in place; whether it has been complying with its regulations and international guidelines on record keeping and data protection, especially where it's relevant to investigating any potential violations of international humanitarian law or the laws of armed conflict."

Ms Arraf said it was crucial that any material that could be used in potential future trials arising from the inquiry is preserved.

"It's relevant to ensuring that the records of incidents are properly recorded and protected, so that if any of these incidents actually reveal the commission of crimes, the evidence is properly stored and protected to be used in criminal prosecutions, so that it can withstand the rules and procedure of evidence in trials," she said.

"If it hasn't been properly protected, that might impact on future prosecutions, or whether there are any criminal proceedings at all if there is an absence of records, meaning impunity is further entrenched."

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

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Bangladesh International Crimes Tribunal

Gang violence erupts in Bangladesh Rohingya camps forcing families to flee (The Guardian) By Kaamil Ahmed
October 9, 2020

Fighting between rival gangs in the Rohingya refugee settlements in Bangladesh has forced hundreds of people to leave their shelters in a week where at least seven have died.

"When it is night, it becomes hell. When you try to sleep you hear a lot of firing, you hear a lot of bullets, people are screaming, people are fleeing from home," said a Rohingya refugee who lives close to where the fighting has taken place.

"I saw a large number of people, they were running with long knives, long sticks, and they were firing into the open," they said.

The refugee, who asked to remain anonymous, said they had to leave the camp at night and sleep rough in a nearby Bangladeshi village, returning during daylight hours.

Rohingya activists said the fighting has exposed how vulnerable people are in the crowded camps, especially at night when security forces and humanitarian agencies withdraw.

The seven fatalities, including one woman, have all happened in the past few days, according to Shamsud Douza, an official in

Bangladesh's camp authority.

The clashes have featured the Munna group, named after their leader, who is suspected of being involved in drug smuggling from Myanmar, and another faction allegedly linked to the rebel group Arakan Rohingya Salvation Army (ARSA).

The fighting has terrified other refugees as huts have been torched by the rival Rohingya groups. Activists' photos show families fleeing with their belongings on their shoulders, looking for other places to stay in the camps.

The UN refugee agency said it has struggled to provide help to these newly displaced families, and that humanitarian agencies had to temporarily withdraw from the camps on Wednesday because of the violence. Services have since resumed.

Attacks on military posts in Myanmar by ARSA in 2016 and 2017 were followed by the brutal crackdowns and "ethnic cleansing" of the Rohingya, pushing them into Bangladesh. The group distanced itself from the camp unrest in a statement on Monday, claiming "we are being framed by these gangs". A contact close to the group said core members are not in the camp, but aligned gangs have been vying for control with Munna.

"Both of them are criminals," said another refugee activist, who also did not want to be named. "Tens of thousands will get relief and be able to sleep well if these people weren't oppressing our community."

The methamphetamine "yaba", produced in Myanmar, has become pervasive in Bangladesh, where there are millions of addicts. Refugees have been blamed for introducing the drug to the country.

"The scenario is yaba versus yaba," said one man. "Munna recruited some unemployed boys by offering them huge salaries and then ARSA could no longer influence in some areas but, for them, it is very important to keep control all over the camps."

"A minority of people are engaged with them but the sufferers are the whole population. They can't protest, they can't speak against them, they are just stuck under them," they said.

Douza said Bangladeshi law enforcement had stepped up patrols in the camps and carried out arrests. An activist shared a picture from Wednesday of police walking through the camps in riot gear.

"The situation is deteriorating and Rohingya in the camps need protection. We spoke with some affected by the violence and their fear is palpable," said Matthew Smith, head of advocacy group Fortify Rights, who warned against withdrawing humanitarian agencies that were needed more than ever to support the displaced refugees.

"The current level of protection is minimal ... these warring parties developed in an environment of wholesale rights violations in Myanmar and, to an extent, in Bangladesh," he said.

UNHCR warned that the current clashes are a product of the conditions in the camps, now home to about a million people.

"The lack of progress on durable solutions, particularly the safe and dignified voluntary repatriation of refugees to their homes in Myanmar, has increased uncertainty and hopelessness in the camps, contributing to the current situation," said Louise Donovan, UNHCR's spokesperson in Cox's Bazar.

Amnesty's South Asia campaigner Saad Hammadi said the recent violence and other challenging conditions around camps should not be used by Bangladesh to justify the controversial relocation plan to shift refugees to Bhasan Char, an island in the Bay of Bengal.

Already about 300 have been transferred to the island, where women have accused guards of sexual abuse.

Bangladesh war crimes trial on pause as pandemic rages (Bd News 24) By Tabarul Huq
October 12, 2020

The International Crimes Tribunal prosecutors brought formal charges of crimes against humanity against 14 suspects, including Khan Ashraf Ali, from Bagerhat's Morolganj-Kachua three and a half years ago.

The case has reached the deposition phase with the tribunal recording the testimony of a witness for the last time on Mar 19 before the offices and courts were shut during the countrywide lockdown over the coronavirus outbreak.

The tribunal has set Nov 18 for next hearing after several deferrals.

The only progress made in most of the 36 cases with the ICT was the change of hearing dates over the past six months amid the pandemic.

The tribunal heard the bail appeals of two suspects and recorded testimony of an investigation officer in a case during this period.

The prosecutors said the health risks involving the transportation of the witnesses from across the country made it difficult, if not impossible, to have their statements recorded.

The tribunal was also hamstrung with five of the prosecutors and some of their family members contracting the novel coronavirus.

The officials at the registrar and prosecution offices returned to work after the government relaxed the lockdown rules and allowed the offices to reopen.

Now, the judges are preparing for the resumption of in-person hearings. The courtroom structure is being tweaked with the installation of glass panels to divide the witness box, the enclosure for the defendants and other parts to reduce the risk of coronavirus transmission.

The tribunal will resume the regular trial proceedings soon, said Prosecutor Zead-Al-Malum.

“The tribunal held hearings and issued orders whenever necessary though regular case proceedings could not take place during the shutdown. We hope the judges will be back to hold in-person hearings soon. The tribunal is gearing up for this,” he told bdnews24.com.

“The courtroom is being prepared so that social distancing and other health rules can be followed during physical sessions. We’ll complete the proceedings of the cases once the trials resume,” said another prosecutor, Rana Das Gupta.

Rana, who had recently recovered from COVID-19, expressed concerns over the risk of a possible second wave of the outbreak in Bangladesh while the situation has begun to worsen globally again.

“The winter is approaching and if the outbreak worsens, it will be hard to take the case proceedings forward despite all the preparations. We need to think about that as well,” he said.

CASES HALTED AT IMPORTANT STAGE

Justice Md Shahinur Islam is heading the three-member panel of judges at the tribunal. The other members are Justice Amir Hossain and Justice Md Abu Ahmed Jamadar.

With Justice Hossain on sick leave since Mar 22, the tribunal has deferred delivery of verdicts, hearing of arguments, the framing of charges and pressing of formal charges.

The verdict in the case against 11 suspects, including Khalilur Rahman, of Mymensingh has been awaited since Jan 26.

Another case is stuck at the stage of arguments hearing, one halted at the framing of charges, while nine others reached the stage of recognition of formal charges.

The tribunal is still recording depositions of witnesses in the rest of the 36 cases.

“The tribunal can record testimonies even if one of the members is on leave. But we can’t bring in a large number of witnesses together from different parts of the country due to the ongoing coronavirus crisis. We’ll get one or two witnesses at a time to testify. Therefore, it will take more time,” said prosecutor Malum.

Only the full bench of the tribunal has the authority to receive formal complaints, hear arguments and deliver verdicts, said Rana. But one or two members can record the testimonies.

INVESTIGATIONS UNDERWAY

Though the hearings were irregular due to the pandemic, the investigation agency of the tribunal continued its work on new complaints amid the coronavirus crisis.

The investigators submitted two reports and other documents to the prosecution and are preparing to submit two or three more, said Sanaul Haque, the senior coordinator of the agency.

He hoped Justice Amir will recover and join the tribunal soon, clearing the path for the admittance of formal complaints.

The government will consider the situation if it takes longer for him to recover, Sanaul said.

The tribunal will resume its regular work soon, Law Minister Anisul Huq told bdnews24.com. “New cases will be filed. We hope the cases on trial will be disposed of.”

“We’ll try to solve the issue,” he said of Justice Hossain’s leave.

The government imposed a lockdown on Mar 26 in a bid to curb the spread of the novel coronavirus. The Supreme Court also announced the closure of the courts that time and extended it several times until May 30.

The government issued an ordinance on May 9 on e-justice system and later parliament passed it into a law to clear the path for the courts to use information technology, such as video conferencing, for hearings.

The courts resumed in-person hearings in August. Virtual hearings are also being held in some cases.

Death row convict of war crimes dies in Kashimpur jail (Dhaka Tribune) By Raihanul Islam Akand
October 16, 2020

War criminal Mahbubur Rahman, sentenced to death for crimes against humanity during the Liberation War, died at the Kashimpur High-Security Central Jail in Gazipur Friday morning.

The 72-year-old, hailing from Rainhati area of Tangail, was sick for the last few days.

As his condition deteriorated early in the morning, he was taken to Gazipur Shaheed Tajuddin Ahmed Medical College Hospital where doctors pronounced him dead, said Shafiqul Islam Khan, senior superintendent of the jail.

On June 27 last year, the war crimes tribunal sentenced him to death for the murder of philanthropist Ranada Prasad Saha, his son and 58 others during the 1971 Liberation War.

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War Crimes Investigation in Myanmar

Myanmar: New evidence of attacks in Rakhine state (Andalou Agency) By Najmus Sakib
October 13, 2020

Human rights organization Amnesty International announced Monday that it has gathered fresh evidence of indiscriminate attacks on civilians in western Myanmar amid an escalation in an ongoing armed conflict between the country’s military and the Arakan Army.

The evidence suggests that the Myanmar military burned villages and wounded and killed civilians in Rakhine in early September.

It is based on firsthand testimony, photographs and video obtained from inside Rakhine and analysis of satellite imagery as well as media reports and civil society sources, Amnesty said in a report.

The rights organization said it is also concerned over recent reports of an increased presence of Myanmar troops along the border between Myanmar and Bangladesh.

Images of antipersonnel landmines recently discovered in a civilian area were analyzed by Amnesty’s weapons expert and identified as the MM2 type landmine often used by Myanmar’s military.

Several incidents involving civilians injured or killed by landmines have been credibly reported in Rakhine and Chin states in recent months by local civil society and media outlets.

By one local civil society group’s estimate, the number of civilians killed in the conflict since December 2018 in Rakhine and

Chin stands at 289 with 641 injured.

The true figure cannot be independently verified as a mobile internet shutdown and broader government crackdowns on media reporting have impeded documentation efforts in conflict-affected areas.

On Sept. 14, UN High Commissioner for Human Rights Michelle Bachelet told the Human Rights Council that in some recent cases in Rakhine, civilians “appear to have been targeted or attacked indiscriminately, which may constitute further war crimes or even crimes against humanity.”

Satellite image analysis conducted by Amnesty has found that over 120 structures in the ethnic Rakhine-populated villages of Taung Pauk and Hpa Yar Paung in Kyauktaw township appeared burned to the ground in imagery captured on Sept. 10, 2020.

New figures from the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) indicate that 89,564 people were displaced to 180 sites in Rakhine between January 2019 and Sept. 7, 2020.

This adds to the existing mass displacement crisis in Rakhine, where over 130,000 Rohingya have been interned in camps since 2012.

The internet blackout has impeded the delivery of critical humanitarian aid and access to crucial information about the conflict and the COVID-19 pandemic, with the virus increasingly spreading across Myanmar since mid-August, including and particularly in Rakhine.

On Sept. 11, 2020, the Myanmar military admitted that three of its soldiers had raped an ethnic Rakhine woman during operations in Rathedaung township on June 30, despite their outright denials when the allegations were first raised in July.

“There are no signs of the conflict between the Arakan Army and the Myanmar military abating – and civilians continue to bear the brunt,” said Ming Yu Hah, Amnesty International’s Deputy Regional Director for Campaigns.

“The Myanmar military’s utter disregard for civilian suffering grows more shocking and brazen by the day. The UN Security Council [UNSC] must urgently refer the situation in Myanmar to the International Criminal Court [ICC].

“The international community must raise the alarm about the situation in Rakhine state now, or face questions later about why they failed to act – again,” she said.

Myanmar’s government and military have been committing crimes against humanity and war crimes against Rakhine Buddhists since early 2019, Ro Nay San Lwin, a rights activist and co-founder of the Free Rohingya Coalition, told Anadolu Agency.

“Just a few days ago, two Rohingya villagers were killed amid fighting between the Myanmar military and the Arakan Army as they were used by the Myanmar military as human shields,” he said.

“Myanmar continues to commit crimes against ethnic minorities as the international community is failing to take serious action. Instead of talking about impossible action [such as referring Myanmar to the ICC through the UNSC, which China and Russia will veto], practical action is to boycott Myanmar diplomatically, economically and socially,” Lwin added.

'World's most persecuted people'

The Rohingya, described by the UN as the world's most persecuted people, have faced heightened fears of attack since dozens were killed in communal violence in 2012.

According to Amnesty International, more than 750,000 Rohingya refugees, mostly women and children, fled Myanmar and crossed into Bangladesh after Myanmar forces launched a crackdown on the minority Muslim community in August 2017, pushing the number of persecuted people in Bangladesh above 1.2 million.

Since Aug. 25, 2017, nearly 24,000 Rohingya Muslims have been killed by Myanmar's state forces, according to a report by the Ontario International Development Agency (OIDA).

More than 34,000 Rohingya were also thrown into fires, while over 114,000 others were beaten, said the OIDA report, titled Forced Migration of Rohingya: The Untold Experience.

As many as 18,000 Rohingya women and girls were raped by Myanmar's army and police and over 115,000 Rohingya homes burned down, while 113,000 others vandalized, it added.

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AMERICAS

North & Central America

Guilty Verdict in the Massacre of Jesuits Marks a “Milestone of Justice” for El Salvador (Counter Punch) By

Carmen Rodriguez

October 21, 2020

Inocente Montano, a former deputy defense minister of El Salvador, retired military man, and ex-member of one of the bloodiest commando units operating during that Central American country’s civil war of the 1980s, has become the first Salvadoran convicted of war crimes and crimes against humanity.

“The conviction marks a milestone of justice in the crimes against humanity and war crimes that have occurred in El Salvador,” said David Morales, director of Strategic Litigation for the Cristosal organization. “Justice had been denied in this country and now criminal justice has been done, at least for one of those responsible. It is the first time that these war crimes have been addressed in a criminal proceeding and reached a conviction,

The Spanish court sentenced Montano to a historic sentence of 133 years for the massacre of six Spanish Jesuit priests and two Salvadoran employees who worked at the Central American University (UCA) in San Salvador. The murders were carried out on the university campus by a military commando on the night of November 16, 1989.

“The sentence reflects the truth that has been reconstructed from extended testimony, and from studies by researchers, academics, and independent experts, as well as input from participants in the crime who had the courage to tell the truth,” said UCA Rector Andreu Oliva in a press conference in San Salvador after the conviction became known.

Since Judge Eloy Velazco ordered legal proceedings for terrorist, murder and human rights violations to proceed against seventeen ex-members of the Salvadoran military, Montano is the only one who has been tried and convicted by the Spanish court. After the Audiencia Nacional, a high-level court with jurisdiction over international crimes that affect Spain, solicited the capture and extradition of the suspects, the three Salvadoran government officials informed of the request either refused to cooperate with Spanish authorities or remained silent. Montano, however, was living in the United States at the time, so he was able to be extradited to Spain in 2017 to face charges for the crime.

“The process carried out by the Audiencia Nacional of Spain has clearly shown that the Salvadoran Armed Forces used their power to act as a criminal and cover-up apparatus for serious attacks on the citizenry,” reads a communiqué from the Jesuit congregation.

During the hearing’s final arguments, Montano placed the blame for the crime on the soldiers who physically carried out the attack on the university campus, attempting to exonerate himself and his group, known as “La Tandoná”. La Tandoná is well known to have ordered the murder of opponents of the government at the time and was named by the Truth Report as being responsible for the massacre of the Jesuits.

According to the Spanish authorities, it was Montano himself, along with the ruling elite of the Salvadoran military and then-President Alfredo Cristiani of the rightwing ARENA party, who planned and ordered the massacre. Spain also solicited the extradition of Cristiani, but to date the Salvadoran authorities have not responded.

Two Salvadorans who had taken shelter in the university were the first to help with the reconstruction of the crime by giving testimony. Furthermore, declassified documents, reviewed by Stanford professor Terry Karl and a U.S. political analyst, were entered into the evidence, helping the Spanish authorities discover the perpetrators.

The trial in Madrid was triggered by a complaint filed in 2011 by relatives of the six murdered clergymen: then-UCA Rector

Ignacio Ellacuría, Ignacio Martín Baró, Segundo Montes, Juan Ramón Moreno, Armando López, and Joaquín López y López. The two lay employees — Elva Ramos and Celina Ramos — were also included as plaintiffs

EL Salvador's Flawed Justice System

After the 1992 peace accords were signed, ending El Salvador's civil war, a Truth Commission released a report naming the Armed Forces as the perpetrators of the massacre of the Jesuit clergymen and the two lay women. The commission further declared that certain politicians and lawyers obstructed the investigation of the case.

“The sentence sends a clear message of how the Salvadoran justice system should be seen,” said Morales, the Cristosal director. “Those responsible for the murders of the Jesuits and of Elva and Celina have been protected by the judiciary and the prosecutor's office. Our courts eliminated any possibility of a legal investigation of the case.”

In 1999, the Organization of American States' Inter-American Commission on Human Rights also accused the Salvadoran state of the crime against the Spanish priests and the two Salvadoran women. According to the UCA, the legal process in Spain has exposed the impunity that still exists in El Salvador.

“It is patently clear that the Armed Forces, and in a certain sense the Salvadoran state, have maintained a systematic cover-up and impunity in the face of extremely serious violations of human rights committed during the civil war,” said the UCA after the verdict.

In El Salvador, the judicial proceedings that began and ended with the conviction of two soldiers for the crime, were later re-opened, but as of now remain frozen due to the negligence of Salvadoran authorities. After the conviction of Montano, the Salvadoran attorney general, Raúl Melara, has not commented on the case, nor has he referred to the other individuals that the Spanish authorities have named as suspects.

Melara only said that the conviction of Montano “generates a historic step for us to obtain information.”

According to declassified documents relevant to the case, and others obtained by attorneys and journalists, the high command of the Salvadoran military ordered the murder of the Jesuits whom the considered terrorist threats. A former lieutenant, Guillermo Benavides, revealed in documents that he received the order to kill Ellacuria because the Jesuit rector ‘had become a danger to the interests of the military’.

The Refusal to Open Military Files

Since the 1992 peace accords, Nayib Bukele is the only president who has promised to open up the military records of the war. However, his words have not resulted in deeds. Human rights NGOs and even a judge have made multiple requests since 2019 to the president to fulfill his promise, to no avail.

Deputy Defense Minister Ennio Rivera declared in July of 2019 that President Bukele “is ready to cooperate in support of the investigations, but there is no specific directive to deliver the archives in specific cases.”

Then in September of that year, a Salvadoran judge, Jorge Guzmán, ordered Bukele to release the military documents pertaining to the 1981 El Mazote massacre, in which the Armed Forces killed close to a thousand persons in that rural town in the eastern region of the country. Bukele is now saying that no such military records exist.

“To continue denying access to the military records of those involved in war crimes and crimes against humanity committed during the armed conflict to those who are seeking truth, justice and reparations, is a biased action that favors impunity,” wrote Celia Medrano of Cristosal.

In 2016, the Salvadoran Supreme Court repealed the Amnesty Law that had been approved by lawmakers from both the left and the right in the 1990s. Among the cases that can be re-opened as a result are the murder of the Archbishop Oscar Arnulfo Romero and the massacre of the Jesuits. However, no authority in the executive or legislative branch has shown any willingness to re-open those cases.

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Judge orders ex-Colombian president freed from house arrest (abc News) By Christine Armario
October 10, 2020

Powerful ex-Colombia President Álvaro Uribe was ordered freed from house arrest Saturday while he is investigated for possible witness tampering, the latest chapter in a case that has revealed lingering tensions over the country's peace process.

The nation's Supreme Court had ordered Uribe detained in August during the probe, shocking Colombians and unleashing protests in favor and against the decision. He was the first president in Colombia's recent history to be ordered placed on house arrest.

But municipal Judge Clara Salcedo ruled Saturday during a virtual hearing that the prior ruling could not be upheld under a new legal framework under which Uribe is being investigated since resigning his Senate seat after his detention.

"Thank God," Uribe wrote on Twitter as the decision was read.

The decision can be appealed but Uribe was immediately ordered released.

The Supreme Court argued in its 1,554-page decision in August that there was ample evidence to show Uribe had engaged in trying to pressure former paramilitaries into retracting damaging statements against the ex-president. But the high court later relinquished control of the case when Uribe resigned his Senate seat, handing it to the chief prosecutor's office.

Magistrates have since ruled that Uribe should be tried under a different legal framework designed for ordinary citizens, paving the way for his release.

The former president's lawyer argued that because Uribe is only under investigation and has not been charged he should be freed. Prosecutor Gabriel Ramon Jaimes agreed, telling the judge he believed that Uribe's due process rights had been violated, but he has stressed that the investigation continues.

"My request today is not a prelude of procedural steps still to come," he said Thursday. "There will be no impunity. There will be justice."

Uribe has vehemently denied the allegations.

His supporters contended the house arrest decision was unfair because ex-guerrillas have been allowed to remain free while they testify about war crimes. His critics argue that the courts have effectively turned a blind eye until now toward numerous accusations that Uribe had ties to paramilitary groups during the conflict.

Such groups were organized by wealthy landlords, sometimes with the complicity of the state, to fight guerrillas who espoused a leftist ideology while often resorting to kidnapping and extortion.

Jaimes said prosecutors will advance their investigation fairly.

"The victims demand truth, justice and reparations," he said. "And the justice system should provide effective answers but always within the confines of the law."

The case has sparked long simmering tensions over Uribe's legacy in Colombia and how to handle those suspected of crimes during the nation's long conflict between the state, paramilitary groups and leftist guerrillas that left hundreds of thousands dead or missing.

Uribe is widely credited in Colombia with leading a military offense that pushed the rebels to the negotiating table and the signing of the 2016 peace accord. President Donald Trump tweeted congratulations to Uribe after Saturday's ruling, praising him as a "hero" and U.S. ally in opposing the socialist government in Venezuela.

But Uribe's record is also riddled with accusations of human rights abuses. During his presidency, military officers killed thousands of poor peasants and passed them off as guerrillas to inflate body counts and get bonuses. Allegations of ties to paramilitaries have dogged him for years.

The Supreme Court's lengthy ruling ordering his house arrest contains transcripts of numerous intercepted calls and covertly recorded conversations in which the former president pushes his lawyer and allies to pressure ex-paramilitaries into testifying that he had no ties to them.

A recently declassified U.S. Department of Defense memo shows at least one high-level official believed that Uribe “almost certainly” had dealings with paramilitaries.

Uribe has denied those accusations, saying they are part of a plot against him.

Francisco Bernate, a lawyer and professor at Colombia’s Rosario University, said the next step will be for the chief prosecutor’s office to decide if charges should be filed.

“The ball is totally in the hands of the chief prosecutor to decide the luck of the ex-president,” he said.

Iván Cepeda, the opposition lawmaker whose initial accusations against Uribe sparked the case, vowed to appeal the ruling, contending that the prosecutor handling the case showed partiality toward the ex-president during the hearing.

“We believe there is no guarantee for the rights of victims in this case,” he said.

The ruling comes as Colombia is grappling with implementation of the peace accord ending Latin America’s longest-running conflict. The deal remains divisive and many Colombians believe the terms are far too generous toward ex-combatants. Under the agreement, most are allowed to remain free so long as they confess their crimes.

Proponents of the accord say such concessions are necessary and irrevocable in order to move past a bloody chapter in the nation’s history.

Unlike in the aftermath of the Supreme Court detention order, there were no immediate protests in favor or against the decision to free Uribe. Current President Iván Duque, an acolyte of Uribe, did not issue any quick comment on the ruling as he did after the ex-president’s house arrest two months ago, much to the criticism of human rights groups who accused him of meddling in judicial affairs.

José Miguel Vivanco, the Americas director for Human Rights Watch, noted that the ruling Saturday is not a judgment against the Supreme Court’s detention order but a procedural interpretation of the law under the new framework.

He called on Colombians to respect the judge’s decision regardless of their opinion.

“That’s what Uribe did not do when the Supreme Court ordered Uribe’s detention,” he said. “But it’s what all Colombians should do now.”

Colombia’s president charged with fabricating charges against political rivals (Colombia Reports) By Adriaan Alsema
October 12, 2020

Colombia’s increasingly authoritarian president Ivan Duque is facing his fifth criminal charge, this time for allegedly trying to pin a 1995 assassination on one of his predecessors.

Duque and his political patron, former President Alvaro Uribe, Prosecutor General Francisco Barbosa and former mafia attorney Diego Cadena have all been charged by former intelligence chief Ramiro Bejerano.

Real conspiracy charges According to Bejerano, Duque’s patron and allies were conspiring to fabricate criminal charges against former President Ernesto Samper, Bejerano’s former boss, for the 1995 assassination of former presidential candidate Alvaro Gomez.

The Supreme Court found that the former president and the mafia lawyer in 2008 were seeking benefits for extradited drug traffickers who could support a conspiracy theory claiming Samper (Liberal Party) was behind the assassination of late his conservative rival.

At the same time, Cadena was seeking allegedly false testimonies to defend Uribe and his brother Santiago, who are being investigated for allegedly co-founding far-right death squads in the 1990’s.

Uribe and Cadena were caught, however, and are currently facing fraud and bribery charges.

Duque learns guerrillas kill people

Colombia’s war crimes tribunal started an investigation last week after demobilized FARC guerrillas claimed responsibility for the brutal killing of the legendary Conservative Party politician.

Duque surprisingly rejected the former guerrillas' admitted war crime on Wednesday, claiming that "we shouldn't rule out other hypotheses."

The president went as far as claiming that falsely taking responsibility for a crime would also be criminal, implying the burden of proof of crimes the FARC confess to lies with the demobilized guerrillas.

When Duque swore in Barbosa as Prosecutor General, in February, the president explicitly asked his high-school friend to solve the murder.

The prosecution, however, appeared to not even have considered the demobilized leftist guerrilla group as a suspect in the murder of the right-wing icon.

Instead, prosecution sources told news website La Nueva Prensa that Barbosa was hoping to announce progress in criminal investigations against Samper on November 2, exactly 25 years after Gomez's violent death.

"They should be looking up everything I said about Alvaro Gomez"

The president seemed unable to fathom the FARC would admit to exactly the crime his political patron was using to divert attention away from his apparent criminal activity.

Uribe seemed unable to fathom that not journalists, but colluding with the mafia to obstruct justice does harm, especially when you're the suspect in a criminal investigation.

"AU: Let me tell you something, you must avoid those journalists, they do us enormous harm. They are after a scandal, let's not give them one, we'll lose our effectiveness.

DC: President, I have always handled a low profile, but this was leaked by that journalist.

AU: Tell them to ask Jaime Lombana, that Jaime sent that letter to the Court, tell them to ask Jaime.

DC: Okay, so I will cut ties with the lady. What I don't want, president, is that this is a free vocation I don't have.

AU: They'll immediately come with: "Uribe, through the mafia, seeks to dismantle testimony against him," that's what they'll come out with.

CD: Of course, president, and it's not worse if I stay quiet?

AU: Tell her. In fact, they should be looking up everything I said at the prosecution about Alvaro Gomez."

Wiretap

Colombia refuses protection for war crime victims and witnesses (Colombia Reports) By Adriaan Alsema
October 21, 2020

Colombia's government has refused to allocate funds to protect testifying war crime victims and witnesses, the war crimes tribunal said Tuesday.

In a press release, the Special Jurisdiction for Peace (JEP) expressed its concern that the government of far-right President Ivan Duque refused to include \$7.8 million requested by the court in its 2021 budget proposal.

According to the JEP, \$5.2 million of the refused budget was meant for the protection of witnesses, some of whom have reported assassination attempts and death threats.

"It is essential for the proper care and protection of victims, witnesses and people giving testimony." Special Jurisdiction for Peace

The remaining \$1.8 million of the requested budget request was meant for the representation and support of victims who are testifying over war crimes committed during the armed conflict between demobilized FARC guerrillas and the State.

This year's refusal to grant the JEP is not the first time; last year the government sought to leave the transitional justice court virtually penniless, but was forced to grant the necessary budget after international pressure.

Earlier this week, the United Nations Security Council, which oversees Colombia's peace process, reiterated its support for the JEP, the truth commission and the missing persons unit that make up the transitional justice system.

The president's Democratic Center (CD) party wants to abolish the JEP, however, as some of its members and financial backers are suspected of war crimes or paying paramilitary groups to commit them.

Duque's political patron, former President Alvaro Uribe, is being investigated for his alleged complicity in three massacres and a homicide, for example.

Defense Minister Carlos Holmes Trujillo on multiple occasions has reiterated the CD's position that all use of force by the State is legitimate, disregarding Colombia's constitution and international humanitarian law, which makes a clear distinction between the legitimate use of force and crimes against humanity.

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Venezuela

Taking Venezuela's Human-Rights Crisis Seriously (Project Syndicate) By Marta Valinas
October 12, 2020

In September 2019, the United Nations Human Rights Council mandated us to investigate alleged human-rights violations in Venezuela – specifically, extrajudicial executions, enforced disappearances, arbitrary detentions and torture, and other cruel, inhuman, or degrading treatment. Last month, we presented our report to the council.

Our conclusions are clear: Venezuelan state actors have committed large-scale human-rights violations, some of which amount to crimes against humanity. The report names President Nicolás Maduro and the defense and interior ministers as officials who contributed to these abuses. The directors of various intelligence, security, and police forces also were liable, and we have a list of individuals who should be investigated further, owing to their possible involvement.

Predictably, the Maduro regime has scorned the report. No one who follows developments in Venezuela is blind to its polarized politics, which is also reflected in the international arena, where one bloc of countries is deeply critical of Maduro's regime and another supports it. Since we received our mandate, Venezuela and its allies have tried to create an artificial conflict between our work and that of the Office of the UN High Commissioner for Human Rights (OHCHR).

Although some governments' rejection of our mandate may be understandable politically, no one who looks at Venezuela objectively can doubt the serious human-rights crisis in the country. Refusing to engage with the reality of those challenges and dismissing all critical findings does nothing to help protect the fundamental rights of those at risk and those who have suffered.

So far, we have encountered three main types of criticism. The first involves attacks on our personal integrity; these are clearly meant to be distractions and do not merit a response.

Others target the report's methodology. Some in Venezuela have claimed that we led a phantom mission that worked from abroad and did not seek official data. We wrote six times to the Maduro government seeking cooperation. The letters are publicly available; none was answered. The Venezuelan authorities' effort to delegitimize the report on the grounds of their own failure to cooperate is, at best, a circular argument.

Of course, states often refuse to cooperate with missions like ours and then question how such a panel can reach its conclusions without visiting the country. Venezuela has previously dismissed the OHCHR's findings on the same grounds. But our methodology followed the best practices for such missions. We relied on direct testimony from victims, family members, and lawyers, as well as case files, official reports, operational plans, public declarations by state officials, and analysis of verified audiovisual material. To be clear, we would have much preferred cooperation with the Venezuelan authorities. But we were still able to find reliable information from sources within the country.

The third main argument we have heard is that any allegations of abuses have been or are being investigated. We note in our report a small number of cases that have resulted in convictions and even some lengthy prison sentences. This is welcome

news. More recently, Venezuela's attorney general indicated that over 600 people have been investigated for human-rights-related crimes, more than 400 are in detention, and as many as 140 have been convicted. Again, this information, if accurate, is to be welcomed. The Venezuelan authorities have not yet given us an opportunity to review and analyze it, despite our requests.

But our report sets out a number of deeper concerns. The first is that Venezuela's law-enforcement institutions, including prosecutors and courts, appear to have become highly politicized in recent years. Several current and former officials told us that they had come under direct and serious political pressure. This raises credible doubts about the impartiality of the system.

Moreover, we have not come across any indication of credible investigations of torture – often involving sexual violence – which we highlight as a systematic crime. So far, such allegations seem to elicit only blanket denials from the regime. We also see no evidence of convictions for the unlawful killings by the police Special Action Forces (FAES) and Scientific, Criminal, and Criminological Investigator Corps (CICPC), which is part of the conduct that we say amounts to crimes against humanity.

In 2019, the UN High Commissioner for Human Rights, Michelle Bachelet, called for the FAES to be dismantled. We reiterate that recommendation, but there need to be credible investigations into the unit's past and ongoing conduct. These probes should extend to relevant policymakers, rather than targeting only those who executed the plans.

From the 1960s to the 1990s, Latin America's civilian populations suffered grievously at the hands of governments that claimed to be fighting the threat of communism. State authorities committed human-rights violations in the context of deep national and international Cold War divides.

We see echoes of that polarization today in Venezuela. It is just as unacceptable to torture, arbitrarily detain, or kill real or perceived opponents today as it was previously in Argentina, Chile, Peru, Brazil, Guatemala, or El Salvador.

Although finding a solution to Venezuela's crisis is beyond the mandate of the mission we led, respecting everyone's fundamental human rights is an essential starting point. We hope that calm reflection on our findings will help in that regard.

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TOPICS

Truth and Reconciliation Commission

The obstacles to Sudan's landmark peace deal (African Arguments) By Yaseen Mohamad Abdalla
October 12, 2020

On 3 October, Sudan's transitional authority and a coalition of rebel groups signed a final peace agreement aimed at ending decades of deadly conflict. The deal came after a year of negotiations. It addresses many issues such as power sharing, the distribution of resources, transitional justice, land, displacement and security.

The signing ceremony was held in Juba and attended by the head of Sudan's Sovereign Council Abdel-Fattah al-Burhan and Prime Minister Abdalla Hamdok along with representatives of the Sudan Revolutionary Front (SRF), an umbrella group of rebel movements. Three key armed groups signed the document: the Justice and Equality Movement (JEM); the Sudan Liberation Movement (SLM); and the faction of the Sudan People's Liberation Movement-North (SPLM-N) led by Malik Agar.

Several leaders of neighbouring countries were also present alongside representatives from the African Union, UN and European Union.

Representatives from two important groups, however, were notably absent. The faction of the SPLM-N led by Abdel Aziz Al-Hilu and the Sudan Liberation Movement of Abdel Wahid Nour (SLM-WN) have refused to endorse the deal.

The rejections of these two influential groups along with other challenges remain significant stumbling blocks to much-needed peace in Sudan.

What's in the deal?

Under the new peace deal, Sudan's 39-month transitional period of joint civilian-military rule will be reset to start from the date of the signing. The power-sharing arrangement between the Forces of Freedom and Change and the Transitional Sovereign Council will also be amended to include representation from the rebel signatories. These groups will get three seats on the Sovereignty Council, five ministers in the transitional cabinet, and a quarter of the seats on the yet-to-be-established transitional legislature.

Regionally, the agreement contains five tracks covering different parts of Sudan. Each has slightly varying arrangements with rebel signatories entitled to 10-40% of the seats on regional authorities. The agreement also required that women are represented at all levels of power at a proportion of at least 40%.

In Darfur, which has seen some of the most egregious human rights violations in Sudan's conflicts, the agreement establishes a truth and reconciliation commission and empowers traditional justice mechanisms. As part of the process, the signatories also reaffirmed their willingness to cooperate with the International Criminal Court regarding persons against whom arrest warrants have been issued. Meanwhile, the government will be obligated to pay \$750 million a year for 10 years to the region.

The Darfur agreement also paves the way for a new joint force called the National Forces for Sustaining Peace in Darfur. It will consist of soldiers from the armed movements and government forces. Its mission will be to maintain security, protect civilians and disarm the region.

In both Darfur and the Two Areas (Blue Nile and South Kordofan), there will also be efforts to gradually demobilise and reintegrate armed rebel fighters.

The non-signatories

The new peace deal provides a moment of hope in a long history of conflict in Sudan. But it faces several challenges for it to be successful. The most immediate stumbling block is the fact that two rebel groups with significant presences on the ground have so far refused to sign it.

The SPLM-N, led by Abdel Aziz Al-Hilu, withdrew from the negotiations in August after refusing to accept Deputy of the Transitional Sovereign Council, Mohamed Hamdan Dagalo (aka Hemedti), as chair of the transitional authority team.

There have been significant efforts, however, to resume negotiations. In early September, Prime Minister Hamdok and Al-Hilu met in Addis Ababa. Their discussions led to a joint statement which asserted that the state must be secular. If this was not respected, they agreed that South Kordofan and Blue Nile – where the SPLM-N operates and is considered the strongest rebel group militarily – should be able to determine their own fate.

On 8 October, Al-Hilu then met Hemedti. In press statements after the meeting, the two men said the meeting was held in order to restore confidence and that they will resume talks after holding workshops to discuss the obstacles to peace. The first will take place on 14 October to discuss the separation between of state and religion.

The second significant armed group to refuse the deal so far is the Sudan Liberation Movement. Led by Abdel Wahid Nour, this group rejected the process and called instead for a national conference. The SLM-WN operates in Darfur and controls areas in Jebel Mara. It has clashed with the Sudanese army as recently as 28 September.

The peace agreement has also been opposed by some less powerful armed movements as well as some civil society organisations. The Association of Professionals and the Sudanese Communist Party argue that it will shift the balance of power more towards the military and away from civilians.

In some parts of Sudan, the peace deal has also faced resistance by groups who expect to lose out. In eastern Sudan, there have been recent clashes including groups that were party to the 2006 Eastern Sudan Peace Agreement and who feel excluded from the new deal. In Darfur and Kordofan too, there have been flare ups of fighting among disgruntled groups.

Paying for peace

Several international groups and governments – such as the UN, AU, EU and the Troika of the US, UK and Norway – have welcome the Juba agreement. They have called on the SPLM-N led by Al-Hilu and the SLM-WN to join the process.

To fully support the agreement, however, international partners may need to do more. One of the key challenges for Sudan will

be to pay for the implementation of the peace deal. The economy is deteriorating and while donors have pledged to pay for the costs of the agreement, this will not be enough if the economy is too weak to create new jobs and improve living standards.

Sudan needs large-scale local and foreign investment as well as the ability to borrow from international financial institutions, which is currently restricted due to it being on the US terror list.

The new peace deal is promising and has more buy-in than those under former President Omar al-Bashir's reign. However, as long as some major rebel groups are not signatories, it remains an incomplete peace.

If the new peace deal fails, it will be a major setback for both Sudan's peace process and its transitional period. If it succeeds, it could provide the kind of stability Sudan desperately needs as it transitions towards a democratic system.

Liberia: Dr. Daniel E. Cassell Underscores Significance of Punitive Actions Against Former Warlords Who Continue to Accumulate Financial, Political Powers (Front Page Africa)

October 19, 2020

Liberian humanitarian Dr. Daniel E. Cassell has called for the scrupulous implementation of the recommendations contained in the final report of the erstwhile Truth and Reconciliation Commission (TRC), including the establishment of a war crime court in Liberia. Dr. Cassell, is a Licensed Professional Counselor (LPC) in Pennsylvania, USA, a Licensed Clinical Drug and Alcohol Counselor (LCADC) in New Jersey and the President/Founder of the Kwenah Professional Health Services based in the United States.

He is also the President/Chief Executive Officer (CEO) of the Dr. Cassell's Foundation in Liberia. Dr. Cassell observed that the TRC, was a reputable body funded and supported with millions of dollars from international donors, whose works were objectively exhausted with recommendations advanced to guarantee sustained peace and development in the nation. According to him, the true essence for the establishment of the TRC will be defeated if findings and recommendations proffered in the final report of the group are swept under the carpet.

He made these assertions when he appeared as guest on the Emmanuel Savice Show on the social media on Friday, October 16.

Dr. Cassell wondered while the Coalition for Democratic Change (CDC) led-government will continue to appear uncertain over taking concrete actions toward the implementation of the TRC recommendations even though, those findings and recommendations were finalized by an independent body.

"What has been the conclusion and recommendation of the TRC for those who were killed in cold blood-the TRC was a respectable body that was established and I think it will defeat the purpose if such a body was established and it has exhausted investigations and judicial process and has recommended-whatever have been the recommendations, I believe that as it was done objectively, and through the process of the law; it should be upheld; it's important that the TRC recommendations are implemented".

He observed that the scars created by those who committed heinous crimes and atrocities during the Liberian civil war, remain visible in every quarter of the Liberian society. He noted that many Liberians are presently experiencing what he calls "complex trauma", with a good number of them being disadvantaged youths who continue to roam the streets of Monrovia either begging for handouts or engaging into unwholesome practices.

He pointed out that not much is being done to rehabilitate these vulnerable youths back into the Liberian society. "The social weakness within our society has affected the lives of each and every Liberian. I have observed a lot of complex trauma within good number of the citizens in all parts of Liberia. An example is those folks who are on the streets. They are now being classified as zogos and they are exposed".

"What has been done to rehabilitate them? I have not seen anything substantively to rehabilitate them in the nation where you have high unemployment rate, exposure to violence and the poverty rate is on the increase. These things will lead them into lots of negative things, hopelessness and depression".

Rewarding warlords

For several decades now, former warlords and notorious rebel leaders-some of who have been captured in the final report of the TRC for prosecution-have served or continue to enjoy elected or appointed positions in government. Some of those former warlords or notorious rebel leaders that are currently serving in government include: Senator Prince Y. Johnson and Representative George Boley of Nimba and Grand Gedeh counties respectively.

Senator Johnson was the head of the notorious Independent National Patriotic Front of Liberia (INPFL) that ousted, captured and killed ex-Liberian President Samuel Kanyan Doe, and Representative Boley was the head of another rebel group-the Liberian Peace Council (LPC).

Dr. Cassell expressed disappointment over the rewarding of warlords or those who killed innocent people with political positions in Liberia. He observed that the government appears to be reluctant towards the implementation of the TRC recommendations due to political support it continues to receive from some of those warlords who are presently serving in government.

“It is true that some warlords have been rewarded with political positions in government. It is true that because of the support being received from some of these folks who participated into war crimes and atrocities, the current government seems to be reluctant on implementing the recommendations from the TRC”.

He indicated that victims of the civil war in Liberia will continue to be traumatized if justice does not prevail against those who perpetrated war crimes and atrocities against their relatives, loved ones or friends.

“The voices of the people are what should empower leaders to act on upholding the recommendations of the TRC. Justice should be given to the people (war victims). This is not something subjective that came about; this is something that went through a systemic process and was independent, objective and comprehensive”.

Dr. Cassell further called for international support towards the protection of witnesses of war and economic crimes in Liberia.

Ill-gotten wealth

He further frowned at politicians who see their call to public service as a mean to accumulate wealth instead of implementing policies and programs that will move the country and its citizens forward.

He made specific reference to the payment of exorbitant salaries and benefits to Representatives and Senators who were elected to make laws in the interest of their constituents.

Dr. Cassell added that the negative mindset of going into public service to acquire ill-gotten wealth continues to suffer Liberia and its citizens.

The difficulties

Dr. Cassell further stressed the need for challenges confronting Liberians to be addressed by not only government, but other potential citizens and groups in and out of the country.

He named poverty, the high rate of unemployment, amongst others as some of the vices that remain visible in Liberia.

“It doesn’t take a rocket scientist to see the wave of violence in our nation as well as the high poverty rate or ability for one to earn a living. There are also lots of social struggles in the country right now. There is so much that need to be done in order to take our nation or country in the right direction”

He noted that despite political affiliation, potential Liberians should rally around government to help provide the basic social services and support towards the improvement of the lives of citizens and the development of the nation.

Dr. Cassell vowed to continue to contribute towards the improvement of the livelihood of citizens, and Liberia’s rebuilding process through his humanitarian foundation.

He used the occasion to call on Liberians to refrain from segregation and embrace one another in the spirit of patriotism if Liberia must move forward in terms of growth and development

Meanwhile, Dr. Cassell has urged Liberians to examine and thoroughly evaluate those vying for public positions and elect patriotic individuals. His call comes barely few months to the conduct of the much-publicized December 8, 2020 senatorial election.

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Terrorism

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Piracy

<https://thenationonlineng.net/protecting-nigerias-territorial-waters/>

October 9, 2020

Between January and August 2020, Nigeria recorded 11 pirate attacks; a far cry from the 35 and 48 recorded in 2019 and 2018. The latest piracy index, according to statistics obtained from Statista, was the lowest since 2011 when the country had only 10 pirate attacks.

This development is no mean feat, especially with the global piracy index ranking the Gulf of Guinea (GoG) tops and classified as a high-risk zone for mariners.

The reduced cases were achieved as a result of deliberate and sustained policies that followed President Muhammadu Buhari's strategic mandate communicated to Service Chiefs at their decoration in 2015.

Specifically, Buhari urged them to collaborate and ensure tangible results were achieved in combating insurgency and other forms of insecurity that threaten the unity and socio-economic well-being of the country.

Accordingly, they were to ensure that operational efforts meet existing rules and regulations of international standard. They were also to take all measures to ensure the safety and protection of innocent civilians in theatres of conflict as well as respect for the rights of captured combatants to earn the support of local communities and the respect of allies and the international community.

Narrowing the directive home, the Chief of the Naval Staff (CNS) Vice-Admiral Ibok-Ete Ibas promulgated his strategic directives with a focus on deliverables in areas such as operations, fleet renewal, logistics and infrastructural and human resource developments.

These strategic directives have, since 2015, become the benchmarks for naval units, establishments, bases and commands to execute programmes and activities all tailored toward flushing out pirates, oil thieves, sea robbers and other maritime criminals.

Checks by The Nation revealed that the Nigerian Navy (NN) has conducted 38 operations between 2015 and August this year, which resulted in the arrest of 116 pirates and the rescue of numerous vessels from pirate attacks, including the landmark opposed boarding of MT MAXIMUS in 2016, MSC GRACE in January this, MV FLORIANA in April and MV HAILUFENG II in May which reinforced the position of the NN and, indeed, Nigeria in the Gulf of Guinea region. These operations, coupled with an annual average of 25,574 hours sea patrol, have led to the arrest of 364 vessels for various suspected infractions within the maritime domain with 13 of these vessels already forfeited to the Federal Government and 224 handed over to prosecuting agencies.

Also, smuggling of contraband and illegal substances through the waterways considerably reduced as a result of efforts by the Navy and relevant stakeholders. For instance, a total of 89,166 bags of foreign rice valued at N2 billion have been seized in line with the government's drive to encourage patronage of local rice.

Similarly, the sustained fight against crude oil theft and illegal bunkering saved the country an estimated N695 billion between 2015 and August this year, just as the incursion of illegal fishing by trawlers within the five nautical miles of the nation's maritime environment was checked to protect artisanal fishermen. According to the Director of Naval Information Commodore Suleman Dahun, these successes were achieved due to the extensive procurement of platforms of different types and mix approved by President Buhari as well as improved welfare and training needs of personnel.

"The government-funded the procurement of 267 flat bottomed, assault, rigid hull riverside patrol and whaler boats. Importantly, about 170 of these riversides patrol boats were built in the country, thus complementing indigenous shipbuilding capacity, employment generation and skills acquisition.

"Following the successful inauguration of a second locally-built Seaward Defence Boat (SDB) NNS KARADUWA in 2016, local

shipbuilding is being further enhanced through the indigenous construction of a 43m SDB and two logistic supply vessels which are programmed to join the service later this year.

“The Nigerian Navy has also deployed 12 Naval Security Stations along with the nation’s coastline in areas prone to illegalities under the Choke Point Regime and Control operations.

“Additionally, the Buhari administration facilitated the procurement of 25 fast-attack craft, seaward defence boats and inshore patrol craft.

“Furthermore, a survey ship, one offshore patrol vessel and a landing ship tank are being expected to join the Nigerian Navy fleet soon while an AW139 Leonardo Helicopter has already been delivered to the service.

“The NN also built two self-propelled barges, three tug boats and acquired a total of 168 outboard engines with their spares. Cumulatively, the fleet renewal effort of the Nigerian Navy under the Buhari administration has led to the procurement of well over 300 platforms of various types and mix.

“Then, the Maritime Domain Awareness facilities made up of the Falcon Eye (established by the Office of the National Security Adviser) and Regional Maritime Awareness Capability has greatly improved the Navy’s surveillance capacity while serving as force multipliers.

“Currently, the service carries out round-the-clock surveillance of Nigeria’s maritime space using surface vessels, helicopters and the robust Maritime Domain Awareness infrastructure. This has increasingly assisted the Nigerian Navy patrol efforts particularly quick response capability and effective tracking and arrest of many vessels involved in maritime-related crimes,” he said.

Dahun said the navy ensured improved relationship with relevant stakeholders in the country as well as regional partners to tighten loose ends usually exploited by criminals using the recent joint rescue of a merchant tanker, MT TOMMI RITSCHER in the Benin Republic by the Nigerian Navy and their Beninois counterparts as example of gains recorded under the ECOWAS Maritime Zone E agreement entered into among Benin, Togo, Nigeria and Niger Republic by the present leadership.

Dahun further explained that the service also recorded notable milestones in indigenous navigational and operational charts capacity building under this administration which has been internationally certified.

“The service has recently recorded notable milestones through capacity building in indigenous navigational chart production with the production of two indigenous navigational charts covering parts of Nigerian waters as well as operational charts covering the entire Niger Delta.

“The service has also commenced work on the production of electronic versions of these charts to facilitate their formal validation internationally and eventual release. This proficiency has enhanced operational activities across the nation’s maritime environment, particularly within the backwaters.

“Importantly, such improved hydrographic capacity has immensely contributed to enhancing the maritime business environment, as evidenced in about 30 per cent improvement in the nation’s maritime trade in the past years as well as increased oil and gas production.

“Bolstered by this capacity, the Nigerian Navy is currently on the verge of formalising arrangement with the National Inland Waterways Authority (NIWA) for the dredging and charting of the nation’s inland waters, as facilitated by NEXIM Bank.

“The Nigerian Navy is poised to effectively address emerging challenges for improved operational efficiency, through the articulation of new perspectives taking cognisance of past experiences, current operational realities and the contemporary strategic security environment.

“Accordingly, with due consciousness of the limited resource allocation in the face of other compelling national needs, Nigerian Navy future policy direction will seek to optimise technology, broaden its partnership and funding base for effective delivery of maritime security.

“The Nigerian Navy intends to continue to invest in Maritime Domain Awareness infrastructure as a force multiplier towards enhanced operational efficiency. Improved surveillance capacity will thus be pursued to ensure a complete real-time picture of Nigeria’s maritime environment that will focus Nigerian Navy operations and save the huge cost associated with a prolonged presence at sea.

“The Nigerian Navy intends to also develop hydrographic survey capacity beyond mere surveys to the production of relevant charts to incorporating data relevant to the blue economy and national security.

“In addition to the scheduled introduction of a new Hydrographic survey ship, survey boats and associated equipment; efforts are ongoing to upgrade the Nigerian Navy Hydrographic Department to a National Hydrographic Agency to attract independent funding to drive attainment of its future objectives in line with best practices.

“The current Nigerian Navy Fleet renewal programme has attained modest successes involving both local and foreign construction of vessels. There are also plans to re-position the Nigerian Navy Air Arm to better support Nigerian Navy operations.

“Going forward, the Nigerian Navy seeks to strengthen ongoing discussions with Original Equipment Manufacturers to commence local shipbuilding within the country as a sustainable means of guaranteeing fleet availability and readiness. In the future, the Nigerian Navy will also continue to strengthen existing collaboration with regional and global navies, Maritime Law Enforcement Agencies and the organised private sector.

“Hopefully, the partnership would strengthen maritime governance, Maritime Law Enforcement, and enhance capacity building in operations, burden-sharing and exchange of intelligence to ensure improved security in the Gulf of Guinea in Nigeria’s national interest,” Dahun said.

Pirates are kidnapping more seafarers off West Africa, IMB reports (International Chamber of Commerce)
October 14, 2020

ICC International Maritime Bureau (IMB) figures show a rise in piracy and armed robbery on the world’s seas in the first nine months of 2020, with a 40% increase in the number of kidnappings reported in the Gulf of Guinea. Pirates armed with guns and knives are abducting bigger groups of seafarers at further distances off the West African coast.

IMB’s latest global piracy report details 132 attacks since the start of 2020, up from 119 incidents in the same period last year. Of the 85 seafarers kidnapped from their vessels and held for ransom, 80 were taken in the Gulf of Guinea – in 14 attacks reported off Nigeria, Benin, Gabon, Equatorial Guinea and Ghana. In the first nine months of 2020, seafarers reported 134 cases of assault, injury and threats, including 85 crewmembers being kidnapped and 31 held hostage onboard their ships. A total of 112 vessels were boarded and six were fired upon, while 12 reported attempted attacks. Two fishing vessels were hijacked, both in the Gulf of Guinea.

“Crews are facing exceptional pressures due to Covid-19, and the risk of violent piracy or armed robbery is an extra stress,” said Michael Howlett, Director of IMB, whose Piracy Reporting Center (IMB PRC) has responded to reports and shared data since 1991, supporting seafarers and fishers worldwide. “While IMB liaises with authorities swiftly in case of a pirate attack, we encourage all Coastal states and Regional Cooperations to take responsibility for ensuring maritime security within their EEZ to achieve safer seas and secure trade.”

Gulf of Guinea the world’s piracy hotspot

With approximately 95% of global kidnappings reported from within Gulf of Guinea waters, IMB warns that pirate gangs in the area are “well organized and targeting all vessel types over a wide range”.

The furthest attack from shore also involved the most crew kidnapped from a single vessel in 2020. On 17 July 2020, eight pirates armed with machine guns boarded a product tanker underway around 196 nautical miles southwest of Bayelsa, Nigeria. They held all 19 crewmembers hostage, stole ship’s documents and valuable items, and escaped with 13 kidnapped crew. The tanker was left drifting with limited and unqualified navigational and engine crew onboard. A nearby merchant vessel later helped the tanker to sail to a safe port. Regional Authorities were notified and the 13 kidnapped crewmembers were released safely one month later.

A more recent example was on 8 September 2020, when armed pirates attacked a refrigerated cargo ship underway around 33nm south-southwest of Lagos, Nigeria. Two crewmembers were kidnapped, but the rest of the crew managed to retreat into the citadel – one of the industry’s recommended best practices endorsed by IMB. A Nigerian naval team was dispatched, who boarded, conducted a search, and then escorted the ship to a safe anchorage for investigations.

The IMB piracy report includes a special thanks to the Nigerian Authorities, particularly the Nigerian Navy and Nigerian Maritime Administration and Safety Agency NIMASA who “continue to provide timely information, actions and valuable cooperation between Agencies”.

Knife attacks in Singapore Straits

The piracy center recorded 15 attacks to ships underway in the Singapore Straits. While most are considered low level crimes,

two crew were threatened, one injured and another taken hostage, indicating a continued risk to the crew. Knives were reported in at least ten of the incidents.

Indonesia brighter

There has been a sharp quarterly decrease in the number of incidents within the Indonesian archipelagic, with four reported in Q3, down from 14 in Q2. These are viewed as low level opportunistic thefts with most reported on anchored vessels.

Call for more reporting

All vessel types in the Caribbean, Central and South America – including Brazil, Colombia, Ecuador, Haiti, Mexico and Peru are being targeted at anchor as well as underway, and during river passages under pilotage. On 26 September 2020, a container vessel was boarded by armed perpetrators during its river passage at Guayaquil. The attackers fired their weapons towards the accommodation and bridge, then opened containers and stole the contents before leaving.

However, as many more cases go unreported, IMB is urging all ship masters and operators to inform, in a timely manner, the 24-hour IMB Piracy Reporting Center of any attacks to their vessels or crew.

Howlett said the IMB PRC has always believed in the power of sharing and exchanging information: “Understanding the true risk in the area is an important step towards improving safety for all seafarers. IMB PRC not only relays reports to appropriate response agencies and broadcasts incident information to ships via GMDSS, but we also use the reported statistics to raise awareness of these crimes and be a catalyst of change.”

Somali piracy remains under control

No incidents of piracy have been reported around Somalia since 2018. In August 2020, pirates freed the last three of the thousands of hostages who have been held captive in the region over the years since ship hijackings peaked in 2011.

Despite this, as Somali pirates are still capable of carrying out further attacks, IMB urges vessels to continue implementing the industry's best management practices (BMP5), and encourages the continued, stabilising presence of navies the region.

IMB Piracy Reporting Center

Since its founding in 1991, IMB PRC remains a single point of contact to report all crimes of maritime piracy and armed robbery, 24 hours a day. Their prompt forwarding of reports, and liaison with response agencies, broadcasts to shipping via GMDSS Safety Net Services and email alerts to CSOs, all provided free of cost, help the response against piracy and armed robbery and the security of seafarers, globally.

One Crewmember Kidnapped in Attack on LNG Carrier in Gulf of Guinea (Maritime Executive)

October 18, 2020

The LNG carrier Methane Princess was attacked by pirates off Malabo, Equatorial Guinea on Saturday, and one member of her crew was kidnapped.

According to Swiss financial news outlet AWP, the attack occurred at a position about 10 nautical miles off Malabo at about 0430 hours Saturday morning.

Security consultancy Dryad Global reports that the Methane Princess had just finished loading and was at anchor at the time of the attack, and two Filipino crewmembers who "were on the jetty" were taken hostage. One of them managed to jump off the pirates' boat and escaped, sustaining injuries in the process, according to Dryad; the other crewmember was abducted.

In a conflicting account, AWP reported that the pirates kidnapped one crewmember and one Equatorial Guinean national employed by terminal operator EG LNG. The EG LNG employee escaped, according to AWP's report.

The government of Equatorial Guinea confirmed the attack in a statement Sunday.

The location of the incident was about 100 nm east-southeast of the Niger River Delta, the home base for most pirate action groups in the Gulf of Guinea. The region leads the world for piracy, especially maritime kidnappings.

According to the IMB ICC's piracy reporting center, the number of reported kidnappings in the Gulf of Guinea rose by 40 percent for the first three months of 2020 (compared with the same period last year). In its latest quarterly report, the IMB said that well-armed pirates are abducting bigger groups of seafarers at further distances offshore.

Of the 85 seafarers kidnapped from their vessels and held for ransom worldwide in the first three quarters of the year, 80 were

taken in the Gulf of Guinea. The kidnappings occurred in 14 separate attacks reported off Nigeria, Benin, Gabon, Equatorial Guinea, and Ghana. In the furthest attack from shore, eight pirates armed with machine guns boarded a product tanker on July 17 at a position about 196 nautical miles southwest of Bayelsa, Nigeria. They escaped with 13 abducted crew members, who were held for a month before they were released.

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Gender-Based Violence

'We want justice for these girls': the Kenyan helpline for victims of gender violence (reliefweb)

October 17, 2020

Around four million girls worldwide suffer female genital mutilation every year. Although it is forbidden in Kenya, COVID-19 has led some families to revive the traditional practice, and a UN-supported phone helpline for victims of gender-based violence in the country has seen a big rise in calls since the pandemic hit.

Somewhere in Kenya, an early morning in July: A woman organizes a once-in-a-lifetime “ceremony” for her 11-year-old niece: The girl’s genitals will be cut off as part of her cultural transition into adulthood.

All schools in the country have been closed for months. No classmate will notice the girl’s absence, no teacher will be aware and report the case to the police. The school community cannot protect the girl now.

During the ceremony, the fresh wound starts bleeding heavily. The procedure was performed by a local “cutter,” and there is no anaesthesia and no painkillers. The bleeding doesn’t stop, and, eventually, the family has no choice but to take the girl to the nearest hospital.

‘I don’t want to see people suffering’

A few hours later, a telephone rings in an office in Nairobi. The phone is connected to the number 1195, the national helpline for gender-based violence. One of the girl’s relatives has called in to report the incident anonymously — she does not want to be considered as a family troublemaker.

“What we want is justice for these girls,” says “Steve,” one of 31 staff in the call centre. (Counsellors interviewed for this article use pseudonyms to protect their anonymity.) After receiving the call, Steve and his colleagues respond immediately. The police are dispatched to search for the mother and aunt, and a safe home is arranged for the girl once she is released from the hospital.

The helpline is staffed 24 hours a day by trained counsellors who stay on the line with callers until help arrives, whether in the form of the police, an ambulance, a village elder, a child protection officer. Counsellors arrange for health care, security, and legal aid. They also spend long hours on the phone, giving psychosocial support to callers in need.

Female genital mutilation or FGM is just one of the reasons people call the hotline. Others include assault, rape, child neglect and defilement, child marriage. The list goes on. “So many cases go unreported,” Steve says. Asked why he works at the call centre, he says simply, “I don’t want to see people suffering”.

Some calls will break your heart

COVID-19 has aggravated the situation: “Women have been violated like never before,” says Fanis Lisiagali, who heads the 1195 helpline. “We’ve seen women committing suicide, we have heard of women being killed. Both men and women are seriously depressed.”

Indeed, the number of cases handled by the hotline rose from 86 in February to over 1,100 in June of this year. Cases dropped in July, but the total number of calls is four times higher than during the same period last year. Not all of the callers are women. Around one third of the callers who report psychological violence from their spouses and families are men, saying they have been harassed or abused for failing to provide for the family.

Sitting at their desks, a half-dozen tele-counsellors are equipped with masks and gloves and are separated by acrylic glass walls. Aside from Swahili and English, they speak other local languages, from Kikuyu to Luhya to Kalenjin; the aim is for

callers from everywhere in Kenya to have someone to talk to.

“You find that psychological problems come up during things people go through every day,” says another counsellor, “June.” In 2009 she became a caregiver with another organization for sexually abused girls and, five years later, she joined the helpline staff.

Some calls will break the heart of even the most experienced counsellor, says June. Earlier this year, she took a call from an 18-year-old woman who had been cast out by her father and then endured an abusive marriage. When she became pregnant and gave birth, her husband rejected her, claiming the baby was crying too much and that it couldn't possibly be his. Having been disowned for a second time, the woman's desperation became unbearable. She threw the baby into a pit latrine and ran away. The girl walked into a rescue centre and called the GBV helpline.

“At first the girl was too shocked to speak. When she finally opened up, what I heard made me completely numb,” says June. She sent the caller to a psychiatrist and his attestation prevented her from being imprisoned. June is still in contact with the young woman, and is helping her build a future. “My job gives me an opportunity to give back to society,” she says. “I cannot always help, but sometimes I have a chance to help in a little way.”

A beacon of hope

The helpline is a beacon especially now during the pandemic. Many rescue centres have to turn away survivors of gender-based violence, as they do not have the resources necessary to quarantine new arrivals for COVID-19.

The helpline was established in 2010 by an organization called Healthcare Assistance Kenya, with the support of UN Women, which is still the NGO's main partner. It is now also supported by UNFPA, the UN Population Fund.

“COVID-19 exacerbates the already horrifying levels of sexual and gender-based violence in Kenya,” says Anna Mutavati, UN Women Country Representative. “But the helpline is saving lives. While services like 1195 are fundamental, we need to tackle society's underlying causes that perpetuate these gross human rights violations and wider gender inequality.”

During the COVID-19 crisis, the helpline has proven its worth and needs to be strengthened, says Healthcare Assistance Kenya director Fanis Lisiagali. “In the coming years,” she says, “I would like to see the helpline known to all communities in all counties throughout Kenya, so that anybody who needs it has a place to turn to.”

Colombia sees surge in femicides amid uptick in violence (Al Jazeera)

October 20, 2020

Letica Estacio hoped the wave of gender-based violence that surged during the coronavirus lockdown in Colombia would slow after the South American country eased restrictions in early September.

But after the five-month lockdown was lifted, femicides – the killing of women due to their gender – surged across the country, data from Colombia's Femicide Observatory shows.

An average of nearly three women a day were killed in Colombia in September, with 86 femicides recorded in the month. It is the highest monthly total researchers have documented since they began tracking the killings in 2017.

Watchdogs said the spike in violence against women is a product of compounding long-term ripple effects of the pandemic – a resurgence of armed group violence and economic fallout – that disproportionately affect women.

“Every day the conflict gets worse and worse. The narco-trafficking, the killings,” said Estacio, a 52-year-old women rights leader in the western coastal city of Tumaco. “It's incredibly heavy, and even more so for women.”

Surge in gender-based violence

At the beginning of the pandemic, countries across the world saw rises in domestic violence as lockdowns restrictions closed women in with their abusers. Latin America, a region which recorded high rates of gender-based violence before the pandemic, felt that even more acutely.

Estacio and other leaders in Tumaco, a hub for narco-trafficking and armed conflict, were overwhelmed by an initial surge in domestic violence cases after the country entered a nationwide lockdown in March.

But as the state diverted resources from some parts of the country in order to focus on bringing the coronavirus outbreak under control, a patchwork of criminal groups – left-wing fighters, right-wing paramilitaries and narco-trafficking gangs – moved into areas vacated by the government and waged territorial war.

“Here, there’s no such thing as law,” Estacio said.

As a result, mass killings and similar bloodshed reminiscent of times before the country’s 2016 peace process have jumped country-wide.

Sexual and gender-based violence have long been used as tools of war to sow terror in communities. Now, Estefania Rivera Guzman, a researcher at the Observatory, is concerned that the strategic targeting of women could be on the uptick.

So far in 2020, the group has registered 445 cases of femicide, up from 431 cases across the same period in 2019. The numbers recorded in September were more than double levels witnessed earlier this year.

Since September, women’s rights leaders have also noted another disturbing development: As armed groups clash in rural areas and exploit vulnerabilities caused by the pandemic to increase child recruitment, there has been a spike in the number of women and girls killed by firearms.

In recent weeks, one man pleaded guilty to beating and stabbing a woman who rejected his sexual advances, throwing her into the western Cauca River where her body was found floating.

Near Tumaco, armed men reportedly stopped and shot up the car of a local women’s and Indigenous rights leader.

And in the central town of Segovia, one 14-year-old girl was reportedly killed by a hitman and, a day after being buried, her body was found unearthed and naked in the cemetery.

“It’s these acts of violence that are so extreme that they send a message,” Rivera Guzman said. “And the message isn’t just for women, but also for the men who live in the zone, and it’s: Who has the power?”

While officials in Segovia said they “reject all violent acts” against women and girls and police say they are investigating the crime, the majority of femicides in the country end in impunity.

In Tumaco, Estacio and other observers say women are often too scared to report gender-based violence because men working with armed groups camp outside government offices where women would normally report.

Economic distress

Meanwhile, the economic fallout caused by the pandemic and the lockdowns has disproportionately affected women, putting them at heightened risk.

Before the COVID-19 outbreak, Colombia had one of the highest economic gender gaps in Latin America. In recent months, female-dominated industries like tourism and the service sector have taken severe hits.

In August, the unemployment rate for women was 21.7 percent, and the unemployment rate for men was 31.4 percent, according to the most recent government data.

Estacio said women in her community who would normally support themselves by working informally and selling street food were left with no income, as work dried up amid the lockdown.

It has stripped at-risk women of “economic autonomy”, explained Carolina Mosquera, researcher at the Bogota-based think-tank, Sisma Mujer. And with it, their ability to escape from an abusive situation that could escalate to something as extreme as femicide.

In one recent case, a woman called the organisation’s domestic abuse helpline, and they worked to get her out of her home where she was being abused by her husband. Hours later, when they called back, she told aid workers she could not leave because she was surviving off her husband’s salary.

When they tried to follow up “she simply stopped answering.”

“It’s a loss of 10 years of work toward gender equality because women are returning to these patriarchal spaces,” Mosquera said. “It brings us back to this old dynamic of the man as the provider and the woman who cares for the home.”

The pandemic left more than 15,000 women in Colombia at extreme risk of femicide, according to the National Institute for Legal Medicine and Forensic Science. Similar upticks have been seen in other Latin American countries like Guatemala and Mexico.

While local and national governments attempted to respond to the violence, setting up resources like local and national

domestic violence attention lines, critics have said it is not enough and that women lack effective judicial resources.

Colombia's Ombudsman's Office, which oversees the protection of human rights, declined to comment, saying that due to lack of state presence caused by the pandemic, they haven't been able to officially register the femicides.

"A line doesn't guarantee access to justice, to a restitution of their rights. No, a call is just a call." Mosquera said. "This effort by the government falls short compared to the volume of cases, killings and violence we've seen in the pandemic."

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Commentary and Perspectives

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WORTH READING

Encouragement of Learning Through War Video Games as an Intelligible Textbook on International Humanitarian Law (Cornell International Law Journal)

Keisuke Minai

October 16, 2020

This study analyzes the manner in which undergraduate students learn International Humanitarian Law ("IHL") through the war video game Arma 3 by means of the grounded theory approach and considers the effect of learning IHL through video games. As a result of data analysis, "identifying the targets of attacks" emerges as a core concept on the phenomenon of learning IHL through video games in addition to eight sub-concepts encircling this core concept. Sorting out the relevance among these concepts, the present study discovers six patterns to explicate the phenomenon, which are as follows: (A) smooth IHL learning with the use of knowledge already acquired; (B) committing illegal acts as virtual reality; (C) disregarding the instructors' lectures and committing illegal acts; (D) learning IHL norms on the basis of lectures by the instructors; (E) discovery of IHL norms during game-play; and (F) trajectory modification from illegal acts. By inter-comparing these six patterns, the author isolated four distinct operations that are central to IHL application learning through war games, which include 1) paying attention to lectures by the instructors; 2) working on elements for identifying the targets of attacks; 3) imagining real fighting conditions and feeling empathy for real combatants; and 4) paying attention to admonitions after illegal acts. Accordingly, so as to achieve further improvement of the effect of IHL learning through war video games, it can be contended that adopting contrivances that enable players to pass through these four operations is extremely important.

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