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The CIA’s Secret Global War Against the Left (Jacobin) By Branko Marcetic
November 30, 2020

In Buenos Aires, a former Chilean general returns home, opens his garage door, and is blasted thirteen feet in the air when his car explodes, incinerating his wife. A conservative opponent of the country’s military dictatorship and his wife take an afternoon walk on the streets of Rome and are swiftly gunned down. On a rainy autumn morning, a car blows up in the middle of Washington, DC’s Embassy Row, killing two of the three inside: a leader of Chile’s opposition in exile and his newlywed American friend.

These were just some of the most prized scalps claimed by Operation Condor, officially inaugurated forty-five years and two days ago. With South America in the grip of military dictatorships and rocked by the same kinds of social and political movements that were demanding change all over the world in the 1960s and ’70s, a handful of the continent’s governments made a pact to work together to roll back the rising tide of “subversives” and “terrorists.”

What followed was a secret, global campaign of violent repression that spanned not just countries, but continents, and featured everything from abduction and torture to murder. To say it was known about by the US government, which backed these regimes, is an understatement: though even this simple fact was denied at the time, years of investigations and document releases since then mean that we now know the CIA and top-ranking US officials supported, laid the groundwork for, and were even directly involved in Condor’s crimes.

Zooming out, Condor was hardly some uniquely shocking case of anticommunist paranoia spiraling out of control. As its connections to anticommunist terror in Europe have become clearer, it looks more like a particularly successful example of the covert war the US national security state had set into motion all over the world against democracy and the Left, a war that saw it get into bed with fascists and that, in some cases, arguably constituted genocide. It was the system working exactly as intended, in other words, and a stark reminder of the lengths the global centers of power will go to keep things the way they are.

World War Three

The middle of the twentieth century saw a flourishing of people’s movements in Latin America that threatened to upend the rigid hierarchies of the hemisphere: feminist and workers’ movements, movements for indigenous rights, peasant-led movements for agrarian reform, and leftist movements, to name a few. Naturally, they had to be stopped.

Until then, Washington-backed juntas and dictatorships had successfully kept a lid on such social change, or simply overthrew whatever governments those movements succeeded in forming. Such changes, after all, directly threatened not just the power and privileges of the region’s long-standing elite, but Western business interests, too. So it was that, at the prodding of US-owned corporations like Chase Manhattan, Anaconda Copper, and Pepsi, former corporate lawyer and then-president Richard Nixon backed the military overthrow of Salvador Allende’s democratically elected socialist government in 1973, and its replacement by a vicious dictatorship under General Augusto Pinochet.

But for the region’s paranoid leadership, even their internal campaigns of terror were not enough. So, in 1975, the governments of Chile, Argentina, Bolivia, Paraguay, and Uruguay secretly met in Santiago, Chile, and agreed to work together

to spy on and track “suspicious individuals” and organizations “directly or indirectly linked to Marxism.” Before long, Brazil, Peru, and Ecuador joined up, too. The information-gathering initiative was dubbed “Condor,” in honor of the national bird of several of the participants, including the host country.

Despite what the minutes stated, this was no mere surveillance pact. What Operation Condor meant in practice was that the state kidnappings, torture, and murder that had run roughshod over the remaining pockets of dissent within these countries would now go beyond their national borders. If you were a leftist or anyone else the government saw as a threat, then escape, exile, and even asylum would no longer save you. There was nowhere to hide.

“Argentina was still a democracy at the time, and was a safe haven for many leftists who had been forced out of several countries in the Southern Cone,” says New York University associate professor Remi Brulin. “Suddenly, they realized that was not safe anymore.”

While Condor officially lasted only a few years, the region’s governments had long collaborated in less formalized ways to stamp out their political opponents. According to the Database on South America’s Transnational Human Rights Violations, between 1969 and 1981, such cross-border operations claimed at least 763 victims of atrocities ranging from kidnapping and torture to outright murder, nearly half of them Uruguayan, close to a quarter Argentine, and 15 percent of them Chilean. Most of these atrocities took place in Argentina, which saw 544 cases, with Uruguay a distant second at 129.

As explained in a 1976 report by Harry W. Shlaudeman, Richard Nixon’s assistant secretary of state for inter-American affairs, South American officials like Uruguay’s foreign minister Juan Carlos Blanco Estradé (“one of the brighter and normally steadier members of the group”) saw themselves as fighting a “Third World War,” with “the countries of the southern cone as the last bastion of Christian civilization.” Having come to power “in battle against the extreme left,” he noted, these repressive governments had “their ego, their salaries, and their equipment-budgets” inextricably wrapped up in this concept.

The result was a stream of often stomach-churning crimes. The typical Condor operation might go something like this: once a target was identified, a team — made up of nationals from one or more member countries — would find and surveil the individual, before a second team snatched and spirited them away to a secret prison, sometimes in the country they’d been found, sometimes elsewhere. There they would be held and tortured, including beatings, waterboarding, mock executions, electrocution, rape, and worse, sometimes for months on end. In some cases, family members were kidnapped and tortured, too, or even stolen from them, for no reason beyond sadism. According to the database, there are at least twenty-three cases of the kidnapping of victims’ children, passed off to their killers to be raised as their own.

Few survived, though more often than not, the exact fate of those who were taken isn’t clear. They were simply never heard from again. On occasion, survivors brought back word about the disappeared, such as witnesses who remembered Jorge Isaac Fuentes Alarcón, a sociologist arrested while crossing the Argentina-Paraguay border and accused of being a courier for the far-left Chilean group MIR. The stories were never pretty. Those witnesses later testified that they’d seen Fuentes arrive at the Villa Grimaldi death camp in Santiago covered in scabies, with one victim-turned-collaborator-under-duress recalling that he was chained in a doghouse full of parasites, mockingly referred to as “pichicho” (street dog).

Yet such testimony also spoke to the resilience of the human spirit and the sense of solidarity that knitted such leftist groups together. Fuentes was in good spirits, witnesses said, and bucked up other prisoners by singing. One young prisoner recalled how Patricio Biedma, another arrested MIR member, had been a father figure for him in prison, teaching him how to survive. Biedma’s wife and three children never learned what became of their loved one.

Though Condor ostensibly targeted “guerrillas” and “Marxists,” the people of South America learned early on and in an especially brutal way what US protesters and law-abiding Muslims would learn after the Bush years: that such malleable terms can be stretched to mean almost anyone.

“Operation Condor pursued many types of political opponents, including congressional representatives, former ministers, human rights advocates (including people in Amnesty International), constitutionalist military officers, peasant leaders, unionists, priests and nuns, professors and students,” says J. Patrice McSherry, professor emerita of political science at Long Island University and author of *Predatory States: Operation Condor and Covert War in Latin America*. “Condor targeted not only the Left, but also the center-left and other democratic sectors that were fighting to demand their rights and make more inclusive the elitist democracies of the era.”

“First, the aim was to stop terrorism,” one operative from the Department of National Intelligence (DINA), Chile’s feared secret police, explained. “Then possible extremists were targeted, and later those who might be converted into extremists.” Or, as one Argentine general put it: “First we will kill all the subversives; then we will kill their collaborators; then their sympathizers; then those who are indifferent.”

Though this was supposed to be justified by the dire threat of left-wing violence, it’s hard to take such a threat seriously today.

Not only were the Condor governments targeting individuals who were peaceful or unconnected to any revolutionary movements, but those movements had largely been defeated or even given up on armed struggle. As Shlaudeman put it to Henry Kissinger in 1976: “Both terrorists and the peaceful left have failed. This is true even in the minds of studious revolutionaries.” Fernando Lopez has argued that the regimes “grossly overstated the threat posed by the revolutionary movements” so they could go after their real target: the opposition in exile, who drew global sympathy and solidarity, and isolated the Condor governments internationally.

Their plans weren’t confined to the continent. Twelve of the victims of cross-border operations came from countries outside of the region, including the UK, Italy, France, and the United States, while some of the most high-profile targets were assassinated in European countries, making Condor not just a transnational operation, but a global one. As exiled left-wing and moderate opponents of Pinochet’s dictatorship planned to campaign for diplomatic isolation of the country, he plotted to take them out.

Agents of DINA planned attacks in Portugal and France, and tried repeatedly to kill Carlos Altamirano, general secretary of the Socialist Party of Chile: once in Mexico, when they showed up too late; several times in Paris, when they were foiled by French intelligence; and once in Madrid, where the attempt failed. Bernardo Leighton, the founder of Chile’s Christian Democrat Party, may not have been a radical — he opposed much of Allende’s program — but he was guilty of meeting with Socialist leaders to form an opposition front of exiles against the regime. He survived a gunshot to the back of the head in Rome, but was left with permanent brain damage, ending his opposition activities.

While Pinochet took a leading role, the targets weren’t just Chilean. Scotland Yard prevented the assassination of Uruguayan senator Wilson Ferreira Aldunate in London, while then-representative Edward Koch, later to become mayor of New York City, was warned by then-CIA director George H. W. Bush that there was a threat on his life, thanks to his successful amendment to end US military aid to Uruguay. In Buenos Aires, two Uruguayan legislators and two activists were kidnapped in the early morning and later found with shots to the head in a car left under a bridge. Meanwhile, as journalist John Dinges has pointed out, a slew of seemingly natural deaths in a few short years of opponents in exile of the continent’s various dictatorships raises further suspicions.

Perhaps the most famous victim of Condor was Orlando Letelier, Allende’s former ambassador to the United States. After being detained and tortured by the regime following the coup, diplomatic pressure allowed Letelier to escape and eventually return to Washington, DC, where he soon became one of the most visible and influential members of Chile’s opposition to exile. Set up in the heart of American power and hobnobbing with US officials and their families, Letelier led a successful legislative campaign to ban US arms sales to Chile, lobbied against a \$63 million investment by a Dutch company into the country, and fiercely criticized Pinochet’s free-market economic reforms.

All of it made him a marked man. In 1976, two DINA agents entered the United States on passports from Paraguay, a fellow Condor member, and with the help of two exiled Cuban anti-communists, rigged a bomb to Letelier’s car that detonated right on DC’s Embassy Row, killing him and one of his two American passengers. Until September 11, 2001, it would remain the worst act of foreign terrorism on US soil.

The Dirty Work

For years, the official story was that the US government learned about Condor roughly around the same time as everyone else, in 1976. In fact, through declassifications, firsthand testimony, and the work of historians, we now know that this program of state terror had been sanctioned, facilitated, and encouraged by the US government.

Contrary to its denials at the time, a CIA report produced for Congress in 2000 would admit that “within a year after the [1973 Chilean] coup, the CIA and other US government agencies were aware of bilateral cooperation among regional intelligence services to track the activities of and, in at least a few cases, kill political opponents” — a “precursor” to Condor. Consider, too, that Manuel Contreras, the ruthless DINA chief knee-deep in Condor, was a (at one point, paid) CIA asset from 1974 to 1977, despite an internal 1975 report finding him “the principal obstacle to a reasonable human rights policy within the junta.”

For decades, speculation has abounded about just how unintentionally oblivious segments of the US government really were to the Letelier operation specifically. Despite being repeatedly alerted to the DINA agents’ attempts to enter the United States, and its suspicious nature, the CIA did nothing. A mere five days before they killed Letelier, Kissinger backpedaled an order for US ambassadors in a handful of the Condor countries to express the US government’s “deep concerns” over the reported plans of overseas assassination. Earlier that year, Pinochet had personally complained to Kissinger about Letelier’s activities, in a conversation in which Kissinger assured the dictator that “we are sympathetic with what you are trying to do.”

But worse, evidence uncovered by figures like McSherry and Dinges suggest the US government wasn’t just aware of the crimes of Condor, but directly involved in them.

Archival documents show the CIA, FBI, and even US embassies providing intelligence and names of suspects to the Condor governments, with both hemispheres looking into suspects on their home turf at the other's behest. That included Fuentes, the results of whose interrogation (including the names he gave up) the US embassy in Buenos Aires relayed to Chilean police. Contreras himself later insisted, in court and to reporters, that the CIA had been involved in both the murder of Letelier and Carlos Prats, the former Chilean general blown up in Argentina a year before Condor's founding, and that he had given the FBI documents proving his claims in 2000.

There is strong evidence that US officers played a key role in the 1973 murder of two Americans, journalist Charles Horman and student Frank Teruggi, in the days that followed the coup, and that US intelligence was surveilling them. A 1979 Senate report stated that as early as 1974, the CIA had warned local authorities in France and Portugal about incoming Condor assassinations and discussed setting up a Condor headquarters with DINA in Miami — a move it rejected at the time but proceeded with a few years later with the Argentinians.

McSherry later found yet another damning document, this one a 1978 cable from the then-US ambassador to Paraguay. The cable reported that Condor governments “keep in touch with one another through a US communications installation in the Panama Canal Zone” (“CONDORTEL”), using it to “co-ordinate intelligence information among the Southern cone countries.” This was just two years after Shlaudeman informed Kissinger of the “paranoia” of South American governments, who were increasingly targeting “non-violent dissent from the left and the center left” and “nearly anyone who opposes government policy,” and after the US embassy in Buenos Aires warned Kissinger that Argentinian security forces, in collaboration with neighboring governments, were involved in brutal “excesses . . . often involving innocent people.”

In fact, it was precisely those at the very top, like Kissinger, who gave their approval to the Condor governments' plans. Upon being told by Brazil's newly installed dictator Emilio Garrastazu Médici in 1971 that the South American country was planning to help overthrow Chile's elected socialist government, Nixon offered money and aid for the effort, telling him the two governments needed to work together to “prevent new Allendes and Castros and try where possible to reverse these trends.” It was during those meetings, according to a later memo, that Nixon asked Médici for support “in safeguarding the internal security and status quo in the hemisphere,” which one general read as a request for Brazil to “do the dirty work.”

Kissinger himself infamously told the foreign minister of Argentina in June 1976, in between repeatedly assuring him the US government hoped for the new junta's success: “If there are things that have to be done, you should do them quickly.”

Behind the Throne

But the US government's role in the birth of Condor went well beyond diplomatic winks and nods.

The methods and strategies employed by Condor operatives had their roots in the US training that Latin American militaries received through vehicles like the notorious School of the Americas (SOA), which aimed to pass on the battlefield and counterinsurgency lessons the US military had learned over its past decades of war-making. The SOA's “graduates” eventually comprised one of every seven members of the DINA command staff, after learning the very things they would soon become feared for in their home countries: assassination, extortion, coercion against family members, psychological manipulation and the use of drugs, and torture techniques, including electrocution and even the specific, sensitive nerve points it could be applied to — just to name a few.

Before Condor, the earliest laboratories for this training were Guatemala and Vietnam. Guatemala saw around 200,000 people killed between the 1954 coup and 1996, many of them victims of, first, a US-led assassination and paramilitary war program in the 1950s, and, through the 1960s, a counterinsurgency program that featured bombing, kidnapping, torture, and murder of “communists and terrorists” — the first instance of mass disappearances in Latin America, and all taught and facilitated by US security forces.

Running parallel to this was the CIA-led Phoenix Program in Vietnam, in which US forces financed, directed, and oversaw a campaign of assassination, terror, and torture carried out by South Vietnamese locals against the Viet Cong and, especially, their civilian sympathizers. The resulting atrocities didn't stop the Phoenix experience from informing the training manuals for future Condor operatives.

Besides this, the United States also laid the groundwork for Condor by instigating and formalizing a unified, anti-communist front among the powerful Latin American militaries. The US government had been warning its commanders about the communist menace since at least 1945, with US money, arms, and training soon following. This escalated after the 1959 Cuban revolution, with President John F. Kennedy issuing the internal defense and development (IDAD) doctrine encouraging military repression in the region, and the Conference of American Armies (CAA) held annually from 1960 on. As one 1971 state department cable later outlined, “it is especially desirable that such neighboring countries as Argentina and Brazil collaborate effectively with the Uruguayan security forces and where possible we should encourage such cooperation.”

Like the SOA and US telecommunications networks, the CAA was a piece of the hemisphere's wider US national security structure that eventually became the skeleton for Condor. The CAA's charter defined its member armies' mission as "protect[ing] the continent from the aggressive action of the International Communist Movement," and early meetings revolved around many of the hallmarks of Condor: fighting "communist aggression," intelligence-sharing on subversives, and systems of schools, telecommunication networks, and training programs for this purpose. In one 1966 meeting, Argentina's military dictator floated the creation of "an intelligence center coordinated among Chile, Argentina, Uruguay, and Paraguay," while seven years later, the head of Brazil's army suggested to "extend the exchange of information" among attendees to "struggle against subversion."

The United States then took a leading role in establishing the post-coup dictatorships' spy agencies who provided the foot soldiers of Condor, including Paraguay's La Técnica, Brazil's SNI, and, of course, DINA. Contreras would later charge that the CIA officers sent down to do the honors actually "wanted to remain in Chile, in charge of the principal DINA posts," an idea Pinochet nixed.

While sanctioned by its security forces and high-ranking officials, US involvement sometimes elicited objections, even horror from those lower down. The US embassy in Argentina warned Kissinger in 1976 that the "kind of counterviolence" employed by the country's dictatorship "could eventually create more problems than it solves" and that "many who formerly supported the govt [sic] have been alienated by its tolerance of excesses on the part of the security forces — often involving innocent people." It echoed the more unabashed outrage of one Guatemalan embassy official in 1968, who asked: "Is it conceivable that we are so obsessed with insurgency that we are prepared to rationalize murder as an acceptable counter-insurgency weapon?"

The more information we learn only deepens US government complicity. This year's revelation that the Swiss encryption company Crypto AG was secretly a CIA front that gave the agency a back door to the encrypted communications of the governments that used it suggests the US government was likely aware of what Condor members were up to in real time. Condor countries had, after all, built their entire communication network around Crypto AG's hardware.

"There Are No Rules"

That the US government was behind a secret, continent-wide campaign of political terror and repression speaks to the paranoia of the country's elites, inflamed by the rising power of the Soviet Union and the movements they viewed as manipulable by it. As the 1954 Doolittle Report put it, when "facing an implacable enemy whose avowed objective is world domination by whatever means . . . there are no rules in such a game," "acceptable norms of human conduct do not apply," and "long-standing American concepts of 'fair play' must be reconsidered."

No wonder the blood-soaked officials of Condor countries saw kindred spirits in their US counterparts. "The only thing separating us is our uniforms, for the men of the armies of America, I believe, have never before understood one another as we do at this moment," the commander of Uruguay's joint chiefs told a 1975 CAA meeting. "There exists a coordination among the armies of the continent to combat and impede Marxist infiltration or whatever other form of subversion."

What this meant in practice is that the US government got in bed with not just authoritarians and dictators, but even out-and-out fascists.

Noam Chomsky has pointed out the parallels between fascist thought and the "national security doctrine" that drove the Latin American dictators' repression, with its belief in the preeminence of the state over the individual and of permanent war. But US officials noticed it, too. As Shlaudeman noted, the Latin American dictatorships were driven not just by anti-Marxism, but by a nationalist "developmentalist" ideology in which military establishments partnered with technocrats to deliver industrialization.

"National developmentalism has obvious and bothersome parallels to National Socialism," he wrote. "Opponents of the military regimes call them fascist. It is an effective pejorative, the more so because it can be said to be technically accurate."

These parallels were more horrifyingly clear in the militaries' treatment of dissidents. As figures like photographer João de Carvalho Pina and historian Daniel Feierstein have noted, the overcrowding, starvation, tortures, and general dehumanizing treatment of prisoners by the Condor dictatorships bore obvious similarities with the conditions of Nazi concentration camps.

But it went beyond mere parallels. Argentine camps were suffused with Nazism: decorated with swastikas and portraits of Hitler, recordings of Nazi speeches ringing through facilities, prisoners painted with swastikas and forced to yell "Heil Hitler," with especially sadistic tortures reserved for Jewish captives. Escaped former Nazis had, after all, been welcomed into Latin American military dictatorships, including the former head of Gestapo in Lyon, Klaus Barbie. Wanted in France for unspeakable crimes, Barbie instead resettled in Bolivia, teaching torture and repression to military officers across the continent, before eventually helping organize the country's 1980 "Cocaine Coup" and taking up a role in the military dictatorship that followed.

Ex-fascists “infiltrated various sectors of the Argentine Society,” Argentine journalist Tomás Eloy Martínez explained. “It would be useful to ask whether it is only a coincidence that the use of torture attained such heights of cruelty and sophistication. We should continue to ask ourselves whether or not the appearance of concentration camps, mass graves, and hundreds of bodies floating in Argentine rivers after 1974 is merely coincidental.”

This connection to European fascists links Condor to another secret, continent-wide anti-communist initiative: the NATO-led stay-behind program in Europe, the most famous of which was Operation Gladio in Italy. Like Condor, the stay-behind armies were a US-devised and US-backed network of local right-wing paramilitaries, meant to activate in case of communist invasion or simply electoral victory, and who, in the meantime, carried out a campaign of assassinations, destabilization, and general political violence in their home countries. And like Condor, they employed current and “former” fascists, usually in direct alliance with the countries’ high-ranking security forces.

The connections between the two programs were numerous. Before helping Barbie escape to South America, the US government used him as a stay-behind recruiter in Europe. CIA officials like Vernon Walters and Duane Clarridge cut their teeth on Eurasian stay-behind operations before overseeing right-wing repression south of the border.

It was the Gladio-linked neofascist organization Avanguardia Nazionale, contracted by DINA, that carried out the failed attempt on Bernardo Leighton’s life. DINA agents and even Pinochet himself met in advance of the assassination with its leader, Stefano Delle Chiaie, who later worked for DINA and, he claimed, helped create it, before going to serve alongside Barbie in Bolivia’s coup government. Delle Chiaie also happened to meet personally with Pinochet just days before the Chilean dictator formalized the creation of Condor, and he arrived in Chile to get to work shortly thereafter.

Particularly notable was the powerful fascist businessman Licio Gelli (“I am fascist and will die a fascist,” he once proclaimed), grandmaster of the right-wing Italian Masonic Lodge, Propaganda Due (P-2), whose members spanned virtually every segment of the Italian establishment, including future prime minister Silvio Berlusconi. Gelli and P-2 worked closely with the CIA and the Gladio network to manipulate Italian politics, “carefully ensuring that the Communist party should never emerge,” as he explained in 2008. Through the 1970s, he and the lodge pulled double duty in Argentina, inserting themselves into the highest levels of business and government in the country, with Gelli “a key mover in the development of the continuity between democracy and state terrorism over the period that spans from 1974 to 1981,” as sociologist Claudio Tognonato wrote.

There is, in other words, more than a hint, as McSherry has argued, that “US forces transferred the stay-behind model to Latin America” in the form of programs like Condor. As the Pentagon Papers revealed, the US government had already done so in another Cold War theater, Vietnam, where in 1956 it tasked a special forces unit “with the initial mission of preparing stay-behind organizations in South Vietnam just below the 17th Parallel, for guerrilla warfare in the event of an overt invasion by North Vietnamese forces.”

But the evidence also hints at something darker: at a “global anti-Marxist agreement,” in the words of the court testimony of Michael Townley, the DINA agent behind the Prats, Leighton, and Letelier assassinations.

Coming Full Circle Though Condor has long been over, its language and practices continue to echo today.

According to Brulin, it was with the ascent of Ronald Reagan from 1981 on that the bellicose political discourse around terrorism that had suffused the Condor countries infected the United States, with Reaganite “anti-terror” rhetoric initially focused on Central America. As the years passed, its spirit continued to haunt US politics, even as the focus shifted to the Middle East.

“Everything the US has been saying after 9/11 is something Reagan is saying about Central and South America in the 1980s, and what US officers are saying to Latin American dictators in the 1950s and 1960s,” says Brulin. “And always based on the same lie: how strong the enemy was, and what we are doing about them, which in the real world is using death squads.”

Of course, it wasn’t just discourse. It’s impossible to talk about the details of Condor without thinking of the “war on terror” launched by George W. Bush nearly twenty years ago.

“We witnessed the use by US counterterrorist forces of disappearances, cross-border renditions, torture, secret ‘black sites’ located in other countries, and so on, approved by civilian authorities,” says McSherry. “All of these methods characterized Operation Condor.”

“There have been other manifestations of Condor-like practices that have taken place and are taking place in the decades since,” says Francesca Lessa, who is researching the crimes of and accountability for Condor at the University of Oxford. “If you think about the practices of clandestine rendition in the war on terror, for example — those have all of the hallmarks of what Condor used to be in Latin America several decades earlier.”

Even the torture employed by Condor operatives, such as threatening to kill or rape loved ones, squalid conditions forcing

total dependence on one's captors, and simulated drowning, was in many cases exactly the same as the techniques used by US forces against accused terrorists and taught to Latin American forces by US officers decades before that.

As the "war on terror" progressed, we've seen some of the hallmarks of Condor operations increasingly turned on the domestic US population. This is particularly so with Donald Trump, who, sometimes to the enthusiastic applause of liberal politicians, has repeatedly railed against socialists and other domestic enemies, and more recently engaged in a range of behavior that would be familiar to the victims of Condor: law and order rhetoric, threats to declare dissidents terrorists, and massively overstating the power of the groups he opposes. Perhaps more alarmingly, street kidnappings and other counterinsurgency tactics have now apparently become legitimate elements of domestic law enforcement under his presidency.

Ironically, this has happened at the same time that the perpetrators of Condor and its member governments have increasingly found themselves facing justice, exposing more about its workings in the process. While impunity held fast in the hemisphere as late as the 2000s, campaigns and legal efforts by survivors and victims' families have changed all that, assisted by a vast and incriminating archival paper trail created, ironically, by the program's highly organized and transnational nature.

According to the numbers compiled by Lessa in her Operation Condor project, since the 1970s, there have been forty-four criminal investigations into Condor-related crimes across eight countries. Those include not just Condor member nations, but Italy, France, and the United States, too.

Twenty-eight of these investigations have concluded with at least an initial sentence, says Lessa, which have seen 118 defendants convicted for crimes against 213 victims. Those include the twenty DINA agents tried for Condor activities in 2018, the 2016 conviction of eighteen former Argentine military officers for their participation in Condor, and Contreras himself, who was sentenced to 526 years in prison in 1995 and died in jail two decades later. By Lessa's count, there are currently two ongoing trials and twelve investigations at the pretrial stage.

In a rare bit of real-world poetic justice, it is now the perpetrators of Condor who seem to have nowhere to hide. Years of pressure from those pushing for justice were given a boost by Pinochet's arrest and nearly two-year-long detention in London, whose warrant was based partly on a Condor crime, and which firmly established that individuals really could be prosecuted for crimes against humanity regardless of where they were, where the crimes were carried out, and the nationality of everyone involved. Though he escaped extradition, it opened the door to his 2004 indictment in Chile, which in turn paved the way for further attempts at retroactive justice for the dictatorship's crimes.

"The Pinochet case in 1998 was indeed critical in galvanizing international justice efforts in South America and beyond," says Lessa. "But if the preexisting demand and justice efforts had not been there even before, the Pinochet case might not have been enough on its own."

The reverberations were felt beyond Chile. Pinochet's arrest and the investigation of Argentine military officials in foreign courts spurred a raft of new cases and even arrests and indictments in Argentina over Condor-era crimes, leading to the 2003 annulment of the country's amnesty laws, used to protect human rights abusers for decades. A year later, an Argentine court declared that the statute of limitations didn't apply to human rights crimes, in a case that concerned the 1974 murder of Carlos Prats.

Transnational repression has given way to borderless justice, it seems. The year 2019 alone saw Adriana Rivas, Contreras's former secretary and allegedly one of DINA's "most brutal torturers," arrested in Australia (her extradition to Chile was approved last month), while a former Uruguayan naval officer was sentenced to life in prison in Italy over his role in Condor. The most recent sentence was handed down just days ago, with four former Argentine security personnel convicted for a slew of crimes, including the kidnapping and detention of two young children, privy to their mother's torture and later abandoned in a public square in Chile.

All the while, we continue to learn more about the once-shadowy program. In 2019, the US government released tens of thousands more pages worth of previously secret files relating to Argentina's dictatorship during the Condor years. Among the revelations: that in September 1977, "representatives of West German, French, and British intelligence services had visited the Condor organization secretariat in Buenos Aires . . . to discuss methods for establishment of an anti-subversive organization similar to Condor."

With veterans of France's brutal counterinsurgent wars in Algeria and Vietnam having passed on their own training and experience to their Latin American counterparts, perhaps one day we will find out that the "global anti-Marxist agreement" Condor was a part of was even broader than once thought.

A History Rewritten

As typically recounted, the story of the twentieth century goes something like this: after briefly uniting to defeat fascism, the United States and the Soviet Union turned the rest of the century into a clash of ideologies, one that always threatened to

erupt, but never quite did, into outright great-power war. With nary a shot fired, free-market capitalism won out, thanks to the hearts and minds won by the power of television, cheeseburgers, and convenient home appliances.

But programs like Operation Condor cast that history in a very different light. With them in mind, that triumph looks intensely violent — one in which the US government swiftly allied with autocrats and even fascists to attack democracy and brutally put down people’s movements of all kinds the world over, lest their goals of a more just, egalitarian world threaten Western strategic and business interests. And with that economic system now sputtering under the weight of several crises, the repressive measures long reserved for the rest of the world are becoming more visible at home, as an agitated US public turns ever more unruly in the face of their own long-declining living standards.

It’s an episode especially relevant to the post-Trump era, where agencies like the CIA have successfully rebranded as defenders of democracy and liberal values against impending fascism. It reminds us of the unvarnished, well-organized brutality that lies behind the global order Trump and his predecessors inherited, a sometimes neo-fascist brutality engineered and led by those same agencies to protect elite power and business interests.

A well-founded fear of fascism and democracy’s subversion will remain a key part of US political discourse well beyond Trump. Examining the legacy of Operation Condor should prompt us to think about which institutions in American life have been most hostile to democracy and, when the time calls for it, eager to align with fascists. But it’s also a reminder that, in the face of popular struggle, even this violence has a shelf life, and impunity doesn’t last forever.

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South America

The ‘false positives’ scandal that felled Colombia’s military hero (The Guardian) By Mariana Palau
November 19, 2020

On a chilly October afternoon in 2008, Jacqueline Castillo found herself staring down into a mass grave in Colombia’s northern region of Santander. Five bodies, naked and dirty, were squeezed together like sacks of potatoes. Forensic doctors, wearing white suits, masks and rubber gloves, were pulling them out, one by one. They placed them beside her, and asked her to examine their faces.

Castillo was looking for her brother, Jaime, who had disappeared a few months earlier in Bogotá, more than 600km away. His was the last body they pulled out. When he was placed on the ground next to her, Castillo fell to her knees, screaming. The doctors told her he was a criminal, a member of one of the many guerrilla armies that had been fighting the Colombian state since the mid-1960s, and that he had been killed in combat. But Castillo knew that was impossible. Her brother had been a homeless beggar, not a guerrilla insurgent.

Castillo did not know it then, but she was standing next to the site of a mass grave for what would become known as falsos positivos, or “false positives” – innocent people extrajudicially killed by members of the Colombian army, and then falsely labelled as enemy combatants. Nobody knows exactly how many young men became false positives. The most recent report released by Colombia’s attorney general’s office says that between 1988 and 2014, around 2,248 people were killed. Previous reports by human rights organisations have estimated that the number may be 5,000 or even higher. The victims tended to be poor young men; some had learning disabilities. They had been lured to faraway places, on the promise of a job, by “recruiters” – people paid by soldiers to find possible targets. Then they were murdered.

Initially, only a small number of soldiers took part in such killings, experts believe, and they were careful to cover up their crimes. But by the mid-to-late 2000s, soldiers who murdered civilians had become so numerous and blatant that it was inevitable that their atrocities would be discovered.

What lay behind the killings was a government policy that sought to defeat, at all costs, the Farc guerrilla movement against which it had been fighting for decades. Since the early 2000s, the ministry of defence and the army had put out directives that prioritised body counts above all other results. They offered a series of rewards, such as money, medals and additional holiday leave, to military units that achieved high body counts, according to Human Rights Watch. Soldiers who killed six “enemies”

or more were eligible for bonuses of up to 30m pesos (then worth \$15,000). The result was a system of perverse incentives that led soldiers to kill vulnerable civilians. What makes the false positives scandal so shocking is not just the scale of the crimes, but the sheer banality of the motive: thousands of civilians were murdered so that the soldiers who did the killing could get more holiday, or a large bonus.

When confirmation of the scandal hit the press in 2008, in the weeks after Jacqueline Castillo identified the body of her brother, it shook Colombia's image of itself as a nation overcoming the brutalities of its past to become a more prosperous, modern state. "The false positives tarnished the government's record on successfully fighting off the insurgencies," said Kyle Johnson, a researcher at the Conflict Responses foundation. "The country took a huge step backwards on human rights."

Today, more than a decade after the scale of the false positives killings was discovered, the scandal is still roiling Colombia. At the centre of the tumult is the most celebrated, and controversial, military officer in recent Colombian history, General Mario Montoya. For many years, Montoya was one of the nation's most cherished heroes. Under his leadership, the army dealt the military blows to the Farc guerrillas that eventually drove them to the negotiating table in 2016, ending five decades of armed conflict. But it was also on Montoya's watch, between 2006 and 2008, that the practice of killing innocent civilians peaked.

Montoya's high rank has made prosecuting him a symbol of justice for human rights activists and the families of the false positives, and 12 years after the scandal broke, he is finally being investigated by Colombia's war crimes tribunal. If he is found to have had a role in the extrajudicial killings, he could be sentenced to up to 20 years in prison. But within the army, many believe the general has become a scapegoat for the sins of government officials, some of higher rank than him, who also had a role to play in the scandal.

Montoya's trial – which, because of the coronavirus pandemic, has been postponed until next year – will have huge political implications. He embodies uribismo, the hawkish conservative movement led by the former president Álvaro Uribe, which sought to destroy the guerrillas outright. In recent years Uribe and his followers have mounted an aggressive opposition to the 2016 peace deal, which Uribistas believe is too lenient towards the guerrillas.

These political divisions will be further inflamed by the trial of Montoya. Uribe has hailed Montoya as a hero, and said he hopes the general won't suffer an injustice at the hands of the war crimes tribunal. If he goes free, Uribistas will see it as a moment of triumph – and vindication for the aggressive military policies Uribe pursued as president. But a conviction would mean that the state, under Uribe, was the perpetrator of crimes against humanity. It would delegitimise a government that many Colombians believe saved their country.

Members of the armed forces in Colombia often say there are two types of soldier. The first is the soldado intelectual, or the intellectual soldier, who is concerned with politics and the law. He engages in battle because it is his duty, but feels most comfortable sitting at a desk. The second, known as the soldado tropero, is bored by deskwork and craves combat. At first glance, with his grey hair, bushy eyebrows and reading glasses, Mario Montoya looks like the intellectual type. But those close to him say he is by nature a warrior, in a country whose modern history was defined, until recently, by armed conflict.

Montoya was born in 1949, at the start of a decade-long civil war, known as la violencia, in which more than 200,000 people were killed. In the late 1950s, Colombia's dominant Liberal and Conservative parties ended the war by agreeing to share power in a coalition called the National Front. All other parties and ideologies were shunted aside, and soon a new conflict began to brew, this time between the National Front government and leftwing groups seeking to overthrow it. What later emerged as the most powerful of these groups was founded in 1964 as the Fuerzas Armadas Revolucionarias de Colombia, the Revolutionary Armed Forces of Colombia, or Farc.

The Farc's founding members were a group of farmers who hoped to establish an independent republic in south central Colombia. Inspired by Marx and Lenin, they wanted to liberate their country from the influence of American capitalism. By the 1980s, the Farc had become the largest guerrilla group in Latin America, as well as one of the largest drug-trafficking organisations in the world, using the proceeds to fund a sophisticated war against the government. By the 1990s, the Farc was operating a parallel state within Colombia, extending its influence across a third of the country's territory.

The Farc was popular in some parts of Colombia, particularly the south, where it had the support of many poor farmers. But as the Farc grew stronger, it also became more vicious. The group swelled its ranks by recruiting minors, and planted improvised explosive devices throughout rural Colombia to defend its coca crops. Farc members extorted business owners, massacred civilians who did not share their beliefs and kidnapped thousands of people, holding them for ransom for years.

By the 1980s, many Colombians feared that the Farc might win the war. The Colombian army, which Montoya had joined in 1971, was a scrappy, poorly equipped force. Throughout the second half of the 20th century, it seemed incapable of defeating, or even containing, the Farc. "They lacked the discipline, cohesion and morale to confront the guerrillas," said Juan Esteban Ugarriza, a researcher of conflict and peace at Universidad del Rosario, one of Colombia's top universities.

That began to change in 1999, when the then president Andrés Pastrana more than doubled Colombia's defence budget, from 2% of GDP to 4.5%. He also signed the Plan Colombia, a multibillion-dollar aid package from the US designed to target drug cartels and leftwing insurgencies. With the new influx of money, the armed forces acquired state-of-the-art weapons and military intelligence technologies, discharged many of its volunteers, and recruited, educated and trained 89,000 more of its own professional soldiers. Today the army stands at around 200,000. The police force, which also fought against the insurgents, was expanded and militarised.

For decades, the Colombian government had primarily tried to end the violence by negotiating with the guerrillas. In 2002, when Álvaro Uribe was elected, he became the first president in decades who believed that Colombia's conflict could only be solved with what he called "an iron fist". That belief became the basis for his signature policy, called "democratic security", which sought to make Colombia safer by aggressively extending the state's presence and by going after guerrilla and drug-trafficking groups. Uribe had at his disposal something that no president had before him: revamped armed forces that were finally capable of fighting off the Farc. Montoya, who had led the army's anti-narcotics battalion in the 1980s and served as chief of intelligence and counterintelligence in the late 90s, became the most important executor of Uribe's approach. In October 2002, in one of the first major instances of this new strategy, Uribe ordered Montoya to liberate a shanty town within Colombia's second-largest city, Medellín, which had been taken over by the Farc and was being used as a hub for the group's drug-trafficking business. The resulting operation, called Orion, was the largest urban military operation in Colombia's history. Its symbolic and strategic importance was clear. One of the Farc's long-term goals had been to expand its power into Colombia's cities, where 80% of the country's population lived. Beating back such an incursion would be seen as an important victory for the government.

Orion was immediately hailed as a success. The armed forces arrested 355 guerrilla members, raided around 150 properties and liberated 17 hostages. But allegations of extrajudicial killings swiftly followed. In 2003, an NGO that specialises in human rights law, Corporación Jurídica Libertad, published a report that said 17 civilians were killed and at least 80 more were injured in the operation. Several people were also disappeared, though the exact number is unknown. The government and the army have always denied that these things happened during Orion.

There were also worrying claims that the army had relied on illegal paramilitary groups to gather intelligence in the run-up to Orion. Paramilitarism has blighted Colombia since the 1960s, when the National Front government passed a law allowing civilians to take up arms to protect themselves against the newly formed guerrillas. These non-state militias were eventually absorbed by Colombia's drug cartels, and became just as murderous as the guerrillas themselves. If Montoya collaborated with them during Orion, it suggested the army was happy to operate beyond the law. Montoya has always denied allegations that he collaborated with the paramilitaries.

I asked an army official who worked under Montoya in Medellín about the use of paramilitary informants during Orion. "You won't find information in a nun's convent," he told me. "You'll only get it from the same criminals." Hatred towards the Farc trumped everything else, said a lawyer involved in Montoya's case. "In the war against the Farc, everything was valid," he told me. "We were a country with a paramilitarised soul."

The operation, which remains controversial to this day, set the terms of debate around Uribe's democratic security policy. "In terms of results, the policy was a success," said a military expert who worked for the president, because it gave the government the upper hand in the war. "In terms of human rights," he said, "there are many black holes."

Wherever the army went, accusations of human-rights abuses followed. By the mid-2000s, NGOs were filing complaints about alleged atrocities by soldiers during operations that Montoya had commanded. A government watchdog agency launched an investigation, but found that Montoya did not order the killings or know they were happening.

In 2005, about a year before Montoya became head of the army, in an atrocity unrelated to the later false positives scandal, soldiers in his brigade allowed paramilitaries to massacre eight civilians in San José de Apartadó, a small rural region thought to be inhabited by Farc supporters. The victims were dismembered and their body parts thrown into a river. Three of the victims were children. The government initially blamed the Farc for this massacre. But in May 2019, Colombia's supreme court debunked that statement, and convicted six soldiers for their "participation" in these killings. Last year, an army general publicly apologised for the massacre. It is unclear whether Montoya played a role in this massacre: Montoya has always denied any involvement in or knowledge of what happened in San José de Apartadó. For now, the war crimes tribunal will not evaluate his role in that massacre.

In 2006, Uribe named Montoya commander of the army. That year, at least two NGOs started publishing reports that claimed the army had used the false positives practice for years. They accused the brigade that Montoya commanded during Orion of engaging in such killings during that operation and others in eastern Antioquia. The report and findings did not garner much attention outside of NGO circles or within the government. "We were dismissed as leftwing extremists," said Juan Diego Restrepo, who co-authored one of the reports. The government denied all allegations made in the reports.

The following year, a mass grave was found in Putumayo in southern Colombia. Investigators revealed that the grave held more than 100 victims of paramilitary violence. All were killed during the time when Montoya was the commander in the region. The general has never publicly discussed the discovery of the mass grave.

None of these reports damaged Montoya's career. His success on the battlefield meant he enjoyed widespread support from Colombians, and from Uribe, with whom he became close friends. During Montoya's tenure as commander, there were at least 100 military engagements a day throughout the country, more than at any other point in Colombia's recent history. The general became an almost mythical figure, famous for his charisma and stamina. One of his former aides told me that, during Montoya's two years as head of the army, he never took a single day off, and it was common to see him in his office late into the night, often until dawn. He demanded extraordinary results from the men under his command. Every week, he would rank the military's units based on the number of insurgents arrested, voluntarily demobilised and killed.

Kills of insurgents were what mattered most. In July 2006, three months after Montoya was made commander of the army, the various divisions of the army were ranked for their performance. The division that ranked top had reported 379 kills, 285 enemies captured and 32 who voluntarily surrendered. The division ranked lowest had reported more than double the number of captured and surrendered guerrillas, but only 67 kills. Those who served under Montoya's command say that he would not hesitate to ask for the retirement of colonels who did not deliver high enough numbers. During visits to battalions and brigades, he would grill other generals and colonels, demanding better results.

Montoya's fame peaked in July 2008, when he helped orchestrate one of the most dramatic military gambits in recent history. The operation, known as Jaque ("Check", as in chess), was conceived six months earlier, when a soldier in the army's intelligence unit accidentally discovered the radio frequencies through which the Farc's then commander communicated with one of his subordinates, a guerrilla nicknamed Gafas ("eyeglasses"). Gafas was responsible for guarding the Farc's most high-profile hostages, a group of 15 that included three US army contractors and Ingrid Betancourt, a French-Colombian politician who had once been a presidential candidate. Some of them had been held hostage for more than nine years. Uribe was under intense international pressure to secure these hostages' release, so they had become an invaluable bargaining chip for the Farc in its disarmament negotiations with the government.

After ascertaining the exact location of the hostages, in the middle of the Colombian Amazon, Montoya then sent 15 of his best men to acting classes in Bogotá to prepare for the rescue operation. Over the course of a few days, instructors taught them how to play foreign aid workers on a supposed humanitarian mission. The Farc trusted several humanitarian organisations because of their strict neutrality. For example, it had previously allowed the Red Cross to transport the bodies of hostages who had died in captivity. Some of the soldiers learned how to speak Spanish with fake Australian, Italian and Iranian accents. Two of them posed as journalists – a reporter and a cameraman – from Telesur, the Venezuelan government-sponsored news channel that often had exclusive access to the Farc, thanks to Venezuela's leftwing president, Hugo Chávez, who openly supported the guerrillas.

Next, army officers posing as Farc radio operators relayed an order to Gafas to transfer the hostages to a location where a humanitarian mission would pick them up and supposedly take them to Alfonso Cano, the Farc's supreme commander. Two days before the fake mission, Montoya took his group of soldiers-turned-actors to Tolemaida, the armed forces' most important base. There, like a theatre director running through a final dress rehearsal, Montoya had the team play their parts over and over again, making sure they had worked through every plausible scenario.

On 2 July 2008, Montoya's troop of soldier-actors boarded two helicopters, which had been painted white to look like they belonged to a neutral humanitarian organisation, and headed into the jungle to meet Gafas and his men. The team was scared. Was the Farc playing along, pretending it knew nothing about the fake radio operators, just to set them a trap? What if their acting failed? "Everyone, even Montoya's boss" – the head of the armed forces – "had doubts about the operation," a colonel who was part of the Jaque team told me last year. "But Montoya always knew it was going to be a success."

In fact, Gafas was so charmed by the soldier-actors that he insisted they stay for lunch. Some of the hostages weren't so gullible. The American hostages, hearing the "Australian" humanitarian worker's hispanic accent, knew something was wrong. When the time came to board the "mission" helicopter, they initially refused, until a Jaque soldier managed to squeeze in a few words without raising suspicion. "Trust me," he said. "We're going home." The hostages boarded the helicopter, along with Gafas and another Farc fighter.

Minutes after take-off, the Jaque team jumped on the Farc members. The confused hostages watched as the guerrillas were tied up. "We're from the Colombian army," a member of the Jaque team yelled. "You have been liberated." Not a single bullet had been fired.

The operation was not only a turning point in the decades-long conflict with the guerrillas, but also a turning point in how many Colombians saw their own nation. I was 22 years old when news broke of the success of Operation Jaque, and it was the first time I had ever sensed patriotism among my fellow Colombians. People drove around the streets of Bogotá honking their

horns and waving Colombian flags. To many, the country was shedding its image as a violent, backward state, overrun by cartels, guerrillas and paramilitaries. The government was finally prevailing over the insurgency. Montoya had given Colombians something they could be proud of.

A photograph of Montoya, his fist held in the air, a smile of triumph on his face as he led the rescued hostages off an airplane in Bogotá, was printed in every newspaper in the country. International media aired footage of Montoya explaining the operation, with Uribe and Juan Manuel Santos, the current and future presidents, standing next to him. To this day, Colombian media and many public officials celebrate Jaque every July. The lower chamber of congress is discussing a law that would commemorate Jaque every year, and even build a monument in its honour.

But Jaque's glory – and Montoya's – did not last long. Two months later, in August 2008, the false positives scandal broke.

The scandal had been brewing for months. In July 2008, just months before Jacqueline Castillo identified the body of her brother in the mass grave in Santander, a Colombian soldier contacted the UN with a terrible story. He alleged that a unit he had belonged to until recently had killed civilians since 2005, if not before. He himself had participated in the killing of at least one civilian. The soldier had deserted the army and become a whistleblower after discovering that this unit had killed his own father and labelled him as a guerrilla fighter. The UN had immediately alerted the Colombian presidency. Santos, then the defence minister, and Freddy Padilla de León, the commander of the armed forces, met with the soldier and commissioned an internal investigation to determine if the allegations were true. When the investigation delivered its findings a few weeks later, it found no evidence of what the whistleblower was saying.

Then, on 25 September 2008, a senior official in the Bogotá city government called a press conference. The official, Clara Lopez, said that she had found the names of 11 young men who had been reported missing from a Bogotá suburb in a database of guerrillas killed in combat. Lopez thought it was odd that they had all been reported dead just 48 hours after they were last seen. It seemed impossible that these men were recruited by the guerrillas, trained and sent to combat in such a short period of time. Journalists raised the question of whether the disappeared had been killed by the army. It was around this time the killings began to be described as "false positives".

Lopez's findings appeared to corroborate the whistleblower's story. Later that week, the bodies of all 11 men were exhumed from mass graves very near to the site where Castillo found her brother's body. Santos and Padilla commissioned a more thorough investigation, led by the inspector general of the armed forces. In October, the investigators published a report confirming that Castillo's brother, the 11 young men from Bogotá, and possibly hundreds of others, had been murdered by the army. The murders were not perpetrated by just a few rogue soldiers: cases of false positives had been uncovered in every army division. The report does not mention Montoya. It just investigated whether the extrajudicial killings had occurred.

Among the armed forces, and in the ministry of defence, the scandal was received with shame. "This was their Kafka moment," said Armando Borrero, a military expert who once instructed Montoya in a course for colonels being promoted to generals. "They woke up one day to discover they were a monster."

Twenty-seven army officers, most of them high-ranking, who had belonged to or commanded units incriminated in the report, were dismissed immediately. In early November 2008, just five months after the success of Operation Jaque, Montoya himself resigned. He did not mention the false positives in his resignation letter, but it was clear that, after a scandal of this scale, he could not keep his job. By the time the peace deal was signed, at least 21 low- and mid-ranking military officials had been convicted for the extrajudicial killings.

On the international stage, the scandal tarnished the reputation of Colombia's ministry of defence, and jeopardised the billions of dollars in military aid that the US, its main ally, gave to Colombia every year. But within Colombia, most people seemed to turn a blind eye. The major newspapers and magazines of the country ran stories about the false positives, but there were no mass protests or widespread demands that any government official resign. Support for the army remained strong. In May 2009, one poll found that 79% of Colombians had a favourable opinion of the army. "We had unwavering faith towards Uribe, and the hatred of the Farc was so strong," said Juan Diego Restrepo, who had co-authored one of the reports on false positives. "And as long as that hate exists, a big part of Colombia will think that whatever was done against the Farc was legitimate, and that other thing [the false positives] was collateral damage."

The conflict with Farc ended in 2016, when it signed a peace deal with the government. In exchange for giving up its weapons, the government agreed to let the Farc form its own political party, and reserved 10 congressional seats for which only the Farc could run. The terms of the peace deal polarised the country. Older, more conservative voters, who rallied round former president Uribe, thought the deal was too generous to the Farc. Younger, more liberal voters tended to argue that the only way to end violence in Colombia was through a negotiated deal, even if that meant granting major concessions.

One particularly controversial element of the peace deal was the creation of a war crimes tribunal that would investigate crimes against humanity allegedly committed during the conflict. The Farc, Colombia's armed forces, paramilitaries and even

third-party members who were involved in perpetrating the crimes will be tried. In total, 2,744 military officials, who could have had a role in the false positives or other war crimes and crimes against humanity, will be tried by the tribunal. It will be the biggest military trial in Colombia's history. Montoya is the highest-ranking army official to be tried for the false positives scandal.

His case has become a flashpoint in the broader political conflict over the peace deal and Uribe's legacy. If Montoya is acquitted, the right will take it as a vindication of Uribe. The left is hoping that Montoya is found guilty, for the opposite reason.

According to Juan Esteban Ugarriza, the researcher in conflict and peace, the false positives prosecutions have stoked resentment within the armed forces. Military figures argue that during its battle with the Farc, the army was constrained – at least in theory – by strict international law, while fighting non-state actors who cared little about such statutes. Many within the military claim to fear the prospect of a judicial war against them, orchestrated by the country's left and the Farc.

Some who oppose the prosecution of army officials have tried to take matters into their own hands. On the evening of 11 January 2019, Alfamir Castillo (no relation of Jacqueline Castillo), the most vocal activist for justice in the case, was sitting in the back of a car, near the Colombian city of Cali, when two men on a motorbike pulled up alongside her and fired several rounds into her vehicle. Castillo only survived because her car was bulletproof – in 2018, the Colombian government's national protection unit had assigned the car to her, along with two bodyguards, after a series of death threats she had received. The authorities have not found the people behind the threats or the attack, but Castillo has a pretty good idea of who would want to kill her. "Those who don't want me testifying against Mario Montoya," she says.

Alfamir Castillo's son, Darbey Mosquera, was a false positive. He was one of a small group executed by soldiers in early 2008. Another man in the group survived the attack: when a soldier tried to shoot him in the back, the gun jammed, and he was able to escape and hide in the darkness. He lived to tell Castillo how her son was murdered.

For years Castillo has sought justice for her son, and the other false positives. To her, they are victims of a crime committed by the Colombian state against poor and marginalised people. Her leadership and perseverance has won support from human rights lawyers and activists. They have created a movement that has sought to pressure the government to prosecute senior military officials for the killings, not just rank-and-file footsoldiers. At the top of that list is Montoya.

When Montoya does eventually go on trial, Alfamir Castillo will be a key witness against him. That, says Germán Romero, her lawyer, is why his supporters may have tried to silence her.

Montoya declined to speak to me for this article. But I spoke to people close to him. A personal friend of his, who lamented his "loss of strength", told me that, as he awaits his trial, he has grown tired and melancholic. In a preliminary hearing of his role in the false positives killings at the war crimes tribunal in June 2019, Montoya pleaded not guilty. He says that he did not order the killings of any civilians, and that the false positives were killed by lazy soldiers who wanted to cheat the army's rewards systems. But prosecutors and victims' lawyers do not claim that Montoya ordered the extrajudicial killings. They argue that Montoya is responsible for the deaths because they were the result of the way he ran the army – placing disproportionate pressure on unit commanders to produce results. In a policy document signed by Montoya in 2006, it was made clear that "kills are not the most important thing, they are the only thing". Montoya denies his leadership style could have led to the killings, and he denies any knowledge about the extrajudicial killings.

Along with Alfamir Castillo's testimony, the case against Montoya will rely on the testimonies of soldiers who were convicted of murdering false positives by the ordinary justice system, and whose cases are now being re-evaluated as part of the war crimes tribunal. In a June 2019 hearing, a colonel said that Montoya had suggested he "grab some guys from the morgue, put a uniform on them and present them as results". The colonel also said that his unit was expected to engage in combat every day, and that the general demanded "litres of blood", only caring about the number of deaths and never about arrests.

Montoya's supporters say the colonel and other soldiers are lying. They point out that these are convicted killers, already sentenced to decades in prison for false positives murders, who are trying to secure reduced sentences by shifting the blame for their crimes on to more senior figures. But others have pointed out that those soldiers have already been proven to have told the truth on other significant matters. In a series of testimonies during early December 2019, soldiers told judges about an undiscovered false positives mass grave site, in which the tribunal's investigators found more than 70 bodies.

Whatever the outcome of the trial, it remains to be seen if Colombia will learn the lessons of the false positives scandal. Although the Farc has disarmed, there are still smaller illegal armed groups wreaking havoc around the country. The government is prioritising an aggressive offensive to fight them off. Leaked army reports say soldiers are not required to "demand perfection" when executing lethal attacks against an enemy, even if there are doubts about their targets. Radical measures to prevent a scandal like the false positives from ever happening again are yet to be taken.

Venezuela

OAS head urges international prosecutor to act on Venezuela (Martinsville Bulletin) By Claudia Torrens and Scott Smith
December 2, 2020

The leadership of a broad coalition of Western Hemisphere nations on Wednesday accused the International Criminal Court's chief prosecutor of failing to take swift action on allegations that Venezuelan President Nicolás Maduro's government committed crimes against humanity.

The General Secretariat of the Organization of American States said in a report that ICC prosecutor Fatou Bensouda's failure to open a formal investigation into Venezuela is "stunning" and "inexplicable."

The leadership of the 35-member body said the slow pace of the ICC's review of Venezuela's situation has emboldened Maduro's government to commit more crimes believing that it can act with total impunity.

"We cannot play with the lives of the people who are victims of a humanitarian crisis to the dimension of Venezuela," OAS Secretary General Luis Almagro, an outspoken critic of Maduro, told reporters. "We cannot play with the lives of the Venezuelan migrants who want to return to the country."

The criticism of Bensouda adds to pressure already applied by U.S. officials who have been angered at her investigations of war crimes allegations against U.S. citizens in Afghanistan and elsewhere.

U.S. Secretary of State Mike Pompeo announced on Sept. 2 that the United States was imposing sanctions on Bensouda and the tribunal's chief of jurisdiction, including a freeze on assets held in the U.S. or subject to U.S. law.

That led to protests by more than 70 nations including key U.S. allies and several member of the OAS. They issued a statement that "any attempt to undermine the independence of the court should not be tolerated."

The OAS accused the court of inaction after being presented with an OAS report in 2018 that alleged murders, torture, rapes, persecution and enforced disappearances in Venezuela.

Spokespeople for the ICC did not comment Wednesday to the new OAS report, which was written Jared Genser, the OAS's special adviser on the responsibility to protect.

Genser, a human rights lawyer and professor at Georgetown University, told reporters that this report is not an attack against the ICC but rather a call for transparency, accountability and urgency.

"Our report brings to life the extraordinary suffering of the people of Venezuela, being inflicted on them by Nicolás Maduro and his regime," Genser said.

Maduro's government didn't immediately respond to the report, but often dismisses such claims a interference of Venezuela's sovereignty by nations beholden to Washington.

ICC prosecutors said in a news release at the beginning of November that Bensouda had met with Venezuela's attorney general, Tarek William Saab, and conveyed to him that prosecutors had a "reasonable basis" to believe that crimes within the court's jurisdiction have occurred in Venezuela. Prosecutors sought information on relevant domestic proceedings and Saab offered his cooperation, the release said.

The attorney general released a statement Monday saying that Venezuela had submitted an "extensive" report to the ICC, answering all its questions.

ICC prosecutors have also said they are undertaking preliminary examinations to determine "whether to open an

investigation.” Additional details will be contained in an end of the year report, they said.

The OAS statement released Wednesday said Bensouda has failed to comply with principles of “impartiality and objectivity.”

It said the prosecutor's preliminary examinations underreported “the scale and severity of some of the alleged crimes, raising serious questions” about the court's "intention to prosecute fully the crimes against humanity in Venezuela falling within the ICC's jurisdiction.”

Among the alleged crimes against humanity from 2014 to 2020, the report said, are allegations that more than 18,000 murders were committed by Venezuelan security forces and paramilitary groups, including extrajudicial killings and the killing of protesters. It also mentions 653 documented cases of torture.

But, the report contends, ICC prosecutors omitted in preliminary examinations “thousands of reported killings from credible sources” and also failed "to acknowledge that enforced disappearances are not isolated cases, but rather part of a larger pattern.”

In September, independent experts for the United Nations' Human Rights Council accused Maduro's government of serious crimes, including grisly cases of torture and killings allegedly carried out by security forces who used techniques such as electric shocks, genital mutilation and asphyxiation.

Maduro's government formalized Venezuela's exit from the OAS in 2019.

Some OAS members, like Mexico, don't recognize Gustavo Tarré, a Venezuelan opposition envoy, as his nation's representative to the regional body. The U.S. and most of the 35 member states recognize opposition leader Juan Guaidó as interim president of Venezuela.

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Libya

Russia prevents UN from blacklisting Libyan militia leader over rights abuses (Daily Sabah)

November 21, 2020

Russia on Friday stopped a U.N. Security Council committee from blacklisting a putschist Gen. Khalifa Haftar-aligned militia group and its leader for human rights abuses because it said it wanted to see more evidence first that they had killed civilians.

The United States and Germany proposed that the council's 15-member Libya sanctions committee impose an asset freeze and travel ban on the al-Kaniyat militia and its leader Mohammed al-Kani. Such a move has to be agreed upon by consensus, but Russia said it could not approve.

"Our support in the future is possible, but conditioned by the provision of an irrefutable evidence of their involvement in the killing of civilian populations," a Russian diplomat told his Security Council colleagues in a note seen by Reuters.

The Libyan city of Tarhuna, which was recaptured in June by the internationally recognized Government of National Accord (GNA), had for years been controlled by the al-Kaniyat militia run by the local Kani family, which fought alongside warlord Haftar's militias.

Last month Libyan authorities dug 12 bodies from four more unmarked graves in Tarhuna, adding to the scores of corpses already discovered since June.

Turkey backs the GNA while Russia, the United Arab Emirates (UAE) and Egypt support the putschist general. Those foreign powers have been cited in earlier U.N. documents as supplying weapons in defiance of the arms embargo.

The United States and Germany wrote in their sanctions proposal that international human rights groups and the U.N political mission in Libya, known as UNSMIL, has "received reports of hundreds of human rights abuses perpetrated by the al-Kaniyat militia against private individuals, state officials, captured fighters, and civil society activists in Tarhouna."

"Under Mohammed al-Kani's leadership, the al-Kaniyat militia has reportedly carried out enforced disappearances, torture, and killings. In addition, UNSMIL verified numerous summary executions at Tarhuna Prison conducted by the al-Kaniyat militia on September 13, 2019," the proposal read.

In June, the U.N.-supported government in Tripoli recaptured Tarhuna, some 65 kilometers (41 miles) southeast of the Libyan capital, their latest in a string of battlefield successes that reversed most of Haftar's gains. Earlier, the government said it regained control of all of Tripoli's entrance and exit points and Tripoli airport.

Some 112 corpses have been found in more than 20 mass graves in Tarhuna since it was recaptured.

Libyan teams continue their excavation work in a wider area now in the search for more bodies.

The Libyan authorities say that Haftar's militia and allied mercenaries have committed several war crimes and crimes against humanity in the period between April 2019 and June 2020.

US blacklists Haftar-affiliated Kaniyat armed group for war crimes in Libya (TRT World) By Ufuk

Necat Tasci

November 27, 2020

Washington's move suggests to international law experts that Haftar's crimes against humanity may not go unpunished for much longer.

The US unilaterally blacklisted armed militia group Kaniyat along with its leader on Wednesday in Libya, a week after Russia prevented a UN Security Council Committee from imposing sanctions on it over its human rights violations.

In a written statement, US Treasury Secretary, Steven Mnuchin, said; "Mohamed al-Kani and the Kaniyat militia have tortured and killed civilians during a cruel campaign of oppression in Libya."

Mnuchin added that the United States stands with the Libyan people and will use the tools and authorities at its disposal to target human rights abusers in Libya and across the world.

Accusing the pro-Haftar Kaniyat group of being responsible for torture and pillaging, forced disappearances, displacement and murder of detained civilians, Mnuchin's statement said:

"In June 2020, following a de facto truce, GNA-aligned forces re-entered Tarhouna and discovered at least 11 mass graves containing the bodies of civilians previously detained by the Kaniyat militia, including women, children, and elderly. Some of the deceased appeared to have been tortured, burned, or buried alive."

"The Kaniyat militia is also responsible for hundreds of summary executions at Tarhouna prison, numerous forced disappearances, and the displacement of entire families from Tarhouna".

Earlier this month, the US and Germany proposed that the 15-member Libya Sanctions Committee at the UN's Security Council should impose an asset freeze and travel ban on Kaniyat militia and Al Kani.

Russia, a Security Council member, blocked the proposal saying Washington's evidence against al-Kana and his militia was not sufficient.

The extent of human rights abuses allegedly carried out by the Kaniyat militias came to the fore in June this year when GNA forces liberated the city of Tarhouna from their stranglehold and found several mass graves. The city's residents also spoke about large-scale human rights abuses committed by the militia.

Why the US doesn't impose sanctions directly on warlord Haftar

Mesut Hakki Casin, a professor of International Law at Yeditepe University, told TRT World that Washington's decision against Haftar's ally Al Kani is a "welcome step," which makes it "possible to say that warlord Haftar has no future in Libya."

"Haftar came to the fore in Libya after NATO's operation. Libya is a state of tribes and when the Skhirat agreement was signed in 2015, GNA was formed and the US didn't oppose it in the UN. Then the US started diplomatically negotiating with GNA which means recognising it in terms of international law," Casin said.

"Prior to future 2022 elections in Libya, the crimes warlord Haftar committed against humanity, killing of civilians and targeting civilian settlements has to come to the fore which were all forbidden by the Geneva Convention," he added.

According to Casin, the US tolerated Haftar's presence in Libya because of its "pragmatism" and to "slow down Russian activities."

"Thanks to the Turkey's political and military support to the UN-backed government of GNA, the international community was clearly able to see the crimes committed by Haftar and militia groups who have been fighting alongside the warlord such as the mass graves in Tarhouna," Casin said.

Berdal Aral, a professor of International Law at Istanbul Medeniyet University, says that once the relationship between the Kaniyat militia group and Haftar is proved, the US sanctions would be applicable to Haftar as well.

"The sanctions against the Kaniyat militia group and its leader is just a beginning. Once the link between the militia and Haftar is established, Washington will have to cut all its ties with Haftar," Aral said, adding that the warlord is likely to be punished as more evidence of war crimes committed by the militias at his behest will surface in the near future.

Aral argued that the UN Security Council should convene a session on the matter and move the case to the International Criminal Court.

The Global Magnitsky act

Under the Global Magnitsky Act, the US can apply sanctions on any entity or person involved in human rights abuses anywhere in the world. They can even freeze foreign assets of abusers and prohibit Americans from doing business with them.

The law came into effect after the death of Russian tax advisor Sergei Magnitsky, who was investigating the financial embezzlement worth \$230 million allegedly by 18 top ranking Russian officials. Magnitsky lived in Moscow but worked for London-based investment fund, Hermitage Capital. He was arrested in 2008 by Russian police and 11 months later, he died in their custody. As per media reports, Magnitsky was subjected to torture and denied life-saving medical treatment.

In 2016, US Congress voted to expand it into the Global Magnitsky Act which allowed for sanctions against human rights abusers in other parts of the world.

The act remains supported by both the Democratic and Republican parties. The original law was signed in 2012 by Barack Obama. Donald Trump endorsed its enlargement in 2016.

Haftar forces violate ceasefire agreement (Libyan Express)

November 29, 2020

A woman killed and a child badly wounded in an attack carried by Haftar forces in southern Libya, in the town of Ubari.

According to sources, an armed group of Battalion 128, Battalion 116 and the Battalion Tariq bin Ziyad attacked Ubari district and detained one of the residents. The force that carried the attack came from Sharara oilfield.

Spokesperson of the Misrata Military Council Ibrahim Bait Almal stated that Haftar is attempting to derail the political dialogue forum and the 5+5 joint military commission, insisting that forces of the GNA are always ready for any attack.

This comes after The spokesperson for the GNA Sirte and Al-Jafra operations room, General Abdul Hadi Dara warned earlier this month of considerable movements of Haftar forces in the east of Sirte and the south, and that foreign mercenaries and weapons were gathered at large.

On Sunday, The spokesman for the GNA Army Mohammed Gununu said that killing children and destroying homes are criminal acts to be added to atrocities of war crimes Haftar's forces have committed in the city of Tripoli and Tarhuna.

He also called on the United Nation's Mission in Libya by saying "We are surprised by the silence of the UN mission on violating the cease-fire agreement by Haftar forces."

"Doesn't monitor the ceasefire matter to the UN mission? Shouldn't the blood of innocent women and children be documented to pursue those who carried out and ordered?" Added Gununu.

On their part, a spokesperson for Haftar forces has claimed that the attacks carried out on the civilian town were targeted towards terrorists linked to Al-Qaeda in Islamic Maghreb (AQIM) and that their forces successfully carried the operation and arrested the individuals.

The ceasefire agreement was signed in Geneva this last October during the 5 + 5 Libyan Joint Military Commission meeting, the agreement dictated that all military forces withdrew from fighting fronts and all foreign mercenaries and forces from Libya. It also called for the suspension of all training of troops domestically and abroad and the formation of a Joint Operations Room for a joint police and military force.

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Shocking number of sexual violence cases perpetrated by armed groups in Salamabila, Democratic Republic of Congo (Doctors Without Borders)

November 19, 2020

Doctors Without Borders/Médecins Sans Frontières (MSF) teams in Salamabila, in the Democratic Republic of Congo's (DRC) eastern Maniema province, have treated approximately 1,000 survivors of sexual violence since the beginning of 2020—85 percent of the perpetrators were armed men. The international medical humanitarian organization MSF calls on armed actors to end its attacks on civilians and calls on other humanitarian actors in DRC to respond to this crisis and strengthen protection services for the people of Salamabila who have suffered in silence for far too long.

“Attacks on the people need to stop,” said Carlos Francisco, MSF head of mission in DRC. “We call on all armed actors and anyone carrying arms in the area to respect international humanitarian law, and to not harm but protect civilians.”

“Violence against the civilian population in Salamabila has almost become normalized, and it's happening even outside of active conflict. It's having a serious impact on the physical and mental health of the people living here,” said Francisco.

In the latest violent incident, on November 11, gunshots were heard in Salamabila town. Shortly after, two people with serious gunshot injuries arrived at health structures supported by MSF. A third person with stab wounds arrived at the health structure the following morning. MSF teams also treated several survivors of sexual violence.

The incident illustrates the violence that the people in the Salamabila area have endured for years. Close to Mount Namoya, where gold is mined, fights between armed groups over access to natural resources often result in attacks on civilians. Violence, kidnappings, looting, and destruction of property are frequent.

MSF has been active in the area since 2018, providing primary and secondary health care in several hospitals and health centers that serve a population of around 180,000 people. One of MSF's priorities is to support people who have survived sexual violence, including through psychosocial care.

Congo warlord sentenced to life for war crimes (Reuters) By Fiston Mahamba
November 23, 2020

A military court handed a life sentence on Monday to militia commander Ntabo Ntaberi Sheka for war crimes including murder, sexual slavery and child soldier recruitment in Democratic Republic of Congo.

The two-year trial involving more than 300 victims is a landmark for Congolese justice, rights groups and the United Nations said.

Authorities first issued a warrant for Sheka's arrest in January 2011 but he remained at large until 2017, when he surrendered to U.N. peacekeepers.

Sheka and Séraphin Zitonda, a commander from another militia, received life sentences at the trial in the city of Goma for crimes committed in Congo's eastern province of North Kivu between 2010 and 2014.

"This verdict is a source of immense hope for the many victims of the conflicts in the DRC: their suffering has been heard and recognized, and impunity is not inevitable," said Leila Zerrougui, head of the U.N. peacekeeping mission in Congo.

The men were found guilty of orchestrating raids on villages in Walikale territory in mid-2010 where 380 men, women and children were raped, and 287 killed.

"We salute the courage of the victims, who have continued to testify despite the threats," said Yuma Fatuma Kahindo, a lawyer representing the group of victims.

Daniele Perissi, a representative of TRIAL International, a charity that fights impunity for international crimes, said the authorities had proved they are capable of taking on "an incredibly complex case" from a legal and security point of view.

A successor to Sheka's militia, the NDC-Renove, was one of the largest armed groups in the east of the country in recent years and seen as having close ties with the national army until it split and turned on itself in July.

The army will continue military actions to bring perpetrators of crime to military justice, an army spokesman said.

DR Congo: War crimes conviction 'an important victory' for justice – UN envoy (UN News)

November 24, 2020

Special Representative on Sexual Violence in Conflict, Pramila Patten, and her counterpart on Children and Armed Conflict, Virginia Gamba, lauded the Cour Militaire Opérationnelle of North Kivu for the conviction and sentencing of Ntabo Ntaberi Sheka – part of the Nduma Defence of Congo armed group (NDC-Sheka) – on charges that included rape, sexual slavery and the recruitment of children.

Ms. Gamba called the verdict "an important victory for those who seek justice for grave violations against children" in the DRC and elsewhere.

"It is a formidable example showing that no individual, no matter how powerful, is immune from being held accountable for those violations", she added.

Appalling crimes

He and co-conspirators, including Séraphin Nzitonda Habimana, also known as Lionceau, of the so-called Democratic Forces for the Liberation of Rwanda (FDLR), were tried for mass crimes committed between 2010 and 2017.

Among the violations were attacks in 2010 against civilians in Walikale territory in which the UN Joint Human Rights Office said that at least 387 civilians suffered sexual violence. The Security Council condemned the assaults in the strongest terms and called for the perpetrators to be held accountable and prosecuted.

Thereafter, Mr. Sheka was added to the Security Council sanctions list for the DRC. Following a two-year trial that began in 2018, both defendants were found guilty and sentenced to life imprisonment.

"My mandate has pursued justice for Messrs. Sheka and Lionceau's crimes with a coalition of national and international partners, for the sexual violence they have committed for over a decade", explained Ms. Patten. "The verdict sends a strong signal that impunity for sexual violence in Congo will not be tolerated".

Verdict sends 'clear message'

Both UN envoys praised the brave victims who came forward to testify, their attorneys and the Congolese prosecutors who

pursued the case with diligence.

They highlighted the broad coalition of national and international actors who worked together to ensure that justice was done, which they maintained stands as a model for the future. Moreover, the Special Representatives welcomed the UN's technical support, particularly that of its Stabilization Mission in the DRC (MONUSCO) as well as the military justice authorities that contributed to the outcome.

"North Kivu is still subject to insecurity and sexual violence, but this verdict is a clear message to perpetrators that you will be brought to justice no matter how long it takes", said Ms. Patten.

'Justice will prevail'

Ms. Gamba added, that "through this verdict, once again parties to conflict are reminded that violations against children cannot be overlooked, and that sooner or later justice will prevail".

The Special Representatives also called upon the DRC Government to provide reparations and support to victims of Mr. Sheka's crimes who still suffer long after the violations.

DRC: Violent attacks against staff force MSF to end projects in Fizi territory, South Kivu (Doctors Without Borders)

December 1, 2020

Médecins Sans Frontières (MSF) has made the difficult decision to end most of our support to healthcare provision in Kimbi and Baraka in Fizi territory, South Kivu province, in eastern Democratic Republic of Congo (DRC). The decision comes after the withdrawal of the majority of MSF staff from Fizi territory in July, following several violent incidents against our teams in 2020.

"It is with great sadness that we have come to the difficult decision to end so much of our support," said Ellen van der Velden, MSF operational manager. "It is not something we come to lightly. But after several security incidents directed at our staff in Fizi territory, the predictability of further incidents and potential further serious harm to our staff has reached a threshold that we are no longer able to accept."

The ever-increasing activity from criminal and armed groups across eastern DRC has led to ongoing violence and attacks against civilians on a shocking scale, including targeted killings and horrific acts of violence, including sexual violence. This has had a devastating impact on people and their communities, disrupting livelihoods and displacing millions of people. Additionally, there have been numerous attacks against national and international organisations, including in Fizi territory.

"Despite our best efforts to ensure the safety of our staff and patients, we cannot accept these criminal acts against us," continued van der Velden. "We have to adapt the medical assistance we are able to provide in this highly violent and insecure context. It is the people of DRC who are most impacted. We call upon all parties to protect civilians and respect humanitarian access."

In Kimbi, where MSF has been providing support to healthcare services for nine years, we will hand over all activities to the Ministry of Health. In Baraka, where we have been present for 17 years, most activities will be handed over to the Ministry of Health. MSF will keep a small number of services to ensure ongoing treatment for HIV and tuberculosis patients currently under care for the next six months, including support to laboratory services, as well as support to health workers providing care in communities with no access to Ministry of Health clinics.

MSF remains committed to the people of DRC, South Kivu and Fizi territory. In Kimbi and Baraka, we will continue to provide support to Ministry of Health staff and donate medicines into the first quarter of 2021. Meanwhile, a team of key staff will remain present in Bukavu to explore new models of care to support people in need of medical and humanitarian assistance in South Kivu.

Additionally, MSF will continue our support in other parts of South Kivu, such as our regular project in Kalehe, and monitoring and responding to emergencies.

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Côte d'Ivoire (Ivory Coast)

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

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

Chad: Four dead and sixteen soldiers seriously injured in a motorized pirogue attack over lake Chad (MedAfrica) By Steven Addamah

November 26, 2020

An explosion killed and wounded several army personnel during the night of Tuesday to Wednesday while soldiers were sailing on Lake Chad. An explosion that the authorities attribute to the Islamists of Boko Haram.

The motorized pirogue carrying the soldiers was travelling between the papyrus grasses in the Ngouboua sector on the northern shores of Lake Chad when it was blown up by an explosion caused by an improvised explosive device.

The army deplores four dead in its ranks and 16 seriously injured who were evacuated by helicopter to the capital for treatment. The authorities attribute the explosion to Boko Haram and announce that the modus operandi, an explosive device hidden in the water, is new.

According to terrorist experts, the armed group has adapted its modus operandi. This is the first time the Islamists have planted a bomb in water. A tactical evolution of the Boko Haram branch led by Abou Moussa el-Barnaoui.

In recent years, former EI fighters from Syria have provided combat techniques and supervised the fighters of this branch of Boko Haram established on the northern slope of Lake Chad.

Death toll rises to 110 after Boko Haram militants attack village in Nigeria, UN says (Daily Sabah)

November 29, 2020

A weekend attack on a village in northeast Nigeria blamed on the Boko Haram group left at least 110 dead, the U.N. humanitarian coordinator in the country said Sunday.

"At least 110 civilians were ruthlessly killed and many others were wounded in this attack," Edward Kallon said in a statement after initial tolls indicated 43 and then at least 70 dead from Saturday's massacre by suspected Boko Haram fighters.

"The incident is the most violent direct attack against innocent civilians this year," Kallon said, adding: "I call for the perpetrators of this heinous and senseless act to be brought to justice."

The bloodletting took place in the village of Koshobe near the main city of Maiduguri, with assailants targeting farmers on rice fields.

Borno Governor Babaganan Umara Zulum attended the burial Sunday in the nearby village of Zabarmari of 43 bodies recovered on Saturday, saying the toll could rise after search operations resumed.

According to Agence France-Press (AFP), the victims were among laborers from Sokoto state in northwestern Nigeria, roughly 1,000 kilometers (600 miles) away, who had traveled to the northeast to find work, it said. Six were wounded in the attack and eight remained missing as of Saturday.

Kallon, citing "reports that several women may have been kidnapped," called for their immediate release and return to safety.

Nigerian President Muhammadu Buhari condemned the attack, saying: "The entire country has been wounded by these senseless killings."

The attack took place as voters went to the polls in long-delayed local elections in Borno State.

Meanwhile, Turkey's Foreign Ministry also denounced the deadly attack on Sunday, calling the massacre "brutal" and offering condolences to the families of those who lost their lives.

"It has been learned with great sorrow that more than 40 agricultural workers lost their lives and were seriously injured in the brutal attack on a rice field in the town of Zabarmari in the Borno State of Nigeria on 28 November 2020 by the terrorist organization Boko Haram. We condemn this attack and offer our sincere condolences to the families of those who lost their lives in the attack and the brotherly people of Nigeria. We wish the wounded a speedy recovery," it said in the statement.

Boko Haram launched a bloody insurgency in 2009 in northeastern Nigeria but later spread its atrocities to neighboring Niger, Chad and Cameroon, prompting a military response.

More than 30,000 people have been killed and nearly 3 million displaced in a decade of Boko Haram's violence in Nigeria, according to the U.N. Office for the Coordination of Humanitarian Affairs.

Violence by Boko Haram has affected 26 million people in the Lake Chad region and displaced 2.6 million others, according to the U.N. Refugee Agency.

Nigeria returns 3,000 displaced by violence (AFP)

December 2, 2020

Some 3,000 people began returning to their homes and deserted farms in the northeast Nigerian state of Borno on December 1, six years after fleeing jihadist violence and despite a weekend massacre that underscored the security risks they still face.

And adding to their troubles, officials there warned of a looming food crisis, caused at least in part by the deadly attacks on farm workers.

They boarded dozens of trucks and buses at their camp in the state capital Maiduguri to travel some 130km to their home area of Marte, once considered the breadbasket of the Lake Chad region.

"I'm very happy to return to my roots which I left six years ago," returnee Bukar Kyarimi told AFP. "We need to go back and tend our abandoned farms but we hope the government will give us adequate protection from the insurgents."

"We are eager to go back to our homes but what happened in Koshobe . . . is frightening," said another returnee.

The operation came after an attack November 28 on the village of Koshobe and nearby communities killed dozens of farm workers in one of the deadliest assaults this year blamed on Islamist militants.

The precise death toll of the massacre was unclear, but 43 victims of the attack were laid to rest on November 29 in a mass burial attended by Borno state governor Babagana Umara Zulum, who said at least 70 people perished in the massacre.

Both the Islamic State-affiliated Islamic State West Africa Province and rival group Boko Haram have been blamed for increasing attacks on civilians that they accuse of spying for the army and pro-government militia.

In a statement, UN humanitarian coordinator in Nigeria Edward Kallon said November 28's massacre was "unfortunately one of too many such attacks targeting farmers, fishermen and families who are trying to recover some livelihood opportunity after over a decade of conflict.

"Helping them to farm land and rebuild livelihoods are amongst our priorities and the only way to avoid the looming food crisis in Borno state."

December 1's return was of a first batch of internally displaced person (IDPs) from Marte, the National Emergency Management Agency (Nema) said in a statement.

Governor Zulum pledged to return all of some two million IDPs to their homes, despite concern from aid agencies for their safety.

He said it was no longer financially viable to house people in camps protected by soldiers and totally reliant on food handouts

from humanitarian groups.

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Mali

Military bases housing foreign troops attacked in northern Mali (Al Jazeera)

November 30, 2020

Three military bases housing foreign forces in northern Mali have come under separate attacks within the space of a few hours, according to officials.

The camps in Kidal, Menaka and Gao were hit by “indirect fire” on Monday morning, said Thomas Romiguier, a spokesman for French forces who have more than 5,100 personnel spread across the region.

No deaths or injuries were reported, and the only damage was to a United Nations base in Kidal, added Romiguier.

Mahamat Saleh Annadif, the Chadian head of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), condemned the attacks.

“We remain in solidarity with our partners and will spare no effort to carry out our respective mandates and bring peace to Mali,” he said.

The attacks come after French forces killed Bah ag Moussa, a military leader of al-Qaeda’s North Africa wing on November 10.

The former Malian army colonel, also known as Bamoussa Diarra, was a right-hand man of Iyad Ag Ghali, the leader of Mali’s most prominent armed group, Jama’at Nusrat al-Islam wal-Muslimin (JNIM), which has repeatedly attacked soldiers and civilians in Mali and neighbouring Burkina Faso.

Attacks on the camps of international forces in Mali are frequent, but this is the first time that towns several hundred kilometres apart have been assaulted around the same time, in what appeared to be a rare attempt at a coordinated attack on foreign troops operating in the conflict-hit country.

Northern Mali has been one of the epicentres of violence and rebel attacks since 2012, despite the presence of thousands of UN, foreign and French forces.

Rebels who once controlled northern Mali were routed in a French-led military operation in 2013, but they have since regrouped. Large stretches of the country remain outside of government control.

Thousands of soldiers and civilians have been killed, and hundreds of thousands have had to flee their homes because of the fighting.

The violence, in which ideologically-motivated armed groups have stoked ethnic tensions while jockeying for power, has spilled into the neighbouring countries of Niger and Burkina Faso, destabilising the wider Sahel region and creating a massive humanitarian crisis.

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Liberia

UNHCR 2020 Report Unveils Low Support to Human Rights Commission in Liberia (Liberian Daily Observer) By David A. Yates

November 27, 2020

The United Nations High Commissioner for Human Rights has disclosed in its 2020 report that the Independent National Commission on Human Rights of Liberia (INCHR) has not received sufficient budgetary support from the Government and therefore its work is impeded as a result of low budgetary support.

It is not clear how much it received in this fiscal budget; however, an official of the Independent Human Rights Commission recently told media practitioners at a one-day workshop that the government only pays salaries of the workers but cannot provide funding for operations that the commission should carry out; something the official said hinders their operations in handling many human rights issues and to be fully independent.

The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review.

The report, according to UN Human Rights Council Working Group on the Universal Periodic Review Thirty-sixth session (36), recommended that the Government of Liberia allocate sufficient resources to the Commission that will enable it to fully carry out its mandate.

The report, copy of which is in the possession of the Daily Observer, noted that the information provided by the national human rights institution, accredited in full compliance with the Paris Principles, observed that the INCHR international human rights instruments had not been ratified by Liberia yet; several of its reports to treaty bodies were still pending, and some instruments ratified have not been incorporated into domestic law yet.

It further recommended that Liberia ratify the instruments to which it is not a party yet, and fulfill its reporting obligations under treaty bodies by submitting the pending reports. The Commission, according to its recommendation, the government should continue supporting the constitutional reforms and ensure its consistency with human rights standards.

“The Commission regretted the persistence of prolonged pre-trial detention, despite Liberia’s efforts to address the issue. It was concerned with overcrowding, poor sanitation and inadequate medication in prisons. It recommended to take steps to reduce prolonged pretrial detention and improve prison conditions,” the report said.

The UN Council report, highlighting Liberia’s INCHR’s plight and the general feature of the country’s human rights, also claims that the Commission recommended increasing support to the system of justice including at regional level, and establishing human rights desks in the different ministries, right to counsel not guaranteed to poor people, among others.

The report further added that the Commission recommended to the Government to enact a national legal aid programme and deploy more public defenders and support them to carry out their functions.

Regarding transitional justice, the UN report said the INCHR has noted that the recommendations of the Truth and Reconciliation Commission have not been implemented, and the proposition to establish a war and economic crimes court was being debated.

“So, in order to achieve national reconciliation, it recommended establishing accountability mechanisms for economic and war crimes court.”

“The Commission regretted that challenges posed by weak institutions, corruption and bad governance undermined the right to an adequate standard of living for the Liberia’s population. It welcomed the Pro-poor Agenda for Prosperity and Development,” the report said.

The report also revealed that the Commission welcomed the adoption of the Land Rights Act of 2018, acknowledging measures taken by the Ministry of Health to eliminate discrimination against Ebola survivors. However, it was concerned about challenges related to the right to health and the lack of basic services during the Ebola crisis. At the same time, the World Council of Churches (WCC) has recommended that Liberia takes concrete steps to address violence in the country by bringing the perpetrators to justice. WCC, like other human rights advocates in the country, has witnessed a high wave of sexual gender-based violence mainly rape perpetrated against girls and children and has therefore recommended to the Liberian government to take some concrete steps to ratify international instruments that it has not ratified.

Historic Liberia war crimes trial to open in Switzerland (Reuters) By Emma Farge

December 1, 2020

The trial of a former Liberian commander accused of rape, pillage, assassinations, and an act of cannibalism opens in Switzerland this week.

The trial of Alieu Kosiah, who denies the charges, is one of just a handful of cases brought before international courts in relation to the West African country's 1989-2003 conflict, which killed nearly a quarter of a million people, often at the hands of child soldiers.

He is accused of war crimes listed as "recruitment and use of a child soldier, forced transportation, looting, cruel treatment of civilians, attempted murder, murder (directly or by order), desecration of a corpse and rape".

It is Switzerland's first war crimes trial to be heard outside a military court.

"This is historic for Switzerland and Liberia," said Alain Werner, a Swiss lawyer at Geneva-based NGO Civitas Maxima which filed the complaint on behalf of victims.

The NGO was researching war crimes with a Liberian partner when they discovered a rebel commander was living near Lake Geneva. Kosiah was arrested in 2014 and Switzerland filed an indictment against him in 2019.

The case involves dozens of witnesses, thousands of pages of testimony and has been complicated, according to the Swiss Attorney general's office, by a lack of official Liberian cooperation. The trial is set to open on Thursday at the Federal Criminal Court in Bellinzona. Kosiah, 45, says he wants to clear his name. Some of the charges are attributed to troops under his command.

"According to Mr. Alieu Kosiah, one of the big problems with this case is he had not yet arrived in Lofa (county) at the time of the crimes he supposedly committed there," his lawyer Dimitri Gianoli told Reuters.

"What counts for (him) is to be able to officially re-establish his honour by making himself heard openly and clearly," he said. "(He) has always been very clear on his whereabouts in Liberia and the court filings include testimonies collected in Switzerland that confirm it."

'VOICE TO THE DEAD'

Unlike neighbour Sierra Leone which had its own civil war in the 1990s, Liberian perpetrators have never faced prosecution at home despite a recommendation by the Truth and Reconciliation Commission to create a war crimes court.

Liberia's former President Charles Taylor was sentenced in 2012 for war crimes in Sierra Leone, but was never convicted for Liberian acts.

Others arrested in Europe have yet to appear in court.

Former warlords retain positions of power in Liberia and witnesses have been reluctant to come forward amid threats.

"This trial gives hope to victims, to the survivors, and gives voice to the dead," said Hassan Bility who collected evidence for the case and was himself tortured in the conflict.

Human Rights Watch's Elise Keppler said she hoped the trial would serve as a "wake-up call" for Liberia.

The court will hear Kosiah next week.

Liberian plaintiffs cannot attend due to COVID restrictions and will instead testify in 2021. Kosiah faces a maximum possible sentence of 20 years.

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EAST AFRICA

Uganda

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Radicalisation of children is a ticking time bomb and must be stopped (The New Times)

December 1, 2020

Faustine Uwimpuhwe is one of several dozens of teens and young children rescued last year from a DR Congo-based Rwandan militia group linked to Paul Rusesabagina.

Like so many former ‘child soldiers’ previously rescued from the clutches of militia groups led mostly by wanted Genocide fugitives or loyalists to the regime that carried out the 1994 Genocide against the Tutsi in Rwanda, Uwimpuhwe and her colleagues have chilling stories about life in the Congolese jungles.

“No child should go through what we did...So many bad things happened. It is not a good life being born and finding yourself always on the run, hunted and with no hope for education or normal life, or seeing friends and family killed all the time. These were sad things,” she told this publication in an exclusive interview last week.

Uwimpuhwe and 88 other young girls (48) and boys (40), all aged between 12 and 19, are currently attending a government-run civic education and rehabilitation camp in Mutobo, Musanze which has over the years facilitated thousands of former militia fighters to make the critical transition to normal life.

The children were part of thousands of combatants and their dependants repatriated home to Rwanda last year after Congolese forces overran militia bases in the country’s east.

The bases were primarily set up by key figures in the genocidal machinery and their allies that crossed into the Congo (when Rwanda Patriotic Army took Kigali in July 1994), with the aim of returning to Rwanda and take back power – and effectively resume their genocide agenda.

Indeed, these genocidal forces did carry out deadly incursions into Rwanda, from as early as 1990s and 2000s (during the notorious ‘Abacengezi’ insurgency) and as recent as 2018 and 2019 when Rusesabagina’s FLN militia and Uganda-linked RUD-Urunana attacked and killed dozens of civilians in southern and northern Rwanda.

Tragically, these extremist groups continue to conscript children into their terrorist campaigns, with the older ideologues like Angelina Mukandutiye (who forced Uwimpuhwe and so many of her peers into militia activities) keen to ensuring radicalisation of younger generations.

This has not only sustained fundamentalism and genocide ideology but it has seen these armed groups continue to abuse and use young children in egregious crimes in the Congo and across the border in Rwanda, while it has also destroyed the lives of these children and shattered hope for their future.

The trend is a ticking time bomb and it poses a threat to the wider region. Indeed there is an urgent need to end this absurd

cycle, through sustaining pressure and operations against these negative groups. But, to achieve this, regional governments need to work together by not only desisting from supporting these extremist non-state armed groups and their evil agenda, but also actively supporting their disarmament and disbandment.

Focus on Rusesabagina's terror acts, not false 'hero' claims – US scholars (New Times) By James Karuhanga
December 2, 2020

Over 20 US university professors, researchers, lawyers, engineers, and professionals in other areas, have written an open letter in which they condemn the deflection in the case involving Paul Rusesabagina.

The letter dated November 18, is addressed to the United States Senate Committee on Foreign Relations and the House of Representatives' Committee on Foreign Affairs. According to these scholars, the focus should be put on the crimes Rusesabagina faces instead of the 'sideshows' attached to the heroics attributed to him in Hotel Rwanda, a fiction movie on the 1994 Genocide against the Tutsi. "Our intention is to recall that the debate should focus on allegations of crimes against Paul Rusesabagina, the conditions of his current detention, and his right to a fair trial under the Rwandan criminal justice system," reads part of the letter. Rusesabagina is among the close to 20 suspects linked to MRCD-FLN whose trial will soon begin at the high court chamber for international and cross border crimes.

Their charges are linked to attacks by the militia group on the Rwandan territory in 2020 where at least nine people were killed, others injured and property looted.

They are also charged with conscripting children into the militia.

The scholars observe that since Rusesabagina's arrest in August, a number of news outlets, social media, human rights organizations, and commentators have consistently referred to him as "Hotel Rwanda hero" without going beyond that label created by a fictional movie and so conveniently without mentioning the real reason of his arrest and trial.

"As a work of art and a call of worldwide attention to the genocide, the movie was effective but the characterization of Rusesabagina as a hero has been discredited.

"Since the release of that movie, many survivors who were at the hotel during the Genocide against the Tutsi have told the story of what really happened. They have described Paul Rusesabagina as an opportunist who charged money from those who sought refuge at the hotel or required a signed check as a guarantee of future payment."

Using fame to re-write history

For several years, the scholars wrote, Rusesabagina has used the fame gained from the movie to rewrite the history of the Genocide against the Tutsi by promoting the ideology of double genocide, a form of genocide denial punishable by law in a number of countries, including Germany, France, Belgium, and Rwanda.

He has also used his stature to raise funds through a variety of channels, they informed US lawmakers.

Rusesabagina is accused of forming terror groups, financing terrorism, conscripting child soldiers, and kidnapping, among other indictments.

"It is our observation that media coverage and Rusesabagina's defenders intentionally have chosen neither to challenge charges against him nor to address his role in the formation of the National Liberation Front (FLN) which has been operating in the Democratic Republic of the Congo (DRC) and Burundi," the scholars wrote.

"This criminal organization served as an armed wing of the Rwandan Movement for Democratic Change (MRDC)."

In 2018, on three different occasions, the FLN carried out violent attacks inside Rwanda, killed nine civilians, injured several other people, and destroyed property.

At the time, Rusesabagina made "declarations claiming responsibility and celebrating their criminal acts."

In various events and declarations, it is noted, he also publicly announced his support to his National Liberation Front (FLN).

In early 2019, they recalled, in a video available online, Rusesabagina reconfirmed his allegiance to his criminal group, declared war against Rwanda, and called for recruitment and mobilization

In the video, Rusesabagina partly states: "Since the beginning of July 2018, the FLN launched a military struggle to liberate

the Rwandan people until today in 2019. It is imperative that we speed up the Liberation struggle.

"The time has come for us to use any means possible to bring about change in Rwanda. As all political means have been tried and failed, it is time to attempt our last resort."

The scholars note that Rusesabagina's association with and support to militia groups based in neighboring DRC and Burundi are not recent, including financial support to groups like the Democratic Forces for the Liberation of Rwanda (FDLR), according to several sources.

The FDLR is a terrorist group formed by remnants of the perpetrators of the 1994 Genocide soon after they fled and took refuge in the then Zaire, now DRC.

The scholars consider the defense of Rusesabagina's "heroism" by some people in the media and human rights groups as a digression from Rusesabagina's significant involvement in terrorist acts against Rwanda. "We believe that it is in the interest of the United States to have a Central/Eastern Africa characterized by peace, security, political stability, and economic conditions that create a fair environment for development in the region," they wrote.

"Paul Rusesabagina's FLN, the MRDC, and their affiliates have undermined peace and security and contributed to ungoverned or poorly governed areas and political instability in eastern DRC. This is an area that has continuously been used to launch terrorist attacks into Rwanda."

These non-state entities and their leaders need to be held accountable if America's interest in the region is to be achieved, the scholars noted, adding that should the US feel the need to probe the terror claims, if they should do so.

"We would welcome further investigations in line with U.S. laws," especially for "acts of terrorism transcending national boundaries" and "financial transactions to a terrorist group involving a US citizen or national; permanent resident alien; or any person in the US."

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Somalia

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EUROPE

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Hague Archives Show Bosnian Croat Officers' Links to Executions, Rapes (Balkan Transitional Justice) By Marija Tausan and Nermina Kuloglija
November 29, 2020

On July 31, 1993, more than 50 detainees who were being held in a secondary

school in the town of Prozor-Rama in western Bosnia and Herzegovina were taken to a nearby frontline at a mountainous location called Crni Vrh (Black Peak).

The detainees were tied together with wire and made to stand in a line, and then their captors started to execute them with shots in the back.

“HVO [Croatian Defence Council] soldiers killed one man at a time, killed the people who were lined up with us. If someone fell to the ground, the wire around our neck would tighten and we would all fall down. We could not remain standing because we could not breathe,” a protected witness identified only as BL told the International Criminal Tribunal for the Former Yugoslavia, ICTY in The Hague.

Witness BL was testifying at the ICTY’s trial of six wartime Bosnian Croat political and military officials from the self-proclaimed Croatian Republic of Herzeg-Bosnia statelet, whose military force was the Croatian Defence Council, the HVO. The officials – Jadranko Prlic, Slobodan Praljak, Bruno Stojic, Milivoj Petkovic, Valentin Coric and Berislav Pusic – were all found guilty in 2017 of crimes against humanity and other wartime crimes against Bosniaks.

The verdict, which was handed down three years ago, on November 29, 2017, determined that Praljak was informed about the fact that members of the HVO were relocating and detaining Bosniak civilians in Prozor-Rama in the period from July to August 1993. Praljak took poison as his verdict was being read and died shortly afterwards.

The ICTY also established that Petkovic led military operations in the Prozor-Rama municipality in April and June 1993, while Coric was responsible for the robbery and destruction in Prozor-Rama in October 1992.

The verdict said that 11 prisoners were killed at the Crni Vrh execution site on July 31, 1993, but it could not determine with certainty whether ten others whose bodies were also found there were killed the same day.

Witness BL recalled how the HVO soldiers untied one of the prisoners and ordered him to remove the corpses. The soldiers then walked away, leaving only one behind to guard them. The untied prisoner jumped him and took his rifle.

“I don’t know how I managed to untie my hands, but I used my hands to remove the wire around my neck,” BL said.

The trial verdict said the prisoners “managed to untie themselves and run away. HVO soldiers then opened fire, shooting the fleeing prisoners in the back. Between 23 and 27 prisoners, out of 50 who were walking in the line, managed to flee across the frontline and join the [Bosniak-led] Bosnian Army.”

Becir Kmetas, who was 28 at the time, was one of the prisoners who was taken to Crni Vrh, a mountain on the Makljen range. He is still listed as missing. His remains have not been found, his brother Suljo Kmetas told BIRN.

“It was hard, because my brother’s son was born the day before [he died], but he did not get to see him. They took him away to be used as a human shield the following day,” said Suljo Kmetas, who is now the president of the Municipal Association of Detainees of Prozor-Rama.

The verdict said that the decision to take prisoners from the secondary school in Prozor-Rama to Crni Vrh was approved by Petar Kolakusic, the deputy commander and ‘operational officer’ of the HVO’s Rama Brigade.

A military policeman selected 68 prisoners from the secondary school and handed them over to Ilija Franjic, commander of the 2nd Company with the 6th Battalion of the HVO’s Military Police. The prisoners were then transported by truck towards the Makljen range, near the frontline, and 50 of them then were taken to Crni Vrh, where the executions took place.

BIRN was unable to contact Kolakusic or Franjic.

BIRN’s analysis of completed cases at the ICTY relating to crimes committed in the Herzeg-Bosnia statelet and in Prozor-Rama, as well as documents from evidence material, witnesses’ testimonies and expert witnesses’ findings, has identified the names of more than ten people associated with the capture, abuse, forcible relocation and rape of prisoners in Prozor-Rama, as well as the use of detainees as forced labour and the destruction and confiscation of property.

The first attacks on Prozor-Rama and the surrounding villages were carried out in October 1992 and continued in the spring and summer of 1993.

In a report by the HVO’s Rama Brigade signed by commander Jure Smidt, which was submitted to Zeljko Siljeg, commander of the North-West Herzegovina Operational Zone with headquarters in Tomislavgrad on October 24, 1992, it was stated that the HVO had established control over the town of Prozor-Rama and the Ramsko Lake, and that “the two areas are ethnically clean: the Muslim population has either been detained or fled”.

Two unofficial sources who knew Smidt told BIRN that he was killed in 1993. The information was also published on some HVO brigades' Facebook pages. BIRN was unable to get official confirmation. BIRN was also unable to contact Zeljko Siljeg for comment.

The attacks on villages around Prozor-Rama continued in the spring of 1993.

Ilija Franjic, commander of the 2nd Company with the 6th Battalion of the HVO's Military Police, who attended a meeting with Siljeg, wrote in a report on April 18, 1993 that "on April 17 the military police unit successfully carried out a raid and cleaned up four Muslim villages, namely Parcani, Paros, Klek and Skrobucani, where no particularly pronounced resistance was offered".

The verdict in the Herzeg-Bosnia officials' trial at the ICTY said that in the months that followed, properties in the villages of Skrobucani, Gracanica and Lug were set on fire, while six people were killed in the village of Prajina and on Mount Tolovac on July 19, 1993.

Prajina was attacked by around 30 HVO troops, including members of the Kinder Vod, a platoon of young fighters who wore HVO uniforms and sometimes civilian clothing. Three people were beaten up and then killed, including a bedridden man aged around 80.

"The Chamber found that, by order of Zeljko Siljeg, the [HVO] Military Police assisted by soldiers of the Kinder Vod and SIS [Security and Information Service] of the Rama Brigade arrested Muslim men, including minors, elderly and sick men, in the municipality of Prozor in June, July and August 1993," the verdict in the six Herzeg-Bosnia officials' trial at the ICTY stated.

According to Siljeg's order dated July 6, 1993, the HVO Military Police and Rama Brigade SIS were supposed to apprehend and detain all Muslim men aged from 16 to 60 in the Prozor-Rama municipality.

One of the buildings that was used for detentions was the secondary school in Prozor-Rama.

The first-instance verdict in the Herzeg-Bosnia officials' trial said that the establishment of the detention centre at the school began on July 7, 1993 following a series of orders by HVO Rama Brigade commander Marinko Zelenika, who put a man called Mato Zadro in charge of the detention centre. Zadro was later appointed as its director.

The court found that Zadro was directly subordinate to Luka Markesic, chief of the Rama Brigade SIS, who issued directives to him and was constantly informed about the situation at the school.

Speaking to BIRN, Markesic denied that he was Zadro's superior.

"I was not Mato Zadro's superior officer. He was appointed by the brigade commander and was subordinate to him," Markesic said.

He said that Zadro has since died, but BIRN was unable to get official confirmation of this. BIRN was also unable to contact Marinko Zelenika.

Siljeg's order to detain Muslims issued on July 6, 1993 also said that a location should be chosen and all the prisoners transferred to it, while only able-bodied men "who are necessary for carrying out technical or physical work" should be kept at the school in Prozor-Rama.

The Herzeg-Bosnia verdict states that during the night of July 10-11, a total of 237 prisoners were transferred from the school in Prozor-Rama to a detention facility in Ljubuski and then to the Dretelj prison camp, while a further 155 prisoners were sent to Ljubuski on July 16.

Nearly a month after Siljeg's order, Markesic confirmed in a report dated August 5, 1993 that the Rama Brigade SIS and the HVO Military Police, detained Muslims aged 16 to 60, as well as several individuals under 16 and over 60 and some people who were seriously ill.

Markesic sought instructions from the HVO presidency in Prozor-Rama and the Rama Brigade's command about what to do with those above 60 and under 16, as well as the sick, given that they were not soldiers but civilians.

The next day, Markesic sent a request to the HVO in the Prozor-Rama municipality, the Rama Brigade Command and the military and civil police asking them to deal with the problem.

"We will not be considered responsible for anything that might happen or is happening, because we have given information about every incident in writing in a timely manner," Markesic wrote in the request dated August 6.

Markesic confirmed to BIRN that he wrote these his reports, but did not want to speak any further on the record.

The new commander of the Rama Brigade, Ante Pavlovic, then ordered on August 14, 1993 that those under 16 and above 60, as well as the seriously ill, be released.

The ICTY determined in the Herzeg-Bosnia case that in July and August 1993, military policemen and HVO soldiers, including members of the Kinder Vod, abused prisoners at the secondary school in Prozor-Rama. Some of them were taken away and have never been seen since.

It is claimed that on August 3, 1993, HVO members took away five prisoners who then disappeared, while six prisoners whose release was approved on August 31 were handed over to the military police and are still missing.

The Bosnian state court found former HVO fighter Nikola Maric guilty of the disappearance of six people from the secondary school in Prozor-Rama and also sentenced ex-HVO man Zeljko Jukic to 15 years in prison for the forcible disappearance of two civilians from the secondary school in Prozor-Rama and participating in beating, robbing and forcibly relocating civilians from the Prozor-Rama municipality.

The verdict in the ICTY's Herzeg-Bosnia trial said that prisoners were used as labour, including non-hazardous tasks for which they volunteered in order to get an extra meal, but also for digging trenches on the frontlines. While doing this, some of them were killed or injured or were physically abused.

Doctor Nijaz Islamovic, who worked at the Health Centre in Prozor-Rama at the time, visited the prisoners at the school on several occasions in 1993.

He told BIRN that during his first visit, many prisoners had already been taken away to dig trenches, so "there were not so many detainees".

"When I came for the second time, there were already some detainees with injuries they got while digging in Uzdol and Menjik mostly," Islamovic said, adding that later on there were "more and more detainees and injured people with bruises and rib fractures".

"In the beginning there were not so many injured people, it was the beginning of the torture, but it became more and more difficult later," he recalls.

In late July and early August 1993 Bosniak women, children and the elderly people from the municipality were held in Podgradje, just outside Prozor-Rama, and the villages of Lapsunj and Duge. According to witness statements, several thousand were detained.

The ICTY's first-instance verdict in the Herzeg-Bosnia trial said that the prisoners were detained by HVO soldiers and military policemen under the command of Ilija Franjic, with the aim of freeing up accommodation space for Croats who were arriving from Bugojno, Konjic and Gornji Vakuf.

A report by the chief of the HVO Rama Brigade's SIS, Luka Markesic, on August 14, 1993, indicates that the HVO Military Police under the command of Franjic gathered the entire Bosniak population of the Prozor-Rama municipality in three 'assembly centres' in Podgradje, Duge and Lapsunj.

Suljo Kmetas said that those three facilities were actually "concentration camps for women, children and the elderly" where crimes were committed.

"So on August 2, around 20 civilians, including my late father, were abused in front of my house. They tied him to a post with rope and cut him with knives. They raped many women and girls during those days," Kmetas said.

The verdict in the Herzeg-Bosnia trial stated that locals were subjected to attacks, robberies, verbal and physical violence, including rape.

ICTY protected witness BR, who used to work with the municipal commission in the nearby town of Bugojno that was tasked with collecting information on war crimes, said that in July and August 1993, approximately 30 Bosniak women from the Prozor-Rama area were raped. He alleged that two men called Mario Dolic, alias Dole, and Zoran Calis, alias Djoka, were among the perpetrators.

Doctor Nijaz Islamovic said that he knew of at least 20 women who were raped. During their testimonies, Islamovic and another witness, Rudy Gerritsen, also mentioned Mario Dolic as one of the perpetrators.

"My sister told me about Mario Dolic. Thirty people were staying at my mother's place and he would come in drunk and tell

them to take their clothes off,” Islamovic said.

The Herzeg-Bosnia verdict mentions two reports dated August 13 and 14, one by the HVO’s Defence Department and the other by the Rama Brigade’s SIS, saying that members of the Military Police and the Rama Brigade took young female prisoners away to rape them.

“Every day girls and women are being taken away from the Podgradje, Lapsunj and Duge assembly centres, which are not guarded, to houses where they are raped, mistreated and humiliated,” Markesic wrote in the SIS report dated August 14.

“For instance, naked women have to serve them until they decide to make love, and they are beaten and some had their heads shaved. They also come to Muslim houses and strip daughters’ clothes off in front of their fathers and vice versa,” he said.

In a report that he sent to the SIS management, Markesic said that such incidents had been happening for a long time, systematically, as and that HVO president Ilija Jozic and commanders of the brigade, as well as the military and civil police, had been informed about this in writing.

Markesic attached a report by prison manager Zadro, saying that he had a certain number of statements given by Bosniak women who had been raped. He said that local soldiers and some military policeman were responsible for the sexual abuse, so it was impossible for the SIS to work with the military police.

Protected witness BK said that HVO fighters, who were drunk most of the time, regularly came to Podgradje at night and took women away in order to rape them at the fire station in Prozor-Rama.

Another protected witness, BP, said that from August 2 to 12, 1993, Zoran Calis and Mario Dolic visited the village of Lapsunj and insulted and threatened to kill Bosniak women and children who were detained there.

She said that in the middle of the night on August 10, 1993, she was taken out of her house by two soldiers whom she knew – Ljuban Baketavic, known as Ljupce, and a man called Marijan. She said they then raped her in a field by the side of the road.

BIRN was unable to contact Baketavic.

In 2011, the Bosnian state court acquitted Darko Dolic of crimes against civilians, including rape in the villages of Lapsunj and Druzinovici.

The verdict said that Zoran Calis had already died, and BIRN was unable to contact Mario Dolic.

The Bosnian state prosecution did not respond to BIRN’s inquiry about whether or not there are any ongoing investigations into crimes committed by HVO troops and military police officers in Prozor-Rama.

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Domestic Prosecutions In The Former Yugoslavia

Bosnia ex-Serb police arrested for killing 51 civilians Europe (Queens Citizen) By Felix Nathan
November 20, 2020

Dusan Kulibrk is accused of being involved in the killing of non – Serbian civilians in western Bosnia in the 1990s.

Bosnian police have arrested a former Serb policeman accused of killing 51 non – Serbian civilians in northwestern Bosnia and Herzegovina during the war in the early 1990s, according to the State Prosecutor’s Office.

Twenty-five years after the end of the US-sponsored Dayton Peace Accords between Bosnian Serbs, Croats and Bosnians (Bosnian Muslims), about 100,000 people have died, many of whom are still large numbers in the ethnically divided country.

Dusan Kuliberk, 50, was charged with involvement in the July 1992 killing of 44 Bosniak and Croatian civilians and was illegally detained for conversion from a notorious Omarska camp for non-Serbs.

Kulibrk, a member of the Serb-run Reserve Police Force in the town of Bosanska Kripa, along with others brought the group to the location of Lisakpit and shot them dead, the prosecution said Tuesday.

The remains of the victims were unearthed in 2000 when they were discovered. Couliburg is accused of intercepting and killing a group of seven Bosnian civilians from Prizador on their way to the western town of Bihak. Their remains are also in the Lisak mass grave, the prosecution said.

The prosecution said that Kiliberg was being prosecuted for war crimes against civilians and that Milorad Kotour, a Bosanska courtesy, was being questioned in Serbia, where he currently resides.

Omarska is one of four Serb-detention camps in the northern Prizord region, in which 7,000 Bosniaks and Croatians were captured and tortured and hundreds killed, as part of a Serb operation to “ethnically clean up” areas intended by the Serb for their separate Serb state.

Indictment Filed for Crimes in Luka Detention Camp, Brcko (Balkan Transnational Justice) By Albina Sorguc
November 27, 2020

The Prosecution of Bosnia and Herzegovina has accused Ivan Djuric, in his capacity as a member of the Military Police of the Bosnian Serb Army, VRS, of having participated in crimes against Bosniaks and Croats who were unlawfully detained in Luka detention camp in Brcko, northern Bosnia.

According to the Prosecution, Djuric committed those crimes in collaboration with other VRS members, while the accusations against him were linked with cases of other Brcko crimes prosecuted before the International Criminal Tribunal for the former Yugoslavia, ICTY.

The as yet unconfirmed indictment alleges that, over several days in May 1992, Djuric committed torture at the camp, beating, abusing and robbing those held there, injuring them with weapons and carrying out other inhumane acts against the detained civilians, leaving some with permanent bodily and mental injuries.

The indictment has been filed with the Court of Bosnia and Herzegovina for confirmation. Prosecutor’s Office to reconsider Indictment against Bosnia Defense Minister and War Crimes against Croats (Sarajevo Times) By Y.Z November 29, 2020 <http://www.sarajevotimes.com/prosecutors-office-to-reconsider-indictment-against-bosnia-defense-minister-and-war-crimes-against-croats/>

The decision of the Prosecutor’s Office of Bosnia and Herzegovina will reconsider the status of the Minister of Security of Bosnia and Herzegovina, Selmo Cikotic, in the indictment for war crimes against the Croatian civilian population in the area of Bugojno.

The prosecution upheld the appeal of a lawyer representing 13 Croats from Bugojno and one from Livno, against the prosecutor’s decision to suspend the investigation against Cikotic, BHRT writes.

It was previously established that there is no basis for suspicion that the suspect Cikotic committed any criminal offense.

Bosnia Border Police arrested One Person suspected of War Crimes in Croatia (Sarajevo Times)
November 29, 2020

Bosnia and Herzegovina’s border police arrested Mladen Grujic on Saturday, whom Croatia is looking for for war crimes.

Adviser to the Director of the Border Police, Svevlad Hoffman, told Hina that Grujic was arrested at the Sepak border crossing with Serbia.

He was handed over to the court, which should decide on extradition to Croatia.

Grujic allegedly has the citizenship of Serbia and Croatia, but not BiH, so there are no formal obstacles to extradition.

Croatia has issued an international arrest warrant for Grujic on suspicion of having committed a war crime against prisoners of war. Other details are not known.

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Turkey

Turkey bolsters military presence in Syria's Idlib (Ahval News) November 24, 2020

Turkey has sent its most significant batch of military reinforcements in months to Syria's last rebel-held province of Idlib, Syrian Observatory of Human Rights (SOHR) said at the weekend.

A column consisting of more than 50 armoured vehicles carrying logistical and military equipment travelled across the border via the Kafr Losin crossing, located in Turkey's southernmost Hatay province, SOHR said.

The Syrian government's offensive to recapture Idlib was launched in April 2019. Turkey has deployed troops and backed opposition forces to try to halt the Syrian army's advance, which has displaced around 1 million people.

Turkey and Russia brokered a ceasefire agreement on March 5 to end the fighting in the province between Turkish-backed forces and the Syrian military, which is backed by Russia.

The number of military vehicles that arrived in Idlib rose to nearly 11,000 Turkish trucks, the observatory said.

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Is Turkey gearing up for military move against Syrian Kurds? (Al-Monitor) By Fehim Tastekin
November 25, 2020

A fresh Turkish military buildup is underway in the northern Syrian region of Ain Issa, north of Raqqa, around the key M-4 highway, raising the specter of another Turkish thrust to curb the Syrian Kurds.

Military vehicles, heavy weaponry, radars and remote surveillance equipment have been stationed in areas that form the line of contact with the Kurdish-led Syrian Democratic Forces (SDF). According to Kurdish sources, the Turkish military and allied rebel groups have set up military posts at the village of Saida, north of Ain Issa, as well as around Tell Tamer and Zirkan. In early November, the Syrian Observatory for Human Rights reported that Turkish forces had been stationed also at Kaffifa, Ain Rummana, Tina and Al-Rabea, all near the M-4 highway.

Mervan Rojava, the head of the media office of the Kurdish People's Protection Units (YPG), the backbone of the SDF, told Al-Monitor that Turkish forces had set up a watchtower with surveillance cameras and snipers at Saida, a deserted village just north of M4. Rojava recalled that the M4 had effectively become a separation line between Turkish forces and the SDF after Turkey seized control of the border stretch from Tell Abyad to Ras al-Ain in Operation Peace Spring in October 2019. "The Turkish military has been setting up military bases and digging trenches along the separation strip at sites just several hundred meters from the highway," he said.

After Operation Peace Spring, the grain silos in the village of Shergirak near Ain Issa became the largest Turkish base in the vicinity of M4. Another camp area is located near the village of Misherfa, not far from Tell Tamer. Turkey has been reinforcing both bases as well as new sites, according to Syria-based Kurdish journalist Nazim Dastan. Trenches, canals and tunnels are reportedly being dug near Medrut, not far from Tell Abyad, Zirkan and the Hoshan and Khalidiya villages along the M4.

Referring to Saida, which has been a sort of a buffer zone between the two sides, Dastan said, "Turkish officials met with the Russians a while ago, asking to set up a military base at Saida. The response of the Russians was negative. This was followed by an intensive assault, which the SDF repelled. Then they began to dig trenches and tunnels and erect a watchtower. They are now using the site to monitor the M4 and Ain Issa."

According to Rojava, Turkey has simultaneously stepped up shelling of villages around Ain Issa and Tell Abyad. The vicinity of Shergirak has become a "true nightmare" for locals, he said, adding that civilian convoys were coming under attack on the M4, even though they are supposed to be under Russian protection under Turkish-Russian accords. He said "the road has become synonymous with looting, abductions and intimidation" by rebel militias aligned with Turkey.

Is the Turkish military activity in the area a prelude to a new phase in Operation Peace Spring? President Recep Tayyip Erdogan raised the prospect of a fresh operation several times in October as the United States was busy with presidential elections. For Ankara, the US partnership with the YPG amounts to support for the Kurdistan Workers Party (PKK), the armed group that has fought Ankara for nearly four decades. Turkey sees the YPG as an extension of the PKK and considers both terrorist groups. "There are still terrorist areas in Syria. Either they are cleansed as we have been promised or we'll go and do

it ourselves,” Erdogan warned Oct. 3. In another warning Oct. 24, he said, “Efforts are underway to establish a terrorist state there. Turkey will never allow the creation of such a state along its borders. We’ll do what it takes to drain the terrorist swamp.” Four days later, he asserted that Turkey had “a legitimate reason to intervene at any moment” if “all terrorists are not removed ... as we have been promised.”

Turkey appeared to mull an attempt to make further gains on the ground while President Donald Trump, whose abrupt decisions have often given Erdogan opportunities to act, was preoccupied with the election. Trump’s defeat seems to have somewhat altered Ankara’s calculus. Erdogan’s warnings have ceased since Joe Biden’s victory was assured, but Turkey’s military activity on the ground has accelerated.

The prospect of Turkey taking advantage of the transition hubbub in Washington to expand Operation Peace Spring cannot be ruled out yet, despite signs of adjustment to the new reality in Washington. Ankara’s avowed enmity to the de facto Kurdish self-rule in northern Syria remains unchanged. Since scrapping the settlement process with the Kurds at home in 2015, Erdogan has invested great political capital in this policy, including his alliance with Turkey’s nationalists, which helped him install the executive presidency system in 2018.

Though Erdogan’s narrative about crushing the “terrorist corridor” in Syria might continue as long as he relies on nationalist support, Biden’s impact is widely expected to force moderation in Ankara. The Kurds, in particular, expect an easing of tensions with Turkey. “While we cannot say that the chances of Turkey mounting a new military attack against [Kurdish-held areas] are zero, we can say that they have been significantly reduced,” SDF commander Mazlum Kobane told Al-Monitor earlier this month.

Still, the Kurds remain wary. Asked about the prospect of a fresh Turkish offensive, Rojava said, “They are watching for an opportunity to attack northern Syria, even though they know the political climate after the US elections is not in their favor. US and Russian forces, who are the guarantors of the deals [with Turkey], are keeping up their communication with the SDF, but are not preventing Turkey’s acts of occupation. Turkey might try to pursue its agenda [while] its old ally Trump [remains in office], but I don’t think they’ll have the means and guts to do that because the implications could be disastrous.”

Likewise, Dastan believes Turkey has a large-scale offensive in mind even though the political climate has changed to its detriment. “The offensive might not happen immediately, but they are laying the ground for it. They might make a move as soon as an opportunity emerges,” he said.

Since last year, the Kurds have been anxious that Turkey could try to seize the Kobani area to connect the two border stretches it controls on either side of the area. They now fear that Turkey could try to capture Ain Issa first, which would leave Kobani encircled except for a route to Tishreen to the south. Also, there are long-running concerns that Turkey could acquiesce to Russia’s game plan in Idlib in return for concessions to expand Operation Peace Spring against the Kurds.

Russia’s attitude might complicate Turkey’s calculations. Under the Sochi Accord of October 2019, Turkey and Russia have been conducting joint patrols along the eastern and western boundaries of the Operation Peace Spring area, including the periphery of Kobani. Though the arrangement has not stopped Turkey’s attacks, it allows Russia partial control on the ground. Moreover, some significant changes have occurred on the ground since the signing of the accord. The Russians have taken over the base that US forces evacuated in Ain Issa and the Syrian military is now present both on the M4 and at the Turkish border.

Ultimately, the aim of Turkey’s reinforcements could remain limited to increasing its control over the M4. In a report earlier this month, Turkey’s state-run Anadolu news agency highlighted the role of the M4 as a route of oil supplies from Kurdish-held areas to territories controlled by Damascus. “While under US sanctions, the [Syrian] regime continues to obtain oil from the YPG/PKK terrorist organization, the United States’ partner. The oil trade ... has totaled 15,000 trucks over the past month. Tankers carrying oil from YPG/PKK-occupied Rmelan have been spotted in [at least] three locations occupied by the organization, including Tell Tamer, Ain Issa and Raqqa,” the report said. Disrupting the oil flow requires control over the M4 and several junctions on the route.

Turkish, US officials discuss Syria (Andalou Agency) By Jeyhun Aliyev
December 2, 2020

Turkey's presidential spokesman Ibrahim Kalin and the US special envoy for Syria on Wednesday discussed the latest developments in the region, according to an official statement. Kalin received Joel D. Rayburn and his delegation at the presidential complex in the capital Ankara.

The two officials discussed the Syrian crisis and the constitutional talks with particular focus on the restive city of Idlib, Turkey's presidential office said in a statement.

They also discussed counter-terrorism efforts and the issue of refugees.

Kalin affirmed Turkey's commitment to de-escalation in Syria despite continued cease-fire violations by the regime and its allies.

They agreed to intensify joint efforts to support the constitutional committee aiming to end civil war in Syria and paving the way for free and fair elections, along with ensuring the safe return of refugees.

Kalin underlined that any political, economic and military support to terrorist groups in Syria is unacceptable.

Syria has been embroiled in a vicious civil war since early 2011 when the Bashar al-Assad regime cracked down on pro-democracy protests with unexpected ferocity.

Since then, over 5 million civilians have become homeless.

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Kosovo Specialist Chambers

Kosovo Guerrilla Leaders Accused of Witness-Tampering Ahead of Trial (Balkan Insight) By By
Serbeze Haxhiaj
November 20, 2020

The Specialist Prosecutor's Office in The Hague claims that Kosovo's ex-president Hashim Thaci and his fellow war crimes indictees have been involved in interfering with potential prosecution witnesses before their trial.

The Specialist Prosecutor's Office in The Hague released documents this week which accuse former Kosovo Liberation Army chiefs who are now senior politicians, including recently-resigned President Hashim Thaci, of attempting to interfere with potential prosecution witnesses ahead of their impending trial for war crimes and crimes against humanity.

The redacted documents, which date from May this year, constitute a request from the Specialist Prosecutor's Office to the Kosovo Specialist Chambers to arrest the four suspects, transfer them to The Hague and search their property, which eventually happened earlier this month.

The arrest request argues that the four ex-KLA men – Thaci, along with Kadri Veseli, the leader of the Democratic Party of Kosovo (PDK), Jakup Krasniqi, a senior figure in the Social Democratic Initiative (NISMA) party, and Rexhep Selimi, the chief of Vetevendosje (Self-Determination) party's MPs in parliament – “wield enormous influence over former KLA members and Kosovo in general”.

It accuses the suspects of having “actively facilitated and encouraged a climate of impunity and intimidation” and claims that “there is already evidence of attempts to interfere with SPO [Specialist Prosecutor's Office] investigative activities”.

It alleges that “government officials loyal to Thaci and Veseli have presided over corrupt government pay-outs to potential SPO [prosecution] witnesses”. Thaci is also accused of indirectly offering “various benefits” to a potential witness in the case.

The attempts to influence potential witnesses “have also included hiring them to government positions”, it further alleges.

“In the indictment time period, the suspects were superiors to many of the SPO's potential witnesses. They continue to hold high positions of authority and/or influence. They have the means, motive, and opportunity to interfere with witnesses, victims, or accomplices, and otherwise seek to obstruct proceedings,” it warns.

“All have access to significant funds, and can readily mobilise a vast network of supporters and government officials, including persons with security, police and intelligence expertise,” it continues, adding that they are “capable of provoking public disorder if they see it in their interest”.

“Individually and collectively, they have the ability to manipulate government bodies to evade and thwart proceedings against them, and to mobilise additional support bases, including those formerly under their command in the KLA and groups like the KLA War Veterans Association,” it says.

All four men are charged with a series of war crimes and crimes against humanity including illegal detentions, torture,

murder, enforced disappearances and persecution from at least March 1998 to September 1999.

The indictment alleges that they were part of a “joint criminal enterprise” that aimed to take control over Kosovo “by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents”.

Most of the crimes in the indictment were committed at KLA detention centres in Kosovo and Albania.

Thaci, Veseli, Krasniqi and Selimi have all pleaded not guilty and have asked to be released on bail. None of them has reacted publicly so far to the prosecution’s allegations in the redacted arrest request.

The arrest request goes on to detail some of the suspects’ alleged involvement in the intimidation of witnesses in previous trials at the International Criminal Tribunal for the Former Yugoslavia, ICTY.

The redacted document alleges that former Kosovo Intelligence Service (SHIK) members loyal to Veseli were “implicated in surveilling, threatening and bribing witnesses testifying against former KLA members at the ICTY”.

It also alleges that “individuals who worked for Rexhep Selimi were implicated” in an attempt to kill a witness, and further notes that Selimi has been “blacklisted by the United States government” and sanctioned by the US Treasury.

“As is apparent from prior prosecutions, including those involving named JCE [joint criminal enterprise] members and other close associates of the suspects, there is an endemic climate of severe witness interference and intimidation in trials involving former KLA members,” it argues.

The prosecution points out that during the course of their trial, the defendants will inevitably learn the identities of prosecution witnesses, “readily exposing such witnesses to a heightened risk of intimidation”.

Some of the witnesses have been relocated outside Kosovo for their protection, but not all agreed to being moved abroad, it explains.

“In the circumstances of a trial against senior KLA members, protective measures will not fully address risks of interference and intimidation,” it says, arguing that detaining the suspects will reduce their ability to interfere with witnesses.

The Kosovo Specialist Chambers were set up to try crimes allegedly committed during and just after the Kosovo war from 1998 to 2000. They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals.

They were set up under pressure from Kosovo’s Western allies, who feared that Kosovo’s justice system was not robust enough to try KLA cases and protect witnesses from interference.

The so-called ‘special court’ is widely resented by Kosovo Albanians who see it as an insult to the KLA’s war for liberation from Serbian rule.

Former KLA Commander Left in Detention by The Hague Court (Exit News) By Die Morina van Uijtregt
November 24, 2020

The former commander of Kosovo Liberation Army (KLA), Salih Mustafa has been left in detention by the pre-trial judge of The- Hague based Kosovo Specialist Chambers.

Kosovo Specialist Chambers notified on Monday that the pre-trial judge, Nicolas Guillou did not approve Mustafa’s defence request for a conditional release.

“The Pre-Trial Judge considers that the risks of flight, obstructing proceedings, and committing further offences can only be effectively managed from detention,” says the decision signed by Guillou.

The decision reads that this is particularly so “when Mr Mustafa’s position within the Kosovo security and intelligence apparatus affords him access to information and resources that will facilitate any attempts to flee, obstruct proceedings through the interference with victims and witnesses, or commit further crimes”.

Salih Mustafa is the first KLA member arrested by The- Hague based Kosovo Specialist Chambers which is set to try suspects for crimes committed during and after the Kosovo war.

Mustafa is charged with arbitrary detention, cruel treatment, torture and murder. He pleaded not guilty on each count.
Trendafilova Reappointed as President of the Kosovo Specialist Chambers (Exit News) By Die Morina van Uijtregt November 26, 2020 <https://exit.al/en/2020/11/26/trendafilova-reappointed-as-president-of-the-kosovo-specialist-chambers/>

Ekaterina Trendafilova has been reappointed as President of The Hague- based Kosovo Specialist Chambers (KSC) for another mandate.

Kosovo Specialist Chambers published the news on Friday saying that the Appointing Authority, Ambassador Lars-Gunnar Wigemark [Head of the EU Rule of Law Mission to Kosovo], reappointed Judge Ekaterina Trendafilova as President of the KSC for a term of four years.

According to KSC, President Trendafilova expressed her appreciation for “the confidence that has been placed in [her] to continue to serve the KSC as it has embarked on a new and important phase with the commencement of judicial proceedings”.

President Trendafilova stated that she is confident that the proceedings will be undertaken in a secure, independent, impartial, fair and efficient manner, in accordance with the KSC’s mandate.

President Trendafilova’s current term of office is set to expire on December 14 and the reappointment is effective by December 15.

The Kosovo Specialist Chambers and Specialist Prosecutor’s Office were established five years ago, in August 2015, by the Kosovo Parliament to investigate crimes allegedly committed during and just after the war 1998- 2000.

The Chambers are part of Kosovo’s judicial system but staffed by internationals and located in The Hague.

Kosovo Chambers Publishes Decision on Indictment against Ex-KLA Commanders (Balkan Insight)

By Xhorxhina Bami
December 1, 2020

The Kosovo Specialist Chambers has released a redacted version of a decision confirming the indictment against four former Kosovo Liberation Army commanders.

The Kosovo Specialist Chambers published on Monday a redacted decision by a pre-trial judge confirming an indictment against former President Hashim Thaci and three former fellow guerrilla commanders accusing them of crimes against humanity and war crimes during and after the 1998-99 Kosovo war.

According to the more than 200 page document, the decision to confirm the indictment was taken by pre-trial judge Nicolas Guillou on October 16.

Thaci resigned as president of Kosovo in early November. He and his co-accused – guerrillas-turned-politicians Kadri Veseli, Democratic Party of Kosovo leader Kadri Veseli, Jakup Krasniqi and Rexhep Selimi – have all pleaded not guilty.

The indictment alleges they were part of a “joint criminal enterprise” behind a string of war crimes and crimes against humanity committed between at least March 1998 and September 1999, including criminal responsibility for nearly 100 murders.

They sought to stamp their control over Kosovo, it said, “by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents.”

As senior figures in the guerilla Kosovo Liberation Army, they had “superior responsibility,” it said.

The Kosovo Specialist Chambers were set up to try crimes allegedly committed during and just after the Kosovo war, when Kosovo Albanian civilians were killed and expelled by Serbian forces waging a brutal counter-insurgency war against the KLA.

The Chambers were set up under pressure from Kosovo’s Western allies, who feared that Kosovo’s justice system was not robust enough to try KLA cases and protect witnesses.

In mid November, the Specialist Prosecutor’s Office, SPO, released documents accusing Thaci and his co-accused of having tried to interfere with potential prosecution witnesses.

In late November, the SPO urged the pre-trial judge to reject defence calls for a delay in the trial until 2022.

Meanwhile, Salih Mustafa, a wartime KLA commander in northeastern Kosovo, is now in The Hague awaiting trial having been the first suspect to appear before the court.

Hysni Gucati and Nasim Haradinaj, leaders of the KLA War Veterans’ Organisation, are also in The Hague awaiting confirmation of the indictment against them for alleged obstruction of justice. The pair was arrested in late September. According to a lawyer for the veterans’ organisation, the SPO has already filed charges against Gucati and Haradinaj.

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Azerbaijan

Azerbaijan to investigate possible war crimes in Nagorno-Karabakh conflict (Jurist) By M. Tyler Gillett
Nov. 28, 2020

The prosecutor-general of Azerbaijan said in an interview Wednesday that his office is looking into allegations of war crimes during the recent conflict between his nation and Armenia over the contested Nagorno-Karabakh region.

United Nations Human Rights Chief Michelle Bachelet has already raised the alarm about possible war crimes, issuing a statement on November 2 about indiscriminate artillery shelling of populated areas, use of cluster munitions by both sides, and videos on social media that appear to show summary executions of captured soldiers. The two nations agreed to a Russian-brokered peace agreement on November 10, under which several districts that Armenia had seized from Azerbaijan after the fall of the Soviet Union would be returned by December.

Prosecutor General Kamran Aliyev said that they would be looking at the video footage closely, saying, "There are many fake videos. But we must say frankly that there also are videos which could be authentic." They are looking especially at footage showing inhumane treatment of Azerbaijani prisoners and the defilement of soldiers' bodies, as well as investigating allegations of inhumane treatment of Armenian prisoners. His office is also initiating criminal cases involving Armenian shelling of Azerbaijani civilians.

Turkey to reveal Armenia's 'war crimes' in Karabakh (Anadolu Agency) By Ahmet Seran Usul
Nov. 24, 2020

Report prepared by Ombudsman Institution will be sent to relevant organizations worldwide, says chief ombudsman.

Turkey's Ombudsman Institution has prepared a report on the alleged war crimes committed by Armenia during the six-weeks of fighting in the Karabakh region.

The report will be sent to relevant institutions and organizations in Turkey and around the world, Turkey's chief ombudsman said on Tuesday.

Seref Malkoc said they inspected civil settlements being hit by missiles during field visits to Azerbaijan, as well as territories occupied by Armenia.

"Deliberately targeting civil settlements far from the frontline is a crime against humanity," he told Anadolu Agency. "This is incompatible with fundamental rights set out in the European Convention on Human Rights, and the Geneva Convention."

Malkoc said the report also includes how prohibited weapons and bombs were used, and how schools, places of worship, homes were demolished.

"This report will serve as evidence in international trials," the ombudsman said. "They turned mosques into pigpens and destroyed graves of Muslims."

Armenia occupied Nagorno-Karabakh, also known as Upper Karabakh, a region recognized as part of Azerbaijan, in the 1990s.

Fresh clashes on the dispute erupted on Sept. 27, and continued until a Russia-brokered cease-fire was signed on Nov. 10.

Armenian army launched attacks on civilians and Azerbaijani forces, and violated three humanitarian cease-fire agreements during the 44-day conflict.

Azerbaijan liberated several cities and nearly 300 settlements and villages from occupation amid the heavy fighting.

The truce, being monitored by both Russia and Turkey, is being seen as a victory for Azerbaijan. Under the deal, Armenians are handing over swathes of territory they occupied for decades to Azerbaijan.

Armenian protesters have called for Prime Minister Nikol Pashinyan's resignation for "accepting defeat." The country's foreign and defense ministers have already stepped down.

Nov. 25, 2020 Nov. 25, 2020

Baku is investigating alleged war crimes committed by Armenian and Azerbaijani forces during six weeks of fighting over the disputed Nagorno-Karabakh region, the country's prosecutor general said on Wednesday.

Azerbaijan and Armenia have traded accusations of war crimes in fierce fighting that erupted in Karabakh in late September, reigniting their simmering conflict for the control of the Armenian-populated region of Azerbaijan.

Videos circulated on social media during the fighting that allegedly showed executions of Armenian prisoners of war by Azerbaijani troops and Armenian soldiers defiling the bodies of Azerbaijani servicemen.

Azerbaijan's Prosecutor General Kamran Aliyev told the AFP news agency his office was studying the footage as part of an investigation into the inhumane treatment of Azerbaijani prisoners and the defilement of bodies of Azerbaijani troops.

"We have also initiated an investigation into inhumane treatment of Armenian servicemen that were taken prisoner," he said in an interview.

"There are many fake videos. But we must say frankly that there also are videos which could be authentic," he said. "Azerbaijan is a law-based state and we are reacting to such facts."

He said Azerbaijan had also initiated 73 criminal cases of Armenian forces shelling civilian targets in Azerbaijan.

The attacks "claimed the lives of 94 civilians, including small children, women and elderly people", Aliyev said, adding that four ethnic Armenian leaders – including the president of the unrecognised Nagorno-Karabakh republic, Arayik Harutyunyan – were charged with war crimes in absentia.

Nagorno-Karabakh declared independence from Azerbaijan nearly 30 years ago but has not been recognised internationally, even by Armenia.

The fighting that erupted on September 27 persisted despite efforts by France, Russia and the United States to broker ceasefires.

A Moscow-brokered peace deal was announced on November 10 after Azerbaijan's military overwhelmed Armenian forces and threatened to advance on Karabakh's main city Stepanakert.

Under the agreement, Armenia is losing control of seven districts seized during the post-Soviet war in the 1990s, which killed 30,000 people and displaced many Azerbaijanis who used to live there. On Wednesday, Azerbaijan's army entered Kalbajar, the second district to be returned after Agdam.

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Azerbaijan: Armenian Prisoners of War Badly Mistreated (Human Rights Watch) Dec. 2, 2020

Azerbaijani forces have inhumanely treated numerous ethnic Armenian military troops captured in the conflict over Nagorno-Karabakh, Human Rights Watch said today. They subjected these prisoners of war (POWs) to physical abuse and humiliation, in actions that were captured on videos and widely circulated on social media since October.

The videos depict Azerbaijani captors variously slapping, kicking, and prodding Armenian POWs, and compelling them, under obvious duress and with the apparent intent to humiliate, to kiss the Azerbaijani flag, praise Azerbaijani President Ilham Aliyev, swear at Armenian Prime Minister Nikol Pashinyan, and declare that Nagorno-Karabakh is Azerbaijan. In most of the videos, the captors' faces are visible, suggesting that they did not fear being held accountable. "There can be no justification for the violent and humiliating treatment of prisoners of war," said Hugh Williamson, Europe and Central Asia director at Human Rights Watch. "Humanitarian law is absolutely clear on the obligation to protect POWs. Azerbaijan's authorities should ensure that this treatment ends immediately." Although some of the prisoners depicted in videos Human Rights Watch reviewed have, in subsequent communications with their families, said they are being treated well, there are serious grounds for concern about their safety and well-being. International humanitarian law, or the law of armed conflict, requires parties to an international armed conflict to treat POWs humanely in all circumstances. The third Geneva Convention protects POWs "particularly against acts of violence or intimidation and against insults and public curiosity." The armed conflict between Armenia and Azerbaijan over Nagorno-Karabakh escalated on September 27, 2020, with Azerbaijan's military offensive. Hostilities ended on November 10 with a Russia-negotiated truce. While exact numbers are unknown, Armenian officials in

Yerevan told Human Rights Watch that Azerbaijan holds “dozens” of Armenian POWs. Armenia is known to hold a number of Azerbaijani POWs and at least three foreign mercenaries. Human Rights Watch is investigating videos alleging abuse of Azerbaijani POWs that have circulated on social media and will report on any findings. Dozens of videos alleging abuse of Armenian POWs have been posted to social media. Human Rights Watch closely examined 14, and spoke with the families of five POWs whose abuse was depicted. The videos were posted to Telegram channels, including Kolorit 18+ and Karabakh_News, and to several Instagram accounts. None of the videos have metadata that could confirm the time and location where they were recorded attached, as it was stripped when the videos were uploaded to Telegram and other platforms. But Human Rights Watch is confident that none of these videos were posted online before October–November 2020. Human Rights Watch also examined numerous other images and legal documents, and spoke with two lawyers, Artak Zeinalyan and Siranush Sahakyan, who represent the families of close to 40 POWs in requests filed with the European Court of Human Rights (ECtHR) for interim measures (urgent measures to protect people whose cases are pending with the court and who are at “imminent risk of irreparable harm”). The court granted all the requests on behalf of individual POWs to instruct the Azerbaijan government to provide information on the POWs, the lawyers said. The families confirmed that they saw their loved ones in the videos, provided photographs and other documents establishing their identity, and confirmed that these relatives were serving either in the Nagorno-Karabakh Defense Army, or the Armenian armed forces. Sergey Martirosyan lost contact with his son, Michael, 21, after an October 17 phone call. On October 25, Sergey saw a video on Telegram depicting eight Armenian soldiers abused by Azerbaijani military. The soldiers lay on the ground, blindfolded and restrained, as their captors kicked, dragged, and stepped on them, and prodded them with a sharp metal rod. At the 1:28 mark, the camera zooms in on a soldier who repeats, moaning, “I will tell everything,” in Russian, as Azerbaijani soldiers kick him at least seven times, step on his head and leg, and prod him. Sergey said he immediately recognized his son’s voice, physique, hair, and certain facial features. He contacted the ICRC and local authorities. On November 9, after the ECtHR’s intervention, Sergey received a brief phone call from Michael, who said he was being held in Azerbaijan and receiving treatment for leg wounds in a medical facility. Hranush Shahbazyan lost contact with her husband, Ludvig Mkrtychyan, 51, after an October 13 phone conversation. On November 12, her husband’s brother sent her the same video in which Martirosyan appears. She recognized Mkrtychyan’s voice, bald head, and physique. When the video opens, Mkrtychyan is lying curled up on his side, with his stomach and back partly exposed, and an apparent puncture wound on the left side. During the 00:58–1:25 segment, two Azerbaijani soldiers repeatedly kick and poke him with the metal rod on his head, back, stomach, and legs, as he pleads with them not to hurt him. According to Shahbazyan, on November 20, after the ECtHR’s intervention, the ICRC informed her that they visited her husband. Shahbazyan showed Human Rights Watch a letter she received that Mkrtychyan had dictated. Shahbazyan said she was reassured of his identity when a few days later he confirmed the pet name for their daughter. The lawyers said that family members who are their clients had identified three other servicemen depicted in the video: Valery Hayrapetyan, Arman Harutyunyan, and Armen Martirosyan (not related to Michael Martirosyan). Shirak Sargsyan lost contact with his son, Areg, 19, on October 2. On October 8, a relative alerted the family to two videos that show Areg lying on top of an Azerbaijani tank and then sitting on the same tank and, on his captor’s orders, shouting “Azerbaijan” and calling Pashinyan names. In mid-October, three more videos with Sargsyan appeared on social media. One shows Sargsyan, apparently on the back seat of a vehicle, wearing a flowery smock and a thick black blindfold, and repeating, on his captors orders, “long live President Aliyev,” and “Karabakh is Azerbaijan,” and cursing Pashinyan. Sargsyan’s family and lawyers also saw him in a news story by the Azerbaijani broadcaster Kanal 1: sitting in a hall, looking disoriented and distressed, he speaks under duress, condemning Pashinyan, including for sending him to war. His voice shakes, his breathing is heavy, and his lower legs are bandaged. Sargsyan’s family said that on October 17, Azerbaijani authorities facilitated an ICRC visit with him. He was allowed to write a letter to his family twice and to call them briefly on October 17. On October 18, Azerbaijani media and official sources reported that government officials visited three captured Armenian servicemen, including Sargsyan, in a hospital where they appeared to be getting medical treatment. The servicemen, who were photographed and filmed on video, expressed “gratitude” for their treatment. On October 22 and 23, at least six videos were circulated on social media showing five captured Armenian soldiers ill-treated and humiliated by Azerbaijani servicemen. In the videos, the Azerbaijani captors, dancing, apparently in celebration of a military victory, slap one of the prisoners on the head, make them kneel, clap, and say “Karabakh is Azerbaijan,” and force at least three of the prisoners to kiss the Azerbaijani flag. Zeinalyan and Sahakyan, the lawyers, said that the prisoners’ relatives contacted them, identifying the five as Eric Khachatryan, Robert Vardanyan, Narek Sirunyan, Arayik Galstyan, and Karen Manukyan. Human Rights Watch spoke with family members of Khachatryan, 18, and Vardanyan, 20. Khachatryan’s father, Saribek, lost contact with his son on October 12. Several days later he learned that his son had been wounded. He had no further information until November 22, when a neighbor showed him a video in which he recognized Eric. Later, the family saw him in another four videos. The videos show Eric’s captors holding him by the neck and slapping his head as they attempt to force him to say “Karabakh is Azerbaijan,” to kiss the Azerbaijani flag, and to kneel and clap, together with Vardanyan and another prisoner, as their captors are dancing. Robert Vardanyan’s mother, Varduhi Parunakyan, said that her last contact with her son was on October 8. Later, she learned that Vardanyan had been wounded and that he, together with Khachatryan and three others, were captured while awaiting a rescue team. In the videos, Vardanyan is forced to kiss the Azerbaijani flag after Khachatryan and another prisoner have done so, kneel on the ground and clap, together with Khachatryan and another prisoner, as their celebrating captors are dancing; and to say repeatedly “Karabakh is Azerbaijan.” In the “Karabakh is Azerbaijan” video, he is indoors, his face is bruised and dirty, and one of his captors is pressuring him to speak louder; whereas in the “celebration” video he is outdoors

and his face is clean and unmarked by bruises. On November 27, the ECtHR requested information from Azerbaijani authorities regarding the five soldiers' whereabouts. Azerbaijan has not yet provided a response. "It is telling that some of the servicemen who carried out these abuses had no qualms about being filmed," Williamson said. "Whether or not the soldiers thought they would get away with it, it is essential for Azerbaijan to prosecute those responsible for these crimes on the basis of both direct criminal liability and command responsibility."

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Syria

Bombs kill 8 in Syria's Turkish-controlled north: monitor (Institut Kurde)

November 24, 2020

Two separate car bomb blasts in Turkish-controlled north Syria on Tuesday killed eight people, including two civilians, a Britain-based war monitor said.

On the outskirts of the town of Al-Bab, explosives planted in the car of a police chief from another district detonated and killed him, two policemen accompanying him, and two civilians, the Syrian Observatory for Human Rights said, adding 19 people were wounded.

And in the town of Afrin, a car bomb went off near a bakery, killing three people and wounding 16 others.

Turkey and its Syrian proxies control several pockets of territory on Syria's side of the border following three military incursions since 2016, against Islamic State group (IS) and Kurdish fighters.

There was no immediate claim of responsibility for either bombing.

But there have been a string of attacks in Al-Bab since its capture by Turkish troops from IS in 2017.

Several have also hit Afrin, which Turkey and its Syrian proxies seized from Kurdish fighters in 2018.

UN humanitarian official Mark Cutts deplored "another horrific car-bomb in Al-Bab today with more civilian casualties".

"Car-bombs remain a deadly scourge in Syria," he tweeted.

US-backed Kurdish forces seized the last scrap of that territorial proto-state from the jihadists in eastern Syria in March last year.

But the jihadist group continues to carry out attacks through a network of sleeper cells operating in some regions it used to

control.

Syria's civil war has killed more than 380,000 people since it started with the repression of anti-government protests in 2011.

Air Strike Kills IRGC Commander at Iraq-Syria Border - Iraqi Officials (Reuters) November 30, 2020

<https://www.reuters.com/article/iraq-iran-syria-militias/air-strike-kills-irgc-commander-at-iraq-syria-border-iraqi-officials-idUSKBN28A2SB>

An air strike killed a commander of Iran's Revolutionary Guards at the Iraq-Syria border sometime between Saturday and Sunday, Iraqi security and local militia officials said on Monday. They could not confirm the identity of the commander, who they said was killed alongside three other men travelling in a vehicle with him. The vehicle was carrying weapons across the Iraqi border and was hit after it had entered Syrian territory, two Iraqi security officials separately said. Iran-backed Iraqi paramilitary groups helped retrieve the bodies, the two officials said, without elaborating or giving the exact time of the incident. Local military and militia sources confirmed the account, although Reuters was unable to verify independently that an Iranian commander had been killed. The incident came just days after Iranian nuclear scientist Mohsen Fakhrizadeh was assassinated in Tehran in a killing that Iran has blamed on Israel. Israel launched air raids against what it called a wide range of Syrian and Iranian targets in Syria last week, signalling that it will pursue its policy of striking Iranian targets in the region as U.S. President Donald Trump prepares to leave office. Iraqi officials fear a conflagration ahead of President-elect Joe Biden taking office because he is viewed as less confrontational with Iran than the Trump administration. Iran-backed Iraqi militias are still reeling from the U.S. assassination of Iranian military mastermind Qassem Soleimani in January and their Iraqi leader Abu Mahdi al-Muhandis and have vowed revenge against the United States.

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Yemen

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Special Tribunal for Lebanon

Official Website of the Special Tribunal for Lebanon

In Focus: Special Tribunal for Lebanon (UN)

Killer of Lebanon's Hariri, Hezbollah member Ayyash, to be sentenced on December 11 (Al Arabiya)

December 2, 2020

The killer of former Lebanese prime minister Rafic Hariri will be sentenced on December 11, the Netherlands-based tribunal that convicted him said on Tuesday, with prosecutors asking for a life sentence.

The UN-backed Special Tribunal for Lebanon convicted Salim Ayyash, 57, of the 2005 murder but acquitted three others after a trial that ended on August 18.

The four were alleged members of the Hezbollah and none turned up for the trial after Shia movement's chief Hassan Nasrallah refused to hand them over.

The court found that Ayyash, who is still on the run, led the team behind the suicide bombing that killed the Sunni billionaire politician and 21 other people in Beirut.

Hariri served as Lebanon's prime minister until he resigned in October 2004.

He was killed in February 2005 when a suicide bomber detonated a van filled with explosives as his armoured convoy drove past. As well as those killed, another 226 were wounded in the blast.

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Israel and Palestine

UN panel votes 163-5 in support of Palestinian statehood, end of occupation (The Times of Israel)

By Jacob Magid

November 20, 2020

The United Nations voted overwhelmingly to approve a draft resolution in favor of Palestinian self-determination, with Israel and the United States voting against.

The proposal on Thursday in the UN General Assembly's Third Committee — the committee that deals with human rights and humanitarian affairs — passed 163 to 5, with 10 abstentions. Canada, which typically votes alongside Israel in such resolutions, stood with the majority.

The resolution emphasized “the right of the Palestinian people to self-determination, including the right to their independent State of Palestine” and “stressed the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,” based on a two-state solution.

It is part of a large package of 20 pro-Palestinian resolutions that are passed by the General Assembly every year, which the Israeli Mission to the UN has long argued proves the bias of the international forum.

In addition to Israel and the US, the Marshall Islands, Micronesia and Nauru also voted against the resolution. Australia, Cameroon, Guatemala, Honduras, Kiribati, Palau, Papa New Guinea, Rwanda, Togo and Tonga all abstained.

Last year, Canada voted in favor of a nearly identical resolution, with its envoy justifying the move as a response to US Secretary of State Mike Pompeo's decision to repudiate a State Department legal opinion that deemed Israeli settlements to be illegal. In previous years, Canada had voted alongside Israel, but refusing to do so for a second straight year indicated that the vote was a principled stand.

“Canada's vote today is a reflection of our longstanding commitment to the right of self-determination for both Israelis and Palestinians,” Canadian envoy Bob Rae said in an address to the General Assembly, noting the draft's support for a two-state solution — a framework that the Israeli government has not officially rejected.

Palestinian Authority Foreign Minister Riyad al-Maliki praised the vote, calling it “a natural response from the international community to the Israeli occupation's violations, as well as a response to the US Secretary of State Mike Pompeo's visit to the colonial Israeli settlements.”

Pompeo visited a winery near the settlement of Psagot on Thursday, the first such visit by a top US diplomat. There, he announced new US guidelines requiring all US exports from Israeli controlled areas of the West Bank to be labeled as “made in Israel,” in a reversal of decades-old policy that differentiated between both sides of the Green Line.

Until now, US policy has required products made in the West Bank to be labeled as such. But with Pompeo's newly announced rules, which he said were “consistent with our reality-based foreign policy approach,” all producers within areas where Israel exercises authority — most notably Area C under the Oslo Accords — will be required to mark goods as ‘Israel,’ ‘Product of Israel,’ or ‘Made in Israel’ when exporting to the United States.

Pompeo insisted that the US still remains committed to achieving “sustainable peace” and will “continue to oppose those countries and international institutions which delegitimize or penalize Israel and Israeli producers in the West Bank through malicious measures that fail to recognize the reality on the ground.”

The concluding remark of the statement appeared to take a direct shot at the European Union, which has led a policy obliging

all 28 member states to label exports produced in Israeli towns beyond the Green Line as having been made in the settlements.

Al-Malki: Pompeo's labelling of settlement products as "made in Israel" is a war crime (Wafa)

November 20, 2020

Minister of Foreign Affairs and Expatriates Riyad al-Malki said today that US Secretary of State Mike Pompeo's announcement that products manufactured in the illegal Israeli settlements will be labelled as "made in Israel" represents a de facto US recognition of Israel's annexation of the illegal settlements to its sovereignty.

"[Pompeo's] announcement is a finishing of Netanyahu's policy of annexing settlements and consequently the occupied West Bank to Israel, which is a precise implementation of the "deal of the century," said al-Malki.

He added that this announcement necessitates immediate action at the international level, and must be rejected with all the available legal means. "It is a crime and those responsible for it must be punished, whoever and wherever they are."

In a reversal of longstanding US policy, Pompeo said yesterday that imports to the United States coming from the Israeli settlements in the West Bank will now require a label indicating they were made in Israel. Washington's top diplomat made the announcement during a high-profile visit to Israel, which also saw him pledge to identify US-based groups that support the Boycott, Divestment and Sanctions (BDS) movement and label them anti-Semitic.

Over 400 Palestinian children arrested by Israeli forces this year (Daily Sabah)

November 20, 2020

Israeli violence against Palestinian children in military detention has once again become a major area of concern on the anniversary of World Children's Day as more than 400 boys and girls were arrested by Israeli forces in the first 10 months of this year, a nongovernmental organization (NGO) said.

"The Israeli occupation authorities have arrested 400 Palestinian children under the age of 18 since the beginning of this year ... most of them from east Jerusalem," the Palestinian Prisoners Society (PPS) said Thursday, as quoted by Anadolu Agency (AA).

"The Israeli authorities continue to hold 170 Palestinian children in their prisons," the statement read.

"Israel is committing various violations against Palestinian children during their detention, including preventing them from completing their studies, depriving some of them of family visits in prison and isolating them in individual cells," the statement added.

Since 2015, Israel has been passing new laws that legalize the issuance of long prison sentences for children, in some cases up to life imprisonment. According to PPS, Israel has arrested about 7,000 children since 2015.

Palestinian figures show that around 4,400 Palestinians, including 39 women, 155 children and 700 sick patients, are currently held in Israeli detention facilities.

In its annual report in 2019, the PPS said that the children arrested by Israel experienced numerous rights violations. They are often taken away from their houses, usually late at night under harsh conditions, the report said. It noted that arrested children are deprived of their right to education, a clear violation of the Declaration of the Rights of the Child, and some of the children are denied family visits and proper medical treatment.

The coronavirus outbreak this year has brought heightened attention to the plight of the Palestinian children in Israeli prisons. Israel's perpetual violations of Palestinians' basic rights in its prisons, including torture, repression, assault and the denial of proper medical treatment, have long been under the spotlight. In March, Israel's detention authority decided to reduce rations of bread, water and meat for Palestinian prisoners, exposing once again the ongoing systematic violations of human rights in Israeli jails.

The United Nations human rights body criticized Israel for its killings of protesters in Gaza and treatment of the Palestinians, declaring it a "war crime" under the Statute of Rome. The high casualty toll at the Gaza border triggered a diplomatic backlash against Israel and new charges of excessive use of force against unarmed protesters. The Israeli army has killed 25 Palestinian children in the occupied West Bank and the blockaded Gaza Strip in 2018.

Defense for Children International - Palestine, which advocates for the rights of Palestinian children in the Israeli-occupied

Palestinian territories, asserted that Israeli forces had deliberately killed minors with live ammunition during border protests. According to the NGO, this death toll includes 21 children targeted directly, 11 of whom were shot in the head or neck. According to the U.N. Children's Fund (UNICEF), over 1,000 children were injured by Israeli forces in the besieged Gaza Strip during demonstrations.

UN report finds Gaza suffered \$16.7 billion loss from siege and occupation (UN News)

November 25, 2020

Gaza's economy was on the verge of collapse, notes the report for the UN General Assembly, entitled "Economic costs of the Israeli occupation for the Palestinian people: The Gaza Strip under closure and restrictions".

The damage from Israel's military operations was equivalent to around six times the Palestinian enclave's annual gross domestic product (GDP) in 2018, or 107 per cent of the total Palestinian GDP, the report said.

Driver of poverty

Gaza's poverty rate stood at 40 per cent in 2007 but it would have fallen to 15 per cent in 2017 if not for the prolonged military operations, but instead, it has risen to 56 per cent, it said.

The depth of inequality was also far more severe than it could have been.

The "poverty gap", a measure of how far from the poverty line households are on average, was 20 per cent in 2017, but would have been around 4.2 per cent if not for the impact of military operations, the report said.

Between 2007 and 2017, Gaza's economy grew by 5 per cent, or less than half a percentage point per year, and its share in the overall Palestinian economy halved from 37 per cent to 18 per cent, UNCTAD's Coordinator of the Assistance to the Palestinian People, Mahmoud Elkhafif, told a press conference.

Prolonged impact of military action

The report aimed to quantify the impact of three major rounds of Israeli military hostilities since 2008 and the prolonged economic and movement restrictions imposed since Hamas took control in the Gaza Strip.

"The result is the near collapse of the regional Gaza economy while trade is severely restricted from the rest of the Palestinian economy and the world", the report said.

Blockade plea

"Lifting what amounts to the blockade of Gaza is essential for it to trade freely with the rest of the Occupied Palestinian Territory and the world and restore the right to free movement for business, medical care, education, recreation and family bonds. Only by fully lifting the debilitating closure, in line with Security Council resolution 1860 (2009), can we hope to sustainably resolve the humanitarian crisis."

Most people in Gaza had no access to safe water, regular and reliable electricity supply or even a proper sewage system, the report said.

UNCTAD's analysis of the potential economic upside of ending Israeli military operations and travel restrictions did not include wider benefits to the Palestinian people, such as the income from a natural gas field off the shores of Gaza.

More investment

The report recommended the Palestinian government should be allowed to develop those energy resources, and Gaza's economic potential should be boosted with investments in seaports, airports and water and electricity projects.

Richard Kozul-Wright, Director of UNCTAD's Division on Globalization and Development Strategies, said the 2 million Palestinians living in Gaza were now facing a health emergency because of the COVID-19 pandemic. But he added that there was "cautious optimism" that the incoming U.S. administration of President-elect Joe Biden could lead to a positive change of tone in Washington, DC.

"That obviously raises hopes that there may be changes in the relationship between Israel and Palestine," he said.

Palestinian student released from Israeli jail after 15 months (Al Jazeera) By Linah Alsaafin

December 1, 2020

Mays Abu Ghosh, a 22-year-old Palestinian student, was released by Israeli forces on Monday, 15 months after she was arrested.

Abu Ghosh, a journalism student at Birzeit University, was arrested in August 2019 and charged with being a member of the Democratic Progressive Student Pole, a student bloc banned by Israeli military orders, and taking part in student activities against Israeli occupation.

She was also charged with “communicating with an enemy” – she took part in a conference on the Palestinian right of return – and contributing to an allegedly Hezbollah-affiliated news agency.

Abu Ghosh was fined 2,000 shekels (\$600) and released from Damon prison at the Jalameh checkpoint, north of the illegally occupied West Bank city of Jenin, where her family and friends received her.

Several human rights groups said Abu Ghosh told them about the physical and psychological torture she suffered for more than a month at the notorious Maskobiyeah interrogation centre in Jerusalem.

The groups added that she was forced into several stress positions for extended hours and was threatened that she would go home either paralysed or mentally broken. She was also forced to listen to the cries and screams of other prisoners undergoing interrogation, and faced repeated slaps to her face as Israeli soldiers shouted obscenities at her.

“I want to tell everyone what happened with me during the interrogation and torture period,” Abu Ghosh told Al Jazeera a day after she was released. “Not as something that has happened to me but for any Palestinian to know what to expect when Israel arrests them.”

Israeli military courts, which Palestinians in the occupied territories are tried by, have a 99.74 percent conviction rate.

“The military prosecution charged Abu Ghosh over acts related to her student union activities at the university in addition to her media action,” said Addameer, a prisoner rights group. “Such a practice demonstrates the occupation authorities’ criminalisation of fundamental human rights through military orders.”

Abu Ghosh added that the message she carries from other female prisoners is one of “national unity”.

“They also have demands regarding living conditions, especially for those who are serving long sentences,” she said. “Cameras in the prison courtyard are on all the time and violate their privacy.”

Family targeted

In January 2016, Abu Ghosh’s older brother Hussein was killed by Israeli forces for allegedly carrying out a stabbing attack.

Israeli forces then demolished their family home.

In August 2019, Abu Gosh’s then home was raided at dawn by Israeli forces accompanied by military dogs.

She was taken to a separate room and ordered to switch on her laptop and phone. Following her refusal, she was blindfolded, handcuffed and arrested.

A month later, her 17-year-old brother Suleiman was arrested to pressure Abu Ghosh into a confession. He served four months under administrative detention – imprisoned by Israel without charge or trial. Her parents were also summoned for interrogation.

According to Addameer, 40 Palestinian women are imprisoned by Israel. The total prison population currently stands at 4,500 – including 170 minors and 370 administrative detainees.

In Damon prison, seven prisoners have taken up university courses but a raid on their cells by the Israeli Prison Service last week resulted in their books being confiscated.

Following her release, Abu Ghosh said she wants to finish her studies and continue with her media training.

“The prison authorities threatened to isolate prisoners who continue their studies,” Abu Ghosh said.

“We [with other prisoners] formed a small programme to study philosophy, Arabic literature, and poetry. We also had certain rituals we did together, like getting ready before a family visit.”

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Gulf Region

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ASIA

Afghanistan

Australian 'war crimes': Elite troops killed Afghan civilians, report finds (BBC)

November 19, 2020

There is "credible evidence" that Australian elite soldiers unlawfully killed 39 people during the Afghan war, a long-awaited report has found.

The Australian Defence Force (ADF) has released findings from a four-year inquiry into misconduct by its forces.

It said 19 current or ex-special forces soldiers should be investigated by police over killings of "prisoners, farmers or civilians" in 2009-13.

The ADF blamed crimes on an unchecked "warrior culture" among some soldiers.

The inquiry - conducted by Maj Gen Justice Paul Brereton - conducted interviews with more than 400 witnesses. It also found evidence that:

Junior soldiers were told to get their first kill by shooting prisoners, in a practice known as "blooding"

Weapons and other items were planted near Afghan bodies to cover up crimes

An additional two incidents could constitute a war crime of "cruel treatment"

Afghanistan said it had been assured by Australia that it was committed to "ensuring justice".

Samantha Cromptoets, an academic who carried out the initial research into the incidents, told the BBC they were "deliberate, repeated and targeted war crimes" and said she felt vindicated by the report.

Australia has had forces in Afghanistan since 2002, following the overthrow of the Taliban, as part of a US-led coalition. Initially the international forces' role was to train Afghan troops but they became increasingly involved in fighting insurgents.

It said 25 special forces soldiers had taken part in unlawful killings directly or as "accessories", across 23 separate incidents.

It recommended that 36 incidents in total be investigated by federal police.

ADF chief Gen Angus Campbell said none of the incidents could be "described as being in the heat of battle".

"None were alleged to have occurred in circumstances in which the intent of the perpetrator was unclear, confused or

mistaken," he told reporters on Thursday.

Gen Campbell said there was alarming evidence that some Special Air Service (SAS) soldiers had taken "the law into their own hands".

"The report notes that the distorted culture was embraced and amplified by some experienced, charismatic and influential non-commissioned officers and their proteges, who sought to fuse military excellence with ego, elitism and entitlement," he said.

The report said it would be a "gross distortion" to blame senior ADF command, saying the crimes were "commenced... and concealed at the patrol commander level".

Dr Cromptvoets said the incidents "involved in some instances very influential non-commissioned officers".

"Platoon commanders were encouraging or insisting junior soldiers execute prisoners to achieve their first kill, so it was that sort of pattern of behaviour of grooming these junior soldiers for, or initiating them into, the squadron - that's what was very disturbing," she told BBC World Service's Newsday programme.

The inquiry was conducted behind closed doors, meaning few details have been reported until now.

What's been the reaction?

Last week, PM Scott Morrison warned the report contained "difficult and hard news for Australians" about its special forces.

"It is the environment [within the ADF], it is the context, it is the rules, it is the culture and the command that sat around those things," he said. "And if we want to deal with the truth of this, we have to deal with the truth of that."

The office of Afghanistan's President Ashraf Ghani said Mr Morrison had phoned to express his "deepest sorrow" over the findings. The country's foreign ministry, quoted by AFP, said the incidents mentioned in the report were "unforgivable" but its publication was "an important step towards justice".

The Afghanistan Independent Human Rights Commission (AIHRC) welcomed the report but noted it had not established enough evidence to ensure criminal prosecution.

It said it was vital that this be sought and "adequate compensation" provided without delay.

"Only through a series of independent inquiries will we uncover the true extent of this disregard for Afghan life, which normalised murder, and resulted in war crimes," it said.

Elaine Pearson, from Human Rights Watch, told the BBC: "This is a vindication - this is an acknowledgement that these crimes occurred."

Dr Cromptvoets said she had faced "huge resistance" when her initial report was leaked but had now been proved right.

"I was certainly criticised for being a female, a civilian, a feminist, that somehow I was trying to feminise defence," she said.

"It wasn't about me not understanding what it's like to be at war," she added. "It was quite evident there were fundamental things that had gone wrong."

The defence chief's language was as part of this story as the findings themselves. He started by apologising to the Afghan people for any wrongdoing, then told the Australian people they had the right to expect better from their special forces.

He used words like shameful, appalling and toxic when describing the actions of some troops and the culture in which they operated.

And it wasn't just that these alleged executions took place, it was the manner of impunity by which they happened. In fact, according to the report, there was an air of competitiveness within the special forces.

One moment stood out in Gen Campbell's address: when he described how some junior soldiers had allegedly been coerced to shoot unarmed civilians to get their "first kill" - a practice known as "blooding". He said that weapons and radios had then been allegedly planted to support claims that the victims had been enemies killed in action.

The public version of the report is highly redacted and we don't know details of specific incidents or specific individuals. But it has been enough to make for very uncomfortable reading for the military, the government and for the Australian public.

What happens next?

Last week, Mr Morrison said a special investigator would be appointed to consider prosecutions from information contained in the report.

Australian media reported that police investigations would be likely to take years, even before possible criminal trials.

Gen Campbell said one SAS squadron had been shut down, and it was the ADF's responsibility to "set things right".

The government said it would also establish an independent oversight panel to provide "accountability and transparency that sits outside of the ADF chain of command".

Australia maintains an operation of around 400 soldiers in Afghanistan as part ongoing peacekeeping efforts with the US and other allies.

Have other countries faced allegations?

Earlier this year, the International Criminal Court (ICC) began investigating alleged war crimes by the US and others in the Afghan conflict.

The actions of the Taliban, the Afghan government and US troops since May 2003 are expected to be examined.

A 2016 report from the ICC said there was a reasonable basis to believe the US military had committed torture at secret detention sites operated by the CIA.

The report also said it was reasonable to believe the Afghan government had tortured prisoners and the Taliban had committed war crimes such as the mass killing of civilians.

In Britain, the High Court is considering whether the UK failed to properly investigate allegations of unlawful killing by UK Special Forces.

And on Thursday, the AIHRC also called for the UK "to open an independent public inquiry to review and investigate the allegations of unlawful killings by UK Special Forces".

Last year, the BBC's Panorama programme revealed that the UK had failed to fully investigate credible evidence of a pattern of illegal killings carried out by British Special Forces.

"The US and UK, and other countries with an armed presence in Afghanistan [should] respond to these media reports, and to investigate their forces' participation, and leadership, of acts of violence against Afghan non-combatants," the AIHRC said in a statement.

Officials: Roadside bomb attack in Afghanistan kills 14 (Washington Post) By Rahim Faiez
November 24, 2020

Roadside bombs exploded in central Afghanistan on Tuesday killing at least 13 civilians and a traffic policeman, officials said, even as government negotiators and the Taliban meet to try to end decades of war.

Tariq Arian, spokesman for the Interior Ministry, said 45 people were also wounded in a late afternoon blast in Bamiyan city in Bamiyan province. Several shops and vehicles were destroyed or damaged.

Mohammad Reza Yusuofi, spokesman for the provincial police chief in Bamiyan, said there were two bombs that exploded in quick succession.

No one immediately claimed responsibility for the attack and Zabihullah Mujahid, Taliban spokesman, said the group was not involved.

The Islamic State group affiliate in Afghanistan has declared war on the country's minority Shiite Muslims — and Bamiyan is a mostly Shiite province.

Violence and chaos have increased in Afghanistan in recent months even as government negotiators and the Taliban are meeting in Qatar to find an end to decades of relentless war. The two sides have made little progress.

The IS affiliate has claimed responsibility for recent attacks in Afghanistan, including two horrific assaults on educational

institutions that killed at least 50 people, most of them students.

The U.S. blamed the IS affiliate for an attack on a maternity hospital earlier this year that killed 24 new mothers and infant babies. The hospital was located in Kabul's Dasht-e-Barchi neighborhood, dominated by ethnic Hazaras who are mostly Shiites.

If Tuesday's attack in Bamiyan is claimed by the IS affiliate, it would mark a dangerous escalation and signal the group penetrated a province that has been considered a refuge from the bitter fighting elsewhere in the country.

Bamiyan's Buddhist population was mostly destroyed in early 2001 by the Taliban, who ruled for five years until late 2001 when they were overthrown by the U.S.-led coalition. The province is also a popular tourist destination, mostly because of Band-e-Amir National Park.

Also on Tuesday, Norway's Foreign Minister Ine Eriksen Soereide said the Scandinavian country will provide around 650 million kroner (\$72.1 million) in development assistance and humanitarian aid in 2021 to Afghanistan.

"Our support and further level (of assistance) will be assessed on the basis of the authorities' efforts against corruption," Eriksen Soereide said in a statement, adding that satisfactory progress in the peace process is important.

Car bomb kills at least 40 Afghan soldiers (CNN) By Ehsan Popalzai
November 29, 2020

A car bomb attack in Afghanistan's central province of Ghazni killed at least 40 Afghan soldiers and wounded 24, Ghazni public health department told CNN on Sunday.

An attacker detonated an explosive packed vehicle in front of a security base in the Deh Yak district of the province.

According to a statement from the Afghan Ministry of Defense, the attacker was confronted by security forces as he tried to enter the base. No group has claimed responsibility yet.

The blast targeted a compound of the public protection force, a wing of the Afghan security forces, local officials told Reuters. It damaged civilian residences around the compound, and there could be more casualties from there, they said.

Interior ministry spokesman Tariq Arian confirmed that there had been a car bomb blast but did not provide further information on the target or possible casualties.

Taliban spokesman Zabihullah Mujahid, when contacted by Reuters, did not confirm or deny responsibility.

Afghanistan has seen a spate of car bombings over the last few months, despite peace talks being under way between negotiation teams of the insurgent Taliban and the government in the Qatari capital of Doha.

Violence in the country, at war for two decades, remains unacceptably high, foreign governments and institutions say, calling for an immediate ceasefire between the Afghan government and Taliban.

Another bombing on Sunday, in the eastern province of Zabul, targeting a top provincial official, killed at least one person and injured 23, said Gul Islam Syaal, the spokesman for the province's governor.

Haji Ata Jan Haqbayan, head of the provincial council of Zabul, suffered minor injuries in the attack on his convoy.

No one has claimed responsibility for the attack on Haqbayan, an outspoken critic of the Taliban.

The Trump administration's peace deal with the Taliban was dealt a blow in May as the Afghan government announced it was resuming offensive operations against the insurgent group following a spate of deadly terrorist attacks.

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War Crimes Investigation in Myanmar

Put Myanmar Army Back on UN Child Violations ‘Shame’ List, HRW Says (Radio Free Asia) By Min Thein Aung and Wai Mar Tun
November 19, 2020

Myanmar's military should be put back on the United Nations secretary-general's "list of shame" for grave violations against children in the conflict in Rakhine state between the government military and a rebel ethnic army, Human Rights Watch said.

In June, U.N. Secretary-General António Guterres removed the Myanmar military from his annual “list of shame” conditioned on the Myanmar government immediately ending and preventing the recruitment and use of child soldiers. Myanmar’s army was found by the U.N. chief in 2018 to have 71 cases of child recruitment.

An article posted on New York-based HRW’s website on Tuesday pointed to an incident in the war-torn state on Oct. 5 when a military column conscripted 15 Rohingya Muslim civilians, including children, to guide soldiers through terrain believed to be mined by the rebel Arakan Army (AA).

Two young cattle herders were killed and an adult was injured when the column was ambushed by AA troops, villagers had told RFA, which originally broke the story.

Immediately following the incident, the Myanmar military denied that shooting by government soldiers killed the two children and wounded the adult, instead blaming the AA for firing on the civilians.

“Using civilians as ‘human shields’ is a war crime, as is using children in combat. The Tatmadaw [Myanmar military] says it will investigate the deaths, but this incident highlights a deeper problem,” said the HRW report, written by Myanmar freelance journalist Manny Maung, who also identifies herself on her LinkedIn profile as a part-time communications consultant for UNICEF.

The United Nations Country Taskforce on Monitoring and Reporting on Grave Violations against Children in Myanmar has called for a transparent and expedited investigation of the incident and for those responsible to be held accountable, the report noted.

“This recent incident shows that the Tatmadaw is still making use of children in hostilities, violating the terms of the ‘delisting,’” the HRW report said. “The secretary-general should return the Tatmadaw to his list for the recruitment and use of children.”

HRW also said that the U.N. Security Council should sanction Myanmar authorities “implicated in the sickening practice of using civilians, and children in particular, as human shields.”

“These are war crimes for which all those responsible should be prosecuted,” the report said.

RFA could not reach spokesmen for the military, Myanmar’s social welfare, relief and resettlement ministry, or the President’s Office for comment on HRW’s statement.

Legal protection for children

Human rights groups have decried the use of civilians, including children, as forced porters and human shields by the Myanmar military and some non-state armies has gone on for decades amid the country’s various internal conflicts pitting government forces against ethnic armies in the border regions.

In 2019, the Myanmar government set up a Committee on the Prevention of Grave Violations against Children in Armed Conflict and enacted a Child Rights Law to align its national policies and regulations with those of the U.N. Convention on the Rights of the Child. The law prohibits the violation of children’s rights during armed conflict and makes it illegal for soldiers to use minors as forced laborers.

Myanmar ratified the U.N. convention in 1991, agreeing to prohibit all forms of violence against children under the age of 18. It also criminalizes six grave violations against children and grants them legal protections.

In response to the scores of children killed, maimed, and conscripted as laborers in the country’s ongoing ethnic wars, the government in July said it was setting up a national complaint mechanism for reporting violence and sexual crimes against minors in regions under conflict.

Meanwhile, the U.S. mission to the U.N. condemned ongoing serious human rights violations and abuses across Myanmar, including Rakhine state and other areas of unrest, and called on Myanmar authorities to deepen democratic reforms.

The U.S. mission on Wednesday also called for an assurance of accountability for those responsible for human rights violations and abuses, including for the ethnic cleansing of Rohingya Muslims from northern Rakhine state during previous military-led crackdowns.

“We strongly condemn the ongoing violence in Myanmar and urge all involved to demonstrate restraint and respect for the human rights of members of affected populations,” said a statement delivered by Jason Mack, the U.S. mission’s counselor for economic and social affairs.

Interrogating children

Zaw Zaw Tun, secretary of the Sittwe-based relief group Rakhine Ethnic Congress (REC), said the Myanmar military has stepped up its questioning of minors in combat zones in the western state.

“When government troops go to villages, they detain and question villagers, not for a couple of days but for weeks, even up to 15 days,” he told RFA. “These days, they even take children to interrogate as a new method of gathering intelligence. More children are now being detained and questioned.”

Children in Rakhine state are among the more than 300 civilians who have been killed and over 700 injured amid fighting in the nearly two-year-long war or from airstrikes near their homes, schools, or playgrounds, according to civil society groups. Others have been injured by landmines or arrested by soldiers on suspicion of having connections to the AA.

Of these figures, 46 children up to age 18 have been killed, and 148 others have been injured, according to an RFA tally.

Rights activist Nickey Diamond from Southeast Asia-based Fortify Rights said he believes the U.S. secretary-general should put the Myanmar military back on his “list of shame.”

“The Myanmar military should be reinstated because there is a lack of transparency, especially from the military,” he said. “In other countries, [U.N. organizations] can enter and inspect or inquire about what the military is doing, according to international rules and regulations. There is no such transparency in this country.”

“Although the military has denied recruiting child soldiers, there are reports about recruiting in various ways,” he said, recommending that the U.S. set up a mechanism to investigate the use of child soldiers by Myanmar troops.

Noncombat activities

Maung Maung Lay of the Human Rights Defenders and Promoters NGO noted that his organization has received no more than 10 complaints per year about the recruitment of child soldiers since 2010, though children are still being used indirectly in armed conflict.

“Although they are not directly recruiting them as child soldiers, armed groups are using children for noncombat activities such as guides to obtain intelligence or as reserve soldiers,” he said.

Aung Myo Min, executive director of the Yangon-based human rights education group Equality Myanmar, said that if war crimes against children were not stopped in Myanmar, they could be condemned by the international human rights machinery.

Myanmar military spokesman Major General Zaw Min Tun told RFA on Nov. 11 that any related complaints would not be ignored.

“The government and the military have been working tirelessly if someone reports any issue not only in Rakhine, but in all war conflict areas,” he said.

Tun Win, a lower house lawmaker from Rakhine’s Kyauktaw township, said that he has reported crimes committed against civilians by lower-ranking soldiers to Rakhine state officials, but no action has been taken.

“We have sent letters to the Myanmar National Human Rights Commission, the president, and other top-level country leaders on these issues,” he said. “Only the Defense Ministry answered us once, saying it would form a tribunal to investigate the issues, but we haven’t heard anything more yet either about the formation of a tribunal or about an investigation.”

RFA contacted the President’s Office and the human rights commission for comment via e-mail, but had not received replies by the time of publication.

Myanmar's genocide against Rohingya not over, says rights group (The Guardian)

November 23 2020

Myanmar is continuing to commit genocide against Rohingya Muslims in breach of orders by the UN’s top court, according to human rights lawyers and activists.

The international court of justice (ICJ) in January rejected arguments made personally by Myanmar’s civilian leader, Aung San Suu Kyi, in The Hague and imposed urgent interim measures on the predominantly Buddhist nation.

The ICJ ordered Myanmar to cease the commission of genocidal acts, prevent the destruction of evidence of crimes against the Rohingya and report back to the UN every six months.

“The genocide is still ongoing,” Tun Khin, president of Burma Rohingya Organisation UK, said in a statement on Monday, the deadline for the second report. The group is one of the most prominent Rohingya rights organisations.

“The Myanmar government and military are calculating that they can safely ignore the provisional measures and not face any consequences,” he said.

A brutal military crackdown in 2017 is thought to have killed thousands and forced about 750,000 Rohingya to flee to refugee camps in Bangladesh.

About 600,000 more Rohingya remain in Myanmar, however, stripped of citizenship in what rights activists describe as apartheid conditions.

Myanmar denies committing genocide, justifying the 2017 operations as a means of rooting out Rohingya insurgents.

M Arsalan Suleman, the legal counsel working on the case against Myanmar, confirmed on Monday that the country had submitted the report in time.

But activists are urging the ICJ to force the south-east Asian nation to make it public to allow full scrutiny.

“For Rohingya, this lack of transparency is yet another injustice,” said Tun Khin.

Myanmar soldiers tell of Rohingya killings, rapes and mass burials

Rights groups have condemned the almost absolute exclusion of Rohingya from voting in November’s election and their continued vilification as illegal interlopers.

“Myanmar has done nothing to address the root causes of discrimination and impunity that give rise to the ongoing risk of genocide against the Rohingya,” said Grant Shubin, legal director of the New York-based Global Justice Center.

The Rohingya crisis has left the international reputation of Myanmar and Aung San Suu Kyi in tatters.

The UN general assembly last week voted overwhelmingly for a draft resolution expressing “grave concern” over serious rights violations against the Rohingya, a decision Myanmar attacked as “intrusive” and “illegitimate”.

The country has conceded that some soldiers might have used “disproportionate” force in the 2017 crackdown, but insists they will be investigated and prosecuted by Myanmar’s criminal justice system.

In legal proceedings separate from the ICJ case, the international criminal court last year opened an investigation into the persecution of the Rohingya.

A case has also been filed in Argentina under the principle of universal jurisdiction, which allows war crimes and crimes against humanity to be tried anywhere.

Shooting Death of Newly Elected Myanmar Lawmaker Condemned as ‘Lawless Act’ (Radio Free Asia) By Kan Thar and Kyaw Lwin Oo
November 23, 2020

Myanmar political parties and ethnic armies condemned the weekend shooting death of a newly elected ruling party member of parliament by unknown assailants in turbulent Shan state two weeks after a largely peaceful nationwide vote.

It was not immediately clear if the killing of Htike Zaw, who had just won a seat for the National League for Democracy (NLD) representing northern Shan state in the upper house of parliament, was motivated by politics or a personal matter in a region that has seen shootings and armed skirmishes among militiamen.

Less than two weeks after his election victory on Nov. 8, Htike Zaw was shot in the chest Saturday evening as he tended a grocery store attached to his home in Pin Tain village, Kyaukme township, his widow told RFA.

“I was preparing a meal, and he was making betel quids at the store,” said Htike Zaw’s widow, Ohnmar Htwe, referring to a popular stimulant made from the nut of the Areca palm.

“At the time, I heard two gunshots. Then, he screamed, ‘I’ve been shot,’ and he ran into the house as I was running out. He collapsed in my arms,” she said. Htike Zaw was immediately taken to the hospital, but died upon arrival, others said.

Shan state, Myanmar’s largest state and home to the Shan, the country’s second-largest ethnic group, has been under armed conflict between government forces and ethnic-based armies fighting for autonomy since 1958, 10 years after the former Burma gained independence from Britain in 1948.

Three ethnic armed groups that are active in the region — the Restoration Council of Shan State (RCSS), the Shan State Progress Party/Shan State Army-North (SSPP/SSA-N), and the Ta’ang National Liberation Army (TNLA) — publicly denied responsibility for the killing.

RCSS troops are active mainly in the area where the shooting occurred, local residents said, but RCSS spokesman Lieutenant Colonel Sai Aom Khur asserted that the forces stay away from urban areas.

“Although RCSS troops are active in the area, we are mostly present only in the forests,” he told RFA. “We are not present on the streets of villages and towns.”

‘Lawless killing’

SSPP spokesman Major Sai Than Aung denounced the crime and said the ethnic army was not behind the killing.

“We don’t let any of our members commit such acts,” he said, adding that SSPP soldiers have not been active in the area around Pin Tain village since they last engaged in combat there in 2018.

TNLA spokesman Colonel Mei Eik Kyaw said his army’s troops are active only in the mountainous area of Kyaukme and that they were not in the area where Htike Zaw lived.

“Members of our army are not allowed to commit such lawless killings of civilians,” he said. “We never condone such acts. We denounce such violent acts.”

“We offer our deepest condolences to the family and friends of U [honorific] Htike Zaw, a newly elected member of the Union Parliament, who was shot and killed on Nov. 21, 2020,” said a statement posted on Facebook by the U.S. Embassy in Yangon.

In Myanmar’s Nov. 8 general elections, Htike Zaw ran for the upper house parliamentary seat representing the No. 1 electoral district in northern Shan state, which includes Kyaukme and five other townships. A by-election will be held to elect another candidate to the position.

Ten parties contested in Kyaukme district, with the Shan Nationalities League for Democracy (SNLD) winning in Hsipaw, Namtu, and Kyaukme townships.

An official from the Shan state police force told RFA that a special investigative unit had been formed in Myanmar’s capital Naypyidaw to probe the murder of Htike Zaw.

‘Terrorist acts’

The NLD, which won the elections in a landslide, issued a statement on Saturday denouncing the assassination of the elected lawmaker and urging authorities to find those responsible for the crime.

Myo Nyunt, an NLD central executive committee member, said the assassination could have been politically motivated.

“We are not accusing anyone, we are only denouncing the act,” he said. “We suspect that this act of killing is related to politics. I want to warn all of our NLD members to go about their lives with caution and not to respond to terrorist acts with violent means, but to respond calmly by legal means only.”

Authorities have yet to find any evidence in the killing in Kyaukme town, a tense area which has seen similar shooting incidents in the past, Myo Nyunt said.

Another shooting incident that occurred on Nov. 15 targeted the home of the chairman of Kyaukme township’s election subcommission. The official was not injured, though his home was damaged.

A year ago, three members of the SNLD party were shot and killed in the township.

Members of the Shan state government and other political parties attended Htike Zaw’s funeral on Sunday. The lawmaker-elect was later cremated.

“As long as there are elements who ignore the people’s choices and advocate armed violence, incidents like this will continue to occur,” said Shan state chief minister Lin Htut.

“We all need to work together across the nation to eliminate anarchy and the custom of domination by armed violence, and replace it with a custom of creating authority via people’s choices,” he added.

Lack of rule of law

The SNLD also issued a statement on Sunday denouncing the assassination, urging authorities to find and prosecute the killers and demanding that officials stop similar acts of violence in the region.

“We never endorse violent means beyond political means,” said SNLD secretary Sai Kyaw Nyunt, adding that multiple armed groups active in Kyaukme, Hsipaw, and Namtu townships frequently engage in armed combat involving civilian killings.

Thein Tun Oo, spokesperson of the opposition Union Solidarity and Development Party (USDP) said he was “deeply saddened” by the killing.

“This act is unacceptable in an era of multiparty democratic systems,” he said.

Mei Ohn Khine, secretary of northern Shan state’s Ta’ang National Party, said the lack of rule of law in the troubled territory is the reason why such killings occur.

“There is a lack of rule of law in the area,” he said. “The main problem is the lack of peace in the region. This is the main reason why things like this keep happening.”

Political analyst and writer Than Soe Naing said Htike Zaw’s murder likely sprang from resentment over the outcome of the elections.

“But we need to investigate whether these resentments are personal or if they implicate the political parties that contested

there,” he said.

“All the parties need to set forth their viewpoints with regards to this act so that the public will have no doubts about their motives,” he said.

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AMERICAS

North & Central America

The CIA’s Secret Global War Against the Left (Jacobin) By Branko Marcetic
November 30, 2020

In Buenos Aires, a former Chilean general returns home, opens his garage door, and is blasted thirteen feet in the air when his car explodes, incinerating his wife. A conservative opponent of the country’s military dictatorship and his wife take an afternoon walk on the streets of Rome and are swiftly gunned down. On a rainy autumn morning, a car blows up in the middle of Washington, DC’s Embassy Row, killing two of the three inside: a leader of Chile’s opposition in exile and his newlywed American friend.

These were just some of the most prized scalps claimed by Operation Condor, officially inaugurated forty-five years and two days ago. With South America in the grip of military dictatorships and rocked by the same kinds of social and political movements that were demanding change all over the world in the 1960s and ’70s, a handful of the continent’s governments made a pact to work together to roll back the rising tide of “subversives” and “terrorists.”

What followed was a secret, global campaign of violent repression that spanned not just countries, but continents, and featured everything from abduction and torture to murder. To say it was known about by the US government, which backed these regimes, is an understatement: though even this simple fact was denied at the time, years of investigations and document releases since then mean that we now know the CIA and top-ranking US officials supported, laid the groundwork for, and were even directly involved in Condor’s crimes.

Zooming out, Condor was hardly some uniquely shocking case of anticommunist paranoia spiraling out of control. As its connections to anticommunist terror in Europe have become clearer, it looks more like a particularly successful example of the covert war the US national security state had set into motion all over the world against democracy and the Left, a war that saw it get into bed with fascists and that, in some cases, arguably constituted genocide. It was the system working exactly as intended, in other words, and a stark reminder of the lengths the global centers of power will go to keep things the way they are.

World War Three

The middle of the twentieth century saw a flourishing of people’s movements in Latin America that threatened to upend the rigid hierarchies of the hemisphere: feminist and workers’ movements, movements for indigenous rights, peasant-led movements for agrarian reform, and leftist movements, to name a few. Naturally, they had to be stopped.

Until then, Washington-backed juntas and dictatorships had successfully kept a lid on such social change, or simply overthrew whatever governments those movements succeeded in forming. Such changes, after all, directly threatened not just the power and privileges of the region’s long-standing elite, but Western business interests, too. So it was that, at the prodding of US-owned corporations like Chase Manhattan, Anaconda Copper, and Pepsi, former corporate lawyer and then-president Richard Nixon backed the military overthrow of Salvador Allende’s democratically elected socialist government in 1973, and its replacement by a vicious dictatorship under General Augusto Pinochet.

But for the region's paranoid leadership, even their internal campaigns of terror were not enough. So, in 1975, the governments of Chile, Argentina, Bolivia, Paraguay, and Uruguay secretly met in Santiago, Chile, and agreed to work together to spy on and track "suspicious individuals" and organizations "directly or indirectly linked to Marxism." Before long, Brazil, Peru, and Ecuador joined up, too. The information-gathering initiative was dubbed "Condor," in honor of the national bird of several of the participants, including the host country.

Despite what the minutes stated, this was no mere surveillance pact. What Operation Condor meant in practice was that the state kidnappings, torture, and murder that had run roughshod over the remaining pockets of dissent within these countries would now go beyond their national borders. If you were a leftist or anyone else the government saw as a threat, then escape, exile, and even asylum would no longer save you. There was nowhere to hide.

"Argentina was still a democracy at the time, and was a safe haven for many leftists who had been forced out of several countries in the Southern Cone," says New York University associate professor Remi Brulin. "Suddenly, they realized that was not safe anymore."

While Condor officially lasted only a few years, the region's governments had long collaborated in less formalized ways to stamp out their political opponents. According to the Database on South America's Transnational Human Rights Violations, between 1969 and 1981, such cross-border operations claimed at least 763 victims of atrocities ranging from kidnapping and torture to outright murder, nearly half of them Uruguayan, close to a quarter Argentine, and 15 percent of them Chilean. Most of these atrocities took place in Argentina, which saw 544 cases, with Uruguay a distant second at 129.

As explained in a 1976 report by Harry W. Shlaudeman, Richard Nixon's assistant secretary of state for inter-American affairs, South American officials like Uruguay's foreign minister Juan Carlos Blanco Estradé ("one of the brighter and normally steadier members of the group") saw themselves as fighting a "Third World War," with "the countries of the southern cone as the last bastion of Christian civilization." Having come to power "in battle against the extreme left," he noted, these repressive governments had "their ego, their salaries, and their equipment-budgets" inextricably wrapped up in this concept.

The result was a stream of often stomach-churning crimes. The typical Condor operation might go something like this: once a target was identified, a team — made up of nationals from one or more member countries — would find and surveil the individual, before a second team snatched and spirited them away to a secret prison, sometimes in the country they'd been found, sometimes elsewhere. There they would be held and tortured, including beatings, waterboarding, mock executions, electrocution, rape, and worse, sometimes for months on end. In some cases, family members were kidnapped and tortured, too, or even stolen from them, for no reason beyond sadism. According to the database, there are at least twenty-three cases of the kidnapping of victims' children, passed off to their killers to be raised as their own.

Few survived, though more often than not, the exact fate of those who were taken isn't clear. They were simply never heard from again. On occasion, survivors brought back word about the disappeared, such as witnesses who remembered Jorge Isaac Fuentes Alarcón, a sociologist arrested while crossing the Argentina-Paraguay border and accused of being a courier for the far-left Chilean group MIR. The stories were never pretty. Those witnesses later testified that they'd seen Fuentes arrive at the Villa Grimaldi death camp in Santiago covered in scabies, with one victim-turned-collaborator-under-duress recalling that he was chained in a doghouse full of parasites, mockingly referred to as "pichicho" (street dog).

Yet such testimony also spoke to the resilience of the human spirit and the sense of solidarity that knitted such leftist groups together. Fuentes was in good spirits, witnesses said, and bucked up other prisoners by singing. One young prisoner recalled how Patricio Biedma, another arrested MIR member, had been a father figure for him in prison, teaching him how to survive. Biedma's wife and three children never learned what became of their loved one.

Though Condor ostensibly targeted "guerrillas" and "Marxists," the people of South America learned early on and in an especially brutal way what US protesters and law-abiding Muslims would learn after the Bush years: that such malleable terms can be stretched to mean almost anyone.

"Operation Condor pursued many types of political opponents, including congressional representatives, former ministers, human rights advocates (including people in Amnesty International), constitutionalist military officers, peasant leaders, unionists, priests and nuns, professors and students," says J. Patrice McSherry, professor emerita of political science at Long Island University and author of *Predatory States: Operation Condor and Covert War in Latin America*. "Condor targeted not only the Left, but also the center-left and other democratic sectors that were fighting to demand their rights and make more inclusive the elitist democracies of the era."

"First, the aim was to stop terrorism," one operative from the Department of National Intelligence (DINA), Chile's feared secret police, explained. "Then possible extremists were targeted, and later those who might be converted into extremists." Or, as one Argentine general put it: "First we will kill all the subversives; then we will kill their collaborators; then their

sympathizers; then those who are indifferent.”

Though this was supposed to be justified by the dire threat of left-wing violence, it's hard to take such a threat seriously today. Not only were the Condor governments targeting individuals who were peaceful or unconnected to any revolutionary movements, but those movements had largely been defeated or even given up on armed struggle. As Shlaudeman put it to Henry Kissinger in 1976: “Both terrorists and the peaceful left have failed. This is true even in the minds of studious revolutionaries.” Fernando Lopez has argued that the regimes “grossly overstated the threat posed by the revolutionary movements” so they could go after their real target: the opposition in exile, who drew global sympathy and solidarity, and isolated the Condor governments internationally.

Their plans weren't confined to the continent. Twelve of the victims of cross-border operations came from countries outside of the region, including the UK, Italy, France, and the United States, while some of the most high-profile targets were assassinated in European countries, making Condor not just a transnational operation, but a global one. As exiled left-wing and moderate opponents of Pinochet's dictatorship planned to campaign for diplomatic isolation of the country, he plotted to take them out.

Agents of DINA planned attacks in Portugal and France, and tried repeatedly to kill Carlos Altamirano, general secretary of the Socialist Party of Chile: once in Mexico, when they showed up too late; several times in Paris, when they were foiled by French intelligence; and once in Madrid, where the attempt failed. Bernardo Leighton, the founder of Chile's Christian Democrat Party, may not have been a radical — he opposed much of Allende's program — but he was guilty of meeting with Socialist leaders to form an opposition front of exiles against the regime. He survived a gunshot to the back of the head in Rome, but was left with permanent brain damage, ending his opposition activities.

While Pinochet took a leading role, the targets weren't just Chilean. Scotland Yard prevented the assassination of Uruguayan senator Wilson Ferreira Aldunate in London, while then-representative Edward Koch, later to become mayor of New York City, was warned by then-CIA director George H. W. Bush that there was a threat on his life, thanks to his successful amendment to end US military aid to Uruguay. In Buenos Aires, two Uruguayan legislators and two activists were kidnapped in the early morning and later found with shots to the head in a car left under a bridge. Meanwhile, as journalist John Dinges has pointed out, a slew of seemingly natural deaths in a few short years of opponents in exile of the continent's various dictatorships raises further suspicions.

Perhaps the most famous victim of Condor was Orlando Letelier, Allende's former ambassador to the United States. After being detained and tortured by the regime following the coup, diplomatic pressure allowed Letelier to escape and eventually return to Washington, DC, where he soon became one of the most visible and influential members of Chile's opposition to exile. Set up in the heart of American power and hobnobbing with US officials and their families, Letelier led a successful legislative campaign to ban US arms sales to Chile, lobbied against a \$63 million investment by a Dutch company into the country, and fiercely criticized Pinochet's free-market economic reforms.

All of it made him a marked man. In 1976, two DINA agents entered the United States on passports from Paraguay, a fellow Condor member, and with the help of two exiled Cuban anti-communists, rigged a bomb to Letelier's car that detonated right on DC's Embassy Row, killing him and one of his two American passengers. Until September 11, 2001, it would remain the worst act of foreign terrorism on US soil.

The Dirty Work

For years, the official story was that the US government learned about Condor roughly around the same time as everyone else, in 1976. In fact, through declassifications, firsthand testimony, and the work of historians, we now know that this program of state terror had been sanctioned, facilitated, and encouraged by the US government.

Contrary to its denials at the time, a CIA report produced for Congress in 2000 would admit that “within a year after the [1973 Chilean] coup, the CIA and other US government agencies were aware of bilateral cooperation among regional intelligence services to track the activities of and, in at least a few cases, kill political opponents” — a “precursor” to Condor. Consider, too, that Manuel Contreras, the ruthless DINA chief knee-deep in Condor, was a (at one point, paid) CIA asset from 1974 to 1977, despite an internal 1975 report finding him “the principal obstacle to a reasonable human rights policy within the junta.”

For decades, speculation has abounded about just how unintentionally oblivious segments of the US government really were to the Letelier operation specifically. Despite being repeatedly alerted to the DINA agents' attempts to enter the United States, and its suspicious nature, the CIA did nothing. A mere five days before they killed Letelier, Kissinger backpedaled an order for US ambassadors in a handful of the Condor countries to express the US government's “deep concerns” over the reported plans of overseas assassination. Earlier that year, Pinochet had personally complained to Kissinger about Letelier's activities, in a conversation in which Kissinger assured the dictator that “we are sympathetic with what you are trying to do.”

But worse, evidence uncovered by figures like McSherry and Dinges suggest the US government wasn't just aware of the crimes of Condor, but directly involved in them.

Archival documents show the CIA, FBI, and even US embassies providing intelligence and names of suspects to the Condor governments, with both hemispheres looking into suspects on their home turf at the other's behest. That included Fuentes, the results of whose interrogation (including the names he gave up) the US embassy in Buenos Aires relayed to Chilean police. Contreras himself later insisted, in court and to reporters, that the CIA had been involved in both the murder of Letelier and Carlos Prats, the former Chilean general blown up in Argentina a year before Condor's founding, and that he had given the FBI documents proving his claims in 2000.

There is strong evidence that US officers played a key role in the 1973 murder of two Americans, journalist Charles Horman and student Frank Teruggi, in the days that followed the coup, and that US intelligence was surveilling them. A 1979 Senate report stated that as early as 1974, the CIA had warned local authorities in France and Portugal about incoming Condor assassinations and discussed setting up a Condor headquarters with DINA in Miami — a move it rejected at the time but proceeded with a few years later with the Argentinians.

McSherry later found yet another damning document, this one a 1978 cable from the then-US ambassador to Paraguay. The cable reported that Condor governments “keep in touch with one another through a US communications installation in the Panama Canal Zone” (“CONDORTEL”), using it to “co-ordinate intelligence information among the Southern cone countries.” This was just two years after Shlaudeman informed Kissinger of the “paranoia” of South American governments, who were increasingly targeting “non-violent dissent from the left and the center left” and “nearly anyone who opposes government policy,” and after the US embassy in Buenos Aires warned Kissinger that Argentinian security forces, in collaboration with neighboring governments, were involved in brutal “excesses . . . often involving innocent people.”

In fact, it was precisely those at the very top, like Kissinger, who gave their approval to the Condor governments' plans. Upon being told by Brazil's newly installed dictator Emílio Garrastazu Médici in 1971 that the South American country was planning to help overthrow Chile's elected socialist government, Nixon offered money and aid for the effort, telling him the two governments needed to work together to “prevent new Allendes and Castros and try where possible to reverse these trends.” It was during those meetings, according to a later memo, that Nixon asked Médici for support “in safeguarding the internal security and status quo in the hemisphere,” which one general read as a request for Brazil to “do the dirty work.”

Kissinger himself infamously told the foreign minister of Argentina in June 1976, in between repeatedly assuring him the US government hoped for the new junta's success: “If there are things that have to be done, you should do them quickly.”

Behind the Throne

But the US government's role in the birth of Condor went well beyond diplomatic winks and nods.

The methods and strategies employed by Condor operatives had their roots in the US training that Latin American militaries received through vehicles like the notorious School of the Americas (SOA), which aimed to pass on the battlefield and counterinsurgency lessons the US military had learned over its past decades of war-making. The SOA's “graduates” eventually comprised one of every seven members of the DINA command staff, after learning the very things they would soon become feared for in their home countries: assassination, extortion, coercion against family members, psychological manipulation and the use of drugs, and torture techniques, including electrocution and even the specific, sensitive nerve points it could be applied to — just to name a few.

Before Condor, the earliest laboratories for this training were Guatemala and Vietnam. Guatemala saw around 200,000 people killed between the 1954 coup and 1996, many of them victims of, first, a US-led assassination and paramilitary war program in the 1950s, and, through the 1960s, a counterinsurgency program that featured bombing, kidnapping, torture, and murder of “communists and terrorists” — the first instance of mass disappearances in Latin America, and all taught and facilitated by US security forces.

Running parallel to this was the CIA-led Phoenix Program in Vietnam, in which US forces financed, directed, and oversaw a campaign of assassination, terror, and torture carried out by South Vietnamese locals against the Viet Cong and, especially, their civilian sympathizers. The resulting atrocities didn't stop the Phoenix experience from informing the training manuals for future Condor operatives.

Besides this, the United States also laid the groundwork for Condor by instigating and formalizing a unified, anti-communist front among the powerful Latin American militaries. The US government had been warning its commanders about the communist menace since at least 1945, with US money, arms, and training soon following. This escalated after the 1959 Cuban revolution, with President John F. Kennedy issuing the internal defense and development (IDAD) doctrine encouraging military repression in the region, and the Conference of American Armies (CAA) held annually from 1960 on. As one 1971 state

department cable later outlined, “it is especially desirable that such neighboring countries as Argentina and Brazil collaborate effectively with the Uruguayan security forces and where possible we should encourage such cooperation.”

Like the SOA and US telecommunications networks, the CAA was a piece of the hemisphere’s wider US national security structure that eventually became the skeleton for Condor. The CAA’s charter defined its member armies’ mission as “protect[ing] the continent from the aggressive action of the International Communist Movement,” and early meetings revolved around many of the hallmarks of Condor: fighting “communist aggression,” intelligence-sharing on subversives, and systems of schools, telecommunication networks, and training programs for this purpose. In one 1966 meeting, Argentina’s military dictator floated the creation of “an intelligence center coordinated among Chile, Argentina, Uruguay, and Paraguay,” while seven years later, the head of Brazil’s army suggested to “extend the exchange of information” among attendees to “struggle against subversion.”

The United States then took a leading role in establishing the post-coup dictatorships’ spy agencies who provided the foot soldiers of Condor, including Paraguay’s La Técnica, Brazil’s SNI, and, of course, DINA. Contreras would later charge that the CIA officers sent down to do the honors actually “wanted to remain in Chile, in charge of the principal DINA posts,” an idea Pinochet nixed.

While sanctioned by its security forces and high-ranking officials, US involvement sometimes elicited objections, even horror from those lower down. The US embassy in Argentina warned Kissinger in 1976 that the “kind of counterviolence” employed by the country’s dictatorship “could eventually create more problems than it solves” and that “many who formerly supported the govt [sic] have been alienated by its tolerance of excesses on the part of the security forces — often involving innocent people.” It echoed the more unabashed outrage of one Guatemalan embassy official in 1968, who asked: “Is it conceivable that we are so obsessed with insurgency that we are prepared to rationalize murder as an acceptable counter-insurgency weapon?”

The more information we learn only deepens US government complicity. This year’s revelation that the Swiss encryption company Crypto AG was secretly a CIA front that gave the agency a back door to the encrypted communications of the governments that used it suggests the US government was likely aware of what Condor members were up to in real time. Condor countries had, after all, built their entire communication network around Crypto AG’s hardware.

“There Are No Rules”

That the US government was behind a secret, continent-wide campaign of political terror and repression speaks to the paranoia of the country’s elites, inflamed by the rising power of the Soviet Union and the movements they viewed as manipulable by it. As the 1954 Doolittle Report put it, when “facing an implacable enemy whose avowed objective is world domination by whatever means . . . there are no rules in such a game,” “acceptable norms of human conduct do not apply,” and “long-standing American concepts of ‘fair play’ must be reconsidered.”

No wonder the blood-soaked officials of Condor countries saw kindred spirits in their US counterparts. “The only thing separating us is our uniforms, for the men of the armies of America, I believe, have never before understood one another as we do at this moment,” the commander of Uruguay’s joint chiefs told a 1975 CAA meeting. “There exists a coordination among the armies of the continent to combat and impede Marxist infiltration or whatever other form of subversion.”

What this meant in practice is that the US government got in bed with not just authoritarians and dictators, but even out-and-out fascists.

Noam Chomsky has pointed out the parallels between fascist thought and the “national security doctrine” that drove the Latin American dictators’ repression, with its belief in the preeminence of the state over the individual and of permanent war. But US officials noticed it, too. As Shlaudeman noted, the Latin American dictatorships were driven not just by anti-Marxism, but by a nationalist “developmentalist” ideology in which military establishments partnered with technocrats to deliver industrialization.

“National developmentalism has obvious and bothersome parallels to National Socialism,” he wrote. “Opponents of the military regimes call them fascist. It is an effective pejorative, the more so because it can be said to be technically accurate.”

These parallels were more horrifyingly clear in the militaries’ treatment of dissidents. As figures like photographer João de Carvalho Pina and historian Daniel Feierstein have noted, the overcrowding, starvation, tortures, and general dehumanizing treatment of prisoners by the Condor dictatorships bore obvious similarities with the conditions of Nazi concentration camps.

But it went beyond mere parallels. Argentine camps were suffused with Nazism: decorated with swastikas and portraits of Hitler, recordings of Nazi speeches ringing through facilities, prisoners painted with swastikas and forced to yell “Heil Hitler,” with especially sadistic tortures reserved for Jewish captives. Escaped former Nazis had, after all, been welcomed into Latin American military dictatorships, including the former head of Gestapo in Lyon, Klaus Barbie. Wanted in France for unspeakable crimes, Barbie instead resettled in Bolivia, teaching torture and repression to military officers across the

continent, before eventually helping organize the country's 1980 "Cocaine Coup" and taking up a role in the military dictatorship that followed.

Ex-fascists "infiltrated various sectors of the Argentine Society," Argentine journalist Tomás Eloy Martínez explained. "It would be useful to ask whether it is only a coincidence that the use of torture attained such heights of cruelty and sophistication. We should continue to ask ourselves whether or not the appearance of concentration camps, mass graves, and hundreds of bodies floating in Argentine rivers after 1974 is merely coincidental."

This connection to European fascists links Condor to another secret, continent-wide anti-communist initiative: the NATO-led stay-behind program in Europe, the most famous of which was Operation Gladio in Italy. Like Condor, the stay-behind armies were a US-devised and US-backed network of local right-wing paramilitaries, meant to activate in case of communist invasion or simply electoral victory, and who, in the meantime, carried out a campaign of assassinations, destabilization, and general political violence in their home countries. And like Condor, they employed current and "former" fascists, usually in direct alliance with the countries' high-ranking security forces.

The connections between the two programs were numerous. Before helping Barbie escape to South America, the US government used him as a stay-behind recruiter in Europe. CIA officials like Vernon Walters and Duane Clarridge cut their teeth on Eurasian stay-behind operations before overseeing right-wing repression south of the border.

It was the Gladio-linked neofascist organization Avanguardia Nazionale, contracted by DINA, that carried out the failed attempt on Bernardo Leighton's life. DINA agents and even Pinochet himself met in advance of the assassination with its leader, Stefano Delle Chiaie, who later worked for DINA and, he claimed, helped create it, before going to serve alongside Barbie in Bolivia's coup government. Delle Chiaie also happened to meet personally with Pinochet just days before the Chilean dictator formalized the creation of Condor, and he arrived in Chile to get to work shortly thereafter.

Particularly notable was the powerful fascist businessman Licio Gelli ("I am fascist and will die a fascist," he once proclaimed), grandmaster of the right-wing Italian Masonic Lodge, Propaganda Due (P-2), whose members spanned virtually every segment of the Italian establishment, including future prime minister Silvio Berlusconi. Gelli and P-2 worked closely with the CIA and the Gladio network to manipulate Italian politics, "carefully ensuring that the Communist party should never emerge," as he explained in 2008. Through the 1970s, he and the lodge pulled double duty in Argentina, inserting themselves into the highest levels of business and government in the country, with Gelli "a key mover in the development of the continuity between democracy and state terrorism over the period that spans from 1974 to 1981," as sociologist Claudio Tognonato wrote.

There is, in other words, more than a hint, as McSherry has argued, that "US forces transferred the stay-behind model to Latin America" in the form of programs like Condor. As the Pentagon Papers revealed, the US government had already done so in another Cold War theater, Vietnam, where in 1956 it tasked a special forces unit "with the initial mission of preparing stay-behind organizations in South Vietnam just below the 17th Parallel, for guerrilla warfare in the event of an overt invasion by North Vietnamese forces."

But the evidence also hints at something darker: at a "global anti-Marxist agreement," in the words of the court testimony of Michael Townley, the DINA agent behind the Prats, Leighton, and Letelier assassinations.

Coming Full Circle Though Condor has long been over, its language and practices continue to echo today.

According to Brulin, it was with the ascent of Ronald Reagan from 1981 on that the bellicose political discourse around terrorism that had suffused the Condor countries infected the United States, with Reaganite "anti-terror" rhetoric initially focused on Central America. As the years passed, its spirit continued to haunt US politics, even as the focus shifted to the Middle East.

"Everything the US has been saying after 9/11 is something Reagan is saying about Central and South America in the 1980s, and what US officers are saying to Latin American dictators in the 1950s and 1960s," says Brulin. "And always based on the same lie: how strong the enemy was, and what we are doing about them, which in the real world is using death squads."

Of course, it wasn't just discourse. It's impossible to talk about the details of Condor without thinking of the "war on terror" launched by George W. Bush nearly twenty years ago.

"We witnessed the use by US counterterrorist forces of disappearances, cross-border renditions, torture, secret 'black sites' located in other countries, and so on, approved by civilian authorities," says McSherry. "All of these methods characterized Operation Condor."

"There have been other manifestations of Condor-like practices that have taken place and are taking place in the decades since," says Francesca Lessa, who is researching the crimes of and accountability for Condor at the University of Oxford. "If you think about the practices of clandestine rendition in the war on terror, for example — those have all of the hallmarks of

what Condor used to be in Latin America several decades earlier.”

Even the torture employed by Condor operatives, such as threatening to kill or rape loved ones, squalid conditions forcing total dependence on one’s captors, and simulated drowning, was in many cases exactly the same as the techniques used by US forces against accused terrorists and taught to Latin American forces by US officers decades before that.

As the “war on terror” progressed, we’ve seen some of the hallmarks of Condor operations increasingly turned on the domestic US population. This is particularly so with Donald Trump, who, sometimes to the enthusiastic applause of liberal politicians, has repeatedly railed against socialists and other domestic enemies, and more recently engaged in a range of behavior that would be familiar to the victims of Condor: law and order rhetoric, threats to declare dissidents terrorists, and massively overstating the power of the groups he opposes. Perhaps more alarmingly, street kidnappings and other counterinsurgency tactics have now apparently become legitimate elements of domestic law enforcement under his presidency.

Ironically, this has happened at the same time that the perpetrators of Condor and its member governments have increasingly found themselves facing justice, exposing more about its workings in the process. While impunity held fast in the hemisphere as late as the 2000s, campaigns and legal efforts by survivors and victims’ families have changed all that, assisted by a vast and incriminating archival paper trail created, ironically, by the program’s highly organized and transnational nature.

According to the numbers compiled by Lessa in her Operation Condor project, since the 1970s, there have been forty-four criminal investigations into Condor-related crimes across eight countries. Those include not just Condor member nations, but Italy, France, and the United States, too.

Twenty-eight of these investigations have concluded with at least an initial sentence, says Lessa, which have seen 118 defendants convicted for crimes against 213 victims. Those include the twenty DINA agents tried for Condor activities in 2018, the 2016 conviction of eighteen former Argentine military officers for their participation in Condor, and Contreras himself, who was sentenced to 526 years in prison in 1995 and died in jail two decades later. By Lessa’s count, there are currently two ongoing trials and twelve investigations at the pretrial stage.

In a rare bit of real-world poetic justice, it is now the perpetrators of Condor who seem to have nowhere to hide. Years of pressure from those pushing for justice were given a boost by Pinochet’s arrest and nearly two-year-long detention in London, whose warrant was based partly on a Condor crime, and which firmly established that individuals really could be prosecuted for crimes against humanity regardless of where they were, where the crimes were carried out, and the nationality of everyone involved. Though he escaped extradition, it opened the door to his 2004 indictment in Chile, which in turn paved the way for further attempts at retroactive justice for the dictatorship’s crimes.

“The Pinochet case in 1998 was indeed critical in galvanizing international justice efforts in South America and beyond,” says Lessa. “But if the preexisting demand and justice efforts had not been there even before, the Pinochet case might not have been enough on its own.”

The reverberations were felt beyond Chile. Pinochet’s arrest and the investigation of Argentine military officials in foreign courts spurred a raft of new cases and even arrests and indictments in Argentina over Condor-era crimes, leading to the 2003 annulment of the country’s amnesty laws, used to protect human rights abusers for decades. A year later, an Argentine court declared that the statute of limitations didn’t apply to human rights crimes, in a case that concerned the 1974 murder of Carlos Prats.

Transnational repression has given way to borderless justice, it seems. The year 2019 alone saw Adriana Rivas, Contreras’s former secretary and allegedly one of DINA’s “most brutal torturers,” arrested in Australia (her extradition to Chile was approved last month), while a former Uruguayan naval officer was sentenced to life in prison in Italy over his role in Condor. The most recent sentence was handed down just days ago, with four former Argentine security personnel convicted for a slew of crimes, including the kidnapping and detention of two young children, privy to their mother’s torture and later abandoned in a public square in Chile.

All the while, we continue to learn more about the once-shadowy program. In 2019, the US government released tens of thousands more pages worth of previously secret files relating to Argentina’s dictatorship during the Condor years. Among the revelations: that in September 1977, “representatives of West German, French, and British intelligence services had visited the Condor organization secretariat in Buenos Aires . . . to discuss methods for establishment of an anti-subversive organization similar to Condor.”

With veterans of France’s brutal counterinsurgent wars in Algeria and Vietnam having passed on their own training and experience to their Latin American counterparts, perhaps one day we will find out that the “global anti-Marxist agreement” Condor was a part of was even broader than once thought.

As typically recounted, the story of the twentieth century goes something like this: after briefly uniting to defeat fascism, the United States and the Soviet Union turned the rest of the century into a clash of ideologies, one that always threatened to erupt, but never quite did, into outright great-power war. With nary a shot fired, free-market capitalism won out, thanks to the hearts and minds won by the power of television, cheeseburgers, and convenient home appliances.

But programs like Operation Condor cast that history in a very different light. With them in mind, that triumph looks intensely violent — one in which the US government swiftly allied with autocrats and even fascists to attack democracy and brutally put down people's movements of all kinds the world over, lest their goals of a more just, egalitarian world threaten Western strategic and business interests. And with that economic system now sputtering under the weight of several crises, the repressive measures long reserved for the rest of the world are becoming more visible at home, as an agitated US public turns ever more unruly in the face of their own long-declining living standards.

It's an episode especially relevant to the post-Trump era, where agencies like the CIA have successfully rebranded as defenders of democracy and liberal values against impending fascism. It reminds us of the unvarnished, well-organized brutality that lies behind the global order Trump and his predecessors inherited, a sometimes neo-fascist brutality engineered and led by those same agencies to protect elite power and business interests.

A well-founded fear of fascism and democracy's subversion will remain a key part of US political discourse well beyond Trump. Examining the legacy of Operation Condor should prompt us to think about which institutions in American life have been most hostile to democracy and, when the time calls for it, eager to align with fascists. But it's also a reminder that, in the face of popular struggle, even this violence has a shelf life, and impunity doesn't last forever.

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South America

The 'false positives' scandal that felled Colombia's military hero (The Guardian) By Mariana Palau
November 19, 2020

On a chilly October afternoon in 2008, Jacqueline Castillo found herself staring down into a mass grave in Colombia's northern region of Santander. Five bodies, naked and dirty, were squeezed together like sacks of potatoes. Forensic doctors, wearing white suits, masks and rubber gloves, were pulling them out, one by one. They placed them beside her, and asked her to examine their faces.

Castillo was looking for her brother, Jaime, who had disappeared a few months earlier in Bogotá, more than 600km away. His was the last body they pulled out. When he was placed on the ground next to her, Castillo fell to her knees, screaming. The doctors told her he was a criminal, a member of one of the many guerrilla armies that had been fighting the Colombian state since the mid-1960s, and that he had been killed in combat. But Castillo knew that was impossible. Her brother had been a homeless beggar, not a guerrilla insurgent.

Castillo did not know it then, but she was standing next to the site of a mass grave for what would become known as falsos positivos, or "false positives" – innocent people extrajudicially killed by members of the Colombian army, and then falsely labelled as enemy combatants. Nobody knows exactly how many young men became false positives. The most recent report released by Colombia's attorney general's office says that between 1988 and 2014, around 2,248 people were killed. Previous reports by human rights organisations have estimated that the number may be 5,000 or even higher. The victims tended to be poor young men; some had learning disabilities. They had been lured to faraway places, on the promise of a job, by "recruiters" – people paid by soldiers to find possible targets. Then they were murdered.

Initially, only a small number of soldiers took part in such killings, experts believe, and they were careful to cover up their crimes. But by the mid-to-late 2000s, soldiers who murdered civilians had become so numerous and blatant that it was inevitable that their atrocities would be discovered.

What lay behind the killings was a government policy that sought to defeat, at all costs, the Farc guerrilla movement against

which it had been fighting for decades. Since the early 2000s, the ministry of defence and the army had put out directives that prioritised body counts above all other results. They offered a series of rewards, such as money, medals and additional holiday leave, to military units that achieved high body counts, according to Human Rights Watch. Soldiers who killed six “enemies” or more were eligible for bonuses of up to 30m pesos (then worth \$15,000). The result was a system of perverse incentives that led soldiers to kill vulnerable civilians. What makes the false positives scandal so shocking is not just the scale of the crimes, but the sheer banality of the motive: thousands of civilians were murdered so that the soldiers who did the killing could get more holiday, or a large bonus.

When confirmation of the scandal hit the press in 2008, in the weeks after Jacqueline Castillo identified the body of her brother, it shook Colombia’s image of itself as a nation overcoming the brutalities of its past to become a more prosperous, modern state. “The false positives tarnished the government’s record on successfully fighting off the insurgencies,” said Kyle Johnson, a researcher at the Conflict Responses foundation. “The country took a huge step backwards on human rights.”

Today, more than a decade after the scale of the false positives killings was discovered, the scandal is still roiling Colombia. At the centre of the tumult is the most celebrated, and controversial, military officer in recent Colombian history, General Mario Montoya. For many years, Montoya was one of the nation’s most cherished heroes. Under his leadership, the army dealt the military blows to the Farc guerrillas that eventually drove them to the negotiating table in 2016, ending five decades of armed conflict. But it was also on Montoya’s watch, between 2006 and 2008, that the practice of killing innocent civilians peaked.

Montoya’s high rank has made prosecuting him a symbol of justice for human rights activists and the families of the false positives, and 12 years after the scandal broke, he is finally being investigated by Colombia’s war crimes tribunal. If he is found to have had a role in the extrajudicial killings, he could be sentenced to up to 20 years in prison. But within the army, many believe the general has become a scapegoat for the sins of government officials, some of higher rank than him, who also had a role to play in the scandal.

Montoya’s trial – which, because of the coronavirus pandemic, has been postponed until next year – will have huge political implications. He embodies uribismo, the hawkish conservative movement led by the former president Álvaro Uribe, which sought to destroy the guerrillas outright. In recent years Uribe and his followers have mounted an aggressive opposition to the 2016 peace deal, which Uribistas believe is too lenient towards the guerrillas.

These political divisions will be further inflamed by the trial of Montoya. Uribe has hailed Montoya as a hero, and said he hopes the general won’t suffer an injustice at the hands of the war crimes tribunal. If he goes free, Uribistas will see it as a moment of triumph – and vindication for the aggressive military policies Uribe pursued as president. But a conviction would mean that the state, under Uribe, was the perpetrator of crimes against humanity. It would delegitimise a government that many Colombians believe saved their country.

Members of the armed forces in Colombia often say there are two types of soldier. The first is the soldado intelectual, or the intellectual soldier, who is concerned with politics and the law. He engages in battle because it is his duty, but feels most comfortable sitting at a desk. The second, known as the soldado tropero, is bored by deskwork and craves combat. At first glance, with his grey hair, bushy eyebrows and reading glasses, Mario Montoya looks like the intellectual type. But those close to him say he is by nature a warrior, in a country whose modern history was defined, until recently, by armed conflict.

Montoya was born in 1949, at the start of a decade-long civil war, known as la violencia, in which more than 200,000 people were killed. In the late 1950s, Colombia’s dominant Liberal and Conservative parties ended the war by agreeing to share power in a coalition called the National Front. All other parties and ideologies were shunted aside, and soon a new conflict began to brew, this time between the National Front government and leftwing groups seeking to overthrow it. What later emerged as the most powerful of these groups was founded in 1964 as the Fuerzas Armadas Revolucionarias de Colombia, the Revolutionary Armed Forces of Colombia, or Farc.

The Farc’s founding members were a group of farmers who hoped to establish an independent republic in south central Colombia. Inspired by Marx and Lenin, they wanted to liberate their country from the influence of American capitalism. By the 1980s, the Farc had become the largest guerrilla group in Latin America, as well as one of the largest drug-trafficking organisations in the world, using the proceeds to fund a sophisticated war against the government. By the 1990s, the Farc was operating a parallel state within Colombia, extending its influence across a third of the country’s territory.

The Farc was popular in some parts of Colombia, particularly the south, where it had the support of many poor farmers. But as the Farc grew stronger, it also became more vicious. The group swelled its ranks by recruiting minors, and planted improvised explosive devices throughout rural Colombia to defend its coca crops. Farc members extorted business owners, massacred civilians who did not share their beliefs and kidnapped thousands of people, holding them for ransom for years.

By the 1980s, many Colombians feared that the Farc might win the war. The Colombian army, which Montoya had joined in 1971, was a scrappy, poorly equipped force. Throughout the second half of the 20th century, it seemed incapable of defeating,

or even containing, the Farc. “They lacked the discipline, cohesion and morale to confront the guerrillas,” said Juan Esteban Ugarriza, a researcher of conflict and peace at Universidad del Rosario, one of Colombia’s top universities.

That began to change in 1999, when the then president Andrés Pastrana more than doubled Colombia’s defence budget, from 2% of GDP to 4.5%. He also signed the Plan Colombia, a multibillion-dollar aid package from the US designed to target drug cartels and leftwing insurgencies. With the new influx of money, the armed forces acquired state-of-the-art weapons and military intelligence technologies, discharged many of its volunteers, and recruited, educated and trained 89,000 more of its own professional soldiers. Today the army stands at around 200,000. The police force, which also fought against the insurgents, was expanded and militarised.

For decades, the Colombian government had primarily tried to end the violence by negotiating with the guerrillas. In 2002, when Álvaro Uribe was elected, he became the first president in decades who believed that Colombia’s conflict could only be solved with what he called “an iron fist”. That belief became the basis for his signature policy, called “democratic security”, which sought to make Colombia safer by aggressively extending the state’s presence and by going after guerrilla and drug-trafficking groups. Uribe had at his disposal something that no president had before him: revamped armed forces that were finally capable of fighting off the Farc. Montoya, who had led the army’s anti-narcotics battalion in the 1980s and served as chief of intelligence and counterintelligence in the late 90s, became the most important executor of Uribe’s approach. In October 2002, in one of the first major instances of this new strategy, Uribe ordered Montoya to liberate a shanty town within Colombia’s second-largest city, Medellín, which had been taken over by the Farc and was being used as a hub for the group’s drug-trafficking business. The resulting operation, called Orion, was the largest urban military operation in Colombia’s history. Its symbolic and strategic importance was clear. One of the Farc’s long-term goals had been to expand its power into Colombia’s cities, where 80% of the country’s population lived. Beating back such an incursion would be seen as an important victory for the government.

Orion was immediately hailed as a success. The armed forces arrested 355 guerrilla members, raided around 150 properties and liberated 17 hostages. But allegations of extrajudicial killings swiftly followed. In 2003, an NGO that specialises in human rights law, Corporación Jurídica Libertad, published a report that said 17 civilians were killed and at least 80 more were injured in the operation. Several people were also disappeared, though the exact number is unknown. The government and the army have always denied that these things happened during Orion.

There were also worrying claims that the army had relied on illegal paramilitary groups to gather intelligence in the run-up to Orion. Paramilitarism has blighted Colombia since the 1960s, when the National Front government passed a law allowing civilians to take up arms to protect themselves against the newly formed guerrillas. These non-state militias were eventually absorbed by Colombia’s drug cartels, and became just as murderous as the guerrillas themselves. If Montoya collaborated with them during Orion, it suggested the army was happy to operate beyond the law. Montoya has always denied allegations that he collaborated with the paramilitaries.

I asked an army official who worked under Montoya in Medellín about the use of paramilitary informants during Orion. “You won’t find information in a nun’s convent,” he told me. “You’ll only get it from the same criminals.” Hatred towards the Farc trumped everything else, said a lawyer involved in Montoya’s case. “In the war against the Farc, everything was valid,” he told me. “We were a country with a paramilitarised soul.”

The operation, which remains controversial to this day, set the terms of debate around Uribe’s democratic security policy. “In terms of results, the policy was a success,” said a military expert who worked for the president, because it gave the government the upper hand in the war. “In terms of human rights,” he said, “there are many black holes.”

Wherever the army went, accusations of human-rights abuses followed. By the mid-2000s, NGOs were filing complaints about alleged atrocities by soldiers during operations that Montoya had commanded. A government watchdog agency launched an investigation, but found that Montoya did not order the killings or know they were happening.

In 2005, about a year before Montoya became head of the army, in an atrocity unrelated to the later false positives scandal, soldiers in his brigade allowed paramilitaries to massacre eight civilians in San José de Apartadó, a small rural region thought to be inhabited by Farc supporters. The victims were dismembered and their body parts thrown into a river. Three of the victims were children. The government initially blamed the Farc for this massacre. But in May 2019, Colombia’s supreme court debunked that statement, and convicted six soldiers for their “participation” in these killings. Last year, an army general publicly apologised for the massacre. It is unclear whether Montoya played a role in this massacre: Montoya has always denied any involvement in or knowledge of what happened in San José de Apartadó. For now, the war crimes tribunal will not evaluate his role in that massacre.

In 2006, Uribe named Montoya commander of the army. That year, at least two NGOs started publishing reports that claimed the army had used the false positives practice for years. They accused the brigade that Montoya commanded during Orion of engaging in such killings during that operation and others in eastern Antioquia. The report and findings did not garner much

attention outside of NGO circles or within the government. “We were dismissed as leftwing extremists,” said Juan Diego Restrepo, who co-authored one of the reports. The government denied all allegations made in the reports.

The following year, a mass grave was found in Putumayo in southern Colombia. Investigators revealed that the grave held more than 100 victims of paramilitary violence. All were killed during the time when Montoya was the commander in the region. The general has never publicly discussed the discovery of the mass grave.

None of these reports damaged Montoya’s career. His success on the battlefield meant he enjoyed widespread support from Colombians, and from Uribe, with whom he became close friends. During Montoya’s tenure as commander, there were at least 100 military engagements a day throughout the country, more than at any other point in Colombia’s recent history. The general became an almost mythical figure, famous for his charisma and stamina. One of his former aides told me that, during Montoya’s two years as head of the army, he never took a single day off, and it was common to see him in his office late into the night, often until dawn. He demanded extraordinary results from the men under his command. Every week, he would rank the military’s units based on the number of insurgents arrested, voluntarily demobilised and killed.

Kills of insurgents were what mattered most. In July 2006, three months after Montoya was made commander of the army, the various divisions of the army were ranked for their performance. The division that ranked top had reported 379 kills, 285 enemies captured and 32 who voluntarily surrendered. The division ranked lowest had reported more than double the number of captured and surrendered guerrillas, but only 67 kills. Those who served under Montoya’s command say that he would not hesitate to ask for the retirement of colonels who did not deliver high enough numbers. During visits to battalions and brigades, he would grill other generals and colonels, demanding better results.

Montoya’s fame peaked in July 2008, when he helped orchestrate one of the most dramatic military gambits in recent history. The operation, known as Jaque (“Check”, as in chess), was conceived six months earlier, when a soldier in the army’s intelligence unit accidentally discovered the radio frequencies through which the Farc’s then commander communicated with one of his subordinates, a guerrilla nicknamed Gafas (“eyeglasses”). Gafas was responsible for guarding the Farc’s most high-profile hostages, a group of 15 that included three US army contractors and Ingrid Betancourt, a French-Colombian politician who had once been a presidential candidate. Some of them had been held hostage for more than nine years. Uribe was under intense international pressure to secure these hostages’ release, so they had become an invaluable bargaining chip for the Farc in its disarmament negotiations with the government.

After ascertaining the exact location of the hostages, in the middle of the Colombian Amazon, Montoya then sent 15 of his best men to acting classes in Bogotá to prepare for the rescue operation. Over the course of a few days, instructors taught them how to play foreign aid workers on a supposed humanitarian mission. The Farc trusted several humanitarian organisations because of their strict neutrality. For example, it had previously allowed the Red Cross to transport the bodies of hostages who had died in captivity. Some of the soldiers learned how to speak Spanish with fake Australian, Italian and Iranian accents. Two of them posed as journalists – a reporter and a cameraman – from Telesur, the Venezuelan government-sponsored news channel that often had exclusive access to the Farc, thanks to Venezuela’s leftwing president, Hugo Chávez, who openly supported the guerrillas.

Next, army officers posing as Farc radio operators relayed an order to Gafas to transfer the hostages to a location where a humanitarian mission would pick them up and supposedly take them to Alfonso Cano, the Farc’s supreme commander. Two days before the fake mission, Montoya took his group of soldiers-turned-actors to Tolemaida, the armed forces’ most important base. There, like a theatre director running through a final dress rehearsal, Montoya had the team play their parts over and over again, making sure they had worked through every plausible scenario.

On 2 July 2008, Montoya’s troop of soldier-actors boarded two helicopters, which had been painted white to look like they belonged to a neutral humanitarian organisation, and headed into the jungle to meet Gafas and his men. The team was scared. Was the Farc playing along, pretending it knew nothing about the fake radio operators, just to set them a trap? What if their acting failed? “Everyone, even Montoya’s boss” – the head of the armed forces – “had doubts about the operation,” a colonel who was part of the Jaque team told me last year. “But Montoya always knew it was going to be a success.”

In fact, Gafas was so charmed by the soldier-actors that he insisted they stay for lunch. Some of the hostages weren’t so gullible. The American hostages, hearing the “Australian” humanitarian worker’s hispanic accent, knew something was wrong. When the time came to board the “mission” helicopter, they initially refused, until a Jaque soldier managed to squeeze in a few words without raising suspicion. “Trust me,” he said. “We’re going home.” The hostages boarded the helicopter, along with Gafas and another Farc fighter.

Minutes after take-off, the Jaque team jumped on the Farc members. The confused hostages watched as the guerrillas were tied up. “We’re from the Colombian army,” a member of the Jaque team yelled. “You have been liberated.” Not a single bullet had been fired.

The operation was not only a turning point in the decades-long conflict with the guerrillas, but also a turning point in how many Colombians saw their own nation. I was 22 years old when news broke of the success of Operation Jaque, and it was the first time I had ever sensed patriotism among my fellow Colombians. People drove around the streets of Bogotá honking their horns and waving Colombian flags. To many, the country was shedding its image as a violent, backward state, overrun by cartels, guerrillas and paramilitaries. The government was finally prevailing over the insurgency. Montoya had given Colombians something they could be proud of.

A photograph of Montoya, his fist held in the air, a smile of triumph on his face as he led the rescued hostages off an airplane in Bogotá, was printed in every newspaper in the country. International media aired footage of Montoya explaining the operation, with Uribe and Juan Manuel Santos, the current and future presidents, standing next to him. To this day, Colombian media and many public officials celebrate Jaque every July. The lower chamber of congress is discussing a law that would commemorate Jaque every year, and even build a monument in its honour.

But Jaque's glory – and Montoya's – did not last long. Two months later, in August 2008, the false positives scandal broke.

The scandal had been brewing for months. In July 2008, just months before Jacqueline Castillo identified the body of her brother in the mass grave in Santander, a Colombian soldier contacted the UN with a terrible story. He alleged that a unit he had belonged to until recently had killed civilians since 2005, if not before. He himself had participated in the killing of at least one civilian. The soldier had deserted the army and become a whistleblower after discovering that this unit had killed his own father and labelled him as a guerrilla fighter. The UN had immediately alerted the Colombian presidency. Santos, then the defence minister, and Freddy Padilla de León, the commander of the armed forces, met with the soldier and commissioned an internal investigation to determine if the allegations were true. When the investigation delivered its findings a few weeks later, it found no evidence of what the whistleblower was saying.

Then, on 25 September 2008, a senior official in the Bogotá city government called a press conference. The official, Clara Lopez, said that she had found the names of 11 young men who had been reported missing from a Bogotá suburb in a database of guerrillas killed in combat. Lopez thought it was odd that they had all been reported dead just 48 hours after they were last seen. It seemed impossible that these men were recruited by the guerrillas, trained and sent to combat in such a short period of time. Journalists raised the question of whether the disappeared had been killed by the army. It was around this time the killings began to be described as “false positives”.

Lopez's findings appeared to corroborate the whistleblower's story. Later that week, the bodies of all 11 men were exhumed from mass graves very near to the site where Castillo found her brother's body. Santos and Padilla commissioned a more thorough investigation, led by the inspector general of the armed forces. In October, the investigators published a report confirming that Castillo's brother, the 11 young men from Bogotá, and possibly hundreds of others, had been murdered by the army. The murders were not perpetrated by just a few rogue soldiers: cases of false positives had been uncovered in every army division. The report does not mention Montoya. It just investigated whether the extrajudicial killings had occurred.

Among the armed forces, and in the ministry of defence, the scandal was received with shame. “This was their Kafka moment,” said Armando Borrero, a military expert who once instructed Montoya in a course for colonels being promoted to generals. “They woke up one day to discover they were a monster.”

Twenty-seven army officers, most of them high-ranking, who had belonged to or commanded units incriminated in the report, were dismissed immediately. In early November 2008, just five months after the success of Operation Jaque, Montoya himself resigned. He did not mention the false positives in his resignation letter, but it was clear that, after a scandal of this scale, he could not keep his job. By the time the peace deal was signed, at least 21 low- and mid-ranking military officials had been convicted for the extrajudicial killings.

On the international stage, the scandal tarnished the reputation of Colombia's ministry of defence, and jeopardised the billions of dollars in military aid that the US, its main ally, gave to Colombia every year. But within Colombia, most people seemed to turn a blind eye. The major newspapers and magazines of the country ran stories about the false positives, but there were no mass protests or widespread demands that any government official resign. Support for the army remained strong. In May 2009, one poll found that 79% of Colombians had a favourable opinion of the army. “We had unwavering faith towards Uribe, and the hatred of the Farc was so strong,” said Juan Diego Restrepo, who had co-authored one of the reports on false positives. “And as long as that hate exists, a big part of Colombia will think that whatever was done against the Farc was legitimate, and that other thing [the false positives] was collateral damage.”

The conflict with Farc ended in 2016, when it signed a peace deal with the government. In exchange for giving up its weapons, the government agreed to let the Farc form its own political party, and reserved 10 congressional seats for which only the Farc could run. The terms of the peace deal polarised the country. Older, more conservative voters, who rallied round former president Uribe, thought the deal was too generous to the Farc. Younger, more liberal voters tended to argue that the only way to end violence in Colombia was through a negotiated deal, even if that meant granting major concessions.

One particularly controversial element of the peace deal was the creation of a war crimes tribunal that would investigate crimes against humanity allegedly committed during the conflict. The Farc, Colombia's armed forces, paramilitaries and even third-party members who were involved in perpetrating the crimes will be tried. In total, 2,744 military officials, who could have had a role in the false positives or other war crimes and crimes against humanity, will be tried by the tribunal. It will be the biggest military trial in Colombia's history. Montoya is the highest-ranking army official to be tried for the false positives scandal.

His case has become a flashpoint in the broader political conflict over the peace deal and Uribe's legacy. If Montoya is acquitted, the right will take it as a vindication of Uribe. The left is hoping that Montoya is found guilty, for the opposite reason.

According to Juan Esteban Ugarriza, the researcher in conflict and peace, the false positives prosecutions have stoked resentment within the armed forces. Military figures argue that during its battle with the Farc, the army was constrained – at least in theory – by strict international law, while fighting non-state actors who cared little about such statutes. Many within the military claim to fear the prospect of a judicial war against them, orchestrated by the country's left and the Farc.

Some who oppose the prosecution of army officials have tried to take matters into their own hands. On the evening of 11 January 2019, Alfamir Castillo (no relation of Jacqueline Castillo), the most vocal activist for justice in the case, was sitting in the back of a car, near the Colombian city of Cali, when two men on a motorbike pulled up alongside her and fired several rounds into her vehicle. Castillo only survived because her car was bulletproof – in 2018, the Colombian government's national protection unit had assigned the car to her, along with two bodyguards, after a series of death threats she had received. The authorities have not found the people behind the threats or the attack, but Castillo has a pretty good idea of who would want to kill her. "Those who don't want me testifying against Mario Montoya," she says.

Alfamir Castillo's son, Darbey Mosquera, was a false positive. He was one of a small group executed by soldiers in early 2008. Another man in the group survived the attack: when a soldier tried to shoot him in the back, the gun jammed, and he was able to escape and hide in the darkness. He lived to tell Castillo how her son was murdered.

For years Castillo has sought justice for her son, and the other false positives. To her, they are victims of a crime committed by the Colombian state against poor and marginalised people. Her leadership and perseverance has won support from human rights lawyers and activists. They have created a movement that has sought to pressure the government to prosecute senior military officials for the killings, not just rank-and-file footsoldiers. At the top of that list is Montoya.

When Montoya does eventually go on trial, Alfamir Castillo will be a key witness against him. That, says Germán Romero, her lawyer, is why his supporters may have tried to silence her.

Montoya declined to speak to me for this article. But I spoke to people close to him. A personal friend of his, who lamented his "loss of strength", told me that, as he awaits his trial, he has grown tired and melancholic. In a preliminary hearing of his role in the false positives killings at the war crimes tribunal in June 2019, Montoya pleaded not guilty. He says that he did not order the killings of any civilians, and that the false positives were killed by lazy soldiers who wanted to cheat the army's rewards systems. But prosecutors and victims' lawyers do not claim that Montoya ordered the extrajudicial killings. They argue that Montoya is responsible for the deaths because they were the result of the way he ran the army – placing disproportionate pressure on unit commanders to produce results. In a policy document signed by Montoya in 2006, it was made clear that "kills are not the most important thing, they are the only thing". Montoya denies his leadership style could have led to the killings, and he denies any knowledge about the extrajudicial killings.

Along with Alfamir Castillo's testimony, the case against Montoya will rely on the testimonies of soldiers who were convicted of murdering false positives by the ordinary justice system, and whose cases are now being re-evaluated as part of the war crimes tribunal. In a June 2019 hearing, a colonel said that Montoya had suggested he "grab some guys from the morgue, put a uniform on them and present them as results". The colonel also said that his unit was expected to engage in combat every day, and that the general demanded "litres of blood", only caring about the number of deaths and never about arrests.

Montoya's supporters say the colonel and other soldiers are lying. They point out that these are convicted killers, already sentenced to decades in prison for false positives murders, who are trying to secure reduced sentences by shifting the blame for their crimes on to more senior figures. But others have pointed out that those soldiers have already been proven to have told the truth on other significant matters. In a series of testimonies during early December 2019, soldiers told judges about an undiscovered false positives mass grave site, in which the tribunal's investigators found more than 70 bodies.

Whatever the outcome of the trial, it remains to be seen if Colombia will learn the lessons of the false positives scandal. Although the Farc has disarmed, there are still smaller illegal armed groups wreaking havoc around the country. The government is prioritising an aggressive offensive to fight them off. Leaked army reports say soldiers are not required to "demand perfection" when executing lethal attacks against an enemy, even if there are doubts about their targets. Radical

measures to prevent a scandal like the false positives from ever happening again are yet to be taken.

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Venezuela

OAS head urges international prosecutor to act on Venezuela (Martinsville Bulletin) By Claudia Torrens and Scott Smith
December 2, 2020

The leadership of a broad coalition of Western Hemisphere nations on Wednesday accused the International Criminal Court's chief prosecutor of failing to take swift action on allegations that Venezuelan President Nicolás Maduro's government committed crimes against humanity.

The General Secretariat of the Organization of American States said in a report that ICC prosecutor Fatou Bensouda's failure to open a formal investigation into Venezuela is "stunning" and "inexplicable."

The leadership of the 35-member body said the slow pace of the ICC's review of Venezuela's situation has emboldened Maduro's government to commit more crimes believing that it can act with total impunity.

"We cannot play with the lives of the people who are victims of a humanitarian crisis to the dimension of Venezuela," OAS Secretary General Luis Almagro, an outspoken critic of Maduro, told reporters. "We cannot play with the lives of the Venezuelan migrants who want to return to the country."

The criticism of Bensouda adds to pressure already applied by U.S. officials who have been angered at her investigations of war crimes allegations against U.S. citizens in Afghanistan and elsewhere.

U.S. Secretary of State Mike Pompeo announced on Sept. 2 that the United States was imposing sanctions on Bensouda and the tribunal's chief of jurisdiction, including a freeze on assets held in the U.S. or subject to U.S. law.

That led to protests by more than 70 nations including key U.S. allies and several member of the OAS. They issued a statement that "any attempt to undermine the independence of the court should not be tolerated."

The OAS accused the court of inaction after being presented with an OAS report in 2018 that alleged murders, torture, rapes, persecution and enforced disappearances in Venezuela.

Spokespeople for the ICC did not comment Wednesday to the new OAS report, which was written Jared Genser, the OAS's special adviser on the responsibility to protect.

Genser, a human rights lawyer and professor at Georgetown University, told reporters that this report is not an attack against the ICC but rather a call for transparency, accountability and urgency.

"Our report brings to life the extraordinary suffering of the people of Venezuela, being inflicted on them by Nicolás Maduro and his regime," Genser said.

Maduro's government didn't immediately respond to the report, but often dismisses such claims a interference of Venezuela's sovereignty by nations beholden to Washington.

ICC prosecutors said in a news release at the beginning of November that Bensouda had met with Venezuela's attorney general, Tarek William Saab, and conveyed to him that prosecutors had a "reasonable basis" to believe that crimes within the court's jurisdiction have occurred in Venezuela. Prosecutors sought information on relevant domestic proceedings and Saab offered his cooperation, the release said.

The attorney general released a statement Monday saying that Venezuela had submitted an "extensive" report to the ICC, answering all its questions.

ICC prosecutors have also said they are undertaking preliminary examinations to determine "whether to open an investigation." Additional details will be contained in an end of the year report, they said.

The OAS statement released Wednesday said Bensouda has failed to comply with principles of "impartiality and objectivity."

It said the prosecutor's preliminary examinations underreported "the scale and severity of some of the alleged crimes, raising serious questions" about the court's "intention to prosecute fully the crimes against humanity in Venezuela falling within the ICC's jurisdiction."

Among the alleged crimes against humanity from 2014 to 2020, the report said, are allegations that more than 18,000 murders were committed by Venezuelan security forces and paramilitary groups, including extrajudicial killings and the killing of protesters. It also mentions 653 documented cases of torture.

But, the report contends, ICC prosecutors omitted in preliminary examinations "thousands of reported killings from credible sources" and also failed "to acknowledge that enforced disappearances are not isolated cases, but rather part of a larger pattern."

In September, independent experts for the United Nations' Human Rights Council accused Maduro's government of serious crimes, including grisly cases of torture and killings allegedly carried out by security forces who used techniques such as electric shocks, genital mutilation and asphyxiation.

Maduro's government formalized Venezuela's exit from the OAS in 2019.

Some OAS members, like Mexico, don't recognize Gustavo Tarré, a Venezuelan opposition envoy, as his nation's representative to the regional body. The U.S. and most of the 35 member states recognize opposition leader Juan Guaidó as interim president of Venezuela.

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TOPICS

Truth and Reconciliation Commission

Fourteen years on, victims of the armed conflict are still awaiting justice (The Kathmandu Post) By Binod Ghimire
November 20, 2020

Shanta Dhakal, 47, from Surkhet would have known the whereabouts of her husband years back, had political parties on behalf of the state and the former Maoists been honest to their commitments made in the Comprehensive Peace Accord signed between the government and the rebels in 2006.

Revealing the status of those forcibly disappeared during the decade-long conflict within six months of signing of the agreement and providing justice to the victims of murder, rape and torture, among other gross human rights violations, were among the major goals of the deal.

Saturday marks the 14th anniversary of the peace accord. But these goals remain largely unaddressed, thus only increasing the pain of the victims like Dhakal.

Her husband Ganesh, a government employee, was arrested by Nepal Police from Timurkot in Surkhet district on May 7, 1998. He was accused of association with the then rebels, the CPN-Maoist. Ganesh was never released, and the police never told her where he was.

Twenty-two years on, Dhakal's search for her life partner continues, to no avail.

"Different parties including the Maoists used the peace accord as a ladder to power," she told the Post over the phone from Surkhet. "But they never showed any interest in providing justice to victims like me even though it was a major goal of the peace deal."

Integration of the Maoist combatants in the security forces and rehabilitation of those who aren't integrated; socio-political transformation of the country and justice for the victims of the human rights violations were the three broad goals envisioned by the peace accord, signed by then prime minister Girija Prasad Koirala on behalf of the state and Pushpa Kamal Dahal, the then Maoist commander and now chair of the governing Nepal Communist Party, on behalf of the rebels.

The integration of the Maoist combatants was completed in 2013 while the Constituent Assembly promulgated the constitution two years later, setting the foundation for socio-political transformation.

Political parties that have come to power since 2006, however, have remained reluctant to conclude the transitional justice process.

Suman Adhikari, whose father was killed by the Maoists in 2002, says it is more saddening that the parties have even stopped marking the day the peace deal was signed.

"The parties who fought against each other have one voice when it comes to transitional justice and they are now treating the victims as their opponents," he told the Post.

As many as 13,000 people, according to an official estimate, lost their lives while 1,333 suffered forcible disappearance during the armed conflict that lasted till 2006 from 1996. The Maoists entered mainstream politics through the peace deal signed on November 21, 2006 and led the government three times since. However, along with other political parties, it too did nothing concrete towards concluding the peace process other than forming the largely ineffective Truth and Reconciliation Commission and Commission of Investigation on Enforced Disappeared Persons.

Various national and international human rights organisations have said there is neither law nor the interest of the state for delivering justice to the victims. Issuing a report on the eve of the 14th anniversary of the agreement, the New York-based Human Rights Watch and the Kathmandu-based Advocacy Forum have jointly said the authorities in Nepal are preventing police and prosecutors from pursuing conflict-era cases of human rights violations. The 94-page report, "No Law, No Justice, No State for Victims: The Culture of Impunity in Post-Conflict Nepal," has pointed out how the state remains indifferent towards providing justice for the thousands of insurgency victims.

"The government of Nepal has maintained a robust commitment to impunity, protecting alleged abusers at the expense of victims' rights, and undermining the rule of law," said Meenakshi Ganguly, South Asia director at Human Rights Watch, in the report. "Rather than providing truth and reconciliation, the weak transitional justice structures have been used to create delays and make excuses to avoid criminal investigations or essential reforms."

The report has raised a concern over the failure of the two transitional justice commissions—Truth and Reconciliation Commission and Commission of Investigation on Enforced Disappeared Persons—to deliver justice to the victims.

It's been five years since the two commissions were formed but they have done nothing other than collecting the complaints. The truth commission has received over 63,000 complaints while over 3,000 cases have been compiled by the disappearance commission. But they haven't completed investigating any of the cases.

The Enforced Disappearances Enquiry, Truth and Reconciliation Act was promulgated in 2014, eight years after the signing of the peace deal, and the two commissions were formed in February next year with a mandate of finishing their work in two years.

But soon after the parliament enacted the Enforced Disappearances Enquiry, Truth and Reconciliation Act, there was a controversy.

In February 2015 the Supreme Court ordered the government to amend the Act. It said that the Act did not adhere to international principles of transitional justice. The existing law gives the transitional justice commissions room for amnesty even in serious cases of human rights violations. The 2015 verdict says convicts in cases related to rape, extrajudicial killing, enforced disappearance and torture cannot be granted amnesty. However, the successive governments are yet to amend the law as directed by the court.

"We need an immediate amendment to the Act to expedite our work," Ganga Dhar Adhikari, spokesperson at the disappearance commission, told the Post. "Currently, we are at a preliminary stage of investigation into the complaints."

Human Rights Watch and Advocacy Forum have called on foreign donor governments and the United Nations to press Nepal's government to stop impeding justice and to amend transitional justice legislation to comply with Supreme Court rulings and obligations under international human rights law.

"These commissions are politically motivated. Don't expect justice from them," Daman Nath Dhungana, former Speaker of the House of Representatives and a veteran civil society leader, told the Post. "I fear that the violence could relapse if the state continues to ignore the victims' demand for justice."

Dhungana also says there could be an intervention from the international community if concrete steps are not taken towards delivering justice soon.

Human Rights Watch and the Advocacy Forum, Nepal, too, have reminded the Nepal government about the universal jurisdiction of transitional justice.

National judicial officials around the world could also investigate and prosecute those implicated in serious international crimes, under the principle of "universal jurisdiction," according to the report.

"This principle allows authorities in a third country to pursue individuals believed to be responsible for certain grave international crimes even though they were committed elsewhere and neither the accused nor the victims are nationals of that country," reads the report.

Nepal's National Human Rights Commission has also raised its concern over the delay in concluding the transitional justice process.

Among the 1,195 recommendations made since 2000 by the National Human Rights Commission for government action, 940 are related to the decade-long conflict period.

However, their implementation remains unaddressed. "Non implementation of the recommendation is promoting impunity while also has breached Nepal's commitment in the international forum," reads the statement issued by the commission before the 14th anniversary of the signing of the peace deal.

"There is anger among the thousands of victims [of the conflict] and that could any time change into a revolt," said Dhungana.

Failure to prosecute perpetrators promoting fresh abuses, warn rights groups (The Himalayan Times)
November 21, 2020

Authorities in Nepal are preventing police and prosecutors from pursuing conflict-era cases of human rights violations, undermining the rule of law and efforts for security sector reforms, Human Rights Watch and Advocacy Forum said in a report released today.

During the 10-year armed conflict between government forces and the Communist Party of Nepal (Maoist) that ended in 2006, thousands of people were forcibly disappeared, tortured, raped, or killed. The 53-page report — No Law, No Justice, No State for Victims: The Culture of Impunity in Post-Conflict Nepal — tracks 62 cases of extrajudicial killings that Human Rights Watch and Advocacy Forum first documented in 2008. The groups found that over a decade later there has been little progress towards prosecutions, despite court orders requiring investigations to proceed, with the police and prosecutors saying that the government has told them these cases will be handled by transitional justice mechanisms.

"The Government of Nepal has maintained a robust commitment to impunity, protecting alleged abusers at the expense of victims' rights and undermining the rule of law," said Meenakshi Ganguly, South Asia director at Human Rights Watch.

"Rather than providing truth and reconciliation, the weak transitional justice structures have been used to create delays and make excuses to avoid criminal investigations or essential reforms."

Foreign donor governments and the United Nations should press the Government of Nepal to stop impeding justice, and to amend transitional justice legislation to comply with Supreme Court rulings and obligations under international human rights law, the groups said.

Since the end of the conflict between security forces and Maoist rebels in 2006, successive governments have provided impunity to alleged abusers, warned the report. The government established the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons in 2015.

The two commissions, which were ostensibly established to expedite the legal system to deliver justice, have received over

60,000 complaints but have not completed any investigations.

Even if the commissions were functional, establishing them does not remove the government's obligation to prosecute international crimes such as torture, Human Rights Watch and Advocacy Forum said.

In 2015, the Supreme Court struck down parts of the 2014 Transitional Justice Act which governs the commissions for failing to meet international and Nepali legal standards. The court ordered the government to amend the law, in particular to remove provisions providing amnesty for grave violations.

The court denied an appeal by the government on 27 April 2020, to reverse its previous ruling. Despite pledges and consultations, the government has not amended the law.

When the conflict ended, the Comprehensive Peace Agreement of 2006 promised a transitional justice process to "investigate [the] truth about people seriously violating human rights and people involved in crimes against humanity." Victims' families have repeatedly sought justice through the courts or the police.

In some of these cases, the courts ordered the police to investigate, but there have been very few investigations and even fewer prosecutions.

"The routine defiance of court orders by police and prosecutors in these cases is not only weakening the judiciary, but also the rule of law," said Om Prakash Sen Thakuri, director of Advocacy Forum.

"Victims feel insecure and vulnerable, as the state continues to protect alleged perpetrators while victims are shunned and pressured."

In October, the National Human Rights Commission published the names of 286 people, including 98 police officers, 85 soldiers, and 65 former Maoist insurgents, whom the commission had recommended for prosecution over the past 20 years. While the government has sometimes made payments to victims based on NHRC recommendations, very few of the alleged abusers have been prosecuted.

Nepal's international donors, including the United Kingdom and United States, which support programmes to strengthen policing and rule of law in Nepal, should press for concrete action to end impunity for abuses committed during the conflict period as well as ongoing abuses.

In the absence of prosecutions in Nepal, prosecutors in other countries should investigate universal jurisdiction cases against Nepali suspects in international crimes.

Transitional justice commissions lobby for term extension as justice eludes victims (The Kathmandu Post)

By Binod Ghimire

November 25, 2020

The commissioners at the Commission of Investigation on Enforced Disappeared Persons and the Truth and Reconciliation Commission, mandated to look into the conflict-era human rights cases, are already lobbying for the extension of their terms that end in three months.

And this time, they want an extension of four years saying that it will take at least that long to complete the investigations. The duration of the tenure is at the government's discretion.

But without political commitment, it is unlikely that the investigations into the 2,506 complaints of disappearances and 63,718 cases in the truth commission will ever be completed.

"Finding out the whereabouts of the disappeared from years back is a challenging job," Ganga Dhar Adhikari, spokesperson for the disappearance commission, told the Post. "The commission needs at least four years to complete the investigation."

The Comprehensive Peace Agreement was signed fourteen years ago and had envisioned making public information about the disappeared or those killed during the decade-long armed conflict within 60 days of signing of the deal.

But it took over nine years just to establish the two commissions. And although it's over five years since the transitional justice commissions were formed, not a single case has been investigated so far.

"The process won't move ahead unless there is a political will," said Govinda Bandi, a human rights lawyer. "Political parties still aren't serious about concluding the transitional justice process."

Incumbent commissioners at the two commissions are the second set of office bearers after two two-year terms of the first ended in 2019 and they were appointed in early 2020. But they have not made much progress and the Covid-19 pandemic has come as a welcome excuse.

The commissions took four years just to receive the complaints from the victims.

Human rights defenders say the existing leadership cannot make any decision against the parties' will because they are political appointees.

According to spokesperson Adhikari, they have already put forth their demands for a four-year term extension of the commissioners before Minister for Law and Justice Shiva Maya Tumbahangphe, Nepali Congress President Sher Bahadur Deuba and Nepal Communist Party deputy parliamentary leader Subas Nembang.

The two commissions have received complaints against Nepal Communist Party (NCP) chair Pushpa Kamal Dahal, who was the commander of the rebel force, and Deuba, under whose prime ministership an emergency was imposed in the country at the height of the conflict. The highest number of enforced disappearances is reported during Deuba's tenure.

Former Speaker Daman Nath Dhungana, a civil society leader, said concluding transitional justice needs the people with high political and social stature like Desmond Tutu in South Africa.

"The parties didn't choose the established people because such people wouldn't listen to them," he told the Post. "The existing team of commissioners is neither capable nor free to carry out investigations."

Unlike the disappearance commission, the truth commission has not made any formal decision about the term extension but its officials say it is clear that completing the investigation is not possible in a year or two.

"There is so much load that it is impossible to complete [investigations] in a couple of years," Govinda Sharma, a member of the commission, told the Post. "However, we haven't made any recommendations on the term extension yet."

In its four years of tenure, the previous truth commission received 63,718 complaints and completed a preliminary investigation that involved recording of statements from only 3,787 of the complainants.

Similarly, between 2015 and 2019, the disappearance commission received 3,223 complaints from family members saying their loved ones had disappeared during the decade-long conflict. Of these, the commission is investigating only 2,506 complaints saying others didn't fall under its jurisdiction. The commission has completed preliminary investigation into the complaints from 67 districts.

Officials at the Law Ministry say although they are aware that the two commissions need an extension, the period remains undecided.

Rishi Rajbhandari, secretary at the ministry, said the extension process is yet to begin.

But more important than appointing commissioners is the amendment to the Enforced Disappearance Enquiry, Truth and Reconciliation Act-2014 as ordered by the Supreme Court in 2015 since it does not adhere to international principles of transitional justice.

Existing legal provisions give the transitional justice commissions room for amnesty even in serious cases of human rights violations. The 2015 order said convicts in cases related to rape, extrajudicial killing, enforced disappearance and torture cannot be granted amnesty.

But according to Rajbhandari, no work has yet been done for the amendment even five years after the court order.

"The law will not be amended without an agreement among the parties," said human rights lawyer Bandi.

Sharma of the Truth and Reconciliation, on the other hand, expects the amendment to happen soon.

"We expect that the Act will be revised as per the Supreme Court decisions while deciding about the tenure of the commissions," said Sharma.

The commissioners request, however, is unlikely to be fulfilled.

"I don't think it is possible to extend by four years," said Rajbhandari

It is not only victims and the human rights campaigners within the country that are concerned about the lack of progress in

transitional justice.

Last week, on the eve of the 14th anniversary of the signing of the peace deal between the government and the rebels, the New York-based Human Rights Watch and Kathmandu-based Advocacy Forum jointly published a report expressing concern over the lack of progress in transitional justice and warned this could invite international jurisdiction.

The international community has already acted on violations during the decade-long conflict.

In 2013, Nepal Army Colonel Kumar Lama was arrested in London for his alleged involvement in illegal arrests, disappearances, torture and extrajudicial killings during the insurgency. His charges were cleared in September 2016.

In July 2016, then CPN (Maoist Centre) chief Dahal was forced to cancel his visit to Australia fearing arrest on the charges of abductions and extrajudicial executions that took place during the insurgency after some civil society members filed a complaint against him with the New South Wales state government.

Dahal, who was scheduled to inaugurate a convention of the People's Progressive Forum Australia, his party's foreign wing, in Sydney, promptly pulled out of the event.

Rights observers say these two incidents had then prompted the political leadership to attempt to find a resolution to transitional justice in the homeland.

But there has been little progress since.

But Dhungana has a warning for Nepal's political leadership that the world is watching the transitional justice process in Nepal and there could be a foreign intervention if victims appeal to the international community.

"It is already too late," said Dhungana. "It is possible that the cases of human rights violations from the war era will be internationalised and tried in international courts."

UNHCR 2020 Report Unveils Low Support to Human Rights Commission in Liberia (Liberian Daily Observer) By David A. Yates

November 27, 2020

The United Nations High Commissioner for Human Rights has disclosed in its 2020 report that the Independent National Commission on Human Rights of Liberia (INCHR) has not received sufficient budgetary support from the Government and therefore its work is impeded as a result of low budgetary support.

It is not clear how much it received in this fiscal budget; however, an official of the Independent Human Rights Commission recently told media practitioners at a one-day workshop that the government only pays salaries of the workers but cannot provide funding for operations that the commission should carry out; something the official said hinders their operations in handling many human rights issues and to be fully independent.

The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review.

The report, according to UN Human Rights Council Working Group on the Universal Periodic Review Thirty-sixth session (36), recommended that the Government of Liberia allocate sufficient resources to the Commission that will enable it to fully carry out its mandate.

The report, copy of which is in the possession of the Daily Observer, noted that the information provided by the national human rights institution, accredited in full compliance with the Paris Principles, observed that the INCHR international human rights instruments had not been ratified by Liberia yet; several of its reports to treaty bodies were still pending, and some instruments ratified have not been incorporated into domestic law yet.

It further recommended that Liberia ratify the instruments to which it is not a party yet, and fulfill its reporting obligations under treaty bodies by submitting the pending reports.

The Commission, according to its recommendation, the government should continue supporting the constitutional reforms and ensure its consistency with human rights standards.

"The Commission regretted the persistence of prolonged pre-trial detention, despite Liberia's efforts to address the issue. It was concerned with overcrowding, poor sanitation and inadequate medication in prisons. It recommended to take steps to reduce prolonged pretrial detention and improve prison conditions," the report said.

The UN Council report, highlighting Liberia's INCHR's plight and the general feature of the country's human rights, also claims that the Commission recommended increasing support to the system of justice including at regional level, and establishing human rights desks in the different ministries, right to counsel not guaranteed to poor people, among others.

The report further added that the Commission recommended to the Government to enact a national legal aid programme and deploy more public defenders and support them to carry out their functions.

Regarding transitional justice, the UN report said the INCHR has noted that the recommendations of the Truth and Reconciliation Commission have not been implemented, and the proposition to establish a war and economic crimes court was being debated.

"So, in order to achieve national reconciliation, it recommended establishing accountability mechanisms for economic and war crimes court."

"The Commission regretted that challenges posed by weak institutions, corruption and bad governance undermined the right to an adequate standard of living for the Liberia's population. It welcomed the Pro-poor Agenda for Prosperity and Development," the report said.

The report also revealed that the Commission welcomed the adoption of the Land Rights Act of 2018, acknowledging measures taken by the Ministry of Health to eliminate discrimination against Ebola survivors. However, it was concerned about challenges related to the right to health and the lack of basic services during the Ebola crisis. At the same time, the World Council of Churches (WCC) has recommended that Liberia takes concrete steps to address violence in the country by bringing the perpetrators to justice. WCC, like other human rights advocates in the country, has witnessed a high wave of sexual gender-based violence mainly rape perpetrated against girls and children and has therefore recommended to the Liberian government to take some concrete steps to ratify international instruments that it has not ratified.

[Historic Liberia war crimes trial to open in Switzerland (Reuters)] By Emma Farge

December 1, 2020

The trial of a former Liberian commander accused of rape, pillage, assassinations, and an act of cannibalism opens in Switzerland this week.

The trial of Alieu Kosiah, who denies the charges, is one of just a handful of cases brought before international courts in relation to the West African country's 1989-2003 conflict, which killed nearly a quarter of a million people, often at the hands of child soldiers.

He is accused of war crimes listed as "recruitment and use of a child soldier, forced transportation, looting, cruel treatment of civilians, attempted murder, murder (directly or by order), desecration of a corpse and rape".

It is Switzerland's first war crimes trial to be heard outside a military court.

"This is historic for Switzerland and Liberia," said Alain Werner, a Swiss lawyer at Geneva-based NGO Civitas Maxima which filed the complaint on behalf of victims.

The NGO was researching war crimes with a Liberian partner when they discovered a rebel commander was living near Lake Geneva. Kosiah was arrested in 2014 and Switzerland filed an indictment against him in 2019.

The case involves dozens of witnesses, thousands of pages of testimony and has been complicated, according to the Swiss Attorney general's office, by a lack of official Liberian cooperation. The trial is set to open on Thursday at the Federal Criminal Court in Bellinzona.

Kosiah, 45, says he wants to clear his name. Some of the charges are attributed to troops under his command.

"According to Mr. Alieu Kosiah, one of the big problems with this case is he had not yet arrived in Lofa (county) at the time of the crimes he supposedly committed there," his lawyer Dimitri Gianoli told Reuters.

"What counts for (him) is to be able to officially re-establish his honour by making himself heard openly and clearly," he said. "(He) has always been very clear on his whereabouts in Liberia and the court filings include testimonies collected in Switzerland that confirm it."

'VOICE TO THE DEAD'

Unlike neighbour Sierra Leone which had its own civil war in the 1990s, Liberian perpetrators have never faced prosecution at

home despite a recommendation by the Truth and Reconciliation Commission to create a war crimes court.

Liberia's former President Charles Taylor was sentenced in 2012 for war crimes in Sierra Leone, but was never convicted for Liberian acts.

Others arrested in Europe have yet to appear in court.

Former warlords retain positions of power in Liberia and witnesses have been reluctant to come forward amid threats.

"This trial gives hope to victims, to the survivors, and gives voice to the dead," said Hassan Bility who collected evidence for the case and was himself tortured in the conflict.

Human Rights Watch's Elise Keppler said she hoped the trial would serve as a "wake-up call" for Liberia.

The court will hear Kosiah next week.

Liberian plaintiffs cannot attend due to COVID restrictions and will instead testify in 2021. Kosiah faces a maximum possible sentence of 20 years.

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Terrorism

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Piracy

Piracy is thriving off the coast of West Africa despite COVID nearly crushing global marine traffic (Fortune)

By Katherine Dunn and Jeremy Kahn

November 20, 2020

This August, the final captives held hostage by Somali pirates were finally released after an excruciatingly long captivity.

The stretch of coast off East Africa where the captives were taken in 2015 was once famous for its speedboat hijackings. And then, suddenly, it went quiet.

There haven't been any recorded attacks in the region since 2018.

But that doesn't mean piracy has disappeared. The locus of piracy has simply shifted—to the West.

Since the beginning of November, at least eight vessels have been attacked by pirates in the Gulf of Guinea, a major region for maritime trade that borders Nigeria, Ghana, Benin, and other major West African economies.

It's just the latest in a bumper year of piracy for the region, reversing what had been a decline in global piracy. Last year, piracy and attempted piracy was at its lowest level in 25 years. Now, at least in West Africa, attacks are increasing—even as the COVID-19 pandemic has slowed marine traffic; the UN estimating that port calls were down 8.5% year on year in the first half of the year (traffic now appears to be recovering.)

From January to September, 132 attacks were reported in the Gulf of Guinea alone, according to a report by the IMB Piracy Reporting Centre released in October. In that period, the organization says hijacking rose by 40% compared to the same period in 2019.

Some believe the increase has actually been due to the economic pain of COVID-19.

"The medical and economic fallout from the coronavirus pandemic seems likely to pose severe challenges for countries with few resources and weak governments," Brandon Prins, an expert in sea piracy at the University of Tennessee, wrote in an editorial in May. "West African and South American countries already struggle to police their territorial waters."

Sinking revenues from weakened trade could also affect maritime companies' abilities to protect their vessels, while the impact of the disease could strain staffing for crews, he warned.

Starts on land, ends at sea

Piracy is usually caused by instability on land, marine security experts say. In the Gulf of Guinea, it has been linked to environmental degradation—including oil spills during bunkering off the coast of oil-rich Nigeria—which has disrupted fishing stocks and livelihoods, the marine security agency Dryad Global reports on its website. It also attributed a crackdown on residents in the Niger Delta, after attacks on oil infrastructure in the region, to contributing towards conflict and exacerbating piracy.

This month alone, the incidents included six attacks logged by the Piracy Reporting Centre, all involved armed pirates on vessels off the coasts of Nigeria, Ghana or Benin. Earlier this week, the Italian navy also reported two hijackings involving the same vessel, occurring within days—confirming that the Gulf has become one of world's most dangerous marine areas, military officials said. In one of the hijackings, an injured crew member had to be airlifted by helicopter to a hospital on land.

In April of this year, the NATO Shipping Centre—the liaison between the maritime industry and NATO—warned of the complexity and danger of piracy in the region, and provided a manual on how to manage the risks.

In a report on best practices for managing the risk of piracy in the region, the Centre sketched out the huge variations in attacks, which have occurred at any time of night and day, and involve opportunistic attacks as well as carefully planned assaults, whether for ransom-taking or to steal cargo. Such attacks even sometimes involve rocket propelled grenades (RPGs), the Centre warned.

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Gender-Based Violence

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WORTH READING

Recklessness, Intent, and War Crimes: Refining the Legal Standard and Clarifying the Role of International Criminal Tribunals as a Source of Customary International Law (Georgetown Journal of International Law)

Brian L. Cox

November 16, 2020

This Article explores the substantive and procedural aspects of the assertion that

recklessness is included on the spectrum of mens rea for war crimes as a matter of customary international law. The substantive aspect of the inquiry, in Part I, engages in a critical assessment of the assertion that the jurisprudence of international criminal tribunals indicates that recklessness is sufficient to support a war crimes prosecution in general. The procedural aspect, in Part II, contests the prevailing “principal-agent” construct of describing the relationship between states and international criminal tribunals and the resulting role of tribunals in establishing customary international law. After rejecting the prevailing construct, the Article introduces the “designate and extend” model to clarify the relationship between states and international criminal tribunals.

The substantive inquiry in Part I demonstrates that the jurisprudence of international criminal tribunals does indicate that recklessness is included on the mens rea spectrum for war crimes, but only in specific, limited conditions. The procedural inquiry in Part II, while applying the new designate and extend model, confirms the role of decisions by international criminal tribunals as a subsidiary – rather than primary – source of customary international law. The substantive aspect of the inquiry addresses the specific issue of the spectrum of mens rea for war crimes in order to refine the existing legal standard, while the procedural aspect adopts a broader approach to clarify the general relationship between states and international criminal tribunals. Both inquires address unsettled issues that are central to the theory and practice of public international law.

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