



SCHOOL OF LAW  
CASE WESTERN RESERVE  
UNIVERSITY

**FREDERICK K. COX**  
INTERNATIONAL LAW CENTER

**Founder/Advisor**  
**Michael P. Scharf**

**Faculty Advisor**  
**Jim Johnson**

War Crimes Prosecution  
Watch

Volume 15 - Issue 7  
May 23, 2020

**PILPG**  
*A Global Pro Bono Law Firm*

**Editor-in-Chief**  
David Krawiec

**Technical Editor-in-Chief**  
Erica Hudson

**Managing Editors**  
Alexander Peters  
Matthew Casselberry

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

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

## Contents

### AFRICA

#### NORTH AFRICA

##### Libya

- **ICC latest report to UN Security Council on Libya: Military commanders responsible for crimes committed by their forces (Libya Herald)**
- **Despite Covid-19, Libya War Rages, with Civilians at Risk (Human Rights Watch)**
- **Haftar's attacks on airport, diplomatic missions in Libya 'war crimes,' Turkey's Foreign Ministry says (Daily Sabah)**
- **France's aims in Libya, Syria and Western Mediterranean are not amicable (Daily Sabah)**

#### CENTRAL AFRICA

##### Central African Republic

- **Rising CAR unrest threatens to reignite war (Aljazeera)**

##### Sudan & South Sudan

- **Sudan needs a UN peacekeeping mission (Al-Jazeera)**

## **Democratic Republic of the Congo**

- **DR Congo: Bloody Crackdown on Political Religious Group (Human Rights Watch)**
- **Militia massacre: 20 villagers killed in northeast DR Congo (Aljazeera)**

## **WEST AFRICA**

### **Côte d'Ivoire (Ivory Coast)**

- **Former Ivory Coast PM faces war crimes lawsuit in France (CGTN)**
- **Guilty verdict for Soro puts Ivory Coast on political alert – and the ICC back in play(The Conversation)**

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

#### **Mali**

- **UN says 3 peacekeepers killed, 4 wounded in Mali attacks (Associated Press)**

#### **Liberia**

## **EAST AFRICA**

#### **Uganda**

#### **Kenya**

- **Kenyans Held for Weeks in Quarantine Were Told to Pay to Get Out (New York Times)**
- **Kenyans protest house demolitions amid virus restrictions (The Washington Post)**

#### **Rwanda**

- **Rwanda's Most-Wanted Fugitive, Félicien Kabuga, Arrested For War Crimes (NPR)**

#### **Somalia**

- **Ethiopian Troops May Have Shot Down Aid Plane in Somalia, Report Says (The New York Times)**
- **Dealing with COVID-19 in Somalia and Somaliland amidst an ongoing humanitarian crisis (Relief Web)**
- **No airstrikes in Somalia for five weeks, but AFRICOM says al-Shabab fight continues (Stars and Stripes)**
- **Somalia: Governor killed in suicide bombing claimed by al-Shabab (Aljazeera)**
- **Somalia sees 'massive' uptick in female genital mutilation during coronavirus lockdown (Fox News)**

## **EUROPE**

### **Court of Bosnia & Herzegovina, War Crimes Chamber**

- **Bosnian Crimes Against Humanity Defendant Dies Before Verdict (Balkan Transitional Justice)**

### **International Criminal Tribunal for the Former Yugoslavia**

- **Bosnian Prosecutors Office and IRMCT cooperation will be continued in the Period to come (Sarajevo Times)**
- **Status Conference in the Case against Ratko Mladic will be held on May 29 (Sarajevo Times)**

## **Domestic Prosecutions In The Former Yugoslavia**

- **Montenegrin Parliament to House War Crime Document Centre (Balkan Insight)**

## **Turkey**

- **Despite Covid-19, Libya War Rages, with Civilians at Risk (Human Rights Watch)**
- **Turkey throttles water as pandemic looms over northeast Syria (Al-Monitor)**
- **Syrians held in Turkish prison 'in breach of international law,' advocates say (Al-Monitor)**
- **Turkey Opened the Door to the European Court of Human Rights for Syrian Victims (Just Security)**

## **MIDDLE-EAST**

### **Iraq**

- **ISIS war crimes investigators in Iraq get boost from mobile phone data (The National)**

### **Syria**

- **Turkey throttles water as pandemic looms over northeast Syria (Al-Monitor)**
- **'War crimes' committed by Russia, Assad gov't in Syria: Amnesty (Al Jazeera)**

### **Yemen**

- **Revealed: UK government broke inspection rules at arms factory supplying Saudis in Yemen war (Declassified UK)**
- **Why Bombs Made in America Have Been Killing Civilians in Yemen (The New York Times)**
- **Denmark's largest defense company contributes to possible war crimes in Yemen (Danwatch)**

### **Special Tribunal for Lebanon**

### **Israel & Palestine**

- **Pompeo warns ICC of 'consequences' for potential war crimes probe of Israel (The Times of Israel)**
- **Netanyahu will fight ICC's investigation into Israel's war crimes (Middle East Monitor)**
- **How Israeli Annexation Talk Is Already Reshaping the Middle East (Foreign Policy)**

### **Gulf Region**

## **ASIA**

### **Afghanistan**

- **Afghanistan: Attack on Hospital a War Crime (Human Rights Watch)**
- **Former soldier to prosecute cases of alleged war crimes by Australian special forces in Afghanistan (ABC)**
- **Findings from Afghanistan war crimes investigation will cause 'distress' for some elite soldiers, judge warns (ABC)**

### **Extraordinary Chambers in the Courts of Cambodia**

## **Bangladesh International Crimes Tribunal**

### **War Crimes Investigations in Myanmar**

- **Myanmar Military Column, Artillery Firings Displace Rakhine Villagers (Radio Free Asia)**
- **Video Shows Myanmar Forces Beating Five Civilians on Navy Vessel in Rakhine State (Radio Free Asia)**
- **Myanmar Army Acknowledges Unlawful Interrogation Methods After Viral Rakhine Beating Video (Radio Free Asia)**
- **Rohingyas Injured by Military Shelling Denied Access to Healthcare in Kyauktaw (Rohingya Vision)**
- **Two Rohingya Children Die in Mine Blasts as UN Extends Arrangement with Myanmar (Radio Free Asia)**
- **Rakhine Squatters Ordered to Vacate Former Rohingya Quarter in Myanmar's Sittwe Township (Radio Free Asia)**

## **AMERICAS**

### **North & Central America**

### **South America**

- **Brazil arrests Argentine fugitive (Canberra Times)**
- **Many Of Colombia's Ex-Rebel Fighters Rearm And Turn To Illegal Drug Trade (NPR)**
- **Colombia puts son of war criminal in charge of victim coordination (Colombia Reports)**

### **Venezuela**

## **TOPICS**

### **Truth and Reconciliation Commission**

- **Transitional justice and the Democratic Transition Framework for Venezuela (Global Americans)**
- **UN points out lack of consultation with victims (The Himalayan Times)**
- **Democrat Party Insists 2010 Crackdown Was Legal (Khaosod English)**
- **Assembly rushes through over 100 bills (Korea Herald)**

### **Terrorism**

### **Piracy**

- **Three pirate attacks in one day off West Africa (Splash)**
- **Pirates board two ships, kidnap seafarers in Gulf of Guinea (Vanguard)**
- **SCOVID-19 Could Spark a New Era of Piracy in Southeast Asia (The Diplomat)**
- **UK Oil Tanker Attacked By Pirates Off Yemen Coast (Oilprice.com)**

### **Gender-Based Violence**

### **Commentary and Perspectives**

## WORTH READING

- **Timothy Waters: The Persecution of Stones: War Crimes, Law's Autonomy and the Co-optation of Cultural Heritage**

## AFRICA

### NORTH AFRICA

#### Libya

#### **ICC latest report to UN Security Council on Libya: Military commanders responsible for crimes committed by their forces (Libya Herald) By Sami Zaptia**

May 7, 2020

**In her 5 May report on the situation in Libya to the UN Security Council, International Criminal Court (ICC) Prosecutor, Fatou Bensouda, as stipulated by UNSCR 1970 of 2011, Bensouda said that military commanders can be held responsible for crimes committed by their forces and have a duty to prevent such crimes.**

She said that her Office was still pursuing Saif-Al-Islam Qaddafi, who is regarded as a fugitive from justice and others such as Mahmoud Werfali, who the ICC regards as still being under Khalifa Haftar's Libyan National Army (LNA) command. She described the LNA as a militia.

Bensouda said her Office was working on new arrest warrants and was concerned about the high number of civilian casualties from airstrikes and bombings. She said the ICC was analysing information on possible crimes under the Rome Statute such as the intentional attacks on civilian sites and issues of proportionality.

Her office was also looking the issues of hate speech, arbitrary detention and enforced disappearances such as that of House of Representatives member Siham Sergewa who had disappeared since 17 July 2019.

Here is her full report:

Mr President, Your Excellencies,

Given the exceptional circumstances in which we currently find ourselves due to the COVID-19 pandemic, I am pleased to appear before this Council via video conference to deliver my Office's nineteenth report on the situation in Libya, pursuant to Resolution 1970.

I congratulate Estonia on assuming the presidency of the Council for the month of May and express my gratitude to the Council for facilitating today's remote briefing.

Allow me at the outset to also express my condolences to Council members and indeed all members of the United Nations family for the untimely deaths of their respective citizens caused by this global pandemic, and express our solidarity in the fight to contain the spread of the virus.

Relatedly, let me also emphasise that, despite some inevitable limitations caused by the COVID-19 pandemic, my Office's Libya team is forging ahead with its judicial work and investigations, managing to remain active and productive in these exceptional times. The Libya situation remains a priority for my Office, and I seize the opportunity in this forum to announce that my team is working on applications for new warrants of arrest.

Mr President, Your Excellencies,

This Council is well aware that, since my last report, serious violence related to the armed conflict in Libya, particularly in and around Tripoli, has regrettably not abated. It is now over a year since the offensive on Tripoli by the eastern-based militia known as the Libyan National Army, headed by General Khalifa Haftar, started. My Office continues to carefully monitor the unfolding events. Of particular concern to my Office are the high numbers of civilian casualties, largely reported to be resulting from airstrikes and shelling operations.

My team continues to gather and analyse information about incidents that have occurred during the recent period of armed conflict that may constitute crimes under the Rome Statute.

I reiterate that intentionally directing attacks against the civilian population, or against individual civilians not taking direct part in hostilities, is a war crime under the Rome Statute. Likewise, the Rome Statute prohibits the intentional directing of attacks against hospitals and other buildings protected under international law, such as those dedicated to religion or education, when they are not military objectives. Even where military targets are involved, the principle of proportionality applies.

Mr President, Your Excellencies,

I have previously also highlighted to your attention the issue of arbitrary detention and serious mistreatment of migrants and refugees attempting to transit through Libya.

This is a grave and persistent problem, and my Office continues to dedicate resources to investigating this matter. In particular, important progress has been achieved through the adoption of a cooperation strategy by my Office, which focuses on the exchange of evidence and information with relevant States and organisations. This activity is conducted with a view to seize synergies and support investigations and prosecutions in domestic jurisdictions. These efforts, I am pleased to report, are producing helpful results.

It is worth stressing that the issue of arbitrary detention and serious mistreatment of detainees affects not only migrants and refugees, but also thousands of other people detained in prisons and detention centres across Libya.

Latest figures indicate that the detention of persons without due process is widespread. Many people are being detained without lawful basis or denied their fundamental procedural rights.

Persons detained without the proper protection of the law are at greater risk of serious forms of mistreatment, including murder, torture, rape and other forms of sexual violence.

Information obtained by my Office indicates that such crimes are all too common. Former detainees report brutal methods of torture. Detention-related victims of rape and other forms of sexual violence include men, women and children. Detainees have died from injuries sustained through torture, and from the failure to provide proper and timely medical care.

My Office is aware of allegations of serious violations in many prisons and detention facilities throughout Libya. Of particular note are Al-Kuweifiya and Gernada Prisons located in eastern Libya. These allegations also extend to Mitiga Prison in Tripoli, which is controlled by an armed group known as the Special Deterrence Force. This group officially falls under the authority of the Ministry of Interior of the Government of National Accord.

Serious and urgent reforms in many Libyan prisons and detention facilities appear necessary to prevent future crimes. Accountability for alleged past violations is equally important. Primary responsibility for investigating and prosecuting these alleged crimes rests on Libya. My Office continues to closely follow-up on these allegations.

Mr President, Your Excellencies,

Reports received by my Office also indicate increasing numbers of cases of enforced disappearance, committed with close to total impunity.

The crime against humanity of enforced disappearance entails the refusal to provide information on the fate or whereabouts of persons who have been arrested and detained by a State or political organisation, or with its authorisation, support or acquiescence.

The crime of enforced disappearance inflicts severe suffering on the family of the missing person. It can also spread terror within a society. When targeted against prominent members of the community, such as political activists, human rights defenders and journalists, it sends a strong message that voices of dissent will not be tolerated.

For these reasons, and others, the crime of enforced disappearance has grave consequences for both individuals and communities.

Emblematic of this disturbing trend is the case of Ms Siham Sergewa, a member of the Libyan House of Representatives. Ms Sergewa has been missing since 17 July 2019 when armed men allegedly kidnapped her from her home in Benghazi. Her fate and whereabouts remain unknown.

Recent information obtained by my Office may point to those responsible for Ms Sergewa's disappearance. Investigations to verify this information are continuing.

Mr President, Your Excellencies,

Hate speech in Libya also appears to be on the rise. Derogatory and dehumanising language targeted at certain individuals or groups of people is now pervasive in both traditional and social media.

This is cause for concern. This type of language generates both hatred and fear in the community, and deepens divisions within society. It sows the seeds for crimes against targeted groups and individuals, and foments conditions in which mass atrocity crimes can occur.

Under the Rome Statute, a person who instigates the commission of crimes by others is also responsible for those crimes. Such instigation can include the making of public statements inciting attacks on specific ethnic or social groups.

Leaders and prominent members of the community have a special responsibility to lead by example and to refrain from hate speech. Anyone who incites fear, hatred and division in the community causes harm not only to those targeted, but also to the society as a whole.

Mr President, Your Excellencies,

I turn now to the case of Mr Saif Al-Islam Gaddafi. The second round of litigation in relation to the admissibility of Mr Gaddafi's case has now concluded. On 9 March 2020, the Appeals Chamber unanimously ruled that Mr Gaddafi's case is admissible before the International Criminal Court.

Accordingly, the arrest warrant for Mr Gaddafi remains enforceable. Libya continues to be under an obligation to arrest and surrender Mr Gaddafi to the Court.

In its judgment, the Appeals Chamber found that the International Criminal Court is barred from trying someone who has already been tried in a national jurisdiction with respect to the same conduct only if the proceedings in the other court are final.

The Libyan domestic proceedings against Mr Gaddafi are not final. Given that he was convicted in absentia, if Mr Gaddafi surrenders himself or is arrested, Libyan law provides that he must be retried. If sentenced to death for a second time, review by the Libyan Court of Cassation would be mandatory. Furthermore, the Libyan amnesty law, Law No. 6 of 2015, does not apply to his case.

In the course of the admissibility proceedings, Mr Gaddafi stated that he was released from detention on or about 12 April 2016. He has made no effort to surrender himself. Mr Gaddafi is a wilful fugitive, actively evading justice both in Libya and before the International Criminal Court.

Neither case can progress, nor can the victims of Mr Gaddafi's alleged crimes receive justice, whilst he remains at large.

The Appeals Chamber's judgment provides valuable guidance on some important points of international criminal law. Notably, Judge Ibáñez Carranza, in her Separate and Concurring Opinion, found that amnesties or similar measures that prevent the investigation, prosecution, and punishment of international core crimes that amount to grave human rights violations and grave breaches of international humanitarian law are incompatible with international law.

Accordingly, Judge Ibáñez Carranza found that such measures appear to be contrary to the object and purpose of the Rome Statute, although this issue must ultimately be determined on a case-by-case basis.

This is a significant legal development with respect to the obligation of States to investigate, prosecute and, if appropriate, punish perpetrators of mass atrocities.

Mr President, Your Excellencies,

Allow me to also recall that the arrest warrants for Mr Al-Tuhamy Khaled and Mr Mahmoud Al-Werfalli are yet to be executed.

The Arab Republic of Egypt, where Mr Al-Tuhamy is believed to reside, has not arrested and surrendered him to the Court.

General Khalifa Haftar's Libyan National Army has neither facilitated the arrest and surrender of Mr Al-Werfalli to the ICC nor ensured his genuine investigation and prosecution in Libya. Mr Al-Werfalli is reported to be under the command of General Haftar.

While my Office continues to meet its obligations under the Rome Statute by advancing its investigations despite resource constraints and a challenging operational environment, the course of justice cannot make further progress without the arrest and surrender of ICC suspects. This is a responsibility that neither rests on my Office nor the Court, but other actors in the Rome Statute system, namely States.

As I have repeatedly stated before this august body, the Council and its members also have a special responsibility to support and urge cooperation with the Court pursuant to the resolution that referred this situation to my Office back in 2011.

Your Excellencies,

I would be remiss if at the same time I do not acknowledge the excellent cooperation my Office continues to receive in support of our investigations from numerous States and stakeholders, and in particular from the Government of National Accord and the Libyan Prosecutor-General's office.

Nonetheless, on the most crucial cooperation matter – the arrest and surrender of ICC fugitives – the Libyan people's calls for justice remain unheeded. It is my sincere hope that this state of impunity will not remain the status quo and that the victims of Rome Statute crimes committed in Libya will have justice.

Justice for such crimes, including those I have elaborated upon today, is crucial to the rule of law and stability in Libya. Where appropriate, accountability for such crimes must extend to those in positions of authority.

I take this opportunity to once again stress that military commanders may be held responsible for crimes committed by forces under their effective command and control. Military commanders have a responsibility both to prevent or repress the commission of crimes by their forces, and to submit any such crimes for investigation and prosecution.

In conclusion, international criminal justice is a necessary force of accountability and deterrence – these are pillars upon which stability, progress and prosperity can be built and thrive. I call on this Council, the Court's States Parties and the international community more broadly, to stand firmly by the ICC and its crucial mandate to end impunity for the world's gravest crimes.

I thank you, Mr President, Your Excellencies, for your attention.

**Despite Covid-19, Libya War Rages, with Civilians at Risk (Human Rights Watch)** By Hanan Salah  
May 7, 2020

**In early April, a photograph of three fighters on one of Tripoli's front lines grabbed social media's attention both for its poignancy and the absurdity of the situation. The photo was of three heavily armed men in full combat gear wearing protective face masks against Covid-19.**

In Libya, the war to conquer Tripoli has intensified, with devastating consequences for the civilian population, since the country confirmed its first case of Covid-19 at the end of March. Forces affiliated with the Libyan Arab Armed Forces (LAAF) under the command of Khalifa Haftar have increased their shelling of residential neighborhoods close to the front lines in the southern suburbs of Tripoli. The UN says that Haftar's forces, who get most of their military support from the United Arab Emirates, inflicted the vast majority of civilian casualties in the first three months of the year.

Meanwhile, the Government of National Accord (GNA) and affiliated forces, supported mostly by Turkey, have made major advances since mid-April, but show little sign of changing their methods. In the past, they have failed to ensure that there were no civilians adjacent to the military facilities they targeted, heightening the risk of civilian harm.

These attacks contributed to the World Health Organization decision to include Libya among the countries at high risk from Covid-19. The organization also said that Libya had weak capacities to detect and respond to Covid-19. The risk of a total system being quickly overwhelmed should the disease spread in Libya is acute. The authorities, particularly in the conflict-ridden west and south, won't be able to cope with large numbers of patients.

In its first quarter civilian casualty report for 2020, the United Nations Support Mission in Libya noted an increase of 45 percent in civilian casualties from the fourth quarter of 2019.



Over the past year, we have documented serious violations of the laws of war by groups affiliated with the GNA and LAAF as well as their foreign backers. Both sides are guilty of indiscriminate and other unlawful attacks against civilians that have resulted in hundreds of civilian deaths since the conflict began in April 2019.

The attacks that often killed civilians included airstrikes and drone strikes as well as shelling of homes, businesses, schools, and health facilities. According to the UN, which attributed most of the casualties to the LAAF, airstrikes were the leading cause of civilian casualties in 2019.

After years of political divisions, neglect, and armed conflict, Libya's health structures were already decimated, long before the coronavirus outbreak.

But the pandemic does not seem to have led either side to take more steps to protect civilians in the war, in which hospitals and medical staff have been repeatedly attacked.

During a December visit to Tripoli, I saw first-hand the devastating effect of the use of explosive weapons in populated areas that damaged vital civilian infrastructure, including healthcare facilities. I visited hospitals that had been damaged or shuttered, and field clinics that had been attacked, and documented cases in which ambulance drivers and emergency first responders were killed or injured in the line of duty.

In the Salaheddin southern suburbs of Tripoli, I visited two private clinics close to the front lines that had been affected by the fighting. The al-Umuma Clinic was shuttered after a rocket attack killed an ambulance driver and damaged the hospital. The driver Salem Infeis, a father of three, was killed by an LAAF airstrike that struck the ambulance he was driving in October. A lone mortar in November killed a 9-year-old boy who was accompanying his mother, a patient at the nearby Al-Nukhba Clinic, another private hospital that was still treating a small number of patients. Tripoli authorities accuse the LAAF in both incidents.

The World Health Organization reported 13 attacks on healthcare in Libya in 2020 through early May, damaging eight healthcare facilities and three transport vehicles. The attacks also resulted in 5 deaths of healthcare personnel, with 17 injured.

International humanitarian law – the legal framework governing the Libyan conflict – covers the conduct of the fighting, including the protection of civilians, not whether there should be a cessation of hostilities during a pandemic. But it stipulates several key provisions relevant to a pandemic according to the International Committee of the Red Cross.

The parties are forbidden to attack, destroy, remove, or leave useless objects that are indispensable to the survival of the civilian population, such as drinking water installations, and are obligated to take constant care to spare civilian objects. Given the current crisis, water supply facilities are of critical importance as any disruptions mean that civilians would no longer be able to do basic prevention by washing their hands frequently, which could lead to further spread of the virus.

Well-functioning and well-equipped medical facilities are necessary to provide medical care on a large scale, as necessitated by the Coronavirus outbreak. The parties are obligated to respect and protect medical personnel and their facilities and transports, as well as to respect and protect wounded and sick peoples and to make every effort to evacuate them without delay.

I can report that the parties to this conflict have violated these provisions many times over.

In fact, the conflict parties in Libya tore up the rule book many years ago and have been operating with impunity, virtually unchallenged, despite the International Criminal Court's mandate over war crimes, crimes against humanity, and genocide there since 15 February, 2011.

I have some hope that the UN Human Rights Council in Geneva will establish an International Commission of Inquiry during its upcoming session in June. As a first step toward accountability, such a commission should document violations, identify those responsible, including external actors, preserve evidence for future criminal proceedings, and publicly report on human rights conditions in Libya.

Emboldened after years of getting away with their crimes, armed groups in Libya are continuing to destroy the country's fragile health infrastructure during a deadly pandemic.

What's clear, though, is that masks will be of little use to anyone if those fighting in the war continue to destroy the little that is left of the Libyan medical and public health establishment whose job is to fight the spread of a virus so deadly that it has practically immobilized the whole world.

**Haftar's attacks on airport, diplomatic missions in Libya 'war crimes,' Turkey's Foreign Ministry says (Daily Sabah)**

May 10, 2020

**Deadly attacks by putschist Gen. Khalifa Haftar on diplomatic missions in Libya and on Mitiga Airport "constitute war crimes," the Turkish Foreign Ministry said Sunday, adding that Haftar elements will be considered legitimate targets if they continue to threaten Turkey's interests in the country.**

Libya's Government of National Accord (GNA) said at least four civilians, including a child, were killed when more than 100 rockets rained down on the capital Tripoli and its only working airport Saturday.

On Thursday, the area around Turkey and Italy's embassies in Tripoli was shelled by Haftar forces.

In a statement published Sunday, Turkey's Foreign Ministry said, "These attacks – in which diplomatic missions including our Tripoli Embassy, Mitiga Airport, civil aircraft prepared for departure and other civilian infrastructure were targeted and civilians were wounded and killed – constitute war crimes."

"On this occasion, we reiterate that if our interests are targeted with our representative offices in Libya, we will consider Haftar elements as a legitimate target," it said.

"It is unacceptable for the United Nations to remain immobile any longer in the face of this brutality," the statement added, stressing that the international community has the responsibility to stop Haftar from killing women, children and the elderly during the holy month of Ramadan and amid the coronavirus pandemic.

"It should not be forgotten that the countries that provide military, financial and political support to Haftar bear responsibility in the cruelty and instability faced by the Libyan people," it said.

Turkey will continue to support the legitimate GNA and its institutions in order to protect the people of Libya, the statement concluded.

Fighting between Libya's internationally recognized government and Haftar forces over Tripoli intensified Saturday with heavy artillery shelling the sole functioning airport in the capital city, setting jet fuel tanks ablaze and damaging passenger planes, government authorities and the U.N. said, while Libyan Prime Minister Fayez al-Sarraj criticized the international community for indifference to Haftar violence.

At least four civilians, including a 5-year-old girl, were killed and more than a dozen others wounded in the working-class neighborhoods of Abu Slim and Ben Gashir south of the city Saturday, Libyan health ministry spokesman Amin al-Hashemi said.

The Tripoli-based Transportation Ministry said one of the damaged aircraft had been scheduled to leave Tripoli to bring back Libyans stranded in Spain by the coronavirus lockdown. It blamed east-based forces fighting to take the capital for over a year for the attack.

Saturday's attacks came hours after the U.N. Support Mission in Libya (UNSMIL) condemned the indiscriminate attacks on civilians in Tripoli, saying the attacks "may amount to war crimes." It said last month that Haftar forces were responsible for four-fifths of civilian deaths in the first quarter of 2020.

A withering bombardment shook Tripoli on Sunday as Haftar forces fought overnight for new territory in the southern suburbs after losing ground recently around the city.

Adding to the misery of Tripoli residents, the main water supplier to northwest Libya said armed men in the south had stormed one of its facilities, reducing supply.

"My father said we should be ready to leave at any moment ... the fighting last night was heavier than at any time before," said a resident of Abu Salim district, near a front line.

"We would leave to survive, but where can we go? ... we will be on the street. It's hopeless," the resident added by phone.

Tripoli residents described the bombardment as the worst so far after weeks of fighting as the GNA attempts to end Haftar's campaign to seize the capital and push his forces out of artillery range.

Mitiga, the only functioning airport in the Libyan capital, was targeted by rockets for a second day.

Water pressure in Tripoli was already starting to decline on Sunday afternoon after the Great Man-Made River Project, the main water utility, said one of its power stations in the south had been stormed by armed men.

Ahmed al-Deeb, head of its western region committee, said the men had switched off the electricity because of a shortage of cooking gas and a lack of cash in local banks, and that tribal elders were negotiating with them to restore power.

The state-run National Oil Corporation said last week it was carrying out work to supply cooking gas from the country's main Sharara oil field.

The Libyan government has been under attack by Haftar's forces since April 2019, with more than 1,000 killed in the violence. It launched Operation Peace Storm on March 26 to counter attacks on the capital.

Following the ouster of late ruler Moammar Gadhafi in 2011, Libya's government was founded in 2015 under a U.N.-led political deal.

**France's aims in Libya, Syria and Western Mediterranean are not amicable (Daily Sabah)** By Nur Özkan Erbay  
May 14, 2020

**We have recently seen an increased effort from France to mediate in Syria and Libya. However, it is still unclear whether French foreign policymakers want sustainable peace in two of the most conflicted battlefields of our time. Meanwhile, France's diplomatic relations seem to be faltering not only in conflict zones but also regarding the coronavirus pandemic, especially in terms of conveying international solidarity against COVID-19.**

Last month, the French foreign minister claimed that Turkey's alliances with Europe and NATO were contradictory and undermined its solidarity with the whole world, including European countries.

Ankara immediately rejected Jean-Yves Le Drian's remarks that came in an interview with the French daily, Le Monde. In response, Turkey accused France of backing terrorist organizations and illegitimate warlords in Syria and Libya. It emphasized that by supporting the putschist Gen. Khalifa Haftar's forces in Libya, France is prolonging the suffering of the Libyan people. At the same time, it is blocking a political solution in Syria by engaging with terrorists on the ground.

"In fact, it is France who is supporting terrorist organizations in Syria, backing the forces against the legitimate regime in Libya, eroding the solution dynamics of the Island and persistently ignoring the rights of the Turkish Cypriots, and trying to implement sanctions on its ally, Turkey," a Turkish Foreign Ministry statement noted.

Unfortunately, it has been proven that Le Drian's statement about Turkey's response was an attempt to cover up the desperate situation in France due to the coronavirus crisis. Once we take a closer look at France's performance when it comes to solidarity and winning the battle against COVID-19, we can say the French foreign minister just cannot accept the reality that Turkey has dealt with the pandemic more efficiently than most of the countries.

However, the French government's attempt to meddle with Turkey's politics to smooth over the cracks in its own domestic issues is nothing new, we have seen this under previous administrations, especially during Nicolas Sarkozy's rule.

This hostile approach of France toward Turkey can be better comprehended once we take another look at France's Mediterranean and Syrian policies, in place since the civil wars erupted in Syria in 2011 and in Libya in 2014.

Earlier this Monday, a joint declaration by Greece, Egypt, France, the Greek Cypriot administration and the United Arab Emirates (UAE) claimed Turkey's activities in the Eastern Mediterranean to be "illegal." It directly shows another hostile action by France against its NATO ally.

Meanwhile, France and the U.S.' latest attempt to use the Syrian Kurds as a cover to create an international platform for the YPG/PKK terrorist organization in northern Syria is another sign that France doesn't take into consideration Turkey's views on the YPG/PKK.

Since last year, France has reportedly engaged many times in efforts to mediate between the YPG/PKK terrorist group and Syrian pro-opposition Kurds. According to the National Council of Syrian Kurds (ENKS) and the Independent Syrian Kurd Association, French officials met representatives of the Syrian Kurds to reconcile with the YPG/PKK terrorists.

According to Turkish Foreign Ministry spokesperson Hami Aksoy, Turkey's anti-terror operations in northern Syria led France to attempt "to be the patron of this axis of malice."

In addition to Syria and the Eastern Mediterranean, what does France aim to do in Libya by being part of a coalition that has been backing putschist Haftar along with the UAE, Egypt and Russia?

There is another fact. Last July, French missiles were found on a pro-Haftar base despite the denials from the French government.

Since Haftar militias targeted diplomatic missions, including the Turkish Embassy in the capital Tripoli, Mitiga International Airport, civilian airplanes and other civilian infrastructure, this constitute war crimes. Thus France's approach is contradictory to its aim if that is ultimate, sustainable peace. In these circumstances, France's commitment to the NATO alliance could genuinely be questioned.

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

## CENTRAL AFRICA

### Central African Republic

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

**Rising CAR unrest threatens to reignite war (Aljazeera)** By Ahmed Idris  
May 16, 2020

**Rising violence in the Central African Republic is threatening to plunge the country back into war. Fighting has intensified between ethnic groups and armed gangs vying for territory. Aid workers say they are unable to help thousands of people who have been displaced by the conflict.**

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

### Sudan & South Sudan

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

**Sudan needs a UN peacekeeping mission (Al-Jazeera)** By Amhed H. Adam  
May 16, 2020

**An early withdrawal of UN peacekeepers could have devastating consequences for the country. Just over a year after President Omar al-Bashir was deposed following months-long protests across the country, Sudan finds itself in an increasingly difficult political and socioeconomic situation. Counter-revolutionary forces have sought to undo much of the progress that has been achieved since last year, while the civilian government, which is supposed to lead the country through a political transition, is increasingly exposed to attacks and internal divisions.**

Meanwhile, the Forces for Freedom and Change (FFC) alliance, the civilian coalition behind the protests which helped form the government, is facing increasing fragmentation due to political, ideological and ethnic differences, further weakening civilian power.

Amid this increasingly difficult situation, Prime Minister Abdalla Hamdok sent two letters to the United Nations, requesting

the formation of a special political mission to Sudan under Chapter VI of the UN Charter, which deals with the peaceful settlement of disputes. The current UN mission in the country, the United Nations-African Union Mission in Darfur (UNAMID), which was created under the Chapter VII provisions on peacekeeping and operates along with an African Union force, has a peacekeeping and civilian protection mandate in Darfur which will expire in October this year.

The requested new mission is to cover the "entire territory of Sudan" and support the application of Sudan's Constitutional Declaration, which was introduced last year to pave the way for civilian rule. It would also be tasked with the promotion of peace settlements in conflict zones in Darfur, South Kordofan and Blue Nile states, the mobilisation of international economic assistance, the coordination of humanitarian aid, and constitution-making and various state reform efforts, as stated in Hamdok's letters to the UN.

His request, if approved, will shift the role of the international community in Sudan from peacekeeping to peacebuilding, something Khartoum has been calling for since last year. This move by the prime minister has triggered extremely heated debate and tensions that could lead to deep divisions and violence in Sudan.

Many Islamist groups, particularly the leaders and supporters of the old regime, have taken the opportunity to attack the government and accuse it of undermining the country's sovereignty and independence and putting its territorial integrity at risk by opening Sudan for new colonialism.

Among other factors, the accusations stem from claims that Hamdok's letters to the UN were reflecting the British and German joint proposal at the UN Security Council. This strengthened the belief in some circles that the requested new UN mission would be a tool for foreign interference in Sudan's internal affairs and that Hamdok's government is a puppet of foreign powers.

Others also found the move problematic, albeit for different reasons.

Many activists and observers inside the country believe that the divisions within the FFC and Hamdok's failure to capitalise on the momentum of the revolution by mobilising grassroots support for his government have weakened it. His request for a new UN mission, which to a certain extent indeed aligns with British and German proposals, constitutes an attempt to increase his international legitimacy as he faces growing domestic troubles.

But more worryingly, Hamdok's decision to seek a political mission with no peacekeeping powers is a concession to the military. Many have feared that tensions between the prime minister and the FFC have pushed him to seek support from General Abdel Fattah al-Burhan, head of the army and chairman of the Transitional Sovereign Council, and Mohamed Hamdan Dagalo (also known as Hemeti), the leader of the Rapid Support Forces (RSF), one of the main state-sponsored militias accused of war crimes in Darfur.

It is in the interests of both the army and the RSF for UN peacekeepers to withdraw from the country and for no foreign force to have a civilian protection mandate, which would interfere with their operations in different conflict hotspots across the country. A weaker UN presence would also mean a weaker position of civilian power vis-a-vis the military. Undoubtedly, this situation will eventually undermine Sudan's civilian government and the transition it is supposed to lead.

Therefore, not requesting civilian protection powers for the new UN mission is a fatal mistake.

Hamdok has claimed that the political, security and humanitarian situations have improved after al-Bashir's removal, but nothing is further from the truth.

The civilian population of Darfur has seen no improvements in their daily lives so far. The armed attacks, as well as the systemic and wide-spread human rights violations against civilians, particularly, internally displaced persons, continue in the region.

In early January, violence erupted in West Darfur, from where UNAMID forces have withdrawn, killing more than 80 people, injuring 190 and displacing 8,000.

The area of Jebel Marra in central Darfur, where UNAMID still has some presence, has also seen continuous incidents of violence. A UN report released in March lists 21 violent incidents from October 2019 to January 2020, which resulted in the deaths of 17 people. Some 8,600 people were displaced in the area as a result of the violence while frequent sexual violence and physical assaults against civilians have continued. UNAMID has had to step up patrols in order to deescalate the situation.

In May, more than 30 people were killed when clashes between Fallata and Rezeigat tribes erupted in South Darfur. Some 95 criminal incidents were reportedly perpetrated by armed persons in military uniform, as well as members of nomadic communities.

The March UN report expresses concerns about the persistent violence in areas from which UNAMID has withdrawn and warns that the "fundamental conflict drivers remain unresolved" which could "exacerbate intercommunal tensions".

Apart from the UN, various non-government organisations have also expressed concerns about the withdrawal of UNAMID and the lack of civilian protection provisions for the new UN mission requested by Hamdok.

Kenneth Roth, executive director of Human Rights Watch, has argued: "The UN Security Council should recognize that Darfur requires a far more gradual withdrawal and keep a UN security presence on the ground to actively protect civilians. Past and ongoing violence there means civilians can't trust Sudanese security forces alone and still look to peacekeepers for protection."

On May 4, 98 human rights and civil society groups and activists sent a letter to Hamdok, in which they expressed their strong opposition to "the departure of the UNAMID from Darfur with a mandate under Chapter VII to be replaced with a Chapter VI mission. In the face of grave vulnerabilities facing civilians in displaced camps, it is inconceivable that your government would not put civilian protection at the top of the list."

Currently, there are negotiations going on in South Sudan's capital Juba between Sudan and various armed groups on its territory, but no final peace agreements have been reached yet. There are still various sticking points, such as security arrangements and power sharing. The fact that some of these armed groups and the government itself suffer from internal divisions is additionally complicating the process, which will take a long time to conclude.

In the meantime, attacks on the civilian population, particularly on internally displaced persons, will continue and once UNAMID withdraws completely, they will likely become that much more ferocious and deadly.

Therefore, a UN special political mission under Chapter VI, as requested by the prime minister, will fall short of addressing the situation in Darfur and other conflict-ridden regions of the country. Given that achieving peace is at the top of the transition agenda of the new government, this would undermine all its efforts to establish stable civilian rule in the country.

Ignoring the plight of millions in the IDP camps and hundreds of thousands of refugees would only push Sudan towards fragmentation, violence and chaos.

Therefore, the government has to request the extension of the UNAMID mandate beyond October 2020 and its equipment with a more robust force for civilian protection to properly implement its Chapter VII mandate. Or it could ask for the force to be replaced by a broader mission under Chapter VII with additional tasks to assist and support the transitional government.

The threat of the deep state and counter-revolution is very real in Sudan. The agents of the counter-revolution, as well as some anti-democracy regional powers, are working hard to undermine Sudan's political transition. Protecting civilians and achieving a just and comprehensive peace is the only way to a successful political transition and strong civilian rule in Sudan.

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

## **Democratic Republic of the Congo**

**Official Website of the International Criminal Court**

**ICC Public Documents - Situation in the Democratic Republic of the Congo**

**DR Congo: Bloody Crackdown on Political Religious Group (Human Rights Watch)**

May 19, 2020

**Police in the Democratic Republic of Congo repeatedly used excessive lethal force against a separatist religious movement in April 2020, killing at least 55 people and wounding scores more. The government crackdown against the Bundu dia Kongo occurred from April 13 to 24 in several towns in western Kongo Central province and in the country's capital, Kinshasa.**

The call by BDK leader Zacharie Badiengila, commonly known as Ne Muanda Nsemi ("the creative spirit" in Kikongo), for his supporters to "chase" out people who were not of Kongo ethnicity triggered the government response. The police raid against the group in the Kongo Central town of Songololo on April 22 resulted in 15 deaths and the raid on April 24 on Nsemi's

Kinshasa residence killed at least 33 people.

“Congolese authorities had a responsibility to respond to the BDK movement’s messages that incite ethnic hatred,” said Lewis Mudge, Central Africa director at Human Rights Watch. “However, the government response violated international standards on the use of force, causing a bloodbath.”

Human Rights Watch interviewed by phone more than 50 people, including victims of abuses and witnesses, BDK members, hospital staff, government and United Nations officials, human rights activists, and journalists.

On April 12, Nsemi, a former member of parliament and self-proclaimed “president of the Federal Republic of Kongo Central,” published a new installment of his regular newsletter called “Kongo Dieto,” or “Our Kongo” in Kikongo, the language spoken by the Bakongo people, the main ethnic group in Kongo Central. The four-page document urged his supporters to “stand up and chase every Muluba, every Mungala, and every Muswahili [people from other ethnic groups]” out of the Kongo Central province and to be “ruthless” against them.

Tensions escalated between April 13 and 15 as hundreds of BDK members erected roadblocks in the towns of Boma, Kisantu, Sona-Bata, Lemba, and Songololo, chanting anti-ethnic slogans and threatening “foreign ethnic groups.” Some carried long sticks and palm nuts, while a few were armed with locally made rifles. Police forces deployed to disperse the small crowds at times fired live ammunition. Witnesses and police reports, among other sources, said at least six BDK members and one bystander were killed in the towns of Kisantu, Sona-Bata, and Boma. A BDK member allegedly fatally shot a police officer in Kisantu on April 13.

Before dawn on April 22, police encircled a house in Songololo where dozens of BDK members, including women and children, had gathered to plan demonstrations. Around 3 a.m., the police fired indiscriminately at the house, set it on fire, then shot and crushed people rushing outside in panic, killing at least 15 and injuring many others. Witnesses said local gang members chanting “It’s about to get messy!” in Lingala stormed the house shortly after the police had gone and attacked those left behind.

“I was asleep when the shooting began and [it] woke me up,” one BDK member who was in the house told Human Rights Watch. “I managed to escape before they burned the house.”

Another member said:

Some of us were praying when they started to shoot. When they realized that we weren’t coming out, they set the house on fire and used tear gas. We couldn’t breathe so we were forced out and they would shoot us as we were coming out. I took a bullet in my hip, but they were also using machetes. I have a machete wound on my head and another on my arm.

Some BDK members told Human Rights Watch that they tried to defend themselves against the police with whatever they could find. “I picked up rocks and I threw them at the police,” said another member. “I took a bullet in the thigh, but I also injured an officer in the face.”

Photos and a video alleged to have been shot on the morning of April 22, which Human Rights Watch authenticated, show over a dozen bodies and badly injured people, all of whom had apparently been moved from the house and displayed for a police delegation that attracted crowds of onlookers. In the video, a sharp wooden stick is thrown at one of the wounded and shortly afterward a police officer walks among the bodies with a machete in hand.

A witness said that some bodies had both bullet wounds and machete cuts, suggesting that they had first been shot and then struck with machetes or axes. Some of the bodies were apparently mutilated, the witness said. Human rights standards set out that the wounded should be transported to the hospital as soon as possible and the dead should not be degraded, Human Rights Watch said.

The interior minister, Gilbert Kankonde, told Human Rights Watch by phone that investigations were still ongoing at the Kongo Central provincial level. “If wrongdoings were found at the command level, the military prosecutor’s office will have to take care of it,” he said. Kankonde added that according to the police, BDK members had attacked the police first with machetes and arrows.

On April 22, police and military police in Kinshasa encircled Nsemi’s residence while a delegation of government officials was inside, negotiating his surrender to authorities who had charged him with “rebellion, threatening the state security, and incitement to tribal hatred.” For weeks, he had been requesting, in writing and in video statements, the payment of his parliamentary allowance, the release of BDK members from prison, and the appointment of native Bakongo people in administrative positions in the Kongo Central province, among other demands.

On April 24, after negotiations failed, the police raided the residence, where more than 200 BDK supporters had gathered, and

arrested Nsemi. Sustained gunfire could be heard throughout the neighborhood as police stormed the compound. The interior minister said in a media statement that during the April 24 assault, 8 people had been killed and 43 others wounded, including 8 police officers. However, Human Rights Watch found that at least 33 BDK members had been killed.

Nearly 200 BDK members, including children, were briefly detained before being transported in buses to their towns and villages in Kongo Central. Forty-seven are now in prison and charged with “insurrection, rebellion, illegal possession of weapons of war, and incitement to tribal hatred.” Nsemi is being held at the Neuro-Psycho-Pathology Center in Kinshasa after doctors on April 30 diagnosed him with a mental health disorder caused by “repeated stress.”

In Kongo Central, immediately after the raid, the police arbitrarily arrested and beat several BDK members. They included a woman who said that police stripped her in the street, later raped her, and detained her for two days in the town of Kisantu. The woman said she has not received medical care or counseling for the abuse.

Following Nsemi’s arrest, police looted his residence as photos emerged of officers walking away with items such as a TV set and his throne chair.

The authorities should conduct a prompt and impartial investigation into the deadly raids in Songololo, Kinshasa, and elsewhere, Human Rights Watch said. The investigation should examine police use of lethal force with the aim of holding to account those found responsible for abuses, including those bearing command responsibility. There should be a full accounting of those killed and injured in the raids and of those charged with criminal offenses.

“The government needs to get to the bottom of these violent raids and hold wrongdoers to account, whatever their rank,” Mudge said. “That’s the only way for the authorities to send a clear message that abuses and excessive use of force will not be tolerated.”

#### Bundu dia Kongo (BDK)

Bundu dia Kongo (in Kikongo, “The Church or Assembly of the Kongo”) is a politico-religious movement founded in 1969 by Ne Muanda Nsemi, a former chemist-turned-spiritual leader. The BDK, also known as Bundu dia Mayala, advocates a return to African authenticity and bases its teachings on visions revealed to Nsemi by the spirits of his people.

Nsemi alleges that the Bakongo people are oppressed and have little access to high-level positions, even in their home province. He favors removing “outsiders” from such posts and calls for the resources of Kongo Central (formerly Bas Congo) to be primarily used for the development of the region. The BDK had long aimed for greater autonomy for Kongo Central within a federal system. On April 12, Nsemi declared Kongo Central independent and proclaimed himself president of the “Federal Republic of Kongo Central.”

BDK followers worship in a temple, known as a “zikua,” the first of which was established in Kinshasa and served as the original center for recruiting disciples known as “makesa.” The Congolese government has long alleged that the BDK was an armed group and in 2008, the provincial government classified the movement as a “terrorist organization.” BDK members ordinarily carry sticks and other wooden weapons, though some have been using locally made rifles. The BDK claims to have thousands of supporters but this has not been independently verified.

Throughout 2007 and 2008, in a number of Kongo Central locations where BDK support was strong and state infrastructures weak, the BDK declared themselves in charge of local administrations. Their de facto authority was accompanied by episodes of harassment, violence, and summary justice meted out by BDK adherents.

#### Previous Crackdowns on BDK

In Kongo Central, in February 2007 and March 2008, state agents acting under then-President Joseph Kabila’s authority used excessive force against BDK followers when they protested, at times violently, against electoral corruption after gubernatorial elections. Police and government soldiers shot or stabbed to death 104 BDK supporters and bystanders. In March 2008, police conducted operations in Kongo Central, killing over 200 BDK supporters and others and systematically destroying the BDK’s meeting places. UN investigators said several elements suggested that “the authorities may have intended to considerably reduce the operational capacity of the BDK movement.” The Congolese government response when challenged about these actions was denial and cover-up.

Between January and March and during August of 2017, state security forces killed at least 90 people as part of a crackdown against BDK members in Kinshasa and Kongo Central. Some of the BDK members also used violence, killing at least five police officers.

Two weeks before the April 2020 crackdown, on March 30, the police opened fire on BDK demonstrators in Kinshasa, killing at least 3 people and injuring 11 others, according to a UN source. BDK members were marching to “chase the spirit of the



coronavirus.”

No independent and transparent judicial investigation has been conducted into the abuses committed by state security forces in Kongo Central in 2007 and 2008, nor into the violence in Kinshasa and Kongo Central in 2017.

#### Government Response

On April 16, the National Intelligence Agency (Agence Nationale de Renseignement, ANR) arrested journalist Carllys Kaluangila in Matadi and accused him of giving an erroneous death toll about the violence in Boma the previous day. He was released on April 17.

On April 22, in a news release, Interior Minister Gilbert Kankonde said that the police had conducted an operation in Songololo with the border police from Lufu to restore law and order, alleging that the BDK was planning a “hunt” against people coming from other regions. He added that the police faced “fierce resistance” and that the local population came to “lend a hand.” According to Kankonde, 14 BDK members were killed, 2 others seriously injured, and 7 police officers were badly wounded. In addition, a Kalashnikov assault rifle, 2 locally made shotguns, and 11 arrows were seized. The minister called on the Kongo Central’s military prosecutor to open investigations into the Songolo incidents.

On April 24, Kinshasa’s police commissioner, Gen. Sylvano Kasongo, said that the police officers who looted Ne Muanda Nsemi’s residence would be sanctioned. Many of his belongings have been returned to the residence.

#### Applicable Legal Standards

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials offer important guidance on the use of force by police and other state agents in circumstances of civil unrest. The principles state that officials exercising police powers shall “not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury ... and only when less extreme means are insufficient to achieve these objectives” and that “[i]n any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”

Governments have a duty to investigate and prosecute serious violations of physical integrity under international law. International human rights law also enshrines the right to an effective remedy. A victim’s right to an effective remedy not only obligates the state to prevent, investigate, and punish serious human rights violations, but also to provide reparations. Among various reparations mechanisms, governments should restore the right violated and provide compensation for damages.

#### **Militia massacre: 20 villagers killed in northeast DR Congo (Aljazeera)**

May 17, 2020

**An armed group has killed at least 20 civilians in a raid on a village in northeast Democratic Republic of the Congo (DRC), the latest incident in a surge of ethnic violence that has forced 200,000 people from their homes in two months.**

Fighters from the Cooperative for the Development of the Congo (CODECO) militia, which is made up of fighters from the Lendu ethnic group, attacked Hema village in Ituri province at about 1am on Sunday, the army and local authorities said.

"They cut with the machetes several of my compatriots, 20 have already died and more than 14 [are] seriously injured," said Solo Bukutupa, a local administrator. "It's unbearable to see people die like that."

The attackers fled after United Nations peacekeepers arrived at the village and the militia later opened fire on a nearby UN base, a UN source said.

Women and children were among the victims. Another local official said 22 people were killed.

"The victims are of all ages, children, youths, women and old men, killed by machete, by knife or by firearm," Pilo Mulindro, a tribal chief, told AFP news agency.

Fighting by an array of armed groups in the region has complicated the DRC's response to the coronavirus pandemic and an Ebola epidemic that has killed more than 2,200 people since 2018.

CODECO split into several competing factions after the Congolese army killed its leader Justin Ngudjolo in late March.

Survivors of DRC violence tell stories of horror (2:53) Earlier this month, Ngabu Ngawi Olivier, who claimed to have taken over the leadership of CODECO, surrendered to the military and called for the militia to lay down its weapons.

Another faction later issued a statement denouncing Olivier as an impostor. No fighters have followed Olivier's orders yet, said

army spokesman Jules Ngongo.

CODECO members are mainly drawn from the Lendu ethnic group, who are predominantly farmers and clash repeatedly with the Hema community of traders and herders in Ituri.

Rich in natural resources, including gold, diamonds and coltan, Ituri province was the site of some of the country's worst fighting between 1999 and 2007, after a power struggle between rebel groups descended into ethnic violence - much of it between the Hema and Lendu.

After several years of relative calm, tit-for-tat fighting erupted again in December 2017, reviving long-standing tensions over land.

The unrest has since evolved into more coordinated attacks by the Lendu community on the army and the Hema ethnic group.

Late last year the army launched a large-scale operation to uproot a constellation of militias operating in the east of the country, sparking a backlash that has seen at least 350 people killed by armed groups in Ituri, the UN source said.

**[back to contents]**

## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

**Former Ivory Coast PM faces war crimes lawsuit in France(CGTN)** By Nyawira Mwangi  
May 9, 2020

**Cote d'Ivoire's former prime minister Guillaume Soro, a rebel leader before he joined politics is facing a lawsuit in France for war crimes, murder and torture, lawyers told AFP.**

According to the plaintiffs, the case is being filed in France because Soro has been living in the country since 2019.

He was handed a 20-year jail term in Cote d'Ivoire last month for embezzlement, money laundering and buying a mansion in the West African country's economic capital Abidjan with public funds.

Soro was fined nearly seven million euros(\$7.6 million), by the Abidjan court, which also ordered the confiscation of his Abidjan home and barred him from civic duties for five years, effectively eliminating the 47-year old from contesting presidential elections due in October.

However, the former PM denies all accusations.

The latest lawsuit was filed in Thursday, the plaintiffs' lawyers told AFP.

Soro is accused of ordering the kidnapping of former rebel leader Ibrahima Coulibaly on April 27,2011 and his subsequent torture and assassination.

The plaintiffs want Soro to face justice for several deaths that occurred during fighting between rival rebel factions in Cote d'Ivoire in early June 2004 in Bouake, the country's second city and the northern town of Korhogo.

"After several long years of impunity, the responsibility of the authors, accomplices and the one who gave orders will be exposed at last," the plaintiffs' lawyers Noemie Saidi-Cottier, Laurence Greig and Joseph Breham said in a statement.

Soro claimed the accusations were false and said he was filing a case for defamation.

He helped President Alassane Ouattara come to power in 2010 amid political violence that cost 3,000 lives, later serving as

premier and then parliamentary speaker.

After falling out with Ouattara, he launched an unsuccessful bid to become president last year.

## **Guilty verdict for Soro puts Ivory Coast on political alert – and the ICC back in play (The Conversation)** By Marco Bocchese

May 11, 2020

**A political earthquake is rumbling through Ivory Coast. On April 28, an Ivorian court found Guillaume Soro, a hopeful in the October presidential election, guilty of embezzlement and money laundering. The 48-year-old former rebel commander-in-chief was sentenced to 20 years in jail.**

The political dimension of Soro's conviction was not lost on Ivorian citizens. They have watched his rise to power over the past two decades. But his presidential ambitions largely explain his judicial downfall. Soro's conviction can be understood as the latest chapter of a power struggle that began to unravel since president Alassane Ouattara's re-election in October 2015.

Several pointers appear to corroborate the suspicion that Soro's prosecution was politically motivated. His arrest warrant was made public when it was known to all that he was in Europe, providing a compelling reason for him not to return home. The charges filed against him include conspiracy to overthrow sitting president Ouattara.

The decision to proceed against him in absentia, alongside other concerns about due process, suggests that the government's main intention was to keep him at bay, not in custody.

Overall, many Ivorians see Soro's conviction as an attempt to exclude him from the presidential elections scheduled for late October. This would pave the way for the election of Ouattara's favourite candidate and current prime minister, Amadou Gon Coulibaly.

There are much wider implications to these developments too – what Soro's conviction means for international criminal justice. Two interrelated questions stand out. Why did Soro fall from grace in the first place? And does his demise provide the International Criminal Court with a second – and arguably undeserved – chance to deliver justice for atrocities perpetrated during almost a decade of civil conflict in the West African country?

### The falling out

There is arguably nobody in Ivory Coast who contributed more to Ouattara's ascent to the presidency than Soro. Soro was the commander-in-chief of the rebel forces that brought former president Laurent Gbagbo's illiberal regime to an end.

Soro's military and political struggle to topple Gbagbo began with the failed coup of September 2002. It lasted until Gbagbo's defeat and arrest in April 2011.

Ouattara felt understandably indebted to Soro and rewarded him generously. For this reason, he also turned a blind eye on the atrocities perpetrated by Soro's rebels as they marched on Abidjan. But as time passed and the wartime loyalties faded away, Soro's past became a political liability for Ouattara and a looming threat for Ivory Coast's fragile democracy.

Still, Ouattara twice came to the rescue of his former ally. His government refused to comply with two arrest warrants against Soro. One was issued by a French judge in December 2015. The other was requested by the government of neighbouring Burkina Faso in January 2016.

Attitudes towards Soro began to change in late 2016, when Ouattara took institutional, political and judicial steps to distance himself from his former ally. Even the adoption of the new constitution, which established the position of vice president and added an upper chamber to the unicameral national assembly, provided an occasion to weaken Soro's grip on power.

But it was Soro's suspected involvement in the mutinies of January and May 2017 that marked the point of no return. Now he was perceived as a threat to the Ivorian state, Soro's finances and ties with wealthy benefactors suddenly came under close scrutiny by the national judiciary.

Unwilling to accept Ouattara's proverbial olive branch and endorse his handpicked successor, Soro cut all remaining ties with the president. He resigned from the national assembly speakership and from his party in February 2019. It was then that Soro, no longer under Ouattara's patronage, became a viable target for international prosecution.

### The International Criminal Court option

Having Soro prosecuted in The Hague is certainly appealing to the Ouattara government. A domestic trial would be politically

costly. And, given Soro's popularity and influence over the military, likely conducive to civil turmoil.

At the same time, recourse to international justice is not fail-proof either. The gross mismanagement of the case brought against former president Gbagbo and Charles Blé Goudé is still fresh in the memory of many Ivoirians. It led to their acquittal in January 2019. It also served to undermine the credibility of the Hague-based tribunal.

Soro's recent conviction offers an opportunity for improvement and redemption that the court cannot afford to pass. Apart from justice being done, bringing a case against Soro would also help address perceptions about the court's impartiality – or lack thereof. It would be the first international prosecution targeting a high-ranking member from the “winning” side of the civil war.

On this point, it is worth recalling that scholars and observers of Ivorian politics have lamented the Prosecutor's silence regarding alleged crimes committed by pro-Ouattara forces.

Assuming International Criminal Court chief prosecutor Fatou Bensouda's office actually capitalises on this opportunity, how would Ivorian authorities react? Several cues suggest the Ivorian government wants the court to open a case against Soro, the sooner the better. Past interactions between Ivorian authorities and the Hague-based court may help make sense of why and how recent domestic decisions call for ICC scrutiny of Soro.

Let us not forget that the Ouattara government surrendered both Gbagbo and Blé Goudé to the international court, in 2011 and 2013 respectively. When it refused to surrender Gbagbo's wife Simone, the Ivorian judiciary charged her with war crimes, thus halting the ICC's complementarity jurisdiction.

Soro too has been convicted for crimes that do not fall within the International Criminal Court's subject-matter jurisdiction. There is nevertheless no worse country to be in than France for those who seek to escape international justice. For the past 25 years, French authorities have proactively investigated, arrested, and surrendered to international criminal tribunals suspects from numerous countries. These range from the Western Balkans to Rwanda, the Democratic Republic of Congo, Chad, Central African Republic, Libya and Syria.

Lastly, an ICC prosecution has far-reaching political and personal consequences for defendants that may even outlast their acquittal. This was proven by the fact that Gbagbo and Blé Goudé have been unable to return home and resume their political careers pending appeal.

A case against Soro would be a win for both the Hague-based court, in dire need of a credibility boost, and the outgoing Ivorian administration, seeking to smoothly transfer powers to someone who will continue, rather than undo, Ouattara's legacy.

What remains to be seen is whether Soro will accept his grim situation or fight to fulfil his dream of capturing the presidency of Ivory Coast by any means necessary.

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

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

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

## **Mali**

**UN says 3 peacekeepers killed, 4 wounded in Mali attacks (Associated Press)**

May 10, 2020

**The United Nations said three peacekeepers from Chad were killed and four others**

## **seriously injured Sunday in attacks against a U.N. convoy in northern Mali using improvised explosive devices.**

U.N. spokesman Stephane Dujarric said Secretary-General Antonio Guterres condemned the attacks near Aguelhok in the Kidal region, which may constitute war crimes under international law.

The secretary-general calls on Malian authorities “to spare no effort in identifying the perpetrators of these attacks so that they can be brought to justice swiftly,” Dujarric said.

The U.N. peacekeeping mission in Mali was established in 2013 to help stabilize the northwestern African nation.

Dujarric said: “The secretary-general reaffirms that such cowardly acts will not deter the United Nations from its resolve to continue supporting the people and Government of Mali in their pursuit of peace and stability.”

Despite a 2015 peace agreement between the government and one-time separatists, Kidal has not escaped violence. Jihadists have repeatedly targeted the U.N. base there, and a 2016 attack killed seven peacekeepers.

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

## **Liberia**

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

## **EAST AFRICA**

### **Uganda**

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

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

### **Kenya**

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

**Kenyans Held for Weeks in Quarantine Were Told to Pay to Get Out (New York Times)** By Abdi Latif Dahir  
May 8, 2020

**When Valentine Ochogo arrived home in Kenya after being laid off from her job at a hot-air balloon business in Dubai, she was put in quarantine in a university dormitory with other travelers — one step in the government’s aggressive, often-lauded campaign to prevent the spread of the coronavirus.**

But instead of the mandated 14-day quarantine period, she was confined for 32 days, often cold, hungry and so frightened that she said she blocked the door at night with an empty bed. Although she tested negative for the coronavirus three times, she said that government officials would not release her until she paid \$434 in fees.

After she managed to negotiate the amount down to \$65, Ms. Ochogo, 26, was freed.

“Am out,” a relieved Ms. Ochogo texted on April 24, saying later, “I got really lucky.”

Kenya’s government is now facing mounting criticism for its response to the pandemic — particularly its use of quarantine centers.

Citizens stopped by the police for violating curfew or not wearing masks have been sent not to police stations, but to quarantine, sometimes held in compounds with people known to be infected.

“During an emergency like this, you need to be persuading people to cooperate rather than coercing them, especially if your argument is that it is in their best interest,” said Dr. Lukoye Atwoli, associate professor at Moi University’s School of Medicine and the vice president of the Kenya Medical Association.

In interviews, seven people in quarantine or just released accused the government of putting them in unsanitary isolation units, holding them longer than 14 days, giving them inadequate food and water and failing to inform them of their coronavirus test results. Many say they were held until they paid hefty bills.

After 50 people broke out of a quarantine center in Nairobi last month, the government was forced to respond: on Wednesday, the Health Ministry announced that it would stop requiring people in quarantine to pay fees because the policy was deterring people from coming forward for testing.

Another policy change was announced last Sunday: officials will put curfew breakers in a designated “holding place” — not into quarantine.

Health Ministry officials, who initially agreed to an interview for this article, canceled and declined to answer questions.

Some citizens and health experts have praised Kenya for its response to the outbreak: it suspended international flights early, conducted tens of thousands of tests and imposed a partial lockdown on areas reporting high cases, like Nairobi.

The measures may have helped to suppress the number of cases in this East African nation: a country of about 47 million people has so far reported 607 cases, 29 fatalities and 197 recoveries.

But the government has also been accused of extremes. In the first 10 days of the curfew, Kenyan police officers killed at least six people while trying to enforce the lockdown, according to Human Rights Watch.

And the virus continues to spread. Officials on Wednesday imposed lockdowns on one neighborhood in Nairobi and another in Mombasa where the virus is said to be proliferating.

Even as the Health Ministry has urged citizens to come forward for testing, government officials elsewhere have said they would force residents to undergo mass testing.

But experts said the poor treatment of those held in quarantine centers could discourage people from reporting symptoms or volunteering for testing.

Those like Ms. Ochogo, who arrived back in Kenya in late March, said their problems began at the airport in Nairobi, with serpentine queues to get through immigration, passengers jostling one another and officials failing to enforce social distancing.

Many arrivals from the Middle East were blue-collar workers, like nannies and drivers.

Those who could pay were escorted to hotels, but others were taken to government facilities and told their stays would be free, several said.

Ms. Ochogo said that she and more than two dozen passengers boarded a bus, with no protective gear, and were first driven to a facility that was full. Around midnight, they finally arrived at the dormitories of Kenyatta University, where law enforcement officers with no masks, gloves or hand sanitizers helped unload their bags. Ms. Ochogo said no guidelines or instructions were provided.

She took her room keys and went to bed.

At another quarantine center in Nairobi, established at Mbagathi Hospital, Shabu Mwangi said he faced officials who berated him for having traveled to Italy — in mid-January. He had voluntarily gone to the quarantine center with flu symptoms a day after he arrived in Kenya in March.

Left to sit in his car for an hour, medics arrived. But, said Mr. Mwangi, a 35-year-old artist, “Their big concern was, ‘Why did you go to Europe?’”

For the three days he awaited test results, he said he was put in the same room with nine men where they freely mingled and even borrowed phone chargers from one another. Doctors gave him no medicine, he said. And while he tested negative, a Burundian in the room tested positive, he said.

Eko Dydda, a gospel musician, was among hundreds of people put in quarantine for defying the evening curfew. He said he was arrested while fetching medicine for his sick wife. After spending a night in jail and three days in quarantine, Mr. Dydda was released following a public uproar.

“Quarantine can’t be a response to people breaking the law,” said George Kegoro, the executive director of the Kenya Human Rights Commission, a nongovernmental organization, “because what it does, it exposes them to the possibility of infection, the very thing you are trying to fight.”

As more people were admitted into quarantine centers established in high school dorms and other government buildings, the chorus of disapproval in the country grew. People posted photos and videos on social media of dirty and broken toilets in overcrowded facilities, where some slept on the ground covered in flimsy sheets.

But even some people confined in hotels claimed they were denied food, because they had not paid fees. Others complained that they ran out of medications.

The Kenya Legal and Ethical Issues Network, a nongovernmental organization, and the nonprofit Katiba Institute along with seven people who say they were held in quarantine have filed a lawsuit against the government for violating the human rights of those held in mandatory quarantine.

Almost three weeks into her stay at Kenyatta University, Ms. Ochogo said she suffered an anxiety attack. As she cried for hours, she said she called and texted health officials for help. They promised to come, but no one did.

When officials presented people with bills sometimes totaling hundreds of dollars, demanding payment before they could leave, those in quarantine in places like Kenyatta University staged public protests.

“We left Dubai because we didn’t have jobs,” said Ms. Ochogo, who had \$200 with her when she arrived.

She and others confronted health officials about the payments and the delays in their discharge.

“I was told I was rude and somehow, they wanted to deal with me,” she said. “They had told us they had marked us.”

When a threatening security officer in the center used a ruse to learn her full name, she pushed a spare bed in her room against the door at night: “I was afraid for my life.”

Kenya’s laws say that placing a person in quarantine should involve a doctor and a magistrate, said Mr. Kegoro of the Kenya Human Rights Commission. The cost of isolation, he added, should also by law be borne by the state.

“The government has a law. It has put it to one side,” Mr. Kegoro said of the recent decisions to make poor Kenyans pay. “We can’t tell where their powers are coming from.” Days after returning home, Ms. Ochogo said she was still numb from her quarantine ordeal.

“I don’t even recognize myself,” she recently said over the phone. “I can’t do the things I used to do. I am still struggling to sleep at night.”

**Kenyans protest house demolitions amid virus restrictions (The Washington Post)** By Tom Odula  
May 8, 2020

**Hundreds of protesters in Kenya blocked one of Nairobi’s major highways with burning tires to protest government demolitions of the homes of more than 7,000 people and the closure of an adjacent food market.**

Police used teargas and water cannons on the protesters, who then looted shops and parked cars.

“Police responded to a rowdy group that was destroying property on the road,” said Nairobi police chief Philip Ndolo. “If they have grievances they should express them through the right channels. We will not tolerate destruction of property,” Ndolo said.

The government had on Thursday closed Korogocho market which served an estimated 100,000 people who depend on it for their livelihoods and fresh vegetable produce, said Patrick Maina, the market’s chairman. He said the market serves several informal settlements.

Residents of Kariobangi, a poor informal settlement, woke up Monday to the sound of bulldozers crushing their rickety structures made of metal sheeting, said resident and human rights activist Habib Omar.

The demolitions continued through the week and displaced thousands of residents, who are sleeping out in the rain and cold because Nairobi has restrictions on movement due to the coronavirus.

The government claims that it owns the land where the demolitions took place and it ignored a court order that barred it from evicting the slum residents until their case arguing for their right to live on the land is determined. Some of the residents had official allotment letters dating to 2008 which give them permission to live there, said Omar.

“It is so inhuman for the government to evict us from our houses at a time like this. Where should we go. Where will I take my children because now I don’t have a house and there’s the curfew at night,” said Mary Njeri, a mother of three who also sells vegetables in the market.

For mechanic Kennedy Achoki, the demolition happened as they awaited another court decision.

“It is a violation of our rights because we have been living here for long,” said Achoki. “They should have waited for the court outcome because there’s an injunction in court. At least they could have waited for it and not destroy our houses during the pandemic.”

The government says it want the land for expansion of the capital’s sewerage system.

In a letter to President Uhuru Kenyatta, the Housing Coalition, an alliance of non-governmental organizations, asked the leader to allow the residents to rebuild their homes until alternatives are found and the court decides on the matter.

“It is unbelievable that this action should be taken by your administration at this time ... For the last three nights thousands of displaced have slept out in the open during curfew. The stay at home and cessation of movement guidelines and economic hardships have made it even more difficult to stay with relatives or leave Nairobi at this time,” the coalition’s letter said.

The coalition said the government has done nothing to alleviate the suffering of those who are now homeless and instead arrested activists who presented a petition to the Nairobi Water and Sewerage Company that is seeking to repossess the land.

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

## **Rwanda (International Criminal Tribunal for Rwanda)**

**Official Website of the ICTR**

**Rwanda's Most-Wanted Fugitive, Félicien Kabuga, Arrested For War Crimes (NPR)** By Colin Dwyer  
May 16, 2020

**One of the world's most wanted fugitives has been captured.**

French authorities arrested Félicien Kabuga, an alleged leader and financier of the 1994 Rwandan genocide, early Saturday morning in Paris. Serge Brammertz, the chief prosecutor of the International Residual Mechanism for Criminal Tribunals, which handles war crimes cases from Rwanda and the former Yugoslavia, heralded the arrest as a "a reminder that those responsible for genocide can be brought to account, even 26 years after their crimes."

"Our first thoughts must be with the victims and survivors of the Rwandan genocide," Brammertz said in a statement released Saturday. "Advocating on their behalf is an immense professional honor for my entire Office."



The authorities who have been hunting for Kabuga for years say the businessman played a key role in the ethnic bloodshed that left more than 800,000 people dead in a span of about three months. He allegedly encouraged and facilitated the violence in his capacity as both president of a Rwandan radio station that has been blamed for helping incite the rampant slaughter of ethnic Tutsis and other minority groups, and as the head of a fund that financed and supported the Hutu militias that carried it out.

For his activities, Kabuga was indicted in 1997 for a slew of war crimes, including genocide and crimes against humanity. International Criminal Tribunal for Rwanda, established by the United Nations, will be responsible for hearing his trial.

Yet for roughly a quarter-century, Kabuga managed to elude arrest and became Rwanda's most-wanted fugitive — despite an international effort that included the promise of a \$5 million reward from the U.S. State Department for information leading to his capture.

The French justice ministry said Saturday that investigators had finally found the 84-year-old living under an assumed name on the outskirts of Paris.

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

## Somalia

**Ethiopian Troops May Have Shot Down Aid Plane in Somalia, Report Says (The New York Times)** By  
Abdi Latif Dahir  
May 10, 2020

**A plane carrying humanitarian supplies that crashed in Somalia on Monday may have been shot down by Ethiopian troops, according to a new report from the office of the African Union Force Commander in Somalia.**

The report, which was leaked on Twitter, said Ethiopian troops not affiliated with the African Union peacekeeping mission in Somalia brought down the Kenyan-registered private plane out of fear that it was about to carry out a “suicide” attack.

The Somali authorities and officials within the African Union verified the authenticity of the report, but did not confirm its findings. An investigation of the crash is still underway.

The incident adds to long-running tensions in the region, where a history of distrust and unresolved disputes between Somalia, Kenya and Ethiopia — as well as the stubborn presence of the Shabab terrorist group — threatens security and stability.

The cargo flight plunged to the earth on the afternoon of May 4 in the town of Bardale, in southwestern Somalia, killing all six people aboard. The plane had approached the airfield in Bardale from the west instead of the east, which is more common.

The aircraft, owned by African Express Airways, was carrying supplies to assist in the fight against the coronavirus pandemic. It initially left the capital Mogadishu and stopped in Baidoa before heading to Bardale.

The airstrip and the town surrounding it are secured by Somali and Ethiopian troops. They are part of an African Union peacekeeping mission meant to help Somalia fight the Shabab, a terrorist group linked to Al Qaeda.

The one-page incident report that was leaked said that Ethiopian troops not affiliated with the peacekeeping mission had shot down the plane because of its irregular flight path. The report concluded that “lack of communication and awareness” on the part of the Ethiopian troops led them to fire at the plane.

The African Union Mission in Somalia and Ethiopia’s defense and foreign ministries did not respond to multiple requests for comment. Officials at the office of Ethiopia’s prime minister said they were “still waiting for details.”

Officials in the region who read the report cautioned against jumping to conclusions before the full investigation is completed, and pointed to clear factual errors in the leaked incident report as well as some contradictions.

The report suggested that five people had died in the crash instead of the six people reported by the airline. And after saying

the plane had been shot down, it said “the aircraft crashed on the ground because its wheel was not ready to land.”

“At this stage it would be premature and not even responsible to go to any conclusion,” said Smaïl Chergui, the African Union Peace and Security Commissioner.

Mr. Chergui said the African Union Force command in Somalia, which oversees the military component of the peacekeeping mission, “does not have all the means and experience” to determine the cause of the crash.

“You don’t know why the pilot came west of east,” he said. “There are many elements to take into account.”

Somali, Kenyan and Ethiopian officials visited the site of the crash and are set to hold a joint investigation. Somali transport officials said this weekend that they expect to release a preliminary report within 45 days. The examination of the so-called black box will require external investigators and may take up to three months.

The leaked report prompted some Somali leaders to ask why Ethiopian troops not a part of the peacekeeping mission were deployed in the region. Ethiopian troops have in the past crossed into Somalia, driven by both strategic motivations and regional politicking against the backdrop of fighting the Shabab.

“The incident shines an uncomfortable light on the seeming lack of coordination among Ethiopian and Kenyan actors active in Somalia,” said Murithi Mutiga, the project director for the Horn of Africa at the International Crisis Group, a nonprofit.

With the crash ratcheting up tensions, Mr. Mutiga said, “the best way forward is for all parties to keep channels of communication open and to ensure something like this does not happen again.”

## **Dealing with COVID-19 in Somalia and Somaliland amidst an ongoing humanitarian crisis (Relief Web)**

May 13, 2020

**The COVID-19 pandemic is an unprecedented global crisis. Médecins Sans Frontières/Doctors Without Borders (MSF) is doing all it can to respond in Somalia and Somaliland, as we strive to keep essential life-saving activities running in a context of global shortages of supplies and restrictions on the movement of staff.**

Even before the COVID-19 crisis erupted, Somalia was grappling with significant humanitarian challenges.[1] Millions of people have been forced from their homes by conflict, climate-related disasters, such as droughts, locust swarms and heavy flooding. In recent weeks, heavy rains have again caused flash floods across several parts of the country, with the UN estimating that over 200,000 people are affected due to loss of houses, farmlands and other livelihoods.[2]

In response to these current floods, we are rushing in essential medical supplies to one of the affected areas, the Bardera district of Jubaland state, to urgently help in containing the risk of water-borne diseases such as cholera. Our teams will also provide the district hospital with hygiene kits, mosquito nets and kitchen kits to be distributed among 2,500 displaced families. Many in the area had barely time to recover from the previous floods in late 2019.

“We face now an extremely challenging situation. As confirmed COVID-19 cases quickly rise across the country, we can’t forget the ongoing needs of the Somali community. We will struggle to allocate attention and resources to deal with this new disease, which we are still learning about, while also responding to all the existing medical needs in the country. Families will be hit by climate disasters, women will continue to give birth, children will continue to fall sick from malnutrition and patients with chronic diseases will continue to need medication. All of this is taking place at a time when the humanitarian response capacity is stretched globally,” says Gautam Chatterjee, MSF country representative for Somalia and Somaliland.

In recent weeks, MSF has been coordinating with the Somali health authorities, the World Health Organization and other health actors to prepare for the arrival of COVID-19 in Somalia and Somaliland.

In towns like Las Anod, Galkayo and Baidoa, where we were already providing medical care, our teams have put in place new hygiene controls and preventive measures to protect frontline staff. This includes training on infection prevention and control (IPC) and on how to identify COVID-19 symptoms and triage suspected cases. We are also engaging with communities to ensure they are aware of ways to minimise the risk of infection and providing technical and logistic advice to the authorities to set up isolation wards. In Jubaland, we will donate infrared thermometers to frontline health staff and hygiene kits to strengthen the screening capacity and preparedness of the local authorities.

In Hargeisa, the capital of Somaliland, MSF is supporting the Ministry of Health on their COVID-19 response. MSF’s support has included strengthening IPC measures, training emergency room staff and ambulance drivers, and providing interim support for medical staff.

The global shortage of personal protective equipment (PPE) and other essential medical supplies has affected Somalia and Somaliland and MSF's work in the region. MSF is working on solutions to overcome shortages in order to equip and protect both our staff and the Ministry of Health staff working in the facilities we support and to ensure the continued delivery of essential medical care.

"Frontline healthcare professionals and other workers must be protected and receive adequate training on preparedness and prevention of the disease," says Chatterjee. "Without them, there is no response to the pandemic, or to general health needs, so we must keep them safe and free from infection to treat patients."

A major concern for MSF are high risk people, such as patients with underlying health conditions, older people and vulnerable groups living in precarious circumstances such as in camps and crowded urban areas. There are several million internally displaced people, refugees and migrants living in Somalia and Somaliland, who lack access to basic services, including healthcare, clean water and proper sanitation.

A major outbreak of COVID-19 in such a low-resource context will put a lot of pressure on an already fragile, overstretched health system. It is therefore crucial to spread awareness among the community and to increase testing and contact tracing capacity.

"It is crucial to ensure that low-resource contexts like Somalia, where the direct and longer-term consequences will be profound, are not forgotten. This must be a moment for global solidarity and we need to work hand-in-hand to overcome this immense challenge," says Chatterjee.

MSF provides medical and humanitarian assistance to people affected by conflict, epidemics, disasters or exclusion from healthcare in 72 countries. Our actions are guided by medical ethics and the principles of impartiality, independence and neutrality. We have worked in Somalia and Somaliland since 1991. In 2013, MSF was forced to leave the country after a series of violent attacks against our staff. Our teams resumed treating patients in May 2017, in recognition of the enormous unmet health needs of the population. Currently, MSF carries out medical activities in hospitals in towns and cities, with a focus on maternal, paediatric and emergency care, nutritional support, and diagnosis and treatment of tuberculosis (TB) and multi-drug-resistant TB. MSF also runs mobile clinics for internally displaced people. At present, MSF provides essential medical activities in Hargeisa and Las Anod (Somaliland), North Galkayo (Puntland state), South Galkayo (Galmudug state) and Baidoa (South-West state). Our regular in-and-out short responses in Jubaland state have been temporarily suspended and other non-essential activities elsewhere have been put on hold.

### **No airstrikes in Somalia for five weeks, but AFRICOM says al-Shabab fight continues (Stars and Stripes)** By John Vandiver

May 15, 2020

#### **U.S. Africa Command hasn't launched an airstrike in Somalia in five weeks, the longest halt in more than a year, as torrential rains complicate the battlefield environment.**

"With the rainy season there can be shifts in Al-Shabab and broader activity," AFRICOM spokesman Col. Chris Karns said. "There is always effort, not always opportunity to conduct airstrikes. There is certainly no pause."

Somalia has been hard-hit by floods that have displaced nearly 300,000 people this spring, the United Nations has said.

The most recent U.S. strike in Somalia occurred April 10 — around the time the rainy season started — capping a series of attacks against the al-Shabab militant group, which is aligned with al-Qaida.

Even with the five-week lull, AFRICOM has so far conducted about 40 airstrikes in the country this year, putting it on pace to eclipse last year's tally of 63.

The number of strikes has increased in recent years as part of an effort to aid Somali forces in their long-running battle against al-Shabab.

Despite the strikes, al-Shabab has proven resilient and is still able to carry out high-profile attacks in the country and neighboring states such as Kenya, where three Americans were killed in January when a base used by U.S. forces was ambushed.

Still, Shabab controls less terrain now than it did at its peak in 2011, when it held swaths of territory in Somalia and threatened to overrun the country's capital, Mogadishu.

AFRICOM has faced criticism from some human rights groups who say civilians have been caught in the crossfire and

casualties from U.S. airstrikes are higher than have been reported. The command has disputed several of those claims and recently begun releasing quarterly reports on potential civilian casualties.

Officials also said the airstrike campaign keeps militants off-balance and confused.

"Where confusion exists, mistakes occur," Karns said. "The armed overwatch capability very much remains an option. Where opportunity presents itself and airstrikes are the appropriate option, strikes will resume."

AFRICOM also is involved in building up a specialized commando brigade in Somalia that has emerged as a key force in the fight to reclaim territory held by al-Shabab.

While Shabab hasn't demonstrated an ability to conduct attacks outside of eastern Africa, AFRICOM says the group could evolve into such a force if left unchecked.

"We're very mindful of the need to contain this threat and prevent its spread," Karns said.

### **Somalia: Governor killed in suicide bombing claimed by al-Shabab (Aljazeera)**

May 17, 2020

**The governor of the Mudug region in Somalia's Puntland has been killed along with three of his bodyguards in a suicide car bombing claimed by armed group al-Shabab, according to the police and a security official.**

"A suicide car bomb hit the governor's car. Governor Ahmed Muse Nur and three of his bodyguards died," police captain Mohamed Osman told the Reuters news agency on Sunday.

Security official Muse Ahmed confirmed the death toll. "There are other casualties but the details are still being investigated," he told AFP news agency.

In late March, the governor of Puntland was killed in similar circumstances.

Al-Shabab has been fighting for years to topple Somalia's internationally-recognised central government and frequently carries out bombings in Somalia and elsewhere in the region. The group wants to establish its own rule in the Horn of Africa country, based on a strict interpretation of Islamic law.

On Sunday, the armed group posted a statement on a pro-Shabab website that said: "The governor of the apostate administration in the Mudug region was killed in a martyrdom operation in Galkayo today."

Galkayo lies about 600km (375 miles) north of Somalia's capital Mogadishu.

Al-Shabab, an al-Qaeda affiliate, was driven out of Mogadishu in 2011 and lost most of its strongholds, but still controls vast swathes of the countryside.

Its members have promised to overthrow the government in Mogadishu and have carried out numerous attacks in the capital.

### **Somalia sees 'massive' uptick in female genital mutilation during coronavirus lockdown (Fox News)** By Danielle Wallace

May 20, 2020

**Somalia has witnessed a "massive" rise in female genital mutilation (FGM) as girls are kept home from school due to lockdown restrictions during the coronavirus pandemic, a report said Monday.**

The charity Plan International, which advocates for children's rights and equal opportunities for girls, said so-called circumcisers are going door to door offering to cut girls unable to venture outside.

The lockdown, which coincided with the Muslim month of Ramadan, when the ritual is traditionally performed, has undermined efforts to eradicate the practice in Somalia. About 98 percent of women and girls there already have undergone FGM, the highest rate in the world, the charity said.

"We've seen a massive increase in recent weeks," Sadia Allin, Plan International's head of mission in Somalia, told the Thomas Reuters Foundation. "We want the government to ensure FGM is included in all COVID responses."

FGM includes many different rituals and usually varies by ethnic group. The most severe form, called infibulation – the

practice of excising the clitoris and labia of a girl or woman and stitching together the edges of the vulva to prevent sexual intercourse – is carried out mostly in the northeastern region of Africa in Djibouti, Eritrea, Ethiopia, Somalia and Sudan.

Somali parents have taken advantage of school closures amid the pandemic, asking nurses to perform FGM on their daughters now when they have time to stay home to recover. Allin, who herself has been cut and has two daughters, ages 5 and 9, said circumcisers have been more aggressive in promoting their business amid the economic downturn caused by the pandemic.

"The cutters have been knocking on doors, including mine, asking if there are young girls they can cut. I was so shocked," Allin said. "FGM is one of the most extreme manifestations of violence against girls and women. It's a lifetime torture for girls. The pain continues until the girl goes to the grave. It impacts her education, ambition ... everything."

The United Nations Population Fund (UNFPA) predicts about 290,000 girls in Somalia will be subjected to FGM in the year 2020. Advocacy efforts to raise awareness about the dangers of the practice in local communities have been stifled by the lockdown.

UNFPA Somalia representative Anders Thomsen said global efforts to eradicate the practice also have been sidelined to focus on the coronavirus crisis, meaning an additional 2 million girls worldwide could be cut in the next decade.

Thomsen said that although Somalia is "ground zero for FGM," he sees some glimmers of hope that the practice will die down due to influence from neighboring Sudan, where the practice recently was criminalized. Data also suggest Somalia families have switched from infibulation to less severe forms of the ritual.

The World Health Organization estimates roughly 200 million women and girls alive today have undergone some form of female genital mutilation. The practice has been documented in more than 30 countries mostly in Africa, as well as in the Middle East and Asia.

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

## EUROPE

### **The Court of Bosnia and Herzegovina, War Crimes Chamber**

**Official Court Website [English translation]**

**Bosnian Crimes Against Humanity Defendant Dies Before Verdict (Balkan Transitional Justice)** By Haris Rovcanin  
May 11, 2020

**The Bosnian state court told BIRN that Marinko Sunjic, who was accused of detaining, persecuting and committing grave abuses against Bosniak civilian prisoners in Mostar in 1992-93, has died and the proceedings against him have been discontinued.**

Sunjic had been standing trial for crimes against humanity together with Jure Kordic, Drazen Lovric, Dario Susac, Nedžad Tinjak, Nuhan Sikalo, Dario Mihalj, Stanko Skobic, Tomislav Ancic and Slavko Golemac.

All the defendants were former members of the Second Brigade's First Battalion and the Convicts' Battalion of the Croatian Defence Council.

They were accused of detaining civilians at the Heliodrom and Vojno detention facilities, and persecuting and severely abusing of Bosniaks in Mostar during 1992 and 1993.

Sunjic was also charged with raping a woman at the Croatian Defence Council police building in September 1993, acting in collaboration with several others. The victim had previously been taken there from the Vojno detention facility.

Another defendant in the same case, Nedjad Coric, died in July 2019.

Over the past five years, about 20 indicted suspects have died before the final verdicts in their trials at the Bosnian state court.

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

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

**Official Website of the ICTY**

### **Bosnian Prosecutors Office and IRMCT cooperation will be continued in the Period to come (Sarajevo Times)**

May 8, 2020

**Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina Gordana Tadić and her associates held a video link meeting with the IRMCT Prosecutor Serge Brammertz and his team in preparation of the Prosecutor's semi-annual report to the UN Security Council.**

During the meeting, they expressed mutual satisfaction that the cooperation continued in the newly arisen circumstances of the Covid 19 pandemic, since during this time period intensive forwarding of mutual requests for assistance in war crimes cases was continued, via electronic communication and through a Liaison Officer located at the IRMCT Office of the Prosecutor.

In addition, they discussed regional co-operation in prosecuting war crimes cases, particularly Category 2 cases which had been transferred to the judiciary of the Republic of Croatia and the Republic of Serbia, respectively, as well as the cooperation with the judiciary of Montenegro.

It was concluded that the aforementioned activities would continue with the assistance of the IRMCT Office of the Prosecutor, as well as other previously planned and ongoing activities.

The Chief Prosecutor informed the IRMCT Prosecutor about the work of the Special Department for War Crimes of the Prosecutor's Office of Bosnia and Herzegovina during the pandemic and about the measures undertaken in that regard. Prosecutor Tadić spoke about activities in implementing improvements in the management of the office and related practices, and Prosecutor Brammertz pledged full support of his office in those and other matters.

The cooperation will be continued in the period to come, and once the conditions have been created, the realization of the planned activities will commence.

### **Status Conference in the Case against Ratko Mladic will be held on May 29 (Sarajevo Times)**

May 12, 2020

The Appellate Panel of the Hague Mechanism has decided that the status conference in the case against Ratko Mladic will be held on May 29, the Mechanism announced on Monday.

The decision, which was submitted to the prosecution and the defense, was signed by Judge Priska Matimba Nijambe. The decision states that on May 29th, starting at 11 a.m., Mladic and / or his lawyer will participate in the status conference via a video link due to the situation regarding the coronavirus pandemic.

An oral presentation was scheduled for March 17 and 18, but Mladic's defense attorneys asked for a postponement due to the surgery.

On 12 May 1992, Ratko Mladić was appointed Commander of the Main Staff of the army of the Serbian Republic of Bosnia and Herzegovina (“VRS”). He remained in command of the VRS Main Staff until at least 8 November 1996.

Sentenced by an ICTY Trial Chamber to life imprisonment on 22 November 2017.

On 18 December 2017, Ratko Mladić filed a motion seeking an extension of time to file his notice of appeal against the ICTY Trial Judgment.

On 19 December 2017, the President of the Mechanism assigned a bench of five judges to this case before the Appeals Chamber. On 21 December 2017, the pre-appeal judge partly granted the motion for an extension of time and ordered that any notices of appeal in this case be filed within 120 days of the issuance of the ICTY Trial Judgment. On 22 March 2018 both parties filed their notices of appeal. Following a further extension of time granted on 22 May 2018 for the filing of the appellant’s and respondent’s briefs, the parties filed confidentially their respective appellant’s briefs on 6 August 2018. On 7 August 2018 and 11 September 2018, respectively, the Prosecution and Mladić filed the public redacted versions of their appellants’ briefs.

On 18 June 2018, Mladić requested the disqualification of Judges Meron, Agius, and Liu from the appeals bench in this case on the basis of actual or apparent bias. On 20 June 2018, the President of the Mechanism referred the matter to Judge Jean-Claude Antonetti. On 3 September 2018, Judge Antonetti upheld Mladić’s requests and, on 4 September 2018, assigned Judges Mparany Mamy Richard Rajohnson, Gberdao Gustave Kam, and Elizabeth Ibanda-Nahamya to replace Judges Meron, Agius, and Liu on the appeals bench in this case. On 12 September 2018, Judge Rajohnson requested to withdraw from the bench in this case and, 16 September 2018, he was replaced with Judge Aminatta Lois Runeni N’gum.

On 12 September 2018, after Judge Nyambe’s election as the Presiding Judge in this case, she was designated as the Pre-Appeal Judge. On 14 November 2018, both parties filed their respective response briefs and on 29 November 2018, their respective reply briefs.

On 18 December 2017, Ratko Mladić filed a motion seeking an extension of time to file his notice of appeal against the ICTY Trial Judgment. Mladić argued that, inter alia, the breadth and complexity of the ICTY Trial Judgment, as well as the extensive underlying record, warrant an extension of time by 150 days beyond the original date upon which his notice of appeal would have been due, namely 22 December 2017.

On 19 December 2017, the then-President of the Mechanism, Judge Theodor Meron, assigned a bench of five Judges to this case before the Appeals Chamber. On 20 December 2017, Judge Meron designated himself as the Pre-Appeal Judge in the case. On 21 December 2017, the Pre-Appeal Judge granted an extension of time for the filing of the notices of appeal and, on 22 March 2018, both parties filed their respective notices of appeal. Following a further extension of time granted on 22 May 2018 for the filing of the appellant’s and respondent’s briefs, the parties filed confidentially their respective appellant’s briefs on 6 August 2018. On 7 August 2018 and 11 September 2018, respectively, the Prosecution and Mladić filed public redacted versions of their appellant’s briefs.

On 18 June 2018, Mladić requested the disqualification of Judges Theodor Meron, Carmel Agius, and Liu Daqun from the appeals bench in this case on the basis of actual or apparent bias. On 20 June 2018, the President of the Mechanism referred the matter to Judge Jean-Claude Antonetti. On 3 September 2018, Judge Antonetti granted Mladić’s requests and, on 4 September 2018, assigned Judges Mparany Mamy Richard Rajohnson, Gberdao Gustave Kam, and Elizabeth Ibanda-Nahamya to replace Judges Meron, Agius, and Liu on the appeals bench in this case. On 12 September 2018, Judge Rajohnson requested to withdraw from the bench in this case and, on 14 September 2018, he was replaced by Judge Aminatta Lois Runeni N’gum.

On 12 September 2018, following Judge Nyambe’s election as the Presiding Judge in this case, Judge Nyambe designated herself as the Pre-Appeal Judge. On 14 November 2018, both parties filed their respective response briefs and on 29 November 2018, their respective reply briefs.

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

## **Domestic Prosecutions In The Former Yugoslavia**

May 15, 2020

### **The Montenegrin parliament will collate statements, indictments and trial judgments related to war crimes in which the country was involved in the 1990s for a Documentation Centre that will be set up at the legislature.**

The head of the Montenegrin parliament, Ivan Brajovic, signed a decision on Friday to collect documents related to war crimes for the Documentation Centre at the legislature, saying that Montenegro must face its wartime past.

“Objectively and openly confronting unpleasant episodes from our past is an obligatory step in preventing future acts [of violence]. We are paying tribute to the victims of war crimes, but we are also clearly calling for the perpetrators of those crimes to bear individual responsibility,” Brajovic told media.

The Documentation Centre will be located in the parliament building and will hold statements, indictments, judgments and other source material related to the 1990s wars.

It is being set up as a partnership between parliament and the Youth Initiative for Human Rights NGO, which has already been collecting material for the Documentation Centre.

According to the decision signed by Brajovic, the Montenegrin parliament commits to looking after the material and making it permanently accessible to all interested parties.

As part of Yugoslavia, Montenegro took part directly in the wars in Croatia and Bosnia and Herzegovina under the leadership of Slobodan Milosevic, although it saw no conflict on its own soil. Analysts say that some former and current politicians had roles in wartime events that they would like to keep under the carpet.

Since Montenegro became independent in 2006, it has held just eight trials for war crimes committed in Croatia, Bosnia and Herzegovina and Kosovo. But only the lowest-level suspects have been tried, including guards, cooks, drivers and military volunteers.

The European Union has been urging that war crimes should be a high priority for Montenegrin prosecutors as the country makes progress in accession talks.

But despite this, Montenegro did not initiate a single new war crimes case in 2019, senior wartime officers suspected of offences remain unprosecuted, and only one low-ranking soldier was convicted.

On December 2019, former Yugoslav Army soldier Vlado Zmajevic was sentenced to 14 years in prison for the murder of four ethnic Albanian civilians in Kosovo in 1999. It was the first war crime trial verdict in Montenegro since 2016.

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

## **Turkey**

**Despite Covid-19, Libya War Rages, with Civilians at Risk (Human Rights Watch)** By Hanan Salah  
May 7, 2020

**In early April, a photograph of three fighters on one of Tripoli’s front lines grabbed social media’s attention both for its poignancy and the absurdity of the situation. The photo was of three heavily armed men in full combat gear wearing protective face masks against Covid-19.**

In Libya, the war to conquer Tripoli has intensified, with devastating consequences for the civilian population, since the country confirmed its first case of Covid-19 at the end of March. Forces affiliated with the Libyan Arab Armed Forces (LAAF) under the command of Khalifa Haftar have increased their shelling of residential neighborhoods close to the front lines in the southern suburbs of Tripoli. The UN says that Haftar’s forces, who get most of their military support from the United Arab Emirates, inflicted the vast majority of civilian casualties in the first three months of the year.

Meanwhile, the Government of National Accord (GNA) and affiliated forces, supported mostly by Turkey, have made major advances since mid-April, but show little sign of changing their methods. In the past, they have failed to ensure that there were no civilians adjacent to the military facilities they targeted, heightening the risk of civilian harm.



These attacks contributed to the World Health Organization decision to include Libya among the countries at high risk from Covid-19. The organization also said that Libya had weak capacities to detect and respond to Covid-19. The risk of a total system being quickly overwhelmed should the disease spread in Libya is acute. The authorities, particularly in the conflict-ridden west and south, won't be able to cope with large numbers of patients.

In its first quarter civilian casualty report for 2020, the United Nations Support Mission in Libya noted an increase of 45 percent in civilian casualties from the fourth quarter of 2019.

Over the past year, we have documented serious violations of the laws of war by groups affiliated with the GNA and LAAF as well as their foreign backers. Both sides are guilty of indiscriminate and other unlawful attacks against civilians that have resulted in hundreds of civilian deaths since the conflict began in April 2019.

The attacks that often killed civilians included airstrikes and drone strikes as well as shelling of homes, businesses, schools, and health facilities. According to the UN, which attributed most of the casualties to the LAAF, airstrikes were the leading cause of civilian casualties in 2019. After years of political divisions, neglect, and armed conflict, Libya's health structures were already decimated, long before the coronavirus outbreak.

But the pandemic does not seem to have led either side to take more steps to protect civilians in the war, in which hospitals and medical staff have been repeatedly attacked.

During a December visit to Tripoli, I saw first-hand the devastating effect of the use of explosive weapons in populated areas that damaged vital civilian infrastructure, including healthcare facilities. I visited hospitals that had been damaged or shuttered, and field clinics that had been attacked, and documented cases in which ambulance drivers and emergency first responders were killed or injured in the line of duty.

The pandemic does not seem to have led either side to take more steps to protect civilians in the war, in which hospitals and medical staff have been repeatedly attacked.

In the Salaheddin southern suburbs of Tripoli, I visited two private clinics close to the front lines that had been affected by the fighting. The al-Umuma Clinic was shuttered after a rocket attack killed an ambulance driver and damaged the hospital. The driver Salem Infeis, a father of three, was killed by an LAAF airstrike that struck the ambulance he was driving in October. A lone mortar in November killed a 9-year-old boy who was accompanying his mother, a patient at the nearby Al-Nukhba Clinic, another private hospital that was still treating a small number of patients. Tripoli authorities accuse the LAAF in both incidents.

The World Health Organization reported 13 attacks on healthcare in Libya in 2020 through early May, damaging eight healthcare facilities and three transport vehicles. The attacks also resulted in 5 deaths of healthcare personnel, with 17 injured.

International humanitarian law – the legal framework governing the Libyan conflict – covers the conduct of the fighting, including the protection of civilians, not whether there should be a cessation of hostilities during a pandemic. But it stipulates several key provisions relevant to a pandemic according to the International Committee of the Red Cross.

The parties are forbidden to attack, destroy, remove, or leave useless objects that are indispensable to the survival of the civilian population, such as drinking water installations, and are obligated to take constant care to spare civilian objects. Given the current crisis, water supply facilities are of critical importance as any disruptions mean that civilians would no longer be able to do basic prevention by washing their hands frequently, which could lead to further spread of the virus.

The conflict parties in Libya tore up the rule book many years ago and have been operating with impunity, virtually unchallenged

Well-functioning and well-equipped medical facilities are necessary to provide medical care on a large scale, as necessitated by the Coronavirus outbreak. The parties are obligated to respect and protect medical personnel and their facilities and transports, as well as to respect and protect wounded and sick peoples and to make every effort to evacuate them without delay.

I can report that the parties to this conflict have violated these provisions many times over. In fact, the conflict parties in Libya tore up the rule book many years ago and have been operating with impunity, virtually unchallenged, despite the International Criminal Court's mandate over war crimes, crimes against humanity, and genocide there since 15 February, 2011.

I have some hope that the UN Human Rights Council in Geneva will establish an International Commission of Inquiry during its upcoming session in June. As a first step toward accountability, such a commission should document violations, identify those responsible, including external actors, preserve evidence for future criminal proceedings, and publicly report on human rights conditions in Libya.

Emboldened after years of getting away with their crimes, armed groups in Libya are continuing to destroy the country's fragile health infrastructure during a deadly pandemic.

What's clear, though, is that masks will be of little use to anyone if those fighting in the war continue to destroy the little that is left of the Libyan medical and public health establishment whose job is to fight the spread of a virus so deadly that it has practically immobilized the whole world.

**Turkey throttles water as pandemic looms over northeast Syria (Al-Monitor)** By Amberin Zaman  
May 7, 2020

**Western nongovernmental organizations confirm that the water supply from the Alok pumping station has been repeatedly interrupted since the Turkish offensive.**

The Kurdish-led administration in northeast Syria said Turkey and its Sunni rebel allies halted service at the Alok pumping station in the Turkish-occupied town of Ras al-Ain today, putting efforts to contain the COVID-19 pandemic in the war-ravaged region at risk. Hawar news quoted officials from the autonomous administration's water authority as saying, "The Turkish occupation and its mercenaries have cut off the water to al-Hasakah city from Alok station for the sixth time consecutively since its occupation of Serekaniye," using the Kurdish name for the border town that was taken over by Turkish forces in October.

Sources from two Western non-governmental organizations operating in the area confirmed that the water had been turned off this morning. They said the water authority had sent out an emergency alert asking households to manage water consumption in view of the cut. The supply reportedly resumed but well under full capacity with only two of the five pumps currently operational at the station turned on, the sources speaking not for attribution told Al-Monitor.

The Alok facility supplies potable water to more than 460,000 people in al-Hasakah governorate. They include hundreds of thousands of internally displaced Syrians as well as Islamic State captives and their families — more than half are infants and children — who are being held in overcrowded and under-resourced prisons and camps. Riots have broken out in two facilities over the past month over poor conditions.

The autonomous administration accuses Turkey of weaponizing water as a means of forcing it to supply electricity to the 1,100 square kilometers (680 square miles) of territory in northeast Syria currently under Turkish occupation at the expense of people who would receive less power daily as a result. More broadly, Turkey is seeking to stifle the Kurdish-dominated autonomous administration through a cocktail of political, economic and military pressure.

Western nongovernmental organizations confirm that the water supply from Alok has been repeatedly interrupted since the Turkish offensive. The station was rendered inoperable by Turkish aerial and ground attacks. Service resumed after Turkey allowed technicians from the Syrian State Electricity Corporation and the Syrian Arab Red Crescent to enter the facility in November.

The stoppages have continued, however, despite two separate agreements struck with Russian mediation for Turkey to supply water in exchange for electricity from the Mabrouka power station, which remains under the control of the Syrian government and the autonomous administration. But Turkey keeps pressing for more and is apparently leveraging the spigot to that end.

"Access to safe water in the context of protection efforts from the coronavirus disease is even more essential and lifesaving than it already is. Hand-washing and good hygiene practices are our first line of protection from COVID-19. The repeated interruption of water supply for children and families who depend on the [Alok] water station for safe water puts them in unacceptable risk," said UNICEF Syria representative Fran Equiza in emailed comments to Al-Monitor.

Eqiza continued, "We and our partners are supporting families in the city of al-Hassakeh and camps for displaced families with water trucking where needed, but this barely covers minimum needs if the water supply continues to be interrupted. UNICEF has repeatedly called upon all those involved not to use water and water facilities for military or political gain. But our calls continue to fall on deaf ears and children are the ones who suffer first and most."

Syrians for Truth and Justice, a nonpartisan nonprofit documenting human rights violations in Syria, likened Turkey's actions to war crimes in an exhaustive April 28 report on Alok.

It observed that that since the Turkish invasion, residents in Ras al-Ain "haven't been provided with electricity even when the city was supplied from the Tishrin dam through the Mabrouka power station" because Turkish forces and their Syrian opposition allies had not fixed power lines damaged during the October assault. Meanwhile, the rebel militias restored power to their own headquarters and the homes of their relatives and had stolen generators and other equipment from Alok, the report added.

Alok is capable of functioning without electricity from Mabrouka and can run on power supplied from the Ad Darbasiyah station in Ras al-Ain, according to humanitarian relief workers who spoke to Syrians for Truth and Justice. Human Rights Watch cited humanitarian relief workers contending the same in a March 31 report on Alok.

“Whether the water is back on for another two hours and they cut it off again, it's very clear that we have a very serious problem with parties weaponizing water and humanitarian aid in northeast Syria and risking a COVID response,” said Sara Kayyali, Syria researcher for Human Rights Watch.

“One of the pillars of the COVID response in northeast Syria, as limited as it is, is more hand-washing. Lower capacity, no capacity, it really doesn't make a difference if the 460,000 people being serviced by Alok are not getting enough water,” she told Al-Monitor via WhatsApp.

Kayyali continued, “It's really disappointing to hear that the parties to the conflict are continuing to play games with people's lives and doing it so blatantly. It's really unacceptable.”

Only one COVID-19 death has been recorded so far in the territory run by the autonomous administration, home to over two million people. But experts warn that the risk of mass infection remains perilously high. It is compounded by the United Nations' reluctance to deal directly with local authorities for fear of jeopardizing its relations with Damascus.

The UN's World Health Organization insists that all testing be done via the central government in Damascus, slowing the autonomous administration's efforts to contain the virus. Moreover, because of Russian and Chinese objections before the UN Security Council, the body has since January been unable to deliver aid directly to the northeast via Iraq.

Christine Petrie, country director for the International Rescue Committee in northeast Syria, warned recently, “Now that COVID-19 has reached northeast Syria, we're going to see how truly virulent this disease can be. There are 160,000 extremely vulnerable people living in camps and communal shelters across the region and they have limited ability to protect themselves.”

Petrie added that the risk was especially high at the al-Hol camp, where nearly 70,000 people, mostly wives and children of Islamic State fighters, are being held.

“In al-Hol, the population density is 37,570 people per square kilometer and there are over 65,000 people living in extremely close proximity. There is absolutely no way for people to practice social distancing in this camp, and many are already living with chronic diseases such as diabetes, hypertension and asthma, which means they will be particularly badly affected by this disease if it spreads.”

### **Syrians held in Turkish prison 'in breach of international law,' advocates say (Al-Monitor)** By

Amberin Zaman

May 14, 2020

#### **Scores of Syrians detained after Turkey's Operation Peace Spring began in October have been accused of links to the Kurdistan Workers Party and moved to a prison in Sanliurfa, Turkey.**

At least 70 Syrian nationals are being held in Turkish prisons and are facing prosecution on terrorism charges after being captured inside Syria after Turkey launched its Oct. 9 invasion of northeastern Syria.

Legal experts and Syrian activists say the Syrians are being held in breach of international law and have been subjected to torture and other ill treatment. Hidayet Enmek, a lawyer acting on behalf of five of the detainees, told Al-Monitor his clients had been tortured during their interrogation. Most are believed to be held in the Hilvan maximum security prison in Sanliurfa province.

The arrests were first confirmed in December by the Sanliurfa chief prosecutor's office, which referred to the detainees as terrorists who had been apprehended committing crimes. They are being charged with targeting the unity of the Turkish state, membership in a terrorist organization and intent to kill.

All are accused of links to the Kurdistan Workers Party (PKK), which has been waging an armed insurgency against the Turkish state since 1984.

The Syrians were scheduled to appear in court April 20 but the hearing was postponed because of the COVID-19 pandemic. Enmek said they face aggravated life sentences if convicted as charged.

The case has been shrouded in secrecy and there has been no media coverage of it. Enmek is the only lawyer who agreed to

speak on the record about the Syrians. “My colleagues are terrified,” he told Al-Monitor in a telephone interview. “The climate of repression has become even more suffocating in Urfa since the [failed July 2016] coup,” he said. Sanliurfa is also known as Urfa. Enmek was among 11 lawyers detained in Sanliurfa in March on terror charges, part of an ongoing clampdown on human rights defenders, he said. Evidence against the lawyers has included secret testimony extracted under duress from some of the Syrian detainees in order to support prosecutors’ claims that the lawyers were connected to the PKK, Enmek said.

Lawyers only agree to defend the Syrians if contacted by their families and briefed on their backgrounds, “but this is proving very hard because the families themselves are terrified” for fear of retribution from the opposition rebels,” Enmek added.

The majority of the jailed Syrians are ethnic Arabs. But there are some Turkish citizens and PKK-rooted militants among the 106 people transferred from Syria to Turkey, Enmek said. Some sought to avail themselves of Turkey’s repentance laws. “They are very poor and have no means of receiving money from their families. They can’t afford basics like soap and underwear, which are sold at the prison canteen,” he said.

The Sanliurfa Chief Prosecutor’s Office, contacted by telephone, told Al-Monitor there were “about a hundred” Syrian detainees in “various prisons” but declined to provide a breakdown by nationality of the detainees to Al-Monitor. Until the trial starts it is impossible to assess how many, if any, had previously committed any crime inside Turkey.

Turkey has long accused the US-backed and Kurdish-led autonomous administration in northeast Syria and its military arm known as the People’s Protection Units (YPG) of being part of the PKK. Since August 2016 Turkey has launched three major offensives against the group and what Ankara calls the organization’s “terror state.”

The YPG spearheaded the US-led coalition’s campaign to defeat the Islamic State. Many of the Syrian detainees were either salaried members of the YPG or of the internal security apparatus, the Asayish, Enmek said.

Jwan al-Youssef, of the Kurdish Committee for Human Rights, who is following the case, said others worked in the civil administration. Speaking through an Arabic language interpreter, he told Al-Monitor that some of the Syrian detainees had no ties to the autonomous administration and its security arms at all. “Only their immediate relatives can visit them, and only if they have official ID documents, Turkish residency, or a passport. Few meet the criteria,” he said.

A source who is closely following the case told Al-Monitor on condition of anonymity, “The black hole in this story is why Turkey is doing this. These people are very low-level guys.” The plight of the Syrians came to the fore in an April 29 petition addressed to UN Secretary-General Antonio Guterres and to Michelle Bachelet, the UN high commissioner for human rights, by 41 Syrian civic organizations who called for UN intervention.

They said the detainees had been transferred to Turkish prisons in late 2019 after being held by Turkish-backed Sunni rebel factions. The arrests took place in rural areas near the towns of Tell Abyad and Ras al-Ain, which are currently occupied by the Turkish army. They said they had established the identities of at least 70 Syrian nationals who were detained and moved to Turkey after the October assault, named Operation Peace Spring.

The civic organizations called the Turkish presence an occupation and called for the detainees’ immediate release and repatriation. The Syrian government calls the presence of Turkish troops in northern and northeastern Syria an occupation as well and has called for their immediate withdrawal from a vast swath of territory spanning from Jarablus in the west to Tell Abyad in the east and including the Kurdish majority enclave of Afrin.

Bassam al-Ahmed, executive director of Syrians for Truth and Justice, a nonpartisan nonprofit documenting human rights violations in Syria, was one of the 41 signatories of the appeal to the UN. He told Al-Monitor in a telephone interview that Western officials had been briefed about the case and that they in turn had raised the case with their Turkish counterparts, but to no effect. “The mass transfer of Syrian nationals on this scale is unprecedented. It’s a Guantanamo-like situation. It’s a violation of international law,” Ahmed said, drawing comparisons with the United States’ secret renditions of suspected terrorists to the US military prison within the Guantanamo naval base in Cuba.

Roger Phillips, the legal director for Syrians for Justice and Accountability, a Washington-based organization that is also documenting rights abuses in Syria, told Al-Monitor in emailed comments, “It’s a violation of international humanitarian law to prosecute Syrians in Turkish courts.” The fact that all or some may be fighters is irrelevant, he said. Under the Fourth Geneva Convention, “Those taking part in hostilities are rendered outside combat once they are captured and detained. So, they are protected by [the convention,] which prohibits an occupying power from forcibly transferring civilians outside of the occupied territory for trial.”

Moreover, Phillips said, “It is not clear that Syrian civilians were put on notice that they could be charged with violations of Turkish law in Syria. Turkish law is presumptively only effective in Turkey.”

Phillips continued, “Turkey would have to pass special legislation to give its penal laws extraterritorial effect in Syria. It is not

clear that Turkey has done so. Prosecuting Syrians for violations of Turkish laws in Turkey is therefore contrary to international law.”

Turkey insisted early on that Operation Peace Spring was “a limited cross-border intervention intended to fight terror organizations” that aimed to “enforce Syria’s unity and territorial integrity, protect the local population” and allow “the safe and dignified return of Syrian refugees” and was conducted in full respect for international law.”

But as videos of atrocities emerged, a flurry of condemnations ensued. One of the most chilling was the gruesome execution of the young Kurdish politician, Hevrin Khalaf, by Ahrar al-Sharqiya militants after being dragged out of her car. The killing was captured on video and widely shared. Her mother said her daughter had been so badly mutilated all that was left intact of her body was “a small piece of her jaw.”

Ambassador Jim Jeffrey, President Donald Trump’s special representative for Syria and a vocal advocate for improving Washington’s battered ties with Turkey, told the House Foreign Affairs Committee in October, “We’ve seen several incidents which we consider war crimes.”

Enmek said the Syrian detainees in Turkey had been beaten and abused by Turkish-backed rebels before being handed over to the Turkish army. Cicek Kobane, who served in the Women’s Protection Units (the Syrian Kurdish-led all-women’s militia that helped the US-led coalition defeat the Islamic State), is one of them. Her capture by the Faylaq al Majd [Glory Corps] battalion Oct. 21 was recorded by one of the militants on a mobile phone and uploaded to YouTube. One of the rebels scoops her up in his arms as the others shout “pig” and chant “God is Great” and “slaughter, slaughter.” She is then seen cowering on the ground as the rebels jeer. One says “beautiful.” The video caused an uproar.

Enmek said the rebels had shot Kobane in the leg and then stomped on her wound before handing her over to Turkish forces. She was taken to a hospital in Sanliurfa where she was treated for seven days before being transferred to Sanlirurfa’s notorious anti-terror police center and interrogated for 10 days. “I found her in a wheelchair there. She was probably subjected to sexual abuse by the rebels but she won’t talk about it,” Enmek said.

Turkey’s state broadcaster TRT offered its own version of events. In a minute and a half clip about YPG “terrorists,” Kobane says, “They gave me medicine and treated me. They took care of me.” She later told Enmek she was forced into doing the video.

In its most recent report on the US military mission in Iraq and Syria to combat the Islamic State, the Department of Defense Inspector General said the State Department “remained concerned” about reports that Turkish-backed Syrian rebels who “may have engaged in violations of armed conflict in northeast Syria” and that it had been informed by Turkish officials that they took the allegations seriously and were supporting the [Turkish-based] Syrian Interim Government’s investigation into the violations. The document added that “in some cases” the State Department reported that “the Syrian Interim Government has tried, convicted and sentenced perpetrators.” Elizabeth Tsurkov, a fellow at the Foreign Policy Research Institute who closely monitors the Syrian conflict, told Al-Monitor that Turkish-backed Syrian opposition “factions claimed in some instances that they are going to prosecute people responsible for crimes, including notably the execution of Hevrin Khalaf. But I am not aware of any such cases of prosecution.”

Tsurkov continued, “What I am aware of are people who are involved in crimes walking about freely. Three days ago, I spoke to a person on the phone who was involved in the execution of Hevrin Khalaf and he now lives in a stolen home in Afrin.”

The State Department did not respond to Al-Monitor’s request for comment about the case of the Syrians imprisoned in Turkey.

## **Turkey Opened the Door to the European Court of Human Rights for Syrian Victims (Just Security)**

By Roger Phillips

May 20, 2020

**As most readers will be aware, victims of the Syrian conflict have scant opportunities for justice. Russia has vetoed a French-led effort to refer the situation to the International Criminal Court (ICC), so instead, there are a patchwork of trials in Europe under universal jurisdiction. To date, those trials have focused on individual extremist fighters, though there is one ground-breaking trial against Syrian government defectors and another involving the Yazidi genocide, and further investigations are underway. Those efforts are laudable but far from comprehensive.**

However, with Turkey’s occupation of parts of northern Syria, a new venue may now be available to victims: the European Court of Human Rights (ECtHR). Turkey is a State party to the European Convention for Human Rights & Fundamental Freedoms (ECHR) and, in a similar context, the ECtHR has held that Turkey was obliged to adhere to the standards of the

Convention not only in Turkey, but also in areas under its effective military and administrative control such as Cyprus (See *Loizidou v. Turkey*; *Cyprus v. Turkey*). Turkey has effective control over parts of northern Syria, with the sustained presence of its military, imposition of Turkish law, and administration of schools and other public functions. This degree of territorial control may have opened jurisdiction for Syrians at the ECtHR to seek redress for human rights abuses by Turkish forces (and militias) in Syria.

### Turkish Occupation and Violations in Syria

There is strong evidence that Turkey and its proxy militias have committed numerous human rights abuses and war crimes in Syria. This started in 2016 with the invasion and looting of Azaz and Jarablus in Operation Euphrates Shield, premised on Turkey's fight against terrorism. Turkish violations — including suppression of freedom of expression, property expropriation, and forced demographic change — continued within Afrin in 2018. More recently, at the end of 2019, Turkey took President Donald Trump's announcement of U.S. military withdrawal from Syria as an invitation to invade a broad swath of northeast Syria, with reports of summary executions and the use of white phosphorous, a prohibited means of warfare, against the local population.

### Historical Antecedents – *Cyprus v. Turkey*

Turkey's invasion of northern Syria recalls an earlier period in history with the war in Cyprus. In 1974, Turkey occupied Northern Cyprus, establishing a new "state" it named the Turkish Republic of Northern Cyprus ("TRNC"), with the presence of 30,000 troops and the establishment of administrative functions such as schools and courts. This new entity was not recognized as a State by the international community and was deemed to be little more than a Turkish vassal. Following the exercise of control of Northern Cyprus, however, Turkey was accused of numerous human rights abuses including property expropriation, curtailment of religious and educational rights, forced demographic change, authorizing the trial of civilians by military courts, and failures to investigate the fate of missing persons. A complaint was brought before the ECtHR by the government of Cyprus on behalf of its aggrieved citizens.

Turkey challenged the court's jurisdiction since the alleged conduct had not occurred within Turkey's borders. Based on well-established jurisprudence, the Grand Chamber of the ECtHR rejected this argument, holding that its jurisdiction "is not restricted to the national territory of the Contracting States," and further that Turkey's responsibility can extend to "acts and omissions of their authorities which produce effects outside their own territory." Responsibility may arise "when as a consequence of military action – whether lawful or unlawful – it exercises effective control of an area outside its national territory." (para. 76). International law is clear on this point, with the International Court of Justice (ICJ) holding in the *Wall* case that Israel was obliged to guarantee respect for human rights treaties in the occupied Palestinian territories (paras 111-113).

Turkey also asserted that it was not responsible for any of the purported human rights violations because they were only attributable to the TRNC. The ECtHR rejected this argument as well, holding that the acts and omissions of the TRNC were imputable to Turkey:

Having effective overall control over northern Cyprus, its [Turkey's] responsibility cannot be confined to the acts of its own soldiers or officials in northern Cyprus but must also be engaged by virtue of the acts of the local administration [TRNC] which survives by virtue of Turkish military and other support. (para. 77).

This judgment forms part of a long line of jurisprudence before the ECtHR on the scope of states' extraterritorial human rights obligations. The easiest cases have been those, like in Cyprus and now Syria, where the state exercises such "effective control" over foreign territory. There are other cases where such control is lacking and the state is still found liable for human rights abuses abroad.

### The ECtHR is open to Syrian victims

Returning to the situation in the north of Syria, the corollaries are inescapable. Turkey has occupied parts of northern Syria, establishing administrative offices and maintaining a contingent of troops and proxies. The administration of these regions answers to and survives only thanks to the backing of the Turkish government and military. By any reasonable measure, Turkey's presence in northern Syria has all of the trappings of an occupation as it retains effective control over these areas.

As a result, Turkey must respect the mandates of the ECHR, and Syrians have a right to bring claims for violations of their human rights by Turkey before the ECtHR. If such claims are established before the ECtHR, it could order compensation be paid to Syrian victims by the Turkish government. The amount of compensation would depend on the specific circumstances of each case. A judgement by the ECtHR would also be a source of embarrassment for the Turkish government and potential leverage in peace negotiations.

A possible hurdle to any suit against Turkey for such violations is the requirement that petitioners exhaust local remedies — a

jurisdictional prerequisite before the ECtHR. Would Syrian victims be required to first bring their grievances before a military or civilian court in occupied northern Syria? Possibly not, as the ECtHR has dispensed with this requirement where exhausting local remedies would be futile or ineffective. On this basis, Syrian victims should have direct access to the ECtHR – albeit in cases limited to human rights abuses committed by Turkey.

## Conclusion

Nine years into a conflict replete with all manner of human rights violations, Syrian victims deserve justice. The doors to the ICC remain closed due to a Russian blockade. Some measure of justice is available to certain victims who can identify perpetrators living in Europe in the form of universal jurisdiction cases making their way through the courts. But these cases are far from comprehensive. Through its invasion and occupation of northern Syria, Turkey has provided Syrian victims with another opportunity for justice. Although allegations of human rights abuses could only be brought to the ECtHR based on violations by Turkey (or possibly Russia, which — as a State party to the ECHR— is also subject to ECtHR jurisdiction), it is an opportunity that should not be overlooked. As such, the Syria Justice and Accountability Centre encourages Syrian victims in occupied Turkish territories to bring complaints before the ECtHR to guarantee the human rights of Syrians and to prevent future violations.

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

# MIDDLE-EAST

## Iraq

### Grotian Moment: The International War Crimes Trial Blog

#### **ISIS war crimes investigators in Iraq get boost from mobile phone data (The National)**

May 13, 2020

#### **Mobile phone records have given UN investigators looking at ISIS war crimes in Iraq a major boost, the body's annual report to the security council said this week.**

Authored by Karim Asad Ahmad Khan, the team's fourth annual report said that "there has been "significant progress in the identification and the recovery of new evidence". Presented to the security council on Monday and seen by AFP news agency on Tuesday, Mr Khan's team attributed the gains to increased co-operation with Iraqi authorities in its mission to "obtain recordings of call data" of mobile phones from Iraqi companies.

The collaboration enabled the collection of data from mobile phones, SIM cards and electronic storage used by ISIS, said the UN team leader.

The data, the report said, could speed up judicial inquiries into members of the militant group that is suspected of crimes against all Iraqi communities, said Mr Khan.

In the report, Mr Khan highlighted the August 2014 attacks against the Yazidi minority in the Sinjar region.

The investigative team obtained "over 2 million call recordings" on the attacks, as well as geolocation coordinates.

Data was also collected regarding the death of Iraqi military recruits in the region of Tikrit in June 2014, said Mr Khan in the 21-page report.

Mr Khan said that his team would work on new suspected crimes against Shiite, Christian, Kakai, Shabak, Sunni and Turkmen communities in Iraq, thanks to extra-budgetary contributions from the UK, Northern Ireland and the United States.

Created by the security council in 2017, the UN's investigation team aims to support domestic Iraqi efforts to hold ISIS members accountable by what the UN terms "collecting preserving and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by the terrorist group."

The body is made up of 129 members from around the world, including 49 per cent women.

According to the UN, the massacre of the Yazidis, a persecuted Kurdish-speaking minority, could amount to genocide.

There are more than 200 mass graves containing up to 12,000 bodies in Iraq that are attributed to ISIS, which was defeated late 2017 in the country after the battle for Mosul.

However, sleeper cells and remnant brigades still mount regular attacks and there are concerns that the extremists are using the coronavirus pandemic as an opportunity to step up raids.

The US-led coalition to defeat ISIS says that "ISIS is lacking in financing, fighters and support of populace areas" to stage any meaningful comeback.

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

## Syria

**Turkey throttles water as pandemic looms over northeast Syria (Al-Monitor)** By Amberin Zaman  
May 7, 2020

**The Kurdish-led administration in northeast Syria said Turkey and its Sunni rebel allies halted service at the Alok pumping station in the Turkish-occupied town of Ras al-Ain today, putting efforts to contain the COVID-19 pandemic in the war-ravaged region at risk. Hawar news quoted officials from the autonomous administration's water authority as saying, "The Turkish occupation and its mercenaries have cut off the water to al-Hasakah city from Alok station for the sixth time consecutively since its occupation of Serekaniye," using the Kurdish name for the border town that was taken over by Turkish forces in October.**

Sources from two Western non-governmental organizations operating in the area confirmed that the water had been turned off this morning. They said the water authority had sent out an emergency alert asking households to manage water consumption in view of the cut.

The supply reportedly resumed but well under full capacity with only two of the five pumps currently operational at the station turned on, the sources speaking not for attribution told Al-Monitor.

The Alok facility supplies potable water to more than 460,000 people in al-Hasakah governorate. They include hundreds of thousands of internally displaced Syrians as well as Islamic State captives and their families — more than half are infants and children — who are being held in overcrowded and under-resourced prisons and camps. Riots have broken out in two facilities over the past month over poor conditions.

The autonomous administration accuses Turkey of weaponizing water as a means of forcing it to supply electricity to the 1,100 square kilometers (680 square miles) of territory in northeast Syria currently under Turkish occupation at the expense of people who would receive less power daily as a result. More broadly, Turkey is seeking to stifle the Kurdish-dominated autonomous administration through a cocktail of political, economic and military pressure.

Western nongovernmental organizations confirm that the water supply from Alok has been repeatedly interrupted since the Turkish offensive. The station was rendered inoperable by Turkish aerial and ground attacks. Service resumed after Turkey allowed technicians from the Syrian State Electricity Corporation and the Syrian Arab Red Crescent to enter the facility in November.

The stoppages have continued, however, despite two separate agreements struck with Russian mediation for Turkey to supply water in exchange for electricity from the Mabrouka power station, which remains under the control of the Syrian government



and the autonomous administration. But Turkey keeps pressing for more and is apparently leveraging the spigot to that end. “Access to safe water in the context of protection efforts from the coronavirus disease is even more essential and lifesaving than it already is. Hand-washing and good hygiene practices are our first line of protection from COVID-19. The repeated interruption of water supply for children and families who depend on the [Alok] water station for safe water puts them in unacceptable risk,” said UNICEF Syria representative Fran Equiza in emailed comments to Al-Monitor.

Eqiza continued, “We and our partners are supporting families in the city of al-Hassakeh and camps for displaced families with water trucking where needed, but this barely covers minimum needs if the water supply continues to be interrupted. UNICEF has repeatedly called upon all those involved not to use water and water facilities for military or political gain. But our calls continue to fall on deaf ears and children are the ones who suffer first and most.”

Syrians for Truth and Justice, a nonpartisan nonprofit documenting human rights violations in Syria, likened Turkey’s actions to war crimes in an exhaustive April 28 report on Alok.

It observed that that since the Turkish invasion, residents in Ras al-Ain “haven’t been provided with electricity even when the city was supplied from the Tishrin dam through the Mabrouka power station” because Turkish forces and their Syrian opposition allies had not fixed power lines damaged during the October assault. Meanwhile, the rebel militias restored power to their own headquarters and the homes of their relatives and had stolen generators and other equipment from Alok, the report added.

Alok is capable of functioning without electricity from Mabrouka and can run on power supplied from the Ad Darbasiyah station in Ras al-Ain, according to humanitarian relief workers who spoke to Syrians for Truth and Justice. Human Rights Watch cited humanitarian relief workers contending the same in a March 31 report on Alok.

“Whether the water is back on for another two hours and they cut it off again, it’s very clear that we have a very serious problem with parties weaponizing water and humanitarian aid in northeast Syria and risking a COVID response,” said Sara Kayyali, Syria researcher for Human Rights Watch.

“One of the pillars of the COVID response in northeast Syria, as limited as it is, is more hand-washing. Lower capacity, no capacity, it really doesn’t make a difference if the 460,000 people being serviced by Alok are not getting enough water,” she told Al-Monitor via WhatsApp.

Kayyali continued, “It’s really disappointing to hear that the parties to the conflict are continuing to play games with people’s lives and doing it so blatantly. It’s really unacceptable.”

Only one COVID-19 death has been recorded so far in the territory run by the autonomous administration, home to over two million people. But experts warn that the risk of mass infection remains perilously high. It is compounded by the United Nations’ reluctance to deal directly with local authorities for fear of jeopardizing its relations with Damascus.

The UN’s World Health Organization insists that all testing be done via the central government in Damascus, slowing the autonomous administration’s efforts to contain the virus. Moreover, because of Russian and Chinese objections before the UN Security Council, the body has since January been unable to deliver aid directly to the northeast via Iraq.

Christine Petrie, country director for the International Rescue Committee in northeast Syria, warned recently, “Now that COVID-19 has reached Northeastern Syria, we’re going to see how truly virulent this disease can be. There are 160,000 extremely vulnerable people living in camps and communal shelters across the region and they have limited ability to protect themselves.”

Petrie added that the risk was especially high at the al-Hol camp, where nearly 70,000 people, mostly wives and children of Islamic State fighters, are being held.

“In al-Hol, the population density is 37,570 people per square kilometer and there are over 65,000 people living in extremely close proximity. There is absolutely no way for people to practice social distancing in this camp, and many are already living with chronic diseases such as diabetes, hypertension and asthma, which means they will be particularly badly affected by this disease if it spreads.”

### **'War crimes' committed by Russia, Assad gov't in Syria: Amnesty (Al Jazeera)**

May 11, 2020

**Acts that amount to "war crimes" have been committed by Russian-backed Syrian government forces in northwest Syria over the past year, according to an Amnesty International report.**

The UK-based rights group said on Monday the attacks include indiscriminately targeting civilian infrastructures. It documented 18 attacks on medical facilities and schools that took place between May 5, 2019, and February 25, 2020, in Idlib, Hama, and western Aleppo.

"Evidence shows that, in their entirety, the documented attacks by Syrian and Russian government forces entailed a myriad of serious violations of international humanitarian law," the report said. "These violations amount to war crimes."

The report found that the majority of the attacks occurred in January and February this year, during the government's latest onslaught that aimed to capture the last opposition-held pocket in the country.

An escalation in fighting created the worst displacement crisis of the war in Syria, now in its 10th year. Nearly one million people were forced to flee, with many seeking shelter in the already overcrowded camps near the sealed border with Turkey.

A ceasefire has largely held since early March, but hundreds of thousands remain displaced and highly dependent on aid even as the rebel-held region braces for a possible outbreak of the new coronavirus.

Among the documented attacks were Russian air raids near a hospital in Ariha on January 29 that demolished at least two residential buildings and killed 11 civilians, it said.

"I felt so helpless. My friend and colleague dying, children and women screaming outside ... We were all paralysed," a doctor, who survived the attack, told Amnesty, adding that it "took the civil defence two days to remove the bodies" from underneath the rubble of one of the flattened buildings.

'Raining shrapnel'

Amnesty also blamed the Syrian government for an attack using internationally banned cluster munitions on a school that killed three people in Idlib city on February 25.

A teacher who witnessed the attack said she knew the sound of cluster munition attacks "very well". "You hear a series of small explosions. As if the sky were raining shrapnel instead of water," she said.

The report also highlighted threats to international aid and the depth of the humanitarian crisis, where unsafe displacement conditions and a strained humanitarian response persist.

Researchers interviewed 74 people, including direct witnesses of attacks, displaced people who provided accounts of conditions in displacement, local and international aid workers and UN staff members for the 39-page report.

"The latest offensive continued an abhorrent pattern of widespread and systematic attacks aimed at terrorising the civilian population," Amnesty's MENA Regional Director Heba Morayef said.

"Russia has continued to provide invaluable military support - including by directly carrying out unlawful air strikes - despite evidence that it is facilitating the Syrian military's commission of war crimes and crimes against humanity."

Syria's war has killed more than 400,000 people and displaced millions since it started in 2011 with the brutal repression of anti-government protests.

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

## Yemen

**Revealed: UK government broke inspection rules at arms factory supplying Saudis in Yemen war (Declassified UK)** By Phil Miller

May 14, 2020

**The British government has failed to meet its official criteria for conducting "regular and thorough inspections" every three years at a highly controversial military export site, Declassified has found.**

Inspectors last visited an arms factory run by the UK's largest arms exporter, BAE Systems in Warton, Lancashire, more than three years ago, trade minister Ranil Jayawardena told Parliament on Monday. He refused to tell MPs the outcome of that inspection claiming it was "commercially sensitive".

The lack of frequent inspections undermines repeated claims by ministers that the UK operates "one of the most robust export control processes in the world". Inspections are a safeguard designed to ensure British-based arms exporters abide by government regulations.

BAE Systems has sold at least £4.9-billion worth of equipment to Saudi Arabia's defence ministry since the Warton factory was last inspected on 6 April 2017. Campaigners believe the site is linked to war crimes in Yemen.

Since the last inspection, there have been at least 8,226 air raids over Yemen by the Saudi-led coalition, according to figures compiled by the Yemen Data Project. Some 5,204 civilians are estimated to have died in the strikes, including 587 children.

As recently as 2 May, three civilians were injured when 11 trucks carrying food and other goods were hit by an air strike, the monitoring group said.

Typhoon fighter jets are made by BAE at Warton for customers including the Gulf dictatorships of Saudi Arabia, Oman and Qatar. Saudi Arabia is currently using its fleet of 72 Typhoons to bomb its poorer neighbour, Yemen.

Declassified recently revealed that the bombing raids are so intensive that spare parts are flown on a weekly basis from Warton to a military airbase in Ta'if, Saudi Arabia. BAE staff maintain the Typhoon warplanes at Ta'if, which acts as one of Saudi Arabia's main operating bases for air strikes in Yemen.

Although the Court of Appeal ruled in 2019 that UK ministers could not grant new export licences to Saudi Arabia for weapons that might be used in bombing Yemen, the government is allowed to continue exporting equipment under older licences.

BAE's weekly resupply flights to the Saudi air force are regarded by the UK government as essential "logistics support" and have continued throughout the Covid-19 pandemic, junior defence minister James Heappey told Parliament on Monday.

The Ministry of Defence has told arms company executives that some of their staff can "qualify as key workers" during the lockdown. On 20 March 2020, the government's Export Control Joint Unit announced it would not conduct site audits during the lockdown, although BAE continues to export items from Warton.

The Department for International Trade refused to tell Declassified when the next inspection of Warton will take place, and any inspections of arms companies will be done remotely during the pandemic.

The lack of regular inspections has worried campaigners because of the highly sensitive equipment that is being exported from Warton. Heappey confirmed that BAE's weekly supply flight from Warton stops overnight at a major Royal Air Force base in Akrotiri, Cyprus so that it can refuel securely on its way into and out of Saudi Arabia.

The crew sleep in Cyprus and are "provided with dedicated on-base accommodation, which allows them to be isolated fully from RAF Akrotiri personnel". Without the supplies from BAE's Warton factory, it is likely that the Saudi air force would be unable to continue bombing Yemen, a country which was already facing the world's worst humanitarian crisis before the arrival of Covid-19.

Sam Tarry, Labour MP for Ilford South in east London, told Declassified: "The fact that we are still using our RAF bases to service BAE Systems' logistical support flights for the Saudi military is a slap in the face to the UN-led peace process. Our government needs to move beyond gestures and apply pressure on governments violating international law through tangible action."

The lack of recent inspections at Warton has alarmed Campaign Against Arms Trade (CAAT). Their spokesman Andrew Smith told Declassified that: "UK-made fighter jets have played a devastating role in the Saudi-led bombing campaign. For five years now we've heard the same tired mantra about how rigorous and robust arms controls supposedly are, when these revelations show that nothing could be further from the truth."

"This doesn't just raise serious questions about whether or not the UK is meeting its minimum obligations in terms of scrutiny, it also highlights the insidious and toxic relationship between BAE Systems, the UK government and the Saudi regime."

"This war has created a brutal humanitarian catastrophe, and it is one that BAE has profited from throughout. With a Covid-19 outbreak threatening Yemen, it is more crucial than ever that these arms sales are stopped."

'Robust' arms controls?

Under Section 31 of the Export Control Order 2008, the Department for International Trade has the power to conduct unannounced inspections of arms factories in the UK.

Trade minister Ranil Jayawardena told parliament: “Their purpose is to get assurance that users of general licences meet the terms and conditions of their licences.”

Although the frequency of inspections varies according to several factors, the minister said they are supposed to happen every three years at a minimum. This deadline is repeated in the government’s strategic export controls annual report.

However, when Declassified asked the Department for International Trade to comment on this story, the press office would only speak “on background” and claimed the three year rule was “indicative” rather than legally binding.

According to the government’s own data, weapons inspectors conducted 459 site visits to arms exporters in 2017, including at Warton. Companies were found to be “non-compliant” or “not fully compliant” during 44% of routine inspections, but only one penalty was issued, for £5,360.

That same year, in 2017, Quaker activists Reverend Daniel Woodhouse and Samuel Walton were arrested when they broke into the BAE Warton site in an attempt to halt arms exports that might be used for war crimes in Yemen. A judge at Burnley Magistrates’ Court in northern England accepted their beliefs were sincerely held and found them not guilty.

A BAE Systems spokesperson said: “BAE Systems maintains controls designed to ensure that we comply with applicable export control laws and regulations.

“The Government’s Export Control Joint Unit advises industry when it will carry out inspections and its recent notices to exporters set out its plans for compliance inspections to continue during the coronavirus restrictions.”

**Why Bombs Made in America Have Been Killing Civilians in Yemen (The New York Times)** By Michael LaForgia and Walt Bogdanich  
May 16, 2020

**Year after year, the bombs fell — on wedding tents, funeral halls, fishing boats and a school bus, killing thousands of civilians and helping turn Yemen into the world’s worst humanitarian crisis.**

Weapons supplied by American companies, approved by American officials, allowed Saudi Arabia to pursue the reckless campaign. But in June 2017, an influential Republican senator decided to cut them off, by withholding approval for new sales. It was a moment that might have stopped the slaughter.

Not under President Trump.

With billions at stake, one of the president’s favored aides, the combative trade adviser Peter Navarro, made it his mission to reverse the senator. Mr. Navarro, after consulting with American arms makers, wrote a memo to Jared Kushner and other top White House officials calling for an intervention, possibly by Mr. Trump himself. He titled it “Trump Mideast arms sales deal in extreme jeopardy, job losses imminent.”

Within weeks, the Saudis were once again free to buy American weapons.

The intervention, which has not been previously reported, underscores a fundamental change in American foreign policy under Mr. Trump that often elevates economic considerations over other ones. Where foreign arms sales in the past were mostly offered and withheld to achieve diplomatic goals, the Trump administration pursues them mainly for the profits they generate and the jobs they create, with little regard for how the weapons are used.

Mr. Trump has tapped Mr. Navarro, a California economist best known for polemics against China, to be a conduit between the Oval Office and defense firms. His administration has also rewritten the rules for arms exports, speeding weapon sales to foreign militaries. The State Department, responsible for licensing arms deals, now is charged with more aggressively promoting them.

“This White House has been more open to defense industry executives than any other in living memory,” said Loren B. Thompson, a longtime analyst who consults for major arms manufacturers.

No foreign entanglement has revealed the trade-offs of this policy more than the war in Yemen. There, Mr. Trump’s embrace of arms sales has helped prolong a conflict that has killed more than 100,000 people in the Arab world’s poorest nation, further destabilizing an already volatile region, according to a review of thousands of pages of records and interviews with

more than 50 people with knowledge of the policy or who participated in the decision-making.

American arms makers who sell to the Saudis say they are accountable to shareholders and are doing nothing wrong. And because weapon sales to foreign militaries must be approved by the State Department, the companies say they don't make policy, only follow it.

But as the situation in Yemen worsened, at least one firm, Raytheon Company, did more than wait for decisions by American officials. It went to great lengths to influence them, even after members of Congress tried to upend sales to Saudi Arabia on humanitarian grounds.

Raytheon, a major supplier of weapons to the Saudis, including some implicated by human rights groups in the deaths of Yemeni civilians, has long viewed the kingdom as one of its most important foreign customers.

After the Yemen war began in 2015 and the Obama administration made a hasty decision to back the Saudis, Raytheon booked more than \$3 billion in new bomb sales, according to an analysis of available U.S. government records.

Intent on pushing the deals through, Raytheon followed the industry playbook: It took advantage of federal loopholes by sending former State Department officials, who were not required to be registered as lobbyists, to press their former colleagues to approve the sales.

And though the company was already embedded in Washington — its chief lobbyist, Mark Esper, would become Army secretary and then defense secretary under Mr. Trump — Raytheon executives sought even closer ties.

They assiduously courted Mr. Navarro, who intervened with White House officials on Raytheon's behalf and successfully pressured the State Department, diminished under Mr. Trump, to process the most contentious deals.

They also enlisted the help of David J. Urban, a lobbyist whose close ties to Mr. Esper and Secretary of State Mike Pompeo go back to the 1980s, when all three men were at West Point.

As the nation turned against the war, a range of American officials — Democratic and Republican — tried three times to halt the killing by blocking arms sales to the Saudis. Their efforts were undone by the White House, largely at the urging of Raytheon.

Approached a half-dozen times, Raytheon representatives declined to speak with reporters about foreign sales. "We believe further dialogue regarding foreign military sales is best directed to officials in the U.S. government," Corinne Kovalsky, then a company spokeswoman, said in December.

Lawmakers from both parties have condemned the continued arms sales in the Yemen war, expressing both humanitarian and security concerns: Some of the weapons have wound up in the hands of militant Islamic groups in the country.

"We don't know how these weapons are really being used or whether they may be turned against U.S. troops in the future," said Senator Mike Lee, Republican of Utah, who has publicly criticized the administration's approach to the conflict. "This war was never authorized by Congress."

Others say the president's arms sale policies diminish the United States.

"People look to us. We're the only country in the world that is ever capable of using this immense power that we have in a way that's more than just about our naked self-interest," said Representative Tom Malinowski, a New Jersey Democrat who was born in Communist Poland and led the State Department's human rights bureau under President Barack Obama.

"President Trump has proudly said that we should continue to sell weapons to Saudi Arabia because they pay us a lot of money," Mr. Malinowski said. "He seems to see foreign policy in the way he viewed the real estate business — every country is like a company and our job is to make money."

The Trump administration has defended arms sales to Saudi Arabia as being vital to job growth and the American economy.

"We've created an incredible economy," Mr. Trump told Fox Business in October 2018, after the killing of the journalist and American resident Jamal Khashoggi sparked calls to stop selling to the Saudis. "I want Boeing and I want Lockheed and I want Raytheon to take those orders and to hire lots of people to make that incredible equipment."

Records show that foreign military sales, facilitated by the U.S. government, rose sharply after Mr. Trump became president. They averaged about \$51 billion a year during Mr. Trump's first three years, compared with \$36 billion a year during the final term of Mr. Obama, who also oversaw a big increase.

Arms industry groups say defense jobs rose more than 3.5 percent to about 880,000 during Mr. Trump's first two years, though the numbers, the most recent available, do not specify how many were in manufacturing.

The White House referred requests for comment to the National Security Council, where a spokesman said that "Iran and its Houthi proxies" had targeted Saudi Arabia and had endangered Americans. "We remain committed to supporting Saudi Arabia's right to defend against those threats, while urging that all appropriate measures are taken to prevent civilian casualties," said the spokesman, John Ullyot.

A State Department spokeswoman said that the administration had made clear that "economic security is national security," and that the administration was "strengthening our advocacy for defense sales that are in our national interest." She disputed the suggestion that human rights had taken a back seat to other considerations, insisting the new approach "actually increases focus on human rights" through military training and other programs with allies.

Anthony Wier, a former State Department official under Mr. Obama, said past administrations of both parties had sought to balance the economic benefits of arms sales with the realities on the ground.

"This is an important export industry with a lot of factory jobs, with a lot of states," Mr. Wier said. "But there's also a crater in Yemen where a school bus used to sit, and there's a stack of children dead."

### Getting the President's Ear

Mr. Trump won the presidency partly on promises to resuscitate American manufacturing.

"We're going to bring back the jobs that have been stolen from you," he told a packed arena in Raleigh, N.C., on Nov. 7, 2016, the day before the election. "We're going to bring back the miners and the factory workers and the steelworkers. We're going to put them back to work."

But as the initial glow of victory faded, reality set in. Mr. Trump's aides realized there were not many ways the executive branch, on its own, could affect manufacturing and trade, three former Trump administration officials said.

One campaign adviser, Mr. Navarro, thought he had a solution. A Harvard-educated economist, Mr. Navarro had published papers on management strategy and a book of investment advice, "If It's Raining in Brazil, Buy Starbucks."

He had not specialized in the American arms industry. Even so, he made the case to members of Mr. Trump's transition team, including Stephen K. Bannon, then one of Mr. Trump's most trusted advisers, that invoking national security and promoting the defense industry were ways to impose tariffs, create manufacturing jobs and shrink the trade deficit. Mr. Bannon embraced the pitch, according to a person with knowledge of the conversations.

In December 2016, the president-elect named Mr. Navarro head of the newly created National Trade Council, an ill-defined position that seemed in conflict with other, more established roles in the White House. And though the organization apparently existed only on paper, the title afforded him access to Cabinet-level meetings, where he would forcefully argue his points as the principals looked on.

Mr. Trump gave him responsibility for stoking American defense manufacturing by growing foreign arms sales, among other things. Defense companies took notice.

After Mr. Trump's inauguration, representatives of Raytheon and other firms streamed in to see Mr. Navarro, finding him ready to listen. Mr. Navarro's hard-line stance toward China was well known, and they played it to their advantage, said Mr. Thompson, the analyst and consultant, who soon arranged a lunch meeting between Mr. Navarro and industry leaders, including Thomas A. Kennedy, then Raytheon's chief executive and now its executive chairman.

The defense firms presented themselves as the rare high-tech industry that had not recently lost ground to China, Mr. Thompson said.

During the first years of Mr. Trump's presidency, as aides undermined one another and turned over on a regular basis, Mr. Navarro's claim to an essential mission, and his new ties to arms executives, insulated him from the turbulence, according to the former administration officials.

In Mr. Navarro, they said, the companies had an advocate who was not shy about confronting senior leaders over matters he deemed important. And while the officials often bristled at his presumption, and worked to marginalize him, Mr. Navarro nevertheless retained influence with Mr. Kushner and Mr. Trump.

Mr. Trump relished having around him an Ivy League economist who agreed with his pronouncements on trade. The president, in turn, listened when Mr. Navarro repeatedly raised arms sales to Saudi Arabia and other countries, sometimes

repeating talking points used by Raytheon and other arms makers, the former administration officials said.

In an interview, Mr. Navarro said that his focus has been on carrying out Mr. Trump's economic policies, not on corporate cheerleading.

"I don't advocate for companies," Mr. Navarro said. "I advocate for the president and for American workers and for our men and women in uniform. That's it. Period. Full stop."

Mr. Trump's aggressive arms sale policies were met with alarm by some in the State Department, in part because the administration did not seem concerned with human rights issues, according to several current and former State Department officials, who like others interviewed for this article were not authorized to speak publicly. Though past administrations had sometimes shown a willingness to achieve narrow goals by arming rough regimes, Mr. Trump seemed to view weapon sales as ends in themselves.

Worse, they said, were signs of how little the administration grasped the basics of arms deals, which can have profound foreign policy and national security consequences.

One episode in spring 2017 underscored those concerns. When Mr. Kushner and others wanted to line up military sales ahead of a visit by Mr. Trump to Saudi Arabia, they convened meetings at the White House but did not invite the State Department — the only agency by law that can authorize foreign deals.

Arms sale specialists in the State Department learned about the gathering only after a senior Pentagon official called and urged them to hurry over, current and former officials said.

### A \$5 Billion Turnaround

As war broke out five years ago in Yemen, Raytheon was a company on the rebound.

Based in Waltham, Mass., it had risen over the years to become the third-largest defense firm in the United States, bolstered by sales of its best-known system, the Patriot missile. But Raytheon had been battered by flagging profits and federal budget cuts, and Mr. Kennedy, the chief executive, was determined to turn things around, starting with international sales.

Raytheon earned more of its revenue from sales to foreign governments than Lockheed Martin and other American defense giants, and few foreign customers were more important than Saudi Arabia. Its ties with the Saudis dated to the 1960s, when the company became one of the first American defense firms to build a permanent base in the kingdom.

Since then, generations of Raytheon executives had sought to ingratiate the company with the Saudis, hiring members of the royal family as consultants, building schools and investing in projects favored by the royal court.

The close relationship was evident two days after the attacks of Sept. 11, 2001, when three Saudi college students began their journey out of the country from Raytheon's private terminal in Tampa, Fla., according to a report by the 9/11 Commission. (None of the men, including one who was a member of the Saudi royal family, was tied to the attacks, though Saudi nationals were among the hijackers.)

The longstanding ties helped Mr. Kennedy turn around the company. Since the Yemen war began, Raytheon has booked at least a dozen major sales to the kingdom and its partners worth more than \$5 billion, U.S. government records show, helping lift the firm's fortunes and position it to pursue a merger with another large defense company, United Technologies, that was completed in April.

Some of the deals, for defensive items, sailed through the government approval process. But sales of offensive weapons, including more than 120,000 precision bombs and bomb parts that the Saudis were using in Yemen, faced major hurdles. Those deals were among the most lucrative ones, worth more than \$3 billion, the government records show.

Trouble for the company started on Oct. 8, 2016, when Saudi coalition planes repeatedly targeted a funeral hall in Sana, the Yemeni capital, where some 1,500 men, women and children had gathered to mourn the father of a government official.

The first bomb shattered the building, killing some instantly and sending others on a scramble to escape the smoldering rubble. A second landed as people poured in to help the survivors. A third fell as the newly injured and dying were clambering amid the splintered wood and broken concrete.

"People were on fire, and some people were burned alive," one survivor, 42-year-old Hassan Jubran, told human rights workers.

"There were also many children," he said. "There were three children whose bodies were completely torn apart and strewn all

over the place.”

At least 140 people died and another 500 were wounded in the bombing, which the Saudis later said was a mistake. Soon after the attack, human rights workers discovered amid the wreckage a bomb shard bearing the identification number of an American company: Raytheon.

It was one of at least 12 attacks on civilians that human rights groups would tie to the company's ordnance during the first two years of the war.

Asked in 2017 whether dead and wounded civilians gave him pause, John D. Harris II, then Raytheon's vice president of business development, told CNBC that they did not, “because we do the hard work of making sure that the countries that employ our systems have the very best training and the ability to use the system in an appropriate manner.”

The strike in Sana unsettled the Obama administration, which had agreed to support the Saudis but was becoming increasingly concerned about the war. “That demanded a response,” said Andrew Miller, a Middle East expert on Mr. Obama's National Security Council. “By that time it was clear that the war had gone in a direction we had not anticipated.”

In December, the administration halted delivery of bomb parts that had been sold but not yet shipped, a decision that angered the Saudis and Raytheon. Mr. Kennedy placed a personal call to Mr. Obama's national security adviser, Susan Rice. But the administration would not budge.

The firm would have to wait until Mr. Obama left office — and then try to forge ties with the Trump administration as quickly as possible.

The company's executives got to work.

‘Raytheon, Congratulations’

Just seven months into the new administration, Mr. Kennedy was standing by Mr. Trump's side in the White House, watching as the president dashed his signature across a presidential memorandum on trade with China.

When he was finished, Mr. Trump held up the pen. “Where's Raytheon?” he asked. Mr. Kennedy leaned in to accept the gift.

“Raytheon,” Mr. Trump said, “congratulations.”

It was August 2017, and the Trump administration was in the grip of a crisis. Business leaders were abandoning the president over his comments about racial violence in Charlottesville, Va., just when he needed executives to show support for a new crackdown on China.

Mr. Kennedy was there to help Mr. Trump, even though his company had virtually no relationship with China. He did not get there by accident.

During the early months of the new presidency, Raytheon executives tried to get close to the administration by arranging for Mr. Kennedy to meet with Mr. Trump on a handful of occasions, including during the president's trip to Saudi Arabia that May, former employees said.

Soon after the trip, the Trump administration waved through the delivery of bomb parts to the Saudis that Mr. Obama had delayed. But the company wanted more.

So it turned to Mr. Navarro, whose office helped Raytheon orchestrate Mr. Kennedy's appearance at the August signing ceremony, according to a person with direct knowledge of the arrangement.

It was a face-saving moment for the president, and a turning point in the company's relationship with the White House. In the months that followed, Mr. Navarro pushed hard for Raytheon and its deals with Saudi Arabia.

His first order of business was trying to reverse a new obstacle to the company's deals — a decision in June by Senator Bob Corker, Republican of Tennessee, to block arm sales from Raytheon and other companies to Persian Gulf nations over a matter unrelated to the Yemen war. As chairman of the Senate Foreign Relations Committee, Mr. Corker had the authority to place a hold on the deals.

The move put Raytheon in a difficult position. The company was already in contract to sell the Saudis and Emiratis more bombs and bomb parts for nearly \$2 billion. But unlike the earlier deal that Mr. Obama had halted, these agreements exposed Raytheon to onerous penalties if the company did not deliver.



At first, Mr. Navarro directed his attention at Mr. Corker, complaining that the senator was interfering with the president's agenda, one former White House official said. "It was clear that this for him was priority No. 1," the official said of overturning the hold.

By that winter, Mr. Navarro had shifted his focus to Secretary of State Rex W. Tillerson, whose department, Mr. Navarro learned, had still not forwarded to Congress its approval for the Raytheon bomb deals — a crucial step for them to be finalized.

To break the logjam, Mr. Navarro sent the memo in January 2018 to top White House officials, urging them to bring Mr. Tillerson in line. Recipients included Mr. Kushner, who, like Mr. Trump, his father-in-law, enjoyed a close relationship with the Saudi crown prince, Mohammed bin Salman, and would have been sensitive to Saudi complaints about stalled weapon deals.

The memo was described by three current and former government officials; one read portions of it to a New York Times reporter.

It called for White House officials to "meet with Tillerson and direct him to immediately" send the pending deals to Congress for approval. Then, it continued, the White House should contact Mr. Corker to make sure he cleared the sales right away.

"Unless the White House promptly intervenes, one particular company, Raytheon, will begin laying off thousands of workers," Mr. Navarro wrote, attributing the information to "industry sources." He added: "POTUS may have to get involved," a reference to Mr. Trump.

Mr. Navarro, in the interview, said he involved himself not because any company's deals were at stake but because Mr. Tillerson was running a foreign policy that was not in line with Mr. Trump's.

"When the president of the United States found out that his signature arms sales packages weren't moving, he said, 'Fix this.' That's what I do at the White House," Mr. Navarro said. "I fix things."

Within a week of the memo, Mr. Tillerson met with Mr. Corker. About three weeks later, the senator lifted the prohibition. Mr. Corker declined to comment.

Mr. Navarro's memo landed as Mr. Tillerson's relationship with the White House was deteriorating, and the delay in moving the Saudi sales deepened the rift at a critical moment, former officials said. Morale within the department was also flagging, and several senior leadership posts remained unfilled.

Tina Kaidanow, who oversaw the State Department's arms sale approval bureau at the time, recalled cautioning Mr. Tillerson in a meeting.

"I told him that continuing to hold those sales would almost certainly occasion an unhappy response from a White House focused on increasing arms sales to Saudi Arabia," Ms. Kaidanow said in an interview.

Mr. Trump fired Mr. Tillerson that March.

### A Third Intervention Fails

Raytheon may have had a powerful White House ally who had influence over a Republican senator and an unpopular cabinet member. But the company's sway did not extend to Democrats on Capitol Hill.

Weeks after Mr. Navarro helped end Mr. Corker's hold, another leading senator blocked the Raytheon deals. Senator Robert Menendez, Democrat of New Jersey, made the third attempt to stop the arms feeding the Yemen war.

By then the fighting had entered its third year. The death toll had soared past 50,000, including 9,000 civilians, raising concerns among Mr. Menendez and other lawmakers that the Saudis were not doing enough to avoid killing noncombatants. Mr. Kennedy of Raytheon visited Mr. Menendez in the Capitol in May 2018, pleading his company's case in an ornate room usually reserved for welcoming foreign dignitaries.

The senator, who as ranking member of the Foreign Relations Committee had authority to block the sales, was unswayed.

"I told him I don't have an ideological problem; I have supported other arms sales. But you cannot, as a company, be promoting the arm sales to a country that is using it in violation of international norms," Mr. Menendez said in an interview. "I understand the motivation for profit, but I don't understand the motivation for profit in the face of human rights violations and civilian casualties."

At the same time, the company's Washington office deployed former State Department officials to press their former

colleagues in the administration. Among them was Tom Kelly, the erstwhile American ambassador to Djibouti, a small country across the Gulf of Aden from Yemen.

It was a strategy common among defense contractors, who routinely bring on former government officials for their expertise and deep connections, said Mandy Smithberger, a defense analyst at the Project on Government Oversight, a watchdog group. A loophole does not require them to register as lobbyists.

“These people are being hired for who they know,” Ms. Smithberger said, calling the practice “a form of legalized corruption.”

Mr. Kelly did not respond to a request for comment.

Meanwhile, Mr. Navarro continued his push for Raytheon sales.

He had already overseen a rewrite of the government’s conventional arms transfer policy — its rules for selling arms to foreign militaries — to make it easier for companies like Raytheon to win government approval. The new rules, which marked the first time “economic security” was listed as a guiding principle, called for the State Department to expand its support of American defense firms abroad while paring back regulations that slowed the transfer process.

Mr. Navarro then began holding biweekly progress meetings about pending deals, including Raytheon’s, with officials from the National Security Council and the State Department.

During the meetings, he put intense pressure on officials to move the deals forward, according to two people present at some of the gatherings, asking over and over again: “Why aren’t we further along?”

Some State Department officials worried that a White House trade adviser with no foreign policy role was expediting arms sales with profound diplomatic consequences, the people present said.

Mr. Navarro, in his interview, said the meetings were necessary to “bring to heel a bunch of career bureaucrats” who were not carrying out the president’s wishes.

“We dramatically accelerated the pace of approvals on the Hill and at State to the advantage of American workers and the security of our allies and partners,” Mr. Navarro said.

That fall, the C.I.A. implicated Prince Mohammed in the killing of Mr. Khashoggi, the American resident and Washington Post contributor, further damaging the kingdom’s standing with Congress. But pressure from Mr. Navarro and industry officials on the State Department kept building until spring last year, when Mr. Pompeo, who had replaced Mr. Tillerson as secretary of state after helming the C.I.A., decided it was time to move the sales through.

That April, Mr. Pompeo met with other top administration officials and discussed declaring an emergency to release the arms — something that had occurred only rarely in the past. Soon after, they decided to fast-track the sales by citing the need to counter Iran, which was supporting Yemen’s Houthi rebels, according to a person with knowledge of the meetings. A State Department spokeswoman declined to comment on specific deliberations.

Declaring an emergency would bypass Congress and risk alienating allies on Capitol Hill. Mr. Pompeo and the others pursued it anyway.

Only a handful of people within the Pentagon and State Department knew of the plan. They did not include anyone in the State Department’s human rights bureau, which had consulted on weapon sales in previous administrations, the person said.

Mr. Pompeo took the final step on May 24, 2019, the Friday before Memorial Day weekend, delivering Congress an emergency declaration tailored to free up more than 20 stalled deals, including Raytheon’s bomb sales, by citing Iranian support for the rebels in Yemen.

Within weeks, those arms were flowing again.

By the end of the year, the civilian death toll in Yemen had topped 12,000.

A Trap ‘Like Flypaper’

As Mr. Trump gears up for re-election, the administration has framed arms sales to the Saudis as a win, signaling no regrets. “The relationship has been very good, and they buy hundreds of billions of dollars’ worth of merchandise from us,” Mr. Trump told reporters before boarding Marine One in October. “It’s millions of jobs.”

But for those who first pledged American support to the Saudis, the past five years have been replete with second-guessing and

misgivings.

Officials in the Obama White House, recalling how the Saudis had sought American backing, know it as the “five minutes to midnight” call. It was late March 2015, and the Saudis wanted to know immediately whether the United States would support its imminent invasion of Yemen to suppress the Iranian-aligned rebels who had overthrown the Saudi-friendly government there. The Saudis characterized the military action as necessary to defend their borders from potential Iranian aggression, just as the United States was involved in negotiations with the Iranians over a nuclear deal.

“It happened so quickly,” Ben Rhodes, one of Mr. Obama’s foreign policy advisers, said in an interview. “Obama typically had a very rigorous process around certainly the application of U.S. military force, and this felt very different.”

With few options, none of them appealing, the advisers recommended a high-risk plan to support a country with billions of dollars in American weapons but little experience in using them.

Mr. Obama agreed despite misgivings. Not wanting to get embroiled in another war, he offered primarily defensive support without defining in clear terms what that meant. The arms industry would later seize on the ambiguity to sell the Saudis billions of dollars in both offensive and defensive weapons.

On the day of the call, as Mr. Obama’s advisers departed the White House Situation Room, at least a few had a sinking feeling. “We knew we might be getting in a car with a drunk driver,” one adviser would later say.

Within hours, their fears became reality.

While the Saudi ambassador in Washington was briefing the media, Saudi planes were already over Yemen. In their first bombing run, around 2 a.m., the Saudis hit a residential area and killed 14 children. Through the night, neighbors pulled the dead and the living from the piles of stone that had once been their homes. Three of the children belonged to a man named Yasser Al-Habashi, who did not learn they had died until he awoke from a coma 13 days later.

As evidence mounted in the following months that civilian casualties were rising, the Obama White House chose not to aggressively rein in the Saudis.

“People make miscalculations all the time,” Steve Pomper, a former senior official on Mr. Obama’s National Security Council, said in an interview. “But it was striking to me as I reflected on my time in the Obama administration that it wasn’t just that we embarked on this escapade — it’s that we didn’t pull ourselves out of it.”

In an extraordinary move, 30 former senior Obama officials signed a public statement of regret in November 2018 for what turned out to be, they said, a blank check of support for the Saudi military.

Mr. Pomper defended the government officials who oversaw Saudi policy, calling them serious, humane people. “And yet we found ourselves locked into this terrible situation, unable to wrap it up, and handing it off to an administration that was going to handle it even worse than we did. And I wanted to understand why we did that.”

The result was a lengthy report published under the auspices of the International Crisis Group, a nonprofit organization devoted to conflict resolution. It said American arms sales acted “like flypaper in trapping the U.S. in Yemen.” The phrase echoed President Eisenhower’s famous warning about the unseen political influence of the “military-industrial complex.”

Gerald M. Feierstein, a former U.S. ambassador to Yemen under Mr. Obama who now works for the Middle East Institute, a think tank funded in part by the United Arab Emirates, said America should not turn its back on an important strategic ally, despite the civilian casualties. “We should be looking at whether or not we believe that either the Saudis are doing this purposefully or through negligence,” he said in October. He added, “I’m not sure that either side has proved its case.”

Mr. Pomper said State Department officials tried to counsel Saudi pilots on ways to minimize civilian casualties, mostly without success. But even that effort ignored the larger issue.

“We were in Yemen,” Mr. Pomper said. “We shouldn’t have been there.”

**Denmark’s largest defense company contributes to possible war crimes in Yemen (Danwatch)** By Nikolaj Houmann Mortensen  
May 17, 2020

**Aarhus-based defense contractor Terma supplies equipment for warships and bombers used by the United Arab Emirates to starve and target civilians in Yemen. According to experts and human rights organizations, Terma may be responsible for possible war crimes.**

When warships from the United Arab Emirates — equipped with machine guns and missiles — prevent non-military vessels from supplying millions of starving Yemeni civilians with food, medicine and fuel, it is Danish radar systems that guide the way.

And when Emirati bombers facilitate bombing areas controlled by rebel forces in Yemen, the aircraft are protected by Danish anti-missile systems.

Danwatch breaks this report after extensive research conducted in collaboration with TV2 and the Dutch media Lighthouse Reports.

Using satellite imagery, requests for public access, intelligence reports, social media, export permits and dozens of interviews, Danwatch reveals that the Danish defense company Terma has provided both radar and missile defense systems used by the Emirati military to commit possible war crimes in Yemen.

This is in breach of Terma's obligation to respect human rights, says one of Denmark's leading international law experts, Professor Emeritus Frederik Harhoff of the University of Southern Denmark, who is a former judge of the International Criminal Tribunal for the former Yugoslavia.

"If Terma was aware that there were serious violations of international humanitarian law in Yemen and knew that the company's equipment would be used to commit these crimes, then the crimes are likely to be criminal offenses," he says.

As such, Denmark has failed to fulfill its international obligations to carry out effective control of the exports of military equipment, several experts said.

#### Possible war crimes

The war in Yemen broke out in 2015, when Houthi militia overthrew the country's government, which is supported in part by Saudi Arabia and the United Arab Emirates.

The war has killed more than 100,000 people and, according to Oxfam's country manager in Yemen, Muhsin Siddiquey, has made 80 percent of the country's population dependent on aid.

Both the UN, human rights organizations and independent experts believe that the Emirates is co-responsible for serious human rights violations and possible war crimes in Yemen.

More than ten million people are starving — partially because of a Saudi-led naval blockade that the Emirates has helped to maintain throughout much of the five-year war, preventing emergency supplies and food from reaching Yemeni civilians.

In addition, the Emirates has continuously carried out air strikes on civilian targets, including schools, hospitals and civilian residential areas.

"The Emirates is deeply involved in the blockade of Yemen. The blockade has had catastrophic consequences for the civilian population and is contributing to extensive famine because food and medicine supplies cannot enter the country," says Trine Christensen, Secretary General of Amnesty International in Denmark.

She emphasizes that the United Arab Emirates is also responsible for a large proportion of the aerial bombardments that result in a disproportionate number of civilian casualties in Yemen.

Christensen's assessment is shared by Professor Frederik Harhoff.

"Of course, only a court can decide whether or not what is going on in Yemen is a war crime. But it smells strongly of war crimes and crimes against humanity," he says.

#### Illegal arms exports

As early as 2015, Amnesty International warned that arms exports to Saudi Arabia and the United Arab Emirates were in violation of international law. In 2019, a UN Group of Eminent Experts on Yemen created by the UN Human Rights Council, released a UN report suggesting that countries exporting weapons and military equipment to the Saudi-led coalition may be co-responsible for war crimes.

The panel concluded that arms-exporting countries are helping to prolong the armed conflict and humanitarian crisis in Yemen.

This assessment also applies to Denmark and Danish companies exporting equipment to the warring parties, said Charles Garraway, an associate professor at the Center for Human Rights at the British University of Essex.

He was until recently a member of the UN panel of experts behind the report and closely follows developments in Yemen.

“If Denmark supplies military equipment to members of the Saudi-led coalition for use in the conflict in Yemen, then Denmark will help prolong the conflict and the suffering of the Yemeni people,” he told Danwatch.

This statement is backed by Muhsin Siddiquye, the country manager of the international development organization Oxfam in Yemen.

“It is a paradox that countries like Denmark support Oxfam and other humanitarian

organizations’ work in Yemen with the one hand and allow the sale of military equipment used to bomb us and prevent emergency aid from reaching,” he says.

“We understand that Denmark and Danish companies have financial interests in selling military equipment, but if all countries continue to do so, we will never stop the war,” says Muhsin Siddiquye.

#### Warships in action

The Emirates has participated in the Yemen war since it broke out in March 2015, but for the first time, Danwatch, TV2 and Lighthouse can now document that the country is using ships with Danish-produced radar equipment on board to prevent emergency aid vessels from reaching more than ten million starving Yemenites.

These actions occur as part of the heavily-criticized naval blockade of Yemen. The blockade is led by Saudi Arabia, but the Emirates has regularly participated with one or more warships equipped with the Danish Scanter 2001 radar system that Terma produces.

These systems can be seen from an overview of the ships’ equipment that the reputed military research center Jane’s Information Group has prepared.

The Emirates’ participation in the blockade is evident from a video from 2015 that Danwatch, TV2 and Lighthouse have detected.

The video is recorded by local Emirate TV station Aloom al-Daar and shows how the Emirate warship Al-Dhafra stops and borders a cargo ship off the coast of Yemen as part of the blockade.

A report from the television station Aloom al-Daar shows how the Emirate corvette Al-Dhafra stops a smaller cargo ship as part of the blockade of Yemen. The footage was uploaded to YouTube on October 18, 2015.

Several other videos, as well as a number of date-stamped images from the satellite services Google Earth Pro and Terra Server, confirm the participation of Emirate warships in the blockade.

In these videos and images, Emirati warships can be seen at Assab Naval Base Eritrea, a mere 65 kilometers from Yemen.

The base serves as the Emirates’ main base in the war zone, finds a clandestine report from France’s military intelligence service, which Danwatch, TV2 and Lighthouse have accessed.

Satellite images show that at least one (and often several) corvettes were on base from 2016-2019.

The ships are easily recognizable because of their pointed bow and the dark helicopter landing area in the stern. Measurements of the length of the ship, made in Google Earth Pro, also confirm that these are the Baynunah corvettes with Danish radar systems on board.

#### Spare parts delivered until October 2019

In addition to the sale of radars to the Emirates, Danwatch, TV2 and Lighthouse Reports can also document that Terma has continued its cooperation with the Emirate fleet until October 2019 at the earliest.

That is, Terma continued to work with the Emirate fleet for almost a whole year after Denmark imposed a ban on all arms and military equipment exports to the Emirates due to its involvement in the war in Yemen.

The ban was implemented on November 22, 2018 and remains in effect. This is confirmed by the Ministry of Foreign Affairs in

a reply by email, stating that the ban also includes maintenance and spare parts.

“The decision is still valid and also includes applications for re-export after maintenance or exports of spare parts in connection with previous orders,” the email says.

In addition to delivering spare parts, Danwatch and TV2 learn that in February-March this year, Terma had invited a team of radar technicians from the company’s Emirate partner, Elcome, to participate in a training session at Terma’s factory in Lystrup.

According to a press release from the company, Elcome has had a contract to maintain the Scanter 2001 radars aboard the Emirate warships since January 2018.

#### Bombers in the war zone

Danwatch, TV2 and Lighthouse can also document that Terma has provided a defense system for the Emirates’ new Archangel fighter aircraft used by the Emirates Air Force in the Yemen war.

According to satellite images, several of the Archangel planes have been in the war zone from 2017 onwards.

According to Terma’s website, the aircraft is equipped with so-called MASE pods from the Danish company. It is a defense system that is mounted under the wings and protects the aircraft from attack from the ground.

Like the corvettes, several of the Emirate fighter aircraft had a continuous presence on the Assab base off the coast of Yemen from 2017 to 2018.

As a further indication that the Emirates is using the Danish-equipped bombers in the war, one of the Emirati Archangel aircraft crashed during a mission in Yemen on September 11, 2017.

The accident, in which the pilot did not survive, was covered by Emirati media and several international military experts confirmed to Danwatch that it is indeed an Archangel aircraft.

Danwatch, TV2 and Lighthouse have also discovered Emirati Archangel aircraft in several other places in the war zone.

For example, satellite images from 2018 and 2019 show the planes at the Jizan base in Saudi Arabia, small 50 kilometers from the border with Yemen.

According to Jane’s Information Group, Saudi Arabia has granted its Emirate allies the right to use Jizan as a base for Yemeni flight operations.

Five aircraft at Jizan base airport. According to military analysis centers, the base was handed over to the Emirates, which uses it for missions in Yemen. The aircraft’s wing profile fits with that of the Archangel aircraft which carries Danish equipment. Photo: Google Earth Pro

#### Ignored warnings

Shortly after the start of the war in 2015, human rights organizations warned of possible war crimes committed by Saudi Arabia and the Emirates in Yemen.

But three and a half years passed before Denmark decided to stop all export of military equipment to the two countries.

Although the Danish ban was first implemented on November 22, 2018, both human rights organizations and legal experts believe that Terma’s deliveries of radars and defense systems should have stopped much earlier.

“For years, we, the UN and many other organizations have documented that, for example, Saudi Arabia and the Emirates are committing very violent human rights violations and war crimes in Yemen,” said Amnesty’s Secretary General, Trine Christensen.

But none of the many warnings have kept Terma from providing radars and defense systems for the Emirates’ war.

The final parts for the bombers’ defense systems were delivered from Terma’s factory in Lystrup in 2018, and the last spare parts for Terma’s naval radars on the Emirati warships arrived in October 2019 – four and a half years after the start of the war.

Terma confirmed these statements in an email to Danwatch, TV2 and Lighthouse.

## In conflict with human rights

This is in breach of Terma's commitment to respect human rights, says Amnesty's Secretary General.

"Companies have a clear responsibility for not contributing to human rights violations and war crimes. And that responsibility is no less serious because they are defense and radar systems," says Trine Christensen.

"These are supplies that are needed for the Emirates to bomb Yemen and block supplies. As the situation is in Yemen, Danish companies should not sell any kind of military equipment to the Emirates," she says.

That assessment is backed by several international experts that Danwatch and TV2 have spoken with, including William Hartung, an expert in international arms trade and head of the American think tank Center for International Policy.

"The Danish radars are absolutely necessary for the Emirates corvettes. Without the radar systems, the Emirates warships are neither able to participate in the war in Yemen nor in the naval blockade," he says.

## Terma rejects criticism

For several weeks, Danwatch, TV2 and Lighthouse Reports have tried to get an interview with Terma's CEO Jes Munk Hansen about the company's collaboration with the Emirates and Terma's possible co-responsibility for war crimes in Yemen.

But Jes Munk Hansen has not agreed to be interviewed. In several emails to Danwatch, Terma's communications manager denies that the company has done anything wrong.

"Terma complies with the rules applicable at all times to trade in defense and dual-use products and follows decisions made by the Danish authorities regarding exports," writes communications manager Kasper Rasmussen.

The term dual-use refers to equipment that can be used for both civil and military purposes.

As proof that Terma's exports to the Emirates are legal, the company cites the permits granted to Terma by the State Police in 2015 and 2018 to export equipment to the Emirate bombers.

In regard to the radar systems, the company refers to a technical assessment that Terma has asked the Danish Business Agency to take after Danwatch and TV2 started to take an interest in the matter.

According to the technical assessment, the Therma's Scanter 2001 radar for the Emirates can neither be characterized as military equipment nor a dual-use product.

## Denmark violates EU rules

Ultimately, the responsibility for ensuring that Terma's military equipment exports do not violate human rights lies not only with the company but also with the Danish authorities who issue the export permits.

Several Danish and international experts, with whom Danwatch has spoken, believe that the Danish authorities have been asleep at the wheel when it comes to Terma's exports to the Emirates.

Anna Stavrianakis, Professor of International Politics at the British University of Sussex, is an expert in arms control and closely monitors arms exports to the warring parties in Yemen.

She believes that Denmark has violated both the UN Arms Trade Treaty and the EU Common Position on Arms Exports by not intervening with Terma.

"The EU Common Position obliges Denmark to prevent the export of weapons and military equipment if there is a 'clear risk' that the equipment will be used for serious violations of international law," she says.

"The UN Arms Trade Treaty speaks of an 'imminent risk'. There is no doubt that both regulations require Denmark not to issue export permits when there is a risk of serious human rights violations. "

## Duty of effective export control

Furthermore, according to Anna Stavrianakis, there is no doubt of clear or imminent risk in this case.

"There is plenty of evidence that the Emirates' war in Yemen is causing serious violations of international law," she says.

Frederik Harhoff backs this criticism.

“Both the UN Arms Trade Treaty and the EU Common Position oblige Denmark to ensure that Danish military equipment, including dual-use equipment, is not used for purposes that violate international humanitarian law or gross violations of international human rights,” he says.

“Neither the National Police nor the Danish Business Authority fulfilled this obligation in this case, and thus Denmark has not fulfilled its international obligations to effectively control the export of military equipment from Denmark,” says Frederik Harhoff.

The government is silent on responsibility

Danwatch and TV2 have for weeks tried to get an interview with Foreign Minister Jeppe Kofod about the criticism of Danish exports to the Emirates, but the minister has not committed to a critical stance.

In a reply to Danwatch, he does not speak directly of the case. Instead, he emphasizes that the Danish ban on exporting weapons and other military equipment to the Emirates, which was introduced in November 2018, is in force.

“My line is absolutely clear: arms and military equipment should not be exported to either Saudi Arabia or the United Arab Emirates from Denmark, as long as the products in question are in danger of being used in the Yemen conflict,” the minister writes.

He emphasizes that the Ministry of Foreign Affairs therefore does not approve new applications for the export of weapons and military equipment to the two countries when the Ministry is consulted by the National Police in export permit cases.

“This has been the line since 2018, and it continues to be,” writes Jeppe Kofod.

From Yemen, Muhsin Siddiquye urges Danish authorities to do more to counteract the cooperation between Danish companies and the Emirates military.

“Denmark must stop selling military equipment to the coalition and push them to the negotiating table instead. We can’t wait another second,” he says.

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

## **Special Tribunal for Lebanon**

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

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

## **Israel and Palestine**

**Pompeo warns ICC of ‘consequences’ for potential war crimes probe of Israel (The Times of Israel)**

May 16, 2020

**US Secretary of State Mike Pompeo on Friday warned the International Criminal Court against asserting jurisdiction over Israel, saying the United States will “exact consequences” for any “illegitimate” investigations.**



The ICC's prosecutor's recent decision to accept "Palestine" as a state with the status to file a complaint could lead to a potential investigation into alleged war crimes by Israel in the West Bank and Gaza Strip.

"The International Criminal Court is a political body, not a judicial institution. This unfortunate reality has been confirmed yet again by the ICC Prosecutor's attempt to assert jurisdiction over Israel, which like the United States, is not a party to the Rome Statute that created the Court," read Pompeo's statement.

"As we made clear when the Palestinians purported to join the Rome Statute, we do not believe the Palestinians qualify as a sovereign state, and they therefore are not qualified to obtain full membership, or participate as a state in international organizations, entities, or conferences, including the ICC," said Pompeo, who was in Israel for a whirlwind visit on Wednesday.

"The United States reiterates its longstanding objection to any illegitimate ICC investigations. If the ICC continues down its current course, we will exact consequences," Pompeo concluded.

This week, letters signed by senators and US House representatives from both parties urged Pompeo to protect Israelis from International Criminal Court prosecution, and an Israeli delegation traveled to the United States earlier this year for talks on coordinating a joint US-Israeli campaign against the ICC, Israeli television reported.

An Israeli official told Channel 13 news the trip was timed to coincide with the ICC's approval of a war crimes probe in Afghanistan, as American anger over the decision would underline that both the US and Israel have a common interest in opposing the court.

The ICC probe in Afghanistan will include investigations of war crimes and crimes against humanity allegedly committed by Afghan government forces, the Taliban, American troops and US foreign intelligence operatives.

Fatou Bensouda, the ICC's chief prosecutor, announced in December she had concluded her half-decade long preliminary examination of the "situation in Palestine" and has "reasonable basis to believe that war crimes were committed" by the Israel Defense Forces, Hamas and other "Palestinian armed groups."

At the same time, she acknowledged that The Hague may not have the jurisdiction to deal with Israel/Palestine. Hence, she asked for a ruling by three ICC judges to determine the scope of the court's territorial jurisdiction.

The prosecutor herself believes "Palestine," which acceded to the Rome Statute, the court's foundational document, in early 2015, is enough of a state for the purposes of transferring criminal jurisdiction over its territory to the court.

Israel has long argued that the ICC lacks jurisdiction over the case because there is no sovereign Palestinian state that could delegate to the court criminal jurisdiction over its territory and nationals.

It is now up to a so-called pre-trial chamber to rule on the matter. The three judges of this chamber have no set deadline to hand down their decision but are expected to do so in the coming weeks.

### **Netanyahu will fight ICC's investigation into Israel's war crimes (Middle East Monitor)**

May 18, 2020

**Prime Minister Benjamin Netanyahu said he considers a war crimes investigation by the International Criminal Court (ICC) a "strategic threat" to Israel if it goes ahead, and one of the new government's primary objectives would be to prevent such a probe.**

Announcing it at the government's first cabinet meeting, Netanyahu claimed that prosecuting Israel for alleged crimes it committed against the Palestinian Authority (PA) is a "rare strategic threat to Israel."

"This is a worrying development," said Netanyahu. "There is a word that I almost never use. Right, I don't use the word 'strategic.' But here I will use this word, strategic. This is a strategic threat to the State of Israel – to IDF soldiers, to the commanders, to the ministers, to the governments, to everything," he added. "We will discuss this in a separate forum."

According to the Times of Israel, Likud Minister Ze'ev Elkin was appointed to coordinate the government's response to the challenges posed by The Hague.

It comes after US Secretary of State Mike Pompeo on Saturday, criticised the ICC and threatened that the US would "exact consequences" against it if it continued its war crimes probe into Israel. For his part, Netanyahu accused the ICC of "persecuting Israel".

“The ICC is a political body, not a judicial institution,” a statement from Pompeo’s office read.

Pompeo stressed that even though the PA has purported to join the Rome Statute that created the court, “we do not believe the Palestinians qualify as a sovereign state, and they therefore are not qualified to obtain full membership, or participate as a state in international organisations, entities, or conferences, including the ICC.”

**How Israeli Annexation Talk Is Already Reshaping the Middle East (Foreign Policy)** By Neri Zilber  
May 19, 2020

**With Israel weighing whether to annex parts of the West Bank in the coming months, Palestinian President Mahmoud Abbas announced Tuesday that his self-governing administration in Ramallah would no longer be bound by existing agreements with the Jewish state, including security cooperation, in what could be the beginning of a violent spiral in the region.**

Other Arab leaders have also warned Israel against annexing any West Bank territory, including Jordan’s King Abdullah II, who said last week that Israel was on course for a “massive conflict” with his country.

While annexation could be months off—and might not happen at all—the responses from the two leaders who stand to be affected most by any Israeli move underscored just how sensitive the issue is, even after more than 50 years of Israeli occupation of the territory.

“The Palestine Liberation Organization and the State of Palestine are absolved, as of today, of all the agreements and understandings with the American and Israeli governments and of all the obligations based on these understandings and agreements, including the security ones,” Abbas said at a meeting for the Palestinian leadership in Ramallah, according to the official Wafa news agency.

The possibility of annexation was included in a power-sharing deal between Prime Minister Benjamin Netanyahu and his former rival, Benny Gantz of the Blue and White party, which ended nearly 500 days of political deadlock last month. Their joint government—which Netanyahu will lead for 18 months before handing the reins to Gantz—was sworn in this past Sunday.

Although it’s not clear which parts of the West Bank Israel would incorporate, nor even if it would go ahead with annexation, the coalition deal allows Netanyahu to bypass his own cabinet and put the issue directly to parliament after July 1—so long as he has the support of the Trump administration.

That means Gantz, who is considered a relative moderate, could not veto the move. Even if Gantz’s faction opposes annexation, Netanyahu is likely to have a majority for it in parliament.

Israel has occupied the West Bank for over five decades—since fighting a quick and decisive war with its neighbors in 1967. Still, any move to make Israeli rule there official would send shockwaves through the region.

Senior Trump administration officials have indicated that it will be “Israel’s decision” on whether to press ahead with annexation, although recent reports have raised some doubt as to the exact timeline and process expected by Washington. U.S. President Donald Trump’s Middle East peace plan, released earlier this year, envisions up to 30 percent of the West Bank being incorporated into Israel, including the strategic Jordan Valley. But Netanyahu, now in his fifth term as prime minister, might settle for a smaller area that includes the larger and more populous settlement blocs Israel has built in the territory over the decades.

Right-wing Israeli politicians, including Netanyahu, have said they view the current moment as a “historic window of opportunity” to fulfill their ideological vision—just ahead of November’s U.S. election while a cheerleading president is still in the White House, and with the entire world consumed by the coronavirus.

Outside of Jerusalem and Washington, however, annexation is viewed with increasing alarm as the possible death blow to any negotiated two-state solution to the Israeli-Palestinian conflict.

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

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

## ASIA

### Afghanistan

#### **Afghanistan: Attack on Hospital a War Crime (Human Rights Watch)**

May 12, 2020

**The attack by unidentified assailants on a hospital in Kabul, Afghanistan on May 12, 2020 shows blatant disregard for civilian life and is an apparent war crime, Human Rights Watch said today. A suicide bombing attack and ensuing gun battles killed at least 13 civilians, including 2 infants, and wounded at least 15. More than 80 patients, including children, were evacuated from the hospital.**

No armed group claimed responsibility for the attack on the hospital, whose maternity clinic is supported by the international aid organization Médecins San Frontières (Doctors Without Borders). The Taliban have denied involvement. The Dasht-e Barchi neighborhood in Kabul, where the hospital is located, is predominantly Shia and has been the location of a number of attacks by the Islamic State of Khorasan Province, a group affiliated with the Islamic State (also known as ISIS).

“An attack on a maternity clinic is simply unspeakable,” said Patricia Gossman, associate Asia director at Human Right Watch. “This attack is the latest incident of an armed group in Afghanistan targeting patients, healthcare workers, and medical facilities.”

Deliberate attacks on health care in Afghanistan have increased sharply since 2017. Insurgents, including both affiliates of ISIS and the Taliban, have been responsible for many of these incidents, although the Afghan national security forces have also raided clinics, killing and assaulting medical workers and patients.

International humanitarian law, or the laws of war – applicable to the armed conflict in Afghanistan – protects patients, including wounded soldiers, and all medical personnel from attack. Hospitals and other medical facilities are also protected from attack unless they are being used for offensive military operations. Commanders and combatants who wilfully violate these protections are responsible for war crimes. Fighters who may have dressed as doctors or other medical personnel would be committing the war crime of perfidy – feigning civilian status to carry out an attack.

“Those paying the price when armed groups attack medical facilities are not just the patients and medical staff but all Afghans, including children, who are denied essential care when hospitals cannot function,” Gossman said. “In the midst of a pandemic, Afghanistan needs its medical facilities more than ever.”

#### **Former soldier to prosecute cases of alleged war crimes by Australian special forces in Afghanistan (ABC)**

By Andrew Greene

May 18, 2020

**A former soldier turned senior lawyer has been appointed to prosecute cases of alleged Australian war crimes during the Afghanistan war.**

The ABC can reveal David McLure SC was recently drafted by the Commonwealth Director of Public Prosecutions (CDPP) for the arduous and high-profile role.

His appointment comes after the Inspector General of the Australian Defence Force (IGADF) revealed his long-running inquiry into the conduct of special forces in Afghanistan was in its final stages.

According to the IGADF's annual report, released in February, investigators are looking into 55 separate incidents of alleged breaches of the rules of war in Afghanistan between 2005 and 2016.

The IGADF inquiry has been underway since May 2016 and was sparked by allegations and rumours of special forces troops killing unarmed Afghan men and children.

Separately, Australian Federal Police (AFP) are understood to have also gathered significant evidence of possible crimes, and the recent appointment of Mr McLure as prosecutor could indicate charges may soon be laid.

"It would be inappropriate for the CDPP to comment on matters which remain the subject of an ongoing investigation," a CDPP spokesperson told the ABC.

During his military career Mr McLure served with the Special Operations Task Group in Afghanistan, and in recent weeks he came to public prominence while representing the owners of the Ruby Princess cruise ship during legal proceedings.

Defence Minister Linda Reynolds has declined to comment on Mr McLure's appointment as a prosecutor for the CDPP.

In March an investigation by the ABC's Four Corners program uncovered new allegations that unarmed civilians were unlawfully killed by Australian special forces in Afghanistan.

An Australian soldier who was shown in the program shooting an unarmed Afghan man was later suspended from duty, with the Defence Minister referring the matter to the AFP Commissioner.

In 2016 former special forces sergeant Kevin Frost came forward to the ABC to claim he helped cover up the shooting of a captive in Afghanistan.

**Findings from Afghanistan war crimes investigation will cause 'distress' for some elite soldiers, judge warns (ABC)** By Andrew Greene  
May 20, 2020

**The head of a long-running inquiry into alleged war crimes committed by Australian Special Forces in Afghanistan has warned that the findings will cause "distress" for some soldiers involved.**

Since 2016, New South Wales Justice Paul Brereton has been assisting the Inspector General of the Australian Defence Force (IGADF) in examining claims elite troops killed unarmed Afghan men and children.

Now a recent letter written by the judge, obtained by the ABC, suggests his secretive probe is soon poised to make a series of negative findings against several personnel.

Justice Brereton, a Major General in the Army Reserve, said the prospect that his report would distress some "cannot be completely avoided".

"However, I can confirm that before the final report is delivered, persons who are potentially the subject of any adverse finding or recommendation will be afforded procedural fairness," he wrote in the letter dated April 16.

Last year, the ABC revealed soldiers forced to give evidence to the Royal Commission-style inquiry were being offered "comprehensive support services" by Defence, following concerns the lengthy process was causing severe mental harm.

In last month's correspondence, Justice Brereton revealed his inquiry team had taken steps to provide psychological support to soldiers ahead of the investigation's findings, which are expected within months.

"From the outset, the Inquiry has been conscious of the potential for its proceedings to have an impact on the mental health of witnesses [and others who may be affected or involved]," he said.

He said while welfare for serving personnel and veterans was generally offered by Defence and the Department of Veterans' Affairs, the IGADF had also provided support.

"In the last couple of months, in response to the increasing number of witnesses being interviewed, the Inquiry has expanded its witness support program with the appointment of additional Witness Liaison Officers".

Justice Brereton said the support staff were reservists who had previously served in permanent roles with either the Special Air Service Regiment, 1st Commando Regiment or 2nd Commando Regiment.

Justice Brereton's letter was addressed to RSL national president Major General Greg Melick and SAS Association President Lieutenant Colonel Peter Fitzpatrick, after concerns were raised about the impact of his inquiry on current and former soldiers.

Last year, a former Australian commando who gave evidence to the IGADF inquiry about his involvement in an alleged war crime was found dead.

The ABC has been told of at least one other elite soldier who is on extended psychiatric leave because of his involvement in the secretive probe.

This week the ABC revealed former soldier turned senior lawyer David McLure had been appointed to prosecute cases of alleged Australian war crimes during the Afghanistan war.

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

## **Extraordinary Chambers in the Courts of Cambodia (ECCC)**

**Official Website of the Extraordinary Chambers [English]**

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

**Cambodia Tribunal Monitor**

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

## **Bangladesh International Crimes Tribunal**

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

## **War Crimes Investigation in Myanmar**

**Myanmar Military Column, Artillery Firings Displace Rakhine Villagers (Radio Free Asia)**

May 7, 2020

**Large numbers of civilians have been forced to flee their homes in rural Rakhine state after a Myanmar military column deployed in three villages fired artillery into a forested area where it believed rebel Arakan Army camps were located, residents said Thursday.**

Local residents from three villages in northern Rakhine's Minbya township said that Myanmar Army soldiers were deployed in schools, a monastery, and a community hall in the area.

"A government military column placed big guns in front of the elementary school in Min village and started firing in the direction of the eastern mountains until about 9 p.m.," said a local resident who declined to be named for safety reasons.

"Also this morning, they fired about 20 times," the villager said. "They are staying in the school, a monastery, and in houses around the school."

Another resident, who also requested anonymity for the same reason, said after government soldiers deployed in three villages, they warned villagers not to support or communicate with the AA. The rebel force was declared a terrorist group by the Myanmar government and banned in March.

"At first, the government military was stationed on the hill, firing all day long," the person said. "A huge mortar shell fell on the village, [and] the villagers had to flee. After that, no one dared to remain in the village. Today there's no one left."

RFA was unable to verify how many villagers had fled from the Myanmar Army.

Local activist Arn Tha Gyi told RFA that the villagers are more afraid of columns of Myanmar soldiers than they are of clashes between the two sides.

"Whenever they enter a village, everyone in the village [knows] they are in for trouble," he told RFA. "They threaten villagers, loot [their homes], and create problems, so that we Rakhine people are more afraid of army columns than of battles."

Myanmar military spokesman Brigadier General Zaw Min Tun disputed the villagers' accounts, saying soldiers did not set up heavy weapons in the villages.

"First of all, it is not true," he said. "Artillery is not the kind of weapon that needs to be carried around and fired. It can be fired from anywhere."

Zaw Min Tun added that it was impossible for government troops to take positions in ethnic Rakhine villages because they contain many AA sympathizers who could easily ambush the soldiers.

He denied reports that the military was digging trenches around homes and schools in the villages and suggested that AA soldiers were employing this as a battle tactic so they could attack Myanmar forces from civilian positions.

Zaw Min Tun also said that there had been no fighting in Minbya township in recent days.

AA spokesman Khine Thukha was not available for comment.

#### Shelters need in Chin state

The Myanmar military and AA have engaged in intense hostilities in northern Rakhine state and in Paletwa township of adjacent Chin state for the past 16 months, as the Arakan force seeks greater autonomy for ethnic Rakhine people in the region.

The fighting has killed dozens of civilians and displaced more than 160,000 others, according to a tally by the Rakhine Ethnic Congress, a local relief group.

Nearly 10,000 displaced villagers in Chin's remote Paletwa township say they are in urgent need of shelter before the start of the annual monsoon season later this month.

The internally displaced persons (IDPs) have been living temporarily in community halls and in the homes of relatives, though local officials have pledged to build modest bamboo structures for them.

"We have been living in a high school for a month," said Hsin Koe, an IDP from Paletwa's Nanchaungwa village. "There are more than 100 people in this school, so it's not convenient to live here. It's a four-hour walk from Paletwa to our village, but right now is not a good time to return home."

The nonprofit organization the Relief and Rehabilitation Committee for Chin IDPs (RRCCI) has been collecting donations to build shelters for IDPs before the monsoon season, which runs from late May through October.

A 10-by-12-foot room will cost about 200,000 kyats (U.S. \$140) to build, said Mine Nang Wai from RRCCI.

“They will be in trouble during the rainy season,” he said about the IDPS.” They can now stay in the schools because of COVID-19, but if it wasn’t for that, then they couldn’t stay there.”

“The Ministry of Social Welfare, Relief and Resettlement has agreed to help them as a policy,” he said. “The committee is going to talk with the Chin state government and work on it. If we only rely on the government, then it would be a burden for the government. That’s why we are doing as much as we can [to help].”

On May 4, the RRCCI met with members of the Union government, Social Welfare Minister Win Myat Aye, and Chin state government spokesman Soe Htet, who also serves as the state’s minister of municipal affairs, to discuss the IDP situation in Paletwa.

“We are going to receive 12 million kyats [U.S. \$8,400] from the National Disaster Management Committee for these IDPs,” Soe Htet said, adding that the funds will be used to build 48 tents in the towns of Paletwa and Samee and in Meza village.

Each tent will measure 100-by-30 feet and will house 960 families, he added.

About 4,000 IDPs are in Paletwa, 3,000 are in Samee, more than 2,000 are in Meza village, according to officials. Another 200 displaced persons have already moved to Yangon.

Additional funds for shelters will be needed because there are 1,600 households in Paletwa township, Soe Htet said.

Lawmakers in Rakhine’s Rathedaung township have collected donations to build shelters for IDPs there before torrential rains begin, but the state government has barred local humanitarian relief groups from erecting the structures, saying they did not obtain permission to build from state officials.

The more than 800 displaced civilians currently in Rathedaung town have sought shelter in Buddhist monastery compounds and in the homes of friends and relatives.

The IDPS must rely on humanitarian assistance from civil society organizations amid a dearth of relief supplies from the state government.

### **Video Shows Myanmar Forces Beating Five Civilians on Navy Vessel in Rakhine State (Radio Free Asia)**

May 11, 2020

**Men dressed in plainclothes believed to be government soldiers punched and kicked five blindfolded Rakhine men detained on a Myanmar Navy vessel in war-ravaged northern Rakhine state, according to a video of the assaults obtained by RFA and relatives who identified the victims.**

The five men, whose hands are tied behind their backs, were forced to confess to being rebel Arakan Army fighters, some family members of the men told RFA on condition of anonymity after the video went viral inside Myanmar. Some of the detainees have blood on their noses and mouths in the video.

It’s not clear who shot or posted the video that emerged on Sunday. Relatives and friends of the five men say they remain in military custody.

The military says it is investigating the video and has arrested six men who are members or have connections to the AA, which the government declared in March to be an illegal association and a terrorist organization.

But family members and local villagers said the men in the video are innocent civilians, not conspirators of the ethnic armed group.

The relatives also said that three of the detainees are from Kyauk Seik village in Rakhine’s Ponnagyun township, and that they were apprehended days after Myanmar forces shelled the community with 120-millimeter mortars on April 13. The attack left eight civilians dead and injured more than a dozen others.

The fourth man is also from Ponnagyun township, and the fifth is from Mrauk-U township, family members and friends of the detainees told RFA on Monday.

Myanmar military spokesman Brigadier General Zaw Min Tun tsaid that authorities are looking into the video, but that soldiers always act according to law when they arrest and interrogate suspects.

“We are still investigating the video that went viral on social media,” he said. “We released statements on the issue yesterday, and I have told RFA about that. We have arrested three AA members and three others who have connections to the AA.”

“We even got the ID numbers of three AA soldiers,” he added. “The three others are confirmed to have connections to the AA.”

AA spokesman Khine Thukha said the video is proof that Myanmar forces abuse detained civilians.

“This is totally wrong,” he said. “This is clear proof of military troops using torture and inhumane methods to get the answers they want during interrogations.”

“This is not the first time that they have arrested innocent civilians accused of being AA members and tortured them during interrogation,” he added. “It’s happened many times in the past.”

Clashes between government soldiers and the AA, which seeks greater autonomy for ethnic Rakhine people in the state, took place near Kyauk Seik village around mid-April.

Ponnagyun township has seen fierce fighting between the warring sides during the 16-month armed conflict and is one of nine townships in the conflict zone where the government has imposed a mobile internet blackout as a security measure.

Both Myanmar forces and the AA routinely detain and interrogate civilians and local government employees whom they believe may be assisting the enemy.

The relatives of the five men and local lawmakers have demanded justice.

A family elder from Kyauk Seik village, who requested anonymity out of fear for his safety, said it was traumatic to see his son-in-law being tortured in the video.

“I watched the video this morning,” he told RFA. “He is the one in white tank top. His hands were tied behind his back.”

“I saw him getting beaten and having his hair pulled out,” the elder said. “I am pretty sure the man in the white tank top is my son-in-law. I feel shocked and find it to be traumatic. I know he didn’t commit any wrongdoing. I want him released from captivity.”

‘Tortured on way to Sittwe’

A local resident who declined to be named for the same reason identified two of the detainees in the video as friends from Kyauk Seik village.

“I have watched the video on Facebook,” he told RFA. “Two of the five [detainees] in the video are my friends. They are the one wearing a white tank top and the one beside him who is wearing a green shirt.”

“The one beside him in a white checkered shirt is also from our village,” he added. “Of the two other men, one is from Ponnagyun [town’s] Ywa Haung area, and the other is from Mrauk-U’s Zeepingyi village, though he lives temporarily in Sittwe.”

The resident identified the three men from Kyauk Seik village as Nyi Nyi Aung, Myo Lin Oo, and Maung Chae, and said that Myanmar forces captured all five near the Guwa pagoda on the edge of Ponnagyun town.

“They were being tortured on the naval vessel on their way to the No. 1 naval base in Sittwe,” he said.

Kyauk Seik villagers told RFA in a previous report that Myanmar Army Battalion No. 550 based in Ponnagyun fired the artillery shells on their community on April 13, though the military denied the attack.

Six days after the shelling, soldiers detained 38 villagers for questioning over possible ties to the AA, but released 33 of them the next day. The remaining five had been sent by naval vessel to the Sittwe Myoma Police Station for interrogation. On May 7, they were sent back to the Ponnagyun Myoma Police Station.

The men told their family members that the beatings and other forms of assault in the video took place during a day and a night as they were being transported by boat to Sittwe.

Authorities have not given the men any specific reasons for their continued detention, their family members said.

Khin Maung Latt, an upper house lawmaker who represents Rakhine state’s No. 2 constituency, told RFA that the government should take action to ensure that such brutality against civilian detainees does not occur again.

“The family and relatives of the victims confirmed that the men in the video are related to them,” he said. “We have seen many cruelties. This is unacceptable. The government should act according to legal mechanisms to take action against the abusers so



that we can avoid other incidents like this in future.”

“This is not good for the state,” he added. “It damages the image of the government and its ability to maintain the rule of law. The international community is also watching, so the government should take more action for [the sake of] the rule of law.”

### Three officials charged

The beatings of the five Rakhine men on board the naval boat is the latest in an ongoing string of incidents targeting ethnic Rakhine civilians amid the larger conflict between Myanmar and Arakan forces.

Police in Rakhine’s Taungup township on Monday charged three local officials under Section 50(a) of Myanmar’s Counter-Terrorism Law and remanded them to court, though details of their arrests remain unclear, said the defendants’ attorney Tin Nyo.

Zeya Kyaw, chairman of the Taungup township municipal committee; San Wai, former municipal committee chairman; and Wai Thaung, vice chairman of the township’s Arakan National Party executive committee have been charged, he said. They face sentences of 10 years to life in prison if found guilty.

The three men were arrested over the past three days, Tin Nyo added.

“They were [charged] this morning,” Zeya Kyaw said Monday. “Three of them have been remanded at court today.”

Han Su, wife of Zeya Kyaw, told RFA that her husband said that the trio will be held for 15 days.

“He told me not to worry,” she said. “He said that the authorities haven’t found any evidence against him so far. They remanded him so that they could proceed with their investigation.”

Han Su also said that the three men were taken to Yangon after their court appearance on Monday, though RFA could not confirm this.

The family of Zeya Kyaw, who has been working with local authorities to control the spread of the coronavirus, said that authorities have not stated their reasons for charging the men.

RFA was unable to reach Hla Tin from the Taungup Township Police Force for comment.

Attorney Tin Nyo said Zeya Kyaw has been accused of influencing public opinion on social media.

San Wai said he has been accused unfairly by those who want to sabotage his township development activities.

On May 7, the Taungup Township Court remanded five other individuals, charging them Monday under Section 52(a) of the Counter-Terrorism Law.

### Calls for nationwide truce

Myanmar political analysts, meanwhile, say the government military should issue a nationwide unilateral cease-fire and focus on containing the spread of the deadly COVID-19 pandemic.

The Myanmar military announced a partial truce on May 10, but excluded the AA amid the current armed conflict in northern Rakhine state.

On May 3, the AA and two other ethnic armies that comprise the Brotherhood Alliance announced the extension of their unilateral cease-fire for another month while the government focuses on fighting the spread of COVID-19.

They also requested that the government army not exclude Rakhine state from its unilateral cease-fire from May 10 to Aug. 31.

Myanmar political analyst Maung Maung Soe said that the AA, which is included on the list of organizations participating in COVID-19 eradication activities, will not be able to assist in the effort without a temporary cessation of hostilities.

“To the extent that the government is calling on the AA to participate in the eradication of the coronavirus, it is not possible without a cease-fire from the Myanmar Army’s side,” he said.

“In our view, only with a nationwide cease-fire agreed to by both the army and all ethnic armed groups can we fight COVID-19,” he added.

Aung Myo, a retired Myanmar Army officer and political analyst, said the two sides will have no choice but to stop fighting in

Rakhine if the virus spreads there. So far, the state has reported no confirmed COVID-19 cases.

“If it spreads into this area, and especially into the villages, both sides will stop fighting,” he said. “Right now, we haven’t reached that stage yet. [But] if there is an outbreak in the villages, both the AA and the army will stop fighting.”

Nyi Ran, the liaison officer for the United Wa State Army (UWSA), Myanmar's largest non-state military, said a nationwide truce would allow all ethnic armies to join in the efforts to prevent the spread of the coronavirus.

“Because it is an infectious disease, we have to fight against it together,” he told RFA. “We welcome the army’s cease-fire announcement, but if it were a nationwide truce, then it would be perfect.”

Brigadier General Zaw Min Tun said the military excluded AA and the Arakan Rohingya Salvation Army (ARSA), which operates in Rakhine state, because they both have been declared terrorist organizations.

“We excluded two terrorist organizations — ARSA and the AA — from the cease-fire,” he said.

“It is in the public’s interest not to declare a cease-fire when the other side is planting mines along public roads, attacking security forces, and blocking food supplies,” he said, referring to the AA.

“On the other hand, the army has sent a letter about coronavirus prevention to the AA under a government-proposed virus cooperation plan,” he added.

### **Myanmar Army Acknowledges Unlawful Interrogation Methods After Viral Rakhine Beating Video (Radio Free Asia)** By Nandar Chann

May 12, 2020

**Myanmar’s military said Tuesday that some of its troops used unlawful and improper interrogation techniques while detaining five Rakhine men suspected of having links to the rebel Arakan Army, a rare admission offered a day after a video published by RFA showed soldiers beating the men on board a naval vessel.**

A statement posted around 8 a.m. on the website of the military commander-in-chief’s office said the government army will take legal action against security personnel who conducted unlawful interrogations of the civilians.

The statement also said that the five men were detained by security forces during clearance operations in Kyauk Seik village of Ponnagyun township in war-ravaged northern Rakhine state, and were believed to have connections to the AA.

Security forces assigned to guard the men interrogated them while they were being transported on a naval vessel from Ponnagyun to Rakhine’s capital Sittwe on April 27, it said.

Those security forces are now under military investigation for their actions and will be subject to legal action according to military laws and regulations, the statement said.

The video, which has circulated widely on social media, shows the five men blindfolded and with their hands tied behind their backs inside the boat while other men in plainclothes beat and kick them. It’s not clear who shot or posted the video that emerged on Sunday.

The five were forced to confess to being AA fighters, some of their family members told RFA Monday on condition of anonymity after the video went viral inside Myanmar.

Their relatives and local villagers said the men in the video are ordinary civilians, not conspirators of the ethnic armed group, which was declared an illegal association and a terrorist organization by the Myanmar government in March.

#### **'Above-the-law' military**

Phil Robertson, deputy Asia director of New York-based Human Rights Watch, said that an investigation led by the military will not likely render justice for the five men who were beaten.

“When I hear that the Tatmadaw [Myanmar military] is setting up an investigation committee, I realize that there’s not going to be any progress whatsoever on that case,” he told RFA.

“The fact that we have these people taken out of a police station by the military, and then allegedly tortured on a boat, and then sent back to the police indicates just how above the law the military is,” he said.

Instead of a military probe, Robertson called for a full investigation by an independent, impartial organization, group, or commission.

Fighting between the Myanmar military and the AA has raged in northern Rakhine state and in Paletwa township of adjacent Chin state for 16 months, as the rebel force seeks greater autonomy for ethnic Rakhines in the region.

On April 13, the two sides engaged in clashes near Ponnagyun's Kyauk Seik village, with Myanmar Army soldiers later shelling the community, killing eight civilians and injuring more than a dozen others.

Six days after the shelling, soldiers detained 38 villagers for questioning over possible ties to the AA, but released 33 of them the next day. The remaining five — three from the village, one from elsewhere in Ponnagyun township, and the other from Mrauk-U township — had been sent by naval vessel to the Sittwe Myoma Police Station for interrogation.

The five men were returned to Ponnagyun Myoma Police Station on May 7.

**Rohingyas Injured by Military Shelling Denied Access to Healthcare in Kyauktaw (Rohingya Vision) By Naf Sailor**

May 13, 2020

**Five Rohingyas, including three men and two women, from Paik Thei village of Kayuktaw township, injured by military shelling are denied access to healthcare, RT reported.**

They were injured by the shell fired from the Military post in Kaspanadi Bridge on May 11, 2020, at around 6:00 p.m. The victims are identified as U Hla Maung Tha, 55; Jamal Uddin, 35, and Mohammad Ayas, 17, including two other women.

Due to the movement restriction imposed since 2012, the Muslims from Paik Thei village can't visit the Kyauktaw General Hospital which is at a distance of quarter-hour from the village.

Instead, the three men with critical injuries were sent to Apauk Wa Cottage Hospital, where they reached at 9:00 pm after a long journey by boat that took about two hours. But they were not admitted.

The Apauk Wa Cottage Hospital required referrals from the Kyauktaw General Hospital, where the Muslims are not allowed to go. Finally they have to apply for travel permit from the local authorities. To do so, a long procedure is to be followed, yet the approval is not certain though it may take few days.

Even in emergency situation, the remaining Rohingyas in their homeland are denied access to healthcare.

**Two Rohingya Children Die in Mine Blasts as UN Extends Arrangement with Myanmar (Radio Free Asia)**

May 13, 2020

**A mine blast in western Myanmar's Rakhine state killed two Rohingya children and injured another child as they picked mangoes in a deserted village on Wednesday, with the government military and the rebel Arakan Army blaming each other for the explosion, locals said.**

The deadly blast highlighted the peril and instability in Rakhine as two United Nations agencies and Myanmar extended an agreement to work together for the return of more than 740,000 Rohingya expelled in what U.N. reports called an ethnic cleaning campaign in 2017.

"We have heard that there was a mine explosion in Charkay village in the Thayatpyin village tract and that two Rohingya children were killed," said a local resident who declined to be named out of fear for his safety.

"Only [ethnic] Rakhines live in Charkay, and the situation in that village is not so bad," he added. "We don't know who is responsible for this. We have heard that battles often break out there, so I don't visit the place."

Tun Aung Thein, a Rakhine state legislator from the Arakan National Party (ANP), who represents the Buthidaung township constituency, which includes Thayatpyin village tract, said: "Two Muslim children, 15 and 10 years old, died, and another 10-year-old was injured and has been hospitalized."

The administrator of Phone Nyo Leik village, a mostly Muslim community that is part of Thayatpyin village tract, said that the injured child is a resident of his village.

"The [other] two children died in Thayatpyin village tract," he said. "I don't know the details because I was traveling."

It remains unclear which army planted mines in the area.

“If you ask the relatives of the dead children who is responsible for the mines, the truth might come to be known,” said Myanmar military spokesman Brigadier General Zaw Min Tun.

“The AA has a history of placing mines in the villages, and there was a previous incident in a nearby village,” he said. “They even had asked Muslim villagers to guard the mines and had a quarrel about it before.”

RFA was unable to verify his statement.

AA spokesman Khine Thukha said that there had been no recent battles in Buthidaung township, and that most Thayatpyin residents had deserted the area after their houses were burned down in a shelling attack in 2019.

“Muslim children went into the villages to pick mangoes, and they might have stepped on old mines left by the Myanmar Army,” he said. “The Myanmar Army has never cleared the mines.”

According to an RFA tally, 47 civilians have died and 88 have been injured since April amid the armed conflict between Myanmar and Arakan forces.

In November 2019, at least one Rohingya civilian was killed by a stray bullet and three others were wounded when mortar shells fell on Phone Nyo Leik village during a clash. Explosions from the shelling burned more than 30 homes, witnesses told RFA at the time.

UN MoU extended

The armed conflict between the Myanmar Army and the AA, which has raged for 16 months, has added to the devastation in northern Rakhine state caused by a violent military-led crackdown on Rohingya communities beginning in August 2017 in response to deadly attacks on 30 police outposts and a military base by a Muslim militant group.

The crackdown left thousands of Rohingya dead and drove more than 740,000 others across the border and into Bangladesh where they now live in sprawling, overcrowded displacement camps.

U.N. investigators have described the military’s actions against the Rohingya as “genocide.”

On Monday, the United Nations Development Programme (UNDP) and the U.N. refugee agency (UNHCR) agreed with the Myanmar government to extend a memorandum of understanding (MoU) for activities in Rakhine state through June 2021, including the so far fruitless effort to convince fearful Rohingya to return to Myanmar.

The MoU says that the parties aim to create a conducive environment for the voluntary repatriation of Rohingya refugees from Bangladesh, as well as to support the recovery of Buthidaung, Maungdaw, and Rathedaung — the three townships most affected by the army’s scorched-earth campaign against the Rohingya.

The parties signed the original agreement in June 2018 for the agencies to assist with the voluntary return and reintegration of displaced Rohingya. They also agreed to assess conditions in Rakhine state for those contemplating returns and to support programs benefiting all communities in the multiethnic state.

The MoU was extended for the first time in May 2019.

Myanmar and Bangladesh signed an agreement in November 2017 for the repatriation of the Rohingya who fled, but the program has been beset by problems. So far, no Rohingya refugees have returned to Myanmar through official channels, and only a few hundred have returned of their own volition.

The Rohingya refugees in Bangladesh say they will not consider going back unless the Myanmar government guarantees their safety and grants them full citizenship rights and other basic freedoms.

Under the MoU, the two U.N. agencies have conducted assessments for infrastructure projects to improve water supplies, rehabilitated roads and schools, and provided skills training and income-generating projects.

The agencies said they are conducting more assessments in the area, but that the COVID-19 crisis has constrained efforts.

“While the environment in Rakhine state is not yet conducive to the voluntary repatriation of refugees, the MoU has allowed UNHCR and UNDP teams to assess the immediate needs in over 120 villages so far in Maungdaw and Buthidaung townships,” said a statement issued Monday by the two agencies.

“We have consulted over 2,600 people on their communities’ priorities, ensuring that the projects will best meet their needs and serve to promote social cohesion between communities,” it said.

The UNDP and UNHCR also called on the Myanmar government to address the root causes of the refugee crisis and to work to resolve religious and ethnic divisions in the unstable region by ensuring that the Rohingya have freedom of movement, citizenship rights, and increased access to public services and jobs.

Bangladesh welcomes move

Bangladesh’s Foreign Minister A.K. Abdul Momen welcomed news of the extension of the MoU.

“This is a good development that the MoU has been extended further and that Myanmar has been diplomatically engaged with the U.N. and other international agencies,” he told BenarNews, an RFA-affiliated online news service, on Wednesday.

“Now, the Myanmar government must work to take their people back,” he said, urging officials to work with the U.N. agencies to create a conducive atmosphere in Rakhine for the return of the Rohingya.

“The U.N. agencies should be more active in this regard,” Momen added.

Former Bangladeshi Foreign Secretary Touhid Hossain said Myanmar has a responsibility to resolve the Rohingya crisis that it created.

“Myanmar forced the Rohingya people to leave their motherland in Rakhine, so they must resolve it,” he said.

“An insecure atmosphere in Myanmar still persists,” he said. “Fighting between the Myanmar military and the Arakan Army has been going on even during the COVID-19 pandemic. Myanmar must create an environment that will build confidence in the Rohingya for their safe return.”

One Rohingya leader expressed skepticism about Myanmar’s decision to extend the MoU with the UNDP and UNHCR.

“We do not know to what extent the MoU will benefit us,” said Dil Mohammad, a leader of Rohingya refugees who live in the no-man’s land at the Naikhongchari border crossing point. “The Myanmar government extended the MoU possibly for its own convenience.”

“It seeks the assistance of the UNHCR and the UNDP whenever Myanmar requires their service,” he added.

### **Rakhine Squatters Ordered to Vacate Former Rohingya Quarter in Myanmar’s Sittwe Township (Radio Free Asia)**

May 19, 2020

**The government of western Myanmar’s Rakhine state capital has issued an order requiring ethnic Rakhine Buddhist families to vacate more than 1,250 shelters erected on top of a former Rohingya Muslim area of the township that was razed eight years ago during a flare up of sectarian violence.**

Thein Hlaing, administrator of the Seyton Su Muslim quarter in Sittwe township, said the order, which went into effect late last week, requires the Rakhine squatters to leave the properties that belong to Rohingyas within three months or face eviction.

“We were asked to post the announcement on the notice board, but you should ask the township administrators about the issue if you want to know more, as they are the ones who issued the order,” he told RFA’s Myanmar Service on Monday.

“We posted it on the notice board on May 14,” he added.

A wave of brutal slayings and attacks across Rakhine state in June 2012 left more than 200 people dead and displaced about 120,000 Rohingyas, who were later forced to live in squalid camps scattered around the region.

Many of those in the camps recently told RFA that the prospects for improving their living standards are bleak and that they continue to live in near-apartheid conditions. Because racial tensions have not subsided, it is nearly impossible for any Rohingya who has permission to travel the 10-minute drive from the camps to Sittwe even with security guards, some say.

Meanwhile, over the past eight years, Rakhine families from rural areas of the state have gradually moved to areas formerly occupied by Rohingyas in Sittwe to claim the jobs they used to do, including Seyton Su, where there are now some 4,000 Rakhine shelters that have been built in the quarter, according to residents.

Kyaw Hla Aung, a Rohingya leader who has taken refuge in Thetkal Pyin village outside of the township since the 2012 riots, welcomed the plan to evict the Seyton Su squatters.

“The government has received blame and accusation internationally because they haven’t evicted these squatters,” he said.

“This action can provide the government with some relief—that’s why they should have done it even earlier and stopped the squatters once they started moving into the area.”

While applauding the order, Kyaw Hla Aung said it would only benefit the government if it can “continue these kinds of affirmative actions.”

A Rakhine squatter in Seyton Su who spoke to RFA on condition of anonymity out of fear for his security said that he is willing to follow the order if the government allots new land to those who are to be evicted.

“They have to give us new land as a replacement—this land belongs to the state and if there is no proper land for us to relocate to, we will remain here,” he said.

“State counselor Aung San Suu Kyi promised that citizens will enjoy the full rights of citizenship. We are entitled to the right to stay in the city. If we don’t have land to live on, we won’t be able to work and earn a living. Many other occupants of the area say they will not leave without replacement land.”

Sittwe township administrator Aung Zaw Oo was not immediately available for comment.

Origin of orders unclear

Win Myint, Rakhine state government spokesperson and municipal minister said he was unaware of the order to evict the Seyton Su squatters.

“I haven’t heard any talk about the issue in any meetings, so I can’t tell you anything about it and I’m not clear where this order came from,” he said.

“This decision was not made during the state government meeting. You should ask the township administrator who gave the order.”

Attempts to reach a spokesperson with the central government in Myanmar’s capital Naypyidaw about the order went unanswered Monday.

The order to evict the squatters comes days ahead of a deadline for Myanmar to submit its first compliance report to the International Court of Justice (ICJ).

The country faces a trial on genocide charges at the international tribunal for the alleged military-led expulsion of more than 740,000 Rohingya to Bangladesh amid a brutal crackdown on Muslim communities in northern Rakhine state beginning in August 2017. Myanmar has denied the genocide charges, largely without addressing the evidence or specific accusations.

In January, the ICJ ordered Myanmar to implement provisional measures to protect the Rohingya from genocide, preserve evidence of alleged crimes that could be used in later hearings, and report on its compliance with the measures until the court issued a final decision on the case.

The first report is due by May 23, with follow-up reports required every six months until the ICJ issues a final ruling.

Village burned

Meanwhile, residents of Rakhine state’s Mrauk-U township accused the Myanmar military of burning down nearly 200 houses in Let Kar village over the weekend, which the military denied and blamed on the ethnic Rakhine rebel Arakan Army (AA).

A villager who declined to be named, citing security concerns, told RFA that 194 of the village’s 301 homes and a middle school were set alight but the military on Saturday.

“The military burned all of the [equipment] which had been gathered to plow for the rainy season,” the villager said.

“You can see how they treat people unfairly and bully them.”

On Sunday, the office of the military chief issued a statement saying that as troops patrolled near Let Kar, the AA attacked, burned around 20 homes, and fled the area.

Khine Thuka, AA spokesperson, told RFA that the military is “trying to cover up its war crimes” in Rakhine state and that if the government is unable to rein it in, his rebel army would enlist the help of international organizations to investigate the situation there.

Last year, the military arrested 27 youths from nearby Let Kar village and forced them to admit connections with the AA while under duress, according to fellow residents. Three of the young men died during their interrogation.

Last week, Myanmar’s military said that some of its troops used unlawful and improper interrogation techniques while detaining five Rakhine men from Rakhine’s Ponnagyun township suspected of having links to the AA, a rare admission offered a day after a video published by RFA showed soldiers beating the men on board a naval vessel.

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

## AMERICAS

### North & Central America

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

### South America

**Brazil arrests Argentine fugitive (Canberra Times)** By David Biller  
May 13, 2020

**Brazil's federal police agency says it has arrested a former Argentine navy officer accused of dictatorship-era crimes, including crimes against humanity and kidnapping.**

The federal police didn't release his identity, but a source with direct knowledge confirmed the man to be Gonzalo Sanchez, 69, also known as "Chispa."

Argentina's foreign ministry also confirmed his identity in a statement released late on Tuesday.

He was caught on Monday in the sleepy colonial city of Paraty, on Rio de Janeiro state's southern coast.

He is suspected of forming part of a group that assassinated students, union members and opposition politicians, according to a federal police statement. Their bodies were thrown from planes on so-called "death flights."

Sanchez was previously arrested in Brazil in 2013, and a judge ordered house arrest. In 2019, the Supreme Court authorised his extradition and he has since been in hiding.

He is suspected of participating in dozens of disappearances and killings, including that of journalist and writer Rodolfo Walsh in 1977.

The school where Sanchez worked was one of the biggest illegal detention centres during the 1976-1983 military dictatorship.

Sanchez has been on the run from Argentina's justice system since 2005.

"The Ministry of Foreign Relations of Brazil notified our embassy in Brasilia that it is now suitable to extradite him to Argentina," said the Argentine statement.

"Because of the arrest's importance to the process of memory, truth and justice, President Alberto Fernandez will be closely monitoring the steps of the extradition."

Human rights groups estimate about 30,000 people were killed or forcibly disappeared in a so-called "dirty war" against suspected leftists during the dictatorship.

### **Many Of Colombia's Ex-Rebel Fighters Rearm And Turn To Illegal Drug Trade (NPR)**

May 19, 2020

#### **It didn't take long for Huber, a former Marxist guerrilla, to give up on peace.**

A former member of the Revolutionary Armed Forces of Colombia, known as FARC, Huber disarmed under the country's 2016 peace treaty. But he says the government failed to help former fighters transition to civilian life and that many have been killed.

All this prompted Huber, who asked to be identified only by his first name, and other disgruntled ex-rebels to take up arms once again.

"If people are going to try to kill me, I have to defend myself," Huber says from his hideout in a sprawling slum in Tumaco, a Pacific coast city near the Ecuadorian border.

Besides dealing with the coronavirus outbreak, Colombian authorities are trying to keep a fragile peace process on track. Under the peace treaty some 13,000 FARC guerrillas have turned in their weapons, ending a half-century of fighting that killed 220,000 people.

But almost immediately, some former rebels began drifting back into the mountains and jungles. They have formed more than two dozen armed groups totaling about 2,300 members, though not all are ex-FARC guerrillas, according to news reports citing Colombia's military.

For decades the FARC attacked army and police patrols in its quest to overthrow the Colombian government. But the new groups focus on drug trafficking, extortion and illegal gold mining, said Gen. Adolfo Hernández, the army commander in Tumaco, which is a jumping off point for cocaine-laden boats bound for Central America and Mexico.

In an interview, Hernández pointed out that proceeds from drug trafficking long helped the FARC fund its insurgency. He said the rearmed rebels "want to go back to doing what they've always done."

Fueling this exit from the peace process is the fact that many former rebels have few job skills to flourish as civilians.

One example is Robinson Araujo, who dropped out of school after fifth grade and joined the FARC as a teenager. He told NPR that he spent much of the war as an urban militiaman in Tumaco, collecting cash from drug traffickers who were allowed to operate in FARC-controlled areas in exchange for regular payments.

Since the peace treaty was signed, Araujo, 48, has been in and out of jail on drug-trafficking charges and briefly joined a group of rearmed FARC rebels who made headlines in 2018 for kidnapping and killing three Ecuadorian journalists. Along the way, Araujo fathered 16 children.

In the interview, he acknowledges making mistakes but also blamed the government for ignoring the demobilized rebels. Speaking from a waterside slum in Tumaco as helicopters from the nearby army base flew overhead, Araujo said: "They promised to generate jobs and education but we are still waiting."

Other places transitioning from war to peace have faced similar problems. From Nicaragua to Northern Ireland, a small percentage of demobilized guerrillas and paramilitary forces have rejected peace accords and rearmed, at least temporarily.

Colombia's 300-page peace treaty is one of the most ambitious because it goes far beyond the initial task of disarming the guerrillas. It has allowed the FARC to set up a legal political party while its commanders can avoid prison if they tell the truth about kidnappings, massacres and other war crimes.

For former rebel foot soldiers, meanwhile, the treaty mandates temporary monthly cash stipends, job training and education. The government also promised to protect them from revenge killings and to build roads, schools and hospitals in regions once



controlled by the rebels.

In a report last year, the University of Notre Dame's Kroc Institute for International Peace Studies, which monitors peace agreements in 34 countries, described the level of treaty compliance in Colombia as "comparable to other comprehensive peace agreements."

But both the government and the FARC have been derelict in some of their duties.

Many former rebel leaders have refused to cooperate with a special transitional justice court. The government, in turn, has been slow on its commitment to build roads, schools and hospitals in former rebel territory. And although government bodyguards accompany some former rebels, about 200 have been killed, according to a United Nations team monitoring Colombia's peace process, often in revenge killings since the peace treaty was signed.

The most high-profile former FARC commander to rearm is Luciano Marín — better known by his nom de guerre, Iván Márquez — who spent four years in Cuba negotiating the peace treaty with Colombian government envoys. In a video released last year, Márquez — dressed in combat fatigues and surrounded by rifle-toting colleagues — declared: "The guerrilla struggle continues because the government has betrayed the peace accord."

Still, Márquez may have had other motives for rearming. Although he was given a temporary seat in Colombia's senate under the peace accord, he never showed up to be sworn in and went into hiding in 2018 when his nephew was extradited to the U.S. on drug smuggling charges. Soon after, the U.S. State Department revealed that Márquez himself was under investigation for cocaine trafficking.

Amid the coronavirus lockdown, cocaine production in some areas of Colombia are being squeezed while flight cancellations and border closures have made life more difficult for smugglers, according to a new U.N. report. But noting major seizures at European ports, the report said that cocaine is increasingly being moved by sea and that "the trafficking of large shipments of cocaine is still ongoing."

One cog in this drug supply chain is Huber, the former FARC fighter in Tumaco who gave up on the peace process. Several factors prompted his conclusion that life as a civilian wasn't working. A high school dropout, he had few job qualifications. He also received threats for having worked for 10 years securing food, medicine and ammunition for the guerrillas.

So Huber and several other ex-FARC members formed a new armed group called the Alfonso Cano Western Block, in honor of a former top rebel commander. In a brief interview, Huber, who wore civilian clothes and was unarmed, described the new organization as a self-defense group.

But Colombian officials call it a drug-trafficking gang and have issued a warrant for Huber's arrest.

"A lot of it comes down to the lack of opportunity and the lure of the drug trade," said Kyle Johnson, who spent months in Tumaco interviewing rearmed rebels for the International Crisis Group. "That leaves a lot of people with one foot in the peace process and one foot in the drug trade."

**Colombia puts son of war criminal in charge of victim coordination (Colombia Reports)** By Adriaan Alsema  
May 20, 2020

**Colombia's Interior Ministry put the son of extradited paramilitary warlord "Jorge 40," one of the country's most blood-thirsty war criminals, in charge of victim coordination, local media reported Tuesday.**

The appointment of Jorge Rodrigo Tovar, whose father ordered at least 388 massacres, infuriated victim organizations who said the decision was a "new intent of state negation" of the armed conflict they are a victim of.

"As a victim I feel attacked by this government," said victim representative Adolfo Rivas, whose parents survived an assassination attempt by FARC guerrillas, and who had himself been displaced after paramilitaries intended to kidnap his sister to make her their sex slave.

The country's opposition also rejected the controversial appointment that was made last week, but which had been kept under wraps by Interior Minister Alicia Arango until news media found out about it on Tuesday.

"It's not just because he's Jorge 40's son. He's always thought of his father as a hero. Totally unacceptable. And now the Duque administration is rewarding him by appointing him director of victims at the Interior Ministry. How would the victims of the AUC's Northern Bloc feel?"

Senator Antonio Sanguino (Green Alliance)

FARC leader Rodrigo Londoño told media he had no problem with the war criminal's appointment.

"The ones with the problem with the appointment of Jorge 40's son are us victims, sir," Rivas responded on Twitter.

"Today I think about my life, and I realize that everything has been about fighting against the injustice that reigns in this country, at times like these, I wonder, what was it good for?"

Victims representative Adolfo Rivas

The interior minister defended her decision, saying that Tovar is not responsible for the crimes of his father, adding that the children of warlords "have gone through certain difficulties for having fathers who acted outside the law."

Arango said she was not considering revoking her decision of putting a war criminal's son in charge of the coordination of victims.

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

## Venezuela

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

## TOPICS

### Truth and Reconciliation Commission

**Transitional justice and the Democratic Transition Framework for Venezuela (Global Americans)** By Ofelia Riquezes and Frank O. Mora  
May 7, 2020

**Since January 2019, President Donald Trump's administration has pursued a "maximum pressure" policy against the Nicolás Maduro regime of Venezuela, ratcheting up economic pressure on individuals and the Venezuelan economy in the hope of spurring a democratic transition in the country. In the face of Mr. Maduro's resiliency, in March 2020, Washington upped the ante by unsealing narcoterrorism indictments against Mr. Maduro and his inner circle and deploying U.S. naval and air assets to the Caribbean and Eastern Pacific in a beefed-up counternarcotics effort presumably also aimed at intimidating the Maduro regime.**

The March efforts also included the announcement of a Democratic Transition Framework for Venezuela that laid out plans for the establishment of a transitional government and ultimately, presidential and legislative elections.

One aspect of the Framework that has yet to attract sufficient attention is one of its most flawed provisions: its approach to transitional justice, and its simplistic recommendation of establishing a Truth and Reconciliation Commission, tasked with "investigating serious acts of violence" and issuing reports on the responsibilities of wrongdoers and the rights of victims. This

transitional justice approach also envisages the adoption of an Amnesty Law covering political crimes committed since 1999.

Transitional justice mechanisms—defined as procedures and actions that address mass violations of human rights committed under a previous political order—have proven to be fundamental for the advancement of democracy. But only when done right.

Due to the deep divide and alarming levels of violence fostered by Chavismo and the various crimes committed by state agents over the past two decades, a transitional justice process is needed to deal with past abuses and lay the foundations of a more peaceful future. However, given the regime's successful politicization of the judicial branch—especially judges and prosecutors—the proposed Framework's mechanisms will not contribute to the process of democratic transition if not preceded, or at the very least accompanied, by a comprehensive renewal of the judiciary that aims toward the restitution of the rule of law.

While the Framework includes the appointment of new Supreme Court Justices acceptable to at least 25 percent of National Assembly members, this is a necessary but insufficient step. Deep judicial and prosecutorial reform is also essential, given a Truth and Reconciliation Commission may very well conduct investigations and issue detailed reports, but identified perpetrators will not be brought to justice by prosecutors and judges who are loyal to the regime or have much to lose with a transition to democratic rule of law. Similarly, an Amnesty Law may be enacted—expressly excluding crimes against humanity pursuant to international standards—but its effectiveness will depend on the judges handling individual cases and the law-enforcement officers involved in the actual release of political prisoners.

To start working toward the goal of judicial independence—an essential component of the rule of law and therefore, of democracy itself—the following basic measures must be undertaken:

- Appointment of judges must comply with the merit-based selection process set forth by the Constitution, and their removal must strictly follow legal dispositions. The current practice by which judges are named and removed arbitrarily by a Commission of the very politicized Supreme Court must cease.
- All judges with open political affiliations or who have commercial links with the government must be removed from their posts pursuant to constitutional requirements. One independent investigation found that 40 percent of criminal judges are PSUV militants and over 460 current or former judges have signed profitable business contracts with the regime.
- The very high percentage of provisional judges (as high as 88 percent in recent years) must be reduced to avoid susceptibility to threats and political pressure, as the lack of stability in judges' positions undermines judicial independence.
- Military jurisdiction must be restricted to matters related to the armed forces. Civilians must not be tried for military crimes such as treason or rebellion. According to the Interamerican Commission on Human Rights, 757 civilians were tried by military courts between April and October of 2017 in the context of nationwide protests, in clear violation of their constitutional rights and international human rights standards.

If transitional justice mechanisms like those suggested by the U.S. State Department's Framework are put in place before these conditions are met, it will not only prove ineffective but, more importantly, it will erode people's confidence in the possibilities of justice and reconciliation and thereby threaten the stability of the nascent democracy.

The entire transition proposed by the Framework hinges on addressing past abuses and tensions in an efficient and responsible manner, but hurried measures may do more harm than good. Transitional justice is more than a debt to victims; it is a key element for institution building and political stabilization after a crisis as severe as the one Venezuela endures today.

### **UN points out lack of consultation with victims (The Himalayan Times)**

May 16, 2020

#### **United Nations has brought to the attention of the Government of Nepal the reported lack of effective consultation with victims concerning the amendment to the existing Act on the Commission on Investigation of Disappeared Persons, and Truth and Reconciliation Commission.**

Special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Working Group on Enforced or Involuntary Disappearances; special rapporteur on extrajudicial, summary or arbitrary executions; special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and special rapporteur on violence against women, its causes and consequences, made public through the UN Resident Coordinator's Office in Nepal today to recall the government about the reported lack of impartiality, independence and transparency in the procedure for the appointment of the members of the Truth and Reconciliation Commission and the Commission on the Investigation of Enforced Disappearance. They also raised the issue of the reported lack of progress in the work undertaken by both commissions; and the possible amendment of the Act on the Commission on Investigation of Disappeared Persons, Truth and

“In addition, we would like to recall the decision of 3 July 2014 which called on the government to amend several provisions of the TRC Act to put it in conformity with international standards, in particular those relating to the TRC’s competence to recommend amnesties for perpetrators, including for gross violations of human rights and serious violations of international humanitarian law,” read a report issued by the UN office in Nepal.

They have requested the government to clarify all cases brought to their attention. The issues include how the seven provincial level consultations held earlier by the government ensured a broad and effective participation of concerned victims, how the inputs received from victims and civil society were or will be given due consideration and inclusion in the amended act, and the measures taken to ensure the independence and transparency of the recommendation and appointment of the new commissioners to the TRC and CIEDP to guarantee the compliance of this procedure with International standards on the appointment of members of such commissions. The deadline for the government to respond is July 15, according to the document.

They have also reminded the government of the pending visit requests from the special rapporteur on the promotion of truth, justice, reparations and guarantee of non-recurrence and from the Working Group on Enforced or Involuntary Disappearances to Nepal.

### **Democrat Party Insists 2010 Crackdown Was Legal (Khaosod English)**

May 17, 2020

#### **A spokesman for the Democrat Party on Saturday dismissed allegations that its former leader was at fault for ordering a military crackdown on Redshirt protesters 10 years ago.**

Spokesman Ramet Rattanachaweng, whose party is a part of the government coalition, said there is no need for former PM and Democrat chairman Abhisit Vejjajiva to “take responsibility” for the crackdown, which left about 90 people dead, as demanded by the opposition.

“The allegation has been already disproved by contests in the justice system, whether a court of justice or an inquiry by the Truth and Reconciliation Commission, which already proved that the crackdown was in accordance with the law.” Ramet told reporters.

He continued, “The allegations [against Abhisit] are distortions to defame him.”

The Truth and Reconciliation Commission was established by the Abhisit administration with a stated aim to investigate claims of misconduct during the military operations against Redshirt protesters in April and May 2010.

The Redshirts at the time demanded that then-PM Abhisit dissolve the House and call snap elections. At least 90 people were killed in the confrontation, including demonstrators, security officers, bystanders, and two foreign journalists.

Ramet also criticized a recent campaign by former Future Forward Party leaders that sought “truth” over the deadly crackdown.

“I want to let them know that in fact, they don’t have to shoot any laser to find the truth,” the spokesman said. “Truth is truth. There are already clear investigation results by many committees and the justice system.”

Tuesday marks the 10th year since the final military assault on the Redshirt encampment in downtown Bangkok.

### **Assembly rushes through over 100 bills (Korea Herald) By Park Han-na**

May 20, 2020

#### **The 20th National Assembly held its final plenary session Wednesday and approved 141 pieces of legislation, including a bill to prevent online sex crimes and another addressing historical human rights violations committed by the state.**

The sex crime bill obligates service providers, including internet giants Naver and Kakao, to remove illegal pornographic materials and block access to them.

Recently the so-called “Nth Room case” caused a furor over the circulation of illegal sexual content via various internet platforms. It came out that a Telegram chat room operator had coerced at least 103 people, including 26 underage girls, into performing degrading sex acts so he could share their photos with 260,000 paying users in chat rooms.

Han Sang-hyuk, chairman of the Korea Communications Commission, said the bill would ensure that internet service providers take all possible measures to prevent the recirculation of materials produced through sexual abuse, which typically are shared in secret chat rooms.

“Such action is needed because the damage can be much greater if the materials are circulated publicly,” Han said.

Other bills on the table at Wednesday’s plenary session included a revision to the employment insurance act to include artists as workers so they can receive employment insurance. It passed too.

“Every single bill holds the necessary content for the people’s lives. I feel relieved that we could handle various pending issues during the last plenary meeting,” said Kim Tae-nyeon, floor leader of the ruling Democratic Party.

Lawmakers also passed a bill ditching the government-approved digital certificate that has been used for the last 21 years to verify customers’ identity so they can transfer funds electronically. Now private firms are free to introduce other verification methods such as blockchain, cloud, face recognition and fingerprint scanning.

A revision to the Immigration Control Act also cleared a legislative hurdle, enabling the authorities to punish foreign nationals who fill out false information on arrival cards, possibly impeding quarantine efforts. The bill was a follow-up to legislation on the new coronavirus pandemic.

One bill that was the focus of great attention addressed historical human rights violations committed by the state. It revives a government body called the Truth and Reconciliation Commission, which was established in 2005 to investigate incidents that occurred between 1910, when Japan colonized the Korean Peninsula, until 1993, which marked the end of authoritarian rule here with the election of President Kim Young-sam. The commission completed its original four-year mandate in April 2010.

This means long-buried truths can emerge. The bill paves the way for the commission to look at decades-old cases -- for example, the enslavement and abuse of thousands of homeless and disabled people by military dictators at a vagrants’ facility called Brother Home, which the government operated in the 1970s and 1980s to beautify the streets.

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

## **Terrorism**

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

## **Piracy**

**Three pirate attacks in one day off West Africa (Splash)** By Sam Chambers

May 11, 2020

### **Piracy attacks continue to proliferate off West Africa with three incidents reported in just one day.**

The tanker Yuan Qiu Hu was pursued by a speedboat for 45 minutes off Cameroon early on Saturday morning before a navy patrol boat scared off the pirates.

A few hours later the general cargo ship Rio Mitong was attacked by a speedboat, with perpetrators using ladders to board the vessel resulting in the kidnap of two crew members believed to be one Russian and one Ukrainian.

Elsewhere on the same day, a survey vessel called Djibloho was boarded at the Luba anchorage in Equatorial Guinea with two Russian crew kidnapped.

“Whilst the trend of incidents within West Africa is showing a gradual decline, there is an upward trend in severity of incidents notably those involving kidnap for ransom. Vessels operating in this region must maintain the highest levels of vigilance and

ensure that vessels are adequately hardened when required,” security consultants Dryad Global stated in a note to clients.

### **Pirates board two ships, kidnap seafarers in Gulf of Guinea (Vanguard)**

May 13, 2020

#### **Two new pirate attacks that resulted in the kidnapping of seafarers have been reported in the Gulf of Guinea. It appears that both incidents could be related.**

The cargo vessel Rio Mitong was approached by a single speedboat with an unknown number of perpetrators within the Malabo anchorage area, Equatorial Guinea, Dryad Global and Praesidium International said in separate statements.

The perpetrators used a ladder to board the Comoros-flagged multipurpose ship and managed to kidnap two of the vessel’s crew members, allegedly one Russian and one Ukrainian national. The kidnappers left the area and proceeded towards Cameroon. The remaining crew members are understood to be safe.

The 8,900 dwt Rio Mitong is operated by Panama-based Glomar Supplies, VesselsValue’s data shows. The 122.4-metre-long MPP had arrived in Malabo from Abidjan last year in support of the Ounta Europa LNG project and since then remain within the anchorage area, occasionally reaching the berth.

“Based on available records, this would be the first piracy incident with successful kidnap ever recorded in the Malabo anchorage area,” according to Praesidium International.

Another vessel was attacked within the Luba anchorage on the same night. The ship in question is research/survey vessel Djibloho, managed by Equatorial Guinea Marina Malabo.

The Equatorial Guinea-flagged vessel Djibloho was boarded by a group of unknown men. Unconfirmed reports indicate that two Russian personnel may have been abducted as a result.

Local authorities have launched investigations into both incidents.

“As per available information, it appears that the Luba and Malabo incidents could be connected and originate from matters that have little to share with Gulf of Guinea piracy. As per Malabo, Luba port has seen no piracy activity over the years,” Praesidium International said.

“Deeper investigation shows that at least one of the two vessels has ties to Lithuanian businessman Vladimir Stefanov and some possible softer links have also emerged between the two vessels which could likely indicate that there is more to it than a mere piracy attack.”

“If confirmed this latest incident would bring the total number of persons kidnapped in maritime crime incidents throughout the region to 52,” Dryad Global noted.

“Whilst the trend of incidents within West Africa is showing a gradual decline, there is an upward trend in severity of incidents notably those involving kidnap for ransom.”

### **COVID-19 Could Spark a New Era of Piracy in Southeast Asia (The Diplomat) By Drake Long**

May 13, 2020

#### **Out of all the possible aftershocks from the COVID-19 pandemic, a surge in piracy may not be the most obvious. But Southeast Asia – and those countries so dependent on trade passing peacefully through the region – should anticipate it.**

Research shows that people turn to piracy when economic opportunities elsewhere are scarce. It is a potentially lucrative profession; states and companies frequently pay ransoms set by pirates without much fuss since insurance more than covers the cost of doing so. In addition, shipping companies cut down on crews and safety measures to save on costs at times of economic hardship, making them more vulnerable to piracy (and armed robbery at sea).

Piracy was already trending upward in the first quarter of 2020, mostly in the traditional hotspots of the Malacca Strait, the Bay of Bengal, and the Sulu and Celebes Seas. The number of pirate attacks and armed robberies at sea in the first months of 2020 were three times the number at the same time last year. Now, with the impending economic disaster from COVID-19, ASEAN states and concerned stakeholders in the region must face the uncomfortable fact that increased crime in Southeast Asian seas is inevitable.

Global trade is in a nosedive caused by the pandemic’s chilling effects on the time-sensitive shipping industry and the “doubleshock” of no supply followed by no demand affecting China’s manufacturing sector. Both of these external realities will

hit the trade-dependent, China-entangled economies of Southeast Asia hard, and they are likely to be replicated domestically as these countries cycle through their own public health emergencies. The effects may even worsen given some countries' poor testing capacities. The World Bank forecast for ASEAN plus Timor-Leste is dismal. It projects negative 3.5 percent growth in Indonesia and negative 4.6 percent growth for Malaysia. The best-case projection for Thailand is a 3 percent contraction. Southeast Asia as a whole will tumble from near-constant growth over the last decade to zero economic growth. With China's own economy headed for stagnation, the state and its investors are unlikely to offer a lifeline out of the crisis. Even if public health capacity proves sufficient (which does not seem to be the case so far), the economic effects will precipitate unavoidable political strife and thinner budgets. Solid, growing economies have been the norm for so long that a sudden crash invokes the politically tumultuous 1998 Asian Financial Crisis.

Now, other factors are compounding the likelihood of an outright surge in Southeast Asian piracy. Precipitous oil prices have created an unprecedented oversupply of crude, to the point that there is insufficient storage on land – leaving offshore storage in floating tankers as the only option for many companies. Consequently, China has dramatically ramped up its production of oil tankers, and it is projected that some 14 million barrels of oil will go into storage per day for this month. These tankers are filled to the brim with “black gold” and sitting in port with no destination. Other tankers are sailing to East and Southeast Asia to idle at ports with cheaper storage costs and laxer security. They present the juiciest possible targets for aspiring pirates.

Most piracy is unaffiliated with any sort of armed group, and amounts to little more than petty theft or kidnapping for an expected ransom. Minor piracy and armed robbery of a ship at port is not an existential threat to any country and will likely dissipate with economic recovery. However, rebel groups or terrorist outfits turning to piracy as a main revenue stream is a truly dangerous possibility, and warrants preventative action. Rebel groups in Myanmar or the southern Philippines could use ransomed crew members or whole ships to fund their militancy, accruing resources and inspiring others. The Abu Sayyaf Group infamously engaged in piracy and attacks on diving resorts to recoup losses in foreign funding during the mid-2000s, and were only beaten back after a sustained campaign by the Philippine armed forces around 2016.

Yet Abu Sayyaf and similarly aligned groups now exploit the seas between the Philippines, Malaysia, and Indonesia for armed robbery and the transportation of equipment and fighters on behalf of the transnational Islamic State. If other armed groups in the region adopt this tactic, the internal stability of certain Southeast Asian countries and their ability to come out of the COVID-19 crisis still intact will suffer. For a region at the center of the global economy, unfettered piracy and newly emboldened insurgencies could prolong the global recession even after the pandemic passes.

Preventative measures can help address the growing threat of piracy in Southeast Asia.

First, regional states' respective coast guards need to sit down and plan for a near-term surge in piracy. The Trilateral Cooperation Agreement between Indonesia, Malaysia, and the Philippines proved useful in cutting down piracy and kidnappings in the Sulu and Celebes Seas that connect all three countries. An increased pace in joint patrols in those most vulnerable areas – the Malacca Strait, the Sulu and Celebes Seas, and the Gulf of Thailand – would help mitigate some of the security issues associated with economic decline. The next ASEAN Regional Forum Intersessional Meeting on Maritime Security should assess how implementation of its 2018-2020 work plan went in this respect. Outside countries like India could augment joint patrols in areas like the Bay of Bengal, where there is a distinct lack of capacity in maritime domain awareness and law enforcement.

Second, the United States and other external states with a stake in Southeast Asian stability should help cushion the economic fall of maritime Southeast Asian countries where possible and aid in their recovery. The foreign secretary of the Philippines pleaded for as much at a recent ASEAN-U.S. meeting, asking for a respite from China's aggressive South China Sea pressure campaign amid the COVID-19 fallout. Prioritizing economic support to Brunei, Indonesia, Malaysia, and the Philippines (BIMP-EAGA states) would mitigate some of the worst knock-on effects, solve underlying issues driving piracy, and sew goodwill.

This could ultimately be a good test of the newly established International Development Finance Corporation. By aligning the IDFC with BIMP-EAGA, the United States could help inject money and employment opportunities into those areas most susceptible to piracy and permanently improve Southeast Asia's frontier market infrastructure to boot. The Department of Transport's Blue Dot Network could also help identify and hold accountable substandard ports and storage facilities with poor security measures – the likely targets of armed robbery.

Stakeholders in Southeast Asia should invest in whatever tools are necessary to keep the coming cascade of crises to a bare minimum. The COVID-19 pandemic will have wide-ranging effects far beyond the life cycle of the virus itself. Economic depression is just one of them, but a new era of piracy doesn't necessarily have to be another.

**UK Oil Tanker Attacked By Pirates Off Yemen Coast (Oilprice.com)** By Irina Slav  
May 18, 2020

**Pirates launched an attack on a UK-flagged chemical tanker this weekend in the Gulf of Aden, off the Yemeni coast. The guards on the vessel managed to repulse the attack without any injuries and only minor damage to the tanker, the AP reported, quoting a statement from Stolt Tankers, the owner of the vessel.**

According to the company, the tanker, Stolt Apal, was about 75 nautical miles off the coast of Yemen when six armed men in two skiffs approached it. The guards and the attackers exchange fire and the guards of the Stolt Apal managed to disable one of the pirates' skiffs, which effectively ended the attack.

The AP notes this was the ninth pirate attack in the Gulf of Aden since the start of the year. Data from the World Economic Forum shows a 24-percent increase in overall piracy so far this year, compared with the same period of last year. The WEF warned the coronavirus pandemic could worsen the situation further because "Poorer governments are less able to battle piracy as the coronavirus pandemic weakens economies."

The Gulf of Aden contains one of the world's biggest oil chokepoints, Bab el-Mandeb. Some 3.8 million bpd passed through it as of 2016. This made it the fourth-largest channel for oil in the world, after the Strait of Hormuz, which sees 17 million bpd pass through it, the Strait of Malacca between Indonesia and Malaysia, which sees daily traffic of 15.2 million bpd, and the Suez Canal, with daily traffic of some 4.6 million bpd as of 2016.

Since it passes between war-torn Yemen on the one side, and Eritrea, Djibouti, and Somalia on the other, shipments of crude oil via Bab el-Mandeb are under constant threat from pirates and other militant groups operating in the area.

For a long time the Gulf of Aden was considered the most dangerous of the oil chokepoints because of piracy but this year, another Gulf took the crown: the Gulf of Guinea. In the first quarter of this year, the oil production hub on the Western African coast was home to 21 of the total 47 pirate attacks for the world.

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

## **Gender-Based Violence**

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

## **Commentary and Perspectives**

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

## **WORTH READING**

**The Persecution of Stones: War Crimes, Law's Autonomy and the Co-optation of Cultural Heritage**  
Timothy Waters

In: *Chicago Journal of International Law*, Vol. 20, No. Summer, 2019

May 17, 2020

**In 1567, a bridge was built over a river in Bosnia – a bridge widely seen as a work of great beauty. In 1993, it was destroyed in a war. What did its destruction mean? Was it a crime – and which one? An assault on culture – and whose? Between 2004 and 2017, a trial held in The Hague sought to answer these questions. The way it did**



**– the assumptions and categories the prosecutors and judges deployed, the choices they made – tell us something important about how law operates: how it appropriates other bodies of knowledge, whether in a now-obscure Balkan conflict or in the battlefields today’s courts confront.**

Our inquiry begins with an interesting puzzle: Why didn’t the prosecution of the Yugoslav war crimes tribunal charge the most obvious crime – destruction of an historical monument? The answer turns out to be obvious, but the path by which that obvious answer was reached – and what happened after it was – was complicated in ways that tell us something even more interesting about what law does to the events and values it is supposed to serve, and therefore something about what law can, and can’t do in responding to the horrors, and the complexities, of war. For in answering questions about a cultural monument’s destruction, a war crimes tribunal, in its own, autonomous way, turned a beautiful bridge into something very different.

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

## **War Crimes Prosecution Watch Staff**

**Founder/Advisor**  
**Dean Michael P. Scharf**

**Faculty Advisor**  
Jim Johnson

**Editor-in-Chief**  
David Krawiec

**Managing Editors**  
Matthew Casselberry  
Alexander Peters

**Technical Editor-in-Chief**  
Erica Hudson

**Senior Technical Editors**  
Bailey Kadian

**Associate Technical Editors**

**Emerging Issues Advisor**  
Judge Rosemelle Mutoka  
Contact: [warcimeswatch@pilpg.org](mailto:warcimeswatch@pilpg.org)

## **Africa**

**Libya**  
Jessica Sayre Smith, Associate Editor

**Central African Republic**  
Christine DiSabato, Senior Editor  
David Codispoti, Associate Editor

### **Sudan & South Sudan**

Christine DiSabato, Senior Editor  
Alexander Peters, Managing Editor

### **Democratic Republic of the Congo**

Christine DiSabato, Senior Editor

### **Côte d'Ivoire (Ivory Coast)**

Christine DiSabato, Senior Editor

### **Lake Chad Region**

Christine DiSabato, Senior Editor  
Alexander Peters, Managing Editor

### **Mali**

Christine DiSabato, Senior Editor

### **Liberia**

Christine DiSabato, Senior Editor

### **Uganda**

Michael Zucker, Senior Editor

### **Kenya**

Michael Zucker, Senior Editor  
Emily Hoffman, Associate Editor

### **Rwanda (International Criminal Tribunal for Rwanda)**

Michael Zucker, Senior Editor  
Emily Hoffman, Associate Editor

### **Somalia**

Michael Zucker, Senior Editor  
Kathryn Meloni, Associate Editor

## **Europe**

### **Court of Bosnia and Herzegovina, War Crimes Section**

Natalie Davis, Senior Editor

### **International Criminal Tribunal for the Former Yugoslavia**

Natalie Davis, Senior Editor

### **Domestic Prosecutions in the Former Yugoslavia**

Natalie Davis, Senior Editor  
Alicia Mallo, Associate Editor

### **Turkey**

David Krawiec, Senior Editor  
Kyle Dunnell, Associate Editor

## **Middle-East**

### **Iraq**

Amanda Makhoul, Senior Editor  
Matthew Casselberry, Managing Editor

### **Syria**

Amanda Makhoul, Senior Editor

Matthew Perry, Associate Editor

### **Yemen**

Amanda Makhoul, Senior Editor  
Alireza Nourani-Dagiri, Associate Editor

### **Special Tribunal for Lebanon**

Amanda Makhoul, Senior Editor

### **Israel and Palestine**

Amanda Makhoul, Senior Editor

### **Gulf Region**

Amanda Makhoul, Senior Editor  
Maeve Dineen, Associate Editor

## **Asia**

### **Afghanistan**

Estefania Sixto Seijas, Senior Editor  
Matthew Casselberry, Managing Editor

### **Extraordinary Chambers in the Courts of Cambodia**

Estefania Sixto Seijas, Senior Editor

### **Bangladesh**

Estefania Sixto Seijas, Senior Editor

### **War Crimes Investigations in Myanmar**

Michael Zucker, Senior Editor  
Alan Dowling, Associate Editor

## **Americas**

### **North and Central America**

Michael Zucker, Senior Editor

### **South America**

Michael Zucker, Senior Editor  
John D'Addario, Associate Editor

### **Venezuela**

Michael Zucker, Senior Editor  
Amy Rubenstein, Associate Editor

## **Topics**

### **Truth and Reconciliation Commissions**

Asako Ejima, Senior Editor  
Sophia Billias, Associate Editor

### **Terrorism**

Asako Ejima, Senior Editor

### **Piracy**

Asako Ejima, Senior Editor

### **Gender-Based Violence**

Asako Ejima, Senior Editor

**Commentary and Perspectives**

Asako Ejima, Senior Editor

**Worth Reading**

David Krawiec, Editor-in-Chief

Dillon Brown, Associate Editor

War Crimes Prosecution Watch is prepared by the International Justice Practice of the **Public International Law & Policy Group** and the **Frederick K. Cox International Law Center** of **Case Western Reserve University School of Law** and is made possible by grants from the **Carnegie Corporation of New York** and the **Open Society Institute**.

**Grotian Moment: The International War Crimes Trial Blog:**

<http://law.case.edu/grotian-moment-blog/>

**Frederick K. Cox International Law Center:**

<http://law.case.edu/centers/cox/>

**Cox Center War Crimes Research Portal:**

<http://law.case.edu/war-crimes-research-portal/>



*To subscribe or unsubscribe from this newsletter, please email [warcimeswatch@pilpg.org](mailto:warcimeswatch@pilpg.org).*