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War Crimes Prosecution
Watch

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

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AFRICA

Libya

Libya's Defense Ministry: Shutdown of oil ports is a war crime (Libya Observer) By Abdulkader Assad
May 21, 2020

The Libyan Defense Ministry of the Government of National Accord (GNA) has vowed to bring the perpetrators behind the shutdown of oil ports, valves and other oil-related apparatuses to justice, condemning the oil blockade and saying it is a war crime.

The ministry added in a statement on Wednesday that this step will have severe consequences on Libyans and will lead to deficits in state revenue, let alone the outages of electricity due to shortages of fuel and gas.

"Such vandalizing acts are regarded economic crimes by the Libyan law and a war crime by the international humanitarian law." The statement reads, adding that it would take all necessary deterrent measures against the armed groups, as it was preparing a list of their names to file it at the judiciary offices.

The Defense Ministry added that Libyan Army forces could respond to such sabotage acts to ensure they wouldn't be repeated and to preserve Libya's national security.

Swiss company Kolmar taken to court for possible war crime of pillage through buying smuggled Libyan oil (Libya Herald) By Sami Zaptia
May 26, 2020

TRIAL International filed a criminal complaint ("dénonciation pénale") for complicity in pillage of smuggled Libyan fuel against Kolmar Group AG before the Swiss Attorney General on Friday 22 May.

This comes after a joint report published by TRIAL International and Public Eye on 2 March 2020, which reported that the Zug-based Swiss trading company had purchased smuggled fuel from Libya.

TRIAL International said that having analysed the evidence gathered during its investigation, it concluded that the Swiss trader may have been complicit in the war crime of pillage.

It will be recalled that an investigation spanning over a year by Public Eye and TRIAL International in Switzerland, Malta and Sicily revealed that Swiss company, Kolmar Group AG, a large fuel and biofuels trader had been involved in the illegal smuggling of Libyan fuel.

According to the findings of the report published on 2 March, Kolmar received over 20 shipments of marine gasoil from Libya between the spring of 2014 and the summer of 2015. The company was supplied by a network of questionable individuals: Fahmi Ben Khalifa – alias 'Fahmi Slim' – previously condemned of drug trafficking in Libya, and his partners Darren and Gordon Debono, two Maltese businessmen. The fuel was delivered to storage units rented in Malta by the Swiss company, the report had said.

It will also be recalled that in March 2016, the UN panel of experts on Libya identified Fahmi Ben Khalifa as the head of one of the most active fuel smuggling cartels in Libya. In the autumn of 2017, Catania's Guardia di Finanza – a Sicilian police branch under Italy's Ministry of Economy and Finance – managed to dismantle the network in its entirety. Libyan, Maltese and Italian nationals stand accused: Fahmi Ben Khalifa, Darren and Gordon Debono and seven other individuals have been charged with 'transnational conspiracy to launder gasoil of illicit origin and fraud'.

The report said Swiss company Kolmar did not deny having purchased more than 50,000 tonnes of fuel when it requested a right of reply to the report. According to the report, which says it has carried out a legal analysis of the evidence, these purchases could constitute complicity in war crimes.

“There were a significant number of indicators, all of which were in the red, that should have deterred Kolmar from carrying out these transactions. We believe that the evidence gathered warrant an investigation by the Swiss Attorney General to determine whether Kolmar wilfully ignored such signals. If so, the company may have been complicit in a war crime”, said Bénédict De Moerloose, head of the International Investigations and Litigation Program at TRIAL International.

If a company knowingly buys stolen raw materials from a country at war, it may indeed be found guilty of complicity in pillage, a war crime under the Rome Statute of the International Criminal Court as well as under Swiss criminal law, the report explained.

The fuel purchased by Kolmar Group AG had been looted by a smuggling network, with the support of an armed group, at a time when Libya was torn apart by armed confrontation between rival factions. But for the endeavour to prove profitable, the network needed international buyers. This is precisely where the Swiss company might have contributed to the pillage, which – if proven – could lead to its criminal liability. Several individuals involved in the smuggling operation are currently on trial in Italy.

In filing a criminal complaint, TRIAL International said it hopes that the Swiss Attorney General will also shed full light on this case to determine whether Kolmar’s actions in Malta were in accordance with the law. Whatever the outcome of a potential investigation by the Swiss Attorney General, the this case illustrates the need to adopt stricter rules, such as those advocated by the Responsible Business Initiative, to prevent any future involvement of Swiss companies in the financing of armed groups, the report added.

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UN Sees Possible War Crimes by Congo Militia With 296 Dead (Bloomberg News) By Michael Kavanagh
May 27, 2020

At least 296 people have been killed in northeast Democratic Republic of Congo since October, many in acts of violence that may constitute war crimes and crimes against humanity, the United Nations said Wednesday in a new report.

Attacks against civilians mainly by militia from the Lendu community have increased since March, particularly around artisanal gold mines in Ituri province, the UN said. Several hundred thousand people have fled the recent violence, bringing the total number of displaced in Ituri to more than 1.2 million.

“The persistence of this violence risks pushing members of the communities targeted by the attacks and who have so far shown restraint, to form self-defense militias,” according to the report, which was written by a joint office from the UN peacekeeping mission in Congo and the Office of the UN High Commissioner for Human Rights. This “could increase the likelihood of widespread inter-community violence in the region.”

In recent months, a Lendu armed group known as the Cooperative for the Economic Development of Congo, or Codeco, has splintered and increased attacks in the territories of Djugu and Mahagi, it said. The main victims of the violence have been members of the Hema and Alur communities, but Codeco offshoots have started targeting other communities as well.

Land Disputes Hema and Lendu armed groups fought protracted battles from 1999 to 2003 along the country’s border with Uganda at the height of Congo’s war years. Conflict resumed between the communities in December 2017 over land and administrative disputes and unresolved issues from the 1999-2003 conflict, the independent UN Group of Experts on Congo said in a December report.

Northeastern Congo is one of the richest sources of gold in Africa. Gold from the region is mostly dug by hand and exported or smuggled through neighboring countries, including Uganda, Burundi and Rwanda and then often on to Dubai, according to the UN Group of Experts.

Congo’s presidency declined to immediately comment on the report. The governor of Ituri, Jean Bamanisa Saidi, didn’t immediately respond to messages requesting comment.

More than 151 people have been injured and at least 38 -- including children -- were raped in the recent fighting, the UN report said.

Brutal killings in DRC's Ituri could be crimes against humanity – UN (RFI)

May 28, 2020

Brutal killings, rape and other crimes allegedly carried out by the ethnic Lendu community in Ituri province, northeastern Democratic Republic of Congo may constitute crimes against humanity and war crimes, according to the United Nations.

“The persistence of this violence is likely to push members of the communities targeted by the attacks, who have so far shown restraint, to form self-defence militias,” according to the United Nations Joint Human Rights Office (UNJHRO).

“This could increase the likelihood of large-scale inter-communal violence in the region,” according to UNJHRO.

A report out on Wednesday by UNJHRO indicates that during a period spanning six months to April 2020, at least 296 people were killed, 151 wounded and 38 raped. Women and children are among the victims of barbarous acts committed primarily by fighters with ties to the CODECO rebel group, many of whom are Lendu.

Civilians killed in eastern DRC by ADF rebels in revenge attack over Congolese army's operation

Gunmen kill at least 19 at fish market in DR Congo

The most recent attacks starting in March against civilians not only targeted the Hema and Alur communities, but included communities in the area who had previously been spared, said the UNJHRO report.

CODECO’s leader Justin Ngudjolo was killed in an army ambush in March, creating a power struggle and split within the group.

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Mali

Burkina Faso: Armed Islamists Attack Education (Human Rights Watch)

May 26, 2020

Increasing armed Islamist group attacks on teachers, students, and schools in Burkina Faso since 2017 have had a devastating impact on children's access to education, Human Rights Watch said in a report released today.

The 102-page report, “‘Their War Against Education’: Armed Group Attacks on Teachers, Students, and Schools in Burkina Faso,” documents scores of education-related attacks by armed Islamist groups in 6 of the country's 13 regions between 2017 and 2020. The groups have killed, beaten, abducted, and threatened education professionals; intimidated students; terrorized parents into keeping children out of school; and damaged, destroyed, and looted schools.

“Armed Islamist groups targeting teachers, students, and schools in Burkina Faso are not only committing war crimes, but are undoing years of progress in improving children's access to education,” said Lauren Seibert, children's rights researcher at Human Rights Watch and author of the report. “The Burkinabè government should investigate these attacks, ensure children regain access to schooling, and provide needed support to education workers who experienced attacks.”

Human Rights Watch interviewed over 170 people between December 2019 and April 2020, including 74 education professionals, 35 current and former students, and other witnesses to attacks, parents of students, victims' family members, community leaders, aid workers, experts, and government officials.

Armed Islamist groups allied with Al Qaeda and the Islamic State began attacking teachers and schools in Burkina Faso in 2017, citing their opposition to “French,” Western-style education and government institutions. The attacks have increased every year since.

Human Rights Watch documented 126 attacks and armed threats against education professionals, students, and schools, with more than half the attacks in 2019. At least 12 education professionals were killed and 17 assaulted or abducted in the documented attacks, with many others forcibly detained and threatened.

Teachers and school administrators described being chained, tied, blindfolded, and beaten, with their belongings stolen or burned. Those killed include five teachers shot at a primary school; a teacher and a principal shot at home; four teachers and

administrators abducted and killed, including two beheaded; and a retired volunteer teacher gunned down as he tutored children.

In a May 2020 letter to Human Rights Watch, the education ministry reported that at least 222 education workers had been “victims of terrorist attacks” as of late April.

While armed Islamists have not appeared to target children for violence during school attacks, they often fired shots in the air to terrify students and teachers. “I was really scared. We thought they were coming to kill us,” a student recalled. A 14-year-old girl was killed by a stray bullet during a school attack in 2018. Seven students returning from school break were among the 14 people killed when an explosive device detonated under their bus in January 2020.

Before the Burkinabè government closed all schools nationwide in mid-March in response to the Covid-19 pandemic, 2,500 schools had already closed due to attacks or insecurity, depriving nearly 350,000 students of access to education.

“All the schools here are closed [because of attacks and insecurity],” said an education professional in Namssiguia village, Centre-Nord region, in February. “We pray the situation will improve so the children can go back to school, because they are suffering.”

Violence by armed Islamist groups in Burkina Faso – and, in response, by self-defense militias and government security forces – has steadily increased since the emergence of the Burkinabè armed Islamist group Ansaroul Islam in 2016. A surge in attacks in 2019 continued into 2020, displacing over 830,000 people from their homes.

Between mid-2017 and mid-2019, the central Sahel countries of Burkina Faso, Mali, and Niger witnessed a six-fold increase in school closures due to attacks and insecurity. By early 2020, Burkina Faso had more such school closures than Mali (1,261) and Niger (354) combined.

The use of schools for military purposes, such as converting them into military bases, also puts education infrastructure at risk. Human Rights Watch documented the use of ten schools by Burkinabè security forces and six by armed Islamist groups, as well as armed Islamist attacks on four schools during or directly after their occupation by the Burkinabè military.

The attacks have had far-reaching consequences for students and teachers, including trauma and mental health issues, school withdrawals, dangers for children traveling to access new schools, and, among out-of-school children, increased child labor and risks of child marriage for girls.

In 2017, Burkina Faso endorsed the Safe Schools Declaration, a political agreement committing countries to prevent and respond to attacks on students, teachers, and schools. The government has since taken several positive steps, such as reopening closed schools, redeploying teachers, and creating a national strategy and technical secretariat on education in emergencies. Recently, the government expanded distance-learning programs – previously implemented in some conflict-affected regions – to national radio and television, as part of its Covid-19 education response.

However, the government should urgently address gaps in its response to education-related attacks. It should ensure timely psychosocial and financial support to victims, increase support to overcrowded “host schools” accepting displaced students, expand “education-in-emergencies” programs to reach more children affected by conflict, improve school security in conflict zones, and restrict military use of schools. Those responsible for attacks should be investigated for war crimes and appropriately prosecuted.

Donor governments should consider supporting education-in-emergencies programs and victim rehabilitation, including psychosocial care for teachers and students who experienced attacks.

“In their brutal assault against education, armed Islamist groups in Burkina Faso have cost teachers their lives, livelihoods, and physical and mental health, and they are costing hundreds of thousands of children their futures,” Seibert said. “These attacks need to stop.”

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'We were so ready': LGBT refugees in Kenya live in fear as global resettlement is put on hold (The Washington Post) By Max Bearak

May 26, 2020

After four years of waiting, he had the ticket booked: Nairobi, Frankfurt, Toronto. He had fled Uganda's violent homophobia, survived in neighboring Kenya, where it's only a little better, and allowed himself to fantasize about what he'd wear when he went out at night in Canada.

"Some of us had sold our mattresses, you know. We were so ready," said Chris Wasswa, who goes by the name Tina and doesn't care which pronoun is used to refer to him.

He's one of nearly 500 migrants in Kenya, more than 3,000 across Africa and 10,000 worldwide — the vast majority of whom are refugees — whose approved resettlement to third countries has been put on indefinite hold by the coronavirus, according to the International Organization for Migration, or IOM.

Once a country approves a refugee's resettlement, the IOM — part of the United Nations — controls their travel. It suspended those processes on March 17. For some refugees who were on the verge of travel, it's a relatively minor blip after years of trauma — just a few more months appended to years of waiting. For others, such as gay and transgender Ugandan refugees in Kenya, the delay comes with immediate risks.

"Now it's like, how do we even get to tomorrow?" said Wasswa, 26.

Sexual minorities are persecuted in Uganda, where lawmakers have made serious attempts to institute the death penalty for gay sex. In Kenya, those acts are also illegal and theoretically punishable by up to 14 years in jail.

More commonly, the law is used by the police as a pretext to extort and harass members of the LGBT community. In Kenya, as in Uganda, outspoken local Christian ministers and foreign missionaries have used their pulpits to denounce homosexuality.

Wasswa and almost 30 others lived in a safe house in a Nairobi suburb until the pandemic hit. Afraid that their numbers would draw police enforcing social distancing measures, they split into two houses of about 15 each, doubling the amount each had to pay for rent. Almost none had jobs. They said Kenyans won't hire them either because they are refugees or because they are effeminate.

"So, yeah, it's sugar daddies or nothing for many of us. But even that is much harder now," Wasswa said. "How are you

supposed to meet someone if bars are closed and there's a curfew? And if you met them, what if you are putting yourself at risk to get the virus? I can't bring someone home because that puts the whole house at risk."

Hundreds of thousands of South Sudanese and Somali migrants have sought asylum in Kenya. Around half a million have been registered as refugees and live in two vast camps, Kakuma and Dadaab, from where UNHCR, the U.N.'s refugee agency, can help them apply for resettlement to third countries. Discrimination and assaults in the camps have driven almost all the LGBT refugees from Uganda to relocate to Nairobi.

Here, they face a quandary: If you are Ugandan and you are a refugee, police assume that you are gay, bisexual or transgender — a criminal under Kenyan law.

This month, police raided a different safe house where half a dozen Ugandan refugees at various stages in the resettlement process live.

"There is no war in Uganda," Caitlyn Lubega recalled a policeman saying as he rifled through her bedroom's drawers, where he found lubricant. "You are not a refugee."

Lubega, 27, who is transgender, said she and a roommate were taken to a police station and told they could either "buy their freedom" or be charged for sex crimes, with the lubricant as evidence. She paid around \$250, she said.

The head of the police station in the Nairobi suburb of Ongata Rongai, Godfrey Gichuhi, said he was not aware of the house raid and arrest, but acknowledged that "there are so many petty cases that I cannot be aware of them all." He declined a reporter's request to view the registry of arrests. In his office, another officer repeated the line about there being no war in Uganda and cast doubt on Lubega's refugee status.

Dana Hughes, a UNHCR spokeswoman at the agency's global headquarters in Nairobi, said that in general it "takes any allegations of mistreatment seriously and will raise any concern with government and law enforcement officials to ensure the rights of refugees under international and national law are upheld."

Lubega and her roommates keep chickens and sell the eggs to get by. When Lubega returned home from the police station, she found one chicken hanging dead from a tree, like a warning. A few days later, she found another strangled. She thinks her neighbors are responsible for the dead chickens and for reporting her to the police. She's looking for a new place to live.

"If we keep moving around, the problem will be the same everywhere we go," she said. "I'm not hopeful."

For refugees such as Lubega who are still at the interview stage in the resettlement process, the suspension of all resettlement activity has dampened dreams even more than for those who have already found accepting countries. UNHCR said it hopes receiving countries can revive resettlement procedures even if the coronavirus keeps borders closed and flights grounded.

"UNHCR is encouraging more resettlement countries to adopt dossier processing and conduct remote interviews, as well as accept critically at-risk refugees for emergency resettlement departures," Hughes said.

The process is grueling, and often years can pass between interviews and other mileposts. Sulah Mawejje, another Ugandan refugee who lives with Wasswa, said that the U.S. Embassy was processing his application but that the suspension of the process meant he could be in Kenya for many more years than he'd hoped.

"It tortures you psychologically," he said. "The others leaving was a sign of hope for us. Now everything is back to normal and that normal is not good."

Mawejje fled Uganda at 21 after his parents died of AIDS and his extended family, repulsed by his rejection of traditional masculinity, disowned him. An uncle tracked him down in the Ugandan capital, Kampala, and shouted that Mawejje was gay in front of a large crowd, which then beat him severely. When he got to Kenya, he slept outside UNHCR headquarters for two weeks.

"Part of me feels like there's no hope. The process is already so long and hard to understand. The U.S. Embassy tells us things like you only have a 1 percent chance anyway," he said. "But here at least I have a family who accepts me for who I am."

Hope 'shattered' for Kenya's forest people three years after landmark ruling (Reuters) By Nita Bhalla
May 26, 2020

Kenya's indigenous Ogiek people are being harassed and threatened with eviction from the country's largest forest, despite a landmark court ruling three years ago recognising their right over their ancestral land, activists said.

The African Court on Human and People's Rights - Africa's highest human rights body - ruled on May 26, 2017 that Kenya had violated the Ogiek's right to live in the Mau Forest in the central Rift Valley, by attempting to expel them from the area.

But three years on, attempts to resolve the issue through the appointment of various government task-forces have failed, said campaigners, leaving the Ogiek to face continued harassment and eviction threats from forest officials.

The interior ministry did not immediately respond to requests for comment but the government has justified previous evictions on the grounds of environmental conservation.

Daniel Kobei, executive director of the Ogiek People's Development Program, said the community was anxious and needed a resolution soon.

"The judgment called for the government to respect our rights, formally recognise our time-immemorial title, enhance our participation in the sustainable management of the forests," he said in a report launched on Tuesday.

"This renewed hope lies shattered as this task-force appears to have made no progress."

About 45,000 Ogiek people depend on the Mau forest for their traditional livelihoods, including hunting game and gathering plants for foods and medicinal use.

Since colonial times, they have faced repeated evictions, while their land has been allocated to other communities for political and used for commercial purposes, including logging.

The Kenyan government has said the Ogiek's removal was necessary to protect the Mau Forest, which is known as the east African nation's "water tower" because it channels rainwater into a dozen major rivers and lakes.

Land has been an explosive issue in Kenya since the colonial era, with government reports showing corrupt officials have allocated large parcels to reward supporters and win votes.

Since Kenya's independence in 1963, the Mau forest has lost almost 37% of its original area to unchecked settlement, illegal logging and the burning of charcoal - with the greatest losses recorded in 2001/2, according to the World Wide Fund for Nature.

Lucy Claridge, senior counsel at the Forest Peoples Programme, called on Kenyan authorities to act quickly.

"The Kenyan Government has declared its commitment to the implementation of the Ogiek judgment, but this will require a systemic change in policy and practice towards all its indigenous communities," said Claridge.

"It requires action, not words."

'No Masks, No Gloves': Kenyan Government Under Fire Over Quarantine Centres (New York Times)

May 27, 2020

Kenya's government is facing growing criticism over quarantine centres it set up to curb the spread of the coronavirus, with witnesses saying some are squalid and expose residents to the risk of catching COVID-19.

Those who can pay spend the quarantine in an upmarket hotel. Others are placed in government-run facilities established in buildings such as schools or universities.

Demonstrations have broken out in some centres, break-outs have been reported, and the government faces two lawsuits over alleged mistreatment which it has yet to respond to.

Reuters interviewed 12 people who have spent time in quarantine in the government-run centres. Two said conditions were satisfactory. The other 10, who asked not to be identified to avoid stigma, described filthy conditions with bedbugs, overflowing toilets and bad food.

Reuters sought comment from the facilities where these people were housed, but phone and text messages sent over several weeks received no responses. Health Ministry spokeswoman Judy Sirima declined comment.

One woman told Reuters she was quarantined at Nairobi's Kenya Medical Training Center for two weeks and tested negative for the coronavirus.

Then others at the facility, where people were crowded together at mealtimes, tested positive. She was kept another week, and then tested positive too.

"I got it from the quarantine," she said. "We were sharing washrooms; we were sharing everything."

Reuters could not verify where she contracted the virus.

A woman in quarantine at the Karen Cooperative Retreat and Conference Center said she and others received no protective gear.

"We are not given masks; no gloves, no sanitizer," she said.

Neither facility responded to requests for comment.

Kenya has reported 1,348 cases and 52 deaths from COVID-19, but large-scale public testing began in the country of 47 million only this month because of shortages of materials.

On Sunday, Kenya's Health Ministry tweeted that many people being tested were giving false contact information.

Robert Alai, a popular blogger, quickly offered an explanation for their reluctance.

"Because you treat those who test positive like pigs," he tweeted.

Alai has been sharing pictures of grim quarantine conditions which he says he received from people in government-run facilities. Reuters reached three by telephone and they confirmed the conditions.

Dr Mark Nanyingi, an infectious disease epidemiologist with the University of Nairobi, said the threat of having family quarantined could deter sick people from coming forward.

"Public health messaging shouldn't be threatening," he said. "If we militarise this, we won't have as much success."

Facing criticism over the quarantine centres, Health Minister Mutahi Kagwe said on May 6 they would be free.

"Testing, quarantine and isolation is free. Come out and be tested," the ministry tweeted on Tuesday.

Until this month, the minimum rate for quarantine was 2,000 Kenyan shillings (\$20) per night. Some centres had refused to release people who did not pay their bills.

Kagwe has also said people who break a dawn-to-dusk curfew will no longer be put in quarantine.

A Senate report last month said hundreds of curfew breakers had been quarantined alongside people who had been exposed to COVID-19, the respiratory disease the coronavirus can cause.

One woman, Caroline Akumu, told Reuters she was held in a quarantine centre where she and her two-month-old son slept on a concrete floor after she was accused of breaking curfew and refused to pay 20,000 shillings to be released. She was freed only after a public uproar.

Kenya: Quarantine Conditions Undermine Rights (Human Rights Watch)

May 28, 2020

Kenyan authorities are potentially facilitating transmission of the Covid-19 virus while forcefully quarantining tens of thousands of people in facilities that lack proper sanitation, protective equipment and food, Human Rights Watch, Kenya Human Rights Commission, and Journalists for Justice said today.

The authorities have also held crowds of people in the arrivals area at the Nairobi airport for more than four hours with no social distancing, sanitizers, or masks; ferried people in packed buses with little ventilation; and, at the quarantine facilities, failed to enforce quarantine guidelines issued by the Health Ministry. The authorities also have forced people into quarantine for violating curfew or for not following orders to wear face masks.

"Kenyan authorities are exposing people to a risk of infection in poorly managed and ill-equipped quarantine facilities," said Otsieno Namwaya, senior researcher at Human Rights Watch. "Despite credible accounts of people with traumatizing experiences in forced quarantine, conditions have not improved."

Between mid-April and mid-May, researchers spoke to a total of 26 people, including 22 people in 11 quarantine facilities

across the country – among them the Kenya School of Government and Kenya Medical Training Institute in Nairobi – as well as three front line doctors and a senior nurse. Those forced to quarantine were incoming travelers, people who had contacts with travelers, and, in some cases, people who violated the curfew imposed on March 27 or orders to wear masks in public.

On March 15, 2020, President Uhuru Kenyatta announced the closure of all schools and colleges to curb the spread of the virus. On March 22, the health cabinet secretary, Mutahi Kagwe, banned international flights in and out of Kenya, except for cargo flights, and announced a mandatory 14-day quarantine for all incoming travelers and those who may have been in contact with them. However, the authorities did little to prepare facilities and staff on how to handle those in quarantine.

As of May 26, Kenyan authorities said they had quarantined and tested 64, 264 people. About 2 percent – 1,348 – tested positive for Covid-19, about 50 have died, and about 405 have recovered and been discharged. On May 4, the authorities said they had started mass testing in the capital, Nairobi, and in Mombasa’s old town, where residents were reluctant to present themselves for testing out of fear of being forcefully quarantined, media reported.

The authorities in Nairobi had earlier said that travelers at the airport could choose between paying to stay in a hotel or staying without charge in a government quarantine facility. Unlike in most other countries with a significant number of people in quarantine, in most cases people were not allowed to self-quarantine in private homes where feasible.

People interviewed described poor conditions of the quarantine facilities, including lack of bedding, water, food, and cleaning supplies, including soaps and detergents. They said they weren’t told of test results and that staff did not adhere to the government’s own protocols, such as wearing face masks or other protective equipment, to ensure that those quarantined do not become exposed to the virus.

A 22-year-old man who was quarantined at the Kenya Industrial Training Institute (KITI), in Nakuru, Rift Valley, following his arrival from France on March 23 said: “When I checked in, I found there was no electricity, no bathing water, no food and no water to drink. The beds had no mattresses or beddings. I slept on the spring bed with no mattress and nothing to cover myself. They told me I had to pay for water.”

Many others described similar conditions in other facilities across the country and said that the authorities sometimes extended quarantine periods from the initial mandatory 14 days, to more than 30 days, even when people tested negative several times. All those interviewed were asked to pay for accommodations, food, and other costs before being allowed to leave. Many of those who could not pay were held for additional days and, in one instance at Kenya School of Government, police were called in to beat those who persisted in pleading their inability to pay, victims and witnesses said.

On May 14, Human Rights Watch, Kenya Human Rights Commission, and Journalists for Justice wrote to the health cabinet secretary, Mutahi Kagwe, requesting information on the abuses in quarantine centers, and the government’s response to the complaints of those in quarantine, conditions in the facilities and the issue of payment for quarantine. Secretary Kagwe has not responded.

“The situation in quarantine facilities is chaotic and it’s shocking that authorities have exposed thousands to the risk of infection and trauma,” said Kwamchetsi Makokha, Program Advisor at Journalists for Justice, a Nairobi based organization. “Officials failure to ensure proper sanitation or to implement safety guidelines may have turned quarantine facilities into infection centres.”

Among those forced into quarantine for breaching the Covid-19 curfew was Carolyn Akumu, a 35-year-old mother, together with her month-old child. Akumu, said that Busia county officers arrested her on May 1 as she rushed home at 7:10 p.m., 10 minutes after the curfew time. Police forced her to go to what she described as a derelict and dusty quarantine facility in Nambale, 40 kilometers from Busia, where she slept on a cold floor with nothing to cover herself and her child. Akumu said she tested negative the following day, and was released on the second day, following intervention by civil society groups.

The authorities should urgently take measures to improve conditions in public quarantine facilities, including regular cleaning and fumigation, change of bed linens, provision of meals in all facilities, and adequate psychosocial support and medical care where need be, Human Rights Watch, Kenya Human Rights Commission, and Journalists for Justice said.

In addition, the authorities should ensure adequate care and access to communication, including in accessible formats, with the outside world for those in quarantine, and waive fees associated with quarantine and related medical care for those who cannot afford them. Individuals should be assessed for self-quarantine, provided that they are able to maintain social distancing and proper support from a caregiver.

Under the International Covenant on Economic, Social and Cultural Rights, which Kenya ratified in 1972, everyone has the right to “the highest attainable standard of physical and mental health.” Governments are obligated to take effective steps for the “prevention, treatment and control of epidemic, endemic, occupational and other diseases.” However, any restrictions they impose for reasons of public health or national emergency need to be lawful, necessary, and proportionate and be carried out

in accordance with the law. They cannot be imposed in an arbitrary or discriminatory manner.

“President Kenyatta should demonstrate to the world that Kenya can implement its quarantine policy in a humane and accountable manner,” said George Kegoro, executive director at Kenya Human Rights Commission. “The president should ensure that government meets all quarantine-related costs, as cabinet secretary for health Mutahi Kagwe promised on May 6.”

For detailed findings, please see below.

Dusk to Dawn Curfew

On March 25, President Kenyatta announced a nationwide dusk-to-dawn curfew starting March 27. On April 3, the authorities made it mandatory for everyone to wear masks in public places and introduced mandatory quarantine for those who did not wear masks or breached curfew, but parliament rejected that requirement on April 21. Researchers spoke to three people who said the police had arrested them days before the law was presented to parliament and placed them in mandatory quarantine for breaching curfew or failure to wear a mask in public.

Kenyan media have also reported several other incidents in which police forcefully quarantined people for breaching curfew without evidence that they had been exposed to the virus. Kenyan activists have gone to court to challenge government quarantine policy. On April 18, Kenya Legal and Ethical Issues Network on HIV and Aids (KELIN), Mombasa-based Muslims for Human Rights (MUHURI), and seven Kenyans who had served various periods in quarantine filed a petition seeking to have the government cover all expenses incurred by people in quarantine facilities or in isolation at government health facilities. The petitioners alleged that the government carried out quarantine measures in an abusive, degrading, and unconstitutional manner.

Mandatory quarantine for breaching curfew or not wearing a mask is problematic. It is not the least restrictive measure possible, it can amount to detention that has been imposed without warning, and the conditions in quarantine may be undermining public health, compared with self-quarantine at home, by increasing exposure to the virus.

Failure to Provide Sanitary, Humane Conditions

On March 27, five days after Kenya imposed mandatory quarantine for international arrivals, the Health Ministry published a quarantine protocol describing the standards for quarantine facilities. The protocol requires the facilities to be well ventilated, ensure social distancing, have regular cleaning and disinfection of laundry, dedicated linen and eating utensils for each person in quarantine, and for the facilities to regularly provide detergents for cleaning.

Researchers found that the facilities did not uphold the protocols. Three people interviewed – who were quarantined at the Kenya School of Government, Pride Inn, and a 29-year-old man at KMTC Nairobi – described dusty and neglected facilities and said they were responsible for cleaning their own rooms and bathrooms but often were not provided with cleaning supplies.

Some of the facilities outside Nairobi had neither beds nor bed linen, and those admitted there had to spend nights on cold floor. For example, Kisoko Girls High School had no beds, linen, or healthcare staff to look after those admitted other than security guards at the gate.

In the Kenya Industrial Training Institute (KITI) in Nakuru county, those quarantined were given bed linen two days after admission but said it was neither washed nor replaced for the whole quarantine period – sometimes more than 14 days. In at least four facilities – KITI, Kenyatta University Conference Centre, Cooperative University Retreat Centre, and Kenya School of Government – those interviewed said that the Health Ministry did not provide detergents and that those in quarantine had to either buy the detergents or use what may have been left by previous occupants.

At KITI, four of those who had been quarantined said they had to buy food, water, and soap and clean the facility themselves. A 22-year-old man quarantined at the facility recalled:

“There was no electricity, no bathing water, no food and no water to drink. The entire place was dusty. The beds had no mattresses or beddings. I slept on the spring bed with no mattress and nothing to cover myself for two days when they brought us beddings. They told me I had to pay for water.”

Failure to Protect People Against Infection

Two arriving travelers said they believed they may have been infected either at the airport arrivals lounge where the authorities held crowds of people from various parts of the world for hours or inside fully packed and poorly ventilated buses that ferried them from the airport to quarantine centers.

Buses used to ferry the arriving travelers to the facilities were both poorly ventilated and, in some cases, packed beyond capacity, and police officers failed to observe social distancing measures or wear protective equipment on the buses, those interviewed said.

Four people said they believed they could have contracted the virus in quarantine facilities, as the authorities failed to enforce safety measures, including social distancing and not sharing cutlery, and dispensing tea from shared dispensers without using gloves.

In nearly all facilities, staff seemed unaware that people would be quarantined there and some were exposed to infection in the facilities. At the Lenana school facility in Nairobi, a 29-year-old staff member who later tested positive for Covid-19 said he was not informed when the facility received its first batch of people for quarantine on March 24. He was then made to quarantine there himself. The staff member said:

“They arrived at 1 a.m. and since I am the one who was at the gate, I checked them in and showed them where to sleep. No one bothered to tell me who they were. After I finished, my boss told me to join them in quarantine since I had been exposed.”

Failure to Allow Self-Quarantining for People at Risk

Despite the protocol allowing those with preexisting conditions or pregnant women to self-quarantine at home, researchers found that facilities admitted pregnant women or people with diabetes and hypertension. At-risk people or people with disabilities were held for several days at Kenyatta University Conference Centre before they were released or transferred to other facilities following complaints.

At Busia’s Kisoko Girls High School, on May 1, police and county health officials forcefully quarantined a 35-year-old woman, Carolyn Akumu, together with her one-month old baby for breaching the curfew, contrary to quarantine protocol. In another incident on the same day, police and county enforcement staff forcefully quarantined a pregnant woman at the same facility in Busia for violating curfew, even though guidelines have included pregnant women among the vulnerable that should not be quarantined.

Extensions of the Quarantine Period

Some of those interviewed said that government officials extended the quarantine beyond the initial 14 days for another 14 days or for indefinite time periods whenever someone in the same quarantine facility tested positive for the virus. People interviewed who were quarantined in KITI, the Kenya School of Government and Kenyatta University Conference Centre, said they suspected that the extensions of quarantine periods could have been out of the knowledge that there was a failure to enforce social distancing or provide protective equipment inside the facility. In any case, the unsanitary conditions in the facilities may have contributed to continuing exposure to the virus and thus extension of the quarantine. In other instances, the authorities also extended the stay for people who could not pay the cost of quarantine, even though some arriving travelers were promised that government facilities would be free.

A 29-year-old man who had been in quarantine at Kenya Water Institute in Nairobi said he was transferred to the Kenyatta University Hospital for isolation after he tested positive for Covid-19. After seven days in isolation, he said he was told he would be allowed to go home but in fact was held six days more because he could not pay the quarantine and isolation costs.

The indefinite extensions caused anxiety in those quarantined, ranging from fear of losing their jobs or delay in seeing loved ones. One interviewee said:

“I don’t have money because I had lost my job in Dubai, but I am now in forced quarantine in a government facility. We had been told quarantine would be 14 days and free, but I have been here 30 days. I have twice tested negative since I arrived, yet I am still here, and I have to pay Ksh 2,000 (US\$20) for each day I have spent here.”

A 28-year-old man who was at Pride Inn hotel in Nairobi quarantined together with his family of four said he was told at the end of 14 days he had to pay Ksh 420,000 (\$4,200) for himself and four other family members to leave. The authorities extended their stay by another 14 days after someone in their facility tested positive. “I called relatives who chipped in, but I am not sure how I am going to pay for the extended period.”

At Kenyatta University, four men who had tested negative after two tests on the eighth and twelfth day, were to have been allowed to go home on the 14th day. But, since they could not pay, the authorities held them for an additional eight days, a total of 22 days. The men were so distraught that they threatened to take their own lives, following which they were allowed to leave.

Lack of Adequate Medical Care, Counseling

Those who tested positive for Covid-19 said that the authorities transferred them to isolation wards at various hospitals where they did not receive any medical care. They told researchers they felt neglected by hospital staff and Health Ministry officials who did not make any attempts to manage the virus or provide them with medication.

A 34-year-old man who had been admitted at Kenyatta University hospital after he tested positive said he was forced to send for painkillers and lemons outside the hospital after he got a headache. A 35-year-old woman who tested positive and was admitted at Mbagathi hospital said the hospital only provided her with food and water, but no medication during the eight days she was in an isolation ward.

The authorities did not provide psychosocial counseling or mental health services for people in quarantine, though one person died by suicide and five others attempted to take their own lives. Media reported how on May 27, staff at KITI found the body of a 27-year-old South African, Elizabeth Holloway, who had been forcefully quarantined there, hanging from the ceiling of her room with a piece of cloth.

Two people who quarantined with her told researchers that she had called management the day before about the unsanitary conditions there and asked to be transferred, but that the management had ignored her pleas.

Two days after Holloway took her own life, a Kenyan woman at the same facility attempted suicide. A 22-year-old man who was in the facility told researchers: "There were no counselors, and so those of us who were there with her started talking to her until she dropped the idea of committing suicide."

Insensitivity in Testing, Communicating Results

Those who tested positive said the testing, management, and communication of results lacked transparency and failed to meet the required professional standards. Most said they were told their results verbally, by an unidentified person calling them by phone, and never given lab results. A 32-year-old man admitted at Kenyatta University hospital at the end of March said the hospital staff became hostile when he requested documentary evidence of the lab results.

A medical practitioner admitted at Mbagathi hospital said the hospital staff ignored his repeated requests for lab results. Another medical practitioner recalled:

"They told me it was positive but didn't show me any paper. It was always a verbal communication.... It was that way the whole time ... no documentary evidence. Many people were not convinced they were being told the right results."

Many of those who tested positive also told researchers that the insensitive way officials relayed results and lack of information about what would happen to them caused them enormous stress and anxiety.

Stigmatization

Most people interviewed said that quarantine facility staff treated them poorly. A 36-year-old woman who attempted suicide at KITI in Nakuru said: "I got a panic attack after one of our colleagues committed suicide. I called for help, but the doctor just laughed at me."

People at the facility told researchers that the surrounding community and many of the staff at the facility would reject their money when they tried to buy food, on suspicion the money was contaminated. A 29-year-old man who had been quarantined there said:

"We didn't have food inside the facility. We wanted to buy food from vendors over the fence, but they would decline our money. Staff who we thought would help would also not take money from us. We would wait for one nurse who would accept to help buy for us food from outside, but we had to send the money to her via mobile money."

At one quarantine center, interviewees said, on occasion kitchen staff declined to serve those in quarantine, compelling a security guard to bring the food. At a hospital in Nakuru, a 34-year-old woman who had been admitted there pending Covid-19 testing said that hospital staff avoided her even after she tested negative. She said: "They would not talk to me. They would drop meals at the floor at the entrance of my ward and run away without telling me. I would discover the food cold on the floor at the door, sometimes hours later."

Kenyan Police killed 2 children, injured 3 in operation to catch their father, a suspected terrorist (New York Daily News) By Muri Assuncao

May 30, 2020

Police in Kenya killed two children and their unborn sibling during an operation to catch their father, a suspected terrorist with links to an Al Qaeda group.

The kids' mother, who was pregnant, was also injured. She survived, but the unborn baby died in her womb. Three other children were also hurt, including a 3-year-old girl who was shot in the head, according to a police report seen by The Associated Press.

On Friday night, an elite police unit went to the house of Mohamed Mapenzi in the coastal area of Kwale County, in southern Kenya, in search of firearms. They had been directed there by another suspected extremist, a member of al-Shabab, a jihadist fundamentalist group based in Somalia.

According to the report, when police arrived at his house, the suspect initially refused to open the door — which led to the bloody episode.

“As the officers were preparing to break in, the suspect suddenly opened the door and threw a grenade toward the officers, slightly injuring one of them. This prompted the officers to open fire, fatally injuring him and two minors he was using as human shields,” the report said.

Hussein Khalid, the executive director of the rights group Haki Africa, talked to AP about the carnage after visiting the morgue to where the bodies had been taken. He said that it appears that police used excessive force.

Brutality and excessive use of force by Kenyan police have alarmed human rights activists for years.

Last year, a shocking video showing four police officers beating a student during a protest drew universal condemnation.

In April, the Human Rights Watch said that at least six people had died from police violence during the first 10 days of a coronavirus-induced curfew.

“It is shocking that people are losing their lives and livelihoods while supposedly being protected from infection,” Otsieno Namwaya, HRW's senior Africa researcher said in a statement.

“Police brutality isn't just unlawful; it is also counterproductive in fighting the spread of the virus,” Namwaya added.

Kenyan President Uhuru Kenyatta later apologized for the police violence following the enforcement of the country's curfew — but he failed to instruct the police to end the abuse, according to the Human Rights Watch.

Kenyans protest as police accused of killing homeless man (ABC News) By Tom Odula
June 2, 2020

Residents of a slum in Kenya's capital have protested the death of a homeless man who they said was killed by police for violating a dusk-to-dawn curfew for the coronavirus.

Hundreds of people in Mathare left their homes and burnt tires on the streets Monday night in the latest outrage over alleged police brutality.

Dominic Njagi said he couldn't understand why police shot his brother, 51-year-old James Mureithi.

“The pathologist I talked to said my brother was shot twice; one on the legs and the other on the chest,” Njagi told The Associated Press. “The pathologist said the chest wound was at close range.”

He said Mureithi was a university-educated automotive engineer who suffered a mental breakdown after divorcing his wife 10 years ago.

Police did not respond to a request for comment.

Local elder Stephen Wesonga said Mureithi was well-known in the slum as he used to walk around collecting recyclables to sell.

Rights activist Boniface Mwangi asserted that 19 Kenyans have died from police actions in enforcing the COVID-19 curfew, all from low-income neighborhoods.

He said the Kenyan deaths and the global protests over the killing of George Floyd in the U.S. show that “struggles against police brutality are the same everywhere.”

People are more afraid of the police than COVID-19, Mwangi said.

He said activists are planning demonstrations and had hesitated before because they feared arrest that could lead to six months in jail for illegal assembly — or 14 days in a quarantine facility.

A statement Tuesday by the Independent Policing Oversight Authority, established by Parliament, said 15 deaths and 31 incidents where people sustained injuries have been directly linked to actions of police officers during curfew enforcement.

The authority said it has dispatched teams to investigate another six deaths allegedly linked to the police since May 29, including that of Mureithi.

Also Tuesday, Kenya's director of public prosecution ordered the arrest and prosecution of a police officer in the death of 13-year-old Yasin Hussein Moyo, who was shot dead while standing on his family's balcony in March as police moved through his crowded neighborhood enforcing the curfew. Police at first said he was hit by a stray bullet.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Rwanda: Belgian Court Upholds Sentence for Genocide Convict Neretse (All Africa News) By James Karuhanga
May 27, 2020

A Belgium court has upheld the 25-year sentence handed to Genocide convict Fabien Neretse.

The appeal case for the 25-year sentence handed to Genocide convict Fabien Neretse last December resumed on Wednesday, May 27, in a Belgian court (Cour de Cassation).

According to Andre Martin Karongozi, a lawyer for the victims, defence lawyer Jean Flamme was given time to present his case and the latter, among others, stated that the court that previously convicted his client did not clearly show proof of how Neretse committed Genocide "because as a single individual he could not prepare Genocide."

"When allowed to speak, I told the court that the lawyer, Flamme, wants to take the court back to the starting point of a case that was concluded," Karongozi said. "I informed the court that what the Cour de Cassation is preoccupied with is examining whether laws were followed correctly."

During the initial appeal hearing in April, the Attorney General affirmed that Neretse's appeal had no legal basis.

At the time, however, defence lawyer Jean Flamme requested for 15 days to respond to the Attorney General's conclusion. Court then ruled that the appeal hearing will resume May 27.

Last December, Neretse, 71, who was an influential member of the then ruling MRND party, was found guilty of Genocide, murder, war crimes and crimes against humanity, by the Brussels Assize Court.

The MRND was the ruling party prior to the 1994 Genocide against the Tutsi.

He was prosecuted for the crime of Genocide and war crimes committed in Nyamirambo, Kigali, where he resided and Mataba, his native region, as well as elsewhere in Rwanda between April 6 and July 14, 1994.

According to CNLG, Neretse called the genocidal army who executed 13 people in Kigali alone.

In his native region of Mataba, Neretse created, armed and paid the Interahamwe militia.

Ex-mayor in Rwanda sentenced to life for role in 1994 genocide (Al Jazeera)
May 28, 2020

Ladislav Ntaganzwa convicted for plotting to exterminate Tutsis and ordering the

killing of more than 25,000 people.

A Rwandan court has handed a life sentence to a former politician found guilty of orchestrating the killing of tens of thousands of people during the 1994 genocide in the country, a court spokesman said.

Ladislav Ntaganzwa, a former mayor of Nyakizu in southern Rwanda, was indicted in 1996 by the Arusha, the Tanzania-based International Criminal Tribunal for Rwanda, on charges of direct and public incitement to commit genocide, murder and rape.

"Ladislav Ntaganzwa was today sentenced to life imprisonment over genocide crimes committed during the genocide against Tutsi in 1994," court spokesman Harrison Mutabazi said on Thursday.

According to the indictment, he addressed the surrounded Tutsis and told them to lay down their arms. Then he gave the order for the massacre to begin, "whereupon the gendarmes and communal police shot at the crowd".

The tribunal's indictment accused Ntaganzwa of plotting to exterminate Rwanda's Tutsi population and personally ordering the massacre of more than 25,000 Tutsi civilians in his town in April 1994. It then passed the case to a Rwandan government court.

The tribunal closed five years ago and was replaced by a successor body, the International Residual Mechanism for Criminal Tribunals, with offices in Arusha and The Hague, Netherlands.

About 800,000 Tutsi and moderate Hutus were killed during the genocide, which took place during the last four months of the Rwandan Civil War.

Alexis Musonera, Ntaganzwa's lawyer, said he planned to appeal the ruling.

"We plan to appeal because evidence in the hearing was based on witnesses' testimony but that was not enough as some witnesses were contradicting themselves. We are not happy about this lengthy life jail term," Musonera told the Reuters news agency.

The judgement was announced via video conference while Musonera used Skype to follow it with Ntaganzwa at Mpanga prison in the country's southern province.

Ntaganzwa was arrested in December 2015 in the Democratic Republic of the Congo. Rwanda took him into custody in March 2016.

The United States had offered up to \$5m for information leading to his arrest.

The sentencing comes shortly after Felicien Kabuga, the top-most fugitive from the genocide, was arrested in France last week after 25 years on the run.

The wealthy businessman is accused of supplying machetes to the killers in the genocide and broadcasting propaganda urging mass slaughter.

On Wednesday, Kabuga appeared in a French court and denied the charges. His request for bail was denied. He seeks trial in France and not in Africa.

The International Residual Mechanism for Criminal Tribunals also announced last week that it had concluded that former Defence Minister Augustin Bizimana, another of the most-wanted fugitives, had died.

The remaining high-profile genocide suspect at large is Protais Mpiranya, a former commander of the Presidential Guard of the Rwandan Armed Forces.

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Somalia

Triple Emergencies of COVID-19, Flooding & Locusts Makes Somalia Susceptible to Human

While simultaneously suffering from the coronavirus pandemic, flooding and a locust crisis, Somalia, could well see a rise in the number of people who are susceptible to human trafficking.

According to the United Nation's Office for the Coordination of Humanitarian Affairs, the rainy season in Gu resulted in twice the average rainfall, causing floods across this East African nation, affecting almost a million people and displacing over 400,000 people.

"As more people find themselves in vulnerable circumstances as a result of displacement from floods, drought and conflict, it is assumed that some of them are likely to seek "greener pastures" it is anticipated that in this state of vulnerability they could become susceptible to human trafficking and exploitation," Isaac Munyae, Programme Manager for Migrant Protection and Assistance at the International Organisation for Migration (IOM) Somalia, told IPS over email.

This Horn of Africa nation is considered a source, transit and destination country for trafficking in the region and each year a unknown number of migrants pass through the country's borders. According to Federal Government of Somalia (FGS) officials, trafficking has been rampant in the country for decades.

"Many Somalis are trafficked across the borders and are often moving along the southern and northern routes through Sudan, South Sudan and Kenya. On the other hand there are some Somalis and a lot of Ethiopians travelling to Yemen along the eastern route that pass through Somalia and also fall prey to exploitation," Munyae said.

The IOM added that the COVID-19 outbreak — Somalia has some 1,711 confirmed cases as of May 27 — "poses an additional challenge in an already fragile context where it may further hinder access to basic services, leaving the population highly vulnerable".

- According to the U.N. Refugee Agency, the country has some 2.6 million displaced people.
- Since the start of this year, more than 220,000 Somalis were internally displaced because of drought and climate-related disasters, including 137,000 due to conflict.
- And in March and April, more than 50,000 people were forced to flee their homes as operations against the Islamic insurgent group, Al Shabab, resumed in Lower Shabelle.

With continued political and food insecurity, and the second-longest coastline in Africa after Madagascar (3,333 kilometres) which is difficult to patrol, the U.N.-backed FGS said it is doing its utmost to end human trafficking.

"Somalia has a very long coastline and as I am speaking to you, we don't have the capacity to control all of it, but our police maritime unit who have close cooperation with other forces in the country are always engaged in routine operations using speed boats, but to fully control such a long coastline needs much capacity than we currently have," the head of the Department for the Fight Against Smuggling and Human Trafficking, Abdiwakil Abdullahi Mohamud, told IPS.

Mohamud and Somali parliament member Mohamed Ibrahim Abdi both lamented the lack of an existing human trafficking law.

"Human trafficking is a big problem which must be tackled, but I can confirm that Somali parliament hasn't yet a human trafficking law. We recognise the importance of a law, but right now there is nothing on the table, I hope we will get the law in place in the future, I cannot say when," Abdi, told IPS.

However, the federal state of Puntland has a human trafficking act in place, which requires enforcement. While in the breakaway region of Somaliland, "a referral mechanisms for supporting victims of human trafficking was developed and adopted this year," said Munyae.

In December, the FGS and IOM signed a cooperation agreement where "IOM proposes to work with the government in establishment of appropriate legal frameworks and referral mechanisms in collaboration with other UN and I/NGO partners," Munyae told IPS.

There are no official figures of trafficking in Somalia.

According to Mixed Migration Centre, in May 2019 there was an increase of 41 percent of the number of people migrating from Somalia to Yemen.

Those migrants were from Somalia, Ethiopia, Djibouti and Kenya. The center said that in April 2019 alone some 18,904 Somali and Ethiopian migrants were recorded to have arrived in Yemen.

Mohamud said his department developed a close cooperation with the Department of Immigration and has so far been able to end the trafficking of people through airports and sea ports.

However, he pointed out that it was not possible to control all land borders as they had limited resources available.

According to Mohamud, his department prevented thousands of young Somali men and women from being trafficked out of the country since it was established three years ago. But he is mindful that people previously saved from trafficking could once again become susceptible.

“We do not have the financial capacity to create jobs for them, but we teach them some skills and we then hand them over to their families. That is what we are able to do for them at the moment,” he said, adding that high unemployment meant young Somalis were vulnerable to human traffickers.

According to a figure released by the International Labour Organisation in 2019, the youth unemployment rate in Somalia was 24.89 percent.

Munya added that additional factors that resulted in susceptibility to human trafficking included, “poverty as a result of loss in livelihoods caused by displacements for whatever reason, family pressures, social factors such as child marriages and forced labour and customary practices and lack of appropriate legal frameworks for protecting the rights of mobile population”.

However, Muna Hassan Mohamed, the chairlady of Somali Youth Cluster, believes that many youth are risking their lives in the hands of human traffickers as they are promised dual nationality.

“Of course, the unemployment and insecurity are very big problems that we can’t deny, but the main factor that drives young Somalis to be exploited by human traffickers is what I can call [the passports].

“When I say passports, I mean European, American, Canadian or Australian passports, because if you are a citizen of any of these countries, then it is easier for you to be an MP, a minister or get a well-paid job in Somalia,” she told IPS, adding that most Somali parliament members, government ministers, general directors and other key staffers are all dual citizens.

“Almost every well-paid job in Somali government’s institutions has been taken by Somalis with foreign passports, while international NGO’s in the country do not have an equal opportunity policy when employing Somali nationals,” she said explaining that those Somalis with dual citizenship were paid more than locals.

Meanwhile, Omar Ahmed Tahriib-diid, who irregularly migrated to Europe in 2014, wants to spare others the hardships he faced.

Tahriib-diid, who now lives in the relatively peaceful Puntland State northeast of Somalia, said he decided to return to his native region.

“Every day I witnessed people dying of hunger or being tortured to death by the cruel human traffickers. We always hear in the news that migrants drowned at sea, but the underreported thing is that many more die even before reaching the sea,” Tahriib-diid told IPS of what he experienced when he left the country, travelling through Sudan and Libya.

“In Sudan they dealt with us well, but I can say that there was a widespread brutality in Libya which I can describe as a hell on earth,” he said.

Eventually, he made his way to Germany where he tried for an entire year and had been unable to get a job. Upon his return to Somalia, he landed a job as the regional coordinator for Sanaag region at the Ministry of Justice in Puntland State.

Now he remains engaged in awareness programmes and “succeeded to prevent many young people from risking their lives. Some of them are now running their own business or secured jobs through my awareness campaigns with the help from the government”.

Killing of Seven Health Workers, Shop Owner Shocks Somalia (VOA) By Mohamed Olad Hassan
May 29, 2020

The bodies of seven health workers and a civilian were found Thursday in a village north of Mogadishu, shocking residents, local authorities and elders said Friday.

“We found the dead bodies of the seven young health workers and a shop owner outside Golaley village near Balad district, 30

kilometers north of Mogadishu, a day after they were abducted by men in Somali military fatigues," Ahmed Mohamed Muse, a local elder, told VOA Somali.

It was not clear who was responsible for the killing, but local elders, including Muse, accused Somali government soldiers of being behind the attack.

"The abductors were government soldiers and they carried out the execution, apparently as revenge for the killing of nine soldiers by a roadside bomb on Tuesday," said Muse.

Qasim Ali Nur, Balad district commissioner, denied the accusation and instead laid blame on the militant group al-Shabab.

"We are still investigating the incident and the initial evidence we have is telling us that al-Shabab militants were behind the killing," Nur told VOA Somali.

He said the seven slain health workers were with the Zamzam foundation, a local aid group that focuses on health care, education, orphan care and peace building.

Colonel Abshir Maxamuud, a senior military official operating in the Middle Shabelle region where the incident occurred, also denied any involvement of government soldiers.

Omar Jamac, a spokesman for the aid group, confirmed to Reuters that seven of its health workers had been kidnapped from a center in Golaley village.

Residents shocked

The executions shocked the residents of Balad town, triggering protests against what they called the "brutal execution of civilians."

The protesters, wearing red head bandannas, marched through main streets of the town Friday, calling on the authorities to bring the perpetrators to justice.

"We are deeply saddened by the gruesome incident. All we demand is justice and fair investigation that finally results in justice for those murdered civil servants," Osman Muhumed, a protest organizer, told local media.

The federal government, the United Nations and international groups also condemned the incident.

U.N. Resident Humanitarian Coordinator Adam Abdelmoula said in a statement Thursday that he was shocked by the killings of the health workers. "Attacks against medical facilities and personnel are unacceptable and a breach of international humanitarian law and any common decency," he said.

Abdelmoula who also is the deputy U.N. head in Somalia, called for a "transparent and thorough investigation" into the incident.

A statement from the Somali government said, "The government is sharing the pain with all Somalis and sends condolences to the families of those murdered."

The statement added that the government had ordered an immediate investigation into the incident.

This incident came at a time when Somalia has been struggling with the COVID-19 pandemic, drought and a locust invasion.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Acquitted War Crime Defendant Sues Bosnia for Compensation (Balkan Transitional Justice) By
Nejra Dzaferagic
May 27, 2020

Slavko Milovanovic, who was acquitted of involvement in an attack on the village of Resagici, near Srebrenica, in May 1992, launched his case on Wednesday for compensation for the suffering caused by 15 months of restrictive measures that were imposed on him during his trial.

During the legal proceedings, Milovanovic was barred from meeting or in any way contacting prosecution witnesses or being within 100 metres of them, and he had to report to the local police station every two weeks.

Milovanovic's lawyer Petko Pavlovic suggested that an expert assessment of his client's mental state be carried out by a neuro-psychiatrist.

"The examination is proposed with the aim of determining the level and intensity of mental anguish and fear caused by the outcome of the criminal proceedings and the damage to his reputation and honour," Pavlovic said.

He also presented medical documentation about the deterioration of Milovanovic's health. Milovanovic, a former reservist policeman at the police's Public Security Station in Skelani, near Srebrenica, was acquitted by the Bosnian state court in November 2019.

He was cleared of participating, together with police officers, soldiers and paramilitaries, in an attack on the village of Resagici and of ordering that Bosniak civilians' houses, which women and children had been forced to leave, be set on fire. The next hearing in the case is scheduled for July 22.

The Justice Files: Utah man accused of war crimes (ABC 4 News) By Marcos Ortiz
May 28, 2020

For 25 years, Mehmed Bilic lived a peaceful life.

The former Bosnian soldier and his family migrated to Utah following the strife between involving Serbians and Bosnian muslims. In 1993 he was in a concentration camp during a period of ethnic cleansing. With the help of the Red Cross, he chose to bring his family to Utah and eventually became a U.S. citizen.

"He's a very nice guy," said longtime neighbor Dan Curtis. He's been her for quite a while. His home is well preserved. As a finished carpenter neighbors said home stood out because of its appearance. They said he was a very good neighbor and someone who they trust.

"He's just so good with all the neighbors," said Curtis. He's willing to always help. He's quiet. No problems what so ever."

But Curtis said he was outside in his front yard 18-months ago when federal agents placed him under arrest.

An international warrant was filed in Utah's federal court. In recently unsealed documents Bosnian Serbs want him extradited. He's accused of committing "war crimes against civil population," according to the affidavit filed in federal court.

A Serbian told authorities he was "physically and mentally abused" by Bilic and three other Bosnian soldiers while in captivity in 1992.

The same witness claimed two Serbian friends who were also captured disappeared. He later learned "both were just dead." He blamed Bilic and the soldiers for their death.

At his home in West Valley, Bilic's daughter refused comment and referred all questions to a family attorney. Attorney Rod Snow said the allegations are political revenge by Serbians who despise Bosnian muslims.

"(He) denies them (allegations) because they're false," said Snow. "He was at a prison camp when it happened."

Snow said Bilic returned to Bosnia twice after the warrant was issued but was never detained. He doesn't understand why they finally are demanding his return. He said in the 1990's many Bosnian Serbs were convicted of war crimes including murder and rape. He said now that the Serbians have their own government they are attempting to balance the scales.

“If he goes back it will be a stacked deck against him,” Snow said.

He said a public defender is representing Bilic against the extradition warrant.

Back in his neighborhood, Al Hayes was one of the few people to talk with Bilic following his release from jail. Bilic’s spent 18-months behind bars and was released two weeks ago.

“He definitely says he is not guilty and we do believe and a lot of people believe that he is not guilty of any war crime,” said Hayes.

Hayes said he’s known Bilic for the 25-years he’s in his neighborhood.

“It definitely doesn’t fit his personality,” said Hayes. Not at all, he would not harm a flea. He doesn’t understand how one person can make all these things up and it gets him arrested.” Hayes said Bilic is now wearing an ankle monitor as part of his release from jail.

Attorney Rod Snow said the next move in court will determine his fate. He said they’re waiting for the judge to rule whether he’ll be extradited to face war crimes or be allowed to return to his West Valley home and once again, live in peace.

Prosecutors Office of Bosnia and Herzegovina held a Meeting presenting Work during Pandemic (Sarajevo Times)

June 3, 2020

The Chief Prosecutor of the Prosecutor’s Office of BiH, together with her deputies and heads, held on 2 June 2020 collegiums of prosecutors from all prosecutorial departments in the Prosecutor’s Office of BiH, namely from the Special Department for War Crimes, Special Department for Organised Crime, Economic Crime and Corruption and Terrorism and Department III.

In order to observe the measures of health protection and social distance, separate collegiums were held with prosecutors from the above-mentioned departments.

The Chief Prosecutor informed the prosecutors that during the pandemic, a Coordination Team had been formed on 17 March 2020 to act on the prevention and control of the spread of coronavirus – COVID 19.

Its members were Deputy Chief Prosecutors and heads of prosecutorial departments, as well as heads of administrative departments in the Prosecutor’s Office of BiH, and it held a total of 6 working meetings.

In this period instructions on actions necessary for the proper functioning of the institution were adopted and decisions of the relevant authorities and the HJPC BiH were monitored in order to harmonise the decisions of the Coordination Team with the instructions and directions given by the relevant institutions.

During the COVID 19 pandemic, the Prosecutor’s Office, in accordance with the instructions of the HJPC BiH, worked intensively on cases related to criminal offences endangering the health and life of citizens, public procurements, as well as on detention cases and cases with pressing deadlines. In this period, four indictments were issued for criminal offences in the field of terrorism, in cases relating to illegal migrations and smuggling of persons and in other cases in which reports were received during the prosecutor’s work while on duty.

After the decision of the HJPC BiH that the Chief Prosecutors should organise their work in the respective Prosecutor’s Offices in accordance with the changed circumstances, all prosecutors and employees started working full time as of 18 May 2020, with the observation of prescribed protection measures.

Also, the Chief Prosecutor informed the prosecutors that she had attended the session of the House of Peoples of the Parliamentary Assembly of BiH on 28 May 2020 in which she had answered the inquiries of the delegates, after which they had taken note of the Report on the Operation of the Prosecutor’s Office of BiH for 2017 and 2018.

The collegiums also discussed the impact of the pandemic situation on the implementation of the Action Plan for 2020.

The Chief Prosecutor thanked all members of the Coordination Team, prosecutors and employees, for their professionalism and responsibility in fulfilling their work obligations and activities in difficult conditions during the Covid 19 pandemic, as well as all to security and police agencies, and expressed her expectations that in the coming period a larger number of the activities planned for 2020 would be carried out.

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

After 26 years on the run: What to expect when Kabuga faces justice (The East African) By Felix Mukwiza Ndahinda
June 2, 2020

Rwanda 26 years ago.

Mr Kabuga, 84, was initially indicted by the Arusha-based United Nations International Criminal Tribunal for Rwanda (ICTR) in 1997. He became, arguably, the highest profile individual targeted by the International Residual Mechanism for Criminal Tribunals (IRMCT) that succeeded the ICTR once it folded up in 2015. Mr Kabuga managed to evade justice using his wealth and networks that allowed him to buy protection and new identities, enabling him to move around the world undetected.

His long journey as a genocide fugitive reportedly took him to several countries across continents including Switzerland, the Democratic Republic of Congo, Kenya and Germany.

In reaction to his arrest, the chief prosecutor of the IRMCT, Serge Brammertz, highlighted the collaborative role played by institutions in France, Rwanda, Belgium, the United Kingdom, Germany, the Netherlands, Austria, Luxembourg, Switzerland, the US, Europol and Interpol.

Kabuga was a key member of President Juvénal Habyarimana's inner circle, Akazu, as evidenced by two marriages of his daughters to the president's sons: Bernadette Uwamariya to Jean-Pierre Habyarimana and Françoise Mukanziza to Léon Habyarimana.

He is widely regarded as a central figure in the genocidal enterprise. He was the president of a committee that took the initiative to establish the infamous Radio Television Libre des Milles Collines (RTL) that propagated anti-Tutsi hate speech and served as a key tool of incitement to commit genocide once the killings started. He also presided over a National Defence Fund established after the genocide started in support of armed forces and militias responsible for the killings.

Who should try Rwandan genocide suspect Felicien Kabuga? (Al-Jazeera) By Nicole Palmer
June 2, 2020

Many Rwandans would like to see the man accused of funding the 1994 genocide against the Tutsi put on trial in Rwanda.

The legal battles over where Felicien Kabuga should be tried have begun.

The former businessman accused of being a major financial backer of Hutu extremism in the build-up to, and during, the 1994 genocide against the Tutsi in Rwanda was arrested in a flat on the outskirts of Paris on May 16.

As an international fugitive, Kabuga is thought to have lived in at least six countries in his 26 years on the run. He could now be tried in locations as diverse as Tanzania, France, the Netherlands or Rwanda. Where this trial is held matters. A trial in Rwanda will be more meaningful to the people who experienced the genocidal violence Kabuga is indicted for.

When French police entered Kabuga's flat, they were acting on an indictment and arrest warrant issued by the International Residual Mechanism for Criminal Tribunals (IRMCT), charging Kabuga with genocide and six other related offences. The IRMCT was set up to conclude the work of the United Nations International Criminal Tribunal for Rwanda (ICTR) established by a Security Council resolution in 1994.

In Kabuga's first two court appearances in France, his lawyers indicated that they would oppose their client's transfer to the

IRMCT on the basis of fair trial concerns before this international court and would argue for a domestic trial in France. At the same time, the IRMCT has initially rejected, although not entirely ruled out, Prosecutor Serge Brammertz's request to transfer Kabuga to The Hague in the Netherlands rather than Arusha, Tanzania, the former seat of the ICTR.

A trial in Rwanda is also possible, either in situ under the auspices of the IRMCT if deemed "in the interests of justice" or through the referral of the case by this international court to Rwanda. To date, the IRMCT has referred three suspects along with five fugitive dossiers to Rwanda. However, it retains exclusive jurisdiction over "the most senior leaders suspected of being most responsible", a category into which Kabuga is currently assumed to fall.

Why does it matter where Kabuga is tried? Kabuga's case fits into a wide and deeply contested picture of post-genocide justice. The Security Council, the IRMCT, the Rwandan and French states and Rwandan citizens are all embroiled in these processes and have a stake in the outcome.

Inside Rwanda, among everyday citizens there are strong views on where genocide trials should be heard. A consortium of genocide survivor groups has issued a statement arguing for Kabuga's trial to be held in Rwanda.

In the 26 years since the genocide, in which an estimated 800,000 people lost their lives, most Rwandan citizens have directly experienced post-genocide justice primarily through their mandatory participation in the "gacaca" courts. Gacaca was a state-implemented but locally administered process based on a traditional Rwandan dispute resolution mechanism. With 12,000 courts in operation across the country from 2005 until 2012, most Rwandans participated in gacaca as witnesses, victims, perpetrators or lay community judges known as inyangamugayo.

My earlier research found that citizens' personal experience of gacaca profoundly shaped their views on the full range of judicial proceedings undertaken at the national, international and indeed, transnational level. Many Rwandan citizens strongly believe that the senior suspects should have to account directly to their community. In my interviews, international proceedings were criticised on the terms set by Rwandan citizens' own experience of post-genocide justice. As one gacaca participant told me:

"In Arusha, the big fish are there. The victims travel there, but in gacaca, everyone is already here; survivors, perpetrators, judges, they are all here in the community. That is the difference ... Those in Arusha haven't asked for forgiveness yet they have committed many crimes here. They should face us, the Rwandan family, but they avoid us by being there."

For this Rwandan, and many others, there is a sense that they have had to grapple with domestic accountability for the crimes committed in 1994, and those who are alleged to have led and financed these crimes should do the same. However, gacaca is not the only litigation relevant to how Kabuga's case is being interpreted.

For the Rwandan government, his arrest fits into a wider project of tracking down genocide suspects around the world. It signals to the wider Rwandan diaspora that their government's penal powers can reach beyond its borders. According to their most recent report, the Rwandan Genocide Fugitives Tracking Unit (GFTU), a specialist unit of the National Public Prosecution Authority (NPPA), has issued 911 indictments for genocide suspects still at large. With legal proceedings currently under way in 20 countries, I have been mapping this final phase of genocide-related litigation. This mapping project shows that 19 individuals have been deported or extradited to Rwanda while 31 have had their extradition denied based on concerns about fair trial rights and the legislative framework in Rwanda. Most of these refusals to extradite have occurred before French courts.

For France, Kabuga's arrest is part of a recent increase in litigation relating to the genocide which overlaps with its complex historical relationship with the Rwandan state and reinforces its domestic immigration controls. To date, there have been five domestic criminal trials of Rwandan genocide suspects in France, including two cases transferred from the ICTR. Also, there have been 20 cases in France denying the extradition of genocide suspects to Rwanda based initially on fair trial and then on legislative concerns. If Kabuga is not transferred to the IRMCT, Rwanda would face a very hard task trying to extradite him and a French criminal trial would likely follow.

While not wanting to extradite individuals to Rwanda, immigration proceedings have gone forward in France. Six individuals, including former Rwandan first lady Agathe Kanziga Habyarimana, have had their refugee protection or residency permits revoked based on "serious reasons for considering" that these individuals "have committed a crime against the peace, a war crime or a crime against humanity", leaving them in legal limbo. The immigration proceedings offer a far more positive reading of fair trial in Rwanda than found in the initial extradition decisions.

These different judicial proceedings serve different French interests. Denying extradition expresses a view on Rwanda's criminal laws and processes. Removing citizenship or refugee protection is internally oriented. It communicates a view on the types of people that are deemed not to belong in France.

For the IRMCT, the arrest of Kabuga helps to justify its continued financing by the Security Council which has been pushing

for the conclusion of these international proceedings relating to Rwanda since 2003. In addition, a trial in The Hague, which may still transpire, aligns with Prosecutor Serge Brammertz's own ambitions, as he is currently one of the candidates who could be appointed as the next prosecutor for the permanent International Criminal Court (ICC). All of these interests are at play in how Kaguba's case goes forward.

The Rwandan genocide is one of the most extensively litigated episodes of mass violence in recent history. In addition to this most recent wave of cases, at the international level, 61 people have been convicted and 14 acquitted by the ICTR, there have been extensive domestic criminal trials inside Rwanda and more than 600,000 people have been tried by gacaca for direct participation in the genocide and many more for property-related offences.

All of Rwanda's post-genocide justice processes have been praised for establishing crucial information about how the genocidal violence occurred, naming the specific individuals who were killed and holding particular people responsible for the violence. The arrest of Kaguba must be understood in the context of this much wider picture of post-genocide justice because that it is how it will be understood by Rwandans inside and outside of the country.

The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera's editorial stance.

U.N. Court Postpones Mladic Appeals Hearings (Reuters) By Toby Sterling
May 28, 2020

The U.N. court for the former Yugoslavia on Thursday postponed until further notice the appeals hearings of former Bosnian Serb military leader Ratko Mladic, citing concerns about his health and travel restrictions due to the coronavirus outbreak.

Mladic, who was sentenced in 2017 to life in prison on charges of genocide, war crimes and crimes against humanity for his role in the 1990s war in Bosnia, is recovering from surgery.

Judges cited filings by the court's registrar that Mladic, 78, is "part of a high risk group due to his age and medical history" and said travel and other restrictions made a June 16 start date unworkable.

The appeals panel requested the registry to send a feasibility report every ten days so it can reschedule the hearings "as soon as possible."

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Domestic Prosecutions In The Former Yugoslavia

War Criminals Prepare to Run in Serbian Elections (Balkan Transitional Justice) By Milica Stojanovic
May 26, 2020

I think that what I want to put on the agenda concerns every Serb, and I have no problem cooperating with anyone who is in parliament who wants to get involved in protecting persecuted Serbs," would-be MP Dragan Vasiljkovic told Serbia's TV Pink on May 17.

Vasiljkovic is well-known across the Balkans as 'Captain Dragan', a war criminal who only returned to Serbia on March 28 this year after serving a prison sentence in Croatia for crimes he committed there in 1991.

Now he is trying to collect the signatures of support that he needs to become a candidate in Serbia's upcoming parliamentary elections June 21. If he succeeds, there will be two war criminals running as candidates for the legislature.

Vasiljkovic does not have a formal political programme yet, but has said that if elected, he would come to the defence of "persecuted Serbs" in Croatia, Kosovo and Montenegro.

He has also said that he favours early release from prison for Milorad 'Legija' Ulemek and Zvezdan Jovanovic, who are serving sentences for the assassination of Serbian Prime Minister Zoran Djindjic in 2003. He said that they should be freed because "they are heroes" who fought on behalf of Serbs.

The other war criminal who has announced his candidacy is ultranationalist Serbian Radical Party leader Vojislav Seselj, who was convicted by the Mechanism for International Criminal Tribunals of committing war crimes against Croats in his own country in 1992.

Veteran politician Seselj was already an MP in Serbia's last parliament – even though his conviction should have disqualified him from sitting in the legislature – and he is now running again.

Jovana Kolaric, a researcher at the Humanitarian Law Centre, a Belgrade-based NGO that deals with war crimes in the former Yugoslavia, said that there is a contradiction between the rhetoric of the Serbian government about focusing on the future and its practice of glorifying people who committed war crimes in the past.

“Looking to the future’, Serbia prints and promotes books by people convicted of war crimes, cites their wartime experiences as an example, and pays tribute to them in various ways,” Kolaric said.

Last year, the Serbian Defence Ministry organised an event to promote a book that denies Bosnian Serb forces were responsible for the massacre of 71 people in Tuzla in Bosnia in 1995, and another event to promote a book by former Yugoslav Army general Nebojsa Pavkovic, who is currently serving a prison sentence for war crimes in Kosovo. ‘War crime verdicts do not really matter’

Dragan Vasiljkovic was found guilty of committing war crimes in June and July 1991 at the fortress in Knin in eastern Croatia, where imprisoned Croatian policemen and soldiers were abused, as well as during an attack on a police station in the town of Glina and surrounding villages in July 1991, which resulted in the killing of a civilian and a journalist.

Vasiljkovic had emigrated to Australia when he was 14 but returned to Yugoslavia prior to the outbreak of war in Croatia. He was sent to eastern Croatia, to territory controlled by rebel Croatian Serbs to be a commander of a training centre for a Serb special paramilitary unit.

He became well-known enough to feature in a war propaganda comic entitled Knindze (a portmanteau of Knin and Ninjas), and then ran as a candidate in Serbia's presidential election in 1992 when, according to Vreme magazine, he won 28,010 votes.

But Kolaric said she believes that he cannot become “a significant political factor outside a coalition with the ruling parties”.

She also suggested that he might be seen as a political liability because his wartime role is likely to be mentioned in the upcoming Hague Tribunal verdict in the trial of former Serbian security service chiefs Jovica Stanisic and Franko Simatovic, “which I believe is something that no one wants to draw too much attention to at this moment”.

Seselj, who has been a major right-wing political figure in Serbia since the early 1990s, won a seat in parliament again in 2016, after the UN court in The Hague freed him from detention during his trial and allowed him to return to Serbia for cancer treatment.

In April 2018, the Mechanism for International Criminal Tribunals sentenced Seselj in his absence to ten years in prison for inciting crimes with nationalist speeches that he made in the village of Hrtkovci in Serbia in 1992. However, because of the years that he had already spent in custody, he did not have to serve any of the sentence.

According to Serbian law, if an MP is given a prison sentence longer than six months, his mandate must end. But the Serbian Assembly never applied this law to Seselj.

Kolaric argued that by not ending Seselj's mandate, “we are sent a clear message that he is privileged in this society and that verdicts for war crimes are nothing important, nothing worthy of attention”.

Being an MP has given Seselj “a public arena for the relativisation and denial of war crimes... especially the genocide in Srebrenica”, said Kolaric.

His Serbian Radical Party is part of the local governing coalition in Belgrade's Stari Grad municipality, which enabled it to use the municipality's hall in February this year to promote Seselj's book denying that the Srebrenica massacres were genocide.

Allegations shadow ultranationalists

Two other Serbian Radical Party candidates are wanted by the UN court in The Hague, while a third candidate has been linked to allegations of war crimes during the Kosovo conflict. Serbian Radical Party lawmakers Vjerica Radeta and Petar Jojic have been charged by the International Criminal Tribunal for the Former Yugoslavia, ICTY with contempt of court during Seselj's trial. They are accused of threatening, blackmailing and bribing witnesses to either change their testimonies or to not testify at all.

The tribunal initially submitted a warrant ordering their arrest in January 2015, but a year later, Belgrade Higher Court ruled that there were no legal grounds for extraditing them to The Hague. The tribunal has since turned down Serbia's request for the two ultranationalist politicians to be tried in Belgrade instead.

Another Serbian Radical Party MP who is running for a new term in parliament is Bozidar Delic, a retired Yugoslav Army general who was commander of the 549th Motorised Brigade during the Kosovo war. In 2013, the Humanitarian Law Centre published a dossier about attacks on eight Kosovo villages by the 549th Motorised Brigade in March and April 1999 which left a total of 885 people dead.

The Serbian war crimes prosecutor's office told BIRN in 2013 that Delic has been under investigation more than once, although he has denied committing war crimes and has never been charged.

Candidates under suspicion

In December last year, Aleksandar Sagic, who used to be a famous water polo player but now leads the Serbian Patriotic Alliance and is head of the New Belgrade municipality, told a press conference who would be on his organisation's list for the upcoming elections.

Sagic said that "each of these people [standing] behind me has a political career and a position in society that he deserves thanks to his past work".

One of them was Svetozar Andric, who is currently Sagic's deputy in the New Belgrade municipality. During the Bosnian war, Andric was commander of the Bosnian Serb Army's Birac Brigade and later became the chief of staff of the Bosnian Serb Army's Drina Corps. In 2018, the Humanitarian Law Centre filed a criminal complaint accusing Andric of wartime crime. The complaint alleged that he "ordered the 'eviction' of the Bosniak population from [the town of] Zvornik" on May 28 1992.

"A few days later, on May 31, 1992, Andric issued an order to establish the Susica camp in Vlasenica. The camp existed until September 30, 1992, and during that period, the detainees were kept in inhumane conditions – they slept on concrete, received one meal a day, and did not enjoy basic hygienic conditions. Most were beaten daily, while the women who were detained in the camp were raped. Around 160 detainees were killed," the Humanitarian Law Centre said in a statement. "Also, in May and June 1992, the brigade commanded by Svetozar Andric persecuted Bosniaks from more than 20 villages in the Vlasenica municipality. In March of the following year, members of the brigade of which Andric was commander burned the village of Gobelje in the municipality of Vlasenica," the statement added.

Kolaric said that the Serbian war crimes prosecution has not responded to the Humanitarian Law Centre "so we can't really know what actions were taken in dealing with that criminal report". BIRN contacted Andric for a comment but he did not respond by the time of publication. Another potential candidate who has been the subject of allegations about his wartime conduct is Momir Stojanovic, the leader of the Iskreno za Nis (Sincerely for Nis) organisation in Serbia's third-largest city, Nis. He hopes to run as part of the Narodni Blok (People's Block) alliance, which opposes joining NATO, selling off vital infrastructure to foreigners, recognising Kosovo's independence and allowing migrants to enter Serbia.

Stojanovic was commander of military security of the Yugoslav Army's Pristina Corps during the Kosovo war. He has been an MP before, with the ruling Serbian Progressive Party MP from 2012 to 2016, and was head of the parliamentary board for security services control.

Interpol issued a 'red notice' in 2015 calling on states worldwide to arrest him and 16 others who the EU's rule-of-law-mission in Kosovo suspected of bearing responsibility for killings of ethnic Albanian civilians in the villages of Meja and Korenica in April 1999.

During the Hague trial of Serbian political, military and police chiefs for wartime crimes in Kosovo, one witness named Stojanovic as one of the people who participated in planning the violence in Meja and Korenica. Stojanovic was also a witness at the trial, and he denied any wrongdoing.

The Serbian war crimes prosecution told BIRN that it had investigated Stojanovic and others over these crimes but had discontinued the probe due to the lack of evidence.

The continued presence on Serbia's political scene of war criminals and their supporters in office was criticised in the European Commission's report last year on Serbia's progress towards its goal of EU membership.

"There have been several instances in which the state authorities have provided public space and took part in promoting activities of ICTY-convicted war criminals. This is not creating an environment conducive for an impartial and effective adjudication of war crimes cases," the report said.

The European Commission also noted that senior Serbian officials have repeatedly challenged the judgments of the International Criminal Tribunal for the Former Yugoslavia, and its report said that the country still needs to do more to “overcome the legacies of the past”. Electing war criminals to parliament is unlikely to further that goal.

Acquitted War Crime Defendant Sues Bosnia for Compensation (Balkan Transitional Justice) By Nejra Dzaferagic
May 27, 2020

Slavko Milovanovic, who was acquitted of involvement in an attack on the village of Resagici, near Srebrenica, in May 1992, launched his case on Wednesday for compensation for the suffering caused by 15 months of restrictive measures that were imposed on him during his trial.

During the legal proceedings, Milovanovic was barred from meeting or in any way contacting prosecution witnesses or being within 100 metres of them, and he had to report to the local police station every two weeks.

Milovanovic’s lawyer Petko Pavlovic suggested that an expert assessment of his client’s mental state be carried out by a neuropsychiatrist.

“The examination is proposed with the aim of determining the level and intensity of mental anguish and fear caused by the outcome of the criminal proceedings and the damage to his reputation and honour,” Pavlovic said.

He also presented medical documentation about the deterioration of Milovanovic’s health. Milovanovic, a former reservist policeman at the police’s Public Security Station in Skelani, near Srebrenica, was acquitted by the Bosnian state court in November 2019.

He was cleared of participating, together with police officers, soldiers and paramilitaries, in an attack on the village of Resagici and of ordering that Bosniak civilians’ houses, which women and children had been forced to leave, be set on fire. The next hearing in the case is scheduled for July 22.

The Justice Files: Utah man accused of war crimes (ABC 4 News) By Marcos Ortiz
May 28, 2020

For 25 years, Mehmed Bilic lived a peaceful life.

The former Bosnian soldier and his family migrated to Utah following the strife between involving Serbians and Bosnian muslims. In 1993 he was in a concentration camp during a period of ethnic cleansing. With the help of the Red Cross, he chose to bring his family to Utah and eventually became a U.S. citizen.

“He’s a very nice guy,” said longtime neighbor Dan Curtis. He’s been her for quite a while. His home is well preserved. As a finished carpenter neighbors said home stood out because of its appearance. They said he was a very good neighbor and someone who they trust.

“He’s just so good with all the neighbors,” said Curtis. He’s willing to always help. He’s quiet. No problems what so ever.”

But Curtis said he was outside in his front yard 18-months ago when federal agents placed him under arrest.

An international warrant was filed in Utah’s federal court. In recently unsealed documents Bosnian Serbs want him extradited. He’s accused of committing “war crimes against civil population,” according to the affidavit filed in federal court.

A Serbian told authorities he was “physically and mentally abused” by Bilic and three other Bosnian soldiers while in captivity in 1992.

The same witness claimed two Serbian friends who were also captured disappeared. He later learned “both were just dead.” He blamed Bilic and the soldiers for their death.

At his home in West Valley, Bilic’s daughter refused comment and referred all questions to a family attorney. Attorney Rod Snow said the allegations are political revenge by Serbians who despise Bosnian muslims.

“(He) denies them (allegations) because they’re false,” said Snow. “He was at a prison camp when it happened.”

Snow said Bilic returned to Bosnia twice after the warrant was issued but was never detained. He doesn’t understand why they finally are demanding his return. He said in the 1990’s many Bosnian Serbs were convicted of war crimes including murder and rape. He said now that the Serbians have their own government they are attempting to balance the scales.

“If he goes back it will be a stacked deck against him,” Snow said.

He said a public defender is representing Bilic against the extradition warrant.

Back in his neighborhood, Al Hayes was one of the few people to talk with Bilic following his release from jail. Bilic’s spent 18-months behind bars and was released two weeks ago.

“He definitely says he is not guilty and we do believe and a lot of people believe that he is not guilty of any war crime,” said Hayes.

Hayes said he’s known Bilic for the 25-years he’s in his neighborhood.

“It definitely doesn’t fit his personality,” said Hayes. Not at all, he would not harm a flea. He doesn’t understand how one person can make all these things up and it gets him arrested.” Hayes said Bilic is now wearing an ankle monitor as part of his release from jail.

Attorney Rod Snow said the next move in court will determine his fate. He said they’re waiting for the judge to rule whether he’ll be extradited to face war crimes or be allowed to return to his West Valley home and once again, live in peace.

Serbia Tries Bosnian Ex-Soldier for Crimes Against Prisoners (Balkan Transitional Justice) By Milica Stojanovic
June 2, 2020

The trial of former soldier Osman Osmanovic opened at Belgrade Higher Court on Monday with the defendant pleading not guilty to charges of abusing civilians and prisoners of war held at the Rasadnik camp in Gornji Rahic in Bosnia and Herzegovina’s Brcko area during the summer of 1992.

Osmanovic’s lawyer Djordje Dozet told BIRN that his client “spoke very extensively about the allegations in the indictment” and that he denied that any crime had been committed.

The indictment claims that Osmanovic was a member of the Croatian Defence Council, and later of the Bosnian Army.

Osmanovic, a citizen of Bosnia and Herzegovina, was arrested in November 2019 on the border between Serbia and Bosnia and remanded custody. Bosnia asked for his extradition but Serbia refused.

His other lawyer, Mirsad Crnovrsanin, argued last year that that there was no basis for the Serbian War Crimes Prosecution to be in charge of conducting an investigation into Osmanovic, as he is a Bosnian citizen, allegedly committed the crime in Bosnia and Herzegovina, and the only witness and victim also lives in Bosnia and Herzegovina.

“The crime under investigation in Serbia is the same as the one investigated in Bosnia, so all conditions for referring the case against Osman Osmanovic [to Bosnia] have been met,” Crnovrsanin said.

The trial continues on July 1.

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Turkey

Turkey's assault against Syrian Kurds leaves trail of misery and spin (Al-Monitor) By Amber Zaman
May 29, 2020

Was a burn victim hit by white phosphorus during Turkey's invasion of Ras al-Ain in October? Whatever the reason, he and many others are still suffering.

Seven months after Turkish forces and their Sunni opposition allies crossed into northeastern Syria, upending a fragile balance that made the Kurdish-run territory the safest and most stable in the war-ravaged country, tens of thousands of displaced civilians are struggling to survive in the squalor of camps and classrooms they now call home. Some are trying to recover from injuries that rights groups allege in some cases amount to war crimes. A propaganda war waged by both sides is continuing full blast.

Mohammed Hamid Mohammed is among the victims of the Turkish assault launched Oct. 9 against Syrian Kurdish forces. Ankara charges that they are “terrorists” seeking to dismember Turkey. The US-backed group known as the People’s Protection Units denies it harbors hostility toward Ankara.

The 12-year-old Mohammed became the symbol of Turkish impunity when graphic images of his body covered in oozing grayish ochre burns were plastered across global headlines. As the number of victims bearing similar burns grew, allegations that Turkish forces were using white phosphorus, a chemical agent deployed in military operations to produce smoke or provide illumination, against the civilian population began to circulate. Turkey’s defense minister, Hulusi Akar, called the reports “fake news” peddled by the foreign media. Turkey denies possessing any chemical weapons.

Mohammed said he had been playing outside his house in the now Turkish-occupied town of Ras al-Ain — known as Serekaniye in Kurdish — when he suddenly heard an explosion and saw fire. “I didn’t feel anything until I woke up in the hospital. My dad was next to me,” Mohammed told Al-Monitor during an interview. “I was screaming because I could feel the burns on my body. Journalists were taking pictures of me. The pain was bad.”

As news of his plight grew, Massoud Barzani, an influential leader of neighboring Iraqi Kurdistan, decided to act. With the help of the French government, Barzani arranged for Mohammed and his father, Hamid, to be flown in air ambulance to France, and Mohammed was treated for three months at a military hospital outside Paris.

Mohammed had to undergo seven surgeries. “I was tired of the pain of lying on the bed. One time I tried to walk a little, but after a couple of steps I fell to the ground,” Mohammed recalled on a recent afternoon.

Life at the ramshackle school in the city of Hasakah where he has sheltered with his parents, sister and four brothers since returning on March 10 is hard. The family relies on charity. The flow of water and electricity is erratic. Temperatures are rising and there is no air-conditioning, nothing unusual in the life of refugees. But exposure to heat can be a life and death matter for Mohammed, and Hasakah is subjected to extreme temperatures in the summer. His burned skin is also not supposed to be exposed to direct sunlight for the next five years.

A maze of leathery scars, some thick and lumpy, others spidery, crisscross his neck and body. They stretch his skin, impeding mobility and causing pain. He has to do special exercises and wear a full body vest. “It gets hot here and pus comes out from under my armpits and my wounds itch. It’s very painful,” Mohammed said.

A report detailing his condition issued by the Hopital D’Instruction des Armees de Percy noted that Mohammed had been admitted for “severe extensive burns reportedly sustained due to phosphorus exposure during air bombing” on Oct. 10. But his clinical symptoms suggested that Mohammed’s burns had been suffered “earlier than reported and likely related to inflammation of clothes” which “may have been caused by phosphorus or not.”

That hasn’t stopped some media outlets such as the Saudi TV channel Al Arabiya from continuing to claim that the boy was burned by white phosphorus. Hamid denies that his son had been injured prior to the Turkish invasion. The assertion that he had suffered burns before Oct. 10 was first made by a Turkish academic in a report by Turkey’s state-run news agency, Anadolu. “It is unclear where and when the wounded child’s photo was taken, but it looks like the wounds are from an old burn,” said Levent Kenar, professor and chair of Department of Medical Chemical, Biological, Radiological and Nuclear Defense at University of Health Sciences.

Hamid said he found the boy lying on the ground outside their home on the second day of the Turkish attack. Hamid acknowledged that he did not know what type of munition had struck his son.

Officials from the Kurdish-led autonomous administration in northeast Syria air frustration with the media’s fixation on the child. “Mohammed’s story is undoubtedly tragic. But there are hundreds of thousands of displaced civilians and tens of thousands of children who are suffering as a result of the Turkish occupation,” said Fawza Youssef, a top Kurdish official.

“Just recently in Afrin 12 children were hit by Turkish mortar attacks. Six were martyred, some lost their hands, some their legs, others their eyes and there was no attention drawn to their plight. This illustrates the hypocrisy of the world politics. Mohammed’s plight is the plight of all our children. His plight is that of all Kurdistan,” Youssef told Al-Monitor in a WhatsApp interview. Afrin, a mainly Kurdish enclave was occupied by Turkish forces and their Sunni opposition allies in January 2018. The UN’s Human Rights Council said in a March 2 report that “Cases of detentions, killings, beatings and abductions, in addition to widespread looting and appropriation of civilian homes, by a variety of armed groups operating under the umbrella of the Syrian National Army have been documented, in a consistent, discernible pattern previously documented in Afrin.”

The United Nations also noted the summary execution of the young woman politician Hevrin Khalaf and her driver on Oct. 12 by the Turkish-backed Ahrar al-Sharqiya brigade near Tell Tamar and the deaths of 11 civilians the same day as they were travelling to Ras al-Ain. “At around 3.30 p.m., the convoy was hit by an air strike, targeting the first vehicle, in the centre of

Ras al-Ain, near the Great Mosque," the report said. "The Turkish authorities have either denied involvement in or indicated that they have no record of these incidents. The Commission continues to investigate these incidents, and calls on the Turkish authorities to launch its own investigations and make the findings public." Turkey has not revealed any findings.

While the French findings cast doubt on Mohammed's possible exposure to white phosphorus, Dr. Abbas Mansouran, an Iranian Swedish epidemiologist, says there is no doubt that it was used on some burn patients he treated during the early days of the Turkish incursion at a hospital in Hasakah. Some 30 victims, mostly civilians, were admitted to Hasakah's main hospital with "severe and unusual burns and smoke injuries to their faces, ears and other areas." These bore characteristics "very different to those that I would expect to have been caused by anything other than chemical incendiary weapons like white phosphorus," Mansouran observed in a report. "My experiences go back to the first half of the Iran-Iraq war [in the 1980s], including working in the burns unit," he said. Both sides used chemical weapons in the eight year long war, including sarin and mustard gas.

The 69-year old, who traveled to Syria as a volunteer and is a research principal at Sweden's PEAS institute for infectious diseases, told Al-Monitor that he had shared the report in a Jan. 21 meeting with Julie Tetard, a political affairs officer at the Geneva office of the UN special envoy for Syria. "I never heard back from the UN," he told Al-Monitor.

It's hardly surprising. The UN rebuffed the Kurdish Red Crescent's appeals to investigate whether Turkish forces had used chemical agents against several Syrian Kurdish civilians and fighters who were transferred to Iraqi Kurdistan for treatment. Kurdish Red Crescent leader Dr. Sherwan Bery told Al-Monitor that the UN had said the request could only come from a government, not a nongovernmental organization. Bery said they still had taken hair, blood and urine samples from some 10 victims, all of them fighters, and that they were being stored in Sulaimaniyah in Iraqi Kurdistan. "We cannot confirm that white phosphorus was used," he said. Bery added that his organization had shared its own findings with the Swedish, Italian and German governments.

A Western diplomat familiar with the UN's deliberations said, "The UN special envoys' offices are not involved in anything related to accountability. They won't say the word 'war crime' even if it happens in front of them. It is too sensitive." Allegations that civilians had been exposed to white phosphorus were, however, backed in at least in one case by Wessling AG, a Lyss, Switzerland-based laboratory. In a Dec. 4 report viewed by Al-Monitor, Wessling said of the skin tissue of one of the victims "that the type of wound (chemical burns) in combination with the significantly high amount of phosphor found in the sample demonstrates that phosphorus reagents (white phosphorus munitions) have been used."

Mansouran treated the patient whose sample was sent to Wessling. The doctor said the patient was a civilian from Ras al-Ain. The man was struck by an unmanned Turkish drone while traveling on a motorbike en route to his village on Oct. 17. "He was very strong, he survived," said Mansouran.

Turkey's NATO's allies are typically reluctant to rebuke Ankara over rights abuses other than to pressure it for concessions on matters of strategic benefit to themselves. In an Oct. 23 hearing held amid calls for an arms embargo on Turkey, the State Department's envoy for Syria, Jim Jeffrey, told the House Foreign Affairs Committee that that there was "one report" of the use of white phosphorus, and "we are looking into that."

Jeffrey told US Rep. Chris Smith, a New Jersey Republican, "White phosphorus is tricky because as you indicated it has military uses. You have to almost determine not what happened but what the intent was."

The Organization for the Prohibition of Chemical Weapons (OPCW) told Al-Monitor in an email, "When white phosphorus is used as smoke, illumination or as an incendiary weapon, its use does not fall under the purview of the Chemical Weapons Convention or the OPCW. In such instances the intended effects are due to the white phosphorus' thermal properties, rather than its (chemical) toxic properties."

The organization noted, however, that its use as an incendiary weapon against civilian populations is banned under a 1980 UN convention. It added that that reports in the media that the organization had investigated Turkey's alleged used of chemical weapons during its Peace Spring offensive "are incorrect."

Responding to Al-Monitor's request for comment, a State Department spokesperson said, "The Turkish Government has acknowledged the cases we have brought to their attention, providing background and in some cases directing us to the Syrian Interim Government (SIG) as the responsible authority. We are aware of one individual belonging to Ahrar al-Sharqiya prosecuted to date for killing unarmed civilians during the Peace Spring Operation, but we do not have sufficient details of the trial process as it has not been made public. We have requested and expect a firm Turkish commitment to continue its efforts to comply with its obligations under the law of armed conflict and mitigate harm to civilians, and to promote accountability for violations or abuses."

The spokesperson continued, "The Department of State continues to raise the issue of alleged human rights violations or

abuses and violations of international humanitarian law with officials at high levels of the Government of Turkey, including as recently as March following the release of the most recent UN Commission of Inquiry on Syria report. We have reiterated our expectation that Turkey investigate alleged violations and abuses and promote accountability where appropriate."

On white phosphorus, the spokesperson added, "The State Department has raised this issue at very high levels with the Turkish authorities. They maintain any use of white phosphorus would have been to mask friendly forces through a smoke screen. We have no independent information related to Turkish forces using white phosphorus as a chemical weapon."

Eight days after launching the incursion, Turkey, an OPCW member, donated some \$33,000 to the organization for the construction of a new chemical technology center. The new facility "is required to meet the demands of OPCW States Parties for enhanced verification tools, improved detection capabilities and response measures, as well as increased capacity-building activities," the organization said in a press release. Back in Hasakah, Mohammed and his family have some good news at last. A group of local volunteers collected enough money to put the family up in air-conditioned housing, and now the local government has agreed to provide for Mohammed's treatment and future housing costs. Berivan Khalidi, a senior Kurdish official told Al-Monitor, "We have directed our relevant institutions to provide what Mohammed needs, in terms of monitoring his health, and even securing work opportunities for his relatives."

But what Mohammed wants above all is to go back to Ras al-Ain. "I always dream of going back to Serekaniye, of going back to school. I was the best in my class. I want to become a surgeon." Mohammed realizes those dreams aren't likely to materialize anytime soon. "I don't think Turkey will stop its attacks. There will always be victims," he said.

Reports: Children among the dead after Syrian rebels clash in Turkish-held Afrin (Al-Monitor)

May 29, 2020

Clashes between Syrian rebel groups in the northern city of Afrin left at least two children dead Thursday.

Fighting among Turkey-backed Syrian rebel groups in the Turkish-controlled city of Afrin in northern Syria left several civilians dead Thursday, including two children, according to war monitors.

Fierce clashes between the Hamzat Division and the Ahrar al-Sham and Jaish al-Islam factions erupted Thursday, said the UK-based Syrian Observatory for Human Rights. Three civilians, including two children, were killed in the gunfire, the monitoring group said.

Elizabeth Tsurkov, a fellow in the Middle East Program at the Foreign Policy Research Institute, wrote on Twitter that the fighting started after a group of fighters from the Hamzat Division walked into a shop run by a man displaced from Syria's southwestern Ghouta region.

"They asked to purchase something for 300 lira [\$0.16] on credit. The owner of the shop refused. In response, the Hamzat shot up the place & tossed a grenade, killing the shop owner and his son," she wrote.

Afrin has been in the hands of Syrian fighters trained and equipped by Turkey since March 2018, when the Free Syrian Army captured the city from the Kurdish People's Protection Units (YPG) militia, which Turkey considers an offshoot of the banned Kurdistan Workers Party.

Human rights groups have since documented the wide-scale persecution of locals by Turkish proxies, including forced conversions among the Yazidi religious minority.

"The current situation for Yazidis remaining in the Afrin is dire as they are forced to hide their identity, unable to practice their faith, and remain frightened for their safety," the Yazidi advocacy group Yazda said in a statement today. Yazidi activist and Nobel laureate Nadia Murad accused Turkey and its affiliated rebel groups of an ethnic cleansing campaign in Afrin.

"They are kidnapping women, killing civilians, and destroying houses and shrines," she said on Twitter. "To date, the international community has failed to bring attention to these crimes." Turkey denies war crimes were committed by its proxies.

Afrin was also the site of a deadly truck bombing last month. The YPG denied responsibility after Turkey accused the militia of carrying out the attack that killed more than 50 people.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

Investigators build a case for IS crimes against Yazidis (Minneapolis Star Tribune) By Sarah El Deeb
May 21, 2020

He was burly, with piercing blue eyes, and it was clear he was in charge when he entered the Galaxy, a wedding hall-turned-slave pen in the Iraqi city of Mosul. Dozens of Yazidi women and girls huddled on the floor, newly abducted by Islamic State group militants.

He walked among them, beating them at the slightest sign of resistance. At one point, he dragged a girl out of the hall by her hair, clearly picking her for himself, a Yazidi woman — who was 14 when the incident occurred in 2014 — recounted to The Associated Press.

This was Hajji Abdullah, a religious judge at the time and labeled one of the architects of the militant group's enslavement of Iraq's Yazidi religious minority, who rose to become deputy to IS leader Abu Bakr al-Baghdadi. He's believed to be the late al-Baghdadi's successor, identified only by the pseudonym Abu Ibrahim al-Hashimi al-Qurayshi.

A group of investigators with the Commission for International Justice and Accountability is amassing evidence, hoping to prosecute IS figures for crimes against humanity, war crimes and genocide -- including Hajji Abdullah.

Hajji Abdullah was previously accused of involvement in the slave trade, most notably in a wanted poster circulated by the U.S. setting a \$5 million bounty on his head. But his prominence in the creation and oversight of the slave trade has never been spotlighted.

"IS fighters didn't take it upon themselves to rape these women and girls. There was a carefully executed plan to enslave, sell, and rape Yazidi women presided over by the highest levels of the IS leadership," said Bill Wiley, executive director and founder of CIJA. "And in doing so, they were going to eradicate the Yazidi group by ensuring there were no more Yazidi children born."

CIJA shared some of its findings with The Associated Press. The group, through IS documents and interviews with survivors and insiders, identified 49 prominent IS figures who built and managed the slave trade, as well as nearly 170 slave owners, including Western, Asian, African and Arab fighters. These also include top financiers, military commanders, local governors and women traders, many of them from the region neighboring the Yazidi community's villages.

The AP also put together findings from IS's own literature, along with interviews with IS members, former slaves and rescuers, to establish how slavery was strictly mapped out from the earliest days, devolving into a free-for-all with fighters enriching themselves by selling Yazidi women as the group's power began to disintegrate.

CIJA's focus now is to build cases that courts can use to try IS members for crimes against humanity or genocide. Countries can prosecute militants for individual rapes or torture or for membership in a terrorist group. But to prove higher charges, they would need the contextual evidence that CIJA provides, showing the crimes were part of a greater structure.

"Practically every Daesh prosecution that has ever happened anywhere in the world is a material support case, a membership case," Wiley said, using an Arabic name for the group. "Prosecuting high crimes could serve as a counter-radicalization tool for IS supporters."

In the first prosecution on charges of genocide against the Yazidis last month, a German court brought an Iraqi national to trial for enslaving a Yazidi woman and her 5-year-old, who was chained and left to die of thirst. Meanwhile, a U.N. investigative team said it has collected evidence from Iraq, including 2 million call records, that can strengthen cases of prosecution for crimes against the Yazidis.

CIJA is sharing its findings from Iraq with the U.N. team and is pursuing more evidence from Syria, where IS made its last stand. The Syrian Kurdish authority holds perhaps the largest trove of material from the group, as well as some 10,000 of its members, including 2,000 foreign fighters, in detention.

Investigators' steep challenge: documenting crimes committed over the course of four years against millions of people in different countries, while many IS members remain at large.

In the Iraqi city of Mosul, for instance, the crimes took place among a population of nearly 2 million people over three years, including enslavement, attacks on dissidents, destruction of cultural and religious sites and training children in jihad.

The Islamic State group's narrative is that slavery is a justifiable consequence of battle during its brutal capture of Sinjar, a region west of Mosul, as part of its attempt to establish a so-called caliphate.

But the AP determined, based on CIJA's investigation and its own reporting, that the highest levels of leadership were directly involved in organizing an enslavement machine that became central to the group's structure and identity. Governing institutions were enlisted, from the IS "cabinet" that constructed the slave system, the security agencies that enforced it, the bureaucrats and Islamic courts that supervised it, and propaganda arms that justified it.

Even as their caliphate collapsed around them, the militants made keeping their grip on slaves a priority. When slave markets proliferated out of the leadership's reach, internal documents show IS officials struggled to impose control with a stream of edicts that were widely ignored.

A SYSTEM OF SLAVERY

IS launched its attack on the heartland of the Yazidi community at the foot of Sinjar Mountain in August 2014. It's unclear if Sinjar was attacked for its strategic location between IS holdings in Iraq and in Syria or with the specific aim of subjugating the Yazidis, an ancient sect considered heretics by the militants.

In any case, the results were devastating: During the week-long assault, IS killed hundreds of Yazidis and abducted 6,417, more than half of them women and girls. Most of the captured adult men were likely eventually killed. Hajji Abdullah, an ethnic Turkman from Tal Afar, an area near Sinjar, was believed to be the highest IS judicial official in the area and so stepped in to play a key role in distributing slaves.

The women and children — their husbands and fathers butchered or missing — had to learn to navigate the perverse rules of a world where they were considered commodities for rape and servitude.

"For five years I lived with them. They beat me and sold me and did everything to me," said the woman who witnessed Hajji Abdullah's casual cruelty in the Galaxy wedding hall. She dug her nails into her arms as she spoke, her skinny frame carrying more memories than her years are meant to handle. The AP is not identifying her because she was a victim of rape.

Now 19, she said she was raped by nearly a dozen owners, including al-Baghdadi, who owned her for months before he "gifted" her to one of his aides. The woman was rescued in a U.S.-led operation in May 2019. She spoke to the AP in a northern Iraqi town full of Yazidi refugees, including freed women and girls who underwent similar horrors.

When Yazidis were seized, top IS commanders registered them, photographed the women and children and categorized them into married, unmarried and girls.

Initially, the thousands of captured women and children were handed out as gifts to fighters who took part in the Sinjar offensive, in line with the group's policy on the "spoils of war." Under early IS rules, war booty was distributed equally among the soldiers after the state took 20%, known as the "khums."

According to survivors and CIJA, some fighters came to detention centers with pieces of paper signed by Hajji Abdullah confirming their participation in the Sinjar attack and entitling them to a slave. Women and girls also would be picked out to be raped by fighters, then returned to detention.

By early 2015, the remaining women were transferred to the Syrian city of Raqqa, the caliphate's capital, and then distributed across IS-controlled areas, CIJA and survivors of slavery accounts showed.

The IS propaganda machine was mobilized to justify its revival of slavery. Articles, sermons and fatwas interpreting Islamic law were issued outlining how taking slaves was in accordance with Islam.

Islamic Shariah law traditionally allowed and regulated slavery, just as many societies did throughout history, but almost all Muslim clerics now say slavery is no longer permissible.

IS operated centralized slave markets in Mosul, Raqqa and other cities. At the market in the Syrian city of Palmyra, women walked a runway for IS members to bid on. Others, like the one in al-Shadadi, distributed women to militants by lottery.

A June 2015 notification reviewed by the AP called on IS fighters in Syria's Homs province to register for an upcoming slave market, or "Souk al-Nakhassa," giving those on the front lines a 10 day-notice to attend. Participants were told to enter bids in a sealed envelope.

The Soldiers' Department, or Diwan al-Jund, recorded fighters who owned slaves, usually referred to by the Arabic word "sabaya." For a time, IS paid fighters a stipend of about \$50 per slave and \$35 per child — equivalent to the stipend for a wife. The stipend eventually stopped, apparently because military defeats hurt revenues and because owning a sabaya became a sign of wealth and privilege.

Managing the robust system turned out to be more complicated than the leadership planned. And chaos abounded.

Slaves meant to be a reward to fighters were resold for personal profit, and some IS members made tens of thousands of dollars ransoming captives back to their families. Violence and abuse by owners led to rising reports of suicides and escapes among captives.

That prompted a flurry of regulations on ownership and sales, uncovered by CIJA and Syria expert and independent researcher Aymenn Tamimi.

As early as March 2015, IS officials in Syria's Aleppo province banned posting pictures of Yazidi women on social media, trying to crack down on electronic markets that rescuers and smugglers often infiltrated to extract captives.

The CIJA archive contains a copy of an edict by the Department of War Spoils that banned separating enslaved women from their children, with a handwritten note ordering it distributed to all departments and provinces — a signal that earlier decrees had failed to stop the practice.

In July 2015, the Delegated Committee — effectively the cabinet — ordered all slave sales to be registered by Islamic courts, seeking to end sales among fighters. It also required the finance minister of each IS province to keep track of women between transactions.

The rules got only tighter as the leadership's frustration over violations grew.

One directive set punishments for selling Yazidis to "commoners" -- anyone not a fighter or senior IS official -- and for ransoming them to their families. CIJA documented cases of senior officials dismissed from their jobs or punished with lashes for making exorbitant sums by flouting the rules.

Another document explained that only al-Baghdadi was in charge of setting policy on slaves and their distribution. A February 2016 edict required the Delegated Committee's approval for any senior figure to own slaves — a suggestion that even top officials were abusing the sales process.

Captured IS militants offered a glimpse into the resistance the leadership faced in enforcing its rules. In the eyes of some in the rank-and-file, what they saw as their right under Islamic law could not be restricted.

Abu Hareth, an Iraqi IS preacher held in a Baghdad prison, told the AP that many fighters didn't feel compelled to register sales in courts. "You have a product and you are allowed to trade in it," he said.

Abdul-Rahman al-Shmary, a 24-year old Saudi who traded in slaves and is held in a Syrian Kurdish-run prison, dismissed the rules as rooted not in Islamic law but in the leadership's need for control.

"It was about power and not for God's sake," he said.

Abu Adel al-Jazrawi, a Saudi who worked in the group's War Spoils department and is now imprisoned in eastern Syria, put it bluntly: "Slaves were just the means for high officials to get rich."

TALOO'S JOURNEY

Laila Taloo's 2 1/2-year ordeal in captivity underscores how IS members continually ignored the rules.

"They explained everything as permissible. They called it Islamic law. They raped women, even young girls," said the 33-year old Taloo, who was owned by eight men, all of whom raped her. She asked that her name be used because she is publicly campaigning for justice for Yazidis.

After Taloo, her husband, young son and newborn daughter were abducted in 2014 and she and her husband were forced to convert to Islam, which should have spared them from being enslaved or killed.

But conversion meant nothing. "What is this all for? They never had a second thought about killing or slaughtering or taking women," Taloo said.

The family was taken to the Iraqi village of Qasr Mihrab, along with nearly 2,000 other converted Yazidis. At one point, the militants gathered all the adult men and took them away. Their bodies were never found but are believed to have been thrown into a nearby sinkhole, where bones still can be seen. CIJA found that Hajji Abdullah was among the senior IS officials involved in the execution of the men.

Taloo was first sold to an Iraqi doctor, who three days later gifted her to a friend. Despite the rules mandating sales through courts, she was thrown into a world of informal slave markets run out of homes.

Her third owner, an Iraqi surgeon, woke her one night and had her dress and put on makeup so four Saudi men could inspect her. One didn't like her ankles; another, a member of the IS religious police, paid nearly \$6,000 for her.

That owner posted pictures of his slaves online and, every day, they were paraded before potential buyers. "It was like a fashion show. We would walk up and down a room filled with men who are checking us out," Taloo said.

With each owner, she fought to keep her children safe. One man took photos of her then-2-year-old daughter, threatening to sell her to an Iraqi woman who couldn't have children. IS was known to separate children from their mothers, using them as household slaves or child soldiers, changing their names and forcing them to convert to Islam.

One owner forced Taloo to have a baby then changed his mind and forced her to have an abortion. He also forced her to remove a tattoo she engraved on her skin carrying her husband's name. Another owner forced her to use contraceptives. A third owner got her pregnant and she forced her own abortion.

Eventually, to free a relative, Taloo married a militant who turned out to be a senior IS operative. His long stints on the battlefield enabled her to escape: She paid a smuggler \$19,500 she got from her family for passage out of IS-held territory with her children and sister-in-law.

Today, Taloo still visits the sinkhole where her husband is believed to be buried, and for the first time last year she visited the house in Qasr al-Mihrab, where her family was held captive. The house owners, who had fled the IS takeover, have now returned, unknowingly living among Taloo's cherished memories of her family that was.

THE RESCUERS

As their territory steadily diminished and defeat loomed, IS continued to crack down on members who, desperate for money, sought to sell slaves back to their families for large sums. Some fighters who did so were reportedly killed, survivors of IS slavery said.

Some 3,500 slaves have been freed from IS' clutches in recent years, most of them ransomed by their families. But more than 2,900 Yazidis remain unaccounted for, including some 1,300 women and children, according to the Yazidi abductees office in Iraq's Kurdish autonomous region.

Most are believed dead, but hundreds of women and children likely remain held by militants, said Bahzad Farhan and Ali Khanasouri, two Yazidis who work as rescuers tracking down the enslaved.

For years, the two have followed slave markets on social media, contacting smugglers and searching out IS militants willing to ransom their captives to their families. Working separately, they have secured freedom for dozens of women and children.

Sitting under the shade of a tree at Lalish, the holiest Yazidi shrine in Iraq's Dohuk province, Khanasouri recounted how he managed to escape after being among about 250 people kidnapped by IS in his hometown five years ago.

With the help of a Tunisian IS member he encountered in captivity, he has developed a network of insiders and confederates in his quest to rescue as many fellow Yazidis as possible.

As IS crumbled, the rescue business was brisk as captors scrambled for money, "looking for buyers," Khanasouri said. Now, with militants scattered — some hiding in deserts and caves or in sleeper cells — finding sellers is harder.

Wielding his phone, Khanasouri shows maps of likely locations of IS safehouses in Iraq's western deserts, where he is certain surviving women are still held.

Other women are hiding, either by choice or coercion, among IS families housed at the al-Hol camp in Syria, run by Syrian Kurdish fighters.

Some captives have accepted their new identities, particularly Yazidi children who grew up under IS, Farhan said. Some women with children born to IS fathers don't want to return home because their Yazidi community has shunned the newborns.

Khanasouri and Farhan have extended their search beyond the areas that IS once controlled, finding traces of women and children smuggled out by their captors who fled as far afield as Iran and Turkey. A Yazidi freed slave lost custody in a Turkish court of her nephew and niece who were found in an orphanage in Turkey.

At times, they said, Syrian opposition fighters have refused to return enslaved girls they come across in their territory.

One Yazidi girl, forced to convert to Islam and six months pregnant, was found in the northwest Syrian town of Azaz when fighters captured a Saudi IS militant transporting her. One of Farhan's contacts, an opposition fighter, offered to bring the girl back to her family. But his commanders stopped the transfer.

"They said, 'She is now a Muslim girl, why are you sending her back to the infidels?'" Farhan said.

Eurojust calls for Daesh returnees to be charged with war crimes (Middle East Monitor)
May 26, 2020

Eurojust, Europe's judicial cooperation agency, has called for Daesh returnees from Iraq and Syria to be charged with war crimes. The call was made in a new report by the agency.

Daesh has been classified as a terrorist organisation, which means that its members who have returned to their country of origin primarily face prosecution for terrorism-related offences under domestic laws. However, says Eurojust, "[Daesh] should not only be considered as a terrorist organisation."

Daesh, the agency insists, fulfils the criteria to classify the organisation as a "party to a non-international armed conflict in Iraq and Syria acting as an organised non-state armed group." Under this classification, parties are obliged to follow international humanitarian law, meaning that members of the organisation can be held liable for war crimes, genocide and crimes against humanity, among other core international crimes.

The Eurojust report calls for cumulative charging, where defendants face prosecution for terrorism-related offences and core international crimes at the same time. The process has been used against Daesh fighters returning to France, Germany and the Netherlands in recent months.

In late April, the trial of a 37-year-old Iraqi man suspected of being a member of Daesh started in Frankfurt, Germany. The defendant, known only as Taha Al-J, faces charges of genocide, murder, war crimes and crimes against humanity for his role in the death of an enslaved 5-year-old Yazidi girl.

Meanwhile, in early May, Omaima M, the widow of German rapper turned Daesh fighter Denis Cuspert, went on trial in Hamburg, Germany. She faces charges of human trafficking, membership of a foreign terror group and crimes against humanity.

The Eurojust report says that cumulative charging, including prosecution of perpetrators of war crimes, is an important step. "Prosecuting terrorism offences combined with acts of core international crimes ensures the full criminal responsibility of perpetrators, results in higher sentences and delivers more justice for victims," the agency explains.

Moreover, core international crimes are not subject to the same statute of limitations as terrorism-related offences. This means that Daesh returnees could face prosecution decades after the crimes of which they are accused were committed. "By recognising and naming these crimes for what they are, justice can hence be brought to victims," concludes Eurojust.

Iraq war: All but one war crimes claim against British soldiers dropped (BBC) By Jonathan Beale
June 2, 2020

Independent investigators were asked to look at thousands of allegations made against the British military after the invasion of Iraq in 2003.

But the director of the Service Prosecution Authority (SPA) said just one remaining case was being examined.

Andrew Cayley said the "low level" of offending and lack of credible evidence had led most cases to be dismissed.

Speaking to BBC Radio 4's Law in Action programme, Mr Cayley said most of those cases were sifted out at a very early stage because of the lack of credible evidence or because the offending was "at such a very low level".

More than 1,000 cases were made by former lawyer Phil Shiner and his firm Public Interest Lawyers (PIL). In 2017 he was struck off as a solicitor after a tribunal found him guilty of misconduct and dishonesty, including false accounts about the actions of UK soldiers.

Mr Cayley said seven remaining cases had been referred to the SPA, but in six of those cases it was concluded that no charges should be brought.

One case is still being considered, but Mr Cayley admitted that it is now "quite possible" that none of the original allegations will lead to a prosecution.

Mr Cayley also said he is confident a separate investigation being conducted by the International Criminal Court (ICC) in the Hague will conclude this year without further action being taken.

In 2014, ICC prosecutor Fatou Bensouda re-opened a preliminary examination of cases involving alleged British abuses in Iraq.

Mr Cayley said he was "convinced" that examination would soon be completed without any further action.

He said: "My sense is these matters are coming to a conclusion; she will close the preliminary examination this year in respect of Iraq and the United Kingdom."

The cloud hanging over British service personnel accused of wrongdoing has already left a bitter taste and contributed to political pressure to do more to protect soldiers on the battlefield from criminal and civil prosecution for alleged actions which took place years ago.

'Vexatious claims' Earlier this year the government presented a bill promising to curb historic allegations and tackle what it calls "vexatious claims" against armed forces deployed overseas.

The bill proposes a five-year time limit on any criminal prosecution unless compelling new evidence is brought to light.

In a statement, the Ministry of Defence said it was strongly opposed to service personnel and veterans being subjected to the threat of repeated investigations and potential prosecutions.

Veterans minister Johnny Mercer said the bill was introduced "to reduce the uncertainty currently faced by service personnel and veterans in relation to historic allegations" - and aimed to make sure "that we never end up in a situation like this again".

But human rights groups and some lawyers have already expressed concern - saying the legislation could place the military above the law, and undermine existing international conventions.

David Greene, vice-president of the Law Society, said a balance must be struck to ensure charges are only brought when warranted.

But he added: "The argument behind time limits for British service personnel deployed overseas is that there has been a rise in historic prosecutions. Based on Andrew Cayley's comments the evidence for such an assertion is lacking."

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Syria

Islamic State is back and this time the west is ill-prepared to take it on (The Guardian) By Hassan

Hassan

May 24, 2020

Over the last two months, Islamic State has carried out a series of large-scale and coordinated attacks in parts of Syria and Iraq. The spike in attacks has renewed

fears about the group's resurgence, a year after the collapse of its physical caliphate in eastern Syria and only six months after the killing of its former leader, Abu Bakr al-Baghdadi. The heightened activity is especially worrying because the conditions that have made it possible appear set to worsen in the coming months.

Isis has never ceased attacks in the two countries since the loss of its territories, but the recent operations are particularly bad news. Aside from the attacks, for example, reports from the ground consistently suggest that the group has had greater visibility and mobility this year in villages and suburbs across Iraq and Syria.

The way in which some of the attacks were conducted also indicates that the group has access to information about troop movements and individuals it seeks to target. Such trends are usually early signs that the group has established roots, carved out space for itself and built the infrastructure necessary to launch attacks.

This recovery is recent, and follows at least a year of weakness in both countries, due to the loss of Isis centres in Mosul and Raqqa and the intense military campaigns against it. This weakness reached its lowest point with the killing of Baghdadi in October. The group seemed unable to carry out revenge attacks for the killing of its self-proclaimed caliph, or to exploit significant openings such as the US announcement that it was withdrawing its troops from Syria, which was followed by Turkey's invasion of parts of the north.

Warnings that such events would open the door for the group to re-emerge did not transpire. Several months later, though, the group rebuilt its capabilities and became more active – the most active since the collapse of its caliphate. This time lag between decreased pressure and the ability to rebound matters because it reveals precisely how Isis could be put back in its box.

It took Isis some time to regenerate because the sustained military pressure against it had prevented it from quickly seizing clear openings such as the chaos that followed the American withdrawal – which was later reversed – and the Turkish invasion. The pressure had been building steadily against Isis since the recapture of Mosul in 2017 and Raqqa in 2018, and the US-led forces largely focused on clearing operations in abandoned villages, mountains and deserts to ensure a more enduring defeat of the organisation. It would have been hard to contain the organisation had it been “ready” to attack when such opportunities presented themselves in October.

The steady pressure was disrupted by a chain of events in both countries, paving the way for Isis to return. The initial US withdrawal from Syria caused its allies on the ground, the Kurdish-dominated forces, to seek the help of Russia and the regime in Damascus to prevent Turkey from taking over. Even after the US reversed its decision to withdraw, part of the third of Syria previously controlled by the international coalition became shared with the Russians. The damage was already done, as the international mandate against Isis shrank in both territory and influence.

In Iraq, too, mass protests in Iraq in October triggered several events and raised the political temperature in the country. The protests in central and southern Iraq forced the government to resign and led to political stagnation that lasted until two weeks ago, when political parties agreed on a new prime minister, Mustafa al-Kadhimi.

The protests, which sometimes included an anti-Iran tone, also added to the tensions between the US and Shia forces in the country. Attacks and counter-attacks, by the US and Iranian proxies, ultimately led to the killing of the Iranian general Qassem Suleimani and the prominent Shia militia leader Abu Mahdi al-Muhandis.

Despite what seemed like a perfect storm, Isis could not expand its influence until recently. The earliest notable attack happened on 9 April, between the group and Syrian regime forces near Palmyra in the Syrian desert. The attack appeared sophisticated, as the group ambushed regime forces and clashed with them for several hours. Later that month, Isis conducted several attacks in Kirkuk, Diyala and Salah ad-Din. Such attacks included the attempted storming of the counter-terrorism and intelligence directorate in Kirkuk, and several coordinated attacks in Salah ad-Din. The attacks were among the most sophisticated in years.

Isis clearly benefited from the security vacuum and decreased pressure in both countries. As Isis establishes a foothold, it soon becomes hard to weaken it without deeper international engagement. Renewed tactical operations might force it underground but it will not dismantle its networks, because that process requires a patient counter-terrorism strategy that seemed to exist a year ago.

The recovery of Isis is still new and fragile, and so could be easily reversed if the pressure is restored. However, the problem is that the current trends seem more favourable to Isis than to local forces. Tensions between the US and Iraqi forces also make it harder for the two partners to work in harmony as they did during the fight against Isis in places like Mosul. The US has already withdrawn from several tactical bases in western and central Iraq, in the very areas in which it recently carried out attacks.

In other words, the chances for further Isis recovery are increasing as the odds decrease for a tougher crackdown led by the US. This pattern is what makes the current phase particularly dangerous. If the pattern continues in the coming months, Isis is likely to become a far greater threat that will be much harder to contain than it is now.

ISIS Prisoners Threaten U.S. Mission in Northeastern Syria (The New York Times) By Eric Schmitt
May 25, 2020

A year after American-backed forces seized the last remnant of territory under Islamic State rule in Syria, some 10,000 captured ISIS fighters in Kurdish-run wartime prisons pose “a significant risk” to the United States mission in the country’s northeast, military commanders say.

Hardened ISIS fighters protesting the dire conditions in their makeshift confines, including the potential spread of Covid-19, have rioted at the largest prison in Hasaka twice in the last two months. The uprisings were quelled, but they underscore the “high-impact risk of a mass breakout,” American commanders told investigators from the Pentagon inspector general’s office.

These findings, contained in the inspector general’s latest quarterly report on the U.S. military missions in Iraq and Syria, issued earlier this month, represent new and alarming warnings for an American counterterrorism mission that already faces renewed attacks from resurgent ISIS guerrillas, pressure from Russian troops supporting the army of President Bashar al-Assad of Syria, and concerns that the coronavirus could infect their own ranks.

These concerns have limited operations of the 500 remaining U.S. troops in northeastern Syria.

Only a handful of Covid-19 deaths have been reported in the country’s northeast, and none so far in the prisons. But humanitarian assistance workers express fear that a rapid outbreak is a real possibility given the region’s war-battered health infrastructure and the severe overcrowding at its prisons.

“The humanitarian situation in places of detention and in camps in Syria’s northeast was dire even before the threat of Covid-19 appeared,” said Fabrizio Carboni, the Near and Middle East director for the International Committee of the Red Cross. “We’re extremely worried about all detainees during this pandemic.”

Mr. Carboni added: “Their living conditions make them extremely vulnerable should the virus enter and spread. We know that overcrowded, unhygienic and poorly ventilated cells create the perfect conditions for that to happen.”

The Syrian Democratic Forces, whose fighters are the Pentagon’s partner on the ground in the yearslong campaign against the Islamic State, operate a constellation of about two dozen ad hoc detention sites for captive ISIS fighters, including converted schoolhouses and a former Syrian government prison at Hasaka, the site of the recent riots.

The prisons hold about 10,000 men, of whom about 8,000 are locals — Syrians or Iraqis — and about 2,000 are from 50 other nations whose home governments have balked at repatriating them. Scores of those men are Europeans, from countries like Belgium, Britain, France and Germany, but far more come from across the Middle East, including Egypt, Tunisia and Yemen.

Many European law enforcement officials fear that if they repatriate their extremist citizens, they would be unable to convict them or keep them locked up for a long time. Some countries have stripped suspected ISIS fighters of their citizenship. The scant repatriations that have taken place over the past several months — including by Kazakhstan, Oman and Tunisia — stopped altogether given Covid-19 restrictions, American officials said.

The Kurdish-led force that holds the ISIS fighters does not have the capacity to investigate or try them, American officials say. Western counterterrorism officials say the longer the foreign fighters are held, the more they become even further radicalized and the greater potential for mass breakouts.

The Kurds also operate more than a dozen camps for families displaced by the conflict that hold tens of thousands of people, many of them non-Syrian wives and children of Islamic State fighters. These include the sprawling Al Hol camp about 25 miles southeast of Hasaka, where some 70,000 people have been living in increasingly dire conditions.

Counterterrorism officials fear that these camps not only enable ISIS communications and financial networks, but are also ideological breeding grounds for the next generation of Islamic extremists.

In the months following the Islamic State’s loss last March of its last remnant in northeast Syria, the village of Baghouz, American and Kurdish officials said the Kurds could not sustain security long-term at the makeshift facilities it was using.

That became clear in October, when the Turkish military moved into northern Syria after getting a green light from President Trump. Turkey targeted the American-backed Kurds, calling into question the Kurds’ ability to secure the ISIS fighters. About

100 fighters escaped in the turmoil, but Kurdish officials said they recaptured the majority of them.

Then came the riots at the prison in Hasaka, which holds between 4,000 and 5,000 captives. Media reports said that on March 29, ISIS militants began breaking down doors and digging holes in walls between cells. The rioting was brought under control the next morning, but violence erupted again with gunfire heard inside and ambulances called in to help the wounded.

Five weeks later, in early May, ISIS fighters briefly took control of the same prison. The riot ended a day later when Kurdish officials and members of the American-led coalition negotiated with the militants.

“ISIS prisoners significantly outnumber the S.D.F. guards, and the generally poor conditions in these jails are driving detainees to take greater risks to break out,” said Nicholas Heras, head of the Institute for the Study of War’s Middle East security program. “ISIS also has a longstanding policy to seek to break out its fighters from prison, which makes these S.D.F. facilities a focus of ISIS efforts to replenish its ranks in Syria and Iraq.”

Gen. Kenneth F. McKenzie Jr., the head of the military’s Central Command, told Congress in March that the detention of foreign fighters and ongoing attempts at radicalization in the displacement camps were parts of the same problem.

American and allied forces were helping to mitigate prison security risks by training and equipping Kurdish guards and helping construct more secure structures, General McKenzie said. But he called those efforts “a tactical-level Band-Aid, not a long-term solution.”

The Pentagon has increased the amount it will spend to repair, renovate and, beginning this year, build new detention structures, up to \$20 million from \$10 million, with a \$4 million cap on any single project. The pandemic delayed site-survey teams from visiting potential locations, but Pentagon officials said initial construction of new prisons could start in the coming months.

In addition, the Defense Department is paying the Syrian Democratic Forces between \$500,000 and \$1 million in stipends for guard salaries and other costs, according to Pentagon officials. Kurdish leaders have expressed appreciation for the aid, but echo General McKenzie’s long-term assessment.

“Our allies must find a quick radical solution to this international problem,” Mazlum Abdi, the Kurdish force’s commander, said in a Twitter message after the first riot at the prison in Hasaka.

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Yemen

Yemen world's worst humanitarian crisis - UN (TRT World)

June 2, 2020

Yemen is wracked by a war which has killed tens of thousands of people and led to the world's worst humanitarian crisis, according to the United Nations.

The war between Houthi rebels and pro-government forces escalated in 2015 when a Saudi-led military coalition intervened against the rebels who control large parts of Yemen including the capital Sanaa.

Civilians on front line

Over the past six years, tens of thousands of people – mostly civilians – have been killed in the conflict, according to aid organisations.

The United Nations High Commissioner for Refugees (UNHCR) says more than 3.6 million people have been displaced within Yemen, living in camps.

Amnesty International said in December 2019 that some 4.5 million people living with disabilities are faced with growing difficulties in the country.

In the worst cases, the disabled are left behind by their families after being separated while fleeing their homes, it said in a

report.

Collapse of health system

Yemen's already ailing health system has collapsed during the Covid-19 pandemic.

At the end of May, the United Nations appealed for urgent funding for the country.

"We are increasingly alarmed about the situation in Yemen," officials from the UN Humanitarian Affairs Department, UNICEF, the World Food Programme and the World Health Organization (WHO) said in a joint statement.

"We are running out of time".

Yemen is "critically under-equipped" to face the pandemic, Save the Children said in April.

"Only half of Yemen's health facilities are still fully functional."

The country has also been ravaged by cholera, which has killed more than 2,500 people since April 2017.

Around 1.2 million suspected cholera cases have been reported, according to WHO.

Lost generation

The UN children's fund (UNICEF) said even before the pandemic that two million Yemeni children of school age had gone without education, and another five million have since been forced to quit.

More than 12 million children in Yemen are in need of humanitarian aid.

According to Cluster Sante, which groups international NGOs and UN agencies, nearly 1.2 million children have been stricken by cholera, diphtheria or dengue fever over the past three years.

'Worst' humanitarian crisis

Long the Arab world's poorest nation, Yemen is the scene of "the largest humanitarian crisis in the world", according to the UN.

More than two thirds of the population – 24 million people – require humanitarian assistance.

'War crimes'

In September 2019, investigators appointed by the UN Human Rights Council pointed to "war crimes" committed by all sides in the conflict.

"There are no clean hands" in the conflict, said one of the experts, Charles Garraway.

If confirmed by an independent and competent court, many of the violations identified "may result in individuals being held responsible for war crimes", the experts said in a statement.

They listed air strikes and shelling, starvation as a method of warfare, killings, torture and sexual violence as well as recruitment of child soldiers as crimes being committed with impunity.

In February, the Saudi-led coalition said it was launching legal proceedings against soldiers suspected of abuses during attacks in Yemen.

Saudi Arabia intensifies bombardment ahead as it prepares to co-host Yemen aid conference (The New Arab)

June 2, 2020

The Saudi-led coalition intensified its bombing campaign in Yemen on the eve of a Tuesday donor conference co-hosted by Riyadh to aid the impoverished country.

The coalition launched dozens of strikes on Monday in Marib governorate, northeast of the capital Sana, according to rebel-run Al-Masirah TV.

Air raids also struck Al-Rabwa area in the Asir province, south of Yemen, according to the same source. No casualties were

reported so far.

The attacks launched by the Saudi-UAE coalition aircrafts came on the eve of an emergency donor conference, co-hosted by Riyadh and the United Nations, to support the war-torn country as it faces a coronavirus catastrophe in the sixth year of the Saudi-led military intervention.

The virtual conference seeks to raise \$2.3 billion to support Yemen, where aid groups have warned that the fast-spreading virus could wreak havoc after years of war and amid crippling funding shortages.

"A total of \$2.3 billion is being sought to cover emergency requirements in Yemen across multiple humanitarian sectors, including medical, food and shelter assistance," a Saudi government statement said.

The UK, a leading arms supplier to Saudi Arabia, stepped in Tuesday with a new aid package for Yemen worth £160 million (\$200 million).

"This targeted UK aid package will mean the difference between life and death for thousands of Yemenis who now also face the threat of coronavirus," Foreign Secretary Dominic Raab said in a statement.

"Our support will help ensure families can feed themselves and access clean water and medical care," he said.

UN Secretary General Antonio Guterres, Saudi Foreign Minister Faisal bin Farhan, as well as Mark Lowcock, UN under-secretary general for humanitarian affairs, were to take part in the aid conference.

Lowcock has flagged a funding requirement of \$2.4 billion for Yemen by the end of the year, including \$180 million to combat the Covid-19 pandemic.

Yemen is already gripped by what the UN calls the world's worst humanitarian crisis.

Saudi Arabia, which leads a military intervention against Iran-aligned Houthi rebels, counts itself as a top donor to Yemen, having contributed billions of dollars in aid.

But the Saudi-led coalition is also widely blamed for civilian casualties in bombing raids that campaigners say have pushed the country deeper into crisis.

A rebel spokesman dismissed the Saudi-led conference as a "silly attempt to (gloss over) their crimes", according to the Al-Masirah television.

The war has left tens of thousands dead, most of them civilians, and the UN says around 24 million Yemenis - more than two thirds of the population - rely on some form of aid.

Fighting between the Saudi-backed forces and the rebels has continued despite repeated UN calls for a ceasefire as part of global efforts to combat coronavirus.

Further muddying the waters are tensions between two anti-Houthi allies - the Yemeni government and southern separatists, which declared self-rule in southern Yemen on 26 April.

'Won't fool anyone': Saudi Arabia hosts UN fundraiser for Yemen aid (TRT World)

June 3, 2020

The UN needs \$2.3bn to help avert 'humanitarian catastrophe' in the Arabian peninsula nation beset by war between Houthi rebels and a Saudi-UAE led axis.

The UN has issued an urgent appeal for funds to stave off the threat of humanitarian disaster in Yemen but its decision to partner with Saudi Arabia to help come up with the cash is raising a few eyebrows.

The fundraiser on Tuesday, which was held online and co-hosted by Riyadh, aims to provide food and medical aid to Yemen's beleaguered and war-weary population.

Giving Saudi Arabia such an essential role in raising money for the ongoing relief efforts has drawn criticism from rights groups.

"Saudi Arabia keeps trying to whitewash its coalition's role in the deepening humanitarian catastrophe in Yemen, but co-hosting the funding event won't fool anyone," Human Rights Watch (HRW) Yemen researcher, Afrah Nasser, said in a statement.

More than 100,000 people have died in the Arabian peninsula nation since an axis led by Saudi Arabia and UAE intervened militarily to stop Houthi rebels from overrunning the country.

Many civilians had been killed in airstrikes carried out by the Saudis and Emiratis and as a result of starvation and disease brought about by a blockade of Houthi territory.

UN experts have previously accused Saudi Arabia and the UAE of carrying out war crimes in Yemen.

"The Saudi-led coalition, along with Houthi forces that have brutalised civilians and obstructed aid, should immediately cease violating the laws of war and put an end to the humanitarian crisis in Yemen for which they're all responsible," HRW's Nasser added.

According to the UN's Secretary-General Antonio Guterres, around 24 million people in Yemen, or four in five, require lifesaving help.

Describing the situation as the "world's largest humanitarian crisis", Guterres said two million children were currently suffering from acute malnutrition, which could "stunt their growth and affect them throughout their lives."

In addition to the threat of starvation, the country is experiencing a cholera epidemic, which has infected more than 1.2 million people in the last two years, according to the UN. Many analysts have attributed the outbreak to damage caused to Yemen's infrastructure by the Saudis and Emiratis.

The ongoing coronavirus pandemic has also hit Yemen hard, with the port city of Aden reporting one of the highest mortality rates for covid-19 globally.

'Bitter irony'

It is not just Saudi Arabia, which has pledged aid on the one hand and participated in making the situation worse in Yemen on the other.

The UK has also come under fire for giving \$1.2bn in aid to Yemenis while continuing to supply the Saudis and Emiratis with weapons.

In 2019, the British government criticised a court ruling declaring UK arms sales to Saudi Arabia worth \$5.9bn unlawful.

In comments reported by the Guardian, Jon Cunliffe, of Action against Hunger in the Middle East, said it was a "bitter irony" that countries that either participated directly in the war or armed belligerents were the biggest donors at Tuesday's event.

"It isn't enough to just throw money at the problem, we need to see concrete evidence that governments are genuinely committed to a political solution," Cunliffe said.

"Saudi Arabia's depth of influence will be far more important than the depth of its pockets if the goal is to ease the suffering of the Yemeni people."

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Special Tribunal for Lebanon

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

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Israel and Palestine

Palestinians urge ICC to charge Israel with war crimes after unarmed man with learning difficulties shot dead (Morning Star)

May 31, 2020

Palestinian authorities have renewed calls for the International Criminal Court (ICC) to fulfil its mandate regarding Israeli war crimes in Palestine after soldiers shot dead an unarmed man with learning difficulties.

Iyad Khairi Hallak was gunned down on Saturday by Israeli police in East Jerusalem, where he was attending an institution for people with special needs. He was left bleeding on the ground until he died, according to witnesses.

The police claimed that the officers had opened fire because he had “a suspicious object that looked like a pistol.” But no gun was found at the scene, police spokesman Micky Rosenfeld confirmed.

Palestinian President Mahmoud Abbas held Israeli Prime Minister Benjamin Netanyahu responsible for the killing.

“It is a real crime in the first place and those who committed it must be brought to justice and be convicted by the International Criminal Court,” Mr Abbas said in a statement.

The shooting took place the day after another unarmed Palestinian was killed near Ramallah. Soldiers claimed that he had driven his car at them, an allegation strongly denied by the man’s family.

After Saturday’s shooting, police raided the home of Mr Hallak in Wad el-Joz and interrogated his family.

Hamas spokesman Hazem Qassem said: “These crimes against humanity will remain the fuel for the revolution of the Palestinian people, who will carry on with their struggle until the liberation of their occupied land.”

Palestine Liberation Organisation secretary-general Saeb Erekat said Mr Hallak’s killing was “a new crime that will be met with impunity unless the world stops treating Israel as a state above the law and the International Criminal Court fulfils its mandate.”

The ICC prosecutor ruled in December that Israel can be held responsible for war crimes in the occupied Palestinian territories and investigations are now under way.

US vows to prevent ‘corrupt’ ICC from probing Americans, Israelis for war crimes (The Times of Israel) By

Raphael Ahren

June 2, 2020

The US is about to launch a concerted effort to prevent the International Criminal Court from opening war crime investigations that could see American and Israeli officials in the dock in The Hague, US Secretary of State Mike Pompeo said Monday.

“I think that the ICC and the world will see that we are determined to prevent having Americans and our friends and allies in Israel and elsewhere hauled in by this corrupt ICC,” he told a podcast hosted by the American Enterprise Institute think tank.

“I don’t want to get ahead of the announcements we’re going to make in the coming days but I think you’ll see,” he said.

The ICC is currently weighing whether to open separate criminal investigations into the “situation in Afghanistan,” which could see UK and American troops tried for war crimes, and the “situation in Palestine,” which may result in Israelis and Palestinians being tried for war crimes.

“I’m very concerned about it,” Pompeo said. “You’ll see, in the coming days, a series of announcements, not just from the State Department, all across the United States government, that attempt to push back against what the ICC is up to.”

Neither the US nor Israel are members of the court and therefore reject the ICC’s attempt to exert criminal jurisdiction over their nationals.

“And under international law, one of the key features of exercise of power by a body such as the ICC is that you say yep, I want to be part of that. We never signed up for the [Rome Statue, the ICC’s foundational document],” the US top diplomat said.

“And now this court has become corrupted and is attempting to go after the young men and women of the United States of America who fought so hard... And they think that the ICC ought to be able to haul these young men and women in. We will never let that happen. We’re working along many fronts to prevent it from happening.”

Pompeo added: “They’re doing this not just to us, but to Israel, where they’re beginning to look into what took place in the West Bank. Again, it’s completely inappropriate. It’s completely inconsistent with international law. And it puts our young men and women at risk and it’s something President [Donald] Trump and our team aren’t going to permit to happen.”

Pompeo has long fought the ICC’s efforts to pursue investigations into cases where Americans or Israelis are involved. Last month, after a brief visit to Israel, he issued a formal statement reiterating Washington’s “longstanding objection to any illegitimate ICC investigations” into Israel and threatening that any attempt to assert jurisdiction over Israelis would “exact consequences.”

On April 30, ICC chief prosecutor Fatou Bensouda reiterated her position that Palestine is a state for the purposes of transferring criminal jurisdiction over its territory to The Hague.

It is now up to a pretrial chamber to rule on the matter. The three judges of that chamber — Péter Kovács of Hungary, Marc Perrin de Brichambaut of France and Reine Adélaïde Sophie Alapini-Gansou of Benin — have no set deadline to hand down their decision but are expected to do so in less than 90 days.

Israel argues that Palestine is not a sovereign state and therefore cannot transfer criminal jurisdiction over its territory to the Hague. Prime Minister Benjamin Netanyahu has repeatedly denounced the ICC and declared thwarting a possible war crimes probe one of the new government’s top priorities.

Could annexing Palestinian towns minus citizenship be apartheid? (Jerusalem Post) By Yonah Jeremy Bob
June 3, 2020

If Prime Minister Benjamin Netanyahu has his way, sometime in July, Israel will annex portions of the West Bank. The plan appears to include Palestinian enclaves, while avoiding applying Israeli law to those areas.

Under the Trump administration's peace plan as rolled out in January, all Palestinians will become citizens of a future Palestinian state that, it is hoped, will emerge from negotiations between the parties within four years.

But what happens to those Palestinians if the negotiations break down? And what is the status of those Palestinians during the period they wait for their new state to be established?

Could such a situation constitute apartheid?

First, the term apartheid must be defined.

There certainly cannot be any comparison to classic apartheid in South Africa where there was one country and the minority whites systematically suppressed the majority blacks out of a racist ideology.

Israelis and Palestinians are two different peoples who were never part of one country. They have been in a multi-sided political-land-religious conflict for around 100 years that is also part of the broader Israeli-Arab conflict.

Israel has proposed peace deals to the Palestinians (perfect or not) and Arab citizens of Israel have full citizenship rights, even if there is criticism that their sectors and some other minority Jewish sectors are neglected in comparative terms when it comes to state funding.

Apartheid has at least two meanings: one as a social phenomenon and one as a war crime under the International Criminal Court’s Rome Statute.

As a social phenomenon, countries like Saudi Arabia and Myanmar are sometimes accused of apartheid due to allegations of institutionalizing discrimination against certain minorities on racist grounds.

Some critics have long accused Israel of the same, but these critics have often ignored the rights granted to Israeli-Arabs and the significant threats to Israeli security posed by Hamas rockets and Palestinian terrorism in general.

In addition, as long as the Oslo peace process of the mid-1990s was not completely dead, there has been an idea that the Palestinian Authority was responsible for Palestinians in the West Bank, Israel was responsible for Jews there and the fate of mixed areas would eventually be resolved in negotiations.

Will this change though if Israel annexes portions of the West Bank including Palestinian areas and does not extend citizenship to those residents?

The argument of those in favor of the change would be that annexation is a permanent act that negates further negotiations and sets all of the parties' rights in place. If Palestinians are annexed, the argument would be that they need to be granted citizenship and the right to vote either in Israel or in Palestine.

If they have citizenship and the right to vote in Palestine, then they could be compared to some enclaves in various European countries that are surrounded by a different country.

Incidentally, the Trump plan also leaves 15 Jewish enclaves surrounded by the future Palestine.

But if annexed Palestinians have neither – an apartheid argument in the social sense could be raised.

In a legal war crime sense though, this would not be enough. There would need to be proof both that Israel was carrying out systematic discrimination along with another crime such as murder, enslavement, forcible transfer or arbitrary imprisonment.

Put simply, Israel has no systemic policy to commit any such crimes. Still, there is an ongoing and unresolved debate before the International Criminal Court about certain demolitions of Palestinian homes and the settlement enterprise.

But even the argument of apartheid in a social sense has holes in it.

If Israel follows the Trump plan, then the whole point is that, within four years, all Palestinians would be citizens and have the right to vote in a Palestinian state.

Further, if the PA held elections in the interim, no one has said they would prevent the Palestinians from voting. In all likelihood, Israel would support such voting as it did the last time the PA held elections over a decade ago.

In other words, whether the Palestinians get to vote or not would most likely be at the feet of the PA's ability or inability to hold elections because of their fight with Hamas, not a problem caused by Israel.

As for the Palestinians' general status in the interim four years, the issue is a messy one.

But conflicts often lead to messy interim arrangements, and the main question is really where the process is leading.

So really the only problem scenario is one in which there is no Palestinian state after the four-year period stipulated in the Trump plan.

In such a scenario, Israel would likely need to either reverse some of its annexation measures or give the annexed Palestinians provisional citizenship and voting rights until such time as a Palestinian state would be formed.

After all of this, it is unlikely that Israel is nearing a dilemma reaching the level of apartheid. At most, it might have to make some hard decisions four years from now, and even then, only if negotiations fail.

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ASIA

Afghanistan

Australian soldiers formally accused of war crimes in Afghanistan (Famagusta Gazette)

June 1, 2020

Australian Special Forces soldiers have been formally accused of committing war crimes while serving in Afghanistan.

News Corp Australia reported recently that several troops have received notices from the Inspector-General of the Australian Defence Force (IGADF) accusing them of breaching the laws of armed conflict in Afghanistan.

It comes four years after the IGADF launched an investigation into allegations that Special Forces personnel were involved in unlawful killings in Afghanistan.

The notices advise recipients that the IGADF intends to make adverse findings against them, giving them several weeks to respond to the allegations before the report is handed to Angus Campbell, the Chief of the Defence Force, in July.

The final report will make recommendations on what actions should be taken against the accused men, including possible criminal proceedings, as well as recommendations about the culture of the Special Forces.

The Australian Federal Police (AFP) is conducting a separate investigation into alleged war crimes committed by two Special Forces soldiers, one of who is known only as "Soldier C" while the other is Victoria Cross recipient Ben Roberts-Smith.

The Australian Broadcasting Corporation (ABC) revealed on Wednesday that Soldier C is under investigation for killing an unarmed intellectually disabled Afghan man known only as Ziauddin in 2012.

It is the second killing Soldier C has been implicated in after the ABC in March broadcast helmet camera footage of the soldier – who has since been stood down by the ADF – shooting a different unarmed Afghan man three times while he cowered on the ground.

Pompeo signals impending action against ICC for investigating alleged U.S. war crimes (Politico) By Quint

Forgey

June 1, 2020

Secretary of State Mike Pompeo on Monday previewed imminent action by the Trump administration aimed at countering the International Criminal Court's investigation of alleged war crimes committed by U.S. personnel in Afghanistan.

In an interview on the "What the Hell Is Going On?" podcast, produced by the conservative-leaning American Enterprise Institute think tank, Pompeo said he is "very concerned" about the probe being conducted by the Hague-based tribunal.

"You'll see in the coming days a series of announcements not just from the State Department, [but] from all across the United States government that attempt to push back against what the ICC is up to," he said.

The warning from America's top diplomat comes after ICC judges in March authorized an investigation into war crimes and crimes against humanity allegedly perpetrated by Afghan government forces, the Taliban, American troops and U.S. foreign intelligence operatives. The inquiry marks the first time the court's prosecutor had been allowed to scrutinize U.S. forces.

Pompeo noted at the time that the U.S. is not a consenting "party" to the ICC and said the court had "stumbled into a sorry affirmation of every denunciation made by its harshest critics over the past three decades."

On Monday, Pompeo asserted the ICC had "become corrupted" and was attempting to target the "young men and women of the United States of America who fought so hard ... under the rule of law in the most civilized nation in the world."

The tribunal's officials "think that the ICC ought to be able to haul these young men and women in," Pompeo added. "We will never let that happen. We're working along many fronts to prevent it from happening."

Pompeo's remarks echo the criticism President Donald Trump and top administration officials have leveled at

intergovernmental organizations and multinational institutions as they seek to advance their “America First” brand of foreign policy.

On Friday, Trump announced the U.S. would withdraw from the World Health Organization, accusing the United Nations agency of fealty to China and of giving insufficient warnings to the international community about the coronavirus threat.

Republicans have long been skeptical of the ICC, in particular. The George W. Bush administration, for instance, rejected the tribunal altogether and worked to arrange bilateral immunity agreements with countries to shield U.S. forces from prosecution.

In 2002, when the Bush administration announced it would withdraw from the treaty establishing the court, “it was the happiest moment of my government service,” John Bolton, then a top State Department official, said.

Later, during his tenure as national security adviser under Trump, Bolton blasted the ICC as a threat to “American sovereignty and U.S. national security.”

“We will not cooperate with the ICC,” Bolton said in a September 2018 speech. “We will provide no assistance to the ICC. We will not join the ICC. We will let the ICC die on its own. After all, for all intents and purposes, the ICC is already dead to us.”

Report Finds More Than 70 Children Killed in Just 10 Airstrikes in Afghanistan (The Intercept) By Murtaza Hussain
June 3, 2020

ONE HUNDRED AND fifteen civilians died in just 10 airstrikes in the U.S. war in Afghanistan in the last two years; more than 70 of them were children. That’s the finding of a new investigation by the Bureau of Investigative Journalism, or TBIJ, which offers a glimpse into the terrible reality of the conflict in Afghanistan. The strikes that the investigation focused on — conducted by the U.S. military and the U.S.-backed Afghan air force — represent just a handful of the total number of bombings during the period.

TBIJ crowdsourced information on particular strikes, then worked with an Al Jazeera film crew who traveled to Afghanistan to meet some of the survivors, confirming civilian casualties in some instances when the U.S. government had not admitted them. The 10 airstrikes analyzed in their report took place between 2018 and 2019. The fact that over 60 percent of those who died in the bombings were children reflects Afghanistan’s overwhelmingly young population and a culture in which large families tend to live together in big housing compounds.

There is no official explanation for four of the 10 strikes TBIJ investigated. As for the others, according to details provided by the U.S. military or contained in United Nations reports, the U.S. military invoked self-defense. But even in cases where fighting was occurring nearby, victims say the strikes that hit their homes and killed their families were unjustified. Compounding their pain, they have never received any accountability or even an explanation for their loss.

Experts in the law of war told TBIJ that the strikes “raise serious concerns around compliance with the law of armed conflict,” in the words of Daragh Murray, a senior law lecturer at the University of Essex. Patricia Gossman, a senior researcher on Afghanistan for Human Rights Watch, said that the high number of civilian casualties, and of children killed, meant that “these strikes may have been disproportionate.”

In one incident documented by TBIJ, airstrikes hit a compound in Faryab province where an Afghan man named Bismillah Khan and his extended family lived. In the early hours of September 1, 2019, a series of explosions hit their home, collapsing the buildings on top of Khan and his family while they slept. The strikes killed 12 people, including seven children and the newly married wife of one of Khan’s cousins.

Volunteers working for TBIJ and the open-source investigation outlet Bellingcat compiled social media posts and local news reports corroborating the strike. Despite evidence showing that civilians were harmed, including images of bodies and destroyed homes, neither the U.S. military nor the U.S.-backed Afghan air force took responsibility for the strike. Promises to investigate have gone unfulfilled, and the victims and local community have been forced to live without accountability for their loss. Khan and many of his neighbors have left the village, unable to bear living at the site of a massacre.

“Before the bombing we had a good life. We are farmers. We had cows and donkeys and they were also buried under the rubble,” Khan told investigators. “I had photos of my family on my mobile, but every time I looked at them I couldn’t bear it.”

THE U.S. MILITARY has dropped tens of thousands of bombs on Afghanistan since it began occupying the country in 2001. This violence has escalated rather than decreased even with the official “end” of the combat mission there in 2014, with the

number of munitions dropped on the country hitting an annual record of 7,423 last year.

While the Pentagon states that it does everything in its power to avoid killing and wounding innocent people, it affords scant resources to investigate the actual impact of its strikes. It does not actually track down the victims of airstrikes, relying on its own intelligence and refusing to visit the sites of its strikes or interview eyewitnesses. The grueling work of investigating who these strikes are actually killing and maiming has thus been left to nongovernmental organizations and journalists. The reality they uncover has usually been much uglier than official U.S. government accounts suggest.

There's also a pattern to those accounts: The U.S. military tends to reflexively deny a strike or claim that solely militants were killed; they only back down, in some cases, after independent investigators come forward with contravening evidence. In an annual report released earlier this month on civilian deaths across all active U.S. war zones, the military claimed that only 132 people were killed by its operations in Afghanistan, Iraq, Somalia, Syria, Yemen, and Libya. Such low official figures have been repeatedly debunked by journalists and NGOs, invariably working with a tiny fraction of the Pentagon's budget.

Even during the Obama administration, which professed a commitment to transparency, there was little accountability for the deaths of innocent people in U.S. military operations. It was reported in 2012, for instance, that the military labeled any "military-aged male" it killed in strikes as a militant by default. The practice of "signature strikes," in which people were killed even when their identities weren't known because their behavior pattern allegedly matched that of a militant, belied Obama officials' insistence that airstrikes were precise and used only on high-value targets. Outside investigators also accused that administration of drastically undercounting the number of civilians killed.

But under President Donald Trump, the U.S. government has seemingly done everything it can to encourage an environment of impunity and loosen the rules of engagement. Trump campaigned on a promise to ramp up the brutality of existing wars, pardoning and even celebrating service members accused of war crimes. On this issue it seems like Trump has delivered on his campaign promise — with reports of increased strikes and civilian death tolls in numerous countries where the military is operating or supporting local forces — including in Afghanistan, where casualty numbers in recent years have reached record highs.

After nearly two decades of inconclusive fighting, the United States appears to be preparing to exit Afghanistan. Rather than defeating the Taliban, the U.S. government is putting the final touches on a peace agreement with the group that will allow for a U.S. military withdrawal, but makes few guarantees for peace between the militants and the Afghan central government that was set up during the occupation. Since 2001 the war has killed over 2,300 U.S. service members. No one is sure how many Afghans have died, but even the most conservative estimates put the figure above 100,000 — not counting the many more who have been maimed or driven from their homes by the fighting.

As it prepares to leave Afghanistan, the Trump administration is also waging a rearguard battle to prevent any legal accountability for U.S. actions during the war, including deadly airstrikes and raids that routinely killed civilians far in excess of official numbers. Secretary of State Mike Pompeo has threatened the International Criminal Court for authorizing a war crimes investigation focused in part on U.S. military killings of Afghan civilians, with Pompeo naming specific ICC staff members and their family members as potentially subject to retribution if they level accusations of war crimes against U.S. officials.

Such actions show a government deeply hostile to any type of close scrutiny of its actions. The investigation into the strikes in Afghanistan compiled by TBIJ and independent researchers gives a clue why. Contrary to the official narrative and figures, the U.S. war in Afghanistan has had a devastating impact on civilians. While the war might soon fade from memory for Americans, many ordinary Afghans will be dealing with the consequences for the rest of their lives.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

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War Crimes Investigation in Myanmar

Myanmar submits first report on Rohingya to UN's top court (Al Jazeera)

May 24, 2020

Myanmar has submitted its first report to the International Court of Justice (ICJ), detailing what it has done to protect the minority Rohingya from genocide.

The Hague-based court issued a provisional order in January, asking Myanmar to safeguard the mostly Muslim group in western Rakhine state as part of "provisional measures" at the start of a trial expected to take years.

The top UN court agreed last year to consider a case brought by The Gambia alleging that Myanmar committed genocide against the Rohingya, an accusation vigorously denied by the government.

Myanmar's military in August 2017 launched what it called a "clearance operation" in Rakhine state in response to an attack by a Rohingya armed group. The crackdown forced more than 730,000 Rohingya to flee to neighboring Bangladesh and led to widespread accusations that security forces committed mass murder, gang rape, torture and arson.

A foreign ministry official told Turkey's Anadolu news agency the report submitted on Saturday was based on three directives issued by President Win Myint's office in April.

It is unclear if the court will make the report public.

Speaking on condition of anonymity as he was not authorised to speak to the media, the official said the president ordered the regional government and military not to remove or destroy evidence of a genocide.

He also instructed them to prevent genocidal acts as well as incitement and hate speech against the Rohingya.

"What I know is that the report was based on what we have done and what we are doing regarding these three directives," said the official.

'Milestone' David Scheffer, US ambassador-at-large for war crimes, said before Myanmar filed the report that it was "an important milestone".

"The world should learn whether Myanmar not only is complying with an international order, but whether it has done so truthfully and without deception or obfuscation," he said.

Scheffer made the remarks in a foreword to a report titled No Place for Optimism: Anticipating Myanmar's First Report to the International Court of Justice.

Rohingya groups say Myanmar has ignored the ICJ's orders and the military is still committing atrocities in Rakhine state, where it is fighting ethnic Rakhine rebels.

"Myanmar has not taken any serious action to protect the Rohingya," said Muhammed Nowkhim, a Rohingya activist based in Bangladesh who fled the 2017 violence.

Nowkhim told DPA news agency that refugee groups in Bangladesh have documented dozens of cases of Rohingya being killed or injured in Rakhine since the ICJ order, often by military shelling.

Stella Naw, a Myanmar-based human rights activist, said the government's directives were disingenuous and aimed at shifting responsibility away from the military.

"They're always playing the same old game," she told DPA.

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

According to Amnesty International, more than 750,000 Rohingya refugees, mostly women and children, fled Myanmar and crossed into Bangladesh after Myanmar forces launched a crackdown on the community in August 2017.

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

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

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

Myanmar army accused of new atrocities in attack on Rakhine village (The Guardian) By Rebecca Ratcliffe and Emanuel Stoakes
May 25, 2020

Kyaw Thu* waited until night fell before taking his family to the bank of a river not far from their village. While millions across the world were told to remain at home to stay safe from the coronavirus pandemic, he and his neighbours were forced to flee.

That night in March, he recalls, residents from Tin Ma village, in Rakhine state, clambered anxiously into boats, crossed the river, then trekked through foothills to seek refuge in the relative safety of a nearby town. No one switched on a torch or even lit a cigarette for fear of drawing the attention of Myanmar's army.

It is less than three years since the Myanmar military's violent crackdown on Rohingya Muslim communities in Rakhine state, a campaign of violence that has since led to a genocide case in the UN's highest court.

Now the army is once again accused of committing war crimes against its own people. The tactics are familiar, but the primary targets this time are Rakhine Buddhists such as Kyaw Thu, as well as Rohingya, Mro, Dagnet and Chin communities.

Despite sharing a faith with Myanmar's rulers, Rakhine Buddhists have long complained of persecution, and say the development of their state has been stifled by the central government. Repression has now, they say, escalated into violent atrocities.

For more than a year, a long-simmering conflict has escalated between the military and the Arakan army, a rebel group drawn from Rakhine state's Buddhist majority, that says it is fighting for greater autonomy.

Yanghee Lee, who recently stood down as the UN's special rapporteur on human rights in Myanmar, said the military is increasingly targeting civilians, using tactics reminiscent of the 2017 assault against Rohingya that caused global outrage: homes have been burned, civilians detained and disappeared.

"I think the international community should be really scared of what might happen," said Lee, who urged the UN and its member states to act.

Seven residents from Tin Ma - one of the villages allegedly targeted - told the Guardian the Myanmar army entered their village in February and March. Soldiers harassed locals and fired indiscriminately, according to the residents. Ostensibly they were seeking rebel fighters.

A mother said the soldiers would interrogate residents about whether they had seen the Arakan army: "I said: 'No, I have never seen the Arakan army', and they would say, 'Where is your husband?'" The troops would return several times, going

door-to-door, demanding that families hand over anything they owned - from solar panels and batteries to chickens. Later, they say, homes were torched.

Whenever the army came to the village, the mother would grab her son and take him to a hidden shelter to escape harassment or firing.

“He cried, and I was afraid his cries would be heard by the soldiers,” she said. On one occasion, the village was also hit in an aerial attack.

On 16 March, according to multiple testimonies, soldiers began rounding up dozens of men. Aung Lay*, a resident, said he was tied, blindfolded and told that if he attempted to escape, he would be shot. When he was released he went to hide in the bushes, only to discover the body of another man who had been detained.

Kyaw Thu said he lay almost entirely submerged in a river for hours as the roundups were happening, along with dozens of people who feared they would be taken. “[Our] lips went black, we were trembling in the water. It was like hell,” he said. He left the village the following day. Up to 10 people remain missing.

After the residents fled, homes were allegedly torched. Two residents who returned to watch over the village said they witnessed soldiers deliberately burning homes on 22 and 23 March.

Villagers who spoke to the Guardian did so on the condition of anonymity. It is not possible to verify their accounts: there is a virtual ban on foreign media in Rakhine state, local journalists face harassment, and the internet has been blocked in some areas for almost a year, hampering the documentation of abuses.

However, satellite imagery provided by Planet Labs Inc and analysed by Human Rights Watch confirms about 140 buildings were affected by fire in Tin Ma, probably on the dates described.

Further analysis confirms about 180 buildings were affected by fire in another village, Pyaing Taing, also in Kyauktaw township, also likely in March.

The Guardian is aware of 19 other reports where civilian homes in Rakhine and Chin states were apparently damaged by fighter jets or artillery or burned since January.

Responding to allegations relating to Tin Ma, Brig Gen Zaw Min Tun said he was aware homes had been burned but did not comment on who was responsible. The military has previously denied the reports, and said in April that security forces inspected Tin Ma and found it to be intact.

Zaw Min Tun said some allegations against the military were being made by “so-called villagers who are members of Arakan army”. However, he said claims would be investigated and dealt with through the justice system.

“In the armed conflict areas, Tatmadaw [the military] is very careful to follow the rules of engagement,” he said, but added that it was hard to differentiate between insurgents and villagers. “They are living in the village and coming out of there for the attack then go back to the village.”

The Myanmar government has recently declared the Arakan army a terrorist group, a development that has further stifled the flow of information from the region, as it means journalists are now being targeted with legal charges just for quoting its representatives.

The Arakan army has also been accused of abuses, including kidnapping local officials.

Advertisement Tha Lun Zaung Htet, the editor-in-chief of the Khit Thit news agency is among several senior journalists forced into hiding. His home was raided at night on 31 March.

“My son, a three-year-old boy, cried all the time when he saw a group of people with hardest faces at midnight. My son was so frightened,” he said, speaking through an intermediary for security reasons. “They watch my home and follow my wife all the time.”

He added that despite the threats, he would continue his journalism.

A UK government-funded analysis seen by the Guardian predicts an expansion of the conflict “in intensity and geographic scope” that would produce long-term food insecurity. Displacement and “abuses of all civilians” would also increase.

The Myanmar government was not reachable for comment, but a spokesman has previously rejected recent allegations of war crimes. He accused outgoing UN envoy Lee of bias, and blamed rebels for violence.

Aung San Suu Kyi, Myanmar's civilian leader, has not commented on the claims but, in a statement in April, paid tribute to members of the military who she said had "discharged their duties with courage and dedication, and sacrificed their lives" to defend civilians from the Arakan army. She accused the group of "destructive activities" and said casualties and their families would be given support.

Myanmar has seemed immune to international pressure over its treatment of the Rohingya; despite pledges to improve conditions, the group's experiences are virtually unchanged. The Rohingya are still subject to vast restrictions on their basic rights.

People from Tin Ma want the atrocities inflicted on their village to also be placed under the global spotlight. They urged the international community to visit and witness what was happening.

They are now exiled to makeshift camps in Kyauktaw town, sleeping on the floors of schools and monasteries. It is stiflingly hot, cramped and noisy. With no internet, there are few ways to access information about coronavirus. "We have been driven out of the world," said Moe Naing*.

* Names have been changed

Imagery shows '200 buildings burned' in Myanmar's Rakhine State (Al Jazeera)

May 26, 2020

Satellite imagery shows that about 200 homes and other buildings were destroyed by fire in recent weeks in an ethnic Rakhine village in Myanmar's western Rakhine state, Human Rights Watch (HRW) said - the latest in a series of brutalities allegedly committed by soldiers against civilians of different ethnic backgrounds.

"The burning of Let Kar village has all the hallmarks of Myanmar military arson on Rohingya villages in recent years," Phil Robertson, deputy Asia director at HRW said in a statement on Tuesday.

"A credible and impartial investigation is urgently needed to find out what happened, punish those responsible, and provide compensation to villagers harmed."

Earlier this month, Myanmar's military was also forced to acknowledge that its troops abused ethnic Rakhine prisoners, after a video of soldiers battering blindfolded detainees spread on social media.

Myanmar's armed forces have been battling the Arakan Army (AA), a rebel group seeking greater autonomy for the western region, for more than a year. Clashes in Rakhine and neighbouring Chin states have escalated in recent weeks, leaving dozens dead and thousands displaced.

Arson attacks

The imagery of Let Kar also bears a close resemblance to patterns of fires and widespread arson attacks by the Myanmar military on ethnic Rohingya villages in Rakhine State in 2012, 2016, and 2017, HRW said.

Satellite imagery recorded on May 16, 2020, at 10:30am showed no signs of damage in Let Kar, the group said.

But at 2:12pm, an environmental satellite detected extensive fires burning there. The HRW damage analysis of 200 buildings burned is most likely an underestimate because internal damage to buildings was not visible, it added.

The satellite imagery is consistent with witness accounts regarding the date and time of the fires and the number of buildings affected.

Residents in the neighbouring village of Bu Ywat Ma Nyo also reported similar attacks by Myanmar soldiers on the same day, with villagers reporting hearing gunfire and seeing flames and smoke.

An aid worker from the town of Mrauk-U told HRW that at about 2pm on May 16, columns of smoke could be seen coming from the direction of Let Kar, about 11km north of the town.

School, homes burned A former Let Kar resident, who inspected the damage on May 17, counted at least 194 buildings that had been burned down, including his own home, and a school.

A Rakhine State regional member of parliament, Tun Thar Sein, confirmed that a military contingent had been in the area.

"We will urge the union government for compensation and aid to be provided to the residents of Let Kar," he said.

On May 17, Myanmar's military said in a statement that its troops had entered Let Kar the previous afternoon while patrolling the area and were attacked by the Arakan Army.

It also issued an aerial image of burning buildings in Let Kar, presumably taken by a drone. The military accused the Arakan Army of setting the fires and damaging at least 20 houses before retreating into the mountains.

On May 19, the Arakan Army issued a statement denying the allegations. A spokesperson, Khine Thuka, urged the media to investigate.

The military has declared the armed rebel group a "terrorist" organisation, meaning anyone who contacts them for comment could be charged under Myanmar's terrorism laws.

Under the laws of war applicable to the armed conflict between the two forces, attacks on civilians and civilian objects, such as homes, are prohibited, and the destruction of civilian property is considered a war crime.

'Genocide' continues against Rohingya

News of the alleged attack by Myanmar's military comes as the rights group, Burmese Rohingya Organisation UK (BROUK) said in a report on Sunday that abuses were also continuing against the mainly Muslim Rohingya. While hundreds of thousands fled after a brutal military crackdown in 2017, which is now the subject of an ICJ case, about 600,000 remained in Rakhine.

Tun Khin, president of BROUK, said: "The genocide against the Rohingya is continuing unabated in Myanmar."

"The government and military have taken no meaningful steps whatsoever to improve the situation in Rakhine State, where women, men and children continue to suffer a hellish existence."

BROUK's briefing detailed how the Rohingya in Rakhine continue to face severe oppression by both the civilian government and the military.

"Myanmar has tried to destroy our people for decades, and it is obvious that this government has no intentions of genuinely implementing the ICJ's provisional measures," said Tun Khin.

Myanmar faces charges of genocide at the UN's top court.

The country denies the charges.

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AMERICAS

North & Central America

Death by Drone: America's Vicious Legacy in Afghanistan (Foreign Policy) By Emran Feroz
March 27, 2020

Ordinary Afghans say it has happened to them many times and never—not once—has it made news anywhere outside Afghanistan. Last November, an American Reaper drone targeted a group of villagers in the mountainous area of Afghanistan's southeastern province of Paktia and killed seven of them. Paktia has long been home to Taliban militants, but local residents say all the victims were civilians, including three women and one child. They had gone to the remote area to graze their cattle

and collect wood. Suddenly, they were dead.

“Nobody wants to listen to us. I doubt that the murderers will face justice one day. God is our only hope,” said Mohammad Anwar, a resident of Zazai Aryub, a district in Paktia. The perpetrators he is talking about are sitting far away in one of the many U.S. military bases where drone operators are working from.

According to Anwar, who is related to the victims, some families lost their male breadwinners, as often happens after such attacks. “They are desperate. Their future is very uncertain,” he told Foreign Policy in a phone conversation.

And now it is more uncertain than ever, even after 18 and a half years of war. The newly signed U.S.-Taliban truce contains secret annexes that reportedly will give the Taliban information allowing the Islamist insurgent group to prevent attacks during the U.S. withdrawal. But the Afghan national government and its officials have been cut out of the deal—though it calls for peace talks between various Afghan factions—and even more so, ordinary Afghans, who have no recourse to justice and don’t know whether the drone strikes will let up.

“We are like ants for them,” said Islam Khan, a resident of Paktia. “The murderers need to face a trial. If it’s not happening, it just reveals that the Western world does not care about the Afghans they are murdering.”

According to Lisa Ling, a former drone technician with the U.S. military in Afghanistan, civilian casualties caused by drone strikes must be investigated and regarded as war crimes. “I think that every strike where community leaders speak out and tell us that we are killing their civilians should be thoroughly investigated by the ICC [International Criminal Court] and the international community should listen,” she told Foreign Policy via Signal. Ling, who has become a whistleblower and staunch critic of drone attacks, believes that “this kind of warfare is wrong on so many levels” and that the United States cannot “fight terror with terror.”

Neither the U.S. military nor the CIA responded to a request for comment for this story. But both typically portray drone attacks as “precision strikes” that kill “alleged militants” or “suspected terrorists,” and actual on-the-ground investigations rarely take place afterward. According to a recent analysis of 228 official U.S. military investigations conducted in Afghanistan, Iraq, and Syria between 2002 and 2015, most investigations of alleged civilian casualty incidents didn’t include even one visit. The military conducted site inspections in only 16 percent of the casualty investigations reviewed for the study by researchers from the Center for Civilians in Conflict and the Columbia Law School Human Rights Institute.

The same was true of the strike in Paktia. Not a single U.S. investigator is believed to have visited the site of the killings afterward. On its Dari Twitter page, U.S. Central Command reported that an action had allegedly killed Taliban members from Faryab province in the same timespan, but it did not mention any drone strikes nor civilian casualties.

Despite the U.S.-Taliban truce, residents of Zazai Aryub are still afraid, saying that they have been haunted by American drone strikes for years and that their fate is often ignored by both the U.S. military and the Afghan government in Kabul. “They keep saying that they are killing terrorists. But that’s not true. Farmers, shepherds, and women are not terrorists. One of the victims, Naqib Jan, was a 2-year-old child,” said Khan, who works as a teacher in a local village. During the last months and years, several relatives and members of his family were killed by drone strikes. He claims that his fellow tribesmen are terrified and depressed, suffering from trauma, and that many children fear to play outside.

“We tried to raise our voice, and we even confronted President Ashraf Ghani with this issue, but he does not care,” Khan said.

While in the past, former Afghan President Hamid Karzai took a critical stance toward U.S. airstrikes and criticized them in public, Ghani’s administration, which is heavily dependent on the United States for aid and support at a time when the Taliban are winning in many parts of the country, has preferred to largely conform to Washington’s “global war on terrorism” narrative, mostly ignoring civilian casualties. In some cases, Ghani’s officials have even rejected the findings of independent observers and human rights organizations that offered proof of civilian harm. U.S. military officials have sometimes claimed that their Afghan army allies ordered the strikes.

In early March, senior judges at the ICC authorized an investigation into alleged war crimes and crimes against humanity in Afghanistan. By doing so, they overturned an earlier rejection of the inquiry. Mainly, the ICC investigation will look at actions by U.S, Afghan, and Taliban troops. But immediately after the ICC’s announcement, U.S. Secretary of State Mike Pompeo attacked the ruling, describing it as “reckless,” and said the United States would outline measures in the coming weeks to prevent its citizens being brought before the court. “This is a truly breathtaking action by an unaccountable political institution masquerading as a legal body,” Pompeo told a news conference.

In terms of possible U.S. war crimes, the ICC is focusing on alleged CIA torture and some cases of forced disappearances and extrajudicial killings. However, according to various reports, drone strikes, such as the one that wiped out Khan’s family members, will not be included in the inquiry. “These strikes could be seen as violations of international humanitarian law. But that does not make it a war crime, which has to be intentional or sufficiently reckless. But determining recklessness requires a

legal analysis in each case of the evidence,” Patricia Gossman, an associate Asia director for Human Rights Watch, told Foreign Policy via email.

Nor has the United States done an effective job of investigating any of these strikes, rights officials say, especially since the International Security Assistance Force was disbanded in 2014 and the U.S. military was in control once again.

Family members of the victims in Paktia believe that there is no doubt about the nature of those human rights violations. “We don’t believe that it was a mistake. It happened too often. We want the culprits to face prosecution and trial,” Khan said. Other Afghans share his opinion. “It’s a war crime, and it needs to be prosecuted properly. We are not interested in quibbling words and phrases. We want justice. This is just one case out of thousands that took place since the end of 2001,” said Abdul Malik Zazai, the head of Paktia’s provincial council, in a phone conversation.

Afghanistan is the most drone-bombed country in the world. The United States dropped more bombs on Afghanistan in 2019 than in any other years since the Defense Department began keeping track in 2006. According to new figures released by the U.S. military, at least 7,423 bombs and other munitions were dropped on the country in 2019, a nearly eightfold increase from 2015 and an average of 20 bombs a day.

In its numbers, the U.S. military does not differentiate between strikes conducted by drones or those conducted by conventional aircraft. At the end of 2001, the age of drone warfare began in Afghanistan, where the very first lethal strike of an unmanned aircraft took place.

According to the London-based Bureau of Investigative Journalism, which is observing U.S. drone warfare around the world, at least 6,825 drone strikes took place in 2019 in Afghanistan. The total number of victims remains unknown since most of these attacks are taking place in remote areas like in Zazai Aryub.

“The Americans are benefiting from the nature of this war and from the status quo of the international community. They believe that they are above the law,” said Karim Popal, an Afghan German lawyer who is representing the victims of a 2009 NATO airstrike that was ordered by a German colonel in Kunduz province. Back then, dozens of civilians were killed. A German court rejected considering the massacre as a war crime and paying compensation to the victims’ families. A few years later, the responsible colonel was promoted by the army.

Recently, however, a hearing took place in front of the European Court of Human Rights in Strasbourg, France, with no outcome as yet.

“This is a big success, but at the same time, it’s very clear that many Western countries, including Germany and the United States, are not interested in addressing the crimes their troops committed,” Popal said by phone. “Imagine being the Afghan father or mother who heard that the one who killed their children did not face any trial but was promoted. It’s a shame.”

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TOPICS

Truth and Reconciliation Commission

A Son's Long Struggle to Clear His Family's Name Is Only Half Won (The New York Times) By Choe Sang-Hun
May 29, 2020

The soldier spoke in a shaky voice, describing how he had lived like a beggar in South Korea and smoked "cigarette butts thrown by American G.I.s." As he told listeners over the radio, he had fled his South Korean unit in Vietnam, defecting to the "bosoms" of North Korea.

For the soldier's family, the radio broadcast from North Korea in 1967 was the beginning of a decades-long persecution and an ongoing campaign by his brother to clear their names.

South Korea labeled the 23-year-old soldier, Ahn Hak-soo, as a defector, and his family members as potential enemies of the state. His brother, Ahn Yong-soo, said that when he was a teenager, he was tortured by military intelligence agents who used electricity or water laced with salt and pepper. Later, he said they forced him to quit his job as a schoolteacher.

South Korea, which once victimized innocent citizens in the name of guarding against the Communist North, is still struggling to come to terms with its past.

Nearly 320,000 South Korean troops served in Vietnam, the largest foreign contingent fighting alongside the Americans. But when they withdrew in 1973, their top commander, Lt. Gen. Lee Se-ho, claimed that no South Korean soldier was held prisoner. Mr. Lee's command insisted that several missing soldiers, including Hak-soo, were not prisoners of war, but either deserters or defectors not worth repatriating, according to declassified documents.

Mr. Ahn helped shatter that official narrative.

In 2009, South Korea finally recognized Hak-soo as a prisoner of war, the first Vietnam War veteran so designated by the country. The government now believes he was captured by Vietcong guerrillas and abducted to North Korea, which used him for propaganda.

"In South Korea, few have been interested in Vietnam War P.O.W.'s," said Mr. Ahn, 67, a Christian pastor. "People considered being held prisoner by the enemy shameful and dishonorable."

Mr. Ahn continues to fight for a formal investigation and an apology.

After more than 20 lawsuits, South Korean courts recognized Mr. Ahn as a victim of torture and paid him \$73,000 in damages but refused to reinstate him as a schoolteacher. Another court denied awarding compensation for his family's sufferings, accepting the government's argument that there was no evidence of wrongdoing and the statute of limitations had long expired. North Korea has not admitted to kidnapping his brother or confirmed his fate.

"The South Korean government clearly neglected its duty to protect its own citizens," said Heo Man-ho, a political scientist at Kyungpook National University.

"At least Ahn Hak-soo had a brother who has fought tenaciously to clear his name," he added, "but no one has stepped forward for other Vietnam War soldiers who were recorded as killed in action but likely ended up in North Korea."

Mr. Ahn's fight is part of the country's broader reflection over past human rights violations that officials justified by pointing to the Communist threat from the North. In May, South Korea's Parliament passed a bill to relaunch the Truth and Reconciliation Commission; the commission's investigations into such violations had been halted in 2010 under a conservative government.

Mr. Ahn plans to take his family's case to the commission.

"When my brother turned up in North Korea, it was enough for the authorities to label him a defector," he said. "And our entire family was shattered."

Hak-soo, the second child in the family of five sons in Pohang, South Korea, was dispatched to Vietnam in 1964 as a radio man with the First Korean Mobile Army Surgical Hospital near Saigon, now Ho Chi Minh City. In his last letter home, he said he would return on Sept. 16, 1966. He went missing a week before on a trip to pick up medical supplies.

During the Cold War, South Korea blacklisted families whose relatives ended up in North Korea, making sure that they did not advance in its staunchly anti-Communist society. Counterespionage agents surveilled them, often extracting false confessions through torture that they were in contact with their relatives in the North.

After Hak-soo showed up in North Korea, Mr. Ahn's father was forced to quit as a primary school principal. Mr. Ahn, then a teenager, was called "commie's little brother" by his high school teachers.

The Defense Security Command, the counterespionage arm of the military, had its undercover local office adjacent to his school. When Mr. Ahn was outside, he said, armed officials there would peek over the wall and hail him over for interrogation.

"An agent put a pistol on my head and pulled the trigger," Mr. Ahn wrote in "Whitewash and Truth," a memoir he published in 2014. "It had a tremendous impact — as if my brain exploded in a terrible sound of death."

When Mr. Ahn became a primary schoolteacher in 1975, the agents appeared at his school in Seoul, interrogating and beating him in the janitor's office. He was forced to resign five years later and sign a document telling him to keep quiet about what happened — or he would be punished for "an act that benefits the enemy."

Mr. Ahn has moved his family 31 times, but he said the agents followed him like "leeches." In 1984, he flew to Britain to study divinity at the University of Aberdeen and later at Cambridge. Government agents showed up there, too — an incident so traumatic that Mr. Ahn had to curtail his studies and return home for medical treatment, a South Korean pastor who befriended him in London said in a signed statement submitted to courts.

The Defense Security Command put Mr. Ahn's family under surveillance until at least 1993, according to files from the organization, which was reorganized and renamed in 2018 as part of a reform of the once-infamous military spy agency.

Mr. Ahn was thinking of emigrating abroad for good in 2008 when a reporter sent him a 380-page file of recently declassified Foreign Ministry documents that mentioned his brother's name. Hopeful that he could force some change, he filed several freedom of information requests with military and intelligence agencies.

In the documents, he found that his brother's unit in Vietnam had hushed the disappearance for weeks.

One army document said that Hak-soo "went over" to North Korea "disgruntled." One said he had run up "a large debt because of his complicated relationships with women," so he "defected" and then was "kidnapped" to North Korea.

Another document said it was clear that he was "kidnapped" to the North, but still called him a "defector." Some documents misstated Hak-soo's home address, age and military serial number, as well as the year he went missing.

He also learned from the files that a North Korean spy, who defected to South Korea in 1976, told his interrogators that Hak-soo was executed in 1975 after a failed attempt to flee the North through the border with China. In the military file, the former spy, Kim Yong-kyu, was quoted as saying that Hak-soo "regretted defecting to the freedom-less North."

Mr. Kim testified before a government panel in 2009, saying that North Korea lied when it said the soldier defected to the North. The panel ultimately ruled that Hak-soo was abducted, a ruling that forced the military to recognize him as its first P.O.W. in Vietnam.

Such cases, said Han Sung-hoon, a sociologist at Yonsei University in Seoul, show how anti-Communist agencies have defended their actions by "regenerating an antagonistic relationship with North Korea, even fabricating spy cases if needed."

Mr. Han, who had served in the Truth and Reconciliation Commission, said the investigations of human rights violations have often been stymied by the reluctance of perpetrators to come clean for fear that they would be "branded betrayers and ostracized."

Mr. Ahn is undeterred. He has continued to collect documents and statements from anyone who had information about his brother, which he plans to present before the newly revived commission.

“Both Koreas used and then abandoned my brother,” Mr. Ahn said.

Seychelles: Truth, Justice and Australia (The Interpreter) By Ashton Robinson

June 1, 2020

Australia has not usually had a high profile in the Indian Ocean island states such as Seychelles, Mauritius and Madagascar. This despite Australia’s huge Indian Ocean littoral, presence of three oceanic territories, mutual Commonwealth links and substantial investment. Inter-governmental visits are few, Australia’s physical diplomatic presence is confined to Mauritius and its Defence activity mostly focused on the Gulf end of the region.

So the sudden high profile Australia has achieved in Seychelles is unusual. An Australian lawyer, Gabrielle McIntyre, heads the Truth, Reconciliation and National Unity Commission (TRNUC) examining the political, human rights and legal legacy of Seychelles long-time authoritarian ruler France-Albert René, who died in 2019. And the political profile of the Seychellois diaspora in Australia has also gained a new prominence. It is providing critical evidence to the TRNUC and advancing claims for restitution that challenge the property interests of former regime cronies.

Seychelles established the TRNUC in 2018 after the opposition won control of the National Assembly. Modeled on South Africa’s post-apartheid Truth and Reconciliation Commission, it is looking into the grim catalogue of political murders, disappearances, imprisonments, expropriations and other actions following the 1977 coup d’état and under the subsequent dictatorship.

McIntyre, who has a strong background in post-conflict legal governance in Africa as well as the Balkans, chairs the TRNUC assisted by up to six Seychellois commissioners. She is proving nimble and determined, but also cordial and inclusive, as she has driven the TRNUC into difficult territory. Seychelles is a small country where victims and perpetrators know each other’s families – and family members have been on opposite sides. A measure of the effectiveness of her stewardship is the local acceptance of the image she projects of a familiar but impartial Australian overseeing a traumatic Seychelles transition. But the Australian connection is also raising other echoes.

As President, René battled persistently plotting dissidents, human rights advocates, foreign mercenary interventions and army mutinies with a long program of exilings, disappearances, extra-judicial killings and expropriations. But in a post-Cold War world, he successfully transitioned to democracy in the 1990s, got himself elected President competitively and eventually retired on his own terms.

But a good number of his victims settled in Australia, joining an existing diaspora. Australia has had immigrants from Seychelles since colonial times, and the small inflow accelerated after the 1977 coup. (Indeed, some of René’s close family had earlier emigrated there.) Australia was second only to London as a centre of émigré plotting against the René regime. An active underground movement existed in Seychelles up to at least 1986, some of which reached back to Australia. René’s ministers regularly complained to Canberra, to no avail, about the activities of resident Seychellois dissidents, especially those in Perth.

Numbers of Australian-resident Seychellois have testified before the TRNUC, including one whose eyewitness account placed René in person at the scene of two high-profile murders in the 1980s. Frequent testimony relates to the expropriation of René’s opponents’ property. Others describe arrest, incarceration, harassment and blacklisting before leaving for Australia.

For the current President, Danny Faure, the TRNUC is a mixed blessing. He heads René’s old party and controls the executive under Seychelles’ French-style constitution. The opposition entrenched in the National Assembly wants to use the TRNUC to leverage him and his party out of office by smearing all associated with the René regime. One of the hazards McIntyre and her colleagues seem conscious of is avoiding becoming partisan tools.

But the adroit Faure is using TRNUC to marginalise or remove those in his own party unhappy with him and Seychelles’ more Western and liberal direction. René’s successor, former President James Michel, who was a key 1977 coup participant, has been driven into de facto exile in the UAE. Several hard men from the security services have been forced out due to TRNUC testimony.

The TRNUC proceedings, McIntyre’s profile and the Seychellois diaspora experience in Australia have gently reinforced Australia’s soft-power standing in Seychelles. Collectively they have been a quiet reminder of Australia’s significance for the Indian Ocean island states. Australia enjoys a benevolent and sybaritic image and is unlikely to suffer any consequences from its publicised role as a haven for dissidents. This was already well known to former regime figures and appreciated by the opposition.

But the restitution side of the TRNUC’s possible findings will engage Australian-resident Seychellois in the courts for years.

Exiles' property claims are substantial. Sometimes they are against powerful individuals. Australian consular officials dealing with Seychelles and based out of Mauritius may well be kept busy in the process.

Commemoration of the Fifth anniversary of the truth and reconciliation Commission Calls to action (Yahoo Finance)

June 2, 2020

The Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, made the following statement:

The Truth and Reconciliation Commission (TRC) was established to find the truth in the dark and painful residential schools in our country's history.

Today marks the fifth anniversary of the release of the TRC's 94 Calls to Action, an appeal to mobilize all levels of government, organizations, as well as individuals, to make concrete changes in society. They list specific actions to redress the legacy of residential schools and advance the process of Canadian reconciliation.

This is a day for all Canadians to acknowledge the courage of the former students and families who came forward to share their truth and the leadership and guidance of the commissioners who provided us with a path forward. The Commission revealed the heartbreaking details of the role that residential schools played in the history of Canada and the tragic legacy that continues today. It is said that once you know the truth, you cannot un-know it. It is only by increasing our collective understanding of the damage done by colonial policies that we will break down barriers and racism towards Indigenous peoples in Canada .

The Government of Canada has taken steps to address the Calls to Action, including legislation respecting Indigenous languages; legislation on supporting First Nations, Inuit and Metis children, youth and families; and addressing the safety and security of Indigenous women and girls, LGBTQ and Two-Spirit people.

We are implementing Jordan's Principle which makes sure all First Nations children in Canada can access the products, services and supports they need, when they need them. From July 2016 to April 30, 2020 , more than 594,000 products, services and supports, including speech therapy, educational supports, medical equipment, and mental health services were approved for First Nations children under Jordan's Principle.

The Government of Canada has also implemented a new policy and funding approach in 2019 for funding First Nations education on reserve – co-developed with First Nations representatives. The goal of the new approach is to transform First Nations education through predictable base funding that is more directly comparable to provincial education systems. The approach also provides full-day kindergarten on reserve for children ages four and five and \$1,500 per student, per year, to support language and culture.

We recognize that there is still much more work to do. Our work in partnership with Indigenous peoples to renew the nation-to-nation, Inuit-Crown and government-to-government relationship between Canada and Indigenous peoples provides a foundation for a better future.

The Commission closed with the theme of "This ending is just the beginning." Today, we recommit to honour and support the survivors, and reflect on how everyone – including federal, provincial, territorial, municipal governments and Canadians from coast-to-coast-to-coast – must play their role in the implementation of the Calls to Action and the journey of reconciliation.

Mayors and governors: This is how you tackle racism (Brookings Institute) By Camille Busette

June 2, 2020

While we have terms for others who have experienced trauma, in over 400 years of racism, we do not yet have a term for Black and Brown people who experience racial terrorism. This is a devastating and telling omission in our lexicon because it conveys how a majority-white society in the United States has refused to acknowledge the ongoing experience of living day in and day out in a society that was founded on the reality of working African slaves, and later African Americans, until their tendons literally snapped from their bones.

When, for nearly nine minutes, Officer Derek Chauvin pressed his knee into George Floyd's neck on May 25, 2020, not releasing the pressure when Mr. Floyd said he could not breathe, not releasing it when bystanders cried out, nor releasing it for almost three minutes after Mr. Floyd was unresponsive, the inhumane treatment and brutality upon which this nation was founded were exposed in all of their ugliness for everyone, worldwide to see.

In this moment, as we reflect on just how deranged, sadistic, and yet commonplace Mr. Floyd's murder was, mayors and governors are under pressure to respond urgently to endemic racism. Because that hasn't been done effectively in the 400-plus years since slaves first arrived on our shores, mayors and governors are going to have to create their own blueprints.

So, mayors and governors, here is what you must do now to create sustained racism-free equity.

Acknowledge Racism. First, establish a three-month-long formal public forum, similar in structure to South Africa's Truth and Reconciliation Commission where Black and Brown community members are invited to provide statements about their experiences—both in every day life and otherwise—and where white community members listen, acknowledge, and respond to those experiences. This forum and the acknowledgement that emerges from it should be used to develop a common understanding of what racism is and what it means to establish an equitable community.

Establish Equity Goals. Second, simultaneously, establish an Equity Task Force that has significant poor Black and Brown representation. The purpose of the Equity Task Force is to work with a sense of urgency to develop a detailed and funded equity plan that resolves key disparities within a two- to four-year timeframe. Those disparities should include education, jobs and income, policing, and health/well-being, but should also include other goals as well.

The Equity Task Force should identify specific, time-bound metrics for each of the key disparity goals and should be guided, as appropriate, by existing and validated frameworks such as the social determinants of health. For instance, if there are few parks in Black and Brown neighborhoods, but many in white neighborhoods, the Equity Task Force should aim to have similar acreage of highly accessible parks within Black and Brown neighborhoods within a two- to four-year time frame. If Black and Brown students are more likely to go to schools that do not have digital technology or are more likely to live in homes without broadband access, the Equity Task Force should set a goal of eliminating those disparities within two years.

In addition, the Equity Task Force should spend considerable time reflecting on how racism has created policies, attitudes, and cultural conventions that regulate physical and cultural space. Redlining is perhaps the most obvious and well-known example of efforts to regulate physical space. Signs from the late 20th century that stated "No Negroes and No dogs," are also examples. So are many loitering laws and ways in which the built environment has been constructed to regulate egress from Black and Brown neighborhoods. The task force should identify those ways in which physical and cultural segregation has become the norm and create concrete, time-bound goals to eliminate policies and conventions that regulate the physical and cultural spaces that Black and Brown people occupy.

Resource Equity. Third, mayors and governors should be prepared to attach funding to all Equity Task Force initiatives. They should think strategically about how any new federal COVID-19 stimulus money can be used now to address racial disparities. They should be using existing federal waivers to federal programs to create equitable health care, education, and broadband access. And they should be inviting philanthropic and corporate interests to share the fiscal responsibility for equity goals. Mayors and governors should take pioneering steps and develop and market equity bonds that can be bought on the municipal lending market. They should also be working to eliminate the bureaucratic challenges associated with pooling money from different municipal or state departmental budgets so that monies can be merged to address problems quickly and efficiently.

Innovate. Fourth, mayors and governors should also identify areas that are ripe for innovation. For instance, we now know a lot more about juvenile brain development than we did when the juvenile justice system was being developed. That system is based upon outdated and inaccurate understandings of how young people develop and mature. And because the juvenile justice system disproportionately targets young people of color, it should be a priority focus of mayors and governors. Don't be afraid to ask: Do we need a juvenile justice system at all? And toward what equity goal could we redirect current juvenile justice funding if we eliminated juvenile justice?

Another area of innovation, which has now been tested nationwide during the current pandemic, is providing residents with a stipend. Mayors and governors should gather data that crystallizes the racial wealth gap in their jurisdictions and should experiment with a combination of stipends, better access to credit, and more educational opportunities for Black and Brown adults to address that wealth gap.

Measure Equity Impacts. Fifth, all programs and policies, whether or not they are formally under the aegis of the Equity Task Force, should be evaluated from an equity perspective. San Francisco's Financial Justice Project is an exemplar in this area.

Finally, the video that captured Mr. Floyd's last, tortured moments starkly illustrates that every mayor and governor should be asking themselves today: What would I do differently, if my loved one were to draw his last breath under the knee of a murderer while being held down by other murderers? What would I do differently to ensure that the life of my loved one was welcome and valued?

Be the exemplar. Move with urgency. Understand that what Black and Brown people saw in that video was that Mr. Floyd died without an acknowledgment of his humanity. The U.S. aspires to be better than that. In this moment, with antagonism

spewing from the White House, mayors and governors have to lead the way.

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Terrorism

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Piracy

Pirate attacks surge in West Africa, Singapore and Peru (New York Post) By Paula Froelich
May 30, 2020

It was just seven years ago that Tom Hanks starred in “Captain Phillips” — a harrowing movie about a Somali pirate attack off the Horn of Africa.

Since then, piracy in the Gulf of Aden and the Sea of Somalia has all but disappeared — there were no reported attacks in 2019 — but piracy continues... it’s just moved to less-policed areas.

According to several reports, pirates have moved primarily to the Gulf of Guinea off the west coast of Africa — preying upon oil tankers, cargo ships and private boats.

“Reports of attacks in waters between the Ivory Coast and the Democratic Republic of Congo more than doubled in 2018, accounting for all six hijackings worldwide, 13 of the 18 ships fired upon, 130 of the 141 hostages taken globally, and 78 of 83 seafarers kidnapped for ransom,” according to the International Chamber of Commerce.

Other busy and less-policed shipping lanes around Singapore, Indonesia and the Philippines have also proved popular — but in a more disturbing trend, pirates have also set their sights on Peru.

The country on the west coast of South America saw a big uptick in 2019 with “incidents increasing and robbery incidents still occurring,” according to a January report.

However, unlike in West Africa and Southeast Asia where the cargo is worth millions, the pirate attacks in Peru are against smaller “artisanal” fishing boats — where the crew is robbed of all computers, radio equipment as well as personal goods.

“There’s little to no information — only speculation — concerning why the sudden surge in piracy, who these pirates are, their backgrounds or their reasons for entering Peruvian wartime jurisdiction to attack small-scale fishing vessels,” the Stephenson Ocean Security Project reported.

So far this year, according to the ICC’s piracy and armed robbery map, pirates have continued their assault on Peru and also attacked and boarded vessels off the coast of Brazil, Colombia, Ecuador, and near the Yucatan Peninsula in Mexico.

“With a serious lack of law enforcement, pirates find it particularly convenient to loot in Peruvian waters and target artisanal fishing vessels given their already vulnerable status,” the Stephenson report noted.

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WORTH READING

Artificial Intelligence, Peace and Security: Challenges for International Humanitarian Law

Eugenio V. Garcia

Cadernos de Política Exterior nº 8, Instituto de Pesquisa de Relações Internacionais, Brasília, 2019

June 4, 2020

Against the backdrop of the strategic impact of artificial intelligence (AI) in global politics and international relations, the paper analyzes the question of lethal autonomous weapons systems, which in the future, if actually developed, could be able to perform missions autonomously, select targets, and use force without human intervention. Arguments for and against the development of such systems are discussed from the perspective of International Humanitarian Law (IHL), in particular its basic principles and the Geneva Protocol I. The issue is considered in the context of current debates on autonomous weapons under the Convention on Certain Conventional Weapons (CCW), which established a Group of Governmental Experts to deal with the matter in Geneva. Possible diplomatic scenarios that could result from such discussions are also examined.

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