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

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AFRICA

NORTH AFRICA

Libya

Libya war crimes probe: More bodies exhumed from Tarhuna's mass graves (Middle East Eye) By

Mohammad Ayesh

July 7, 2020

More grim details are emerging in Libya about atrocities allegedly carried out by militias allied to renegade general Khalifa Haftar prior to their withdrawal from the western city of Tarhuna last month.

Officials told Middle East Eye that hundreds of bodies and other human remains had now been recovered since the Tripoli-based Government of National Accord (GNA) captured Tarhuna from Haftar's self-styled Libyan National Army (LNA) on 5 June.

"These cemeteries include hundreds of bodies including women and children. The government believes those victims have been killed by Haftar's militia," said a GNA official.

"From 5 June to 28 June we found 208 bodies and remains of another unknown number of victims."

Photos dating from 10 June seen by MEE showed bodies in shallow sandy graves, some of which appeared to have been buried with their hands tied. Other photos showed recovered body parts including limbs.

Abdul Aziz Al-Jaafari, a media spokesperson for the General Authority for Research and Identification of Missing Persons, said that forensic tests were being carried out on the corpses and body parts to identify them.

GNA forces also found at least 158 corpses, including the bodies of women and children, in Tarhuna hospital hours after Haftar's forces fled the city, according to GNA officials. They said the bodies appeared to have been executed and also displayed signs of torture.

The number of bodies recovered is growing by the day.

On Monday, the press office for the GNA-led military operation against Haftar's forces, known as Burkan Al-Ghadab (Volcano of Rage), said that the search of suspected mass grave sites was continuing.

Twenty-five bodies and other charred remains were found in southern neighbourhoods of Tripoli attacked by Haftar's forces, while five decomposing bodies were recovered from a well in the Al-Awa area, it said.

It put the total number of bodies recovered at 221, as well as an indeterminate number of other body parts.

The discovery of the mass graves has attracted the attention of the International Criminal Court. In a statement on 22 June, ICC prosecutor Fatou Bensouda said her office had received "credible information regarding eleven alleged mass graves containing men, women and children".

"These findings may constitute evidence of war crimes or crimes against humanity," she said.

"I call on the Libyan authorities to take all the necessary measures to protect and secure the mass grave sites and to ensure that all actions taken in this regard are conducted in a manner that will not prejudice future investigations."

Bensouda's statement came after GNA Prime Minister Fayez Al-Sarraj invited the ICC to send a team to Tarhuna to investigate allegations of "war crimes" committed by Haftar's forces.

Human Rights Watch has also called on Haftar to investigate allegations of abuse by his forces, including alleged torture, summary execution and the desecration of the corpses of enemy fighters.

The allegations concern the conduct of the Kaniyat, a Tarhuna-based militia aligned with Haftar and formally incorporated into the LNA as the 9th Brigade which the United Nations Support Mission in Libya (UNSMIL) in March linked to hundreds of reported cases of enforced disappearances, torture and killings in the city.

The local commander of the Kaniyat, Mohsin al-Kani, was killed in an air strike last September.

Muhammad Abdul Salam Ali, a man in his 60s, told MEE that unidentified militia forces had entered his house and killed his

three sons, his son-in-law and a family friend.

“The militia killed my children next to this red car,” said Ali, pointing to an old red car parked in the yard of his house.

“I was sick and sat inside and did not know where the gunmen came from. They said they were military forces and they did not provide any other information about themselves, then they took my three sons to the backyard next to the car and killed them.”

Ali said his sons were named Faraj Mohamed, born in 1984; Abdulsalam Mohamed, born in 1986; and Ammar Mohamed, born in 1990.

The alleged atrocities in Tarhuna are not the first time that the conduct of Haftar's forces has been investigated by the ICC.

In 2017, it issued an arrest warrant for Mahmoud al-Werfalli, a commander in the LNA, who prosecutors accuse of personally committing or directly ordering the murder as a war crime of 33 people between 2016 and 2017 in the eastern city of Benghazi. The ICC issued a second arrest warrant for Werfalli in 2018 over the alleged executions of 10 people in Benghazi in January 2018.

GNA-aligned militia forces have also been accused of looting, arson and extrajudicial killings in Tarhuna and other areas recaptured last month from the LNA.

Footage on social media showed Mohsin al-Kani's family home being shot at, while a local activist told MEE that GNA fighters had shot a lion and gazelles which the late militia leader had kept in a private zoo.

“Everything you hear about what is happening in Tarhuna is true - the killings, the looting and the burning,” a local resident who had fled to the outskirts of the town told MEE last month.

“Everything is burned and destroyed, and everything has been stolen. We expect that anyone associated with the LNA who is captured will be assassinated, and there have already been many arrests.”

Tarhuna was the launchpad for the eastern-based Haftar's assault on Tripoli in early 2019.

Haftar is backed by countries including Russia, the United Arab Emirates and Egypt, but his forces have suffered a series of reverses since Turkey sent forces to support the GNA in November and have mostly fallen back to the central city of Sirte.

Negotiated Solution in Libya Crucial as Foreign Interference Grows, Thousands Flee Homes, Secretary-General Warns Security Council, Stressing Time 'Not on Our Side' (ReliefWeb)

July 8, 2020

Following are UN Secretary-General António Guterres' remarks to the Security Council open video-teleconference meeting on the situation in Libya, in New York today:

Minister Maas, let me begin by thanking you and the German presidency for the opportunity to update the Council on the situation in Libya, in this expanded format.

This important meeting — six months after the Berlin International Conference on Libya — brings together Security Council members with the Berlin process participants and offers an opportunity to recommit to the principles agreed in Berlin and enshrined in Security Council resolution 2510 (2020).

Time is not on our side in Libya. The conflict has entered a new phase with foreign interference reaching unprecedented levels, including in the delivery of sophisticated equipment and the number of mercenaries involved in the fighting.

Since my Acting Special Representative last updated the Security Council on 19 May, we have witnessed the retreat of the Libyan National Army's front lines in Tripoli, the takeover by Government of National Accord of Al-Wutiya airbase, Tarhouna and Bani Walid. Government of National Accord units, with significant external support, continued their advance eastward, and are now 25 kilometres west of Sirte, after two previous attempts to gain control of the city. The situation on the front lines has been mostly quiet since 10 June.

However, we are very concerned about the alarming military build-up around the city, and the high-level of direct foreign interference in the conflict in violation of the United Nations arms embargo, United Nations Security Council resolutions, and the commitments made by Member States in Berlin. In addition, on Sunday, 5 July, unidentified air force planes launched an attack on Al-Wutiya airbase.

In this gloomy context, all opportunities to unblock the political stalemate must be seized. De-escalation efforts, including the creation of a possible demilitarized zone, are being undertaken by UNSMIL to reach a negotiated solution and spare lives.

The political situation in eastern Libya has registered some movements indicating renewed support for a political solution to the conflict, as seen in the 23 May initiative by the Speaker of the House of Representatives and the 6 June Cairo Declaration. The Government of National Accord has also been calling for national elections as a solution to the crisis. Yet, these openings are fragile given that parties' positions continue to be determined by military developments and support from external backers.

Similarly, recent developments on the ground have yielded both parties' agreement to reconvene the 5+5 Joint Military Commission to continue discussions on the draft ceasefire agreement tabled by the United Nations Support Mission in Libya (UNSMIL) in Geneva in February.

During this third round of talks — which resumed in June — my Acting Special Representative has convened two virtual meetings with each delegation, which reconfirmed the practical key points of a possible consensus.

The current discussions focus on areas of convergence, including: the departure of foreign mercenaries; solid counter-terrorism cooperation between military and security institutions across the country; disarmament and demobilization of armed groups throughout Libya; and modalities for a possible ceasefire mechanism that would reflect the new reality on the ground.

The United Nations will continue working with the parties to reach a ceasefire and resume a political process. In recent days, through a telephone conversation I initiated with Prime Minister Serraj and a call I received from Field Marshal Haftar, I made a strong appeal for both to engage fully in ensuring an effective ceasefire and move swiftly in advancing the political process.

The United Nations, the African Union and the League of Arab States — together with other key regional actors and organizations and the European Union — will continue to work closely together to support the people of Libya as they seek to consolidate their economic, security and political future. I urge your collective support.

With respect to the Berlin process, three meetings of the Plenary of the International Follow up Committee have taken place this year — on 2 April, 13 May, 22 June. The next meeting is scheduled for this month.

The political, security and economic working groups are all operational and are contributing to UNSMIL's ongoing efforts for a facilitation of the Libyan-led and Libyan-owned dialogue.

As a result of the latest military activities in southern Tripoli and Tarhouna, almost 30,000 people were forced to flee their homes, bringing the number of internally displaced people in Libya to over 400,000.

When Libyan National Army forces and associated mercenaries withdrew from Tripoli's southern suburbs, they are reported to have planted improvised explosive devices and land mines, which have injured and killed civilians seeking to return to their homes, as well as humanitarian non-governmental organization personnel tasked with clearing these deadly devices.

The United Nations is supporting national authorities in risk education and awareness campaigns. Between 1 April and 30 June, UNSMIL documented at least 356 civilian casualties, including 102 civilian deaths and 254 civilian injuries. This is a 172 per cent increase compared to the first quarter of 2020. Since the beginning of the year, the World Health Organization (WHO) has documented at least 21 attacks on medical facilities, ambulances and medical personnel.

As battle lines moved to central Libya, acts of retaliation have grown. Social media has been used to incite hatred and violence further fraying an already fragile social fabric.

After the Government of National Accord retook control of Tarhouna, numerous mass graves were discovered. I was shocked by this horror and remind once again all parties to the conflict in Libya of their obligations under international humanitarian law and international human rights law.

I welcome the decision by the Human Rights Council to establish an international fact-finding mission to Libya to look into human rights violations since the beginning of 2016 and promote accountability. I also note that the International Criminal Court announced that it would not hesitate to investigate possible war crimes and crimes against humanity.

On 19 June, the United Nations responded to the written request from Prime Minister Serraj to support the investigation into the mass graves. The United Nations stands ready to advise on the conduct of investigations, the securing of mass graves and national mechanisms to assist victims.

A year ago, last week, on 2 July, an air strike on the Tajoura Detention Centre killed at least 52 migrants and injured 87 others. Since then, migrants and asylum seekers in Libya continue to be routinely subjected to arbitrary detention, torture, sexual violence, abduction for ransom, forced labour and unlawful killings.

I am also deeply concerned about the risks faced by migrants, refugees and asylum-seekers who continue to attempt to cross the Mediterranean. In 2020, more than 5,000 refugees and migrants have been intercepted or rescued at sea and returned to Libya. Many of those intercepted have been detained, with an estimated 2,100 migrants and refugees remaining in official detention centres, in some circumstances in appalling conditions.

Authorities must urgently strengthen efforts towards finding alternatives to detention in Libya and more sustainable solutions for vulnerable migrants and refugees.

The COVID-19 pandemic is a cause of growing concern in Libya. In the month of June alone, confirmed cases grew by seven-fold. This has brought the total to 1046 confirmed cases and 32 deaths. Amid acute shortages of testing kits, the true scale of the pandemic in Libya is likely to be much higher.

I strongly encourage the Libyan authorities to endorse a comprehensive national preparedness and response plan, which is a critical step to ensuring a coherent and coordinated approach to combating the pandemic. Adequate resources must be made available to strengthen the country's capacity to test, trace, isolate and treat people.

As tensions simmer in central Libya, the United Nations has continued to engage with the parties to prevent the conflict from spreading to Libya's Oil Crescent region, from which the country derives 60 per cent of its oil resources. The current blockade has already cost over \$6 billion in lost revenues, damaged oil infrastructure and created the conditions for an historically high budget deficit of over 50 per cent of Libya's gross domestic product (GDP).

With the support of Member States, the Mission has undertaken mediation aimed at lifting the oil blockade, in place since January, in order to spare this vitally important area from the full spectre of armed conflict and to alleviate economic hardship compounded by the conflict and COVID-19.

Two days ago, the Economic Working Group comprising the Berlin Conference participants held a virtual meeting with the Chairman of the National Oil Corporation and issued a joint statement supporting the National Oil Corporation, as it resumes oil production across Libya.

The National Oil Corporation has declared today its intention to lift force majeure on the eastern port of El Sider to allow a tanker to on-load crude oil now in storage. It has further called for the immediate departure of all armed groups from the Libyan oil facilities. I am confident that the Council will continue to support efforts aimed at lifting the oil blockade for the benefit of Libyan people.

In order to improve the transparent allocation of the country's abundant resources, UNSMIL has worked tirelessly towards conducting an international audit of the two branches of the Central Bank of Libya.

Unfortunately, this audit has not achieved the envisaged progress due to the obstruction by several key national officials. This is occurring despite Libya's own judicial authorities having deemed the audit legal in June of this year. I call on the Security Council to make full use of the necessary measures to ensure that this essential exercise is initiated as soon as possible.

UNSMIL remains on the ground in Libya despite the difficult circumstances. The designation of a new Special Representative will greatly facilitate the Missions' efforts and I count on the Security Council in expediting the process.

On 10 August, we will mark the one-year anniversary of the attack in Benghazi that killed three of our dear colleagues, Hussein al-Hadar, Clive Peck and Seniloli ["Tabs"] Tabuatausole, and injured two others. The perpetrators of the attack have yet to be identified, but this tragedy will not discourage the United Nations from delivering on its mandate to bring peace, stability and prosperity to Libya and its people.

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CENTRAL AFRICA

Central African Republic

CAR rebel ambush kills UN peacekeeper; two injured (Al Jazeera)

July 14, 2020

A United Nations peacekeeper from Rwanda was killed and two others wounded in an ambush on a convoy in northwest Central African Republic (CAR).

The attack on Monday, in the Nana-Mambere prefecture, was allegedly carried out by the Return, Reclamation and Rehabilitation (3R) armed group, said a UN statement on Tuesday condemning the assault.

"This criminal attack constitutes a new violation of the peace agreement by the 3R & its leader Abass Sidiki," MINUSCA, the UN mission in the country, said on Twitter.

Jean-Pierre Lacroix, head of the UN peacekeeping force, called the ambush a "cowardly attack", adding "this crime must not go unpunished".

CAR has been rocked by violence since 2013 when mainly Muslim Seleka rebels deposed then-President Francois Bozize, prompting reprisals from mostly Christian militias. UN peacekeepers were deployed in 2014.

The 3R armed group was created in 2015 to protect the Fulani community, a minority in the region, against attacks by Anti-Balaka fighters, one of the two main armed groups in CAR.

Violence waned after a peace accord was signed in February 2019 between the government and 14 armed groups, including the 3R, following talks in Sudan's capital, Khartoum.

But like previous agreements, this one has shown signs of falling apart.

Conflict in CAR has uprooted more than one million people, the United Nations has said.

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Sudan & South Sudan

Sudan: Promptly investigate protester killings at Fata Borno (Amnesty International)

July 14, 2020

Responding to the killing of nine protesters and the injuring of at least 17 others by an armed militia group affiliated with the Sudan security forces in Fata Borno, North Darfur, on 13 July, Amnesty International's Director for East and Southern Africa, Deprese Muchena, said:

"The people of Darfur have the right to have their voices heard and to be able to protest peacefully. The authorities in Sudan must immediately review their security operations in Darfur to ensure that they effectively protect civilians against these deliberate, unprovoked attacks by armed militias.

"They must also promptly conduct effective and impartial investigations into the protester killings and all other allegations of serious human rights violations committed by the militia group. They must end the impunity enjoyed by the security forces and armed groups that have inflicted death, pain and suffering on the people of Darfur for 17 years. Now is the time to hold those suspected of criminal responsibility for these attacks to justice in fair trials - as well as the security forces assigned to the

area and under whose watch the attacks keep happening.

“The authorities must also ensure that humanitarian organizations have unrestricted and secure access to the area so they can deliver humanitarian assistance to internally displaced people whose homes were looted and burnt by the armed militia.”

Background

The people in Fata Borno begun protesting on 6 July to demand better security, protection of their crops and dismissal of the officials affiliated with the regime of former President Omar al-Bashir.

The people of Darfur have endured deadly attacks from armed militia and been caught in the middle of fights between armed militia and government forces. The violence has resulted in the deaths of more than 300,000, and the displacement of more than 2 million since 2003.

The International Criminal Court (ICC) has issued arrest warrants for four Sudanese government officials including former President Omar Al Bashir for war crimes, crimes against humanity, and genocide committed against the people of Darfur.

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Democratic Republic of the Congo

Official Website of the International Criminal Court

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

Dozens dead in DR Congo militia attack (Andalou Agency) By Pascal Mulegwa

July 9, 2020

Militiamen have killed at least 25 people in the Democratic Republic of Congo's (DRC) northeastern Ituri province, officials said on Thursday.

“The assailants, members of the armed group Cooperative for the Development of the Congo [CODECO], attacked the locality of Sindani-Akesi and targeted civilians. At least 25 people were killed,” Benoit Katshi, an official in nearby Bunzenzele, told Anadolu Agency.

He said 10 injured people had been transferred to a hospital in Bunia, capital of Ituri.

Jean Bamanitsa, the gold-rich province's governor, confirmed the attack but did not have the exact figure of casualties.

“Given the circumstances of the attack, the toll could be heavy,” he told Anadolu Agency.

Attacks on civilians in eastern DRC have increased over recent months, triggering anger against the UN peacekeeping force in the country.

Most attacks in the region are blamed on CODECO, the Armed Forces of the Democratic Republic of Congo (FARDC), and the Allied Democratic Forces (ADF) insurgent groups.

In January, the army initiated operations against militias in Ituri as part of a wider offensive launched last October.

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Mali

War Crimes Trial Begins Against Malian Jihadist (Voice of America) By Lisa Bryant
July 14, 2020

The ex-chief of Timbuktu’s Islamic police went on trial Tuesday in The Hague for a number of alleged war crimes and crimes against humanities charges including rape, sexual slavery and destroying irreplaceable shrines in the ancient Malian city.

Wearing a flowing blue gown and white headdress — and a face mask pushed below his nose — Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud replied “yes” to whether he understood each of the 13 charges against him. But on each count, he refused to plead either innocent or guilty.

International Criminal Court prosecutors accuse Al Hassan of rape, torture and sexual slavery, among other atrocities allegedly committed between 2012 and 2013, as Timbuktu's police chief after jihadists occupied the city.

Prosecutor Fatou Bensouda described as unimaginable the crimes committed by jihadists in the city. Under Al Hassan, she said, the Islamic police belittled, humiliated and persecuted residents on religious grounds.

Prosecutors argue Al Hassan abused, whipped and tortured Timbuktu residents who violated strict religious laws. He allegedly forced young women and girls to marry jihadist fighters, which the prosecution claims led to rape and sexual enslavement. And he is accused of participating in lashings of men and women — and of playing a role in the destruction of local shrines.

Al Hassan’s defense argues he is not mentally fit to stand trial.

How can somebody who is experiencing such post-traumatic stress that they are dissociating in a way they avoid memories, properly assist council to analyze the evidence—that to date it still hasn’t had the opportunity to even investigate — in order to prepare an adequate defense?”

ICC judges ordered Al Hassan to be medically examined, but ruled the opening would not be delayed.

Al Hassan is the second Islamist to face trial at the ICC over the destruction of Timbuktu’s religious and historical buildings. In 2016, Ahmad al-Faqi al-Mahdi pled guilty to attacks on the UNESCO World Heritage site. He was sentenced to nine years in prison.

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Liberia

ULIMO Ex-Fighter Alieu Kosiah's Trial Postponed until the End of 2020 (Front Page Africa) By

Lennart Dodoo
July 8, 2020

The trial of Alieu Kosiah, former United Liberation Movement of Liberia for Democracy (ULIMO) commander, has again been postponed by the Swiss Federal Criminal Court.

The trial was initially scheduled to take place in April 2020, in Bellinzona, Switzerland. However, in March 2020, it was postponed by the Court due to the measures imposed by the Swiss authorities in response to the COVID-19 pandemic. At the time, the Court aimed at rescheduling the trial between June and July 2020. As the measures taken globally to combat the pandemic are still affecting international travel and overall logistics required for these legal proceedings, the Court has decided to postpone the trial until the end of 2020, between November and December.

There have been no official dates announced as of yet.

Alieu Kosiah is implicated in the commission or command of war crimes, including acts of sexual violence, murders, cannibalism, recruitment of child soldiers, looting, forcing civilians to work in cruel conditions, and the forced movement of looted goods, weapons and ammunition. Kosiah is the first person to be tried for war crimes in a non-military criminal court in Switzerland, and was the first ULIMO member to be indicted for crimes committed during the First Liberian Civil War.

Civitas Maxima and the Global Justice and Research Project (GJRP) understand that the postponement decision was taken by the Federal Criminal Court to allow for such a historic trial to take place in the best and safest circumstances possible.

Coronavirus Slows Calls for the Establishment of War Crimes Court in Liberia (Front Page Africa)

By Moses Gepley
July 10, 2020

Calls for the establishment of a war crimes court in Liberia has slowed since the first confirmed case of coronavirus in March this year. The Government and people of Liberia have been engulfed in the fight to raid the country of the pandemic that have killed more than half a million around the world. This has placed other concerns of Liberians on a lower scale of preference for the leaders.

Adama Dempster, one of many human rights advocates that set up the Secretariat for the Establishment of War Crimes Court in Liberia, says the coronavirus pandemic has stalled all the gains made for the establishment of war crimes court in Liberia.

"Covid-19 has slowed everything down, but we are still committed to fight against impunity in Liberia," he said.

Like Dempster, one person hoping for the prosecution of war criminals is 67-year-old Woe Gbokolo. He is keen on telling the dreadful killing of his friend by a rebel during the civil war.

Oldman Gbokolo struggles to move his leg with a stick. The heavy rain is not making it any better for him to find a seat. Gboloko says he is worried that what happened to his former workmate and best friend, Mr. Cooper Boley (no relations to George Boley) will not be told.

"I want talk about his death because I am old now. And with this new coronavirus sickness, nobody knows what will happen. Look at me; I am fighting to even work," he said.

Gboloko and Boley worked in the same department at a Swedish-Liberian company called LAMCO. The war separated them because they were both from rival tribes. Gbokolo was Mano and Boley was Krahn. Boley left Nimba County to seek refuge, leaving behind his property.

"Since the time that man killed him, I have not seen his wife or his children. I hope they are alive and well. None of his relatives came here to ask for his property," said Oldman Gbokolo.

Mr. Boley was killed in 2000 by a man who was loyal to Prince Johnson. Although Johnson's Independent National Patriotic Front of Liberia (INPFL) was defunct by the year 2000, there were remnants of his forces who were still loyal to him.

According to Oldman Gbokola, the man claimed people told him that Boley was a volunteer soldier with the Armed Forces of

Liberia.

For many years Gbokolo had not spoken about that tragic incident because he was afraid.

“The TRC (Truth and Reconciliation Commission) people came here but I have always been afraid to tell this story because we hear all kinds of bad bad things happened to people who talked (testified),” he said.

It has been 17 years since the war ended in Liberia. Over 200,000 people lost their lives in perhaps one of the most brutal wars in recent African history. Justice for those who lost their lives like Boley seems farfetched.

Before the coronavirus outbreak, human rights advocates, politicians, and victims pushing for the establishment of the war crimes court faced threats on their lives.

Representative Rustonlyn Dennis is one of those people. The female politician, who represent a district of Montserrado County at Liberia’s Legislature, has been leading the charge at the House of Representatives.

She has been rallying lawmakers to approve a law that will see the establishment of a special tribunal to prosecute those who bear the greatest responsibilities for what happened during the civil wars.

Even as powerful as she is, she told the UK Guardian Newspaper that her life is in danger from people claiming to be speaking on behalf of ex-warlord Prince Johnson, who is now a Senator of Nimba County.

“Since then, there has been this unknown or unlicensed black vehicle that is always tailing me,” Representative Dennis said, adding that she was threatened in a phone call.

She said the caller threatened her, saying “I will get to you, and those who sent you will regret [it].”

Meanwhile, at the home of oldman Gbokolo in Nimba County, he is still struggling to recount the horrible killing of his friend.

During an interview with a visiting reporter, he narrates the details of the incident as he shakes his head and weep the tears from his eyes. He tries to rest his arm on the balcony behind him as he carefully narrates the final ordeal of his dear friend.

“Mr. Boley was Krahn but he was a good man. He only came here in Ganta to check on his property. But, by that time (2000) the (tribal) killing (s) was still happening,” explains Gbokolo.

Meanwhile, Prince Johnson has shown no remorse for the atrocity he of his men carried out during the civil war. Senator Johnson threatened that there will be reaction from people of Nimba County whenever calls to prosecute war criminals are renewed in Liberia.

“Go grab Prince Johnson, you won’t be able to even come close,” Johnson told his Monrovia congregation recently. “You won’t even catch me because the resistance you will receive from young guys will be maximum, uncontrollable and ungovernable.”

Senator Johnson has vowed to mobilize young men from Nimba to take up arms and join him in the forests to resist the court as he threaten to vehemently fight the world crimes court.

Because of this threat from Johnson and other warlords’ over the years, many people have been afraid to testify about murders during the war.

Prince Johnson is at the top the Truth and Reconciliation Commission Report’s “Most Notorious Perpetrators list” and is widely expected to be the first person to face a war crimes court for his role in Charles Taylor’s National Patriotic Front of Liberia and later, as the head of his breakaway Independent National Patriotic Front of Liberia.

Many believe that Liberia’s current President, George Weah did not participate in the war. Hence, he should be the one to lead the country in putting an end to impunity.

However, upon his return from the UN General Assembly last year, Weah said that he had merely informed the UN about the many calls for a court.

“I have never one day called for the war-crimes court,” he said. “Why should we focus on the war crimes court now, when we did not focus on it 12 years ago?”

To win the 2017 election, Weah significantly relied on the support of Prince Johnson, who was involved in the killing of the brutal former military ruler Samuel Doe on camera.

Many pundits say fear of upsetting Johnson and his many supporters, seems to be a reason influencing President Weah's decision to ignore the establishment of the court.

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EAST AFRICA

Uganda

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

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

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Somalia

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Agius rejects Karadzic's Request to disqualify the Judges (Sarajevo Times)

July 15, 2020

The President of the International Mechanism for Criminal Courts Carmel Agius rejected the request of war criminal Radovan Karadzic to disqualify judges from the process of reviewing the disputed decision of the Appeals Chamber, as well as the appeal of the Mechanism's decision on earlier appeal against the verdict.

The statement, signed by Agius, states that Karadzic did not draw attention to a clear mistake in the explanation of the disputed decision, and that because of that, its review was not approved. Agius recalls that the impugned decision speaks of Karadzic's attempt to separate his case from the others, but did not provide an explanation, only mentioned earlier arguments without showing any error in the impugned decision, and that he appealed the Appeals Chamber's decision on an earlier appeal which the President rejected without waiting for a response from the Prosecution.

On October 29th last year, the International Residual Mechanism for Criminal Tribunals Council has refused to consider a request by the defense of former Republika Srpska President Radovan Karadzic, who has been sentenced to life imprisonment for genocide and other crimes in BiH, related to the annulment of earlier decisions due to the perceived bias of judges.

The decision, signed by Judge Burton Hall, states that the presiding panel does not have jurisdiction to deal with the disqualification of the former and current President of the Mechanism, Theodore Meron and Carmel Agius.

"Radovan Karadzic's efforts to propagate allegations of bias in order to reach his desired decision must be rejected, and his lawyer should refrain from making such submissions before the Mechanism," was stated in the decision.

It is not yet known in which state war criminal Radovan Karadzic will endure the life imprisonment on which he was sentenced on March 20th this year by a decision of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals, was confirmed for Avaz from The Hague.

It was stated earlier that Karadzic could serve sentence in the UN member states such as Norway, Sweden, Finland, Denmark, Estonia, Great Britain, Belgium, Germany, Poland, France, Austria, Italy, Spain and Portugal.

The President of the International Residual Mechanism for Criminal Tribunals Carmel Agius will decide where war criminal Radovan Karadzic will endure life imprisonment.

Radovan Karadzic will not have the right to appeal.

Radovan Karadžić was charged with two counts of genocide, five counts of crimes against humanity, and four counts of violations of the laws or customs of war committed by Serb forces during the armed conflict in Bosnia and Herzegovina ("BiH"), from 1992 until 1995.

On 24 March 2016, Trial Chamber III of the International Criminal Tribunal for the former Yugoslavia ("ICTY") convicted Karadžić of genocide in the area of Srebrenica in 1995 and of persecution, extermination, murder, deportation, inhumane acts (forcible transfer), terror, unlawful attacks on civilians, and hostage-taking. He was acquitted of the charge of genocide in other municipalities in BiH.

The Trial Chamber found that Karadžić committed these crimes through his participation in four joint criminal enterprises ("JCE"s): (i) the JCE to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory through the commission of crimes in municipalities throughout BiH; (ii) the JCE to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling; (iii) the JCE with the common purpose of taking UN personnel hostage in order to compel NATO to abstain from conducting air strikes against Bosnian Serb targets; and (iv) the JCE to eliminate the Bosnian Muslims from Srebrenica in July 1995. The Trial Chamber also found Karadžić responsible as a superior in relation to certain crimes committed by his subordinates in Srebrenica in 1995.

Following the rendering of the Trial Judgement, and in accordance with Article 2 of the Mechanism's Transitional Arrangements, the Mechanism assumed jurisdiction for the appeals proceedings in the Prosecutor v. Radovan Karadžić case.

Both Karadžić and the Prosecution appealed the Trial Judgement, filing their respective notices of appeal on 22 July 2016, their appeal briefs on 5 December 2016, their response briefs on 15 March 2017, and their reply briefs on 6 April 2017. The appeal hearing took place on 23 and 24 April 2018 at the Mechanism's Hague branch.

The initial indictment against Karadžić was confirmed on 25 July 1995. He was arrested in Serbia on 21 July 2008, and transferred to the ICTY on 30 July 2008. The trial commenced on 26 October 2009 and 586 in-court testimonies were heard by the Trial Chamber.

The Trial Chamber sentenced Karadžić to life imprisonment.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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Domestic Prosecutions In The Former Yugoslavia

'Forgotten' 1990s Bosnian Court Martial Sentences to be Enforced (Balkan Transitional Justice) By
Azra Husaric
July 3, 2020

The municipal court in Orasje has told BIRN that it intends to begin to enforce sentences handed down to 47 people, mainly Serbs, who were convicted of war crimes by the court martial in the northern Bosnian town between 1993 and 1995.

"In the upcoming period, the municipal court in Orasje will restart and continue the enforcement of criminal sanctions against people sentenced under those verdicts," said the municipal court's president, Zeljko Zivkovic.

The Serb defendants were mainly tried in absentia and some said they did not know about the convictions.

Slobodan Sjenic was convicted as the economy minister in the nearby municipality of Samac for participating in making and implementing decisions which resulted in non-Serbs being made to do forced labour, as well as the confiscation and pillaging of property and forced evictions in the Bosanski Samac area.

But Sjenic said he was never summoned by the court to respond to the accusations.

"I found about it informally and unofficially," he told BIRN.

He was sentenced in absentia to 13 years in prison for war crimes against the civilian population, but has never been asked to go to serve his sentence, although the verdict has not been annulled.

"Nobody has ever contacted me regarding this case. No official notice about whether we were sentenced or not has arrived," said Sjenic, who is now chief of the Samac municipality's finance section.

"I am here. If I wanted to hide, I would not be here. I would not be available for contact," he said.

The court martial verdicts were almost forgotten until 2015, when Zeljko Zivkovic was appointed president of the municipal court in Orasje.

In the years before this, the verdicts had been forwarded to the justice ministry in Bosnia's Federation entity and then to the Hague Tribunal for assessment. The Hague Tribunal then sent them to the Bosnian state prosecution in 2004.

After that, there were several years of correspondence about the verdicts between the state prosecution, the Hague Tribunal, Bosnia and Herzegovina's High Judicial and Prosecutorial Council, the cantonal prosecution in the Posavski Canton, the cantonal court in Odzak and the basic court in Modrica.

In February 2016, the municipal court in Orasje forwarded all the verdicts to the basic court in Modrica, ordering it to execute them because it had the territorial jurisdiction. But the Modrica court sent them back to Orasje again in July 2016.

The Orasje municipal court said that a legal possibility exists for the trials to be held again if the basic court in Modrica contacts the defendants, delivers the verdicts and tells them that they can ask for a new trial.

Serbia Convicts Bosnian Serb Ex-Soldier of Beating Captives (Balkan Transitional Justice) By Milica Stojanovic
July 7, 2020

Belgrade Higher Court on Tuesday found former Bosnian Serb Army soldier Zeljko Maricic guilty of war crimes against civilians in the Kljuc municipality at the end of May 1992, Danas newspaper reported.

The court found that after Bosnian Serb troops and police captured a large number of Bosniak civilians from Velagici, Pudina Han, Sanica, Krasulje and several other settlements in the Kljuc municipality and took them to the Nikola Mackic Elementary School in the town of Kljuc, Maricic mistreated them.

Maricic beat up six of them, the indictment alleged, and threatened to slaughter some of them.

After civilians were taken to a bus to be transported to the Sintica detention camp, Maricic continued to beat one of them, a man called Mirsad Dervisevic, and stabbed him with a knife.

During the trial, Maricic admitted he did hit the civilians, but not as much as alleged in the indictment, Danas reported.

His admission was taken into account as mitigating circumstances, as well as the fact that he is the guardian of his son, who has epilepsy and autism.

This is a first-instance verdict and can be appealed.

Sarajevo Slams Belgrade for Convicting Bosnian of War Crimes (Balkan Transitional Justice) By Admir Muslimovic
July 8, 2020

Bosnian Foreign Minister Biserka Turkovic told BIRN on Wednesday that Serbia should not be using a controversial law intended to widen Belgrade's judicial reach across the former Yugoslavia, which she said infringes on individual countries' right to try war crimes committed on their own territory.

Turkovic's comments came after Belgrade Higher Court convicted Husein Mujanovic, a Bosniak who was the commander of a military prison in Hrasnica near Sarajevo during the Bosnian war, of the abuse of Serb inmates in 1992.

Mujanovic's sentencing caused consternation in Sarajevo, with Turkovic sending a protest note to Belgrade on Tuesday. Bosnian officials say he should be tried in Bosnia for crimes committed in Bosnia.

But Serbian Foreign Minister Ivica Dacic responded that his country would not apologise to anyone for trying people who committed war crimes. Both countries' ambassadors were urgently called back home for consultations.

Sefik Dzaferovic, the Bosniak member and current chairman of Bosnia's three-man presidency, condemned the sentencing of Mujanovic as a "scandalous" and "shameful" decision.

Turkovic said meanwhile the Serbian law saying Belgrade can try people for war crimes committed anywhere in the former Yugoslavia was illegal and politically-motivated, and an attempt to establish a Serbian version of the Hague-based International Criminal Tribunal for the Former Yugoslavia, ICTY.

“One EU member, our neighbour Croatia, has strongly suggested that Serbia change the disputed law, stressing that such prosecutions should not be allowed to turn into ‘mini Hague trials’ – in order words, the Belgrade court becoming a ‘mini Hague’,” Turkovic told BIRN.

“The Bosnian side’s position is that each country created after the break-up of the former Yugoslavia has an obligation to adhere to the principles of mutual cooperation and assistance in the prosecution of all war crimes, that every war criminal needs to be punished according to the same legal criteria that equally apply to any of these countries, and in accordance with international standards, regardless of the national-ethnic origin of the victim and the perpetrator,” she said.

The Mujanovic indictment said that some 30 Serb prisoners were held at a prison in Hrasnica near Sarajevo, run by the Bosniak-led Army of Bosnia and Herzegovina, from July to October 1992.

The prisoners were held in poor conditions and abused. Some of them were beaten in a nearby fallout shelter, and six died as a result of the beatings. Mujanovic was found guilty of personally beating two prisoners, who survived.

The verdict can be appealed.

Mujanovic’s case is the latest in a series of attempts by Serbia to apprehend and try Bosnians for alleged war crimes.

Bosnian wartime presidency member Ejup Ganic and former Bosnian Army general Jovan Divjak were detained in London and Vienna respectively on Serbian arrest warrants in 2010 and 2011, but both were released and the accusations against them dismissed as political.

Serbia has also unsuccessfully sought the extradition of wartime Kosovo Liberation Army officers who are now senior politicians, such as Kosovo’s former Prime Minister Ramush Haradinaj, who was held at a French airport on a Serbian warrant in January 2017.

Bosnia Urged to Convict Ex-Policeman of Illegally Detaining Serbs (Balkan Transitional Justice) By
Marija Tausan
July 14, 2020

In closing arguments at the retrial of Ibro Merkez at the Bosnian state court on Tuesday, the prosecution called for the Bosniak former police chief to be convicted of unlawfully detaining Serb civilians in Gorazde in 1992 and treating them inhumanely.

The defence meanwhile called for an acquittal.

Merkez is being retried after the appeals chamber quashed the first-instance verdict from last October finding him guilty, in his capacity as head of the police’s Public Security Station in Gorazde, of committing the crime in the period between mid-July and August 4, 1992.

Prosecutor Marijana Cobovic said that, acting through subordinates, the defendant detained more than 70 civilians in four apartments across from the Public Security Station.

Cobovic said that the civilians were deprived of food and received a minimal quantity of water, while those who were sick did not get medical assistance.

“The defendant was the highest-ranking officer and no policeman mentioned any other superior officers but Merkez,” the prosecutor said.

Defence lawyer Senad Bilic pointed out that the appeals chamber had quashed the first-instance verdict convicting Merkez, and said there were no

decisive facts showing how the defendant committed the crime.

“The prosecution claims that the defendant did this and that, that he chose the detention premises, but we have no evidence about it,” Bilic said.

He said the defence did not deny that the civilians were held in difficult conditions, but reminded the court that this happened in July 1992, when Gorazde was under a full blockade and many refugees had poured into the town.

The verdict will be handed down on July 24.

Serbia ‘Provided War Crimes Evidence’ Against Kosovo President (Balkan Transitional Justice) By

Milica Stojanovic
July 14, 2020

Former chief war crimes prosecutor Vladimir Vukcevic told BIRN that while probing alleged organ-trafficking by Kosovo Liberation Army fighters, the Serbian authorities gathered evidence about President Hashim Thaci's alleged role in wartime crimes, which was then passed to Hague investigators.

The Hague-based Specialist Prosecutor's Office announced last month that it had filed a ten-count indictment to the Kosovo Specialist Chambers charging Thaci and others with a range of crimes against humanity and war crimes, including murder, enforced disappearances, persecution and torture. Prosecutors began questioning Thaci in The Hague on Monday.

Vukcevic, who was chief war crimes prosecutor from 2003 until the end of 2015, said the Serbian authorities collaborated with the International Criminal Tribunal for the Former Yugoslavia in The Hague on investigations into the alleged trafficking of prisoners' organs by KLA fighters.

"The Hague prosecution was investigating the crimes of [Kosovo Liberation Army commander turned politician Ramush] Haradinaj [who was ultimately acquitted] and so they went to the Yellow House [building in Albania where prisoners' organs were allegedly removed], but they did not have a mandate for Albania because the Hague Tribunal itself was exclusively for the countries of the former Yugoslavia," Vukcevic said.

"They saw what they saw, filmed it and so on, and later they gave us their findings," he added.

Vukcevic and his colleagues then went to Albania, and with a local prosecutor visited around 12 sites where it was thought that organ-trafficking victims might have been buried. He said they also found evidence of Thaci's role in crimes committed by KLA fighters during the Kosovo war.

They forwarded what they found to Council of Europe rapporteur Dick Marty, who issued an explosive report that alleged that KLA leaders, including Thaci, were involved in "organ trafficking, abductions and mistreatment of detainees" during the war.

Thaci, a wartime KLA commander who was interviewed by Hague prosecutors on Monday, has repeatedly denied any wrongdoing.

The Dick Marty report led to the establishment of the European Union's Special Investigative Task Force to probe the claims. Vukcevic said the Serbian war crimes prosecution provided logistical support and cooperated in organising the questioning of some 400 witnesses for the task force.

"The cooperation between the War Crimes Prosecutor's Office of the Republic of Serbia and SITF [the Special Investigative Task Force] lasted until September 2016 and was realised on the basis of requests for coordination," the Serbian war crimes prosecution confirmed to BIRN.

It did not respond to BIRN's questions about the alleged crimes, their victims and where they were committed.

After the task force's work was complete in September 2016, the Kosovo Specialist Prosecutor's Office was set up to prepare charges against suspects who will be tried at the Kosovo Specialist Chambers in The Hague.

Both institutions are part of Kosovo's justice system but are located in the Netherlands and staffed by internationals. They were set up under pressure from Kosovo's Western allies and are resented by many Kosovo Albanians as an insult to the KLA's war for liberation from Serbian rule.

Asked about Serbia's role in providing evidence, the Kosovo Specialist Prosecutor's Office said that it "does not provide information on the substance or mechanics of its investigation".

Vukcevic also told BIRN that Thaci was being probed by Serbian prosecutors for alleged war crimes in a case dating back to the 1990s.

This caused a row in April 2015, when a Belgrade-based NGO organised a conference in the Serbian capital about Balkan countries' European integration and invited Thaci as a speaker. The Serbian authorities threatened to arrest him if he entered the country.

The Serbian war crimes prosecution confirmed that it is "conducting pre-investigation proceedings against Hashim Thaci for committing the criminal offence of a war crime against civilians in co-perpetration [with others]". It did not give details of the alleged crimes.

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Turkey

Turkey: Politically Motivated Conviction of Activists (Human Rights Watch)

July 6, 2020

The conviction of four human rights defenders on July 3, 2020, without evidence of any criminal wrongdoing, is politically motivated and an effort to stifle the legitimate work of Turkey's human rights movement, Human Rights Watch said today.

Istanbul Assize Court no. 35 convicted Taner Kılıç, Amnesty International Turkey's honorary chair, on charges of membership of a terrorist organization, sentencing him to six years and three months in prison. The court convicted three others on charges of aiding and abetting a terrorist organization and imposed prison sentences of 25 months. The three are: İdil Eser, Amnesty Turkey's former director; Özlem Dalkıran, a rights activist and member of NGO Citizens' Assembly; and Günal Kurşun, member of the Human Rights Agenda Association. The court acquitted seven others though the prosecutor has stated he will appeal against the acquittal of two among them, Nejat Taştan and Veli Acu. The four convicted are currently at liberty while they appeal the verdict.

"In three years the police and prosecutors have produced not a shred of evidence of criminal activity by any of the 11 rights defenders who stood trial," said Hugh Williamson, Europe and Central Asia director at Human Rights Watch. "Four have been convicted for their legitimate human rights work in another trial which demonstrates how any independence in Turkey's justice system has collapsed under political pressure."

Kılıç was first detained in Izmir on June 6, 2017, and days later placed in pretrial detention, where he spent 14 months. His case was combined with that of ten other rights defenders detained on July 5, 2017 in a police raid on a human rights education workshop they were participating in on Büyükkada Island, Istanbul. A German and a Swedish national were among the defenders.

All 11 were subjected to a concerted media smear campaign suggesting that they were involved in a conspiracy to foment chaos in the country and alleging that they had links with a number of outlawed organizations. The media pursuing the smear campaign were closely aligned with the government and made allegations against the defendants before the prosecutor's office had prepared an indictment against them and during their trial. Their first trial hearing was in October 2017, and the court issued its verdict at the 13th hearing.

The decision cited no grounds for the convictions, and Human Rights Watch is awaiting the court's full reasoned decision.

The indictment against Kılıç alleged that he had used the encrypted communication application ByLock on his phone. The app is alleged to have been used by supporters of the Fethullah Gülen movement, which Turkey deems a terrorist organization responsible for the July 2016 coup attempt. Several expert reports during the trial demonstrated that Kılıç had never had or used the app.

In the case against the ten defendants detained on Büyükkada, the indictment cited ephemera gathered from their laptops and phones, none of it amounting to evidence of criminal wrongdoing.

"The court's verdict convicts four people but is an attack on the entire human rights movement in Turkey," Williamson said. "We hope the higher courts will do their duty and reverse this miscarriage of justice."

Fears of 'humanitarian disaster' as Turkey cuts off water supply to northern Syria (Morning Star)

By Steve Sweeney

July 6, 2020

Kurdish authorities fear a humanitarian disaster in northern Syria where Turkey is accused of deliberately inducing a drought by cutting off water from the Euphrates River.

Water levels have declined by up to two-thirds, with Syrian farmers in Qara Qawzaq — just outside Kobane — warning that their livelihood will be seriously hit by the shortages.

Electricity used to power water pumps to irrigate their land has dropped from a supply of 18 hours a day to just 10 as

authorities try to avert a devastating drought.

“The low level of water in the Euphrates will cause diseases,” local farmer Mohammed al-Haj warned.

“There will be infections, and the low level of water will be damaging to the people, because it causes power cuts.”

Rojava Dam spokesman Jihad Bayram explained that Turkey and its allied militia had cut the supply of water to the region by decreasing the flow through its own dam system.

“We are supposed to receive 500 cubic metres of water [per second], but this has decreased to 160,” he said.

“We have decreased the provision of public electricity to 10 hours [per day] to consume the water economically.”

Last week Syrian Democratic Council (SDC) President Ilhan Ahmed hit out at Turkey for deliberately withholding water supply.

“The Euphrates river has provided water to the people since the beginning of civilisation. Turkey with its upstream dams intentionally decreased the water level today to cause a real drought in Syria,” she said.

Turkey launched a second invasion and subsequent occupation of northern Syria in October allied with jihadist militia from the Free Syrian Army.

It has been accused of a litany of war crimes including the use of chemical weapons and the extrajudicial execution of Kurdish politician Hevrin Khalef.

Turkey has used water as a weapon since 2015, controlling the regional supply through an extensive system of dams constructed over the last decade.

The situation has deteriorated since last October with Turkey and its allied militia controlling the town of Serikaniye, which supplies water to around half a million people in the Hasakeh region.

In March, Unicef warned that Turkey’s water blockade posed a serious threat following the outbreak of coronavirus, with fresh water and handwashing seen as crucial.

“The interruption of water supply during the current efforts to curb the spread of the coronavirus puts children and families at unacceptable risk,” it said in a statement.

Efforts are currently underway to rebuild infrastructure, including waterpipes, damaged during Turkey’s bombing campaign.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

Former soldiers angered by UK plans for Iraq war crimes 'amnesty' (Middle East Eye) By Ian Cobain
July 3, 2020

Concerns are growing among human rights groups and ex-soldiers about UK government plans for a new law to protect British soldiers from prosecution for any acts of murder or torture committed after the invasion of Iraq in 2003.

The draft law, known as the Overseas Operations Bill, proposes to prevent service personnel from being prosecuted for any crime committed more than five years earlier, other than in exceptional circumstances.

It would also protect British forces from prosecution in the UK for war crimes or crimes against humanity once those crimes were more than five years old.

The measures have alarmed NGOs who fear that any weakening of the criminal measures against torture would undermine the UK's commitment to the Geneva Conventions.

Redress, a London-based charity that works with torture victims, says there is a risk that abuses will be "swept under the carpet".

The bill risks creating an effective amnesty for serious offences including torture, according to Chris Esdaile, the organisation's legal adviser.

"The UK's international treaty obligations require serious international crimes always to be prosecuted. The UK has promoted these obligations for over 70 years," said Esdaile.

Another London-based NGO, Rights and Security International, warned that the new law could create "a culture of impunity" for British forces serving outside the UK.

'A stain on Britain's standing'

The proposed new law has also angered many former soldiers, who argue that the proposed new protections are dangerous and demeaning.

Charles Guthrie, a former field marshal who was head of the UK's armed forces from 1997 to 2001, has warned that the bill "provides room for a de facto decriminalisation of torture" and that its provisions "would be a stain on Britain's standing in the world".

In a letter to the Sunday Times newspaper, Guthrie wrote: "My military experience taught me the horror of torture. It is evil and must be punished wherever perpetrators can be found. Every good soldier knows that to be true."

Nicholas Mercer, a former lieutenant colonel in the British army, who was the most senior military lawyer in Iraq following the 2003 invasion, said: "This bill is a deeply retrograde step by the British government. It undermines, not only the UN Convention against Torture, but also the Geneva Conventions 1949. This is simply unprecedented.

"Having used inhuman and degrading interrogation techniques during the Iraq conflict, the British government is now arguably seeking to legislate to avoid liability, whilst maintaining that the claims are unfounded.

"There also remains the unanswered question of 'black sites' in southern Iraq and the fate of prisoners who were taken there by UK Forces. This bill may mean that such cases never see the light of day."

A consultation document that the British government published last year suggested that sexual offences and torture might be specifically exempt from the new law.

However, when the Overseas Operations Bill received its first formal reading in parliament, just as the UK was about to go into coronavirus lockdown, sexual offences were exempt but torture was not.

Dominic Grieve, a former Attorney General for England and Wales, quickly pointed out that a British soldier who had raped, tortured and murdered another person more than five years earlier could still face prosecution for rape but, under the new law, would be unlikely to be prosecuted for torture and murder.

This shows "how difficult and potentially unsatisfactory it is to try to use legislation to skew a legal system to give privileged protection to a particular group", Grieve says.

Another anomaly that would be introduced by the proposed law is that a soldier could still face prosecution, under military law, for offences against a fellow soldier, but would be protected from prosecution after five years if the offences were committed against a civilian.

Protection for ministers In its consultation document, the UK's Ministry of Defence (MoD) said it was determined to draw a line under criminal probes, after a number of servicemen found themselves being repeatedly investigated over several years.

Few soldiers have faced courts martial or criminal trials however, and even fewer have been convicted.

The bill also offers new protections from civil compensation claims for government ministers and the MoD.

The MoD also says that it wants to bring an end to what it describes as “lawfare” - compensation claims that it says it has faced “on an industrial scale”.

As of 2017, the MoD had paid out £22 million to settle 1,471 claims from Iraqi nationals who had alleged they had been mistreated or unlawfully detained.

Those who have lodged claims against the MoD include the family of Baha Mousa, a Basra hotel receptionist who was tortured to death by British troops in September 2003.

Part of the incident was filmed. Six soldiers were court-martialled for the abuse of Mousa and six other Iraqi men, but were then cleared. One soldier pleaded guilty to inhumane treatment of a prisoner, and was jailed for a year and dismissed from the army.

Mousa’s death was later the subject of a lengthy public inquiry.

Critics say the part of the proposed new law that introduces time limits for civil claims will protect government ministers and senior defence officials, rather than ordinary soldiers.

Esdaile said: “The civil claims for compensation in relation to such human rights violations have been brought against the Ministry of Defence, not against ordinary soldiers.

“When overseas operations involve abuses by British armed forces, most service personnel find these abuses as abhorrent as everyone else. This bill does nothing to facilitate the accountability of politicians and high-ranking military personnel who give the orders.”

Yasmine Ahmed, spokesperson for Rights and Security International, added: “Rather than dismantling the system of accountability for abuses committed by the UK military, the government should be painstakingly reviewing the recommendations that came from inquiries such as the Baha Mousa Inquiry and ensuring that such abuses, including unlawful killing and torture, never happen again.

“Cultivating a culture of impunity and erecting barriers to accountability is not the answer.”

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Syria

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Yemen

The UK Is Greenlighting Arms Sales to Saudi Arabia Again. That’s a Travesty (Human Rights Watch) By Akshaya Kumar

July 15, 2020

On July 7, the United Kingdom announced that it intends to resume approving weapons sales by British companies to Saudi Arabia. Conservative Prime Minister Boris Johnson’s government is choosing to move forward with these sales despite reams of evidence that once weapons are in the Saudi arsenal, there’s no way to be sure they won’t be used to commit war crimes in Yemen.

The government is moving forward despite eloquent pleas from Yemenis who say that continued sales greenlight continued abuses by the Saudi led coalition. It's moving forward despite the UK's own foreign secretary's recent appeal on behalf of the people of Yemen for "international help to escape tragedy," recognizing they are living through the world's worst humanitarian crisis while trying to battle a global pandemic.

Moving forward at this moment ignores the realities on the ground in Yemen and also evidences a willingness to twist the facts and the law. In doing so, the UK is undermining the rules that govern the international order at a time when multilateralism is more important than ever.

After a landmark court ruling, the UK government was forced to pause sales until it could show that it had properly evaluated the risk that weapons sold to Saudi Arabia could be used in laws of war violations. Although UK suppliers have continued to fulfill existing contracts and the government "inadvertently" issued some new licenses, the court ruling undoubtedly had a chilling effect on transfers over the past year. That's a good thing.

But now, the UK laughably claims it has "developed a revised methodology" that supports further sales based on the specious conclusion that the Saudis' violations are "isolated" incidents.

Human Rights Watch made a 172-page submission to the UK last year that indicates the exact opposite. Despite their arsenal of top-of-the-line weapons with precision guidance, Saudi-led coalition aircraft keep hitting Yemeni civilians while they're shopping for groceries, celebrating weddings, riding in school buses, mourning their dead at funerals, and seeking treatment for cholera.

Recently, the UN confirmed that the coalition hit four schools and hospitals in 2019. The International Rescue Committee estimates that more than half of the bombs dropped by the Saudi-led coalition in May of this year hit civilians or civilian infrastructure. These attacks have almost always been followed by self-investigations that excuse away the crimes.

Neither the law nor the facts support a conclusion that the problems with Saudi Arabia's conduct are "isolated."

Human Rights Watch has been campaigning to halt all weapons sales to Saudi Arabia since 2016. The UN has warned that those who continue to supply the coalition with weapons after seeing its abysmal track record risk complicity themselves. To be sure, this is not a problem that will be resolved by cutting off sales from the UK alone.

Saudi Arabia leads the world in arms imports and is responsible for 12 percent of global purchases since 2015. While the UK had paused licensing, French companies transferred \$1.6 billion in weapons to Saudi Arabia in 2019. Although the U.S. Congress has twice voted to ban arms sales to Saudi Arabia, President Trump vetoed those bills allowing arms sales to proceed.

Last year, Trump pressed forward with a massive \$8 billion sale of weapons to Saudi Arabia, Jordan, and the UAE. The U.S. is now considering an additional \$478 million transfer of precision guided munitions to the Saudis. Once again, some members of Congress are objecting, but the Trump administration appears poised to move forward anyway.

While Canada, Denmark, Finland, Germany, Sweden, and Switzerland all announced that they will stop new weapons exports to the Saudis, they have continued to supply arms, spare parts, and components to the Saudis under existing contracts. In fact, in 2019, Canadian military exports to Saudi Arabia hit an all-time high despite their moratorium.

The Trump administration in particular has made naked economic and geopolitical calculations the basis of its foreign policy. Its continued arms exports to "allies" despite a track record of human rights abuses is not unique to Saudi Arabia. But it's particularly chilling that Trump was not shy about making an economic argument for sales in the face of the Saudi killing and dismemberment of U.S. resident journalist Jamal Khashoggi.

The timing of the UK move, one day after it launched sanctions on 20 individual Saudis for their role in Khashoggi's murder, underscores the incoherence of this approach. Governments like the UK shouldn't need their courts to tie their hands — they should simply stop their sales to the Saudis. Instead of engaging in legal gymnastics to justify weapons sales, they should take a stance that definitively ends their role in fueling war crimes abroad.

By propagating the fiction that years of repeated Saudi violations of the laws of war are "isolated" incidents, the UK is either denying the facts on the ground or undermining mainstream understanding of the laws governing war. Most likely, it's doing both.

Five Children Among Dozen Killed In Yemen Air Strike: Sources (Barron's)

July 15, 2020

At least a dozen people, including five children, were killed on Wednesday in an air

strike in Yemen's northern Al-Jawf province, government and medical sources told AFP.

"At least 12 people, including four women and five children, were accidentally killed in the city of Al-Hazm," about 100 kilometres (60 miles) northeast of the capital Sanaa, a government source told AFP.

Yemen has been embroiled in a civil war since 2014 that pits the government -- backed by a Saudi-led military coalition that provides air support -- against Iran-backed Huthi rebels, who control much of the north, including the capital.

The government source added that the strike landed in a residential area about three kilometres from a battlefield between the Huthis and pro-government forces.

Medical sources confirmed that at least 12 people were killed, among them women and children.

Rebels blamed the deaths on the Saudi-led coalition, which has not yet commented on the incident.

The strike came days after the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) said seven children and two women had been killed in an air raid on Sunday in the northwest governorate of Hajjah.

Another two women and two children were wounded in the strike, according to OCHA.

UN experts have accused both sides in Yemen's five-year-old conflict of war crimes.

The Norwegian Refugee Council said in a statement on Wednesday that "bombings by the Saudi-led coalition have reached an intensity not seen in two years and missiles fired by (the Huthis) into Saudi Arabia have also increased".

It urged the UN to act and called for an "immediate independent investigation".

On Monday, the Saudi-led coalition acknowledged the possibility of civilian casualties during an anti-Huthi operation in Hajjah and said it was being investigated.

It also said its forces had "intercepted and destroyed seven drones and four ballistic missiles" launched by the Huthis against civilians in Saudi Arabia.

Yemen's war escalated in March 2015 when the coalition intervened against the rebels. Tens of thousands have been killed since then in what the UN has described as the world worst humanitarian crisis.

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Special Tribunal for Lebanon

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

STL to Issue Verdict in Hariri Case on August 7 (Naharnet) By Naharnet Newsdesk
July 10, 2020

The U.N.-backed Special Tribunal for Lebanon on Friday announced that it will issue its long-awaited verdict in the case of ex-PM Rafik Hariri's assassination on August 7.

"The Trial Chamber of the Special Tribunal for Lebanon (STL) issued a scheduling order today for the public pronouncement of the Judgment in the Ayyash et al. case (STL-11-01) in a public session on Friday 7 August 2020 at 11.00 AM (C.E.T)," the STL said in a statement.

In the filing issued Friday, the Judges stated that the Judgment will be delivered from the courtroom with partial virtual participation.

"Due to the COVID-19 and in line with the national guidelines in the Netherlands, a limited number of members of the media will be allowed into the public gallery and the STL's media center," the STL added.

The court had intended to issue the verdict in mid-May but it later postponed the pronouncement due to the COVID-19 pandemic.

Hariri, who was Lebanon's prime minister until his resignation in 2004, was killed on February 14, 2005, when a suicide bomber detonated a pickup truck next to his armored convoy on the Beirut seafront.

Another 21 people were killed and 226 injured in the assassination, with fingers initially pointing at Syria which had long been a power-broker in the country.

The tribunal was created by a 2007 U.N. Security Council resolution at Lebanon's request, and four Hizbullah suspects went on trial in 2014 accused of core roles in the attack.

Salim Ayyash, 50, is accused of leading the team that carried out the bombing, while Assad Sabra, 41, and Hussein Oneissi, 41, allegedly sent a fake video to the Al-Jazeera news channel claiming responsibility on behalf of a made-up group.

Hassan Habib Merhi, 52, is accused of general involvement in the plot.

The alleged mastermind, Hizbullah military commander Mustafa Badreddine, was indicted by the court but is now believed to have died while leading the group's forces fighting with the Syrian regime in May 2016.

Hizbullah chief Sayyed Hassan Nasrallah has refused to hand over the suspects and warned the tribunal "don't play with fire" while Syrian leader Bashar al-Assad says the court is a tool to "pressure Hizbullah."

The assassination of Hariri transformed the face of Lebanon, triggering a wave of mass demonstrations that ended with the departure of Syrian forces from Lebanon after a 30-year presence.

However the trial remains a sensitive subject in Lebanon, which is politically unstable and crippled with its worst economic crisis since the 1975-1990 civil war.

Prosecutors said during the trial that Hariri was assassinated because he was perceived as a "severe threat" to Syrian control of the country and as a "proxy of the West".

They said their case was "circumstantial" but "compelling", relying almost entirely on mobile phone records allegedly showing the suspects conducting intense surveillance of Hariri from just after his resignation until minutes before the blast.

But the absence of the defendants has raised questions about the trial's credibility, while the gap of 13 years since the attack has caused doubts about its relevance in a region transformed by the war in Syria.

Rafik Hariri's son Saad, who later went on to become prime minister like his father, called at the conclusion of the hearings in 2018 for "justice" but not revenge.

The court has heard evidence from more than 300 witnesses and amassed 144,000 pages of evidence -- at an estimated cost of at least \$600 million since it opened its doors in 2009.

The tribunal opened a second case last year, charging prime suspect Ayyash with terrorism and murder over deadly attacks on politicians in 2004 and 2005.

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Israel and Palestine

Israelis continue demolishing Palestinian homes in occupied territories despite pandemic (Daily Sabah)

July 9, 2020

Despite the coronavirus outbreak, Israeli forces have continued to demolish Palestinian homes in the occupied West Bank, while defying accusations of war crimes in the occupied territories, according to a report by an Israeli human rights center released earlier this week.

"During the past month, Israel escalated the pace of house demolitions in the West Bank," the Jerusalem-based B'Tselem nongovernmental organization (NGO) said in a Tuesday report. The NGO said 63 Palestinian homes were demolished across the West Bank, not including occupied east Jerusalem, since the beginning of the year, 33 of which were destroyed in June only. The report stated that a total of 151 Palestinians, including 84 minors, lost their homes and only in June, 100 Palestinians were displaced, 53 of whom were minors.

The NGO went on to warn against the high risk posed to displaced Palestinians amid the spread of the coronavirus. Regarding the occupied east Jerusalem, B'Tselem said it witnessed a rise in home demolitions in June with 13 homes razed, displacing 51 people, including 31 minors. "This number equals twice the rate of monthly demolition in the first five months of this year, which reached six homes per month," the NGO said.

The NGO noted that the Israeli pledge in April before the United Nations to refrain from demolishing homes during the pandemic was "only a promotional trick to avoid criticism."

Palestinians have long suffered from the ongoing risk of demolition by Israeli forces. In December 2019, Israel planned to demolish some 18,000 Palestinian homes in Jerusalem. Such actions have been called a "war crime" by the International Criminal Court (ICC). Destroying hope and means of education, as well as a future for Palestinian children and youth, Israeli military forces last year demolished a school in a Bedouin community in the West Bank city of Hebron.

Turning to the international community to halt Israeli demolition, Palestinians have argued that the Israeli government uses the issue of security as an excuse to force them further from the city and to expand settlement projects in the occupied territories. The Palestinian Authority described the demolitions as part of the "deal of the century," a U.S. backchannel plan for peace which Palestinians decry as an attempt to liquidate their cause. Palestinian resistance group Hamas, for its part, described the Israeli demolitions as a "crime of ethnic cleansing," in a statement released in July 2019.

The sharp rise in Israeli demolitions came amid Prime Minister Benjamin Netanyahu's annexation plans for the occupied West Bank, which face intensifying international opposition.

Netanyahu's center-right coalition government had set July 1 as the date from which it could begin implementing U.S. President Donald Trump's Middle East peace proposal, which was announced on Jan. 28. It refers to Jerusalem as "Israel's undivided capital" and recognizes Israeli sovereignty over large parts of the West Bank.

The demolitions capped a years long legal battle over the buildings, built along the invisible line straddling the city and the occupied West Bank. Israel says buildings were erected too close to its West Bank separation barrier. Residents say the buildings are on West Bank land, and the Palestinian Authority gave them construction permits.

The ongoing Israeli demolitions signal protracted wrangling over the future of Jerusalem, home to more than 500,000 Israelis and 300,000 Palestinians, and sites sacred to Judaism, Islam and Christianity. In 1980, the Israeli parliament passed a law declaring the "complete and united" city of Jerusalem to be the capital of Israel, including the eastern half that it captured in 1967. But the U.N. regards east Jerusalem as occupied, and the city's status remains disputed until it can be resolved by negotiations between Israel and the Palestinians, who say that east Jerusalem must be the capital of a future Palestinian state.

Organizations issue joint appeal to UN for urgent action on Israeli killings of Palestinians (People's Dispatch)

July 15, 2020

83 human rights groups and civil society organizations from around the world have written an urgent letter to the United Nations (UN) Special Procedures office to appeal for a thorough investigation into the deliberate extrajudicial killing of a Palestinian man, Ahmed Erekat, by Israeli soldiers last month. In the appeal published on Al Haq website on July 14, the signatories urge the UN to ensure delivery of justice and accountability of those responsible for the cold blooded murder. The letter points to Israel's shoot-to-kill policy which is routinely used with impunity to target and kill Palestinians with no lawful cause or justification. Such illegal killings amount to war crimes as per a statute of the International Criminal Court (ICC) and under International law.

27-year-old Erekat was shot and killed by Israeli soldiers at a military checkpoint in the occupied West Bank on June 23 after

he lost control of his car and rammed it into a curb near the checkpoint. As soon as he stepped out of the car to check the damage, Israeli soldiers opened fire at him without any provocation. The soldiers then left him lying on the ground for over an hour as he bled to death. Erekat was on his way to pick up his sister and mother on the day of his sister's wedding. His own wedding was also coming up soon.

The Israeli military claimed that Erekat attacked the soldiers at the checkpoint and posed a threat. However, family members have outrightly rejected the Israeli claim, saying that it is clear in the video of the crash that Erekat did not act violently, especially given that it was his sister's wedding day.

Prominent organizations that are signatories to the letter include Addameer Prisoner Support and Human Rights Association, Al Mezan Center for Human Rights, Defense for Children International (DCI) – Palestine, Al-Haq, Palestinian Centre for Human Rights (PCHR), Adalah Justice Project, several international BDS organizations, Jewish Voice for Peace, Venezuelan Workers Solidarity, and others. In their appeal, they call on the UN to take necessary steps to end the Israeli impunity that has resulted in the killing of 21 Palestinians in the first half of 2020 alone. The letter also asks for the perpetrators of such killings to be tried under international law for war crimes and crime against humanity.

The letter also calls out the Israeli practice of illegally holding the bodies of Palestinians killed by its soldiers. This ends up being a collective punishment for the entire family and community of the murdered Palestinians. Erekat's body has also not been released to his family after more than 20 days of his murder. The family has thus been unable to accord him a proper burial as per their religious customs.

Israel is still withholding the bodies of at least 63 Palestinians killed by its forces. This practice was deemed by the UN Committee against Torture, in 2016, as 'prohibited ill-treatment'. The joint appeal letter asks the UN to put pressure on Israel to unconditionally release the bodies of all Palestinians that are currently in its custody.

The letter concludes by stating that the criminal and illegal policies and actions by Israel stem from the continuously expanding occupation of the Palestinian territories, which has resulted in an Israeli apartheid against Palestinians. It urges the UN and its member states to work towards ending the Israeli occupation and apartheid, to prevent the illegal annexation of the city of Jerusalem, and to force Israel to lift its crippling blockade on the Gaza strip. The world community should ensure that Palestinians enjoy the same human and political rights as Israelis, including the right of return for Palestinians refugees, and the internationally recognized right to self-determination.

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Gulf Region

UK's New Human Rights Sanctions Offer Tool to Curb Abuse (Human Rights Watch) By Benjamin Ward
July 7, 2020

This week's launch of the United Kingdom's human rights sanctions regime offers victims a chance to see a measure of justice for the harms they suffered. Yet to be effective, it's vital they are used fairly and consistently.

The sanctions, which freeze assets of human rights abusers and ban them from entering the UK, will apply to government officials and private individuals engaged in serious abuses including killing, torture, and forced labor, and in some cases, rape and sexual violence.

The United States and Canada already have similar mechanisms and the European Union and Australia are developing them.

The first people named include individuals from Saudi Arabia, Russia, and Myanmar, and entities in North Korea. The absence of any Chinese officials linked to abuses in Hong Kong or Xinjiang is a shocking omission.

Experience suggests that while individual human rights sanctions can be an important tool, they are not a magic bullet. The UK government's own guidance indicates they are likely to be pursued when sharper tools like criminal justice are not

possible.

Freezing assets and banning travel to the UK may not trouble some abusers, especially those with few ties to the UK. And individual sanctions may not deter abusive governments if they assess that the price to individual officials is worth paying to maintain their abusive policies.

Moreover, if used selectively – for example, only against individuals in less powerful countries or those with whom the UK is in dispute – they are likely to be seen as politicized. There is also a danger they serve as a substitute for a more comprehensive political or economic measures against human rights abusers.

Those shortcomings can be partly ameliorated by coordinating with other states, using them even when politically or diplomatically inconvenient, and ensuring they are part of a broader strategy to champion human rights in UK diplomacy.

So it was deeply disappointing that 24 hours after sanctioning Saudi officials for human rights abuses, the UK government lifted its ban on arms exports to Saudi Arabia, despite clear evidence of the Saudi-led coalition's responsibility for war crimes in Yemen.

If the UK government is serious about being a force for good in the world, it needs to make sure that its new sanctions programme is part a broader strategy to consistently champion rights globally.

UK decision to resume weapon sales to Saudi Arabia 'tantamount to signing death warrants of children' (The Independent) By Colin Drury

July 10, 2020

Britain's decision to resume selling arms to Saudi Arabia is tantamount to signing the death warrants of thousands of children in the Middle East, a charity has warned.

The UK paused exporting weapons to the kingdom last summer amid fears the hardware was being repeatedly used to commit war crimes in the Yemen Civil War.

But, despite a review finding Saudi forces had continually breached international humanitarian standards since weighing into the conflict in 2015, the British government announced on Tuesday it would continue sales.

Now the charity War Child has added its voice to the growing anger at the decision with bosses calling the ruling “shameful and deadly”.

Rob Williams, chief executive, said: “By allowing these arms sales, the UK will be complicit in the suffering and murder of children in what is already the world's worst humanitarian crisis. It is tantamount to signing the death warrants of thousands of children in Yemen.”

Figures compiled by the UN suggest the Saudi coalition has been responsible for killing and injuring at least 3,481 children in the five-year-old conflict – which has also claimed at least 100,000 adult lives and been described by the organisation as a humanitarian crisis “of cataclysmic proportions”.

Schools, hospitals, weddings and food infrastructure have all been bombed. It is said both sides expect the worst of each other and are rarely disappointed.

Colette Fearon, War Child's director of programmes and advocacy, told The Independent: “The arms the UK are providing to Saudi Arabia flies in the face of all our commitments to protection of children and the upholding of human rights.”

And she added: “To stand up and proclaim to be a supporter of human rights and rules-based systems and, yet, at the same time, trade arms when we know this was declared illegal, is unacceptable.”

The charity's furious response came after international trade secretary Liz Truss made the announcement of resumed sales on Tuesday.

She admitted Saudi forces had committed “possible” breaches of international humanitarian law but said the government viewed these as “isolated”.

“The incidents which have been assessed to be possible violations occurred at different times, in different circumstances and for different reasons,” she said in a statement.

The civil war itself started in 2015 when Houthi rebels, backed by Iran, took up arms against the internationally recognised government and claimed large swathes of territory, including the capital.

Saudi Arabia and seven allies weighed in in 2015 in a bid to restore power to the government.

The resulting fighting has left 80 per cent of Yemenis in need of humanitarian assistance with no sign of an end to the fighting – but, up until last summer’s export pause, had been something of a boon for the UK arms industry.

Since it started, the government has issued export licences worth £5.3bn, including £2.5 billion of licences relating to bombs, missiles and other types of ordinance.

Saudi-led coalition to investigate Yemen strike that UN official says killed seven children (The Independent) By: Bel Trew

July 14, 2020

At least seven children and two women have been killed in a suspected Saudi-led coalition airstrike in northwest Yemen, just days after the United Kingdom announced it would resume controversial arms sales to Riyadh.

Rights groups have repeatedly warned that weapons exported to Saudi Arabia could be deployed against civilians and used to commit war crimes in Yemen’s years-long civil war.

On Monday, War Child added its voice to the growing anger and said allowing these arms sales was “tantamount to signing the death warrants of thousands of children in Yemen”.

Lise Grande, the UN’s humanitarian coordinator for Yemen, said at least seven children and two women had been killed and a further two women and two children injured in the 12 July airstrike on the Hajjah government in northwest Yemen.

“It is incomprehensible that in the middle of the Covid-19 pandemic, when options for a cease-fire are on the table, civilians continue being killed in Yemen,” she said.

“We extend our sincere condolences to the families and loved ones of the children and women who were killed in this attack,” she added.

Turki al-Maliki, spokesperson for the Saudi-led coalition, said the alliance had referred the recent operation in Hajjah to its incident assessment team.

Saudi Arabia’s official news agency SPA quoted al-Malki as saying the commanders had discovered civilians may have been killed in the operation targeting “a gathering of Houthi leaders and combatants in the Washa district of Hajjah”.

UN experts have said that both the Saudi-led coalition and the Houthis have committed war crimes in Yemen and that the UK, the US and France may be complicit by arming and providing intelligence and logistics support to the Gulf alliance.

The Saudi-led coalition vehemently denies the accusations.

However, UN figures suggest the coalition has been responsible for killing and injuring at least 3,481 children in the five-year-old conflict, which has also claimed at least 100,000 adult lives.

Concerns have mounted amid a spike in airstrikes over the last few months despite a ceasefire in place due to the coronavirus pandemic. The Yemen Data Project recorded 271 air raids in June – the highest monthly rate since July 2018 – bringing the number of bombings in the first six months of the year to at least 1,088 air raids.

The monitoring group also said civilian casualties trebled to 26 in June from 9 in May.

Yemen has been gripped by a ruinous five-year war that erupted when the Iran-backed Houthi rebels seized control of the capital Sanaa ousting recognised president and Saudi ally Abedrabbo Mansour Hadi.

Saudi Arabia and its Gulf allies including the United Arab Emirates launched a bombing campaign in March 2015 to try to reinstate Mr Hadi.

Five years on there is little hope of an end to the fighting, which has sparked what the UN describes as the world’s worst humanitarian crisis and pushed millions to the brink of famine.

Despite the devastation, since the start of the war the UK has licensed at least £5.3bn worth of arms to Saudi forces, including fighter jets, bombs and missiles, according to the Campaign Against the Arms Trade (CAAT).

The UK government suspended weapons sales to Riyadh last year after the Court of Appeal ruled that the government needed

to assess whether the Saudi authorities had violated international law in its intervention in Yemen.

While the UK has admitted there are hundreds of incidents where the Saudi-led coalition has violated international law, international trade security Liz Truss maintained they were “isolated”.

The ban was lifted last week after the government’s own report found that there was no “pattern” of illegal airstrikes.

Downing Street has faced fierce backlash from campaigners. CAAT called the UK arms sales to Saudi “illegal, immoral and deadly” and said it was considering legal options to challenge the government’s decision.

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ASIA

Afghanistan

AFP wants charges considered over ABC's 'Afghan Files' stories (Sydney Morning Herald) By Anthony Galloway
July 2, 2020

The Australian Federal Police has recommended prosecutors consider laying charges against an ABC journalist over stories revealing allegations of potential war crimes by Australian special forces in Afghanistan.

The AFP has sent a brief of evidence to the Commonwealth Director of Public Prosecutions, after three years of investigating ABC journalists Dan Oakes and Sam Clark over their 2017 "Afghan Files" series of stories.

According to the ABC, the AFP has recommended the Commonwealth DPP consider charging Oakes over the leak, but is not referring any case against Clark.

In a statement, ABC managing director David Anderson said the public broadcaster was advised on Thursday that the AFP was referring allegations against Oakes to Commonwealth DPP.

"The allegations concern Dan’s reporting on the series of stories published by the ABC in 2017 known as the Afghan Files. They were also what prompted the AFP’s extraordinary raid on the ABC’s Ultimo headquarters last year," Mr Anderson said.

"This is a disappointing and disturbing development. The Afghan Files is factual and important reporting which exposed allegations about Australian soldiers committing war crimes in Afghanistan. Its accuracy has never been challenged.

"The AFP has advised it won’t be taking any further action against ABC journalist Sam Clark, who also worked on the Afghan Files. We welcome that news.

"The ABC fully backs Dan and we will continue to support him however we can. Doing accurate journalism that is clearly in the public interest should not be an offence."

Federal police raided the ABC's Sydney headquarters on June 5, 2019, over the leaked documents.

The documents revealed incidents of Australian troops killing unarmed men and children, which were being investigated as potential unlawful killings.

In a statement, the AFP said it received a referral on July 11, 2017, from the Chief of the Defence Force and the then-Acting Secretary for Defence in relation to the broadcast and publication of classified material.

"The AFP executed a search warrant on the Ultimo (Sydney NSW) premises of the ABC on 5 June 2019 in relation this matter," the AFP said.

"A brief of evidence has now been forwarded to the Office of the Commonwealth Director of Public Prosecution.

"The AFP will be making no further comment."

The national broadcaster launched proceedings in the Federal Court on June 24 last year to challenge the validity of the warrant, but the raids were ruled valid.

"Would just like to point out at this moment that whether or not we are ever charged or convicted over our stories, the most important thing is that those who broke our laws and the laws of armed conflict are held to account. Our nation should be better," Oakes tweeted on Thursday night.

"And who knew what? Upper echelons of Defence and intelligence communities are littered with men - always men - who presided over our special forces' activities in Afghanistan. Do they escape scrutiny while operators are held to account?"

The raids on the ABC occurred a day after the AFP raided the Canberra home of senior News Corp journalist Annika Smethurst.

The raids sparked calls from the media industry for a wide-scale reform of national security laws in Australia to protect press freedom.

A parliamentary inquiry into press freedom is due to hand down its report in the coming weeks.

In the midst of the controversy over the raids, Attorney-General Christian Porter issued a directive that charges against journalists under certain sections of Australia's national security laws be signed off by him, granting a limited layer of protection.

Russia Denies Allegations It Paid Militants To Kill U.S. Troops As 'Nonsense' (NPR) By Lucian Kim
July 8, 2020

"Fake." "Nonsense." "Lies."

The Kremlin reacted the same way the White House did to news reports that U.S. intelligence had allegedly found Russia offered bounties on American troops in Afghanistan.

The Russian Foreign Ministry said the initial story in The New York Times demonstrated the "low intellectual abilities of U.S. intelligence propagandists." President Vladimir Putin's spokesman, Dmitry Peskov, called subsequent reports "hoaxes" that damage the reputation of the media that publish them.

Russian officials spend a lot of time refuting allegations of malfeasance, from the poisoning of a former Russian spy in England to election interference in the United States. That Russian military intelligence may have paid bounties for killing U.S. and allied troops in Afghanistan appears to be just the latest accusation Moscow has categorically denied.

"Of course, they're going to deny. They're in the unfortunate position of having cried wolf so often that it becomes hard to know quite what to believe," said Mark Galeotti, a senior associate fellow at the Royal United Services Institute in London. "There is a sense of 'How stupid do you think we are?'"

Galeotti, an expert on Russia's security services, said a bounty program on U.S. soldiers would not only be foolhardy but would constitute a "massive escalation" in Moscow's testy relations with Washington.

Frants Klintsevich, a member of the Russian upper house's defense and security committee, called the allegations "complete stupidity."

"What would we get out of this? Who can give me a clear explanation?" Klintsevich said in an interview. "What do we get if the Taliban kill two or three American soldiers? The Russian intelligence services have neither a political nor an economic nor a military interest in it."

Klintsevich, a member of the ruling United Russia party, said the reports of the bounties are more about a domestic political struggle in the U.S. where Russia is being used as a "bogyman" to hurt President Trump's reelection chances.

Klintsevich served as a captain in the Soviet army's disastrous nine-year war in Afghanistan and heads an influential veterans' organization. He recalled how the U.S. financed and armed Afghan guerrillas known as the mujahedeen, who fought

successfully against Soviet forces. But Klintsevich said the United States went into Afghanistan in 2001 for the right reason: to fight the Taliban.

In the months after the Sept. 11 attacks, Putin — in his second year as Russia's president — tried to use a common front against terrorism as a way of deepening relations with the United States.

As President George W. Bush began bombing Afghanistan, Putin said Russia was ready, if necessary, to assist in search and rescue operations of U.S. military personnel. During a presidential summit in November 2001, Putin spoke at Rice University in Texas, saying he agreed with Bush that terrorists needed to be hunted down in Afghanistan.

The Soviet Union's stinging withdrawal from Afghanistan had taken place a little more than a decade earlier, and Russia still had a lot of expertise to share.

Lawmaker Klintsevich said he helped organize meetings between Russian veterans and U.S. officials.

"I myself took part and talked about my feelings, experience and knowledge with your specialists," he said. Klintsevich says he warned the Americans that invaders as far back as Alexander the Great had struggled to dominate Afghanistan.

Even as U.S. and Russian interests converged in Afghanistan, bilateral relations began to deteriorate over disagreements in other parts of the world. Putin was vehemently against Bush's war in Iraq and the continuing enlargement of NATO, while the U.S. was opposed to Russia's subsequent military interventions in Georgia, Ukraine and Syria.

When it lambasted the reports on bounties on American troops, the Russian Foreign Ministry said that U.S. intelligence may have leaked the story to scuttle efforts by Russian and U.S. diplomats to facilitate the peace process between Taliban fighters and the Afghan government. The ministry also accused U.S. intelligence of drug trafficking in Afghanistan.

Though Russia has banned the Taliban as a terrorist organization, leaders of the group have traveled to Moscow for talks hosted by Russian Foreign Minister Sergei Lavrov.

Many Russians who fought in Afghanistan consider the Taliban the descendants of the U.S.-backed mujahedeen. But lingering resentment from those times is unlikely to have motivated Russia to pay bounties on U.S. troops, said Galeotti, who authored a book on the Soviet war in Afghanistan.

While Russia is still deeply involved there, he said, paying bounties to Taliban-linked fighters carries a political price that's too high to bear.

Galeotti also discounted the possibility of a rogue element within Russian military intelligence.

"That guy is not going to be able to get signoff on large transfers of money without convincing lots of other people," he said. "The Russian security apparatus does not just simply hand out money willy-nilly. They're just like every other government bureaucracy."

Russian lawmaker Klintsevich said he has no hard feeling toward the Americans.

"It seems to me the U.S. military is doing the right thing by fighting terrorists, and that's important for the world," he said. "That's why I'm on the side of the American soldier who has gone into combat on the orders of his government."

Aussie soldiers accused of mass shooting (The Queensland Times)

July 14, 2020

An investigation is underway after Australian special forces were again accused of being responsible for killing innocent civilians in Afghanistan.

The Australian soldiers reportedly killed up to 10 unarmed villagers during a 2012 raid in Kandahar Province, ABC Investigations reported.

The raid, conducted by the highly-skilled Special Air Service Regiment (SAS), is believed to be the worst innocent mass shooting allegedly carried out by Australian soldiers in Afghanistan.

The December 2012 raid left a number of Taliban soldiers dead but also led to a number of unarmed villagers from Sara Aw, hiding near a tractor, being killed.

Villager Abdul Qadus told the ABC his brother Abdul Salim had been driving the tractor when he was allegedly killed.

"At the time he was carrying a load of onions, he was taking them to the city. There were some other people with him as well," Abdul Qadus said.

"The two other people who were near the Taliban in the area, I saw them being shot and killed and they didn't have anything with them.

"Another one was my cousin who was sitting and packing onions when they shot and killed him there."

The ABC reported no weapons were found on the villagers at the tractor. The publication also understands some SAS soldiers were unhappy about the fatal altercation in the village.

Abdul Qadus was also shot in the raid and evacuated by Australian soldiers to the Afghan National Army hospital at Kandahar air base.

Speaking to the ABC, villager Rahmatullah said three Taliban soldiers had been hiding in a hut and had tried to escape capture.

"No one (from the village) knew they were there," he said.

"They started resisting (the soldiers), then people learnt that they were killed. The rest of (those killed) were all civilians. One was Mohammad Azam, my brother."

Rahmatullah alleges the Australian soldiers "came after" them.

"(They) shot them at the tractor. They were shooting people intentionally. They were mass shooting," he said. Sources told the ABC there were up to 10 suspicious killings in the village of Sara Aw in December 2012, that also left five Taliban dead. The villagers claim 11 civilians were killed in the operation.

Farmer Mohammad Nassim said the Taliban were shot and killed in the fighting before the soldiers allegedly turned their attention to the villagers.

"It was 11am, three (helicopters) landed," Mr Nassim said.

"There were three Taliban in nomad houses (near the village). They resisted and were killed. But then they killed other people - civilians.

"Civilians were terrified when the shooting started, because they were mass shooting people."

Australian special forces soldiers have for years now been embroiled in allegations of war crimes in Afghanistan.

The Inspector-General of the Australian Defence Force tabled a report in federal parliament in February that revealed at least 55 separate incidents, from 2005 to 2016, were being investigated as part of an exhaustive probe that includes interviews with more than 330 witnesses.

News.com.au has contacted the Department of Defence for comment.

The same AK-47 was photographed on two dead Afghan civilians killed by Australian soldiers (Australian Broadcast Company) By Mark Wiliacy and Rory Callinan
July 14, 2020

Australian special forces allegedly planted the same weapon on the bodies of two different Afghan civilians after a raid in which locals say unarmed civilians were executed, the ABC can reveal.

An AK-47 assault rifle with teal-coloured tape wrapped around the stock was photographed next to two bodies in separate locations and logged in the special forces database after the raid at the village of Shina in May 2012.

The operation by members of 3 Squadron SAS left three Afghans dead, with the special forces claiming they were all insurgents and legitimately killed.

Australian sources have told the ABC that while one of the dead men was a Taliban fighter, the other two were civilians. This is backed by accounts from the families of two of the men.

ABC Investigations has spoken to several members who served on that 2012 special forces rotation of Afghanistan who say

that so-called "throwdowns", such as assault rifles and radios, were often used to cover up unlawful killings.

"Often people who had been killed had weapons placed on them and [they were] photographed with these weapons," said an SAS patrol member who served on that special forces rotation of Afghanistan.

"That happened on numerous occasions."

ABC Investigations understands the killings at Shina and the alleged use of a planted assault rifle are being investigated by the Inspector-General of the Australian Defence Force (IGADF).

For more than four years, the IGADF has been conducting an inquiry into allegations of war crimes committed by Australian special forces in Afghanistan.

Soldiers killed an elderly man in cold blood, son says

ABC Investigations commissioned an Afghan journalist to track down and interview relatives of the men from Shina, a remote district which is now back under Taliban control.

Relatives of two of the men killed that day say both were civilians and were shot in cold blood by the Australians.

Both were at the village when the SAS swept in.

Abdul Wali said the Australians landed in one helicopter near his family home and in another near the village reservoir.

"They had gloves on and their faces were camouflaged with green and other colours. They were unidentifiable."

Abdul Wali said his father Abdul Wahid, who was in his 80s, was ordered to approach the Australians.

"They called on my father and my father went towards them along with another elder, Mr Aminullah," said Abdul Wali.

"They were together at the time when they went towards them ... and they shot [my father]."

He says his father was shot in the abdomen and in the neck.

The two Afghans were not armed and did not present a threat to the soldiers, said Abdul Wali.

Shina farmer Sakhi Daad said he was irrigating his wheat when the Black Hawk helicopters landed.

He says the Australians detained the men of the village and put them in a compound.

"We were all handcuffed and they had guns. They told us not to look at each other," said Sakhi Daad.

"After a while shots were fired on the other side [of the compound]."

He says after the Australians left the men freed themselves and searched the area, finding three bodies.

One of them was his brother-in-law, Jan Mohammad.

"He was 20 years old, he was engaged, and he wasn't married yet. He wasn't able to work because his brain didn't work properly," said Sakhi Daad.

"He was mentally ill."

Sakhi Daad said when the Australian soldiers arrived, Jan Mohammad was grazing a cow.

"When the cow heard the helicopters, it ran and he ran after it," he said.

"Soldiers came his way ... and saw him running. I don't know what they thought, that maybe he is a Talib and running away or a civilian that is running away. They shot him straight away in the head." "This is impossible to forgive"

ABC Investigations can confirm that the body of Jan Mohammad was one of two photographed with the same AK-47 with teal coloured tape on the stock.

The third Afghan killed in the SAS raid was the imam of the local mosque, Muhibullah.

Abdul Wali says the killing of his father was unforgivable.

"He was on his own land. He never stole or did anything bad to anyone. He was an elderly person. This is impossible to forgive and I won't forgive it," he said.

"I want [the Australians] to be tried," said Sakhi Daad. "If the government cares about us, if they care about our widows and orphans, then they must summon them and try them in the court."

The Inspector-General is believed to be in the final stages of preparing its long-awaited report for the chief of defence.

An Australian Defence Force spokesperson said: "It is not appropriate for Defence to comment on matters that may or may not be the subject of the Afghanistan Inquiry."

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

Special Penal Decides on KHIEU Samphan's application for disqualification of six appeal judges who adjudicated in case 002/01 (Extraordinary Chambers in the Courts of Cambodia)

July 14, 2020

Today, the Special Panel of the Extraordinary Chambers in the Courts of Cambodia issued its Decision on KHIEU Samphân's Application for Disqualification of the Six Appeal Judges Who Adjudicated in Case 002/01.

On 31 October 2019, the Co-Lawyers for KHIEU Samphân filed the Application for Disqualification and requested the Supreme Court Chamber to disqualify the Six Appeal Judges who adjudicated in Case 002/01. On 25 November 2019, the Co-Prosecutors as well as the Civil Party Lead Co-Lawyers each filed their respective Responses to the Application for Disqualification.

On 17 December 2019, the Judicial Administrative Committee unanimously finalised the composition of the Special Panel to adjudicate KHIEU Samphân's Application for Disqualification.

The Special Panel, in its Decision, set forth the legal foundations governing the admissibility of an application for disqualification of a judge and unanimously found KHIEU Samphân's Application for Disqualification admissible (at paras 22-43).

On the merits of the Application for Disqualification, the Special Panel set out the applicable legal standard for disqualification of a judge and found that neither the alleged prejudging of the Appeal in Case 002/02 (at paras 62-87) and erroneous findings in the Case 002/01 Appeal Judgment (at paras 100-112) nor the procedural uncertainties following the pronouncement of the Case 002/02 Trial Judgment (at paras 119-124) suffice to rebut the strong presumption of impartiality attached to the Challenged Judges. Accordingly, the Special Panel unanimously dismissed the Application for Disqualification in its entirety.

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Bangladesh International Crimes Tribunal

War Crimes Investigation in Myanmar

Myanmar: Court Martial Latest Accountability Sham (Human Rights Watch)

July 3, 2020

Myanmar’s court-martial conviction of three military personnel for crimes against ethnic Rohingya reflects ongoing government efforts to evade meaningful accountability, Human Rights Watch said today. Myanmar authorities have repeatedly failed to adequately investigate and prosecute grave abuses against Rohingya in Rakhine State, including crimes against humanity.

On June 30, 2020, the Myanmar military announced that two officers and a soldier had been convicted for “weakness in following the instructions” during the “Gu Dar Pyin incident.” Rakhine State’s Gu Dar Pyin village was the site of a massacre by the military on August 27-28, 2017, part of its campaign of mass atrocities that forced more than 740,000 Rohingya to flee to Bangladesh. The military did not provide any other information, such as the names and ranks of those convicted, their role in the massacre, or their sentences.

“Myanmar’s farcical court martial is the latest attempt to feign progress on accountability in an apparent attempt to influence the United Nations and international tribunals,” said Shayna Bauchner, assistant Asia researcher. “Foreign governments should demand Myanmar open its doors to truly independent and impartial international investigators.”

The Gu Dar Pyin court martial began in November 2019 following a military investigation led by Maj. Gen. Myat Kyaw that found “grounds to believe the soldiers did not fully comply with the rules of engagement.” Closed hearings were held in Buthidaung township through April 30.

Maintaining its characteristic lack of transparency, the military has not released details about the trial or the actions being taken. Military spokesman Brig. Gen. Zaw Min Tun said the military, known as the Tatmadaw, was withholding information to avoid harming military morale. “We have to consider their dignity and service,” he said. “We don’t want this [case] to affect the morale of Tatmadaw soldiers in performing their duties and their spirit of comradeship.”

Human rights groups, the media, and UN investigators extensively documented the Gu Dar Pyin massacre. Rohingya witnesses said that hundreds of heavily armed soldiers and police surrounded the town and shot villagers as they tried to flee. The UN-backed Fact-Finding Mission on Myanmar reported that soldiers abducted women and girls from the village and gang raped them at a nearby military compound. The Associated Press identified at least five mass graves where soldiers piled the bodies, before burning their faces off with acid. An estimated 300 to 400 Rohingya were killed. Security forces burned down every structure in the village.

The Myanmar government has denied evidence of the military’s attack on Gu Dar Pyin. Instead, it claimed security forces were responding to an attack by the Arakan Rohingya Salvation Army (ARSA), an ethnic Rohingya armed group, and local villagers, during which 19 Rohingya “terrorists” died, their bodies “carefully buried.”

Authorities also announced that military investigations into the attacks in Chut Pyin and Maung Nu, other villages in Rakhine State, are ongoing.

For decades, Myanmar’s justice system has failed to address military violations of human rights and the laws of war. The military and its justice system remain outside civilian control and oversight, instead falling under the authority of the commander-in-chief. In the sole prior convictions handed down for the 2017 abuses, seven soldiers were sentenced to 10 years in prison for their role in killing 10 Rohingya in Inn Din village. Yet in November 2018, after serving just seven months, all were released and pardoned by the commander-in-chief, Sr. Gen. Min Aung Hlaing.

This latest case underscores the Myanmar government’s longstanding efforts to conceal military crimes with hollow admissions of wrongdoing and claims of justice. Both the military and the civilian government have been unwilling to

investigate widespread abuses against Rohingya in Rakhine State since 2012.

In response to international attention, the government has set up a series of commissions intended to stave off calls for action, rather than prosecute those responsible or advance justice. In January, Myanmar's Independent Commission of Enquiry released a report that failed to hold senior military officials responsible or provide a credible basis for justice and accountability. It also upheld the military's narrative on the Gu Dar Pyin massacre, reporting that 19 had died in counterterrorism operations.

The Myanmar government implausibly continues to claim, as it did at the UN Human Rights Council session on the Rohingya on June 30, that it "is willing and able to address the issue of accountability," and that "the domestic justice system of a country must be respected." If Myanmar is serious about accountability, it should grant access to Rakhine State to international investigators, including the UN Independent Investigative Mechanism for Myanmar, the new UN special rapporteur on Myanmar, and the International Criminal Court, which opened an investigation into the crime against humanity of deportation and other related crimes in November 2019.

In November, Gambia filed a case before the International Court of Justice (ICJ) alleging that Myanmar's atrocities against the Rohingya violated the Genocide Convention. During ICJ hearings in December, Myanmar leader Aung San Suu Kyi cited the Gu Dar Pyin case as evidence of the military's "will to accountability": "I am encouraged by the Gu Dar Pyin court martial, and I expect the Office to continue its investigations and prosecutions based on reliable evidence gathered in Rakhine and from persons who witnessed what happened there."

In reality, these court-martial proceedings reflect the military's unyielding impunity and the government's protection of it, scapegoating a few soldiers rather than seriously investigating the military leadership who oversaw the atrocity crimes.

On January 23, the ICJ unanimously ordered Myanmar to prevent genocide, preserve evidence, and regularly report to the court on its implementation of the order.

"The Gu Dar Pyin convictions merely highlight that those ultimately responsible for the Myanmar military's mass atrocities, like Sr. Gen. Min Aung Hlaing, are not being investigated and remain answerable to no one," Bauchner said. "Concerned governments should recognize that Myanmar won't credibly investigate itself, and should press the government to cooperate with international commissions and courts so that those responsible for grave crimes can be held to account."

Myanmar air raids 'that killed children amount to war crimes' (Al Jazeera)

July 8, 2020

Myanmar's military has killed civilians, including children, in indiscriminate air attacks amid worsening conflict in the country's western Rakhine and Chin states, a prominent rights group said, urging the United Nations Security Council to launch a war crimes investigation.

In a report on Wednesday, Amnesty International said it collected new evidence showing Myanmar's military - also known as the Tatmadaw - bombed several villages in Chin state in March and April, killing more than a dozen people.

One witness who was interviewed remotely told the group that an air raid in Paletwa Township on March 14 and 15 killed his uncle, his brother and his brother's 16-year-old friend.

Two people from another family in the same village cluster said nine people, including a seven-year-old boy, were also killed in the bombardment.

"Our family is destroyed," the boy's father told Amnesty.

In another round of aerial raids in Paletwa on April 7, seven people were killed and eight wounded, the report said, citing testimony from a farmer.

The indiscriminate attacks, which Amnesty said amounted to war crimes due to civilian deaths, came amid a surge in fighting between the Tatmadaw and the Arakan Army (AA), an armed group seeking greater autonomy for the Buddhist Rakhine people who make up a majority of Rakhine state's population. The region is also home to the mostly Muslim Rohingya, and borders Chin state, whose people are mostly Christian.

The conflict escalated in January last year following an AA attack on police posts and worsened in March after Myanmar's government officially labelled the group a terrorist organisation. The AA posed "a danger to law and order, peace and stability of the country and public peace," it said.

Call for war crimes probe

Tens of thousands of people have been forced from their homes in the unrest, and much of the fighting is taking place in communities where the internet has been cut off for more than a year, and against the backdrop of the new coronavirus pandemic.

"While Myanmar authorities were urging people to stay at home to help stop COVID-19, in Rakhine and Chin states its military was burning down homes and killing civilians in indiscriminate attacks that amount to war crimes," said Nicholas Bequelin, Amnesty International's Asia-Pacific Regional Director.

"The reliance on air strikes and internet blackouts may be new, but one constant is the military's remorseless neglect for civilian life," Bequelin said, calling on the UN Security Council to refer the situation in Myanmar to the International Criminal Court (ICC) for a war crimes inquiry.

"This relentless pattern of violations is clearly a matter for the ICC. The Security Council must act," he added.

Zaw Htay, spokesman for Aung San Suu Kyi's government, did not respond to calls for comment. But the Ministry of Foreign Affairs issued a statement addressing concerns over the internet blackout, saying access was restricted to "prevent the AA from exploiting mobile internet technologies to detonate" bombs and landmines.

Internet will be restored once the situation "stabilises", the statement said, adding that the government is taking measures to ensure the shutdown does not hinder efforts to combat the virus. Such action include disseminating COVID-19 information through SMS messages, the ministry added.

Media access to Rakhine is heavily restricted, and prearranged visits with government minders are the only way foreign journalists can report from the area.

Myanmar is already under investigation in the International Court of Justice (ICJ) over its treatment of the Rohingya, hundreds of thousands of whom fled Rakhine following a brutal military crackdown nearly three years ago. The government had defended what happened then as a legitimate response to attacks by Rohingya fighters from a small armed group, known as the Arakan Rohingya Salvation Army.

In January, the court said "irreparable damage" had been caused to the Rohingya and ordered the government to take immediate steps to prevent genocide. Some Rohingya still live in the area, often in squalid camps.

Beatings, threats

In its latest report into the situation in the troubled region, Amnesty said it collected testimony from witnesses who recounted arbitrary detention and torture, and verified video footage showing abuses by the Tatmadaw. One woman whose husband was arrested in February said soldiers had tied up the detained man and beaten him for four nights and five days.

"He wasn't given food or water ... They kicked and hit him with rifles in the back and kicked his chest as well," she said, recounting what her husband had told her. "Before this, he was tall and big, but when I saw him ... he was visibly thin."

The beating of detainees appears to be widespread, Amnesty said, noting that the military had admitted its soldiers punched and kicked blindfolded detainees in May after a video of the incident went viral.

The group, citing satellite imagery of conflict-affected villages, also reported widescale burning consistent with Myanmar military tactics. The Tatmadaw and the Arakan Army have previously blamed each other for the village burning.

Separately, the Chin Human Rights Organization (CHRO) said more than 500 Chin people were currently stranded in Paletwa after the army turned them back as they were returning to their villages by boat. The group - all local administrators - had travelled to the town for a meeting.

The military "stopped us and told us that we cannot go back to our villages," one of the village administrators told CHRO. "When we asked them why we are not allowed to return having already allowed us to enter, the soldiers at the security post shouted, 'Do not ask any questions or say anything in return. We were given orders from above.' No one dares to go since some boats were even shot at in order to threaten us."

Amnesty said it was not able to document operations and abuses by the Arakan Army in the reporting period due to COVID-19 travel restrictions and limited access to conflict-affected areas and witnesses.

But reports suggest the Arakan Army has continued a pattern of abuses including the endangering the lives of civilians during attacks and intimidation of local communities, the group added.

10,000 Rally Over Shooting of Civilians in Myanmar's Shan State (Radio Free Asia) By Kan Thar
July 10, 2020

Thousands of residents of Myanmar's northern Shan state protested on Friday over an incident last month when government troops allegedly killed one civilian and injured another in a clash with a local ethnic army, local residents said.

Shan state, Myanmar's largest state and home to country's second-largest ethnic group, has been under armed conflict between government forces and ethnic-based armies fighting for autonomy almost without pause since the former Burma gained independence from Britain in 1948.

The estimated 10,000 people who protested Friday in Kyaukme township were angered by a killing in late June during a showdown involving the government army and the Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-S), one of seven ethnic armies operating in the state.

Amid a dispute over army accusations that the RCSS had crossed without advance notice into army-controlled territory when it burned a cache of illegal drugs to mark the International Day Against Drug Abuse and Illicit Trafficking, a Myanmar military column opened fire on June 29 as it entered Pan Kin village.

The gunfire fatally wounded civilian Lone Hsu, and injured a middle-aged woman named Nang Moon Sang in her hip, villagers told RFA's Myanmar Service.

The shooting came two days after Myanmar troops detained Sai Maung, a man from a different community, and forced him to take them to Pan Kin village to search for RCSS troops. They later beat him unconscious and left him by a roadside where a monk found him and took him to a hospital, villagers said.

"For the man who died, we want compensation," said protester Sai Su Kyar Lin.

"For the injured, we want compensation for treatment as well," he said. "We are protesting because we want justice for the man who was killed and the other injured people."

During a two-mile march through town, protesters held photos of the dead man and injured villagers along with placards that read "No Military That Kills People."

Police initially barred protesters who tried to enter Kyaukme town for violating COVID-19 restrictions on public gatherings, but later failed to stop the crowd, estimated by police to be about 10,000 strong.

"We had stopped them because of the Ministry of Health's guidelines that prohibit gatherings of more than five people," Banyar Oo, deputy chief of the Shan State Police, told RFA.

"Though they asked for permission to protest, we can't let them do it at this time," he added. "We will take action against the protesters who don't have permission according to the law."

Banyar Oo also said that the Myanmar military formed a court martial led by a colonel to investigate the shooting and beating incidents.

Human rights violations

Local lawmakers said they filed a complaint over the human rights abuses with the Myanmar National Human Rights Commission.

"One of the victims was killed and the other was injured by irresponsible acts," said Sai Tun Nyan, a state lawmaker from the Shan Nationalities League for Democracy (SNLD) party, adding that the middle-aged woman was shot at close range.

"We talked about this violation of human rights with our party leader, and four lawmakers from SNLD, including me, reported the case to the Myanmar National Human Rights Commission on July 2," he added.

On Friday, the Myanmar military issued a statement saying that authorities would take action under the country's Peaceful Assembly and Peaceful Procession Law against three protest leaders in He Kwi village — Sai Than Maung and two monks, Ashin Zawtika and Ashin Arlara.

The statement did not say how the three led the protest or what their specific roles in it were.

Myanmar spokesman Brigadier General Zaw Min Tun told RFA that the armed forces would not ignore the matter if the shootings and abuse were in fact committed by soldiers.

“There can be collateral damage due to any fighting,” he said. “The government army has been fighting the RCSS, and we’ve had casualties too, but we don’t know about civilian casualties.”

“If government troops violated rules, then we can’t ignore the findings of the investigation, and we will take action against them,” he said. “[But] we consider this protest to be a form of pressure [by the RCSS] because they did it without waiting for the results of the investigation.”

RCSS spokesman Lieutenant Colonel Sai Ohm Khay said that the ethnic army was not aware that locals were going to stage a protest.

“We didn’t suggest it or force them to do so,” he said. “We don’t have the right to do that.”

Displaced civilians

Though the RCSS/SSA-S is a signatory of the government’s nationwide cease-fire agreement (NCA) — the only ethnic army in Shan state to sign the 2015 pact — tensions with Myanmar troops have reignited over troop movements into each other’s territory.

The latest flare-up occurred despite a temporary unilateral cease-fire declared by Myanmar forces and in effect from May 10 to Aug. 30 to prevent and contain the spread of the coronavirus.

Clashes between the RCSS/SSA-S and Myanmar forces on June 23 and 26 in Kyaukme and Namtu townships forced about 940 civilians to flee their homes, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

Humanitarian groups and local authorities have provided basic emergency assistance to the displaced villagers, the organization said in a regional briefing issued in early July.

“Until these incidents, fighting and displacement in northern Shan state was on a downward trajectory compared to 2019 when an estimated 26,000 people were temporarily displaced in the area due to sporadic clashes throughout the year,” OCHA said.

Grisly Death Highlights Increasing Civilian Detentions in Myanmar’s Rakhine Conflict (Radio Free Asia) July 15, 2020

A family in western Myanmar’s Rakhine state was ordered to collect the battered body of a 37-year-old man, days after he was detained by the army for suspected ties to the rebel Arakan Army — a victim of what rights workers say is a rising tide of arrests that has swept up hundreds of mostly young men.

Authorities say Soe Myint Tun, detained on July 11 by the army with five other ethnic Rakhine men suspected of links to AA, hanged himself while under interrogation. His family says he was an ordinary villager and that his body shows clear signs of torture. What is not in dispute is that he died in official custody.

Civilian detentions, a controversial Myanmar army practice during decades of wars with ethnic armies, are on the rise in the southern part of Rakhine, which had been relatively untouched by the armed conflict that has ravaged the northern section of the state for 19 months, those familiar with the situation told RFA.

A legal aid group based in Sittwe, the capital of Rakhine state, counts 95 cases in which soldiers have arrested 308 individuals in Rakhine state for allegedly having connections to or conspiring with the AA. Most are young men in rural areas, often picked up on little evidence.

“Lately, there are more cases of arresting civilians merely on suspicions,” Myo Myat Hein, program director at the Thazin Legal Aid Group, told RFA’s Myanmar Service, adding that all the cases are all being tried in courts.

“These cases have increased in Ann and Kyaukphyu areas,” said the attorney, referring to two townships in the southern part of the coastal state. Myo Myat Hein reckons 500 or more Rakhine civilians are on the run to avoid arrest by the army.

Myanmar military spokesman Brigadier General Zaw Min Tun told RFA on Wednesday that he did not have a figure for the total number of civilians who have been arrested and charged for allegedly having links to the AA.

The AA seeks autonomy for ethnic Rakhines in the state, a riverine land of 3.2 million people on the Bay of Bengal that is one of Myanmar's poorest states. The AA, formed in 2009 with an estimated 8,000 fighters last year, was declared an illegal association and terrorist organization by the government in March.

Soe Myint Tun's detention was among a series of recent arrests of Rakhine civilians in July, revealed to RFA in telephone interviews with relatives of the detained men.

July 11, soldiers from Myanmar Army Infantry Battalion Nos. 34 and 35 military troops raided Ah Lel Chaung village in Ramree township and arrested six villagers, said community administrator Maung Maung Shwe.

"They inspected all the houses in the village and took away the people they wanted for interrogation," he said, adding that the soldiers had a list of the villagers' names and national ID card numbers.

They deemed seven villagers suspicious, but only took six of them away and let one teenager go free, Maung Maung Shwe said. He described the men as ordinary farmers, fishermen, and road workers, with no known connections to the AA.

'Beaten to death'

On Tuesday, three days after the six men were taken away, local police informed the relatives of Soe Myint Tun to collect his body, claiming that he hung himself while in custody.

"We were informed by the Ma-Ei police station through the Ramree township police station that Soe Myint Tun had died," family member Kyaw Hlaing told RFA. "They asked the family members of all six detainees to come to the police station."

"When we saw his body, it looked like he had been tied and beaten to death," Kyaw Hlaing said. "His face and head were full of bruises and open wounds. It is impossible that he died from hanging. He must have died from torture and beatings."

Other relatives and villagers who saw the body confirmed signs of beating.

Zaw Win, commander of the Ramree township police force told RFA that Soe Myint Tun did not die in that police station, but during an interrogation in next-door Taungup township.

Brigadier General Zaw Min Tun said an autopsy would determine the truth about how Soe Myint Tun died.

The fate of other five men taken from Ah Lel Chaung village on July 11 remains unclear.

Rakhine patriotic songs

In another incident tracked by RFA on July 11, also in southern Rakhine state, Phyo Win Aung, 20, and Tun Myint Soe, 32, from were arrested after soldiers entered Saing Chon village in Kyaukphyu township and discovered information on their mobile phones that allegedly linked them to the AA, their relatives said.

Pho Win Aung's mother, Ye Ye Win, said her son was arrested for having records of phone calls to friends who are AA members. He was naïve to answer the calls from his friends, she said, but was not involved with the ethnic armed group.

"As far as I know, he doesn't have any connections to any organizations," she told RFA.

"They said he had contacted AA members. He is just a young adult and has no consideration for the consequences of answering such phone calls. My son didn't do anything wrong," she said.

Similarly, soldiers arrested two villagers from Kyaukphyu's Zin Chaung village on July 7, and their family members have not had any contact with them.

On the same day, Myanmar Army troops arrested two villagers from Lay Taung Chaung in Ramree township, saying they had violated the country's Counter-Terrorism Law for having Rakhine patriotic songs on their phones, their relatives said.

Myanmar military spokesman Zaw Min Tun rejected the suggestion that soldiers had detained the villagers for having songs on their cell phones.

"Maybe they found indisputable evidence on their phones, such as evidence of having connections with the enemy or sending the military's troops information to AA troops," he said.

"Once we found such evidence, we proceeded to interrogate and charge the individuals lawfully," he added. "But it is not true that the military arrested the civilians just for having Rakhine patriotic songs on the phone. These accusations are pure

propaganda.”

The military also announced it had arrested seven villagers from Kyaukphyu’s Kat Thabyay village on June 6 on suspicion of having connections to the AA and charged them under the Counter-Terrorism Law on July 4.

Arbitrary arrests ‘not good’

Zaw Min Tun defended the military’s extended detentions, saying they were necessary because AA troops sometimes disguise themselves as civilians to more easily attack government troops or to detonate landmines.

“It is very challenging for us to distinguish between them [civilians and AA soldiers],” he said. “AA troops in civilian clothes attack us and flee to take shelter in the village.”

“We might have arrested some people for suspicious activities, but we alone cannot charge them. It is up to the corresponding police station and court,” he added.

Khin Maung Latt, a Rakhine lawmaker in Myanmar’s upper house of parliament who represents Rathedaung in the northern part of the state, said soldiers should allow the family members of those arrested to have access to them.

“Making arbitrary arrests is not good,” he told RFA. “They should keep these detainees in conditions mandated by the law. Their families should be informed. They are not guilty until the court proves them guilty. Their cases should be tried at court.”

The military arrests in Rakhine state follow a familiar pattern of arbitrary arrests, detention of ethnic civilians caught up over the years in other Myanmar war zones, including in Kachin and northern Shan states.

Rights groups have called for international action to halt the ill treatment of civilians, which at times includes forced labor and extortion, in various conflict zones to ensure that those responsible for serious crimes are held accountable.

A 2019 report by Amnesty International found that the Myanmar military in northern Shan state subjected civilians to arbitrary detention, often arresting men and boys on the basis of their ethnic identity and a perceived link with one of the many armed groups active in the state.

“As is the case in other conflict-affected areas of Myanmar, arrests and detention were often accompanied by torture and other ill-treatment,” said the report, based on interviews with nearly 90 people, including witnesses to rights violations, with incidents documented by satellite imagery and photographs.

“Soldiers beat, kicked, and punched detainees in order to obtain information about ethnic armed groups, or else to force detainees to ‘confess’ to being members of such groups,” it said.

Appropriate punishment

Zaw Zaw Tun, secretary of the Rakhine Ethnic Congress said 20 percent of the total 194 civilian deaths that his NGO has tallied during the 19-month conflict occurred while individuals were in military detention.

“Their bodies were found with injuries, so these deaths were related to the military’s interrogations,” he told RFA.

Aung Myo Min, executive director of the human rights education group Equality Myanmar, said certain mechanisms are needed to probe deaths that occur in military custody.

“We need certain mechanisms in place to investigate these deaths when they occur,” he said. “When it comes to the investigations, the investigators should be able to work independently, and all parties should cooperate with them.”

The major shortcoming in the current process is a lack of appropriate punishment for those who are found to have violated the rights of detainees or abused them once the investigations have been completed, Aung Myo Min said.

“Because of this weakness, the violators become more aggressive and unafraid of the consequences when arresting and torturing [other] detainees,” he said.

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North & Central America

The US Army's Twitch stream is being flooded with questions about war crimes (PC Gamer) By Andy Chalk
July 9, 2020

In late 2018, the US Army put together its own esports team as part of a marketing push to encourage young people to consider a career in the military. As part of that effort, the Army also recently launched its own official Twitch channel to "share the Army's passion for gaming, showcase competitions, and connect with our viewers."

But as reported by Vice, its big PR push has recently run into some issues with the Twitch community. During a Call of Duty: Warzone stream last night, players began asking about war crimes committed by the Army—inquiries that were quickly deleted by moderators.

The heightened interest in the Army's esports activities was spurred at least in part by a recent Twitter conversation between its esports team and Discord. The exchange concluded with the Army tweeting "UwU" which a large number of viewers found to be in bad taste, given the source.

Twitch streamer Joshua "Strotrnium" David, a US Army Ranger and member of its esports team, referenced that reaction during the stream last night, although he didn't seem to have any regrets.

"I think every post that I do from now on is going to say 'UwU' in it, just to flex. Y'all gonna go talk all that crap to my angel on the esports team, the nicest person in the entire world. Little internet keyboard monsters is what you are," he said. "I won't stand for that. I'm bigger than you."

Unsurprisingly, that didn't smooth the waters, and the army's troubles continued through today. Moderators set a one-hour follow requirement for posting in chat, but multiple viewers were patient enough to follow, wait, and then ask about, for instance, the 2015 bombing of an MSF hospital in Kunduz, Afghanistan. That chat restriction was extended to 24 hours shortly before the stream finished.

The US military has long used videogames as a recruitment tool—the original America's Army FPS was released all the way back in 2002. More recently, however, it's shifted focus to esports. The Army was the first to make the move, but the US Navy and Air Force have since established esports programs of their own, and have also partnered with major esports organizations for high-profile tournament sponsorships. Those sponsorships not only put their branding front-and-center at live events, they also enable setting up "experiential activation[s] onsite," a term that I'm reasonably certain refers to recruiting booths.

But the livestreaming aspect of that shift may prove more challenging than the military expected. America's Army was a one-way street, but the inherent interactivity of streaming on Twitch opens the door to people who may take issue with American military adventures, or the military's propensity for preying on young, impressionable audiences for recruitment. It's probably wishful thinking, but if the pushback on military livestreams continues, it could make the effort more trouble than it's worth.

Interestingly, while the US Army, Navy, and Air Force have all embraced esports, the US Marines—typically seen as the most gung-ho of the country's military branches—rejected the idea earlier this year, "due in part to the belief that the brand and issues associated with combat are too serious to be 'gamified' in a responsible manner." Some local Marine recruiters do have "marketing partnerships" with esports organizations, however, such as one earlier this year with Esports Stadium Arlington, "the largest dedicated esports facility in North America," which granted one hour of free gameplay per qualifying grade for high school students who earn A marks on their report cards through the Marine Corps Academic Excellence Program.

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South America

Duque's 'genocidal revenge' on Colombia's social leaders' support for peace process (Colombia Reports) By

Adriaan Alsema

July 9, 2020

The archbishop of Cali sparked a fierce debate after accusing Colombia's President Ivan Duque of taking "genocidal revenge" against social leaders supporting the country's peace process.

The Colombian Catholic Church distanced itself from Archbishop Dario Monsalve, who accused Duque of a "genocidal revenge to completely dismember society, social organizations and democracy in the fields and in the territories."

Monsalve made the comments over the president's failure to act against the mass killing of human rights defenders and community leaders' lives since the 2016 peace deal.

According to conflict monitoring NGO Indepaz, at least 159 social leaders and 25 demobilized members of the FARC have been assassinated.

The rejection of the Church and the government sparked a major support campaign for Monsalve, particularly from the organizations who have suffered the violence that has attracted the attention of the United Nations' genocide prevention chief.

Indigenous and Afrocolombian organizations from the southwest of the country said Monsalve's harsh criticism of the president and his far-right Democratic Center party "reflect how the communities in the Pacific and other regions think and feel."

Statement by ethnic minorities

"Duque's government and his party have been faithful to their electoral campaign of "shattering the peace agreement" by attacking the different mechanisms agreed upon (the war crimes tribunal, the Truth Commission, the unit for the search of disappeared persons) and drastically weakening its implementation in the areas of integral rural reform, substitution of illicit crops, protection of communities, dismantling of paramilitary structures and integral reincorporation of former combatants of the extinct FARC-EP.

The communities in many territories of the Pacific and Southwest that suffer from the worsening of the armed conflict are subjected to genocide, as the painful figures show: since the signing of the peace agreement, more than 460 social leaders and human rights defenders have been murdered, as well as 216 ex-combatants and signatories of the peace agreement. The physical extermination of the indigenous peoples, reflected in the assassination of 167 indigenous leaders during the government of President Duque, is notorious.

The planting of "Peace with Legality" is a deceptive discourse, since it governs illegality in peripheral territories even more strongly. The refusal to accept the existence of an armed conflict that must be solved through negotiation is clear. Meanwhile, there is a kind of revenge against our territories that we continue to bet on negotiated peace."

Duque has always claimed to be living up to his obligations, despite constant efforts to alter or obstruct the peace process.

The president's political patron, former President Alvaro Uribe, has continued to refer to human rights defenders as terrorists while Uribe and many members of his party have been linked to organized crime and crimes against humanity that could be exposed during the peace process.

'Uribe is a war criminal': Colombia's former chief prosecutor (Colombia Reports) By Adriaan Alsema

July 9, 2020

Colombia's former chief prosecutor said Wednesday he has the evidence to see former President Alvaro Uribe convicted for two massacres.

In an interview with Semana, former Prosecutor General Eduardo Montealegre said he and his former deputy, Jorge Perdomo, are able to prove Uribe was involved in the El Aro and La Granja massacres when the far-right political patron of President Ivan Duque was governor of the Antioquia province in the late 1990's.

Uribe tried to frame Montealegre and Perdomo while on trial on fraud and bribery charges last year, claiming they were conspiring against him, but failed.

The former chief prosecutor, who was ordered to investigate the massacres when he was in office between 2012 and 2016, continued the investigations and told Semana he will go to court as soon as the Supreme Court, which is closed because of the coronavirus pandemic, reopens.

Despite evidence Uribe has been involved in organized crime since before 1980 when his friends of the Ochoa crime family founded the Medellin Cartel, the far-right politician has evaded justice, but his time is up, Perdomo told Semana.

“Uribe’s time has come to answer to justice. During his long political career, he has gotten away with all the crimes he has committed. He remained in impunity, he has managed to evade justice, but his time has come. Uribe is a war criminal.”

Former chief prosecutor Eduardo Montealegre

Uribe called Montealegre a liar on Twitter and said his alleged involvement had been “totally disproven,” contradicting the court order to investigate the former president.

Duque’s political patron has come under increasing legal pressure over the past years.

Since 2018, the Supreme Court ordered the investigation of Uribe for allegedly manipulating witnesses who had testified he had co-founded a death squad, received illegally obtained intelligence reports on critics from the National Army and ordered election fraud to secure the election of the president.

SA can learn from Argentina's quest for justice against 'dirty war' torturers (IOL) By Shannon Ebrahim
July 15, 2020

Who would have ever thought that the man who presided over the worst torture centre of Argentina’s military dictatorship would have been posted to Argentina’s embassy in Pretoria at the height of apartheid in 1979?

Vice-Admiral Ruben Chamorro was chief of the notorious Argentinian torture centre ESMA (Navy School of Mechanics) responsible for over 4 000 death flights where thousands of political dissidents were drugged and dropped by planes into the sea. Those bodies which disappeared are part of what is called “the missing”.

Chamorro was sent to the embassy in South Africa as military attache in 1979, a month before the SADF began its own death flights. Chamorro was followed by Captain Alfredo Astiz, who was also known as the “Blond Angel of Death” who was also posted to the embassy in Pretoria, and was the most notorious torturer of Argentina’s “dirty war”.

A total of four torture experts were attached to the Argentinian embassy in South Africa.

The collusion of Argentinian generals and apartheid’s top brass is well documented, particularly the training of apartheid military officers in torture tactics at secret bases in what was then South West Africa.

There were several seminars at which the Argentinians and the South African security branch exchanged methods of interrogation.

This is the subject of a soon-to-be-released book by Michael Schmidt called Death Flight, which documents how a highly clandestine unit called Delta 40 copied the example of their Argentinian counterparts and did the dirty work of disposing of hundreds of ANC, PAC, and Swapo activists by drugging them and throwing their bodies into the Atlantic ocean.

The military dictatorship in Argentina which lasted from 1976-1983 hunted down left-wing activists and political opponents, brutally tortured them and tens of thousands of civilians were killed and never seen again. By the end of the eight-year dictatorship, 60 000 Argentinians had been killed, 30 000 disappeared and 400 000 jailed.

The difference between what has happened in Argentina and what has happened in South Africa is that the perpetrators of these crimes in Argentina have been prosecuted; in South Africa they have not.

In 2005 Astiz was prosecuted on charges of kidnapping, torture and murder, and together with others who had been associated with ESMA was convicted and sentenced to life imprisonment in Argentina for crimes against humanity in October 2011. Before Chamorro could be prosecuted for his crimes he died of a heart attack in 1986.

He had, however, been under arrest since 1984, and was among at least 100 military or police officers accused of committing human rights violations during the former military dictatorship.

In South Africa those responsible for the SADF's death flights did not apply for amnesty during the Truth and Reconciliation Commission (TRC), and have never been prosecuted for their crimes against humanity, as their Argentinian counterparts have. Neither have torturers of South African detainees been prosecuted despite the fact they never applied for amnesty.

This is the focus of this three-part series which looks at what South Africa can learn from Argentina in terms of transitional justice, as Argentina has been a beacon of progress in terms of its quest for justice, in a region where many of the perpetrators of such gross violations of human rights have never been held accountable.

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Venezuela

Bachelet Report on Venezuela: Executions, Torture, and Disappearances (Panam Post) By Emmanuel Alejandro Rondón
July 6, 2020

Michelle Bachelet, the United Nations High Commissioner for Human Rights, presented a new report on the situation in Venezuela based on the events that took place between June 2019 and May 2020. The document denounces several of the atrocities perpetrated by the security forces of Nicolas Maduro's tyranny: executions, torture, forced disappearances, persecution of dissidents, and arbitrary arrests.

The 17-page report presented on Thursday consists of complaints about possible human rights violations but also highlights the political, economic, and social situation in the country.

Executions by regime's armed forces

One of the most serious accusations is the alleged execution of 38 young men by the regime's forces. These murders were allegedly carried out between May 2019 and May 2020 in the states of Anzoátegui, Aragua, Bolívar, Guárico, Lara, Sucre, and Zulia.

Of the 38 murders, 23 are attributed to the Special Action Forces (Faes), seven to the Scientific, Criminal and Criminalistic Investigation Corps (CICPC), three to the armed collectives, two to the Bolivarian National Police, one to the Criminal Investigation Directorate, one to the National Anti-Extortion and Kidnapping Command (Conas), and one to the Bolivarian National Guard because it was a custodial death. "The pattern identified in these cases is similar to that described in the High Commissioner's report to the Human Rights Council in July 2019," the document clarifies.

The reports also states that "the victims of the killings documented by OHCHR were all young men, mostly under the age of 30, belonging to low-income families in disadvantaged neighborhoods marked by high crime rates. Some victims had a criminal record, while others did not and were allegedly targeted for personal revenge or due to mistaken identity."

The armed collectives continue to unleash terror

One of the points addressed by the high commissioner is the attacks by the regime's armed groups against "political opponents, demonstrators, and journalists." The tyranny and its law and order forces were complicit in these attacks.

The report also highlights the unconstitutionality of the state of emergency imposed by the regime. This has exceeded the 60 days established by the constitution and was also not approved by the National Assembly, as stipulated in the constitution.

It is worth noting that the report did not touch on how persecution and repression have grown since the extreme quarantine implemented by the Chavista tyranny. Although points such as "the arbitrary arrest of three health professionals for denouncing the lack of basic equipment, or criticizing the Government's response to the pandemic" are mentioned, the reality is that the report was very mild in this exceptional circumstance, which the tyranny has exploited to further subdue the population.

The report also noted irregularities in arrests, persecution of the media, and restrictions on freedom of expression and the right to demonstrate: “OHCHR documented restrictions to the right to liberty of demonstrators, and media and health workers, including in the context of the COVID-19 pandemic. It also documented violations of due process in cases of persons charged for crimes such as treason, rebellion, public incitement, conspiracy, attempted assassination, terrorism, or funding of terrorism.”

Cases of torture, sexual assault, and arbitrary arrests of reporters

Former President Bachelet’s report said that 17 protesters across the country were arrested for demonstrating to demand better public services. The detainees included both minors and elderly adults. The most serious of these allegations were three cases of torture and one of sexual assault of demonstrators arrested on May 20 in the state of Lara by members of the Chavista security forces.

Citizens were threatened and arbitrarily arrested for exercising their right to protest. Moreover, reporters also faced threats. “Four media workers were victims of arbitrary arrests by security forces, and seven were granted precautionary measures by a judge while awaiting trial.”

The report especially pointed to the Directorate of Military Counter-Intelligence, DGCIM, as one of the perpetrators of torture. According to the data provided by the OHCHR, “almost all individuals detained by DGCIM from the cases documented by OHCHR were subjected to enforced disappearances for short periods following their arrest, and before being presented to a judge.” The document noted that the authorities did not confirm the whereabouts of the persons to either family members or lawyers for periods ranging from seven to 40 days, which “raised concerns about increased risks of torture and ill-treatment.”

OHCHR notes that persons deprived of their liberty were interrogated by the tyranny’s intelligence services after their arrest “either at the DGCIM premises or at non-official and unknown locations.” The victims were allegedly subjected to “ill-treatment and torture.” According to the accounts compiled by OHCHR, the main purpose of such acts is to intimidate and punish the persons arrested and to extract confessions or incriminate others through videos or written statements. “Reports of physical and psychological torture of military or ex- military personnel were common while high profile individuals, such as members of parliament, did not report physical abuse.”

Persecution of medical personnel and arrest of dissidents

Health professionals, who have complained about the shortage of medical supplies and the notorious shortcomings of hospitals, have been persecuted, and three have been arbitrarily detained “for denouncing the lack of basic equipment, providing information about COVID-19 or criticizing the Government’s response to the pandemic.”

We must remember that doctors are the most affected by the pandemic since they are risking their lives to fight diseases without any protection and with a minimum wage of no more than five dollars a month to meet their needs.

OHCHR also “110 cases of persons, including three women, under criminal prosecution, charged for crimes such as treason, rebellion, public incitement, conspiracy, attempted assassination (against the President), terrorism or funding of terrorism. Sixty-three were members of the military and 47 were civilians. Sixty cases had been submitted to civilian jurisdiction, 48 of which had appeared before specialized courts dealing with terrorism, and 50 (including 12 civilians) had been subjected to military jurisdiction.”

The good and the very bad of the report

Michelle Bachelet and her commission denounce and publicize the executions, forced disappearances, torture, and arbitrary arrests by the security forces of the Maduro tyranny. However, it is laughable and even obscene to so repeatedly highlight “the willingness” of the Chavista regime to provide information and help with transparency. If at this stage, there is still a belief in the “good faith” of a tyranny that kills and tortures, then a lot of things are really being done wrong.

“OHCHR welcomes the increased cooperation with authorities to promote the respect, protection, and the fulfillment of human rights through its presence in the country. OHCHR also welcomes efforts by the Government to increase engagement with international human rights mechanisms, in particular the special procedures system, and through the establishment of a national mechanism for reporting and follow-up.” Fragments like this were repeated throughout the text. Welcoming the “increased cooperation” from Chavismo is like thanking a murderer for giving you a clue to his crime. We are inevitably led to wonder how much the regime has disguised its atrocities to pass them on to the United Nations.

There is an obvious effort to wash the regime’s face in its economic disaster, and several of the paragraphs are not objective either. Today, Venezuela is bankrupt, without food and medicine; the health system has been devastated, the oil apparatus destroyed. All this is the fault of Chavismo and its corruption, inefficiency, and the evil of leaving Venezuelans dependent on their socialist system. Not of the sanctions, as several of the report’s sections would have us believe.

The Government's efforts to reactivate the economy, increase wages, and maintain the coverage of social programs has been insufficient to guarantee a minimum essential level of economic and social rights, particularly for the most vulnerable sectors of society... Sectoral economic sanctions and related over-compliance by the financial sector have exacerbated this situation, by inter alia significantly reducing the state revenues that could have been allocated for the realization of economic and social rights." At what point is the responsibility for the economic debacle placed on the regime? The United Nations deliberately points the finger at the sanctions which, in reality, do not affect the Venezuelan citizen's economy as has been proven. The document overlooks the errors of the tyranny and classifies the regime's responsibility as "insufficient efforts."

It would be irresponsible not to point out how the UN has long been subservient to the global left. The instances are numerous, and in the case of Venezuela, too, the UN has favored the narco regime. It still recognizes Maduro's regime as a government and even made it a member of the United Nations Human Rights Council- a move that was widely criticized at the time.

It still recognizes Maduro's regime as a government and even made it a member of the United Nations Human Rights Council- a move that was widely criticized at the time. Basic medicines today are a luxury, and essential services are deteriorating by the day. How can the UN still advocate for political solutions through insufficient mechanisms such as dialogue or false elections? And how is it possible that the language of the report clearly goes against sanctions and in favor of the perpetrator (regime, to the detriment of the victims (the Venezuelans)? It is situations such as these that makes the United Nations lose credibility.

An example of this is that after criticizing the intervention of the Chavista justice system in opposition parties and the appointment of a new National Electoral Council, the concern of the former Chilean president was reduced to the fact that these measures "diminish the possibility of building conditions for credible and democratic electoral processes." In reality, since the very nature of Chavismo prevents this from taking place.

In the same report, they note that "OHCHR continued to document restrictions to freedoms of opinion and expression, peaceful assembly and association, and the right of participation in public affairs, which have continued to restrict the civic and democratic space in the run-up to the electoral process." The UN must understand that in Venezuela, there can be neither dialogue nor elections with Chavismo, only a change of regime can transform the current situation.

If the United Nations truly wants to show determination in defending human rights, it must stop beating about the bush and point the finger at the Maduro regime as a tyranny perpetrating violations of fundamental rights. It has been twenty years of torture, disappearances, murders, persecution, and arbitrary arrests. How long is the Chavista monster going to be allowed to continue committing crimes?

Bachelet's report has important points, of course, but it also includes obvious errors. Someone unfamiliar with the Venezuelan case can, unfortunately, get the wrong image of Chavismo as a political system.

"I am concerned about the pattern of arbitrary detentions, violations of due process, as well as allegations of torture and forced disappearances in the first days of detention," said Michelle Bachelet. If that is true, she has to start proving it.

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TOPICS

Truth and Reconciliation Commission

International Social Justice organisations support SA human rights activist threatened by Sri Lanka (Daily Maverick) By Howard Varney and Piers Pigou
July 2, 2020

Fifty-three organisations and 153 individuals working in the field of international justice have signed a letter supporting South African human rights lawyer, Yasmin Sooka, who faces threats from the Sri Lankan government. She is being accused of conspiring against the state.

The threats came in a letter from the country's intelligence chief, Major General Suresh Sallay, who demanded \$5-million in compensation for alleged defamation. A concerted vilification campaign has been launched against Sooka in Sri Lanka, with lawyers for Sallay holding a press conference outside the United Nations office there to accuse civil society organisations like Sooka's of inciting terrorism and separatism.

International rights groups such as Amnesty International and Human Rights Watch signed the support letter, along with all the major groups working on universal jurisdiction cases globally, and a wide range of prominent African rights bodies.

Leading jurists from around the world have also expressed their support for Sooka. They include prosecutors, judges, two former high commissioners for human rights, UN experts, UN special rapporteurs and ambassadors.

Yasmin Sooka may be better known back home in South Africa for her work on apartheid-era torture and murder cases, the Truth and Reconciliation Commission and, most recently, for chairing the UN Commission on Human Rights in South Sudan. But she also remains one of the leading figures countering government impunity in Sri Lanka.

This stems from her work in 2011 as one of three experts appointed by former UN Secretary-General, Ban Ki-moon, to make recommendations about accountability during the final period of the Sri Lankan civil war in 2009.

Witnesses and victims continued to approach her for help, leading to the establishment of her NGO, the International Truth and Justice Project (ITJP), which has led the work on documenting post-war sexual violence committed by the Sri Lankan security forces, especially against men.

In the absence of a promised hybrid court to hold perpetrators of violations from Sri Lanka's multiple conflicts accountable, the ITJP has used the evidence it has meticulously documented to litigate internationally against some of those responsible for gross violations of human rights.

In 2017, the ITJP partnered with Latin American rights groups to file a war crimes case against a former senior military commander who had been given a diplomatic posting in the region. Brazilian courts found there was jurisdiction for the case and Chilean authorities appointed a prosecutor to investigate, prompting the general-turned-ambassador to flee back to Sri Lanka for sanctuary.

In 2019, the ITJP worked with a US law firm to assist 11 Sri Lankan torture victims to sue (now president) Gotabaya Rajapaksa for damages in California; the case was tactically withdrawn once Gotabaya was elected president, which afforded him head of state immunity.

The ITJP has also been key in supporting the vetting and screening of UN peacekeepers from Sri Lanka, resulting in one commander being repatriated from Mali.

The international support letter describes Sooka as "one of the foremost global authorities on transitional justice, reconciliation and reparations". However, lawyers for Sri Lanka's intelligence chief have alleged that Sooka's work is undermining transitional justice and accountability in their country.

It is a charge that holds no water, and exposes the crude political objective of trying to deflect from the human rights issues by attempting to silence the messenger. It's a familiar tactic of those who want to maintain a culture of impunity.

The outpouring of support for Sooka's work on accountability and her staunch support for victims and survivors was visible from the letters that accompanied many of the endorsements.

A former commissioner of the Liberian Truth and Reconciliation Commission, John HT Stewart, wrote that, "Sri Lankan authorities need to look no further than within themselves, do much soul searching and address the questions of accountability and justice for victims of the Sri Lankan civil war.

"No amount of smear campaigns or vicious propaganda, or threats to her freedom of movement or to her life, can prove sufficient to impeach her credibility or that of her work."

Stewart concluded: "I stand with Yasmin."

Coronavirus Slows Calls for the Establishment of War Crimes Court in Liberia (Front Page Africa) By Moses Geply

July 10, 2020

Calls for the establishment of a war crimes court in Liberia has slowed since the first confirmed case of coronavirus in March this year. The Government and people of Liberia have been engulfed in the fight to raid the country of the pandemic that have killed more than half a million around the world. This has placed other concerns of Liberians on a lower scale of preference for the leaders.

Adama Dempster, one of many human rights advocates that set up the Secretariat for the Establishment of War Crimes Court in Liberia, says the coronavirus pandemic has stalled all the gains made for the establishment of war crimes court in Liberia.

“Covid-19 has slowed everything down, but we are still committed to fight against impunity in Liberia,” he said.

Like Dempster, one person hoping for the prosecution of war criminals is 67-year-old Woe Gbokolo. He is keen on telling the dreadful killing of his friend by a rebel during the civil war.

Oldman Gbokolo struggles to move his leg with a stick. The heavy rain is not making it any better for him to find a seat. Gboloko says he is worried that what happened to his former workmate and best friend, Mr. Cooper Boley (no relations to George Boley) will not be told.

“I want talk about his death because I am old now. And with this new coronavirus sickness, nobody knows what will happen. Look at me; I am fighting to even work,” he said.

Gboloko and Boley worked in the same department at a Swedish-Liberian company called LAMCO. The war separated them because they were both from rival tribes. Gbokolo was Mano and Boley was Krahn. Boley left Nimba County to seek refuge, leaving behind his property.

“Since the time that man killed him, I have not seen his wife or his children. I hope they are alive and well. None of his relatives came here to ask for his property,” said Oldman Gbokolo.

Mr. Boley was killed in 2000 by a man who was loyal to Prince Johnson. Although Johnson’s Independent National Patriotic Front of Liberia (INPFL) was defunct by the year 2000, there were remnants of his forces who were still loyal to him.

According to Oldman Gbokola, the man claimed people told him that Boley was a volunteer soldier with the Armed Forces of Liberia.

For many years Gbokolo had not spoken about that tragic incident because he was afraid.

“The TRC (Truth and Reconciliation Commission) people came here but I have always been afraid to tell this story because we hear all kinds of bad bad things happened to people who talked (testified),” he said.

It has been 17 years since the war ended in Liberia. Over 200,000 people lost their lives in perhaps one of the most brutal wars in recent African history. Justice for those who lost their lives like Boley seems farfetched.

Before the coronavirus outbreak, human rights advocates, politicians, and victims pushing for the establishment of the war crimes court faced threats on their lives.

Representative Rustonlyn Dennis is one of those people. The female politician, who represent a district of Montserrado County at Liberia’s Legislature, has been leading the charge at the House of Representatives.

She has been rallying lawmakers to approve a law that will see the establishment of a special tribunal to prosecute those who bear the greatest responsibilities for what happened during the civil wars.

Even as powerful as she is, she told the UK Guardian Newspaper that her life is in danger from people claiming to be speaking on behalf of ex-warlord Prince Johnson, who is now a Senator of Nimba County.

“Since then, there has been this unknown or unlicensed black vehicle that is always tailing me,” Representative Dennis said, adding that she was threatened in a phone call.

She said the caller threatened her, saying “I will get to you, and those who sent you will regret [it].”

Meanwhile, at the home of oldman Gbokolo in Nimba County, he is still struggling to recount the horrible killing of his friend.

During an interview with a visiting reporter, he narrates the details of the incident as he shakes his head and weep the tears

from his eyes. He tries to rest his arm on the balcony behind him as he carefully narrates the final ordeal of his dear friend.

“Mr. Boley was Krahn but he was a good man. He only came here in Ganta to check on his property. But, by that time (2000) the (tribal) killing (s) was still happening,” explains Gbokolo.

Meanwhile, Prince Johnson has shown no remorse for the atrocity he of his men carried out during the civil war. Senator Johnson threatened that there will be reaction from people of Nimba County whenever calls to prosecute war criminals are renewed in Liberia.

“Go grab Prince Johnson, you won’t be able to even come close,” Johnson told his Monrovia congregation recently. “You won’t even catch me because the resistance you will receive from young guys will be maximum, uncontrollable and ungovernable.”

Senator Johnson has vowed to mobilize young men from Nimba to take up arms and join him in the forests to resist the court as he threaten to vehemently fight the world crimes court.

Because of this threat from Johnson and other warlords’ over the years, many people have been afraid to testify about murders during the war.

Prince Johnson is at the top the Truth and Reconciliation Commission Report’s “Most Notorious Perpetrators list” and is widely expected to be the first person to face a war crimes court for his role in Charles Taylor’s National Patriotic Front of Liberia and later, as the head of his breakaway Independent National Patriotic Front of Liberia.

Many believe that Liberia’s current President, George Weah did not participate in the war. Hence, he should be the one to lead the country in putting an end to impunity.

However, upon his return from the UN General Assembly last year, Weah said that he had merely informed the UN about the many calls for a court.

“I have never one day called for the war-crimes court,” he said. “Why should we focus on the war crimes court now, when we did not focus on it 12 years ago?”

To win the 2017 election, Weah significantly relied on the support of Prince Johnson, who was involved in the killing of the brutal former military ruler Samuel Doe on camera.

Many pundits say fear of upsetting Johnson and his many supporters, seems to be a reason influencing President Weah’s decision to ignore the establishment of the court.

Conflict victims lament govt’s apathy in their joint submission (The Himalayan Times)

July 10, 2020

Various victim groups of Nepal have made a joint submission to the 37th Session of the Working Group on Universal Periodic Review of the United Nations Human Rights Council, drawing its attention to the Government of Nepal’s persistent failure to deliver truth, justice, reparation and institutional reforms.

The groups comprise dozens of non-governmental organisations, including Conflict Victims Common Platform, Conflict Victims National Alliance, Conflict Victim Women National Network, National Network of Disabled Conflict Victims and Conflict Victims Orphans Society. The groups said they came together to express their concerns over the protracted lack of progress in dealing with the conflict-era human rights violations.

“We have been desperately waiting for truth, justice and reparations since the signing of the Comprehensive Peace Agreement in 2006, that ended the decade-long armed conflict. As reported in the OHCHR’s Nepal Conflict Report-2012, the armed conflict caused the death of about 16,729 persons, displacement of about 78,689 persons and disappearance of about 1,327 people.

We value the third UPR of Nepal as a significant opportunity to inform the world community about the longstanding denial of our rights to effective remedy guaranteed under the international law and our constitution,” read the submission made to the UN body yesterday. According to the groups, the last five years have been distressful for them. In particular, they were frustrated by the pervasive political interference in the appointment of Transitional Justice commissioners, arbitrary functioning of TJ commissions and failure of both TJ commissions to complete investigation of even a single conflict-era case.

The Commission of Investigation on Enforced Disappeared Persons registered 3,197 complaints, of which 689 complaints were delisted after the preliminary investigation. As many as 2,507 complaints await for comprehensive investigation. To the disappointment of the victims, CIEDP arbitrarily transferred, without any proper investigation, 414 complaints to the TRC.

The Truth and Reconciliation Commission registered 62,950 complaints and claimed that it completed verification of 3,615 complaints. None of the complaints have been addressed.

The TRC even failed to get the interim relief scheme rectified to include victims of conflict-related sexual violence and torture, the groups claimed in the submission.

They said both the TRC and CIEDP lacked credibility and independence as the officials were selected based on political ground regardless of the candidates' competence, experience and credibility in contravention of the Supreme Court verdict. "Contrary to UN Secretary General Guidance to ensure centrality of victims in the design and implementation of transitional justice processes and mechanisms and repeated call from Special Mandate to guarantee the broad and effective consultation with victims in the process of amendment of the act on the CIEDP and TRC, we often were behaved by the government, TRC and CIEDP as mere service seeker not as stakeholders in the whole process," the groups lamented.

"During the reporting period, impunity for conflict-era violations has worsened due to the protracted criminalisation of politics and politicization of crime.

Though accurate data is not available, a tentative estimation is that there are more than 200 FIRs concerning the conflict-era crimes pending at various district police offices. Many of the offenders have yet to be booked," read the submission. The groups warned that Nepal had consistently failed to enact national laws criminalising serious crimes, including enforced disappearance, torture and war crime consistent with international standards. Such a gap of law remains a key barrier to access justice by victims of serious crimes committed during the conflict, mentioned the submission.

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The Legal Legacy of the Special Court for Sierra Leone

Charles C. Jalloh

Forthcoming in Cambridge University Press, July 2020

July 9, 2020

This book examines whether the Special Court for Sierra Leone (SCSL), which was established jointly through an unprecedented bilateral treaty between the United Nations (UN) and Sierra Leone in 2002, has made jurisprudential contributions to the development of the nascent and still unsettled field of international criminal law. The monograph, which focuses on the main legal legacy of the SCSL, opens with an examination of the historical and political circumstances which led to the outbreak of a notoriously brutal civil war in Sierra Leone which lasted between March 1991 and January 2002 and led to the deaths of approximately 75,000 people. Following a discussion of the creation, jurisdiction, and the trials conducted by the SCSL, the author examines the SCSL's unique personal jurisdiction over persons bearing "greatest responsibility" for the serious crimes committed in Sierra Leone and the implications of its use in future ad hoc international tribunals; the prosecution of the novel crime of "forced marriage" as other inhumane acts of crimes against humanity; the prosecution of the war crime of recruitment and use of children under the age of fifteen for the purpose of using them to participate actively in hostilities; as well as issues of immunity for the serving head of state of Liberia, which President Charles Taylor sought to invoke to block his own trial for international crimes before the SCSL. The book then discusses the status of blanket amnesties under international law, and critically evaluates the SCSL's ruling that such a domestic measure could not block prosecution of universally condemned crimes before an independent international tribunal. Lastly, the book evaluates the tenuous interaction between truth commissions and special courts given both their simultaneous operation in Sierra Leone and distinctive mandates aimed at reconciliation and punishment. The author demonstrates that the SCSL, as the third modern international criminal tribunal supported by the UN, made some useful jurisprudential additions on many of these topics, and in some cases broke new ground, and that these represent a valuable legal and judicial contribution to the development of the nascent field of international criminal law.

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