



SCHOOL OF LAW
CASE WESTERN RESERVE
UNIVERSITY

War Crimes Prosecution
Watch

Volume 15 - Issue 23
January 2, 2021

PILPG

A Global Pro Bono Law Firm

25 YEARS

FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

Editor-in-Chief
David Krawiec

Technical Editor-in-Chief
Erica Hudson

Managing Editors
Alexander Peters
Matthew Casselberry

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

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

Contents

AFRICA

NORTH AFRICA

Libya

CENTRAL AFRICA

Central African Republic

- **Central African Republic: ICRC condemns attack on its Bouar office and calls for humanitarian workers to be respected (reliefweb)**

Sudan & South Sudan

Democratic Republic of the Congo

- **DR Congo's Yumbi massacre survivors seek justice (africanews)**
- **Public Statement by Chair of Working Group on Children and Armed Conflict (reliefweb)**
- **Security Council Grants One-Year Mandate Extension for United Nations Organization Stabilization Mission in Democratic Republic of Congo (reliefweb)**

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Mali

- **UN probe in Mali sees war crimes, crimes against humanity: Report (Al Jazeera)**

Liberia

EAST AFRICA

Uganda

Kenya

Rwanda

- **Rwanda To Request South Africa To Arrest Genocide Suspects Kayishema, Mpiranya (KT Press)**

Somalia

- **Somalia Accuses Kenya of Arming Local Militia as Tensions Rise (Bloomberg)**

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

International Residual Mechanism for Criminal Tribunals

- **UN war crimes prosecutor blasts South Africa for allowing a major Rwandan genocidist to flee the country (Daily Maverick)**

Domestic Prosecutions In The Former Yugoslavia

- **Bosnian Serb Ex-Servicemen Charged over Murders of 45 Civilians (Balkan Transitional Justice)**
- **Bosnia Rejects Serb Ex-Soldier's Appeal in War Rape Case (Balkan Transitional Justice)**
- **Bosnian Serb Ex-Fighters Charged with Crimes Against Humanity (Balkan Transitional Justice)**
- **Bosnian Army Ex-Officer Faces Retrial for Croats' Killings (Balkan Transitional Justice)**
- **Bosnian Serb Soldiers' Convictions for Killing 28 Civilians Upheld (Balkan Transitional Justice)**

Turkey

- **Authorities in northeast Syria seek alternatives due to Turkish disruption of water supplies (Al-Monitor)**

Kosovo Specialist Chambers

Azerbaijan

MIDDLE-EAST

Iraq

- **The ICC Prosecutor Office's Cop-Out on UK Military Crimes in Iraq (Human Rights Watch)**
- **UN rights office criticizes Trump pardons of ex-contractors (Associated Press)**

Syria

- **Syrian state media says 28 killed in bus ambush in Deir al-Zor (Reuters)**

Yemen

- **Relative: Yemeni rebels kill woman in front of her children (Associated Press)**
- **UN chief and Yemen Envoy condemn deadly Aden airport attack (UN News)**

Special Tribunal for Lebanon

Israel & Palestine

- **Jewish Settlers Destroy Water Pipelines, Trees near Nablus (The Palestine Chronicle)**
- **UN condemned Israel 17 times in 2020, versus 6 times for rest of world combined (Times of Israel)**
- **Israeli minister orders jails not to vaccinate Palestinian security prisoners (Middle East Eye)**

Gulf Region

ASIA

Afghanistan

- **Call for royal commission into alleged Afghanistan war crimes (The Sidney Morning Herald)**
- **US continues to pardon war criminals in Iraq, Afghanistan (Anadolu Agency)**

Extraordinary Chambers in the Courts of Cambodia

Bangladesh International Crimes Tribunal

- **Bangladesh: 22 appeals of 1971 war criminals pending (Daiji World)**

War Crimes Investigations in Myanmar

- **Families of 17 Missing Rakhine Men Get No Help From Myanmar Rights Body (Radio Free Asia)**
- **Myanmar soldiers sentenced to 20 years over rape in Rakhine: A push towards accountability? (ASEAN Today)**
- **Myanmar Villagers Return to Refugee Camps Amid Fears of Renewed Fighting in Rakhine State (Radio Free Asia)**

AMERICAS

North & Central America

- **UN Experts Condemn Trump's Pardon of Blackwater Contractors as 'Affront to Justice' (Common Dreams)**

South America

- **Colombia wants paramilitary chiefs in prison, not testifying in court (Colombia Reports)**

Venezuela

TOPICS

Truth and Reconciliation Commission

Terrorism

Piracy

- **Maersk Boxship Boarded off West Africa (The Maritime Executive)**

Gender-Based Violence

- **Harsher Sentence Urged for Bosnian Serb Soldier Convicted of Rape (Balkan Insight)**
- **Violence against women surges during COVID-19 crisis as Senate Republicans block anti-domestic violence law (USA Today)**

Commentary and Perspectives

- **Do Americans Really Care about War Crimes? (Task & Purpose)**

WORTH READING

- **Manuel J. Ventura: Repression of International Crimes Affecting Animals (Anne Peters, Robert Kolb and Jérôme de Hemptinne (eds), The Legal Protection of Animals in Wartime, Cambridge University Press, Forthcoming)**

AFRICA

NORTH AFRICA

Libya

CENTRAL AFRICA

Central African Republic

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

Central African Republic: ICRC condemns attack on its Bouar office and calls for humanitarian workers to be respected (reliefweb)

December 29, 2020

The International Committee of the Red Cross (ICRC) has been forced to drastically reduce its humanitarian activities in Bouar in Nana-Mambéré prefecture after its office was raided. Some ICRC staff will be moved to other locations in the Central African Republic until security in the town can be restored.

During the night of 27 December, armed individuals broke into the ICRC's premises in Bouar. They injured three guards before looting the buildings and removing all equipment and supplies, including veterinary products that were destined to support livestock owners.

"This attack is completely unacceptable. We cannot work in these conditions," said Bruce Biber, the ICRC's head of delegation in the Central African Republic. "We have no choice but to temporarily scale down our humanitarian operations and to restrict the movements of our teams in Nana-Mambéré until the security situation in Bouar improves. At the same time, we are determined to continue, and even to increase, our activities in other parts of the country that have been particularly affected by the current fighting."

Around the same time, an armed individual entered the grounds of the ICRC-supported hospital in Kaga-Bandoro and robbed security staff of their personal possessions at gunpoint.

These incidents are taking place in the context of a deteriorating security situation that has suddenly worsened over the past few weeks following clashes between armed groups and state forces. Tensions linked to the elections have prompted the ICRC to send out its teams in recent days – together with staff from the Central African Red Cross Society – to help the wounded and to transport them to health facilities. The ICRC also plans to send an emergency surgical team to Kaga-Bandoro Hospital to support the team there.

As fresh violence erupted in the town of Bambari on 22 December, the ICRC's teams evacuated 15 wounded people to the local hospital and took three dead to the mortuary. In Bangui, the ICRC has provided medicines and equipment to several of the town's hospitals, which have been overwhelmed by the influx of wounded people. The ICRC is also visiting people who have been detained as a result of the violence. None of these humanitarian activities can take place unless humanitarian workers are protected and can work in safety.

"We will not tire of reiterating the point that humanitarian workers are not a target. Every time we are attacked, it is our capacity to help the most vulnerable that is limited," stressed Bruce Biber. He added, "Health-care facilities and workers, sick and wounded people, and medical transport must be respected. Staff providing medical care must have access to the wounded, they must be able to provide first aid or any other treatment to anyone who needs it."

For several years now, the ICRC has been running major programmes in Bangui, Bouar, Kaga-Bandoro, Ndélé and Bambari to help people affected by armed conflict and violence. The ICRC provides all people, without distinction, with emergency food supplies, basic items and seed. It reunites separated families, visits people who have been detained, treats sick and wounded people, improves vulnerable people's access to water and helps them restart their livelihoods. All of these programmes, some of which are run jointly with the country's National Society, save lives and alleviate the suffering of thousands of people.

The ICRC calls on all parties to increase their efforts to make sure people can receive the help they so desperately need.

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

Sudan & South Sudan

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

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

Democratic Republic of the Congo

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

DR Congo's Yumbi massacre survivors seek justice (africanews)

December 17, 2020

Thursday marked two years since a devastating attack on Yumbi, a town in western Democratic Republic of the Congo.

Hundreds were killed as fighting between two ethnic groups escalated.

People were shot, stabbed and even burned to death and hundreds of homes on the banks of the river Congo were destroyed.

Now the relatives of the 535 victims are seeking justice.

What happened?

Official events say the violence was sparked by the secret burial of a Banunu traditional chief in Yumbi.

The Batende, the majority group in the area, saw it as a provocation as they consider Yumbi their territory.

The tragic events unfolded just two weeks before the DRC's monumental election, which saw President Félix Tshisekedi elected.

Father Nestor Longota, a Catholic priest, told Human Rights Watch in late December 2018, he returned to Bongende, his home village in northwest Democratic Republic of Congo. "What I saw was unimaginable," he said last week. "There were putrefied bodies, some were mutilated, others had been burned in houses, and houses were destroyed."

"I feel that our government has abandoned us to our fate," Father Longota said as the two-year anniversary approached. "A new massacre could take place if there is no justice."

Investigations

Investigations are still ongoing

Human Rights Watch said The Congolese authorities, who have failed to provide psychological support, should now ensure those who orchestrated and carried out the massacres are fairly prosecuted.

A judicial source told the NGO that the exhumation of graves is supposed to take place before any trial

It has been reported at least three suspected assailants put of dozens who were arrested and held in Kinshasa, have been released for reasons that remain unclear.

Public Statement by Chair of Working Group on Children and Armed Conflict (reliefweb)

December 19, 2020

The Security Council Working Group on Children and Armed Conflict, in connection with the examination of the seventh report of the Secretary-General on children and armed conflict in the Philippines (S/2020/1030), agreed to convey the following messages through a public statement by the Chair of the Working Group:

To all parties to armed conflict in the Democratic Republic of the Congo

Strongly condemning all violations and abuses that continue to be committed against children in the Democratic Republic of the Congo, expressing grave concern at the disproportionate negative impact of the COVID-19 pandemic on children, urging all parties to the conflict to immediately end and prevent all abuses and violations of applicable international law involving the recruitment and use of children, abduction, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals and denial of humanitarian access and to comply with their obligations under international law;

Calling upon the parties to further implement the previous conclusions of the Working Group on Children and Armed Conflict in the Democratic Republic of the Congo;

Reaffirming the importance of accountability for all violations and abuses against children in armed conflict; stressing that all perpetrators of such acts must be swiftly brought to justice and held accountable, without undue delay, including through timely and systematic investigation, prosecution and, as appropriate, conviction and punishment, noting that some of the above- mentioned acts are prohibited and criminalized under Law No. 09/001 on the protection of the child, adopted by the Government of the Democratic Republic of the Congo on 10 January 2009, including the recruitment and use of children by national armed forces or non-State armed groups; and further stressing the need to ensure that all survivors have access to justice and to provide remedies to those victims, including the medical and support services they need;

Further noting that on 19 April 2004 the Government of the Democratic Republic of the Congo referred the situation in the Democratic Republic of the Congo to the Prosecutor of the International Criminal Court, and that some of the acts mentioned in 5 (a) may amount to crimes under the Rome Statute of the International Criminal Court, to which the Democratic Republic of the Congo is a State party;

Condemning the recruitment and use of a high number of children by armed groups; noting the decrease in the number of children recruited; strongly urging all parties to the conflict to immediately and without preconditions release all children associated with them, hand over all children within their ranks to civilian child protection actors for their full reintegration through family- and community-based reintegration programmes and end and prevent further recruitment and use of children in line with their obligations as set out in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; Expressing deep concern at the high number of children killed and maimed, including as a direct or indirect result of ethnic strife, rising intercommunal violence, hostilities between parties to armed conflict, crossfire during armed clashes among armed groups or military operations by the FARDC, incidents of indiscriminate attacks against civilian populations and explosive remnants of war, and urging all parties to comply with their obligations under international humanitarian law, in particular the principles of distinction and proportionality and the obligation to take all feasible precautions to avoid and in any event minimize harm to civilians and civilian objects;

Expressing grave concern about the ongoing prevalence of rape and other forms of sexual violence against children perpetrated by armed groups and government security forces; noting that such acts included forced marriage and sexual slavery; strongly urging all parties to the armed conflict to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective forces or groups; stressing the importance of accountability for those who commit sexual and gender-based violence against children; and noting with concern the underreporting of the prevalence of cases of sexual violence against children due to fear of retaliation by perpetrators who sometimes live in or near the community, stigmatization and rejection by families and communities, widespread impunity and lack of adequate medical and support services for survivors;

Condemning the continuation of attacks on schools and hospitals, the majority of which were verified to be committed by armed groups; noting the significant decrease of such attacks during the reporting period; calling upon all parties to armed conflict to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, as such, and to end and prevent attacks or threats of attacks against those institutions and their personnel as well as the military use of schools and hospitals, as guided by the Safe Schools Declaration, which was endorsed by the Government of the Democratic Republic of the Congo in July 2016;

Condemning instances of abduction of children, the overwhelming majority of which were committed by armed groups, including for the purposes of recruitment and use, rape and other forms of sexual violence, and child labour; noting the significant decrease of cases during the reporting period; and urging all relevant parties to immediately release without preconditions all abducted children to relevant civilian child protection actors

Expressing grave concern at incidents of denial of humanitarian access impacting 9,000 children, including attacks on humanitarian personnel and calling upon all parties to the conflict to allow and facilitate, in accordance with international law, including international humanitarian law, safe, timely and unhindered humanitarian access, consistent with United Nations guiding principles of humanitarian assistance as well as the humanitarian principles of humanity, neutrality, impartiality and independence, to respect the exclusively humanitarian nature and impartiality of humanitarian aid and to respect the work of all United Nations agencies and their humanitarian partners without adverse distinction;

Urging those who are or will be engaged in peace talks and agreements, including the FRPI process, to ensure that child protection provisions, including the release and reintegration of children, as well as provisions on the rights, well-being and empowerment of children, are integrated into the peace talks and agreements, as appropriate, with the support of the United Nations and guided by, inter alia, the Practical guidance for mediators to protect children in armed conflict;

To the Government of the Democratic Republic of the Congo

Welcoming the continued commitment of the Government of the Democratic Republic of the Congo to consolidate the gains of its action plan to end and prevent the recruitment and use of children, sexual violence and the other four grave violations against children, to sustainably prevent the recruitment and use of children by its armed and security forces, including through the institutionalization of measures and mechanisms therein; welcoming in this regard the support provided by national and international actors aimed at strengthening the capacity of the FARDC to prevent and end the six grave violations against children; and urging the Government to accelerate the implementation of all aspects of the action plan, including those related to sexual violence against children as the FARDC and other security forces remain significant perpetrators of this violation;

Expressing concern about the continued deprivation of liberty of children for their alleged association with armed groups in violation of the directives issued in 2013 by the Minister of Defence and the Agence Nationale de Renseignement (ANR) to immediately hand over children formerly associated with armed groups to child protection actors to facilitate their return and full integration, stressing that children associated or allegedly associated with armed groups, including those arrested during military operations should be treated primarily as victims; urging in this regard the Government to comply with its obligations under the Convention on the Rights of the Child, in particular that the arrest, detention and imprisonment of children should be used only as a measure of last resort and for the shortest appropriate period of time, in line with international law and that in actions concerning children the best interests of the child should be a primary consideration, and calling upon the Government to prioritize their reintegration through family- and community-based reintegration programmes, guided by the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), which it has endorsed.

Recognizing progress made in relation to prosecuting perpetrators of the six grave violations against children, in particular recruitment and use and sexual violence; noting that prosecutions have included members of the Government security forces; urging the Government to pursue its efforts towards accountability, including through comprehensive, independent, timely and systematic investigation, and, as appropriate, conviction and punishment, of anyone found to be responsible, including those in positions of command, and to provide access to non-discriminatory and comprehensive specialized services, including psychosocial, health, legal and livelihood support and services to survivors, and welcoming the recent conviction of Ntabo Ntaberi Sheka of the Nduma Defence of Congo armed group for war crimes including rape, sexual slavery and the recruitment of children;

Recalling the endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict by the Government of the Democratic Republic of the Congo and calling for their swift implementation, and encouraging the Government to ensure that attacks on schools are investigated and that those responsible are duly prosecuted;

Encouraging the Government to focus on long-term and sustainable reintegration and rehabilitation opportunities for children affected by armed conflict through family- and community-based reintegration programmes that are gender- and age-sensitive, including equal access to health care, psychosocial support, and education programmes, as well as raising awareness and working with communities to avoid stigmatization of these children and facilitate their return, while taking into account the specific needs of girls and boys, to contribute to the well-being of children and to sustainable peace and security; and in that regard calling upon the Government to ensure that in all disarmament, demobilization and reintegration programmes and peace agreements with armed groups, the rights and protection needs of children are made a priority, including the unconditional release of children by armed groups, with the best interests of the child as a primary

consideration.

To armed groups, including Nyatura, Mai Mai Mazembe and other Mai Mai groups, including Apa Na Pale, Kamuina Nsapu, Allied Democratic Forces (ADF) and Congrès National pour le Renouveau et la Démocratie (CNRD)

Expressing its deep concern about the continued presence and ongoing destabilizing activities in the Democratic Republic of the Congo of a large number of armed groups and their harmful impact on children in particular Nyatura, Mai Mai Mazembe and other Mai Mai groups, including Apa Na Pale, Kamuina Nsapu, Allied Democratic Forces (ADF) and Congrès National pour le Renouveau et la Démocratie (CNRD);

Further calling upon all non-State armed groups to publicly express their commitment to end and prevent all violations and abuses committed against children, and to expeditiously develop, adopt and implement action plans in line with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015) and 2427 (2018) if they are listed in annex I to the report of the Secretary-General on children and armed conflict; welcoming in this regard the CTFMR's communication with armed groups' commanders that has resulted in the release of hundreds of children; commending the Government of the Democratic Republic of the Congo for supporting such communication; and acknowledging the signature of a unilateral declaration and a roadmap by 31 commanders of armed groups and factions committing to end and prevent child recruitment and use and other instances of the six grave violations against children;

Recalling in this regard that several of those non-State armed groups have been listed in annex I to the report of the Secretary-General on Children and Armed Conflict for at least five years, including Allied Democratic Forces, Forces démocratiques de libération du Rwanda (FDLR), Force de résistance patriotique de l'Ituria (FRPI), Nduma défense du Congo, Nyatura, Union des patriotes congolais pour la paix, Mai-Mai Simba, Alliance des patriotes pour un Congo libre et souverain and Lord's Resistance Army.

Recalling that the Security Council, by its resolution 2528 (2020), renewed until 1 July 2021 the measures as set out in paragraphs 1 to 6 of resolution 2293 (2016); and reaffirmed that measures described in paragraph 5 of resolution 2293 (2016) shall apply to individuals and entities as designated by the Committee, as set forth in paragraph 7 of resolution 2293 (2016) and paragraph 3 of resolution 2360 (2017), which include individuals or entities operating in the DRC and:

Recruiting or using children in armed conflict in violation of applicable international law;

Involved in planning, directing or participating in committing acts that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement and attacks on schools and hospitals;

Obstructing the access to or the distribution of humanitarian assistance in the DRC;

Further recalling that on 6 February 2020 the Committee added the name of one individual to its sanctions list, who was listed pursuant to paragraph 7 of resolution 2293 (2016), as detailed in the paragraph 5 (t) above; for engaging in or providing support for acts that undermine the peace, stability and security of the DRC; he committed, planned and/or directed the repeated targeting, killing and maiming, rape and other sexual violence, abduction of children, as well as attacks on hospitals, in particular in Mamove, Beni territory, on 12 and 24 February 2019, as well as the continuous recruitment and use of children during attacks and for forced labour in Beni territory in the DRC since at least 2015.

Recalling the Working Group's readiness to communicate to the Committee pertinent information with a view to assisting the Council in the imposition of targeted measures on persistent perpetrators.

To community and religious leaders:

Emphasizing the important role of community and religious leaders in strengthening the protection of children affected by armed conflict;

Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, killing and maiming, rape and other forms of sexual violence against children, abductions, attacks and threats of attacks against schools and hospitals, and to engage with the Government, the United Nations and other relevant stakeholders to support the release and reintegration of children affected by armed conflict in their communities, including by raising awareness to avoid stigmatization of these children.

For information media. Not an official record.

Security Council Grants One-Year Mandate Extension for United Nations Organization Stabilization Mission in Democratic Republic of Congo (reliefweb)

December 19, 2020

The Security Council decided today to extend the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), alongside its Force Intervention Brigade, until 20 December 2021, with the voting results announced by videoconference, in accordance with the temporary silence procedure adopted for the COVID-19 pandemic.

Adopting resolution 2556 (2020) by a recorded vote of 14 in favour to none against, with 1 abstention (Russian Federation), under Chapter VII of the Charter of the United Nations, the Council also decided that MONUSCO's troop ceiling will remain at 14,000 troops, 660 military observers and staff officers, 591 police and 1,050 formed police units. It further authorized the temporary deployment of up to 360 formed police units provided they are replacing military personnel.

Reiterating the importance of delivering on the Congolese Government's commitments to pursue national unity, strengthen the rule of law and ensure respect for human rights, the Council decided that protecting civilians will remain MONUSCO's top strategic priority. To that end, it decided that the Mission will take all necessary measures to ensure effective, timely, dynamic and integrated protection of civilians under threat of physical violence in provinces where it is currently deployed, with a specific focus on eastern provinces.

Further by the text, the Council decided that MONUSCO must prioritize support for stabilizing and strengthening State institutions in order to ensure they are functional, professional and accountable.

The Council endorsed the Joint Strategy on the Progressive and Phased Drawdown of MONUSCO, as well as its planned withdrawal from the Kasai provinces, in 2021 and progressively from Tanganyika in 2022, requesting that the Secretary-General proceed with the gradual transfer of the Mission's programmatic activities to relevant partners. To that end, it recalled the independent strategic review's assessment that an absolute minimum transition period of three years is required for MONUSCO's exit, which would involve implementation of the Government's announced reforms to address structural drivers of conflict.

[Security Council resolutions are currently adopted through a written procedure vote under temporary, extraordinary and provisional measures implemented in response to the COVID-19 pandemic, as set out in a letter (document S/2020/253) by its President for March (China).]

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

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

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

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

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

Mali

UN probe in Mali sees war crimes, crimes against humanity: Report (Al Jazeera)

December 22, 2020

United Nations investigators into violence in Mali have told the Security Council of evidence that security forces committed war crimes, and fighters and other armed groups perpetrated crimes against humanity.

The allegations were made in a 338-page report by the International Commission of Inquiry for Mali, a three-member panel which investigated violence that unfolded over six years from 2012-2018.

The probe, whose conclusions have been sent to the Security Council but have not yet been made public, recommends setting up a court that specialises in prosecuting international crimes.

“The Commission has reasonable grounds to believe that the Malian defence and security forces committed war crimes, including violence to the life and person of civilians and persons hors de combat suspected of being affiliated or cooperating with extremist armed groups,” says the report, acquired by the AFP news agency on Tuesday.

The landlocked Sahel country descended into violence in 2012 when ethnic Tuareg separatists launched an armed uprising in the north of the country, which was then overtaken by an armed campaign of fighters.

France, the former colonial power, launched a military operation in 2013. The fighters then regrouped and expanded their campaign into central Mali, inflaming a region with ethnic rivalries, before advancing into neighbouring Burkina Faso and Niger.

Thousands have died and hundreds of thousands have fled their homes.

“The Commission considers that extremist armed groups committed crimes against humanity and war crimes,” the report says.

These include “murder, maiming and other cruel treatment, rape and other forms of sexual violence, hostage-taking and attacks against personnel of humanitarian organisations and MINUSMA”, the UN peacekeeping force in Mali.

The report was drawn up by a commission comprising Lena Sundh of Sweden, Simon Munzu of Cameroon and Vinod Boolell, a Mauritian, who were appointed by the UN secretary-general in January 2018.

They handed their report to UN chief Antonio Guterres in mid-2020, and he sent it last week to the 15-member Security Council.

The investigation details in chronological order 140 cases of violence or abuse between 2012 and 2018.

In 2013, security forces in northern Mali carried out “many killings” of Tuareg, Arabs and Fulani, also called Peuls, who were suspected of links to armed groups, it found.

From 2015, violence on civilians moved to the volatile centre of the country, starting with the Fulani community, which had become associated with the fighters after a firebrand Fulani preacher named Amadou Koufa set up an armed group.

In one incident, on June 17, 2017, an armed group called Dan Na Ambassagou, which is drawn from the Dogon community, retaliated for the death of one of their members by attacking several Fulani hamlets, killing at least 39 civilians, including children.

The raids marked the beginning of “systematic” attacks on the Fulani in Koro, the report says.

“The Commission has reasonable grounds to believe that those acts amount to murder that constitutes a crime against humanity,” it says.

It also names three Tuareg or Arab armed groups as having committed war crimes – the National Movement for the Liberation of Azawad, known by its acronym in French of MNLA; the Self-Defence Group of Imghad Tuareg and Their Allies (GATIA), and the Arab Movement of Azawad-Platform (MAA-Plateforme).

Unlike other UN reports, the conclusions of the International Commission of Inquiry can be used as a legal basis for possible

prosecution.

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

Liberia

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

EAST AFRICA

Uganda

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

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

Kenya

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

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

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Rwanda To Request South Africa To Arrest Genocide Suspects Kayishema, Mpiranya (KT Press) By Daniel Sabiiti
December 21, 2020

President Paul Kagame has said that Rwanda will officially ask South Africa to look into the need to arrest genocide fugitives who are said to be living in South Africa.

Rwandan Genocide suspect Fulgence Kayishema, is believed to be hiding in South Africa along with another suspect Protais Mpiranya- a former head of presidential guard in Juvenal Habyarimana's government.

As reported by the UN International Residual Mechanism for Criminal Tribunals (IRMCT) Chief Prosecutor Serge Brammertz the process to bring him and others in South Africa to justice has been impeded by lack of political will.

“We had located him (Mpiranya) in South Africa and even though the cooperation didn’t work the way we wanted, we have not given up. We will continue working on that case. I am not pessimistic,” Brammertz said during his visit in Kigali this May 2020. Asked about what Rwanda thinks of the political will around this concern, Kagame said that the IRMCT is fully in charge and Rwanda cannot force the South African counterparts to do their part to bring them to justice.

However Kagame said that Rwanda will have its part to play through diplomatic channels and raise the issue with South Africa on this matter, but the key is in the hands of those where the suspects live.

“It doesn’t stop us from raising our voice and ask our friends to be helpful, if they choose to do so,” Kagame said.

“We will be doing that. We haven’t done it, but we shall do that definitely,” Kagame noted adding that normally the UN mechanism is supposed to do their part of ensuring this happens. Kagame was on Monday December 21 responding to media questions after he delivered the 2020 State of the Nation Address in an interactive format with citizens and the local media.

The comments comes days after South Africa sent its new envoy Mandisi Bongani Mabuto Mpahlwa, after spending at least two years without any representation in Kigali, after the sudden recall of its former envoy George Nkosinati Twala in December 2018.

Mpahlwa presented his letters of credence to President Kagame last week, and said that this is a moment making a new move to patch up ties between the two nations. “This is something that I think must be a positive sign on the direction that the two countries are taking in terms of continuing to strengthen their relations,” Mpahlwa said adding that he had a lengthy discussion on the way forward in this relationship.

In the meantime, Rwanda has submitted over 1000 indictments for the arrest and extradition of other Rwandan genocide suspects from across the world.

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

Somalia

Somalia Accuses Kenya of Arming Local Militia as Tensions Rise (Bloomberg) By Mohammed Omar Ahmed
December 19, 2020

Somalia’s government accused Kenya of arming local militia to attack its forces on the border, just days after severing diplomatic ties with its East African neighbor.

The alleged steps can “undermine general security of the Horn of Africa region,” Somalia’s Ministry of Information said in a statement posted to its Twitter account on Saturday.

Calls and text messages to the spokeswoman for Kenya’s Ministry of Foreign Affairs and Principal Secretary Macharia Kamau outside of normal working hours weren’t answered.

The assertions are being made after Kenya said this week that it would open a consulate in Somaliland, a breakaway region that declared independence in 1991 following a civil war. Somalia’s government ordered Kenyan diplomats to leave Mogadishu after talks with Somaliland started, a step reciprocated by officials in Nairobi.

Diplomatic relations soured last year after Kenya accused Somalia of auctioning four offshore oil blocks in a disputed area, an allegation Somalia denied.

Kenya invaded Somalia in 2011 after a spate of kidnappings by the Islamist extremist group Al-Shabaab, which had originated in Somalia. A suicide bomber killed 14 people in an attack on Friday at the city of Galkayo. The Al-Qaeda-linked group claimed responsibility, saying it was aimed at Somali Prime Minister Mohamed Roble, who was due to speak about the upcoming election.

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

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

[back to contents]

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

UN war crimes prosecutor blasts South Africa for allowing a major Rwandan genocidist to flee the country (Daily Maverick) By Peter Fabricius

19 December 2020

The South African government has received a blistering public rebuke from an international war crimes prosecutor for allowing one of the worst perpetrators of the Rwandan genocide to escape from South Africa in 2018 and for continuing to frustrate international efforts to track him down.

Serge Brammertz, Prosecutor of the International Residual Mechanism for Criminal Tribunals (IRMCT), told the UN Security Council in New York on Monday 14 December that South African authorities had refused even to place Fulgence Kayishema, a fugitive from the tribunal, under provisional arrest, when tribunal investigators traced him to Cape Town two years ago. This was despite an international United Nations warrant for his arrest which all UN members were obliged to implement. Nor had Pretoria even placed him under surveillance. As a result, he escaped from South Africa a year ago and has yet not been found.

The IRMCT was created in 2010 to take over and complete outstanding cases from the International Criminal Tribunal for Rwanda (ICTR) – and the International Criminal Tribunal for former Yugoslavia (ICTY) – as their mandates were expiring.

The prosecutor's unusually blunt report to the UN Security Council about South Africa's unhelpful attitude has been described by one diplomatic source as "an astonishing indictment of a country which prides itself on upholding international justice".

Brammertz said in his annual report to the Security Council that Kayishema "remains at large following South Africa's failure to provide effective cooperation over the last two and a half years". Pretoria's failures included refusing to arrest Kayishema on grounds that he had been given refugee status. But later the Department of Home Affairs claimed that it had lost his refugee file and his fingerprints which the tribunal needed to confirm his identity.

"My Office alleges that Kayishema, the local police inspector, played an important role in the 16 April 1994 massacre at Nyange Church," Brammertz said.

"In the days leading up to the massacre, 2,000 Tutsi civilians – women, men, children and elderly – sought refuge in the church.

“Initially, militias surrounded the church and launched an attack, including throwing hand grenades into the packed building. While many were wounded and killed, the refugees resisted, forcing the attackers to retreat.

“Determined to murder these innocent civilians, local leaders, including Kayishema, brought a bulldozer to the church grounds. In an act of unimaginable brutality and sacrilege, the bulldozer was used to demolish the church with the refugees still inside. More than 1,500 were crushed to death. Survivors who escaped were hunted down and killed. Kayishema fled from justice, and remained a fugitive for years. “

“But almost three years ago, my Office finally located him. Relying on records and sources, my Office concluded in early 2018 that Kayishema was living in Cape Town, South Africa. This was confirmed by South African authorities via INTERPOL in August 2018. We immediately submitted an urgent request for assistance to South Africa seeking his prompt arrest.

“So we were surprised to be informed that because Kayishema had been granted refugee status in South Africa, he could not be handed over to the Mechanism. This excuse was withdrawn months later, replaced with a new argument that South Africa lacked a legal basis to cooperate with the Mechanism.

“After sixteen months of intense negotiations, in December 2019, South Africa finally submitted the UN arrest warrant for execution, which a local magistrate approved. However, by then, Kayishema could no longer be found. It is important to note that my Office has reliable information that Kayishema was present in South Africa as late as October and November 2019, so merely weeks before South Africa reported in the Security Council that the arrest operation was unsuccessful.

”Little has improved since. A year ago, after the failed arrest, my Office submitted an extensive request for assistance detailing information we required to continue the pursuit of Kayishema. Yet our request still has not been satisfactorily answered.

“Two months ago in October, it was agreed that my Office would send a technical team to Pretoria to finally receive the requested material. The foreign affairs and justice ministries convened a number of joint meetings with responsible officials.

“But the Department of Home Affairs, which has responsibility for key information, did not attend as scheduled. My Office was then again requested to send last week another mission to specifically meet with the Department of Home Affairs and receive outstanding documents. To our great surprise, on the last day of the mission, Home Affairs representatives informed us that Kayishema’s refugee file and fingerprints do not exist. This is difficult to understand. “

Brammertz told the UN Security Council that he was reporting these facts “ to explain why, despite all my Office’s efforts, Kayishema remains at large.

“The situation raises many questions. How can it be that South Africa refused to arrest Kayishema two and a half years ago based on a refugee file that it is now claimed doesn’t exist? And why didn’t authorities take obvious measures after being informed that an internationally wanted fugitive indicted for genocide was present in their country?

“Despite a UN warrant calling for Kayishema’s immediate arrest, South African authorities did not provisionally detain him or put him under any surveillance to prevent his escape.”

Brammertz added that it was now most important was to move forward and finally arrest Kayishema. He appealed directly to South Africa’s representative in the Security Council – where South Africa has been serving as a temporary member for the last two years – to finally help his tribunal find Kayishema.

“Empower your operational services – particularly police and prosecutors – to work directly with us on a day-to-day basis. And truly give them your full political and diplomatic support, as well as the resources they require to help us. I am prepared to visit Pretoria in the new year to discuss our further cooperation and agree on a clear joint strategy and operational arrangements. This would also send the right message to other capitals”.

Daily Maverick asked both the Department of International Relations and Cooperation and the Department of Justice and Correction Services for comment but after several hours neither had responded.

Darren Bergman, the spokesperson for international relations and cooperation of the Democratic Alliance said:

“Unfortunately the Government of South Africa believes in loyalty before the Constitution. When it comes to international relations and cooperation the name has been misleading for years as we have been anything but cooperative to the likes of world organizations that we pay hefty membership fees to sit on.

“We continue to embarrass ourselves and show that certain individuals’ lives matter more than mass lives in hypocritical ways that leave the international community continuously confused and frustrated at us. This has an impact on tourism, foreign investment and long term relationships.”

According to the website of Brammerz's tribunal, of the 90 persons originally indicted by the International Criminal Tribunal (ICTR) on Rwanda, six remain at large. Of these, Protais Mpiranya has been earmarked for trial by the Mechanism. The ICTR Prosecutor has requested referrals to Rwanda for trial in the cases of the five other fugitives: Kayishema, Charles Sikubwabo, Aloys Ndimbati, Ryandikayo (first name unknown) and Phénéas Munyarugarama.

At the start of 2020 there were two more fugitives at large. But in May 2020, DNA tests established that one of the most wanted killers, Augustin Bizimana, the defence minister at the time of the genocide and one of the kingpins of the extermination of Tutsis, had died in Pointe Noire, Republic of Congo, in 2000.

And Félicien Kabuga was arrested in France on 16 May 2020, "following an intensive analysis of telecommunications and other data... thanks to efficient cooperation from French authorities," Brammertz told the UN Security Council last week. He added that the tribunal was progressing with preparations for Kabuga's trial and he had already appeared in court at The Hague on 11 November this year.

The UN has offered up to US\$5 million as a reward for information leading to the arrests of any of the remaining fugitives.

Brammertz was also critical of the Zimbabwean and Ugandan governments for their failures to cooperate fully with his tribunal in pursuing fugitives, though he did not identify which one or ones.

Brammertz said he intended to travel soon to Harare for further discussions with the government there:

"To move cooperation in the right direction, we would expect to see a more pro-active approach by the Zimbabwean Task Force.

"In this regard, effective investigations would need to begin with the acknowledgment that a fugitive is known to have sheltered in Zimbabwe and has deep, long-standing connections with Zimbabwean persons.

"Similarly, my team and I will need to return again to Kampala to engage in open and frank discussions about the urgent steps needed to remedy long-standing issues. Authorities have acknowledged that a fugitive obtained an official Ugandan passport, but our requests for investigation records and access to persons of interest have not been answered after more than a year."

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

Domestic Prosecutions In The Former Yugoslavia

Bosnian Serb Ex-Servicemen Charged over Murders of 45 Civilians (Balkan Transitional Justice) By
Haris Rovcanin
December 18, 2020

The Bosnian state prosecution on Friday charged nine people with involvement in a deadly attack on Novoseoci, a village in the Sokolac municipality, on September 21-22, 1992, when 45 Bosniak civilians were killed.

The indictees were named as Milan Tupajic, Dragomir Obradovic, alias Dragan, Momcilo Pajic, alias Paja, Aleksa Gordic, alias Aco, Miladin Gasevic, alias Cirko, Momir Kezunovic, alias Keza, Branislav Kezunovic, alias Miki, Zeljko Gasevic, alias Gaso, and Jadranko Suka. The nine men – civilian officials, commanders and soldiers of the Bosnian Serb Army's 2nd Romanija Motorised Brigade – are accused of participating in a joint criminal enterprise and an attack on the village of Novoseoci.

An elderly woman was allegedly killed when the troops entered the village and then 44 men and boys, the youngest of whom was 14 years old, were executed.

"When the army was entering the village, an elderly woman, [identified only by the initials] D.K., was killed. After that, women and children were separated from the men. The women and children were taken to a bus in order to be transported to Sarajevo," the prosecution said in a statement.

After that, the indictment alleges that Tupajic and others transported 44 captured Bosniak male civilians in military trucks to a landfill site at Ivan Polje, near Sokolac, where they shot 44 of them with automatic rifles. One of the Bosnian Serb Army troops then finished off any civilians who managed to survive with individual handgun shots.

“Many elderly persons were among them. The youngest victim was 14 and the oldest 85 years old. During the exhumation of victims in 2000, the mortal remains of 43 people were found alongside a large number of bullet casings and bullets in the bodies of the victims who were killed, which proves the cruelty of the murders that were committed,” the prosecution said.

It is claimed that before the attack, the local residents had handed over their weapons and expressed loyalty to the Serb local authorities in Sokolac.

After the murders, on September 30, 1992, the local mosque in Novoseoci was demolished and its remnants were dumped at the same landfill where the victims were executed.

The indictment claims that the victims were killed during a widespread and systematic attack by Territorial Defence forces, the Bosnian Serb Army and police on the Bosniak civilian population in Sokolac and the surrounding area.

The prosecution is also conducting an investigation into the another Bosnian Serb Army officer, Radislav Krstic, over the killings in Novoseoci.

The Hague Tribunal has already sentenced Krstic, in his capacity as commander of the Bosnian Serb Army’s Drina Corps, to 35 years in prison for his role in the 1995 genocide of Bosniaks from Srebrenica.

The prosecution also said that attempts are being made to locate and extradite one more suspect who currently lives in Canada. The indictees were named as Milan Tupajic, Dragomir Obradovic, alias Dragan, Momcilo Pajic, alias Paja, Aleksa Gordic, alias Aco, Miladin Gasevic, alias Cirko, Momir Kezunovic, alias Keza, Branislav Kezunovic, alias Miki, Zeljko Gasevic, alias Gaso, and Jadranko Suka. The nine men – civilian officials, commanders and soldiers of the Bosnian Serb Army’s 2nd Romanija Motorised Brigade – are accused of participating in a joint criminal enterprise and an attack on the village of Novoseoci.

An elderly woman was allegedly killed when the troops entered the village and then 44 men and boys, the youngest of whom was 14 years old, were executed.

“When the army was entering the village, an elderly woman, [identified only by the initials] D.K., was killed. After that, women and children were separated from the men. The women and children were taken to a bus in order to be transported to Sarajevo,” the prosecution said in a statement.

After that, the indictment alleges that Tupajic and others transported 44 captured Bosniak male civilians in military trucks to a landfill site at Ivan Polje, near Sokolac, where they shot 44 of them with automatic rifles. One of the Bosnian Serb Army troops then finished off any civilians who managed to survive with individual handgun shots.

“Many elderly persons were among them. The youngest victim was 14 and the oldest 85 years old. During the exhumation of victims in 2000, the mortal remains of 43 people were found alongside a large number of bullet casings and bullets in the bodies of the victims who were killed, which proves the cruelty of the murders that were committed,” the prosecution said.

It is claimed that before the attack, the local residents had handed over their weapons and expressed loyalty to the Serb local authorities in Sokolac.

After the murders, on September 30, 1992, the local mosque in Novoseoci was demolished and its remnants were dumped at the same landfill where the victims were executed.

The indictment claims that the victims were killed during a widespread and systematic attack by Territorial Defence forces, the Bosnian Serb Army and police on the Bosniak civilian population in Sokolac and the surrounding area.

The prosecution is also conducting an investigation into the another Bosnian Serb Army officer, Radislav Krstic, over the killings in Novoseoci.

The Hague Tribunal has already sentenced Krstic, in his capacity as commander of the Bosnian Serb Army’s Drina Corps, to 35 years in prison for his role in the 1995 genocide of Bosniaks from Srebrenica.

The prosecution also said that attempts are being made to locate and extradite one more suspect who currently lives in Canada. The indictment has been filed to the Bosnian state court for confirmation.

Bosnia Rejects Serb Ex-Soldier’s Appeal in War Rape Case (Balkan Transitional Justice) By Emina Dizdarevic
December 23, 2020

The Constitutional Court on Tuesday dismissed the appeal filed by Milorad Mrdja, in which he alleged that his right to a fair trial had been violated and the state court's verdict sentencing him to seven years in prison for wartime crimes against civilians in the Sanski Most area was based on unlawful evidence in its decisive part.

"The Constitutional Court finds that there is no violation of the right to a fair trial," it said in a statement.

In December 2018, the state court's appeals chamber sentenced Mrdja, a former member of the Sixth Brigade of the Bosnian Serb Army, to seven years in prison for crimes against the civilian population in the Sanski Most area in the period from 1992 to 1994.

Two other Bosnian Serb ex-soldiers, Goran Mrdja and Mile Kokot, were also convicted. The three men were found guilty of the rape and inhumane treatment of Bosniak civilians and of pillaging their property.

Goran and Milorad Mrdja were also pronounced guilty of raping a minor, together with two other people.

A fourth ex-soldier, Ranko Mrdja, was acquitted.

The Constitutional Court's decision is final and binding.

Bosnian Serb Ex-Fighters Charged with Crimes Against Humanity (Balkan Transitional Justice) By Irvin Pekmez
December 30, 2020

The Bosnian state prosecution on Wednesday charged Borislav Pjano and Spomenko Novovic with committing crimes against humanity as part of a widespread and systematic attack by Bosnian Serb troops, police and paramilitary units on Bosniak civilians in the Foca area in 1992. Novovic personally killed five Bosniak civilians, the prosecution said in a statement.

"After that, he set the house with the bodies of the killed civilians inside on fire, and afterwards participated in the murder of an elderly civilian, and in the inhumane treatment of two elderly Bosniaks," the statement said.

"The crimes were committed in Dragocava, Posajatovici and Sube, settlements in the municipality of Foca, in the summer of 1992," it added.

Pjano is accused of taking part in the capture and illegal detention of a group of 17 Bosniaks in the summer of 1992 in Potpece, a village near Foca.

"After that, 11 people were taken out of the house, and the accused, Pjano, together with other people, personally and directly, using a firearm, participated in the murder of six Bosniaks who remained in the house, after which the perpetrators threw a bomb into the house and set it on fire together with the bodies of the killed civilians in it," the prosecution said.

The 11 civilians who were taken from the house, along with two others, were transported by truck to the Foca area where they were detained and afterwards expelled to the Trnovo area, it added.

It is further alleged that in August 1992, Pjano threatened a Bosniak woman with a weapon and robbed her of a large amount of gold jewellery.

The prosecution also charged Pjano with the inhumane treatment of a captured Bosniak civilian.

The indictment has been sent to the state court for confirmation.

Bosnian Army Ex-Officer Faces Retrial for Croats' Killings (Balkan Transitional Justice) By Haris Rovcanin
December 17, 2020

The appeals chamber of the Bosnian state court on Thursday upheld an appeal from Enver Buza, former commander of the Independent Battalion Prozor of the Bosnian Army, and quashed the first-instance verdict that sentenced him to 12 years in prison for wartime crimes in Uzdol, near the town of Prozor, in 1993.

The court said that Buza should be retried.

Under the first-instance verdict handed down in September 2019, Buza was found guilty of having controlled a unit that attacked the village of Uzdol on September 14, 1993 and killed 27 Croat civilians.

The verdict said that Buza was informed about the crime to a sufficient extent, which obliged him to conduct a thorough investigation. According to the judge, this was not done because he wanted to cover up the crime.

But his defence lawyer argued during the appeal that the first-instance court did not take into account important evidence that went in Buza's favour and neglected the fact that he had initiated an investigation into the Uzdol incident. Harsher Sentence Urged for Bosnian Serb Soldier Convicted of Rape (Balkan Transitional Justice) By Albina Sorguc December 21, 2020 <https://balkaninsight.com/2020/12/21/harsher-sentence-urged-for-bosnian-serb-soldier-convicted-of-rape/>

Presenting its appeal at the Bosnian state court on Monday, the prosecution called for a harsher punishment for Sasa Curcic, who was convicted under a first-instance verdict of committing a crime against humanity for raping a woman in July 1992 and sentenced to five years in prison.

Prosecutor Mersudin Pruzan told the state court's appeals chamber that the sentence imposed on Curcic, a wartime member of the Dragan Nikolic Interventions Unit of the Bosnian Serb Army, was below the statutory minimum for crimes against humanity.

"The maximum penalty for the crime for which the defendant was sentenced is 45 years. He was sentenced to a term that is nine times shorter. The minimum punishment is ten years, so his sentence is below the statutory minimum," Pruzan said.

He argued that the court wrongly assessed the defendant's appropriate conduct during the trial as a mitigating circumstance, insisting that this was actually Curcic's obligation.

Pruzan said that it could have been considered a mitigating circumstance had Curcic admitted guilt or expressed remorse.

"The defendant has never done that," he said.

Curcic's defence lawyer urged the court to quash the first-instance verdict and order a retrial.

"The defence's thesis is that the injured party mixed up the events and persons. When it comes to evidence, there were double standards for the prosecution and defence," Prodanovic said.

Curcic also addressed the court, saying that he was not guilty.

"I absolutely did not even touch that person. I do not feel guilty, I feel innocent," he said.

The first-instance verdict said that on an undetermined date between July 3 and 18, 1992, Curcic and another member of the same army unit, Dragan Zelenovic, took three women from the secondary school in Foca, where they were being detained, to a house in the village of Gornje Polje, where the defendant forced one of them to have sex with him.

Zelenovic was sentenced to 15 years in prison by the Hague Tribunal for the rape and abuse of women and girls in Foca in 1992 – crimes which the UN court said were "part of a pattern of sexual abuse" of Bosniak women by Serb troops in the Foca area.

He was released in 2015 after serving two-thirds of his sentence.

Bosnian Serb Soldiers' Convictions for Killing 28 Civilians Upheld (Balkan Transitional Justice) By Emina Dizdarevic
December 28, 2020

The appeals chamber of the Bosnian state court has upheld the verdict sentencing ex-soldiers Branko Cigoja, Zeljko Todic and Sasa Boskic to 14 years in prison each for crimes against civilians in Oborci near Donji Vakuf in September 1995, BIRN has learned.

The acquittal of a fourth defendant, the men's commander, Milorad Glamocak, was also upheld.

Cigoja, Todic and Boskic, all wartime members of the Reconnaissance Squad of the Bosnian Serb Army's 11th Mrkonjic Brigade, were found guilty in June this year of participating in the killing of 28 Bosniak and Croat civilians in Oborci.

The court found that the civilian detainees were being held in an old railway station in Oborci before they were executed by Cigoja, Todic, Boskic and others.

Glamocak, the commander of the Reconnaissance Squad, was acquitted of failing to prevent the crime or punish the perpetrators.

The court determined that there was no evidence that Glamocak agreed with the order to kill the civilians, or that he was aware that his subordinates were preparing to commit the crime or that they had committed it.

The second-instance verdict is final and cannot be appealed.

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

Turkey

Authorities in northeast Syria seek alternatives due to Turkish disruption of water supplies (Al-Monitor) By Akhin Ahmed

December 30, 2020

Turkey and allied Syrian opposition factions led by the Free Syrian Army (FSA) have deliberately deprived of water more than 1 million civilians in Hasakah and its countryside, the towns of Tel Tamr, al-Hol and Abu Raseen, and the nearby villages and communities in an area that is already suffering from drought and water scarcity.

In early December, they cut off the water to the Alouk water station in the countryside of Ras al-Ain. This is the 17th time Turkey has deprived locals of water since taking control of Ras al-Ain and Tell Abyad in October 2019 during Operation Peace Spring against Kurdish fighters.

The Alouk water station is the only source of potable water supplying the city of Hasakah and its countryside where about 1.2 million civilians reside, including thousands of displaced persons from various Syrian areas living in camps. The Alouk station also supplies the Mabrouka power station, which provides potable water to Tel Tamr and its countryside.

In light of the repeated suspension of pumping operations at the Alouk water station, the Kurdish-led Autonomous Administration of North and East Syria (known as Rojava) is seeking alternative solutions by planning the implementation of projects that supply water to citizens. Joseph Lahdo, head of the Local Administration and Environment Committee in Hasakah, talked to Al-Monitor about the autonomous administration's plan to implement a \$5 million project to draw water from the Khabur River and store it in al-Himme artificial lake near Hasakah.

"The Khabur water drawing project will meet the city's water needs, but it needs time to be completed," Lahdo explained.

Khaled Hami, co-head of the Water Directorate affiliated with the autonomous administration in the predominantly Christian town of Tel Tamr, told Al-Monitor, "The autonomous administration has begun to solve the water crisis in the town by supplying it with drinking water from the wells of the village of Ain al-Abed, in the countryside of the town."

"We are in the process of implementing two other projects that are underway to secure Tel Tamr's need for drinking water. The first project is digging water wells in the village of Gulbistan [east of Tel Tamr], and the second project is digging wells in the village of Salhia [east of Tel Tamr] and extracting water from the wells of the two villages to Tel Tamr," Hami said.

Citizens in Hasakah get their water, often unclean, from water tanks. Hevrin Walat, a doctor who works at a hospital in Hasakah, told Al-Monitor about kidney and intestinal diseases that are spreading widely. "The citizens of Hasakah largely depend on bottling water from the water tanks that roam the neighborhoods. Some are provided by nongovernmental organizations and others by the United Nations. Merchants who own tanks sell water, and many families cannot afford water and are forced to extract unclean well waters, which has harmed their health and that of children," she said.

She added, "The repercussions of water cutoffs, especially during the summer, are dire due to the coronavirus pandemic, as water is the first weapon to confront it, according to the guidelines of international health institutions, including the World Health Organization."

Saeed al-Bash, an expert in international law who worked in investment companies, said that Turkey's water cutoff to the Syrian population is a war crime. He told Al-Monitor, "Cutting off water to the city of Hasakah violates the basic principles of international law and treaties. Turkey is committing a major crime against Syrian civilians, and according to international laws, each crime directed against civilians is considered a war crime from the legal point of view. Cutting off water is a crime

against humanity, and it is deliberately harming women, children and the elderly.”

Earlier this year, Human Rights Watch accused the Turkish government of deliberately harming civilians in Hasakah and its countryside by cutting off drinking water, which risks the further spread of the coronavirus.

In its report, HRW stated that the Ankara government has repeatedly cut off the pipeline that carries water to the cities in northeastern Syria and warned that residents in those areas face the risk of contracting the virus.

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

Kosovo Specialist Chambers

Azerbaijan

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

MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

The ICC Prosecutor Office’s Cop-Out on UK Military Crimes in Iraq (Human Rights Watch) By Clive Baldwin
December 18, 2020

UK nationals committed abuses in Iraq after 2003 on a significant scale. The International Criminal Court’s Office of the Prosecutor (OTP) Final Report on the UK and Iraq on December 9 is the latest official report to find that members of UK armed forces subjected Iraqi detainees to abuse, and concludes there is a reasonable basis to believe these were war crimes. But the prosecutor’s decision to close her examination of the UK without proceeding to an investigation on the basis that the UK is willing to genuinely investigate and prosecute these war crimes defies belief.

The Prosecutor Office’s report amounts to one of the clearest findings by any official body of the extent of UK abuses in Iraq.

The key paragraph in the report is §113. Here the Office concludes in clear terms that, given all the information available, there is a ‘reasonable basis to believe’ that members of the UK armed forces in Iraq committed the war crimes of wilful killing/murder (in at least 7 cases); torture and inhuman/cruel treatment and outrages upon personal dignity (at least 54 cases); and sexual violence, including rape (at least 7 cases).

The Office makes clear (§114) these are a ‘sample pool’ that does not reflect the full scale of the alleged crimes. It notes (§129)

that the UK High Court in civil claims on the evidence before it – applying a standard of proof which appears relevant to the reasonable basis standard applied by the Office at the preliminary examination stage – has made findings in relation to hundreds of Iraqi detainees that “conditions in which they were held and certain practices to which they were subjected

amounted to inhuman or degrading treatment.

The OTP then goes on (§148) to make clear findings, again, to a reasonable basis standard, that the crimes were sufficiently grave to warrant further action before the ICC. This is based on the scale, nature, manner of commission, and impact of the crimes committed on victims. The report states that the manner in which these crimes are alleged to have been committed appears to have been “particularly cruel, prolonged, and severe”.

The Office found (§144) an aggravating factor was that the underlying conduct leading to the crimes arose from ‘institutional factors’, including training programmes that encouraged prolonging the “shock of capture” without sufficient regard for humane treatment of detainees. In terms of impact (§145) the alleged crimes appeared to have had “severe short-term and long-term impact on the physical and mental health of detainees.” Furthermore, “[v]ictims’ families were also deeply traumatised from witnessing the abuses and left in a state of despair, fearing for the fate of detainees.”

With crimes on this scale, which continued for years, many UK nationals – not just a ‘few bad apples’ – will have been responsible, not just for committing war crimes but also for ordering and assisting them, looking the other way, and failing to prevent, stop or prosecute them. The Office states that it is wrong to dismiss allegations of such crimes as ‘vexatious’ (frivolous) – a word that has been repeatedly used by UK government ministers who continue to deny crimes occurred.

The UK has a lamentable record of failing to prosecute war crimes committed by its nationals overseas. There has just been one prosecution of UK forces for war crimes in Iraq and Afghanistan in the last 20 years. The UK government has blatantly interfered in the military justice system to prevent investigations and prosecutions, including shutting down the main criminal investigation into war crimes in Iraq. But throughout its report, the Office of the Prosecutor ignores the bigger picture of UK failings on prosecutions related to abuses in Iraq and bends over backwards to give the UK government the benefit of the doubt.

Human Rights Watch looked at these failings in detail for our 2018 report examining whether the OTP’s preliminary examinations can serve to catalyze pressure for genuine national proceedings, including in the UK. We spoke with lawyers, nongovernmental organizations, government officials, members of parliament, journalists, and others who have been following these issues very closely for many years, as well as OTP staff. We also studied a range of documents, including relevant domestic judicial decisions, inquiry reports, government statements and reports, and British press articles.

The Office in 2014 reopened a preliminary examination into war crimes allegedly committed by UK nationals in Iraq that it had closed in 2006. At the ICC, preliminary examinations are conducted by the OTP to determine whether formal ICC investigations are warranted under the court’s treaty, the Rome Statute.

The prosecutor’s office decided to not to seek to proceed to an investigation on the basis that there is insufficient evidence that the UK is unwilling genuinely to investigate and prosecute the allegations, given that the ICC is a court only of last resort. Article 17 of the Rome Statute provides that if the Court were to look at these cases, it would need to consider: if the investigations, or decisions not to prosecute are taken for the purposes of ‘shielding’ the person concerned from criminal responsibility; if there has been an unjustified delay in the proceedings; or if the investigations or prosecutions are not being conducted independently or impartially and in a manner inconsistent with an intent to bring the person concerned to justice. On almost any reading of the evidence the answer to the final question at least should be yes.

The UK does not have a record of genuine willingness to investigate and prosecute war crimes independently. Despite the evidence of war crimes that emerged from 2003 onwards, including from official inquiries, and rulings of courts in civil claims, the UK’s record of prosecution of war crimes has been derisory. On the same day as the prosecutor office’s report came out, the Ceasefire Centre for Civilian Rights published a report showing that since 2001, there had been precisely one prosecution of UK armed forces personnel for war crimes overseas, under the UK’s own ICC-implementing Act. This prosecution, in 2007, concerning the death of Baha Mousa after being beaten by UK forces in custody, resulted in the conviction of one corporal who had pled guilty to one war crime. The OPT Report summarises this in §213

The court convicted Corporal Donald Payne of inhuman treatment but acquitted him of manslaughter and perverting the course of justice. He was sentenced to one year’s imprisonment. Payne appears to have been the first British soldier ever to be convicted in the UK of a war crime. In the case of five other defendants, the Judge Advocate ruled that there was no case to answer due to lack of evidence, while two further accused were cleared by the jury of negligently performing the duty of ensuring that detainees were not ill-treated by men under their command. Justice MacKinnon, who presided over the court martial, acknowledged that despite his finding that Baha Mousa’s injuries were the result of numerous assaults over 36 hours “none of those soldiers have been charged with any offence simply because there is no evidence against them as a result of a more or less obvious closing of ranks”.

In 2010, after court rulings against it in cases brought by victims of the abuses and their families, the UK government created a special Iraq Historic Allegations Team (IHAT) to conduct criminal investigations regarding the allegations in Iraq. But, as

the OTP report points out, this resulted in no prosecutions and was shut down prematurely by the UK government in 2017. In 2019, the BBC Panorama programme and the Sunday Times newspaper published detailed allegations, including from former IHAT investigators, that UK political and military authorities had attempted to cover up crimes in Iraq and prevent investigations and prosecutions.

The OTP report examines some of the individual cases and decisions not to prosecute, setting out difficulties in obtaining evidence years after the crimes took place. But three issues are striking in its approach to the UK's record. First, that the Office seems to be setting itself a standard that is almost impossible to prove, especially in a preliminary examination when the office lacks full investigating powers – that in each individual case it would have to prove there was an active attempt to shield the perpetrators.

Second, the report gives the impression that the Office often bends over backwards to give the UK the benefit of the doubt, even when the evidence is against it. On the detailed BBC/Sunday Times claims, it said it could not 'substantiate the allegations to the required level of proof'. It praises the government for setting up IHAT – but it ignores that the government was forced to do so by the courts due to cases brought by victims.

The Office says it could find 'no affirmative plan' of UK commanders to commit abuses. But it then describes the notorious 'techniques' of deliberate sensory deprivation of detainees (e.g. through hooding) that were used by UK forces in Iraq. These are practices of serious abuse, which often amount to torture, that the UK officially promised in the 1970s had been abolished. The Office's report uses very mild language (§143) about their use in Iraq, saying that they 're-entered practice' through 'gradual attrition of institutional memory and lack of clear guidance'. This gives the impression that such atrocities were accidental – whereas their use requires authorisation and orders.

But most important is that the Office apparently fails to see the forest for the trees. It justifies individual decisions not to prosecute, while not examining the overall political context and clear statements and actions of UK governments to prevent investigations and prosecutions of UK forces. Although the Office acknowledges in the report (§487) that it should consider the 'totality of the relevant factors in their context' and not just individual cases, its conclusion completely fails to come to grips with the role of the UK government.

The overall context is one in which historically the UK has a poor to nonexistent record of prosecuting members of its armed forces and military and civilian commanders for atrocities committed overseas. This was apparent in Iraq, where although the media and litigation uncovered abuses, hardly any attempt to investigate and prosecute occurred until the UK courts forced the government to set up IHAT. And along with IHAT's failure to prosecute anyone, there has been no sign of any criminal investigation – by civilian police and prosecutors – of government ministers who could bear command or superior responsibility for the armed forces.

What's worse is the government's repeated dismissal of claims of abuse in Iraq using rhetoric like 'vexatious' and its ever-stronger measures to prevent accountability for such abuses. The OTP report acknowledges (§461) some of this, briefly, including the rhetoric of UK prime ministers and defence ministers saying the claims were 'spurious' and that they would 'stamp out' the litigation and no longer permit 'left wing activist human rights lawyers' to 'harass' the armed forces.

The defence secretary's decision to close down IHAT in 2017 followed a campaign by members of parliament and segments of the UK media attacking IHAT. And in 2019 the current government introduced its Overseas Operations Bill, with the explicit aim of making it extremely difficult to prosecute members of the UK forces for war crimes, torture and other crimes committed overseas, including through a 'presumption against prosecution' of such crimes and requiring the consent of the attorney general, a politician and member of the government, to prosecute.

The OTP report expresses deep concern about the new bill and notes (§479) it could reconsider the decision based on new facts or evidence. It states that:

The effect of applying a statute of limitations to block further investigations and prosecution of crimes alleged committed by British service members in Iraq would be to render such cases admissible before the ICC as a result of State inaction or alternatively State unwillingness or inability to proceed genuinely under articles 17(1)(a)-(c).

But in its decision, the OTP appears to ignore many of the key issues highly relevant to assessing whether the UK is willing to genuinely have independent investigations and prosecutions. For example, in §497, the Office concludes « that the UK authorities had not remained inactive in relation to broader allegations of systemic abuse or of military command or civilian superior responsibility. » But it does not address the apparent lack of any criminal investigation of UK ministers, civilians who had command or superior authority over the armed forces, by UK civilian police and prosecutors. It does not explore the role of the attorney general and its impact on independence of prosecutorial decisions.

Most extraordinarily, the OTP does not treat the government's decision to shut down IHAT, direct political interference in the

justice system with the aim of ‘protecting’ the armed forces, as amounting to interference with the independence of the investigation. Even though, as it acknowledges in §435, ‘political interference in the investigation’ is a key factor in assessing the independence of an investigation.

The OTP report’s publication serves to confirm that UK forces committed multiple war crimes in Iraq, with a potential criminal liability of many, including senior military commanders and UK ministers. This is a major failing of the UK state, compounded by the lack of domestic prosecutions. On this, the OTP report has some very clear words in §6:

The lengthy domestic process, spanning more than 10 years and involving the examination of thousands of allegations, has resulted in not one single case being submitted for prosecution: a result that has deprived victims of justice.

Despite these powerful words, the OTP has chosen to gloss over the broader picture of the UK’s institutional failure on accountability for war crimes, and to give the UK government the benefit of the doubt, despite all the evidence that it is actively obstructing justice.

UN rights office criticizes Trump pardons of ex-contractors (Associated Press)

December 23, 2020

The United Nations’ human rights office said on Wednesday that it’s “deeply concerned” by U.S. President Donald Trump’s pardons of four former government contractors convicted in a 2007 massacre in Baghdad that left more a dozen Iraqi civilians dead.

The four men’s pardons were among 15 that were announced on Tuesday.

Supporters of the former contractors at Blackwater Worldwide had lobbied for pardons, arguing that the men had been excessively punished in an investigation and prosecution they said was tainted by problems and in which exculpatory evidence was withheld.

“These four individuals were given sentences ranging from 12 years to life imprisonment, including on charges of first-degree murder,” U.N. human rights office spokeswoman Marta Hurtado said in a statement released in Geneva. “Pardoning them contributes to impunity and has the effect of emboldening others to commit such crimes in the future.”

She said that “victims of gross human rights violations and serious violations of international humanitarian law also have the right to a remedy,” which includes a right to “see perpetrators serve punishments proportionate to the seriousness of their conduct.”

The case caused an international uproar over the use of private security guards in a war zone.

It followed a complicated legal path since the killings at Baghdad’s Nisoor Square in September 2007, when the men — former veterans working as contractors for the State Department — opened fire at the crowded traffic circle.

Prosecutors asserted the heavily armed Blackwater convoy launched an unprovoked attack using sniper fire, machine guns and grenade launchers. Defense lawyers argued their clients returned fire after being ambushed by Iraqi insurgents.

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

Syria

Syrian state media says 28 killed in bus ambush in Deir al-Zor (Reuters)

December 30, 2020

Twenty-eight people were killed in an attack on a bus along a main highway in Syria’s Deir al- Zor province that borders Iraq, Syrian state media said on Wednesday, an incident that residents and defectors say was an ambush on an army vehicle.

There were no more details of the incident in an area where mostly Syrian army and Iranian- backed militias are based, near

the ancient city of Palmyra. A senior military defector in the area said the vehicle carried soldiers and pro-government militias who had finished their leave and were on their way back to their base in the desolate, sparsely populated area. Another source said at least thirty soldiers were killed, mostly from the Syrian army's elite Fourth Brigade, which has a strong presence in the rich oil-producing province since Islamic State fighters were ousted at the end of 2017. Deir al-Zor residents and intelligence sources say there has been a rise in recent months of ambushes and hit-and-run attacks by remnants of Islamic State militants who hid in caves in the mainly desert region. They also say in the last few months, Arab tribes who inhabit the area have been angered by executions by Iranian militias operating in the area of dozens of nomads suspected of affiliation to militants.

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

Yemen

Relative: Yemeni rebels kill woman in front of her children (Associated Press) By Ahmed Al-Haj
December 25, 2020

A 25-year-old woman was beaten to death in front of her two children by Houthi rebels in Yemen's Ibb province, a family member said Friday.

Houthi militia members raided the house of Ahlam al-Ashary late Thursday looking for her husband, the family member said. When they did not find him they kicked al-Ashary and beat her with sticks and the backs of their pistols until she died, said the relative, who refused to be named for fear of reprisals. The militants were searching for al-Ashary's husband for his alleged ties to rival forces loyal to the U.N.-recognized government, the relative said.

The attack took place in a rural area in Houthi-controlled Ibb province, where most inhabitants have resisted Houthi rule. Photos of al-Ashary's children hugging her coffin have circulated on social media outlets and anti-Houthi Yemeni news websites.

The Associated Press reached out to four Houthi officials but all declined to comment.

The conflict in Yemen erupted in 2014 when Iran-backed Shiite rebels, known as Houthis, overran the country's northern parts and the capital Sanaa, forcing the U.N recognized government to flee to the south. Since 2015, Houthis have been fighting a Saudi-led and U.S.-backed military coalition that seeks to reinstate the government of President Abdel Rabbo Masour Hadi.

The war in the Arab world's poorest country has killed more than 112,000 people, including thousands of civilians. The conflict has also resulted in the world's worst humanitarian crisis.

Muammar al-Iryani, information minister in the U.N.-recognized government, criticized the attack Friday as "an outrageous terror crime" that attests to "the barbarism of Houthi militias."

UN chief and Yemen Envoy condemn deadly Aden airport attack (UN News)
December 30, 2020

According to media reports, loud explosions and gunfire were heard at the airport and clouds of smoke were seen shortly after a plane from Saudi Arabia landed, carrying members of the country's new government. The passengers are reported to have been safely transferred to the presidential palace.

In a statement released on Wednesday, Mr. Guterres expressed his condemnation of the "deplorable attack" whilst, in a separate statement, Mr. Griffiths strongly condemned the attacks, and "the killing and injury of many innocent civilians". Both senior officials offered their sincere condolences and solidarity to all who lost loved ones.

"I wish the Cabinet strength in facing the difficult tasks ahead", continued Mr, Griffiths's statement. "This unacceptable act of violence is a tragic reminder of the importance of bringing Yemen urgently back on the path towards peace."

Mr, Guterres reitared the steadfast commitment of the United Nations to support efforts to resume a Yemeni-led and Yemeni-owned political process to reach an inclusive, negotiated settlement to the conflict.

A people caught in the crossfire

Yemen, the Arab world's most impoverished nation, has been riven by conflict since 2015, when fighting erupted between a Saudi-backed coalition supporting the internationally-recognized Government and the Houthi rebel group known formally as Ansar Allah.

Figures released by the UN humanitarian office, OCHA, in early December, suggest that more than 230,000 Yemenis have died due to the war, the majority – some 131,000 – through indirect causes such as lack of food, health services and infrastructure. Over 3,000 children have been killed, and 1,500 civilian casualties have been reported in the first nine months of this year.

The attack on Aden airport is an ominous sign of the scale of challenges facing the Yemeni authorities, which have been forced to work mainly in exile, from Saudi Arabia.

It comes after a period of relative calm, and months of negotiations aimed at bringing about a peace deal, mediated by the Office of the Special Envoy.

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

Special Tribunal for Lebanon

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

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

Israel and Palestine

Jewish Settlers Destroy Water Pipelines, Trees near Nablus (The Palestine Chronicle)

December 18, 2020

Jewish settlers today destroyed water pipelines and trees in al-Lubban ash-Sharqiya village, near the city of Nablus, according to the Palesitnian news agency Wafa.

Khaled Daraghmeh, a local landowner, said that a group of settlers stormed his plot of land, known as Khan al-Laban area, famous for its water spring, in the village, destroying doors, water pipelines and his orange trees.

The settlers came from the nearby colonial settlement of Ma'ale Levona, established in 1983 on the villagers' lands.

Daraghmeh pointed to the fact that Khan al-Laban, which dates back to the Ottoman era and covers an area of 300 dunums, has been subject to frequent attack by illegal Jewish settlers, who enjoy the protection of the Israeli military, in order to seize as it is located in the area connecting the colonial settlements of Alie and Ma'ale Levona.

Settler violence against Palestinians and their property is routine in the West Bank and is rarely prosecuted by Israeli authorities.

“Jewish settler violence should not be analyzed separately from the violence meted out by the Israeli army, but seen within the larger context of the violent Zionist ideology that governs Israeli society entirely,” wrote Palestinian author and editor of The Palestine Chronicle, Ramzy Baroud.

“Settler violence has long since become part of Palestinians’ daily life under occupation,” according to the Human Rights Group B’tselem. “Israeli security forces enable these actions, which result in Palestinian casualties – injuries and fatalities – as well as damage to land and property. In some cases, they even serve as an armed escort, or even join in the attacks”.

Between 500,000 and 600,000 Israelis live in Jewish-only settlements across occupied East Jerusalem and the West Bank in violation of international law.

UN condemned Israel 17 times in 2020, versus 6 times for rest of world combined (Times of Israel)

December 23, 2020

The United Nations General Assembly on Monday adopted two resolutions criticizing Israel, bringing 2020’s total tally to 17 resolutions against the Jewish state versus six resolutions singling out any other country, according to a tally by pro-Israel watchdog UN Watch.

Israel and activists have long slammed the UN for routinely adopting decision after decision directed against Israel, saying it exploits an overwhelming automatic majority that votes to censure Jerusalem no matter the subject.

General Assembly resolutions are nonbinding, but are seen as carrying symbolic significance.

The two motions were ratified this week after their drafts were adopted last month by the General Assembly’s Economic and Financial Committee, UN Watch said in a Monday statement.

One of them, titled “Oil slick on Lebanese shores,” condemns Israel over an alleged 2006 incident from the Second Lebanon War fought with terror group Hezbollah. It passed with 162 countries supporting it, seven opposing it and six abstaining.

The second criticized the Jewish state for allegedly exploiting the natural resources of Palestinians in the West Bank and Syrians in the Golan Heights, and passed 153 -6, with 17 abstentions.

Those votes join 15 others this year that singled out Israel for censure, while just six targeted all other countries combined: One each condemned the regimes of North Korea, Iran, Syria, and Myanmar, and two were on Crimea, which was seized in 2014 by Russia.

“The UN’s assault on Israel with a torrent of one-sided resolutions is surreal,” said Hillel Neuer, executive director of the Geneva-based UN Watch. “It’s absurd that in the year 2020, out of a total 23 of UN General Assembly resolutions that criticize countries, 17 of them — more than 70 percent — were focused on one single country: Israel. Make no mistake: the purpose of the lopsided condemnations is to demonize the Jewish state.”

“When the General Assembly gives in to politicization and selectivity by discriminating against Israel, it violates the UN Charter’s guarantee of equal treatment to all nations, large and small,” Neuer added.

“We note that the UK and EU states like France, Germany and Spain voted Yes to more than two-thirds of the UNGA resolutions singling out Israel in 2020,” he charged. “Yet these same nations failed to introduce a single UNGA resolution this year on the human rights situation in China, Venezuela, Saudi Arabia, Belarus, Cuba, Turkey, Pakistan, Vietnam, Algeria, or on 175 other countries.”

He noted that there had been “modest yet notable progress” this year with some EU states opposing or abstaining in votes to renew the mandates of UN bodies dedicated to Palestinian rights.

“Today’s farce at the General Assembly underscores a simple fact: the UN’s automatic majority has no interest in truly helping Palestinians, nor in protecting anyone’s human rights; the goal of these ritual, one-sided condemnations is to scapegoat Israel,” Neuer concluded.

Israeli minister orders jails not to vaccinate Palestinian security prisoners (Middle East Eye)

December 27, 2020

Israel's Public Security Minister Amir Ohana told the country's prison service late last week not to inoculate Palestinian security prisoners, an Israeli newspaper has revealed.

The order came despite health ministry guidelines that prisoners should be part of the second group of Israelis to be vaccinated against the Covid-19 coronavirus, together with security personnel, Haaretz wrote on Sunday.

The report came as Israel began its third coronavirus lockdown at 5pm (15:00 GMT) on Sunday, with most people forced to stay within 1,000 metres of their home.

The office of the minister said that only prison staff should be vaccinated because "there should be no inoculating security prisoners without approval and in line with vaccination progress among the general population," the newspaper said.

Although the statement referred only to "security prisoners," a letter on the matter sent by Moshe Edri, the Public Security Ministry's director general, did not make such a distinction, instead referring to the general prisoner population, Haaretz said.

Although Ohana's statement did not single out Palestinian inmates, there are no non-Palestinian security prisoners in Israel.

The ministry's directive contradicts the health ministry's guidelines regarding the prioritisation of vaccination.

Haaretz said it was unclear on what authority Ohana can order the prisons service to vaccinate certain inmates and not others.

'Politically motivated directive'

In response to the Public Security Ministry's directive, Shas lawmaker Moshe Arbel posed a parliamentary question to Ohana asking him to explain why there is no need to inoculate all inmates in light of the crowding and harsh conditions in Israel's prisons and the positive pace of vaccination among the general population.

"The state should weigh in on the difficult situation of the prisoners, among the most crowded and vulnerable groups in the country, and act to vaccinate them as soon as possible," Arbel wrote.

Criticising Ohana's announcement, Physicians for Human Rights said: "Minister Ohana's politically motivated directive indicates once again why the responsibility for prisoner health should be moved from the Public Security Ministry and the Israel Prisons Service to a body whose first priority is health.

"The minister's directive contradicts the vaccination guidelines that the Health Ministry issued.

"We should be making sure that prisoners are given high priority for vaccinations in line with recommendations by health experts involved in the matter, especially in light of worldwide data showing that the risk of infection among inmates is higher than that of the outside population."

Palestinians left waiting

Last week, Israeli Prime Minister Benjamin Netanyahu received a Covid-19 vaccine jab, starting a national rollout.

However, the massive vaccination campaign, said to be the biggest in Israel's history and titled "Give a Shoulder," will not include millions of Palestinians living under Israeli control despite a recent spike in cases and deaths stemming from the virus.

Israel's vaccination campaign will include Jewish settlers who are Israeli citizens living deep inside the occupied West Bank, but not the territory's 2.5 million Palestinians.

They will have to wait for the cash-strapped Palestinian Authority, which administers parts of the occupied West Bank in accordance with interim peace agreements reached in the 1990s, to provide them.

The PA hopes to get vaccines through a World Health Organisation-led partnership with humanitarian organisations known as Covax, which has so far fallen short of the 2 billion doses it hopes to buy over the next years for those in poor countries.

Complicating matters is the fact that the Palestinians have only one refrigeration unit capable of storing the Pfizer vaccine.

The Palestinian Authority has reported more than 85,000 cases in the West Bank, including more than 800 deaths, and the outbreak has intensified in recent weeks.

The situation is even more dire in Gaza, home to two million Palestinians and which has been under an Israeli and Egyptian blockade since Hamas seized power in 2007. Authorities there have reported over 30,000 cases, including more than 200 deaths.

[back to contents]

Gulf Region

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

ASIA

Afghanistan

Call for royal commission into alleged Afghanistan war crimes (The Sidney Morning Herald) By Deborah Snow
December 19, 2020

A former head of the defence force is backing a call for a royal commission or its equivalent to further probe the findings of the recently released Brereton report on war crimes allegedly committed by some Australian special forces in Afghanistan.

Admiral Chris Barrie is querying the report's conclusion that "responsibility and accountability [for the alleged crimes] does not extend to higher headquarters".

Major-General Paul Brereton found most blame fell on patrol leaders, while mid-level Special Operations Task Group and force element commanders also had to bear some of the moral responsibility and accountability.

But the report absolves higher levels of command, stating Australia's command headquarters in the Middle East at the time, known as Joint Task Force 633, and the headquarters Joint Operations Command did not have a "sufficient degree of [operational] command and control to attract the principle of command responsibility".

Admiral Barrie told the Herald, "I'm sorry, I don't accept that ... the purpose of having national command responsibilities in the theatre [of operations] is to make sure that our people are behaving themselves and doing what is right and proper according to the Australian government's direction.

"I think the mums and dads of Australia need to know what was going on and what needs to be done about it and I don't think that the current CDF [chief of the defence force Angus Campbell] has the responsibility or ability to do that.

"His job is running the defence force today, not to sweep up the mess of 12 years ago."

Admiral Barrie was responding to an analysis of the Brereton report scheduled to be released on Saturday by the Australia Institute.

Penned by former senior defence official Allan Behm, who heads the institute's international and security affairs program, the paper argues for a royal commission on the basis that the Brereton report strays from its terms of reference by "exculpating higher command and the government".

Mr Behm writes, "by placing responsibility for the alleged crimes committed on the shoulders of the alleged perpetrators, [it] overturns a long tradition of command responsibility for the deeds and misdeeds of troops and in consequence absolves higher levels of command and senior commanders of responsibility for the moral consequences of their command."

Admiral Barrie says as a junior officer he watched two royal commissions into the 1964 naval tragedy in which HMAS Voyager was sunk on a training exercise by the much larger HMAS Melbourne, and saw "a whole bunch of changes came out of that."

He said the government's announcement of a new Office of the Special Investigator to prosecute the alleged offences in Afghanistan would not satisfy the need to look at institutional failings in the way that a royal commission or similar-style inquiry would.

"I would also like to know what advice was given to government by the various chiefs of the defence force at that time, what decisions were made by the government and what were the reports from visits by ministers to Afghanistan," Admiral Barrie said.

"Those questions ... need much more extensive inquiry to determine who was in possession of what information, what decisions were made and at what level, and did leaders walk past things that were wrong and do nothing about them."

US continues to pardon war criminals in Iraq, Afghanistan (Anadolu Agency) By Ovunc Kutlu
December 25, 2020

US President Donald Trump announcing this week a wave of pardons was the latest in a series of wielding his clemency powers over the years for war criminals that were convicted of killing civilians in Iraq and Afghanistan.

As US presidents have used their authority for more than two hundred years to offer second chances to some Americans, Trump has issued 70 pardons during his time in the White House as of Wednesday.

Trump's executive clemency, however, keeps adding controversial military figures after he pardoned four employees of an American private military company who killed civilians in Iraq and were found guilty by a US court in 2014.

Employees of Blackwater Security Consulting, now known as Academi, shot at Iraqi civilians, killing 17 and injuring 20 in Nisour Square, Baghdad on Sept. 16, 2007 as they were escorting a US embassy convoy.

The incident caused five investigations. The FBI found that at least 14 of the 17 Iraqis killed were shot without any cause, including 9- and 11-year-old boys.

Thirty witnesses from Iraq, the largest group of foreign witnesses to travel to US for a criminal trial, had described in the court that the four American men initiated unprovoked shooting at Iraqi civilians with heavy gunfire and grenade launchers.

In the 2014 trial, Nicholas Slatten from the state of Tennessee, a sniper, was found guilty of first-degree murder as prosecutors had said he started the incident by opening fire.

Paul Slough from Texas was found guilty of 13 counts of voluntary manslaughter and 17 counts of attempted manslaughter. Evan Liberty from New Hampshire was found guilty of eight counts of voluntary manslaughter and 12 counts of attempted manslaughter.

And, Dustin Heard from Tennessee was found guilty of six counts of voluntary manslaughter and 11 counts of attempted manslaughter.

While a murder charge carries a mandatory sentence of life in prison, each voluntary manslaughter count carries a maximum sentence of 15 years, and attempted manslaughter counts carry seven-year maximum sentences.

"Seven years ago, these Blackwater contractors unleashed powerful sniper fire, machine guns and grenade launchers on innocent men, women and children," Ronald Machen, the US Attorney for the District of Columbia, said in his 2014 statement.

Blackwater had a \$1 billion government contract to protect American diplomats during the war in Iraq. In a 2007 congressional hearing on Blackwater misconduct, then-owner Erik Prince refused his employees to be defined as "mercenaries" and did not share information about his "private" company.

Blackwater was renamed as Xe Services in 2009, and known as Academi since 2011 after it was acquired by a group of private investors for around \$200 million.

Stabbing wounded prisoner

Trump in December 2019 ordered the US Navy not to remove Chief Petty Officer Edward Gallagher from its elite SEALs special operations force, and reversed his July 2019 court-martial demotion, saying: "This case was handled very badly from the beginning."

Gallagher was charged in September 2018 with 10 offenses, some of which included murder, attempted murder, and other war

crimes tied to his deployment to Mosul, Iraq.

He was found guilty on a single charge -- stabbing to death a wounded 17-year-old Daesh/ISIS prisoner of war with a hunting knife, and posing with his corpse and sending the photo to his friends.

Gallagher, whose nickname was "Blade", was also accused by fellow Navy SEAL snipers of randomly shooting two Iraqi civilians, a schoolgirl and an elderly man, while veterans reported his conduct to military investigators as being "OK with killing anybody that was moving" and "freaking evil".

Navy Secretary Richard Spencer was ousted by the White House after he criticized Trump's intervention in Gallagher's case.

Pardons in past

Trump also pardoned in 2019 three Army officers, two of them accused of war crimes in Afghanistan -- 1st Lt. Clint Lorange and Maj. Mathew Golsteyn.

Lorange in 2012 was charged with two counts of second-degree murder after he ordered his men to open fire on three Afghan men who were on a motorcycle. He was found guilty by a court-martial in 2013 and sentenced to 19 years in prison serving six before receiving Trump's pardon.

Golsteyn, an Army Green Beret, was charged with murder after killing an Afghan civilian in 2010 who he claimed was a bombmaker for the Taliban killing two Marines. The army closed the case in 2013 but reopened it in 2016.

Trump in May 2019 had pardoned Army 1st Lt. Michael Behanna who was convicted of murder of an Iraqi man in 2008. He was sentenced to 25 years imprisonment, which was later reduced to 15 years, and granted parole in 2014 after serving less than five years of his sentence.

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

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

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

Bangladesh International Crimes Tribunal

Bangladesh: 22 appeals of 1971 war criminals pending (Daiji World) By Sumi Khan

December 17, 2020

Two International Crimes Tribunals (ICT) of Bangladesh has so far delivered verdicts in 41 cases filed in connection with crimes against humanity committed during the liberation war in 1971.

After the verdicts, 39 appeals have been filed with the Appellate Division of the Supreme Court. Among those 22 appeals of the death sentenced convicted are pending due to Covid-19 pandemic, Zed Al Malum, Prosecutor (Admin) of ICT of Bangladesh,

told IANS on Wednesday.

There is no provision to dispose the appeals virtually. Therefore, the review of the appeals is totally uncertain for the pandemic situation as it is not mandatory to review anytime, he said.

An amendment to the International Crimes (Tribunals) Act-1973 in February 2013 made a provision for disposing appeals against sentences in 60 days, raising hope that the SC would quickly deliver judgments.

The hearings resumed on 2019, after more than three years, justice seekers hoped to get the justice finally.

But the process came to a halt again. No appeals were heard in the last one year, as the apex court is overloaded with pending cases and its regular functions slowed down due to the pandemic.

The last war-crime related appeal hearing took place at the Appellate Division of the Supreme Court on December 3, 2019. Convicted war criminal Syed Mohammad Qaisar filed the appeal, challenging the death penalty handed to him by a war-crimes tribunal in 2014.

The Appellate Division has so far disposed of only nine such appeals, including the one Qaisar filed, in the last seven years.

Three appeals filed by the convicted Top war criminals former Jamaat-e-Islami Chief (amir) Ghulam Azam, former BNP minister Abdul Alim and former Jamaat-e-Islami leader Abdus Sobhan, against their jail sentences, were declared "abated" by the apex court, as the convicted died while their appeals were pending with the court.

On July 20 this year, a virtual bench of the Appellate Division, headed by the Chief Justice of Bangladesh Syed Mahmud Hossain, said it will hold hearing on the review petition of war criminal ATM Azharul Islam when its regular functions resume after the pandemic.

On July 19, Azharul, convicted war criminal and Jamaat-e-Islami leader, filed the petition with the SC, seeking review of its verdict that upheld his death penalty for genocide and crimes against humanity during the war.

The nine war criminals whose appeals have already been settled by the top court are Top killer of 1971 Jamaat-e-Islami Amir (Chief) Motiur Rahman Nizami, Secretary General Ali Ahsan Muhammad Mojaheed, Jamat leaders Delawar Hossain Sayedee, Muhammad Kamaruzzaman, Abdul Quader Mollah, Mir Quasem Ali and ATM Azharul Islam, BNP leader Salauddin Quader Chowdhury and former Jatiya Party leader Syed Mohammad Qaisar.

Among them, Nizami, Mojaheed, Salauddin Quader Chowdhury, Kamaruzzaman, Quader Mollah, Quasem were hanged to death, after the apex court dismissed their review petitions against verdicts, confirming their death sentences.

Another war criminal Jamat-e-Islam leader and anti-liberation communal preacher and Pakistani propagandist Delwar Hossain Sayedee, whose imprisonment until death was affirmed by the SC, is now in jail.

Meanwhile, newly-appointed attorney general of Bangladesh, AM Amin Uddin said: "I will inquire about the war-crime appeals pending with the Appellate Division. If they are ready for hearing, I will take an initiative in January for their hearing."

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

War Crimes Investigation in Myanmar

Families of 17 Missing Rakhine Men Get No Help From Myanmar Rights Body (Radio Free Asia) By Min Thein Aung
December 23, 2020

Myanmar's human rights body said it will not investigate the case of 17 villagers allegedly abducted by the government military nine months ago in war-torn Rakhine state, angering family members of the men who say they were lied to and given the runaround by authorities.

Hla Myint, chairman of the Myanmar National Human Rights Commission (MNHRC), said his office has declined a request by concerned lawmakers from the area where the villagers were abducted because he and other members of the body accept as truthful a Ministry of Defense statement on Oct. 22, denying that the military had arrested and detained the civilians.

“So far, we have trusted what the military has said,” he told RFA. “If we get any change, and if it is necessary, we will visit the places on the ground. For these kinds of cases, it is best to find out the truth by inspecting the situation on the ground.”

Hla Myint also said that the commission could not conduct an investigation at present due to official restrictions on travel and gatherings to prevent the spread of the COVID-19 pandemic still raging through Myanmar.

The captives — residents of strife-torn Kyauktaw township — were arrested in March when Myanmar soldiers entered their community amid fighting with the rebel Arakan Army and burned down dozens of homes in the 500-home ethnic Rakhine village tract.

The two-year-long armed conflict has left roughly 300 civilians dead and displaced an estimated 230,000 others.

Eight of the original group of 18 villagers were abducted from Tin Ma New village on March 13, while the other 10 from Tin Ma Gyi village were arrested by troops on March 16 — all on suspicions of having ties to the AA. The body of one of them, Maung Win, was discovered two months later in the Kaladan River, riddled with bullet holes.

Relatives of the missing men tried to file missing persons cases with local police on March 23 and Dec. 8, but authorities rejected their requests.

Some family members held a press conference in mid-June in Rakhine’s capital Sittwe to call attention to their plight, saying that 10 of the captives from Tin Ma village tract were being forced to perform hard labor in a military battalion.

‘They hit a dead end’

Four local lawmakers stepped in and sent a complaint to the MNHRC and to state officials requesting that an investigation be conducted and action be taken against the soldiers responsible for abducting the villagers.

Lawmaker Oo Tun Win from Kyauktaw township, one of the legislators who sent the letter, said the MNHRC failed to provide a valid response and merely accepted what the Defense Ministry said.

“The commission didn’t take action such as contacting the citizens who have been affected, inquiring about the matter, or investigating it,” he said. “They hit a dead end with the statement from the Defense Ministry. By no means is this a credible answer. They left the citizens in a neglected state.”

Family members of the missing villagers said they have evidence that the military arrested their relatives and that the soldiers involved wore uniforms with the insignia of Army Division No. 55.

Khin May Win, wife of 42-year-old Tun Maung Win, one of the abducted villagers, accused the military of lying.

“They are blatantly lying,” she said, adding that troops from Division No. 55 arrested 10 of the villagers.

“They had been stationed at the Taung Shay mountain area,” she said. “They came to the village from there. They threatened the villagers, beat them, and took them away. Now they are lying about it. The arrests were real.”

When asked about the issue at a news conference in Naypyidaw on Nov. 27, Myanmar military spokesman Major General Zaw Min Tun said that the family members of the missing villagers should file cases with evidence at their local police station.

At the June news conference, the mother of one of the missing, Nay Lin Oo, said she had spotted her son, who has hearing and speech impairments, being forced to work at the military camp in the Taung Shay mountain area near Tin Ma Gyi village, with some of the other missing residents.

‘We are totally lost’

Tun Thein, whose brother-in-law Aung Nyunt and brother Aung Tha Pan are among the missing villagers, said he and others are concerned that soldiers may have killed the men.

“We want to know if they are still alive or not,” he said. “That’s why we tried to file the case at the Kyauktaw Myoma Police Station.”

But a police official there told Tun Thein that the relatives would have to file a complaint with the military, not the police.

“The police should have accepted the missing persons cases,” Tun Thein said. “We have evidence.”

Maung Kyaw Win, whose 26-year-old son is among the missing villagers, said that police informed the family members that they could not take on a case involving military arrests of villagers.

“We are totally lost now,” he said. “We have filed several complaint letters, which have been rejected. It’s hard to know what to do next.”

RFA tried to reach Police Colonel Kyaw Thiha, spokesman of the Myanmar Police Force, for more than a week seeking comment, but he did not respond.

MNHRC chairman Hla Myint suggested that local police dodged their duties in failing to accept the case.

“It depends on their attitude regarding human rights,” he said. “If they have the will, they could have done it. Instead of dodging, they should have assisted them.”

Myanmar attorney and lawmaker Aung Thein said the family members of the missing men have recourse because they can press charges against the police commander for not accepting the case.

“If the police don’t accept the case, then they can prosecute the police commander for negligence of duty [and] he can be prosecuted under the Law to Protect the Privacy and Security of Citizens.”

“Police stations stay away from cases in which the military is involved though they have to accept them according to the law,” he said.

RFA could not reach military spokesman Major General Zaw Min Tun for a response to Aung Thein’s comments.

Myanmar soldiers sentenced to 20 years over rape in Rakhine: A push towards accountability? (ASEAN Today) By Umair Jamal
December 24, 2020

A military court in Myanmar has sentenced three soldiers to 20 years in prison for rape of an ethnic Rakhine women during army operations in war-affected Rakhine state in June.

The verdict is a rare case of soldiers being held accountable by the country’s military for crimes or abuse. In many similar cases, Myanmar military soldiers have committed human rights abuses with impunity and at times with support from superiors.

While the Myanmar military may be untouchable domestically due to its deep political ties and commercial influence, the growing international scrutiny of the institution will have implications for the country.

Myanmar military marked by poor human rights record

The military initially dismissed the sexual assault allegations involving the three soldiers after they were revealed in July. It was only after the involved soldiers confessed that the military reversed its position on the incident.

The case is only the tip of the iceberg for the military’s long-reported human rights violations, including against the country’s minority Muslim community.

In 2017, a ruthless crackdown led by the military is thought to have killed thousands of Rohingya Muslims in Rakhine State and forced around 750,000 of them to flee the country. Around 600,000 Rohingya still live in Myanmar but have long been deprived of citizenship and voting rights.

According to some reports, Myanmar continues to commit acts that amount to genocide against Rohingya Muslims despite pressure from international human rights groups. “The genocide is still ongoing,” Tun Khin, President of Burma Rohingya Organization said in a statement.

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

Earlier this year, the International Court of Justice (ICJ) ordered Myanmar to undertake provisional measures to prevent continuation of genocidal acts and to prevent any attempts to damage evidence of crimes against the Rohingya. However, there is little evidence to show that Myanmar’s military is complying with the directions of ICJ.

In 2019, the International criminal court (ICC) also ordered a full-scale investigation into allegations of mass persecution against the country's Rohingya's community.

Will anything come from continued international scrutiny of Myanmar's military?

The ongoing Rohingya crisis has left Myanmar's international reputation in tatters. Earlier this month, UK MPs called on their government to put its weight behind the ongoing genocide case at the ICJ, filed by the Gambia.

"The UK is responsible for overseeing Myanmar's affairs in the UN Security Council and if it does not join the case, it will inadvertently send a wrong message to the Myanmar military," stated UK MPs Rushnara Ali and Jeremy Hunt in a letter to Foreign Minister Dominic Raab on December 17.

Earlier this month, the United Nations general assembly voted for a draft resolution stating "grave concern" over grave rights violations against the Rohingya Muslims in Myanmar.

In another development, a court in Argentina has also decided to accept a case against Myanmar's military over the genocide and persecution against Rohingya community. "The court has now requested more information from the International Criminal Court (ICC), to ensure that the case in Argentina would not duplicate other efforts of justice," said a statement from the court in Buenos Aires.

In a separate case highlighting growing economic pressure on the military, human rights groups are demanding that two of the UK biggest banks explain why they have loaned tens of millions of pounds to a technology company with ties to the Myanmar military. Reportedly, over the last four years, HSBC and Standard Chartered loaned over £44.5 million to Vietnamese telecom giant Viettel, which is in a partnership with the Myanmar military. Viettel and a subsidiary of the military-operated Myanmar Economic Corporation own the majority of Myanmar mobile network Mytel, launched in 2018.

It is unlikely that the recent victory of the plaintiff in the rape case will signal a change in the military's criminal conduct in any way. The military, which ruled Myanmar until 2011, still holds sway over many aspects of life in the country. In particular, it runs a massive business empire that brings in resources which enable its continued criminal conduct. Recently, Justice For Myanmar, a group of activists working for accountability in Myanmar, published Ministry of Defense documents detailing the military's systemic corruption and business networks.

The documents reportedly detail large-scale spending by the military without parliamentary oversight as well as the military's domestic and international business ventures that indirectly assist war crimes and crimes against humanity. The country's civilian leadership remains relatively weak as far as checking the power of the military and depends on military's political influence to sustain its rule and stay in power.

With ample financial resources and deep political influence at its disposal, the military is unlikely to change course in its operations, even when they amount to war crimes.

Myanmar Villagers Return to Refugee Camps Amid Fears of Renewed Fighting in Rakhine State (Radio Free Asia) By Min Thein Aung
December 29, 2020

Some displaced villagers who returned to their homes last month amid a lull in fighting in Myanmar's Rakhine state are moving back into temporary camps ahead of the expiration this week of an unofficial cease-fire between Myanmar forces and the rebel Arakan Army, with signs government troops are returning.

The two sides have engaged in intensified warfare for two years in northern Rakhine state over the ethnic army's attempt to seek greater autonomy for Rakhine people in the state.

About 300 civilians have died in the hostilities and a total of roughly 230,000 others have been displaced, some thousands of which have returned to their villages as the fighting has subsided. The two armies agreed to stop the clashes temporarily so that voting could take place in townships where election authorities had cancelled early November balloting for security reasons.

The Rakhine Ethnic Congress, an NGO based in the Rakhine state capital Sittwe that tallies internally displaced persons (IDPs) estimates that at least 30,000 civilians returned to their permanent homes when the fighting stopped.

At least 8,000 of these villagers have returned to the IDP camps, fearing the resumption of combat, said REC secretary Zaw Zaw Htun.

“We don’t know about the detailed figures of the IDPs returning to the camps, but we have heard the news about them going back,” he said. “One reason is that many who returned home for the harvest have finished their work.”

Another reason is growing fear of military activities in the area, he added.

“I’ve estimated that around 30,000 people had returned home from the camps, [but] now around 7,000 to 8,000 people are going back to the camps,” Zaw Zaw Htun said.

RFA could not reach the Myanmar military or the AA for comment on the development.

‘We are afraid’

A resident of Mrauk-U township, who declined to give his name out of fear for his safety, said local residents are afraid of arbitrary arrests if the conflict resumes and those worries have increased as Myanmar soldiers have been mobilizing in the area for the past three days.

“They are moving by both vehicle and on foot, [so] we think that fighting will resume after Dec. 31,” he said. “Then, we might be arrested or have to flee our homes, so we are afraid. Many people from other villages close to Asia Road are also returning to IDP camps.”

Khin Than Win, a woman from Pyaing Taw village in Rathedaung township, and 20 other residents returned on Monday to the camp where they had sought shelter from the fighting, out of fear that the war will resume in early 2021.

“We are moving as a precaution,” she said. “People are saying that the fighting will resume, so we fled our homes along with other villagers. I have children. I don’t know for sure, but it is best to keep ourselves safe here.”

Following the Nov. 8 elections, the AA appealed to the ruling government to conduct voting before the end of the year in townships where balloting had been canceled. The Myanmar military welcomed the AA’s appeal, and the two sides temporarily laid down their arms in anticipation of the elections, which have yet to be held in the war-torn state.

Aung Mya Thein, who is in charge of an IDP camp in the township’s Tin Htein Kan village, said that at least 183 people from 36 families have returned to his camp since Dec. 21.

“They lived in the camp before, [but] returned home for paddy harvest,” he said. “Now, they are returning to the camp for fear of insecurity in the region.”

While the fighting was in progress, more than 1,000 people from about 280 families from Bu Ywet Ma Nyo Latka, Pauk Taw Pyin, Out Thakan, and Wai Thar Li villages in Mrauk-U township fled to IDP camps, including villagers who returned home but later went back to their temporary shelters.

Rakhine state municipal minister Win Myint said that the government will provide food supplies to the IDPs who cannot permanently return home.

“This depends on what they reported to the IDP camps when they left for home,” he said. “If they decided to return to their homes permanently, then the food supplies provided will be reduced. But if they reported that they were going home temporarily, then the supplies will not be reduced.”

“If they had returned home for good, but then returned to the camps, we will need to update the figures so we can provide enough assistance,” he said.

Myanmar military spokesman Major General Zaw Min Tun told RFA on Dec. 18 that the military would take necessary measures to avoid armed combat during the unofficial cease-fire when the chances for long-term peace were optimal. He also said that the military would keep the discussion going to try to reach an official cease-fire and a long-term peace agreement.

There were more than 190,000 IDPs in temporary camps in Rakhine state as of Dec. 3, according to the REC, although the state government put the figure at nearly 87,500 in 11 townships as of Nov. 11.

[back to contents]

North & Central America

UN Experts Condemn Trump's Pardon of Blackwater Contractors as 'Affront to Justice' (Common Dreams)

By Julia Conley

December 30, 2020

A group of United Nations experts on the use of mercenaries said Wednesday that President Donald Trump committed an "affront to justice" last week when he pardoned four former Blackwater security contractors for the war crimes they were convicted of in 2015.

The Working Group on the use of mercenaries, part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), issued a statement accusing the U.S. government of violating its "obligations under international law" by pardoning Nicholas Slatten, Paul Slough, Evan Liberty, and Dustin Heard.

Slatten was convicted of first-degree murder eight years after he fired the first shots into Nisour Square in Baghdad, killing a 19-year-old and setting off an onslaught that left 14 Iraqi civilians dead. Slough, Liberty, and Heard were convicted of voluntary and attempted manslaughter for their roles in the massacre.

The four convicted war criminals were released from prison after being pardoned by Trump on December 22, in a move that the working group said would "open doors to future abuses when States contract private military and security companies for inherent state functions."

"Pardoning the Blackwater contractors is an affront to justice and to the victims of the Nisour Square massacre and their families," said Jelena Aparac, chair-rapporteur of the working group. "The Geneva Conventions oblige States to hold war criminals accountable for their crimes, even when they act as private security contractors. These pardons violate U.S. obligations under international law and more broadly undermine humanitarian law and human rights at a global level."

With the pardons issued, working group member Dr. Sorcha MacLeod tweeted, the U.S. has failed "to ensure accountability for war crimes."

The working group called on all nations that are party to the Geneva Conventions to condemn Trump's pardon of the contractors, warning that "by permitting private security contractors to operate with impunity in armed conflicts, States will be encouraged to circumvent their obligations under humanitarian law by increasingly outsourcing core military operations to the private sector."

Nilz Melzer, the U.N. special rapporteur on torture, wrote that the pardons oblige "all other States to prosecute these perpetrators under universal jurisdiction."

The working group's statement comes a week after a spokesperson for the OHCHR responded to the pardons by calling on the U.S. "to renew its commitment to fighting impunity for gross human rights violations and serious violations of international humanitarian law, as well as to uphold its obligations to ensure accountability for such crimes."

Also last week, former FBI special agent Thomas O'Connor, who investigated the Nisour Square massacre, denounced Trump's decision to pardon the former contractors, writing an exhaustive description at CNN of the evidence he reviewed in Baghdad, which showed no one had shot at the four Blackwater employees during the attack.

"A jury heard the evidence and found four Blackwater guards guilty of murder, manslaughter and weapons charges," wrote O'Connor. "The system worked and justice was brought to the deceased, the injured victims and their families. The families of those killed and wounded at Nisour Square will now watch those responsible for this tragedy go free thanks to a pardon by the President of the United States."

[[back to contents](#)]

South America

Colombia wants paramilitary chiefs in prison, not testifying in court (Colombia Reports) By Adriaan Alsema
December 17, 2020

While Colombia's government is trying to get extradited paramilitary leaders repatriated and behind bars, President Ivan Duque's party wants them far away from the war crimes tribunal.

The Democratic Center (CD) party has every reason to silence the AUC's former commanders as they could threaten both the party, the government and key political allies if they testify before the Special Jurisdiction for Peace (JEP).

The cooperation of the AUC's former top commander, Salvatore Mancuso, and former commanders Rodrigo Tovar and Hernan Giraldo were severely complicated when former President Alvaro Uribe extradited them and 11 others.

Tovar stopped collaborating with justice following the murder of his brother in 2009 and also Mancuso claims his family has suffered harassment in an attempt to silence him.

The AUC's dirt on the "good Colombians"

The former top commander has publicly claimed former President Alvaro Uribe received his support in the 2002 elections and that Colombia's ambassador to the Washington DC, Francisco Santos, sought his support.

The cousin of Senate President Arturo Char, former Congressman David Char, is cooperating with the JEP after admitting to having ties to Tovar's Northern Bloc and extradited Medellin crime lord "Don Berna."

Uribe's son's allegedly did business with Giraldo, who commanded the "Tayrona Resistance Front."

Mancuso has additionally been one of the most outspoken about the support of government-friendly media like television network RCN and newspaper El Tiempo for the now-defunct paramilitary group.

Justice Minister Wilson Ruiz told weekly Semana on Wednesday that he has urged US authorities to repatriate Mancuso in order to throw the former AUC chief in prison.

The weekly said the minister is also seeking the repatriation of Giraldo.

Trying to keep the former AUC chiefs quiet

Independent Senator Roy Barreras wants Mancuso and other former AUC chiefs to testify before the Special Jurisdiction for Peace (JEP) in exchange for judicial benefits, but this is fiercely opposed by the CD.

Under the current regulations, the JEP can only grant benefits to former paramilitary commanders if they can prove to also have been sponsors of the AUC.

The party of Uribe and Duque is trying to push the debate over Congress' three-month Christmas recess and can count on the support of the Senate President, a prominent member of the notoriously corrupt Char Clan from Barranquilla.

Mancuso has been waiting to be repatriated to either Colombia or Italy, where he also has citizenship. Giraldo is expected to be released within weeks.

Tovar has also tried to be granted benefits by the JEP after his repatriation in September, but this was rejected by the Transitional court.

The three former paramilitary commanders commanded the AUC's main blocs along the Caribbean coast until the designated terrorist organization demobilized between 2003 and 2006.

Until the AUC commanders' extradition, their cooperation with justice had already resulted in the incarceration of dozens of Uribe's political allies and were threatening the former president and his family, which is facing multiple accusations they colluded with death squads.

Uribe is being investigated for allegedly co-founding the Bloque Metro paramilitary group in his native Antioquia province. Mancuso claimed to have dirt on the far-right former president, the security forces, and major corporations and business associations that have so far been able to evade justice.

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

Venezuela

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

TOPICS

Truth and Reconciliation Commission

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

Terrorism

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

Piracy

Maersk Boxship Boarded off West Africa (The Maritime Executive)

December 20, 2020

The geared container ship Maersk Cadiz was boarded by pirates off West Africa on Saturday afternoon, Maersk Line confirmed Sunday.

While the Maersk Cadiz was under way on a short transit from Ghana to Cameroon, she was attacked and boarded by a gang of "criminals," Maersk said in a statement Sunday. The Nigerian Navy dispatched patrol vessels to assist, and the pirates departed the ship without kidnapping any crewmembers. All 21 seafarers aboard the ship are safe, Maersk said.

"We are very concerned about the increased security risk from armed attacks on merchant vessels in the area," said Pelle Laursen, Maersk's chief technical officer. "The risk has reached a level where local governments and the international

community must take action to deal effectively with an unacceptable situation.”

Maritime security consultancy Dryad Global noted that the attack is the latest in a "surge of incidents" over the course of the past five weeks. The danger level for the high risk area in the Gulf of Guinea has been listed "critical" since mid-November, and pirate gangs have boarded (or attempted to board) merchant vessels in the region with regularity over the intervening weeks.

"Vessels are advised to operate within this area at a heightened posture maintaining the highest levels of vigilance whilst implementing full hardening / mitigation," Dryad Global warned. "In addition the IMB advises that vessels remain at least 200nm-250nm offshore where possible."

After years of regional efforts to contain pirate groups based in the Niger River Delta, Western naval forces have begun to deploy their own warships to police the Gulf of Guinea and protect shipping interests. The Italian frigate Martinengo and the Spanish Navy patrol vessel Serviola both conducted multiple anti-piracy interdictions in the region this year, often arriving as the first responders and saving at least two vessels from pirate boardings.

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

Gender-Based Violence

Harsher Sentence Urged for Bosnian Serb Soldier Convicted of Rape (Balkan Insight) By Albina Sorguc
December 21, 2020

Presenting its appeal at the Bosnian state court on Monday, the prosecution called for a harsher punishment for Sasa Curcic, who was convicted under a first-instance verdict of committing a crime against humanity for raping a woman in July 1992 and sentenced to five years in prison.

Prosecutor Mersudin Pruzan told the state court's appeals chamber that the sentence imposed on Curcic, a wartime member of the Dragan Nikolic Interventions Unit of the Bosnian Serb Army, was below the statutory minimum for crimes against humanity.

"The maximum penalty for the crime for which the defendant was sentenced is 45 years. He was sentenced to a term that is nine times shorter. The minimum punishment is ten years, so his sentence is below the statutory minimum," Pruzan said.

He argued that the court wrongly assessed the defendant's appropriate conduct during the trial as a mitigating circumstance, insisting that this was actually Curcic's obligation.

Pruzan said that it could have been considered a mitigating circumstance had Curcic admitted guilt or expressed remorse.

"The defendant has never done that," he said.

Curcic's defence lawyer urged the court to quash the first-instance verdict and order a retrial.

"The defence's thesis is that the injured party mixed up the events and persons. When it comes to evidence, there were double standards for the prosecution and defence," Prodanovic said.

Curcic also addressed the court, saying that he was not guilty.

"I absolutely did not even touch that person. I do not feel guilty, I feel innocent," he said.

The first-instance verdict said that on an undetermined date between July 3 and 18, 1992, Curcic and another member of the same army unit, Dragan Zelenovic, took three women from the secondary school in Foca, where they were being detained, to a house in the village of Gornje Polje, where the defendant forced one of them to have sex with him.

Zelenovic was sentenced to 15 years in prison by the Hague Tribunal for the rape and abuse of women and girls in Foca in 1992 – crimes which the UN court said were "part of a pattern of sexual abuse" of Bosniak women by Serb troops in the Foca area.

He was released in 2015 after serving two-thirds of his sentence.

Violence against women surges during COVID-19 crisis as Senate Republicans block anti-domestic violence law (USA Today) By Kaanita Iyer

December 28, 2020

An increase in domestic violence cases during the COVID-19 pandemic has renewed the push to reauthorize the Violence Against Women Act.

President-elect Joe Biden has said he would renew the act that expired last year, but he faces a tough challenge if Republicans keep control of the Senate after Georgia's runoff elections next month. But an increase in domestic violence calls and arrests across the country may put pressure on Senate GOP to restart stalled reauthorization efforts.

"These issues didn't just start with COVID, but COVID has made them even starker," said Kiersten Stewart, director of public policy and advocacy for Futures Without Violence, a nonprofit organization focused on ending domestic and sexual violence that has worked with lawmakers on the act over the years. "We absolutely hope that it will nudge Congress to take it up with urgency in the new session."

U.S. Rep. Katherine Clark, a Democrat from Massachusetts, said it is time for Republicans in the Senate to focus on the needs of women.

"The pandemic has brought into stark relief inequalities and issues that we knew existed before, and that is certainly true with domestic violence," she said.

Comprehensive data on the effect of COVID-19 and social isolation on domestic violence is not readily available as a large number of incidents may be going unreported, experts fear. But limited data has shown an increase in cases as families are stuck at home with their attackers.

Domestic violence surges under COVID-19 lockdowns

The National Domestic Violence Hotline reported a 9% increase in calls between March 16 – when many states issued lockdown orders – and May 16 compared with the same period in 2019. Similarly, the San Antonio Police Department received 18% more calls related to family violence this March compared with March of last year, and there was a 10% increase in domestic violence reports in the same month to the New York City Police Department compared with March 2019. The Portland Police Bureau also recorded a 22% increase in arrests related to domestic violence in the weeks after stay-at-home orders.

"When you hear about the impacts of COVID, people don't talk too much about the domestic violence front," said U.S. Rep. Brian Fitzpatrick, a Republican from Pennsylvania. "It's a huge problem and it's really increased the urgency that everybody in Congress should have to pass this."

Although Congress has continued to fund programs under the Violence Against Women Act, these programs may not be able to meet the demand that the pandemic has brought and advocates remain uncertain about how to move forward without the full protection of the act, said Ruth Glenn, president and CEO of the National Coalition Against Domestic Violence.

"With or without (the act), we are working to provide services," Glenn said. "We just want to have the legislation and the support of legislation to make sure that no one is missed."

The legislation initially expired in late 2018 because of a government shutdown. It was briefly renewed by the bill that reopened the government, but it expired again in February 2019. While the House passed a reauthorization bill in April 2019 with some updated provisions – of which Fitzpatrick was the sole Republican co-sponsor – GOP senators have since stalled a vote.

Emerald Christopher-Byrd, assistant professor of women and gender studies at the University of Delaware, said she finds the partisan nature of the legislation "daunting and very disappointing."

"It seems unconscionable that something as severe as violence, in particular violence against women, how that would not be something that is at the forefront of everyone's mind – not just liberals, not just conservative, right or left," said Christopher-Byrd, who has served as an administrator focused on disciplinary cases involving physical and sexual violence at Delaware and Georgetown universities.

The bill, introduced by then-Sen. Biden, was first signed into law in 1994, to address domestic violence, sexual assault and stalking through legislation. At the time, those crimes were considered family matters, which law enforcement authorities tended to not get involved in.

After the measure became law, the overall rate of intimate partner violence declined by 64% from 1994 to 2010, according to the U.S. Department of Justice's Bureau of Justice Statistics. In more recent years, there has been a 42% increase in such cases from 2016 to 2018, according to the National Coalition Against Domestic Violence.

Biden and Vice President-elect Kamala Harris' victory has given hope to victims and advocates who say their prior work on domestic violence is promising.

While Biden spearheaded the act – which he has called “the legislative accomplishment of which I am most proud” – Harris' time as San Francisco's district attorney and California's attorney general included tough measures on abusers and traffickers.

“This administration actually cares about the issue and that's going to be one of the largest major changes,” said Stewart of Futures Without Violence. “We're really optimistic that they'll actually put political weight behind these issues, that they're actually committed to ending violence against women and children.”

Senate Republicans block measure to protect women

The act has been updated and reauthorized three times – in 2000, 2005 and 2015. Updates over the years have had bipartisan backing and included new programs to protect elderly and disabled women; mandatory funding for rape prevention and education; new protections for victims of trafficking, undocumented immigrants and Native American women; and expanded language to be inclusive to the LGBTQ community.

But the most recent version of the bill passed by the House last year intended to close the “boyfriend loophole,” which proved to be a large point of contention for many Republicans.

Previous versions of the act barred those convicted of domestic violence or abuse from purchasing and owning a gun if they were married to, lived with or had a child with the victim. But the 2019 amendment hoped to extend that provision to include dating partners and stalkers.

Though it had support from all Democrats who voted but one, only 33 Republicans voted to move the legislation forward, and the GOP has been accused of giving into the National Rifle Association, which has opposed the change.

Republican Sen. Joni Ernst of Iowa, a survivor of domestic violence, introduced her own reauthorization bill in November 2019 that did not address the loophole and rolled back existing protections for the LGBTQ community. Ernst's team did not respond to requests for comment.

Clark, the second-highest-ranking woman in Congress, who has taken on several women's issues in her career, said tackling gun violence is a crucial piece to addressing domestic violence.

“This is an issue that is long overdue,” Clark said. “And the excuses from the GOP about why they cannot reauthorize this critical piece of legislation have run out a long time ago. It is time to act in a comprehensive manner to help make sure that everyone is safe from domestic violence.”

Fitzpatrick said that although his Republican colleagues have signaled that they would be willing to reauthorize the 2013 version of the bill without any amendments, it would be “irresponsible” to not “implement the best practices and make the bill better.”

While he did not answer whether closing the boyfriend loophole was a non-negotiable, Fitzpatrick said he hopes lawmakers don't need to take that out because it is an important provision. The risk of homicide increases by 500% if a gun is present in a domestic violence situation, according to the National Coalition Against Domestic Violence.

“The data is very, very clear,” Fitzpatrick said. “So what I would prefer to do is sit down with my colleagues who are concerned about that provision and walk them through it as to why it's important.”

Fitzpatrick said he will be working with U.S. Rep. Karen Bass of California – the other co-sponsor of the 2019 bill – when Congress reconvenes in January to develop a strategy to get the legislation through the Senate.

“Sometimes we're the only voice” that domestic violence victims and organizations have, Fitzpatrick said. “I think Congress needs to speak out strongly against (domestic violence), not just through words, but through legislative action.”

“I know it's a huge priority for President-elect Biden,” he said.

[back to contents]

Commentary and Perspectives

Do Americans Really Care about War Crimes? (Task and Purpose) By Jared Keller
December 23, 2020

President Donald Trump apparently plans on going out with a bang.

On Tuesday, the White House announced a list of pardons and clemencies granted by Trump, a standard occurrence in the twilight days of a presidency before a new administration takes office. Included in the list of pardons, however, were some standouts: the president had authorized pardons for four former U.S. service members who were convicted of killing civilians in Iraq while working there as contractors for the notorious defense giant Blackwater in 2007. The so-called Nisour Squad massacre left 17 Iraqi civilians dead, including two children; outside of similar incidents like the 2005 Haditha massacre, the massacre left “lasting stains” on the U.S. military occupation of the country, as the New York Times put it.

War crimes pardons have become a trend for the Trump administration. In May 2019, Trump pardoned former Army Lt. Michael Behenna, who was imprisoned for five years for the killing of an unarmed Iraqi prisoner in 2008. The following November, Trump granted pardons to Army Maj. Matthew Golsteyn and 1st Lt. Clint Lorange over their respective war crimes charges and restored the rank of Navy Special Warfare Operator First Class Edward Gallagher to the rank of E-7 following his conviction for unlawfully posing with the body of an ISIS fighter he was accused of killing.

Then-Defense Secretary Mark Esper had reportedly urged Trump not to intervene in the latter three cases, since such meddling predictably sent shockwaves of concern throughout the U.S. military community. A May 2019 poll of more than 1,600 service members and veterans conducted by Iraq and Afghanistan Veterans of America (IAVA) found that the majority of respondents (52 percent) disagreed with the idea of Trump pardoning those already convicted of war crimes; another 54 percent disagreed with pardoning those awaiting trial, even without an actual conviction yet.

“As President Trump intervenes in war crimes cases on behalf of individuals accused or convicted of war crimes, he ... undermines decades of precedent in American military justice that has contributed to making our country’s fighting forces the envy of the world,” Gen. Charles Krulak, former commandant of the Marine Corps, said in a statement at the time.

“Disregard for the law undermines our national security by reducing combat effectiveness, increasing the risks to our troops, hindering cooperation with allies, alienating populations whose support the United States needs in the struggle against terrorism, and providing a propaganda tool for extremists who wish to do us harm.”

That the military and veterans community expressed concern over the nature of war crimes pardons is heartening and understandable; after all, it’s a community made up of those who have experienced the violence of war close-up and, in times of necessity, found themselves in the morally-gray position of dealing violence on the part of the U.S. government in the throes of an endless (and endlessly complicated) war on an elusive, invisible foe.

Unfortunately, the average American appears to have a relatively high tolerance for war crimes abroad. According to a 2016 Red Cross report, Americans “are substantially more comfortable with war crimes than are populations of other western countries like the United Kingdom, France, Switzerland, and even Russia,” as The Week put it at the time. “When asked whether ‘a captured enemy combatant [can] be tortured to obtain important military information,’ just 30 percent of Americans said ‘no,’ the lowest of any country surveyed except Israel and Nigeria.” Indeed, one 2018 poll suggested that a significant portion of Americans believed U.S. service members shouldn’t be prosecuted for overseas war crimes simply because “war is a stressful situation and allowances should be made.”

That isn’t to say American’s aren’t entirely immune to the perils of war crimes; indeed, they care more about U.S. war crimes abroad than they did during the Vietnam War, according to research. In a December 2019 poll of more than 1,000 Americans, researchers asked Americans if they approved or disapproved of Trump’s decision to pardon Lorange despite his 2012 conviction for killing civilians in Afghanistan. Forty-one percent approved of the pardon and 59 percent did not, the researchers found. “In 1971, Lt. William L. Calley Jr. was court-martialed and convicted of murdering 22 civilians in the 1968 My Lai Massacre,” the researchers noted. “He was sentenced to life in prison. A 1971 Gallup/Newsweek poll found that 11 percent of Americans approved of the verdict.”

Their research, published in the Washington Post, reveals that war crimes, like most other issues surrounding the military, break down along partisan lines when it comes to their impact on civilian populations: just 12 percent of Democrats and 45 percent of Independents approved of Trump’s Lorange pardon, while 79 percent of Republicans fully approved. But what’s more telling is the written commentary from respondents, which indicates that “many Americans appear to believe that if

troops are fighting a just war, they should be excused from responsibility for violent acts, even war crimes,” as the researchers wrote in the Washington Post.

“Our survey finds that respondents who agree that the ‘United States was morally justified in going to war against Afghanistan when the war began in 2001’ are significantly more likely than those who disagree to support Trump’s pardons, by 52 to 22 percent,” the researchers wrote. “As one pardon supporter explained, the ‘Lieutenant was fighting for our freedom.’ Another simply wrote, ‘soldier is protecting our country.’ Those who said the war was morally justified were 14 percent more likely to support the pardons, even when controlling for party identification as well as age, race, gender and education.”

So do war crimes matter to the average American? In the short term, it appears that war crimes and their related pardons are simply new battlegrounds in the ever-expansive culture war between left and right, liberals and conservatives, that seems to have enveloped modern politics rather than becoming matters of human dignity in their own right. And that’s a damn shame.

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

WORTH READING

Repression of International Crimes Affecting Animals (Anne Peters, Robert Kolb and Jérôme de Hemptinne (eds), *The Legal Protection of Animals in Wartime*, Cambridge University Press, Forthcoming)

Manuel J. Ventura

December 29, 2020

This chapter explores the scope of application of international criminal law with respect to the repression of international crimes affecting animals during armed conflict. It does so by considering how war crimes, crimes against humanity and genocide could apply to such conduct. It then considers the existing content of international criminal law in this area by presenting a review of all judgments – up to July 2020 – from the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Extraordinary Chambers in the Courts of Cambodia, the Special Court for Sierra Leone and the International Criminal Court where war crime allegations were adjudged and animals featured therein. This research facilitates the first ever detailed account of how international criminal law has been used in practice to address and repress international crimes that affect animals during armed conflict. This chapter then explores international criminal law’s limits and gaps in this area and submits that animal cruelty during armed conflict should be recognized under international law in the same way that it is during peace time under domestic law. To this end, it proposes that other inhumane acts as a crime against humanity could be a means to potentially achieve this.

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

War Crimes Prosecution Watch Staff

Founder/Advisor
Dean Michael P. Scharf

Faculty Advisor

Jim Johnson

Editor-in-Chief

David Krawiec

Managing Editors

Matthew Casselberry

Alexander Peters

Technical Editor-in-Chief

Erica Hudson

Senior Technical Editors

Bailey Kadian

Matthew Pheneger

Alan Dowling

Associate Technical Editors

Emerging Issues Advisor

Judge Rosemelle Mutoka

Contact: warcimeswatch@pilpg.org

Africa

Libya

Jessica Sayre Smith, Associate Editor

Central African Republic

Christine DiSabato, Senior Editor

David Codispoti, Associate Editor

Sudan & South Sudan

Christine DiSabato, Senior Editor

Alexander Peters, Managing Editor

Democratic Republic of the Congo

Alexa Stovsky, Associate **Christine DiSabato, Senior Editor**

Côte d'Ivoire (Ivory Coast)

Christine DiSabato, Senior Editor

Lake Chad Region

Zachary Tomi, Associate Editor

Christine DiSabato, Senior Editor

Mali

Taylor Mehalko, Associate Editor

Christine DiSabato, Senior Editor

Liberia

Katarina Johnston, Associate Editor

Christine DiSabato, Senior Editor

Uganda

Michael Hurd, Associate Editor
Michael Zucker, Senior Editor

Kenya

Emily Hoffman, Associate Editor
Michael Zucker, Senior Editor

Rwanda (International Criminal Tribunal for Rwanda)

Austin Milliren, Associate Editor
Michael Zucker, Senior Editor

Somalia

Kathryn Meloni, Associate Editor
Michael Zucker, Senior Editor

Europe

Court of Bosnia and Herzegovina, War Crimes Section

Matthew Koutsky, Associate Editor
Natalie Davis, Senior Editor

International Criminal Tribunal for the Former Yugoslavia

Natalie Davis, Senior Editor

Domestic Prosecutions in the Former Yugoslavia

Alicia Mallo, Associate Editor
Natalie Davis, Senior Editor

Turkey

Kyle Dunnell, Associate Editor
David Krawiec, Senior Editor

Kosovo Specialist Chambers

Natalie Davis, Senior Editor

Azerbaijan

Elen Yerosyan, Senior Editor

Middle-East

Iraq

Francesca Bergeret, Associate Editor
Amanda Makhoul, Senior Editor

Syria

Matthew Perry, Associate Editor
Amanda Makhoul, Senior Editor

Yemen

Alireza Nourani-Dagiri, Associate Editor
Amanda Makhoul, Senior Editor

Special Tribunal for Lebanon

Amanda Makhoul, Senior Editor

Israel and Palestine

Kayla Briskey, Associate Editor
Amanda Makhoul, Senior Editor

Gulf Region

Amanda Makhoul, Senior Editor

Asia

Afghanistan

Estefania Sixto Seijas, Senior Editor

Extraordinary Chambers in the Courts of Cambodia

Estefania Sixto Seijas, Senior Editor

Bangladesh

Estefania Sixto Seijas, Senior Editor

War Crimes Investigations in Myanmar

Alan Dowling, Associate Editor

Michael Zucker, Senior Editor

Americas

North and Central America

Michael Zucker, Senior Editor

South America

Matthew Casselberry, Associate Editor

Michael Zucker, Senior Editor

Venezuela

Michael Zucker, Senior Editor

Topics

Truth and Reconciliation Commissions

Sophia Billias, Associate Editor

Asako Ejima, Senior Editor

Terrorism

Asako Ejima, Senior Editor

Piracy

Asako Ejima, Senior Editor

Gender-Based Violence

Matthew Casselberry, Associate Editor

Asako Ejima, Senior Editor

Commentary and Perspectives

Asako Ejima, Senior Editor

Worth Reading

Maryam Assar, Associate Editor

David Krawiec, Editor-in-Chief

**Case Western Reserve University School of Law
and is made possible by grants from the Carnegie Corporation of New York
and the Open Society Institute.**

**Grotian Moment: The International War Crimes Trial Blog:
<http://law.case.edu/grotian-moment-blog/>**

**Frederick K. Cox International Law Center:
<http://law.case.edu/centers/cox/>**

**Cox Center War Crimes Research Portal:
<http://law.case.edu/war-crimes-research-portal/>**



To subscribe or unsubscribe from this newsletter, please email warcimeswatch@pilpg.org.