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

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## AFRICA

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## Libya

### **Azerbaijan Accused Of War Crimes After Execution Of Armenian Prisoners (Morning Star)**

May 5, 2021

#### **AZERBAIJAN has been accused of war crimes after lawyers claimed that 19 Armenian prisoners of war had been tortured and executed today.**

Artak Zeynalyan and Siranush Sahakyan, who represent the captives at the European Court of Human Rights (ECHR), said that they had filed a case there calling for Azerbaijan to be held accountable.

The Armenian soldiers were taken as prisoners last year during the six-week war over the disputed Nagorno-Karabakh region, a landlocked majority-Armenian territory inside Azerbaijan.

The bitter conflict saw accusations of war crimes, such as the beheading of civilians by Azeri troops. Amnesty International condemned the use of banned cluster bombs used on civilian targets, including in the regional capital Stepanakert.

A Russian-brokered peace deal led to anger in Armenia and mass protests demanding the resignation of Prime Minister Nikol Pashinyan, who they felt ceded too much Armenian territory.

He stood down last month and called snap elections which analysts expect him to win, but with a reduced majority, possibly requiring a coalition to form a cabinet.

“During the Second Artsakh War, which was started on September 27, 2020, as well as after the signing of the tripartite agreement on November 9, 2020, Armenian civilians and servicemen continued to be taken prisoner by Azerbaijan,” a statement from the lawyers said.

“Nineteen of those prisoners of war, who have appeared in captivity, have been tortured and killed by the Azerbaijani servicemen, which is a war crime.”

Meanwhile two Syrian nationals, Muhrab al-Shkheri and Yusef al-Haji, have been sentenced to life imprisonment in Armenia on international terrorism charges for their role in the conflict.

The mercenaries were part of a number from the Free Syrian Army that were shipped in by Turkey to fight alongside Azeri troops.

They were accused of actions aimed at killing or seriously injuring civilians who were not involved in the hostilities.

Ankara recruited the jihadists from the battlefield of Syria, where they had been fighting alongside Turkish troops in the illegal invasion and occupation of Afrin, part of the Kurdish enclave known as Rojava.

Turkey has been accused of deploying jihadists in a number of arenas including Libya, where the militia helped swing its civil war in favour of the Government of National Accord.

The government of Azerbaijan was contacted for comment.

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## **CENTRAL AFRICA**

### **Central African Republic**

## **CAR To Form Commission Of Inquiry To Probe War Crimes – (UN Spokesman)** By Faizan Hashmi

May 5, 2021

**Central African Republic (CAR) will set up a Special Commission of Inquiry to probe serious human rights crimes allegedly committed by national security forces during the operations against the country's largest armed group, UN spokesperson Stephane Dujarric said in a press briefing on Wednesday.**

"The minister of justice and human rights in the country had issued an order establishing a Special Commission of Inquiry to investigate serious crimes, violations of human rights and international humanitarian law, allegedly committed by national security forces and their allies," Dujarric said. "They will investigate alleged violations that occurred during the operations against the CPC [ Coalition of Patriots for Change] armed group that took place between December of last year and the end of April of this year."

Dujarric said the order to form such a commission was issued following the UN mission's (MINUSCA) submission to the country's authorities of a list of human rights violations allegedly committed by the national forces and its allies.

The conflict between the CAR's government and the forces backing former President Francois Bozize, including the CPC, erupted after the December 27 presidential elections that allowed President Faustin Archange Touadera to stay in office for the second term.

On January 4, the CPC rebels took control of the city of Bangassou, some 750 kilometers away from the capital Bangui, which was their target. According to the UN Refugee Agency, more than 30,000 people were forced to flee the car due to election-related violence.

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## **Sudan & South Sudan**

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## **Haftar blocking Dbeibah visit shows ongoing friction (Daily Sabah)** By Dilara Aslan

April 30, 2021

**Libyan Prime Minister Abdul Hamid Mohammed Dbeibah canceled a planned visit to eastern Benghazi province after putschist Gen. Khalifa Haftar's militia barred a plane carrying government protection and protocol personnel from landing. Sources on the ground said the incident underscores the continued friction between the rival camps.**

Sources told Daily Sabah that the Haftar militia by blocking the prime minister's visit to their stronghold clearly showed that the warlord does not endorse Dbeibah, contrary to what he said after the elections.

Dbeibah was appointed in March to lead the new Government of National Unity (GNU) through a United Nations-facilitated process, aimed at bringing peace and stability to Libya through overseeing the reunification of state institutions and an election in December.

In February, Haftar stated his backing of the new transitional authorities and his support for a "peaceful and democratic alternation of power" in Libya, according to a statement released by his office. He had welcomed the appointment of the new government, hailing its leaders as "national figures."

Dbeibah, together with ministers, was about to depart from Mitiga Airport in the capital Tripoli late Sunday to visit Benghazi. He was expected to hold a Cabinet meeting in the province, visit several institutions and regions, as well as examine the condition of places damaged by the country's civil war, but had to postpone the visit.

Dbeibah's visit to Benghazi on Monday would have been the first by a Tripoli-based prime minister in years, a moment intended to encapsulate a rare opportunity to end the conflict.

"We can say the war ended, yet there are some that want to ignite it again," Dbeibah said Friday during a visit to Tajoura, east of the capital, adding that foreign mercenaries continue to pose a threat to Libya's stability.

East and west sides formed rival administrations in 2014, further dividing a country already beset by the chaos and violence that followed the 2011 NATO-backed uprising against former dictator Moammar Gadhafi.

Last week, Dbeibah met displaced people in Tripoli who had fled Benghazi and his reported comments to them angered factions in the east. Moreover, Haftar's militia on Wednesday demanded an apology from Dbeibah for his recent remarks on Benghazi.

"Benghazi will return to the homeland and you will return to your families," Dbeibah had said.

In a statement broadcast by the pro-Haftar Libya Al-Hadath TV channel, the militia – which calls itself the "General Command of the Libyan Arab Armed Forces" – said it "has received hundreds of requests from various segments of society and from all tribes and families of the martyrs and the wounded that the Prime Minister, Mr. Abdul Hamid Dbeibah, must present an explicit and clear apology for what happened when he mentioned last week that Benghazi will return to the homeland."

Haftar continues to operate independently from the legitimate government and continues to lead armed militias, calling himself the "Commander in Chief of the Libyan Army."

Sources further added that Egypt, the United Arab Emirates (UAE) and Saudi Arabia decreased their support for the warlord while increasingly backing Abdel Raziq al-Naduri, a senior commander in what Haftar calls the "Libyan National Army."

Widespread reports of Haftar's war crimes, his potential role in the mass graves discovered in Tarhuna, the defeat in Tripoli and al-Naduri as a rival, all indicate the slow decline of the warlord, sources pointed out.

In April 2019, east-based Haftar and his forces – backed by Egypt, Russia, France and the UAE – launched an offensive to try and capture Tripoli. His 14-month campaign collapsed after Turkey stepped up its military support of the U.N.-backed government.

Apart from blocking the visit of Dbeibah to Benghazi, Haftar has also been working with the Wagner group, which is planning to send 300 Syrian militia to Benghazi, to prevent losing his grip on the country.

#### UN focuses on repatriating mercenaries

Meanwhile, the U.N. Security Council held an informal meeting Thursday focusing on the repatriation of more than 20,000 foreign fighters and mercenaries from Libya, a demand of the country's transitional government as it heads toward December elections after a decade of fighting and upheaval.

The U.N. estimated in December that there were at least 20,000 foreign fighters and mercenaries in Libya, including Syrians, Russians, Sudanese and Chadians. But council diplomats said speakers Thursday said there were more than 20,000, including 13,000 Syrians and 11,000 Sudanese.

The diplomats, speaking to the Associated Press (AP) on condition of anonymity because the informal meeting was closed, said all 15 council nations agreed that getting the foreign fighters and mercenaries to go home was the only way forward. But some council members pointed out that other council members in the room were behind some of those foreign fighters or mercenaries, they said.

The United States and the United Kingdom singled out mercenaries from the Wagner Group, a Kremlin-backed private security company that has been implicated by U.N. experts monitoring sanctions against Libya for fighting on the side of Haftar's eastern-backed forces, the diplomats said. Russia has repeatedly denied playing any role on Libya's battlefields.

The deadline for the departure of foreign mercenaries from Libya under the October cease-fire passed in January but calls to accelerate the process continue as no movement has been announced or observed on the ground.

Diplomats said Russia responded Thursday saying it had voted for the Security Council resolution adopted unanimously on April 16 that authorized up to 60 U.N. monitors to help implement the cease-fire agreement. It called for full implementation of last October's cease-fire agreement, "including through the withdrawal of all foreign forces and mercenaries from Libya without delay."

Thursday's informal council meeting was called by its three African members – Niger, Tunisia and Kenya – and heard from the new U.N. special envoy, Jan Kubis, on ways to get foreign fighters and mercenaries out of Libya and enforce the decade-long arms embargo against the country, the diplomats said. A recently released report by U.N. experts said the embargo has been "totally ineffective."

The council was also briefed by Assistant Secretary-General and Mission Coordinator of the United Nations Support Mission in Libya (UNSMIL) Raisedon Zenenga, who talked about the process of getting Libya's disparate security and military forces across the country in one place and starting disarmament, demobilization and reintegration process, another diplomat said, stressing that this is just as important as getting foreign fighters and mercenaries out of the country.

The meeting took place following last week's killing of Chad's President Idriss Deby Itno by rebels, believed to have been armed and trained in Libya, a neighboring nation.

Dispersal of the mercenaries could represent a new risk for the region. Forcing the fighters from Libya could have an "impact" on security in the rest of the Sahel, said another diplomat, speaking anonymously to Agence France-Presse (AFP).

"Without good control, without effective support, what happened in Chad could repeat itself again in this country or it could extend from the Sahel to the Horn of Africa, to Sudan, to South Sudan, to Niger, Ethiopia, the Central African Republic, to Mozambique," a diplomat said.

## **Sudan Suspect Wanted For Darfur Crimes Says 'Prefers' ICC Trial (Capital News)**

May 5, 2021

**A former Sudanese official accused of atrocities in the Darfur region has announced that he would prefer to stand trial before the International Criminal Court rather than in Sudan. Ahmed Haroun has been wanted by the ICC for more than a decade on charges of crimes against humanity and war crimes during the Darfur conflict, which broke out in 2003 and left hundreds of thousands dead.**

Haroun, along with other former regime figures, was arrested in Sudan following the April 2019 ouster of former president Omar al-Bashir on the back of mass protests against his three-decade iron-fisted rule.

On Monday, Haroun faced a local investigation committee tasked with probing the fighting in Darfur.

In a five-page statement dated May 3, he accused local authorities of keeping him in custody in "bad faith" and "in violation of the law", alleging that the public prosecutor "deprived him of the right" to challenge his arrest.

"An authority with this miserable legal performance will not be able or willing to ensure justice," Haroun said in his statement, which circulated widely on social media on Tuesday.

"For these reasons along with others... I am announcing with confidence that I prefer for my case, if there is one, to be referred to the International Criminal Court."

Under Bashir, Haroun held several positions including South Kordofan governor and minister of state for the interior.

In 2007, the ICC issued an arrest warrant for Haroun citing 42 counts of crimes against humanity and war crimes including murder, rape, torture, persecution and pillaging.

Sudan's transitional administration, which came to power after Bashir's ouster, has been in talks with the ICC about options for trying Bashir and his aides over their role in the Darfur conflict.

Fighting broke out in 2003 when ethnic minority rebels, complaining of systematic discrimination, took up arms against Bashir's government.

Khartoum responded by unleashing a notorious Arab-dominated militia known as the Janjaweed, recruited from among the region's nomadic tribes. The United Nations says the conflict killed 300,000 people and displaced 2.5 million.

Bashir, who has been in custody in Khartoum's Kober prison since he was deposed, is also wanted by the ICC over his role in the Darfur fighting. Several of his aides are also facing accusations of committing atrocities in Darfur, including ex-defence minister Abdelrahim Mohamed Hussein.

In December 2019, Bashir was convicted of corruption, and he faces a separate trial in Khartoum over the 1989 Islamist-backed coup that brought him to power.

Last year, alleged senior Janjaweed militia leader Ali Kushayb, who was also wanted by the ICC, surrendered to the court.

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## **Democratic Republic of the Congo**

**Official Website of the International Criminal Court**

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

**Islamic leader slain in east Congo after attacks killing 19 (StarTribune)** By Al-Hadji Kudra Maliro  
May 2, 2021

**An Islamic leader in Congo's eastern town of Beni was killed during evening prayers by unidentified gunmen after days of violent attacks by rebels left at least 19 people dead, officials said.**

Gunmen came into Beni's central mosque Saturday, shooting dead Sheikh Ali Amin Uthman, the representative of the Islamic community of Beni, according to the head of the mosque, Sheikh Moustapha Matsongani.

The identity of the attackers was not yet known. Matsongani told The Associated Press that Amin had been receiving threats from the Allied Democratic Forces for more than a year, and had been questioned by security services days earlier about those threats.

"We asked him to leave Beni if possible to flee the death threats," said the governor of the North Kivu province, Nzanzu Carly Kasivita. "Investigations are underway."

Amin had often gone on the radio to denounce extremism.

His attack came on the heels of attacks in villages for days that left 19 dead, according to civil society groups.

The ADF originated in neighboring Uganda and has long been a threat in eastern Congo. The Islamic State group has claimed some attacks carried out by ADF rebels, but the exact relationship between the groups is not clear.

A Congolese military campaign was launched against the rebels last year and fighters have since dispersed and fled into eastern Congo, where dozens of armed groups are fighting to control the mineral-rich land.

Rebels have responded to the military offensive with increased attacks, killing more than 800 people last year.

**DR Congo declares state of siege over conflict in east (Anadolu Agency)** By Cameroon Yaounde  
May 4, 2021

**A state of siege proclaimed in the Ituri and North Kivu provinces of the Democratic Republic of Congo (DRC) will come into effect on Thursday for a 30-day period, President Felix Tshisekedi has announced.**

In an address to the nation late Monday, Tshisekedi called on the population to adopt a responsible attitude and the government to ensure the necessary logistics for the armed forces which will be deployed during the siege period.

He recalled that he had made a commitment to lead a fierce fight against the insecurity that rages in the eastern part of the country until the complete eradication of the armed groups.

"Lasting peace is a prerequisite for our happiness and the development of our country," Tshisekedi said.

During the state of siege, the provincial governments of Ituri and North Kivu will be made up of a military governor and a vice governor of the police, respectively, according to a presidential order.

It said the provincial governments and assemblies will be suspended and their prerogatives transferred to the provincial military authorities. "But they continue to enjoy their social benefits."

Civil courts will be replaced by military courts, the order also noted.

The DRC has been plagued by violence for decades as several rebel groups fight with each other or against the country's military and UN forces for territorial control.

According to the UN, exploitation of natural resources continues to be a root cause and driver of conflict, with most armed groups having set aside their political demands and being involved in mineral trafficking.

More than 5 million people have been uprooted by insecurity and violence in the Democratic Republic of the Congo in the last two years, with nearly 2 million displaced in North Kivu Province alone, according to UN estimates.

**Congo-Kinshasa: Anti-Monusco Protests Send a Clear Message to Tshisekedi (AllAfrica)** By David Zounmenou  
May 5, 2021

**On 23 April, around 100 women protested in Beni, in north eastern Democratic Republic of the Congo (DRC), calling on the United Nations peacekeeping mission to leave the country. In protests that ran throughout April, Congolese also challenged the government to improve its response to the chronic lack of security in the country's east.**

In 2020, roughly 2 945 civilians were killed in the DRC, including 553 women and 286 children, at the hands of various armed groups. Around 100 000 people were internally displaced. The humanitarian situation has worsened in 2021. Since the outburst of violence in the late 1990s, the DRC remains one of the world's countries most affected by insecurity, with 5.5 million internally displaced people.

The UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) is planning its exit strategy, but no clear timeframe has yet been set. A deciding factor will likely be the conditions in which the 2023 general elections occur and their impact on the country's overall governance and security. The women in Beni added their voices to those of civil society activists in the Lutte Pour Le Changement (Movement for Change) and Veranda Mutsanga, as well as school children. These activists have been calling for the immediate and unconditional closing of the UN mission. They argue that peacekeepers and the national authorities have failed to protect the population.

Civil society activists are calling for the immediate and unconditional closing of the UN mission

Since the beginning of April, protests have been staged in Beni, Butembo, Oicha and Goma in North Kivu province with the aim of forcing the UN mission to depart. The protests led to deadly clashes with the Congolese National Police and Armed Forces of the DRC (FARDC).

This is not the first time Congolese have protested against MONUSCO. In November 2019, the same pressure groups rallied in Beni against the authorities' inability to curb the violence unleashed on civilians by armed groups, including the Allied Democratic Forces (ADF). Protesters attacked MONUSCO compounds in Beni, setting alight offices, assets and the mayor's office.

The recent unrest is occurring in a delicate political context. The 'sacred union', a political alliance forged with President Félix Tshisekedi, Moïse Katumbi and Jean-Pierre Bemba, as well as former President Joseph Kabila's allies, is in full swing. But it hasn't satisfied the expectations of all supporters.

Since the April protests, the government has banned public gatherings across the country and decreed a state of emergency in North Kivu. It has replaced civilian authorities with military administrations in Beni in North Kivu and Ituri. This has provided short-term relief, but the public fear human rights abuses by the army. The measures are also an attempt to prevent armed groups, including the Mai-Mai and ADF, from infiltrating the protest movement

Military operations since October 2019 have dislodged the ADF from some of its hideouts in Beni. This has forced them to either seek new safe havens in Ituri province, where there's already violent conflict between the Lendu and the Hema, or retaliate against civilians. The government has also deployed additional FARDC troops in Beni and Goma for civilian protection.

Since the protests, government has banned public gatherings and decreed a state of emergency in North Kivu

But what's needed more is a clear medium- to long-term approach to insecurity in the east. Violence against civilians in this region is due to both structural and circumstantial problems. Armed groups purport to help communities by, for example, sorting out land disputes and grievances against the state. Their actions are in fact a cover for the illegal exploitation of natural

resources, and they commit atrocities against local civilians.

Adding to continuing violence is the stagnation of government-led demobilisation, disarmament and reintegration efforts, and security sector reform. This undermines efforts by the government and its international partners to stop combatants from being re-recruited into armed groups after they left for civilian life.

Since Tshisekedi's rise to power, relations between the government and the UN peace mission have improved. Anti-MONUSCO rhetoric from top government officials has decreased. Both parties have collaborated and developed joint efforts to eradicate violent forces in the country.

But the Congolese will only really appreciate MONUSCO's efforts if the authorities can secure the country's borders and make citizens feel safe. The government needs to develop a comprehensive national security strategy in collaboration with international, regional and local partners to tackle insecurity in the DRC's eastern region. Renewed attention to demobilisation and disarmament, and security sector reform, is also necessary.

Zero tolerance for impunity should be central to this strategy. Victims of violence need some form of justice, and perpetrators must be discouraged from taking advantage of a weak government.

It may be time for a special tribunal for eastern DRC in response to persistent attacks on civilians

It may be time for a special tribunal for the eastern DRC to respond to the persistent attacks on civilians. The tribunal could shed light on the war crimes and crimes against humanity committed over the past two decades.

While military action has delivered some successes, more is needed to stabilise those parts of the country that have been recovered or are still under threat from armed groups.

Collaborators both in and outside the national security services are still providing weapons, ammunition and other forms of support to armed groups. The ADF, for example, continues to receive most of its food and supplies through well-crafted networks of civilians and some security actors in Beni and Butembo. These networks must be dismantled.

The newly sworn-in government has made peace and stability key priorities. Decisive steps are needed to translate these goals into reality for millions of citizens living in the dangerous parts of the country. Securing the eastern DRC will be the yardstick with which to measure the success of the sacred union. And this could determine whether or not Tshisekedi serves another term as president.

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## WEST AFRICA

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

**Chad's Ongoing Instability, the Legacy of Idriss Déb (Africa Center for Strategic Studies)** By Daniel Eizenga  
May 3, 2021

**Chadian President Idriss Déby died on April 20 from wounds he sustained on the frontlines of fighting against the rebel group le Front pour l'alternance et la concorde au Tchad (FACT). While widely characterized as opening the door to instability, Déby's death in battle vividly punctuates the outcome of instability wrought under his regime. Instability in Chad has simmered for decades, disrupted by periodic explosions of violence. Corruption, political exclusion, growing disparity, and repression of dissent have long been trademarks of Déby's rule in Chad, which not coincidentally ranks 187th out of 189 countries on UNDP's Human Development Index.**

Unless these grievances are addressed, Chad's instability can be expected to persist. This has regional repercussions given Chad's strategic location connecting central and western Africa with Sudan and the Maghreb. Expanding Chadian insecurity has implications for the conflicts in the Lake Chad Basin, Libya, Sudan's Darfur, the Central African Republic, and the western Sahel.

Déby's death has put the internal vulnerabilities of his authoritarian government glaringly on display. Lacking legitimacy and unwilling to adhere to the constitution's succession plan, regime loyalists organized a military coup d'état dissolving the executive branch, the National Assembly, and the constitution. In effect, the military junta, led by Déby's son, General Mahamat Idriss Déby, is vying to perpetuate Déby's 30-year authoritarian rule.

The fundamental factors driving Chad's instability remain unchanged. Given that military governments hold an abysmal governance track record, there should be no expectation that the military's seizure of power will lead to improvements in Chad's political, social, economic, or security fissures.

Faced with an armed rebellion comprised of at least four rebel groups, a lack of legitimacy, widespread discontent, and an increasingly mobilized civilian opposition, the junta will be forced to use ever greater repression to retain power. International support for the junta, absent a legitimate civilian political transition (not a faux process managed by the military junta), risks reinforcing the Déby legacy of relying on force to resolve political differences—and the instability this model generates.

Political repression increased in the last years of Idriss Déby's life. Opposition leaders routinely faced threats to their lives with tragic consequences. Ahead of the April 11 presidential election, soldiers descended on opposition candidate Yaya Dillo Djérourou's residence to arrest him. One of Déby's Zagawa kinsmen and a former government official, Dillo posed an internal political threat to Déby, even though the Supreme Court had already rejected Dillo's candidacy. When the soldiers arrived, members of Dillo's household clashed with the security forces who responded by opening fire, killing Dillo's mother and at least three others.

Déby also relied on institutional maneuvers to manipulate the political system to his advantage. In 2018, he organized a national conference, which excluded many prominent opposition figures, to rewrite the constitution. In doing so, he made a show of restoring presidential term limits—after having abolished them in a 2005 referendum. Unsurprisingly, the limits were non-retroactive, extended the length of his term, and raised the required age of presidential candidates. These changes limited challenges from rising political actors and insured he would be legally allowed to contest elections until 2033.

Under Déby's rule, Chad has consistently ranked as one of the five poorest countries in the world. The measure and persistence of the country's underdevelopment is sobering, particularly considering that the oil sector provides about 60 percent of export revenues and up to one third of overall GDP since coming online in 2003. Roughly 6 percent of the population has access to electricity. Only 8 percent has access to basic sanitation. Just one in five adults are literate, and one in three births take place in the attendance of a health professional. Life expectancy is one of the lowest in the world at 53 years.

These dire conditions contribute to more than 6 million Chadians—40 percent of the entire population—needing humanitarian assistance. This includes 330,000 IDPs, mostly around the Lake Chad region, where displacement figures doubled in 2020. Across the country, 1.8 million people are expected to suffer from food insecurity in 2021, an increase by more than 50 percent from last year.

Characterizations of Chad as a lynchpin for stability in the wider region overlook the continued conflict waged by the armed opposition. FACT is only one of at least four well-armed Chadian rebel groups that have used southern Libya as a rear base during the 2010s. The leaders of these groups trace their origins to previous rebellions against the Déby regime in the 2000s. The armed forces, additionally, face serious security threats on Chadian soil from militant Islamist groups operating in the Lake Chad Basin. The military suffered its greatest loss of life in a single attack when Boko Haram militants stormed a base in Bohoma in 2020.

In short, Idriss Déby failed to produce stability in Chad. Political violence, assassinations, disappearances, economic crises, extreme poverty, coup attempts, militant Islamist insurgency, and armed rebellion litter the decades of Déby's rule. Few

examples stand out more starkly against the myth of the strongman as a stabilizing force than Chad.

“Few examples stand out more starkly against the myth of the strongman as a stabilizing force than Chad.”

General Azem Bermendao Agouna announced Déby’s death and the seizure of power by the military junta simultaneously. Ignoring the constitutionally enshrined process, the junta anointed Mahamat Idriss Déby as interim head of state. The 2018 constitution, drafted by Déby’s political allies, states that in the event of a vacation of power, the president of the National Assembly should be appointed as interim president and lead the country to elections within 90 days. The constitution also states that any candidate for president must be 45 years old and a civilian, thus excluding Mahamat Idriss Déby who is 37 years old and an army general.

By taking these actions, the junta has shown an unwillingness to cede authority to a civilian, preferring to manage the rebellion on its own terms. This is particularly clear in the ongoing clashes between the military and FACT. After initially rejecting the military junta’s claim to power, FACT rebels made overtures for a cease fire and dialogue. The junta, however, responded by publicly excluding any possibility of negotiation. Such a posture is likely to prolong hostilities and strengthen the conclusion by rebel and opposition groups that the use of force is the sole means to gain political power. Worse, it may bring additional militants into the fray, sparking state-led violence against communities within which these armed groups have strong constituencies.

Deteriorating security may also contribute to a fracturing of the armed forces. The Chadian military is often praised as one of the most effective fighting forces in the region. Many units within the armed forces have significant combat experience from fighting rebellions at home as well as combat tours abroad in Mali, Nigeria, Burkina Faso, Niger, and the Central African Republic. Units have also mobilized against threats emanating from Sudan and Libya and have contributed to UN peacekeeping missions.

The composition of the armed forces, however, remains highly fragmented with certain units and leadership structures benefiting disproportionately due to their ties to the Déby regime. This is perhaps most evident in the Direction générale de service de sécurité des institutions de l’État (DGSSIE). These elite special forces within the army deploy on counterterrorism missions and were used by Déby as a domestic military intelligence service and praetorian guard. They have similarly benefitted from disproportionate access to training and equipment procurements. Mahamat Idriss Déby has led the DGSSIE since 2014, reporting directly to his father.

Other units within the military have not benefited from close ties to the regime. These include units comprised of former rebels that had been integrated into the national armed forces under Déby’s rule. Control over these units depended on patronage and ethno-regional ties to their respective territories. It is not at all clear that Mahamat Idriss Déby, or those who compose the leadership of the junta, will be able to fully command the fealty of these units, particularly in the event of widespread conflict or insecurity.

In addition to the threat of intensifying insecurity, the junta has been confronted by an increasingly mobilized political opposition and civil society. Protests against the junta’s illegal seizure of power erupted in the streets of N’Djamena and other urban centers in the country. The junta reacted by firing live ammunition on demonstrators resulting in several deaths and hundreds arrested. These actions have strengthened the political opposition’s condemnation of the coup.

Chadian civil society has also played a role in pressuring the government, often under the risk of severe repression. Leading voices from the Chadian Human Rights League and the Association of Chadian Unions have already denounced the military junta, calling for a civilian-led transition. Other civil society organizations opposed to Déby’s continued evasion of presidential terms limits and the manipulation of the constitution to his benefit have also expressed their opposition.

“A framework for political dialogue does exist and could be expanded ... if the ruling party were interested in engaging the opposition through dialogue rather than force.”

Despite Chad’s highly constrained political space, a framework for political dialogue does exist and could be expanded to include more actors, if the ruling Mouvement patriotique du salut (MPS) party were interested in engaging the opposition through dialogue rather than force. Established in 2013, the Cadre National du dialogue politique (CNDP) brings together representatives from all registered political parties in Chad to resolve issues related to the electoral process and its administration. The CNDP’s representatives ostensibly provide oversight of the National Independent Electoral Commission and debate electoral rules. Its president rotates between members from the political opposition and parties in the majority.

While thus far hollow in practice, the CNDP could serve as an institution for a civilian-led dialogue and transition. The current CNDP president, Mahamat Zen Bada Abbas, also serves as Secrétaire Général of the MPS. In public remarks, Zen Bada has hitherto supported the junta’s claim to power, citing the security crisis confronting the country. Should the military leadership and MPS opt for a more strategic approach to resolving this crisis, they could engage the civilian political opposition and civil

society within the CNDP to identify an inclusive representative process for a civilian transition.

Chad has been on a path of perpetual instability. If the same power structure remains in place, similar outcomes, or worse, can be expected. If Chad is to move toward a path of sustainable stability, there will be a need to reimagine the domestic political arena to include all segments of society under a rules-based government. In the short term, this would entail the military junta stepping down and ceding authority to an inclusive civilian transitional framework. Such a framework could then address what is needed to establish a legitimate representative government, ultimately through multiparty elections.

A key element of any transitional process would be to convene a national dialogue that openly reviews the lessons of the past 30 years of authoritarian governance and builds a consensus around an alternate model moving forward. Chad's opposition leaders have called for such a dialogue regularly, most recently ahead of this year's presidential contest. In the wake of Idriss Déby's death, there is a clear and urgent need for such action. Toward that end, the African Union's Peace and Security Commission has dispatched a delegation to promote dialogue between the junta and its political opponents. Convening a national conference to reform the political system would provide a pause in hostilities and help avoid an escalation of political and economic instability.

"International actors need to recognize that internal stability in Chad is reliant on creating a more inclusive and rules-based political process."

A transitional period should also seek to build cohesion and professionalism within the security forces through reforms aimed at building more representative units, improved accountability within the ranks, and enhanced transparency through civilian oversight. Such reforms would balance the capabilities and combat experience of Chadian troops so they could truly serve as a stabilizing force within Chad and in the wider region.

International actors, particularly France, need to recognize that internal stability in Chad is reliant on creating a more inclusive and rules-based political process. Otherwise, the ongoing instability that caused Déby's passing will perpetually inhibit Chad from contributing to regional security efforts. Déby's death makes the vulnerability of a strategy that relies on a repressive force vividly clear. It also presents an opportunity for a strategic reset and reconsideration of alternate ways forward.

### **Violence In Northeast Nigeria: Aid Workers Targeted, And 65,000 Civilians Flee (The Organization for World Peace)** By Damsadie Hannedige

May 3, 2021

**United Nations News reported on 16th April 2021 that up to 65,000 Nigerians are fleeing violence after a series of attacks in Damasak town in Borno State of Northeast Nigeria. From this incident, the UN Refugee Agency spokesperson (UNHCR), Babar Baloch, stated that "eight people were killed, and a dozen injured." Further, there have been several incidents in Damasak town since 11th April 2021. The spokesperson for the Office for the Coordination of Humanitarian Affairs (OCHA), Jens Laerke, stated that "Humanitarian assets have been targeted, including the destruction of at least five NGO offices and several NGO vehicles, a mobile storage unit, water tanks, a health outpost and a nutrition stabilization centre."**

Furthermore, Non-state armed actors have been "conducting house-to-house searches, reportedly looking for civilians identified as aid workers," according to OCHA spokesperson. UN News reports that these violent attacks targeting humanitarian aids affect the people in Northeast Nigeria as humanitarian support is provided for about 9,000 internally displaced people and 76,000 people in the community. OCHA spokesperson also mentioned that the victims of violence fleeing Damasak seek refuge in the neighbouring region of Diffa, Niger.

Moreover, recently there have been repeated attacks in the Damasak region. The spokesperson for OCHA stated that humanitarian assets as aforementioned were targeted on the 10th and 11th of April. Then, on the 13th and 14th of April, further attacks have occurred. UNHCR spokesperson Mr. Baloch has stated that "up to 80 percent of the town's population- which includes the local community and internally displaced people as well- had been forced to flee". Further, Mr. Baloch accentuated the negative impact of these violent attacks by stating, "assailants looted and burned down private homes, warehouses of humanitarian agencies, a police station, a clinic and UNHCR facility."

The violence in Northeast Nigeria roots from years of insurgency in this region and has resulted in a humanitarian emergency at large proportions in the Lake Chad Basin region. Lake Chad is one of Africa's largest freshwater sources and contributes to the livelihood of farmers and community members. Lake Chad is geographically located in Northern Central Africa and borders Chad, Nigeria, Niger and Cameroon countries. The Lake Chad Basin is an area that covers seven countries, including

Algeria, Cameroon, Central African Republic, Chad, Libya, Niger and Nigeria.

The crisis in the Lake Chad region is related to how Lake Chad has diminished by 90% since the 1960s, resulting in a conflict between herders and farmers due to the limited availability of natural resources and loss of livelihoods. A UN magazine called the Africa Renewal reports that national governments of affected countries have formed a multinational task force (troops from Nigeria, Niger, Cameroon, Chad and Benin) to initiate military attacks against terrorists. At the same time, the governments of these affected nations are finding a sustainable solution to the drying of Lake Chad. Such a long-term solution is necessary as 80-90% of people's livelihoods in the Lake Chad region depend on agriculture, livestock, and fisheries; hence strongly depended on the Lake Chad water source.

Furthermore, the Brookings Institution in 2020 mentioned the involvement of Boko Haram with the prolonged conflict in Northeast Nigeria. The Global Conflict Tracker reports that Boko Haram is one of the largest Islamist militant groups in Africa and has caused terrorist attacks targeting religious and political groups, police, the military and civilians. The article by the Brookings Institution stated that "since 2009, Boko Haram has caused devastating insecurity, impoverishment, displacement, and other suffering in Nigeria's poor and arid North East region". The same article reports that the Nigerian government and the military were mobilized against Boko Haram from 2015 to 2018. However, violence has increased since 2018. Also, the article highlights the need to develop effective policy responses for this crisis and how this requires understanding the multi-faceted nature of this situation. According to the article by the Brookings Institution, this requires knowledge and understanding of security issues, the impact of militias in Nigeria, human rights issues, the political and economic climate of the situation.

In 2020, Médicins Sans Frontières (MSF) reported that the violence around the Lake Chad region had displaced approximately 2.5 million people, and thousands of civilians have experienced violence, abuse and violations. MSF also states that more than 37,500 people have been killed from May 2011 to 31st July 2020 in the Lake Chad Basin conflict. MSF further reports that in the Lake Chad Basin region, around 17 million people are experiencing a complex crisis propelled by severe poverty, violence and climate change. Hence, more than 10 million people need humanitarian aid. However, due to a lack of security and access, humanitarian aid provision is deprived in this region. According to the MSF, the situation in the Lake Chad Basin region is worsened with epidemics and infectious disease outbreaks such as cholera, malaria, and hepatitis E.

There have been several initiatives and humanitarian responses to mitigate the developing humanitarian aid crisis in the Lake Chad Basin region. UN News reported on 3rd September 2018 that for emergency assistance programs in 2017 and beyond, donors had pledged over \$650 million. This has helped more than six million people and has helped in preventing a famine in Northeast Nigeria. Even though there are humanitarian aid funds and donations, the donations are insufficient to meet the critical needs of the crisis. The UN News report also highlighted that the key to solving the humanitarian crisis in Lake Chad Basin addresses the underlying cause while simultaneously providing life-saving humanitarian aid. Echoing on the takeaways from the UN News report, the need for sustainable, long-lasting and large-scale development assistance is necessary for stabilization. UNICEF Nigeria also mentions that to help mitigate the consequences of the Lake Chad crisis, UNICEF Nigeria supports several initiatives, such as establishing mobile healthcare teams in Borno State to provide nutrition services.

Long-term conflict and violence should be addressed by promoting peace treaties and agreements among involved parties. Such measures will directly promote security and protection for civilians and humanitarian aid workers. Also, in turn, this will then reduce the need for humanitarian aid; and violent situations will not develop rapidly to large-scale humanitarian emergencies. To address long-term conflict, effective policy responses should be initiated, and address system changes. By changing the roots of the problem through policy responses and non-violent solutions, a significant humanitarian crisis can be mitigated and/or prevented. Peace agreements and treaties should also be promoted, violence and aggressive efforts should be condemned, and humanitarian aid should be strengthened. Innocent civilians and humanitarian aid workers will not have to be victims of prolonged conflict.

### **Niger: Assault leaves 16 soldiers dead in Tilia**

May 3, 2021

**On Sunday night, May. 2 an official stated that an assault in Tilia, west Niger left sixteen soldiers of the National Guard of Niger dead and another six were injured.**

Ibrahim Miko, secretary general of the region, corroborated on national television: "we have just gone through a painful time. Captain Maman Nameywa of the National Guard of Niger, with his mates, fell yesterday" in an ambush conducted by armed bandits in the department of Tilia.

He further said: "from the front, these armed bandits cannot face our men, and they cowardly took advantage of their return from their mission (at the border with Mali) to ambush them."

The vast Sahelo-Saharan zone experiences great threats to its peace, security and development, particularly with the presence

of terrorist outfits like Boko Haram in nations that are adjacent to Lake Chad, and jihadists located in northern Mali.

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## Mali

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## Liberia

**Liberia: Massaquoi - Please Hide This Trial From Liberians (All Africa)** By Thierry Cruvellier

April 22, 2021

**The trial of former Sierra Leonean rebel commander Gibril Massaquoi before a Finnish court concluded its hearings in Liberia on 7 April and is to resume on 28 April in Freetown, Sierra Leone. In Liberia, civil society had high expectations of this innovative and daring model of a court travelling to the scene of the crime. But it has been somewhat disappointed by Liberian political constraints and Finnish pragmatism.**

On Saturday March 20 in Monrovia, the main Liberian actors advocating for a national war crimes court to try crimes committed during the civil wars of 1989-2003 were meeting in a big hotel in the Liberian capital. The most activist and well-informed community on this issue were there to assess the impasse in which their project finds itself and to reflect on their strategy. They included former commissioners of the Truth and Reconciliation Commission (TRC), members of parliament, traditional chiefs, NGO activists, victims' representatives, and foreign diplomats. At the same time, the trial of Gibril Massaquoi had been ongoing for a month on the outskirts of the city, before a Finnish court relocated to Liberia for the occasion. This was the first trial to be held in the country for war crimes committed on Liberian soil some 20 years ago. It was an event. Yet most of those present at the conference had no idea about it. Of the three former TRC members, two knew nothing about the ongoing trial; the third, a former journalist, had read the few press reports but had never been there. The number two at the embassy in Sierra Leone, Massaquoi's home country, didn't know that the hearings were being held a few miles away and was unaware that the trial would soon continue in Freetown, the Sierra Leonean capital. Larry Younquo, the MP who has been leading the campaign for years for a national court to try former Liberian warlords, knew no better. "That's not the enthusiasm expected. There is not much publicity. We don't know where the [hearings] are being held. The momentum has not been built," he confided during a coffee break.

"They have to make concessions with warlords"

When news circulated at the end of January that the Finnish judiciary would be coming to Liberia to hold the bulk of the Massaquoi trial hearings, the same civil society and some international NGOs hoped that the event would create a new political and judicial dynamic in the country, promoting the domestic prosecutions for which they have been campaigning for almost 20 years. There was talk of a live broadcast of the trial, a new momentum for a public debate. None of this happened. The Finnish court did its job, it visited the sites of the alleged massacres, it listened to 55 witnesses during 21 days of hearings spread over six weeks. But it did so discreetly, in an undisclosed location, without a public gallery and in the presence of only a handful of strictly accredited observers and journalists.

The first factor explaining this disillusionment is political. Trying former warlords in Liberia remains a very sensitive issue. It soon became clear that the Liberian government, while allowing the Finns to conduct their hearings in Liberia, did not want to risk the event making too much noise. "Liberia is a tricky terrain," says Hassan Bility, director of the Global Justice Research Project, the Liberian NGO whose work has led to most of the prosecutions of Liberian suspects who have taken refuge in the West. "From 1985 to now, nobody has won a presidential election without winning Nimba county," whose main representative in the Senate is Prince Johnson, a notorious player in Liberia's first civil war who became famous for filming himself ordering

the torture and execution of former dictator Samuel Doe in September 1990. "Nobody wants to offend Prince Johnson. Politicians think that if he gives you his support, you win. This is a challenge," the activist explained. And it is also a challenge for Liberia's current president, former football star George Weah, who had to make alliances with political forces involved in the civil wars of 1989-1996 and 1999-2003.

As soon as leaders come to power, says Younquo, "they have to make concessions with warlords. As it stands, it is very difficult to achieve [war crimes accountability]. Do we have people with enough spine to do it? No." This explains, in his view, the frustration and anger of young Benjamin Myers, now chief of staff to a member of parliament. At the conference, he pointed the finger at all levels of civil and political society. "It makes no sense that after 17 years we are [still] talking about war crimes justice," he asserted, denouncing former warlords and naming the most famous: Prince Johnson, Alhaji Kromah, George Boley, Sekou Konneh. "They postulate with arrogance. They are not being remorseful. They are continuously reminding us what they did."

#### "Liberia only provides a forum"

In such a context, the Liberian government and Finnish judiciary were walking on eggshells. And both sides agreed to compromise, remaining vague about the agreement between them, pretending that it was not a trial but "collecting evidence", and being as discreet as possible about the hearings held in Monrovia.

Since the beginning of the investigations in the Massaquoi case, everyone has settled for a minimal relationship. The Finnish police have not investigated with the support of their Liberian counterparts, as is traditionally done in the context of mutual legal assistance. When the court visited the scene of the alleged crimes in mid-February, it was not accompanied by an escort. No Liberian security services were engaged to protect the trial site. Liberian authorities made sure to minimize the importance of the event, while the Finns were satisfied with such complete autonomy and low profile.

Sayma-Syrenius Cephus is Liberia's Sollicitor General. In an interview in Monrovia, he said that from the outset it was he who authorized the Finns to come. "They had a list of witnesses they talked to. They wanted to transport them to Finland but because of the pandemic they were not able to," he explained. "So they decided to come to Liberia along with the defence, the prosecution and the judges to hear the witnesses' testimonies. It's not a war crimes court, it's not a formal deposition. We're not considering this as a hearing. What makes it different [than a trial] is that they simply come to hear witnesses but the trial is in Finland, it is not in Liberia. We call it a constructed trial. Liberia, to a large extent, only provides the forum but the whole process is in Finland."

When asked about the risk of the government being suspected of promoting, through the Massaquoi trial, the idea of a national war crimes tribunal, he responded clearly: "As we stand, the position of the government of Liberia is that first, we are looking at total stability, providing basic social services, building roads. The question is: do you, at this time, abandon building roads and schools and hospitals to go after suspected war criminals? Is that a major priority now? Are we going to spend significant time running after people on the basis of war crimes when we are supposed to be providing bread for those who survived? To me the answer, generally, is no. In my opinion we don't need another court."

#### A venue kept secret

Other factors may explain the Liberian authorities' agreement to hold these hearings on their soil. The Massaquoi case is convenient for the government because the accused is not Liberian, is unlikely to disrupt the political game of former warlords, and is not known in Liberia. Some have also raised the fact that Massaquoi betrayed former Liberian president Charles Taylor by testifying against him before the former Special Court for Sierra Leone, a UN tribunal. It may have delighted some in Liberia to see him pay for his own alleged crimes. "I had no idea that it was Massaquoi who testified against Charles Taylor," exclaimed Sayma-Syrenius Cephus, before dismissing the claim. "Mr. Taylor left in 2003. The party detached itself from him 100%. Mr. Taylor is something of the past. He doesn't have any supporter in Liberia. People don't even know Massaquoi."

In the end, the result was a court set up in a small room in a luxury hotel, with between three and five seats inside the courtroom for journalists and observers, who agreed not to disclose the location of the trial. A small room adjoining the one occupied by the court could technically accommodate another 15 or so people, facing a pale image of the trial transmitted by a small camera on a large screen, with a poor, sometimes inaudible sound system. This room never hosted more than three hard-working young Liberians, recruited by a consortium of western NGOs to capture the verbatim proceedings and make them available to the rest of the world, and two journalists from the Liberian team of NGO New Narratives, the only local media company allowed to cover the event.

"We had planned a place that could accommodate 75 persons. We had originally planned to screen it in town for the public. That request was denied. I spoke to the Finnish head of investigations and they were concerned about security," says Bility.

## Trial balloon

Beyond the political context, the Finnish ambition had never quite been to provide Liberians with a rendez-vous with justice and their history. Two Finnish interpreters, working in pairs with two Liberian interpreters, were recruited for the hearings in Monrovia, but their presence was strictly for the needs of the court. As this is a Finnish court, there is an obligation to record the proceedings in Finnish. And as soon as it was not the direct testimony from a witness in the local language, no English interpretation was provided. Journalists and foreign observers were left with a mixture of curiosity and frustration.

The president of the court often showed understanding for the dissatisfaction of the few independent observers present. But in the end, he stressed that this was a Finnish trial and that the first priority of his mandate was to hear the witnesses. Public interest was certainly desirable, but it was more of a luxury than a requirement.

Under these conditions, the Massaquoi trial could not create the expected judicial, social and political event. However, Hassan Bility wants to remain optimistic. "I think it is very helpful to Liberia and it's giving hope to many people, it has created a national debate," he says. A western diplomat also sees it as a "trial balloon". "What you see here is a reflection of political balance. I would like to see it positively. It's an incremental thing," he says. During its last two weeks of hearings in Monrovia, the court actually experienced a sudden surge of political interest. The ambassadors of the European Union and France went there, as well as the President of the Bar and, above all, the Minister of Justice, on 5 April, two days before the end of the hearings. The latter made no comment, but everyone was aware of the political significance of his brief visit.

## Rendezvous in Freetown

From 28 April, the "Finnish model" will be tested in Freetown, the Sierra Leonean capital, in an extremely different environment. First of all, the accused is known to everyone in his country, whereas he was an unknown in Liberia. Media and public interest is likely to be much higher there. Above all, this trial does not create any political tension: in Sierra Leone, the warlords disappeared from the power structures immediately after the civil war in 2002. They have no political weight. There is no security risk, including for witnesses. The civil and legal successor to the rebellion of which Massaquoi was a member, the RUF Party, still exists but has never represented anything electorally.

Everything indicates, however, that the Finnish court wishes to conduct its hearings there with equal discretion. The Finnish ambition thus appears to be more of a practical method - a relocation to the crime site with maximum economy of means - rather than a model with a universal scope, prioritizing access to the greatest number and the educational value of a trial.

### **Massaquoi Trial Quietly Begins Hearings in Freetown (Front Page Africa)** By Mae Azango

April 29, 2021

**The war crimes trial of Gibril Massaquoi, the Sierra Leonean former Revolutionary United Front commander, will begin hearings in Sierra Leone on Friday. The trial, being held by a court from Finland where Massaquoi was resettled in return for aiding prosecutors in the Special Court for Sierra Leone, has attracted little attention in Sierra Leone.**

Local news outlets have published reporting by Finnish and Liberian journalists when the trial held hearings in those two countries but there has been little interest shown by Sierra Leoneans.

"I published all of the New Narratives stories of Gibril Massaquoi's trial when the Finnish court visited Liberia, and not a single comment I got regarding any of the stories. Nobody in Sierra Leone is talking about Massaquoi's trial, not even the judiciary," said Stephen Douglas Editor of Sierra Leonean's Media Watch newspaper.

Douglas said he thinks people are afraid to talk about the trial for a number of reasons. "I think people are afraid of reprisal from the government, because some people, who were part of the revolution along with Massaquoi, are part of the present government of Sierra Leone. Other could be scared because they feel Massaquoi's allies are still around, while others are afraid of opening old wounds."

Mr. Douglas said that even though the location of the court in Sierra Leone is hidden, witnesses testifying before the Finnish court, are terrified, as just as witnesses in Liberia were.

As this journalist walked around to see and hear peoples' views on Massaquoi's trial, people in Freetown, were moving about their normal businesses and did not appear to know or care if a trial is going on.

One local Sierra Leonean youth who did not want to be named, was selling phone credits and doing foreign exchange looked surprised when asked about the trial. "When and where is that happening? I do not know anything about a trial taking place here in Sierra Leone. If it is happening, then the entire trial is in hidden. No radio station has announced it, so nobody knows

about it," he said.

The Finnish Court left Liberia two weeks after hearing seven weeks of testimony from dozens of witnesses. Witnesses alleged that Massaquoi, under the alias "Angel Gabriel" carried out massacres, rape and torture of civilians in Lofa County, North of Liberia and in Monrovia from 2001 – 2003.

The issue of dates has plagued the prosecution case in the trial. Many of the witnesses said the crimes took place in Waterside in Monrovia in 2001 but there was no fighting in the capital at that time. Others have said the events happened in 2003, at a time when Massaquoi was supposedly under house detention as a witness in Freetown. On cross examination by defense lawyers the witnesses have blamed faulty memory for the discrepancies in dates.

The confusion of dates has baffled Aaron Weah, a leading expert on transitional justice in Liberia. He is the only Liberian scholar to have attended the hearings in Liberia.

"I used to live in the center of Monrovia, in an apartment building on Water Street, located between the Old Bridge and New Bridge that has come up in the Massaquoi proceedings as a major landmark. It is very fresh in my mind," said Weah, in an interview with justiceinfo website. "2003 is the more recent period that we saw real violence, when the entire country shut down. You would think that people who suffered directly from this violence would tend to recall it more vividly. Surprisingly they remember these timelines differently. Some witnesses refer to 2001 or 2002 as 2003. What is driving this sort of amnesia and confusion is not very clear. Why are Liberians confusing these recent dates?"

Massaquoi's defense lawyers have suggested there was another Gibril Massaquoi committing atrocities in the two areas at the time. These are the key questions that will be examined by the court in Freetown over the next two to three weeks.

Massaquoi, is being prosecuted in Finland for war crimes and crimes against humanity in Liberia. Massaquoi was a Lieutenant-Colonel of the RUF and an assistant to the rebel group's founder, Foday Sankoh, during the Sierra Leonean Civil War. In 2005, Massaquoi was granted immunity from prosecution for crimes in Sierra Leone in return for his testimony in the war crimes trials in Sierra Leone. Experts said he was instrumental in the convictions of several rebel leaders including former Liberian president Charles Taylor with whom he was close during the civil conflicts in both countries.

Finland granted Massaquoi residency for his role in the Sierra Leone Special Court. But when Civitas Maxima, of Switzerland and Liberia-based Global Justice Research Project presented Finnish investigators with evidence of Massaquoi's war crimes in Liberia, they arrested him in March 2020 for his role in that war.

Massaquoi's trial began on February 1 in the city of Tampere, where he had been living. Rather than transport more than 80 witnesses set to testify to Finland in the midst of a pandemic, the court moved to Liberia.

Hearings in Freetown will begin on Friday.

## **UN Praises Liberian Soldiers (Daily Observer)**

May 3, 2021

**Liberia has committed to doing more to help solve Mali's deadly Islamist insurgency, after two more international peacekeepers – both from France – were killed by terrorists in January.**

The pledge to increase Liberia's presence in the region was made by Israel Choko Davies, one of the country's UN representatives, shortly after the organization praised the West African republic for its dedication to the Mali mission.

No stranger to conflict itself, Liberia hosted West Africa's first-ever peacekeeping force 30 years ago, which intervened to stop the genocidal bloodletting between Liberian dictator Samuel Doe's government troops and Charles Taylor's invading rebel forces.

Keen to repay the debt, Liberia has sent numerous peacekeeping missions to Mali and other neighboring countries over recent years, as part of a UN mission established in 2013 to tackle the security crisis in Mali.

The country has been beset by turmoil since a 2012 coup, carried out by soldiers opposed to what they saw as a weak response to a growing separatist insurgency in the country's north.

When former president Ellen Johnson Sirleaf first announced Liberia was going to participate in the Mali UN operation, skeptics and critics in Liberia questioned the new army's ability.

But deploying close to 200 personnel of the new army in Mali without significant difficulties has raised the profile of a country that became a regional embarrassment after dozens of peace accords could not end its own civil wars.

People heaping praise on Liberian troops in Mali include the director of the United Nations Office of Peacekeeping Strategic Partnerships (OPSP), Major General Jai Menon, who has recently described Liberian peacekeepers there as ‘trained, disciplined, and ideally fit for service’.

Menon, according to reports published in the Liberian media, said he was greatly impressed and proud of the skills and alertness of Liberian troops, particularly as he carried out a tactical military drill with them to test their proficiency and vigilance in line with their scope of duty.

Frequent media reports from Mali about insurgents’ attacks on foreign troops, including the recent attacks on French peacekeepers, give a reason for concern about the safety of troops from less well-armed places like Liberia deployed in the vast desert terrain.

But while United Nations officials visiting Liberia are optimistic that with collective effort, the insurgents will not prevail, they admit the situation in the Sahel is fluid and much more complex than dealing, for example, with the wars in Liberia and Sierra Leone in the 1990s.

“In Liberia [and] in Sierra Leone, you had a classic civil war with known factions, known leaders – leaders that you could deal with,” said Mohamed Ibn Chambas, the UN Special Envoy for the Sahel, when he visited Liberia last year.

“And ultimately there was a line drawn. Those leaders would come on board – and those who resisted, you’d know who the enemy was and you would target them,” Chambas said.

He said the case in Mali is different. ‘The enemy is faceless. These are clandestine leaders and they have links with international terrorist groups.’

Chambas called for a greater regional involvement to tackle the situation in the Sahel, warning the insurgents were engaged in “crimes against humanity.”

As with other foreign forces deployed in Mali, Liberian troops have come under frequent attacks from Islamist guerrillas. “We have had one soldier killed in action and two wounded in action – all in May 2017,” Liberia’s army chief, General Prince Charles Johnson III, told NewsAfrica.

The Liberian army has conducted six successful rotations in Mali and has extended its peace support operation to Sudan and South Sudan.

“This is a remarkable story for the people of Liberia,’ General Johnson said. “Morale among personnel deployed in Mali is very high and we are not afraid [because] this is what we are trained for: to support the international peace support operations in Mali.”

The US-trained Liberian army has been nicknamed ‘Force for Good’ as a way of differentiating it from dictator Samuel Doe’s brutal armed forces. General Johnson has a vivid reflection of how the name came about. ‘Force for Good,’ he said, came as a result of a conversation between former US Ambassador [to Liberia] Linda Thomas Greenfield and Liberia’s ex-defense Minister Brownie Samukai.

“The nickname was recommended by the US ambassador,” Johnson said, and Liberian authorities saw it as a brand for the Liberian people, “rebuilding and regaining the confidence of both national and international partners.”

Many in the diplomatic circle believe keeping Mali under an informal administration longer would further frustrate intervention to stabilize the region. “The insurgents were armed with weapons flowing from nearby Libya, following that country’s 2011 civil war,” according to the Council on Foreign Relations (CFR), an American think-tank that specializes in US foreign policy and international affairs.

Late last year, the heads of states and governments of West Africa were unanimous in declaring that Mali needed an elected government to foster stability.

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# Uganda

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

## **Uganda: A Reflection on Ongwen's Trial as Ex-Rebel Commander's Sentence Hearing Nears (Black News)**

By Jesse Johnson James

May 4, 2021

**"I ran to the world to help, rehabilitate and heal me but when I landed into its hands, it threw a rope on my neck," that was the sentimental statement uttered by Dominic Ongwen, a former senior Lord's Resistance Army Rebel Commander and now a convict, at the International Criminal Court on April 15th. And his sentence hearing is due on May 6th.**

Ongwen, 46, who was found guilty in February this year for a total of 61 counts comprising crimes against humanity and war crimes, committed in Lukodi, Pajule, Odek and Abok in northern Uganda between 1 July 2002 and 31 December 2005.

Despite the outcome of the verdict, Ongwen has already assured the court that he should be set free since he already spent enough time in jail, his lawyers are also expected to appeal his guilty verdict after his sentence hearing.

"I was in LRA captivity for 27 years, detention at The Hague for 6 years. All these years are enough to make you set me free." Ongwen, who was clad in a suit, pleaded with the judges.

"In over 1,000 battles fought and escaped alive, 23,000 of my age mates were shot dead, meaning God had better plans for me. I only pray that you help me because I can still become a better person."

The two-decade LRA war, orchestrated by war lord Joseph Kony, led to tens of thousands of people dead and 1.5 million people internally displaced in camps across Northern Uganda. During the gruesome war, young boys and girls were also abducted as young soldiers and sex slaves respectively. But Ongwen, like many former abductees who suffered in Northern Uganda, says he was 'a victim of circumstance'.

"I did not dream to become a soldier but circumstance forced me to become one," said Ongwen, who was abducted by the Lord's Resistance Army –LRA rebels in 1987 while on his way to schools alongside other older boys.

He has also challenged the court to examine the gravity of the damage that was caused by the three parties during the war—"Joseph Kony, Acholi elders, and himself, asking, "who is the worst sinner?" and further stating that, "what happened [during the war] was beyond me. If I had the powers, Joseph Kony would not go to the bush, [some] Acholi [elders] who supported Kony would not have done what they did... people of Northern Uganda would not have died".

The sentence hearing will be relayed in places like Family Miracle Church, Foundation for Justice and Development Initiative –FJDI and Justice and Reconciliation Project –JRP in Gulu City, this has already elicited mixed reactions on what they expect of the outcome of the hearing from different locals in Northern Uganda.

60-year-old Florence Lawino, from Cwero Sub –County in Gulu was displaced in Paicho Internally Displaced Persons Camp recalls how her properties were looted by the rebels from the camp.

"In one of the LRA's raids of the camp, my nephew's mouth was cut [off] while we were made to watch before he was abducted and to date, I do not know whether he is dead or alive." Lawino recollects her memories as she tries to hide her teary face

Despite killing the son of her brother in –law by the LRA rebels for failing to transport their luggage, Lawino wants Ongwen to be pardoned.

Vicky Auma, 27, and a mother of three who spent seven years in LRA captivity says she still remembers harrowing memories. She has never recovered from tortured that the rebels subjected her to when they burnt her legs, raped and impregnated her. She has to fend for her nine year –old son who has since school dropout due to lack of money.

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## Kenya

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

**Politics did not influence my work at ICC — Bensouda (The Star)** By Nancy Agutu  
April 30, 2021

**International Criminal Court prosecutor Fatou Bensouda has said she had to shut out the political noise to do her job effectively.**

Bensouda told a forum on Friday that politics did not prevent her from making sound determinations during her nine-year stint.

"There will always be politics around us, but politics does not and should never figure in the decision-making of the ICC Prosecutor. That is how I have led my office," she said.

The prosecutor said a person can choose whom to side with when cases come to the ICC.

"One can choose to be on the side of the perpetrators or the victims of atrocities. I chose unequivocally to be on the side of the victims," she said.

The Gambian-born Bensouda will retire in June. British lawyer Karim Khan will be the new prosecutor starting June 16.

Bensouda prosecuted the ICC case involving President Uhuru Kenyatta and his Deputy William Ruto. Khan led Ruto's defence.

Ruto was charged with crimes against humanity alongside journalist Joshua Sang and Henry Kosgey.

The charges also applied to Uhuru, Francis Muthaura, and former police commissioner Mohammed Hussein Ali.

The 'Hague Six' were accused of murder, deportation or forcible transfer of population, persecution, rape, and other inhumane acts during the poll chaos.

ICC terminated the case against Ruto and Sang on April 5, 2016, about a year after President Kenyatta's, which was dropped on March 13, 2015.

When she dropped the charges, Bensouda said Uhuru's rise to the presidency was the key factor that led to the collapse of her case against him.

Bensouda said after Uhuru became President, witnesses refused to testify while the government stopped cooperating with the ICC.

She was reflecting on the collapse of the case against Uhuru in a documentary titled 'Kenya: A Guidebook to Impunity' hosted by human rights activist Maina Kiai.

"After the elections and when they came to power, the case changed a lot. Now we are faced with a situation where the people we have already charged are now the leaders in Kenya," she said.

Bensouda said Ruto's case was severely undermined by witness interference and politicisation of the judicial process.

The decision further noted that other evidence may have been available to the prosecution "had it been able to prosecute the case in a different climate, less hostile to the Prosecution, its witnesses and the Court in general."

Seventeen witnesses who had agreed to testify against the suspects withdrew their cooperation with the court.

ICC alleged intimidation, social isolation and threats to witnesses to prevent them from testifying.

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

## **Official Website of the ICTR**

**Busingye urges UK to expedite trial of genocide suspects (The New Times)** By Emmanuel Ntirenganya  
April 27, 2021

**The Minister for Justice, Johnston Busingye, has expressed gratitude to the UK Members of Parliament (MPs) who are pushing for the trial of suspects of the 1994 Genocide against the Tutsi who are roaming freely in the European nation.**

Busingye, who also doubles as the Attorney General, made the remarks on Monday, April 26, during a virtual discussion with a group of UK MPs and House of Lords (APPG on war crimes).

The discussion revolved around genocide suspects living freely in the UK.

Busingye said that around 2007 Rwanda located on the territory of the UK, five key Genocide suspects. They are Dr Vincent Bajinya (a medical doctor who at the time of the Genocide headed the then National Population Office (ONAPO), Célestin Mutabaruka (a pastor), Charles Munyaneza, Emmanuel Ntezirayayo and Célestin Ugirashebuja (who were Burgomasters/mayors) for the communes of Kinyamakara, Mudasomwa and Kigoma, respectively, all in southern Rwanda).

Busingye expressed Rwanda's gratitude to the members of the APPG on war crime and to acknowledge the cross party effort that was inaugurated on March 3, 2021.

The group was formed to look into matters relating to the presence of alleged Rwandan war criminals in the UK and the prosecution of those who participated in the genocide against the Tutsi in 1994.

"Finally, a UK Cross Party Parliamentary Group will stand with us in pursuit of justice in a matter whose beginning we all know but whose end we grow more disillusioned about each day that passes," he said.

In the aftermath of the genocide, Busingye observed, one key thing to do was to ensure justice for the victims by bringing to justice those suspected of involvement.

'Delayed justice', 'safe haven for fugitives'

Busingye indicated that given the UK's refusal to be a safe haven for Nazi war criminals that culminated in the passing of the war crimes Acts in 1990, and the subsequent action on individual suspects, Rwanda made every effort to secure the extradition of the five fugitives.

However, he added, it was fruitless.

In 2015 and in 2017 a British District Court and the High Court ruled that there was compelling evidence of the involvement of the five in the genocide against the Tutsi, but, Busingye said, none could be extradited to Rwanda 'because that would breach their human rights'.

"The High Court didn't rule on what could be done. For the 5 fugitives the way forward was clear as day; British justice had afforded them a securer safe haven on a blank cheque," the Minister observed.

However, he said that as British justice doubted the quality of Rwanda's justice, the International Criminal Tribunal for Rwanda (ICTR) and countries including the United States, Canada, Belgium, Norway, Denmark, Sweden ruled that Rwanda's justice met international standards and extradited fugitives to face justice.

"Its 15 years of attempts to bring the five [Genocide suspects in the UK] to justice. We tried extradition it was refused, we agreed. We requested in-country trials, it was accepted. We were asked to provide support; we, needless to say, accepted and did," he said.

But, he said, four years have elapsed and Rwanda is still watching and waiting for the one signal that will show the genocide victims, in their lifetime, that finally there is commitment to bring these fugitives to justice.

"It seems that the one thing known about this rule of law and accountability process is that we will not be seeing the start of

the trials of these men anytime soon. Dear friends, Rwanda does not seek revenge and will not,” he said.

“Rwanda does not prejudge the five suspects, whether they are innocent or guilty will be decided by courts. All we seek is that due process is followed and that justice, so far delayed, does not end up denied,” he indicated.

Meanwhile, he said, the UK’s failure to act on these five fugitives should also be seen from this unfortunate angle; that by default it amounts to implicitly enabling genocide denial.

#### **French troops set to avoid trial over Rwanda massacre (AlJazeera) May 3, 2021**

**Members of the French armed forces deployed in Rwanda during the 1994 genocide were set on Monday to avoid any trial after prosecutors recommended that judges drop a case accusing them of complicity in crimes against humanity over their inaction in a massacre.**

Survivors of the June 1994 slaughter in the hills of Bisesero in western Rwanda had accused French troops of deliberately abandoning them to Hutu extremists, who murdered hundreds of people in the area within days.

The call to drop the 15-year-old case followed a major report in March examining allegations about France’s role in the genocide, which found that Paris had been “blind” to preparations but not complicit in the killings.

The Paris prosecutors concluded that the investigation “did not make it possible to establish that the French forces could have been guilty of the crimes of complicity in genocide and crimes against humanity”.

The inquiry did not confirm that there had been any “help or assistance from the French military forces during the carrying out of the atrocities,” said chief Paris prosecutor Remy Heitz.

Nor, he added, did it establish that the French forces “refrained from intervening in the face of genocide or crimes against humanity due to a prior agreement”.

‘Denial of justice’ Prosecutors opened the criminal investigation into complicity in genocide in December 2005 after complaints filed by survivors and human rights groups.

Eric Plouvier, lawyer for the Survie (Survival) NGO that advocates better relations between France and Africa and was among the groups that filed a complaint, called the outcome “heartbreaking and legally distressing”.

In a “denial of justice,” the judiciary failed to take account of France’s “overwhelming responsibilities” that had allowed the genocide to take place, which were revealed in the historical report, he told AFP.

In March, the landmark French report compiled by historians concluded that Paris bore “serious and overwhelming” responsibilities over the slaughter of about 800,000 people between April and July 1994, mainly minority Tutsis.

The final decision over whether to press ahead with the case rests with the investigating magistrates.

They are now highly likely to drop the case unless any further investigations are ordered, said a source close to the inquiry, requesting anonymity.

The 386-page conclusion issued by the prosecutors and seen by AFP did not rule out the possibility that the lack of intervention by troops could constitute the crime of failure to “assist a person in danger”.

But this crime would in any case be covered by the statute of limitations.

The five French military officers targeted by the investigation have never been charged.

Survivors of the massacre alleged that France, which had backed the Hutu government of the day, used the UN-backed Turquoise peacekeeping mission as a front for trying to keep the regime in place, as a buffer against English-speaking Tutsi rebels.

An estimated 50,000 people alone were killed in the Bisesero area, which was deemed a haven of Tutsi resistance.

‘Profound failure’ The report commissioned by French President Emmanuel Macron was particularly damning about the events in Bisesero, calling the failure of French troops to protect Tutsis sheltering in the hills, in a so-called “safe zone”, a “profound failure”.

The report noted that the French had been aware that Tutsis hiding in the area had been attacked but failed to respond to their pleas to be saved for days, by which time hundreds of people had been murdered.

The French historical commission blamed the troops' failure to protect Tutsis in Bisesero on strategic considerations rather than the failings of individual soldiers.

French troops attempted "to maintain a balance between the two sides (Hutu and Tutsi)," the commission said.

The Rwandan genocide began after Rwanda's Hutu president Juvenal Habyarimana, with whom Paris had cultivated close ties, was killed when his plane was shot down over Kigali on April 6.

France's murky role in the violence poisoned relations for years between Paris and Rwandan President Paul Kagame, a former Tutsi rebel who has ruled the mountainous nation in Africa's Great Lakes region since the aftermath of the genocide.

Paris hopes the historical report will usher in a new era of understanding with Kigali, and Macron is hoping to visit Rwanda later this year.

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## **Somalia**

**4 killed in mortar attack in Somalia (China Global Television Network)** April 22, 2021

**At least four people were killed and several others injured in a mortar attack in the Somali capital Mogadishu on Wednesday.**

The Somali National Army (SNA) radio said al-Shabab militants fired mortar shells which landed in Bondhere and WartaNabada residential districts in the Banadir region, killing the four people.

"Several people sustained injuries during the attack," the SNA radio reported.

Al-Qaida allied terrorist group al-Shabab claimed responsibility for the latest attack, saying their fighters targeted the Somali presidential palace.

However, no mortar shells landed on the heavily fortified facility in the latest attack which is the second mortar attack in less than two months in the restive capital.

**Gunfire Erupts in Mogadishu as Somalia's Political Feud Turns Violent (The New York Times)**

By Declan Walsh and Hussein Mohamed

April 25, 2021

**Gunfire erupted across the Somali capital, Mogadishu, on Sunday as security forces loyal to the president clashed with units that appeared to have sided with his rivals, stoking fears that Somalia's simmering political crisis is spilling over into violence.**

The fighting, some of the worst in the Somali capital for years, followed months of tense talks between President Mohamed Abdullahi Mohamed and opponents who accuse him of making an unconstitutional power grab.

The talks collapsed after Mr. Mohamed failed to hold presidential and parliamentary elections by February, as scheduled, and then two months later signed a law extending his term in office by two years. His actions have drawn criticism from the United States and other Western allies.

The moves effectively ended United Nations-mediated negotiations backed by the United States and added fuel to an already combustible political situation.

The shooting started Sunday afternoon after soldiers aligned with the opposition took positions at several strategic locations in Mogadishu, drawing fire from pro-government forces. Analysts said the rift was influenced by the powerful clan divisions that have often been at the center of the turmoil Somalia has faced since its central government collapsed in 1991.

As rival factions traded fire late into Sunday evening, alarmed Western officials appealed for a halt to fighting they feared might spiral into a wider confrontation that could unravel years of modest yet steady progress toward turning Somalia into a functioning state.

The European Union ambassador to Somalia, Nicolas Berlanga, appealed on Twitter for “maximum restraint” on all sides. “Violence is unacceptable,” he said. “Those responsible will be held accountable.”

The fighting also raised the possibility of dangerous fissures along clan lines inside the Somali military, and the worry that powerful foreign-trained units, including an elite American-funded commando squad, could get sucked in.

Videos posted online by Somali reporters and news outlets Sunday night depicted long bursts of gunfire around Kilometer 4, a major junction in the city. Some of the fighting occurred near Villa Somalia, as the presidential palace is known.

Foreigners living in the highly protected zone around Mogadishu’s international airport said they had retreated into bunkers to avoid being hit by stray gunfire.

The main clashes occurred outside the homes of Hassan Sheikh Mohamud, a former president of Somalia, and Abdirahman Abdishakur Warsame, the leader of a major opposition party. In statements, both men laid blame for the attacks on President Mohamed, who is popularly known by the nickname “Formaajo.”

At a hastily convened news conference, Hassan Hundubey Jimale, Somalia’s minister of internal security, denied that the government had attacked the former president’s home and blamed unspecified foreign countries for the clashes.

Mr. Jimale gave no details about how many people had been killed or injured.

Critics said Mr. Mohamed was making a high-stakes bid to stay in power.

“It seems Formaajo has decided his final suicidal attack by attacking every opposition figure in town,” said Hussein Sheikh Ali, a former national security adviser who once worked under Mr. Mohamed.

American officials said they had privately warned Mr. Mohamed, a one-time American citizen, against using the Danab, an American-trained commando force of about 900 soldiers, to crack down on his opponents. But they acknowledged that Mr. Mohamed has other options, including Turkish-trained troops estimated to number at least 2,600 men.

A contingent of troops trained in Eritrea, whose authoritarian leader, Isaias Afwerki, is a key ally of Mr. Mohamed, are reported to have returned to Somalia in recent weeks.

The election in 2017 of Mr. Mohamed, a former New York State official with a home in Buffalo, raised hopes he could set the country on a less corrupt and dysfunctional track. But disillusionment set in as Mr. Mohamed’s government silenced critics, expelled the top U.N. official and, last year, dragged its feet over scheduled elections.

The opposition has refused to recognize Mr. Mohamed’s authority since his four-year term expired on Feb. 8 without planned presidential and parliamentary elections taking place.

Talks between the two sides over the terms of any elections have been deadlocked since the fall. Opponents accused Mr. Mohamed and his powerful spy chief, Fahad Yasin, of attempting to rig the system by stuffing regional electoral boards with their supporters.

Mr. Mohamed claimed his enemies were trying to shy away from an election, and now says he needs two years to bring forward plans for universal suffrage in Somalia. Under the current system, the president is chosen through an indirect, clan-based vote.

Mr. Mohamed’s move to extend his term by two years on April 14, which some analysts called a “constitutional coup,” met with fierce criticism from the United States and other Western allies.

In Mogadishu, the move caused some opposition leaders to retreat into their clan strongholds.

Among those embroiled in the fighting on Sunday was Sadek John, a former police chief of Mogadishu who was dismissed in mid-April after he opposed Mr. Mohamed, according to a Somali police official who spoke on the condition of anonymity because he was not authorized to talk to the press.

**At least 7 killed in suicide bombing in Somalia’s capital (AP News)** By Hassan Barise  
April 28, 2021

**At least seven people were killed and more than 11 others wounded when a vehicle exploded outside a police headquarters in Somalia's capital, police and health officials said Wednesday.**

The al-Shabab extremist group claimed responsibility.

A police spokesman, Col. Abdiqani Mohamed Qalaf, said the suicide bomber tried to drive into the headquarters near the ex-control Afgoye road but was thwarted.

"He could have killed more people if not stopped," Qalaf said. He said two soldiers and three passers-by were among the dead.

Dr. Hashim Suldan at Medina hospital told The Associated Press they had received 13 wounded people and two of them died on arrival. Others had serious wounds from shrapnel.

Al-Shabab often targets high-profile areas of Mogadishu, and observers had warned that the al-Qaida-linked group might take advantage of Somalia's current political tensions to strike again.

The United Nations says tens of thousands of Mogadishu residents fled their homes this week after rival groups of soldiers clashed in the streets on Sunday amid a standoff over President Mohamed Abdullahi Mohamed's extended stay in power.

The president bowed to growing pressure overnight and announced in a national address that he would prepare the country for elections that have been delayed since early February. He also said he would speak on Saturday to parliament, whose lower house this month approved a two-year extension of his mandate that he signed into law to the anger of Senate leaders, the opposition and some in the international community.

The president in his address vowed that this week's scenes of clashes between rival soldiers would not be repeated, while many Mogadishu residents who had feared a return to open warfare in Somalia sighed with relief.

Now the federal government and regional states are expected to return to talks soon on how to proceed with the election. Somalia has not held a direct one-person-one-vote election in decades as it rebuilds from some 30 years of conflict.

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## **EUROPE**

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

**Official Court Website [English translation]**

**Bosnian Court Dismisses Challenge to Verdict for Attack on Serbs (Balkan Transitional Justice)** By

Lamija Grebo

May 4, 2021

**The Constitutional Court of Bosnia and Herzegovina has dismissed an appeal filed by ex-soldier Muhamed Sisic, who was sentenced to ten years in prison for committing war crimes in the village of Kukavice, near the town of Rogatica, in August 1992.**

The Constitutional Court said in its judgment, handed down on April 7 but only recently made public, that Sisic's right to a fair trial was not breached.

It also said that Sisic did substantiate his claims that his right to respect for his private and family life was violated and that the principle of non-discrimination was infringed.

Sisic had claimed that the verdict convicting him was based exclusively on the testimony given by a witness whose credibility the defence brought into question.

But the Constitutional Court determined that the Bosnian state court provided a detailed, clear and substantiated explanation of its decisions in terms of the evidence presented, and there were no elements that would suggest that the evidential procedure was misused to Sisic's detriment.

The attack on Kukavice by Bosnian Army troops in August 1992 left 21 Serb civilians dead, including two children, and 39 wounded.

In April 2019, a third-instance verdict sentenced Muhamed Sisic to ten years in prison and Tarik Sisic and Aziz Susa to eight years each for crimes committed in Kukavice.

According to the charges, Muhamed Sisic was commander of the Sabotage Squad of the Bosnian Army's Kukavice Company, while the two other defendants were members of the company.

Earlier this year, the Constitutional Court also rejected Tarik Sisic's appeal against his conviction, ruling that there had been no violation of his right to a fair trial.

The Constitutional Court's decisions are final and binding.

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

**Official Website of the ICTY**

**Final Verdict in Mladic Trial Set for Early June (BIRN)** By Lamija Grebo

April 30, 2021

**The final verdict in the trial of Ratko Mladic, aged 79, is scheduled for 3pm on Tuesday, June 8, and will be handed down by judges Prisca Matima Nyambe, Aminatta Lois Runeni N'gum, Seymour Panton, Elizabeth Ibanda-Nahamya and newly appointed judge Mustapha El Baaj.**

Mladic's trial started before the Hague war crimes court, ICTY, in 2012. The court sentenced him to life imprisonment in November 2017, finding him guilty of genocide of Bosniaks from the eastern town of Srebrenica in 1995, the persecution of Bosniaks and Croats throughout Bosnia, terrorising the population of Sarajevo during the siege of the city, and taking UN peacekeepers hostage.

The defence appealed the verdict in August this year, calling for an acquittal on all counts, a retrial or a reduced sentence for Mladic.

The prosecution also appealed, calling for Mladic to be found guilty of genocide in five other municipalities in 1992.

The presentation of appeals took place after being postponed twice. The first was due to Mladic's surgery and the second due to the coronavirus, which made it difficult for some judges to come to The Hague, as well as the fact that Mladic belonged to "a high-risk group", given his medical condition and age.

The trial began in 2012.

In February this year, Carmel Agius, president of the MITC, the Mechanism for International Criminal Tribunals, successor to the ICTY, appointed new judge Mustapha El Baaj to the Appeals Chamber that will deliver the final verdict after one of the chamber members passed away.

Born in 1942, Mladic became Chief of the General Staff of the Bosnian Serb army, VRS, in the 1992-5 war in Bosnia. Indicted soon after the war for various crimes, he evaded justice for 16 years before his arrest in Serbia in 2011.

He is mainly remembered for an infamous massacre of some 8,000 Bosniaks after his forces captured the besieged town of Srebrenica in 1995, an event that became synonymous with the brutality of the Balkan wars of the 1990s.

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

**Serbia Gives Citizenship to Fugitive War Crimes Defendant (Balkan Transitional Justice)** By Albina Sorguc and Milica Stojanovic  
April 22, 2021

**The Serbian authorities granted citizenship to former Bosnian Serb military policeman Mirko Vrucinic in June 2020 – two months before his defence was due to present its closing arguments in his war crimes trial, BIRN has learned.**

The Bosnian state court told BIRN that Vrucinic's name was entered in the registry of Serbian citizens in September 2020 on the basis of an order issued by the Serbian Interior Ministry in June.

On August 31, 2020, Vrucinic failed to appear for a hearing at the Bosnian state court in Sarajevo, conveying a message through his lawyer Branko Gudalo that he had gone to Serbia because his trial was unfair.

After the court was informed that he has absconded to Serbia, it was found that he had crossed the Raca border crossing on August 30 at 1.25pm.

Vrucinic, former chief of the police's Public Security Station and a member of the Crisis Committee in Sanski Most, had been on trial since 2015 for participating in a joint criminal enterprise that was responsible for murders, forced resettlement, unlawful detentions and forced disappearances.

Prosecutor Eldina Biuk said at the hearing on August 31 last year that the state prosecution had asked Serbia several times to provide information about whether Vrucinic had dual citizenship or if he had applied for Serbian citizenship, but the Belgrade authorities did not answer.

"We also sought help through Interpol," Bosnian state prosecution spokesperson Boris Grubasic told BIRN.

"The Prosecutor's Office in The Hague provided help and coordination in November 2020, so we received a response from the Serbian War Crimes Prosecution that he had Serbian citizenship and a declared place of residence in that country," Grubasic said.

BIRN tried to obtain information about Vrucinic's citizenship from the Serbian Interior Ministry on two occasions, but these requests were rejected.

The Interior Ministry did however try to cast doubt on whether Vrucinic, as a Serb, could have a fair trial in Bosnia and Herzegovina.

"Given that the proceedings in Bosnia and Herzegovina have not been completed and are being not conducted in Serbia, we cannot know whether all his rights were respected, particularly the right to a fair trial, considering all the objective circumstances in which members of the Serb people were prosecuted for criminal offences committed during the Bosnian war by Bosnian institutions and international courts," the Serbian Interior Ministry wrote in its response.

The Serbian Interior Ministry did not respond to an additional request to comment on the issue of granting citizenship to a war crimes defendant at the very end of his trial in another country.

The extradition agreement between Bosnia and Serbia does not apply to people charged with genocide, crime against humanity or war crimes, which is why Bosnian Serb defendants who have Serbian as well as Bosnian citizenship often leave the country to avoid potential conviction.

"By departing to Serbia, whose citizenship he has, Vrucinic has become unavailable to Bosnian prosecutorial bodies, given that neither Bosnia nor Serbia extradite their own citizens in genocide, crime against humanity and war crime cases," the Bosnian state court told BIRN.

The state court said that a large number of defendants who are currently on trial for war crimes in Sarajevo have dual citizenships of Bosnia and Herzegovina and Serbia or Croatia.

"Those who do not have dual citizenship prior to the beginning of the main trial obtain it during the trial," the court said.

The court also said it had rejected a prosecution request to hand down a verdict in absentia in the Vrucinic case, as Bosnian law does not allow trials without the defendant present.

### **Bosnian Serb Ex-Policeman Convicted of Sexually Abusing Prisoners (Balkan Transitional Justice)**

By Milica Stojanovic

April 26, 2021

**Belgrade Higher Court on Monday convicted Milos Cajevic, a former member of an intervention unit of the reservist police force in the Bosnian town of Brcko, of committing a war crime against civilians.**

He was found guilty of intimidating and inhumane treatment by forcing two brothers to have sexual intercourse and threatening other civilians in Brcko.

The court sentenced him to seven-and-a-half years in prison, but as he is already serving a six-year sentence for another murder, the judge imposed a combined sentence of 13 years.

The verdict found in mid-May 1992, Cajevic made one prisoner at the Luka prison camp in Brcko hit his brother, who was also a prisoner.

Cajevic then made one brother lick juice off the floor, and forced them both to have sexual intercourse with each other.

The brothers, identified only as M.A. and S.A., testified in court that while they were being forced to have sexual intercourse with each other, there were other soldiers in the room with Cajevic who were watching them and laughing.

The verdict also found that at the end of May 1992, Cajevic threatened to kill 11 civilians in an apartment in Brcko, including two minors.

But Cajevic was acquitted of taking a Bosniak women to a house where he and other members of his unit were staying, keeping her imprisoned and forcing her to have intercourse with them on an almost daily basis.

The victim, identified only as N.A., had testified in court that she was forced to have sexual intercourse against her will, and that on one occasion Cajevic had his gun beside the bed, and that on another occasion, he brought two large Doberman dogs, said they were hungry, and left her alone with them for three days.

Cajevic denied all the charges.

He told the court that he took some prisoners from the Luka prison camp to be questioned at the police station and then took them back, but that he never entered the prison camp itself.

He also said one of his unit's tasks was to check apartments in the city and make records about the number of people in them, but that he never beat or mistreated anyone.

He further insisted that he never saw the rape victim at the house in which she was imprisoned.

Cajevic was convicted in September 2016 of committing another murder in Brcko during the war.

The Appeals Court in the Serbian city of Novi Sad sentenced him to six years in prison for murdering a 66-year-old Bosniak woman in the town in May 1993.

Monday's verdict was a first-instance ruling and can be appealed.

### **Croatia President Defends Bosnian Croat War Crime Convicts (Balkan Transitional Justice)**

By Anja Vladisavljevic

April 27, 2021

**Croatian President Zoran Milanovic on Tuesday defended his decision to receive in his office former Croatian Defence Council, HVO officers, including Tihomir Blaskic, who served a prison sentence for his role in crimes committed during the Bosnian war after being convicted by the UN court in The Hague.**

"There are various categories of war crimes, crimes against humanity and crimes related to the customs of war and waging war; it is a wide range of offences. If Blaskic was responsible for something for which [wartime Bosnian Serb military chief] Ratko Mladic is responsible, I would not host him," Milanovic told media.

He described the Hague Tribunal's conviction of Blaskic as a "political verdict".

Milanovic met the former officers of the HVO on Monday and "discussed HVO's role in defending Croats in all parts of Bosnia and Herzegovina and the contribution of HVO members to defending Croatia during the Homeland War", his office said.

The International Criminal Tribunal for the Former Yugoslavia, ICTY, originally sentenced Blaskic under a first-instance verdict to 45 years in prison for ordering, planning, committing and aiding and abetting crimes against Bosniaks in 1993.

The crimes of which he was accused included planning and ordering an attack on the Bosnian village of Ahmici in April 1993, when more than 100 Bosniak civilians, mostly women and children, were killed, as well as the destruction of property, persecution and using prisoners as human shields.

He appealed, and in 2004 the court dismissed 16 of 19 counts of the initial indictment, notably the claim that Blaskic had command responsibility for the massacre in Ahmici. He was sentenced to nine years in jail for crimes against prisoners of war.

In 2010, Blaskic expressed his support for former Croatian President Ivo Josipovic's decision to visit Ahmici to pay tribute to the victims. He also said that after he served his sentence he went to Ahmici to pay his respects.

Milanovic said on Tuesday that he would also receive Milivoj Petkovic, a former HVO commander who is serving a sentence for crimes against humanity after being convicted by the UN court.

"I will receive Petkovic when he gets out of prison. I hope it will be soon. And I will receive him because he is not a war criminal," Milanovic said.

Milanovic also defended Petkovic in August last year, when he stated that "not everyone who was sentenced in The Hague was a war criminal".

Petkovic was convicted in 2017 of committing crimes against humanity, violations of the laws or customs of war, and grave breaches of the Geneva Conventions between 1992 and 1994.

He was found guilty of participating in a joint criminal enterprise intended to remove Bosniaks from territories of Bosnia and Herzegovina in which the Bosnian Croat leadership, along with the leadership of Croatia, wanted to establish Croat domination.

Five other military and political officials of the self-proclaimed wartime Bosnian Croat statelet of Herzeg-Bosnia were convicted alongside him – Jadranko Prlic, Bruno Stojic, Slobodan Praljak, Valentin Coric and Berislav Pusic.

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## **Turkey**

**Can a new round of UN peace talks solve the decades-old Cyprus conflict? (EuroNews)** By Sandrine Amiel  
April 28, 2021

**The United Nations will host a meeting from 27 to 29 April on the conflict that has split the Mediterranean island nation of Cyprus for almost five decades.**

"The purpose of the meeting will be to determine whether common ground exists for the parties to negotiate a lasting solution to the Cyprus problem within a foreseeable horizon," said Stephane Dujarric, spokesman for UN Secretary-General Antonio Guterres.

The format of the talks will be an "informal 5 +1 meeting", including Cyprus' two rival communities, the three guarantor countries, namely Greece, Turkey and Britain -- the island's former colonial ruler -- plus the UN.

The meeting, which will take place in Geneva, Switzerland, will be the first attempt to resume talks since the last push for a peace deal collapsed in 2017.

The Cyprus conflict is known as the "graveyard of diplomats". Numerous rounds of UN-mediated talks have ended in failure since 1974 when Turkey invaded following a coup aimed at unifying the island with Greece.

A Turkish Cypriot breakaway "state" declared in the north is recognised only by Turkey, while the Republic of Cyprus has an internationally recognised government led by Greek Cypriots. Cyprus is also an EU member since 2004.

What are the chances for this latest UN push for peace to succeed?

Euronews takes a look at one of Europe's longest, most intractable conflicts and the prospects to solve it.

Why a peace deal is unlikely The experts interviewed by Euronews were not optimistic that the UN meeting would lead to a major breakthrough in the peace talks.

"The situation does not allow for much optimism as to where a common denominator can be found in negotiations forward," said Anna Koukkides-Procopiou, a Senior Fellow at the Center for European and International Affairs at the University of Nicosia.

Two-state vs federal solution The major issue, she told Euronews, is a shift in the stated position of Turkey and the Turkish Cypriot leadership from reunifying the country as a federation to a two-state deal.

The majority of Greek Cypriots insist that they would never accept a two-state solution that would formalise the island's partition.

They argue it would fall outside the federal framework the two sides agreed on 44 years ago and enshrined in multiple UN Security Council resolutions since then.

On the other hand, Ugur Ozgoker, Vice-President of the World Diplomats Union and President of the Turkish-Northern Cyprus Chamber of Commerce, told Euronews that his fellow Turkish Cypriots would become a "minority" in the federal state envisioned by Greek Cypriots.

Greek Cypriots "say that they prefer a federal Cyprus Republic, but they don't want it. They only declare it," Ozgoker said, noting that they rejected a constitution with a federal arrangement in a 2004 referendum, while Turkish Cypriots endorsed it at the time.

"A peaceful solution for both Turkish and Greek Cypriots would be two independent and sovereign states within a confederation. I underline that within a Confederation, two sovereign and independent states can cooperate together, can keep a full EU membership and also become a NATO member," Ozgoker told Euronews.

Disagreements over guarantor system Koukkides-Procopiou furthermore noted "the objection of the Greek Cypriots to allow a very anachronistic system of guarantors and the presence of security forces in Cyprus".

"Turkey is still a guarantor in the Republic of Cyprus and so are Britain and Greece. This is based on the 1960 treaties, the postcolonial treaties, which established the Republic of Cyprus," the expert explained.

"Greece and Britain do not want to be guarantors anymore. It's a non-question for them that the system can and should be scrapped."

"But Turkey doesn't want to forfeit the right to be a guarantor in a new state which will emerge in Cyprus. That's a major sticking point because no Greek Cypriot will ever feel safe if Turkey has any kind of legitimisation for intervening militarily in Cyprus," she noted, especially with Ankara's human rights record going "downhill".

Ozgoker told Euronews that a majority of Turkish Cypriots were in favour of Ankara remaining a guarantor "because of what happened in the past," referring to the intercommunal violence of the 1960s and the Greek coup of 1974.

He also said that a minority of the Turkish Cypriot community saw EU membership, rather than Ankara's backing, as a guarantee for their survival.

Hardline leadership and Turkish settlers "There was a massive and decisive intervention by Turkey in favour of a hardliner

(Ersin Tatar) in the Cyprus question in the recent [Turkish Cypriot] presidential election," said Hubert Faustmann, a professor of history and political science at the University of Nicosia and Director of the office of the Friedrich-Ebert-Foundation in Cyprus.

The election of a hardliner "doesn't give much hope" that peace efforts can succeed, according to the expert.

One factor in this electoral shift has been the arrival of Turkish settlers in northern Cyprus, according to Faustmann and Koukkides-Procopiou.

"A lot of settlers are coming in from Anatolia, which is very conservative, very religious and affiliated with President Erdogan's regime. So the whole situation, the whole mix of the population is changing," said Koukkides-Procopiou.

"Bringing settlers in is a war crime under the Geneva Convention," she added.

What can the meeting achieve? "I don't think any party participating at the conference that's involved in the conflict wants to solve it now," said Faustmann.

In this context, the scholar told Euronews, "the best outcome we can hope for are confidence-building measures" and "the sides talking to each other".

"A joint statement at the end of the meeting" is "actually the best we can hope for," echoed Koukkides-Procopiou. Such a statement would be expected to state the parties' intention of taking the negotiations forward, she added.

Faustmann said the meeting could also help "managing existing conflicts," including those surrounding oil and gas and the opening of the ghost town of Varosha by the Turkish side last year.

Turkey's research vessels — escorted by warships — continue to search for hydrocarbons in waters where Cyprus claims exclusive economic rights. Turkey insists it is acting within its legal right to protect its interests and those of the Turkish Cypriots community.

The Cypriot government says Ankara is violating international law and harming the resumption of peace talks.

The decision last year by Turkey and the Turkish Cypriot government to open the ghost beach town of Varosha for the first time in 46 years also sparked anger from Nicosia.

Cypriot President Nicos Anastasiades condemned the opening as a "flagrant violation of international law" and UN Security Council resolutions that consider attempts to settle any part of Varosha — Maras in Turkish — by anyone other than its inhabitants as "inadmissible." The resolutions also call for the area to be transferred to UN administration.

Ultimately, said Faustmann, the upcoming UN talks will be less about solving the conflict than about the different parties "not losing the blame-game."

What's the role of the EU in the process? The role of the EU in the peace process is in itself "an issue of contention," said Koukkides-Procopiou.

For the Greek Cypriot side, it is essential that the EU gets actively involved in the peace process.

"The Cyprus Problem became a European Problem" the moment the Mediterranean country joined the bloc in 2004, wrote Cypriot Foreign Minister Nikos Christodoulides in a recent op-ed advocating for Brussels to take its seat at the negotiation table.

"The EU needs to be actively engaged in the talks, firstly, because the *acquis* needs to be maintained in a future solution under a European state, European values need to be upheld and of course, on a practical level, any kind of solution that we come up with needs to be workable and sustainable," said Koukkides-Procopiou.

"Turkey and the Turkish Cypriots don't want the EU there," Faustmann noted because they claim the bloc is not "impartial" due to the membership of Greece and the Republic of Cyprus.

"That sounds really ridiculous because, at the same time, Turkey is supposedly aspiring to become a European Union member," said Koukkides-Procopiou.

Contacted by Euronews, the European External Action Service (EEAS) welcomed the new round of UN talks while expressing its willingness to play an active role in the process.

The statement sent by EEAS suggested that the bloc had not yet received an invitation from the UN at the time of writing.

But Faustmann said it was hard to imagine the talks could be held without the EU.

"The EU was there in the talks after 2007 and the EU will be back," the expert told Euronews, even if it might be more in an observer role this time.

What's the impact of the conflict on the people of Cyprus? The conflict in Cyprus is a "classical frozen conflict" with no casualties since 1996, Faustmann noted.

"The partition of the island has become an everyday experience that people got used to," he said.

However, the pandemic "made things much worse" and reduced interactions between the two communities which had become "meaningful" in recent years, the expert noted.

"The COVID crisis allowed both sides to close the crossing points, which opened 2003," he said.

Faustmann also noted that the Republic of Cyprus, a popular tourist destination, was "prosperous", while the breakaway north was "economically much weaker."

Ozgoker told Euronews that the Turkish-Cypriot side was "badly affected" by the international embargo and economic sanctions that have been in place since its declaration of independence.

According to Koukkides-Procopiou the conflict is still "impacting everyone's lives." She told Euronews that 200,000 people living in the south still had their homes in the northern part occupied by Turkey.

"We're talking about a huge percentage of the population because the population of Cyprus is hardly one million," she noted.

"These people have not forgotten about their homes. They want to go back to their villages."

"My grandmother, she was a refugee and she died a very, very sad woman because she wanted to go back to her house and she wanted to be buried in the cemetery of her village. And this did not happen."

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## **Kosovo Specialist Chambers**

### **The Hague Prosecution to Hear 12 Witnesses in Case against Ex-KLA Commander (exitnews)** By Die

Morina van Uijtregt

April 23, 2021

**The Hague-based Specialist Prosecutor's Office (SPO) will hear 12 witnesses in the case against the former Kosovo Liberation Army (KLA) commander, Pjeter Shala.**

"We have already submitted four witnesses with the indictment supporting materials and we are foreseeing to present about a maximum of eight additional witnesses. This has been also submitted in writing yesterday," the Prosecutor said before the pre-trial Judge on Friday.

Jean-Louis Gilissen, the lawyer of Pjeter Shala requested to obtain all the documents, including the indictment without any reduction, especially the names of the victims.

"We have the opinion that we submit respectfully that the name of the victims, and particularly the one that is alleged to be the person who died, is of course very important to know for Mr. Shala," Gilissen said.

"With the exception of the reduction concerning the witnesses, we would like to have an unconditional contradictory procedure about the past of this procedure," he added.

Shala's defense explained that their request means also obtaining filings that led up to the arrest of Pjeter Shala.

"I think these documents are really the ones to enable us to work effectively," Gilissen said.

Pjeter Shala known as "Commander Wolf" was arrested on 16 March 2021 by Belgian authorities and transferred to The Hague

on 15 April 2021.

The SPO has charged Shala with four counts of war crimes; arbitrary detention, cruel treatment, torture and murder.

The alleged crimes took place between May 17 and June 5, 1999, against persons detained by the KLA in a factory in northern Albania, according to the prosecution.

Shala plead not guilty to all counts on Monday, calling charges “ridiculous”.

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

### **Hague Prosecution Contests Challenge to Hashim Thaci Indictment (BIRN)** By Xhorxhina Bami April 27, 2021

**The prosecution at the Kosovo Specialist Chambers in The Hague has asked the pre-trial judge to dismiss the defence’s motions challenging the indictment of former Kosovo President Hashim Thaci and three other former Kosovo Liberation Army guerrillas turned politicians, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi.**

“The indictment sets forth a concise statement of the material facts of the [prosecution’s] case and of the crimes and modes of liability charged,” the prosecution said in its written response to the defence motions.

The defence had criticised what it described as the prosecution’s failure to provide information about the identities of alleged perpetrators by referring to them as “KLA [Kosovo Liberation Army] members”, and also about the identities of the alleged victims.

“It is also vague about the locations of some crimes and insufficiently details Mr Thaci’s link to the crimes, as well as the role he is accused of playing,” it said.

But the prosecution’s response, which is dated April 23 but was made public on Tuesday, insisted that the indictment “describes in sufficient detail ‘who did what, when, where and against whom’”.

The indictment alleges that Thaci and three other former Kosovo politicians committed war crimes and crimes against humanity when they were senior figures in the KLA in the late 1990s.

They are accused of having been part of a “joint criminal enterprise” that aimed to take control over Kosovo during the war “by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents”. They have all pleaded not guilty.

The common purpose of the joint criminal enterprise “encompassed widespread, continuing, and recurring crimes against hundreds of opponents”, the defence response said.

It said that the crimes “formed part of a campaign of persecution throughout Kosovo and northern Albania”.

“The indictment details incidents of persecution, imprisonment/arbitrary detention, other inhumane acts/cruel treatment, torture, murder, and enforced disappearance at or in connection with more than 40 locations in at least 16 municipalities throughout Kosovo and two districts of northern Albania,” it added.

The Kosovo Specialist Chambers were set up to try former KLA guerrillas for crimes allegedly committed during and just after the Kosovo war from 1998 to 2000.

They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals.

The so-called ‘Special Court’ is widely resented by Kosovo Albanians, who see it as an attempt to tarnish the KLA’s war for liberation from Serbian rule.

### **The Hague Appeals Court Rejects Release of 4 KLA Leaders (exitnews)** By Exit Staff April 30, 2021

**An appeals panel of the Kosovo Specialist Chamber (KSC) in The Hague has refused requests for interim release by 4 former Kosovo Liberation Army (KLA).**

Hashim Thaci, Kadri Veseli, Jakup Krasniqi, and Rexhep Selimi, all former KLA leaders turned politicians were refused

interim release by the pre-trial panel mainly on grounds that they may obstruct the trial proceeding if released, and influence witnesses.

The four separate court decisions published on Friday are sympathetic with defendants' arguments that they would not flee justice if released to house arrest, but they conclude that there is no way to prevent them from contacting people and thus obstructing justice if released.

The four leaders stand accused of war crimes during Kosovo's war of independence against Serbia in 1998-1999.

They were arrested in Kosovo and brought to The Hague detention facilities of the KSC in late 2020. Shortly after, a pre-trial court decided for them to await trial in custody.

Charges against them include crimes against humanity, namely: persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance of persons, and war crimes, namely: arbitrary detention, cruel treatment, torture and murder.

All of them plead not guilty.

In January this year, they were refused interim release on grounds of possible obstruction of justice, decisions which they all appealed.

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## **Azerbaijan**

**Azerbaijani-Turkish commission to investigate Armenia's war crimes in Karabakh (AzerNews)** April 30, 2021

**A joint commission between Azerbaijan and Turkey has been established to investigate the war crimes of Armenia in Karabakh, former Turkish ambassador to Azerbaijan, Hulusi Kilic told Trend on Apr.30.**

According to Kilic, the commission includes representatives from more than 30 countries, and the investigation will begin in the coming days.

"The commission was created at the suggestion of the Deputy Minister of Ecology and Natural Resources of Azerbaijan, Firdovsi Aliyev, and the initiative of the head of the Association of Writers of the Turkic World, Salih Kurt, and the General Director of the Union of Scientists of Islamic States, Professor Bayram Altan," he said.

"The commission will investigate the military crimes committed by Armenia against the Azerbaijani people during the Second Karabakh War (from late Sept. through early Nov.2020)," the diplomat noted. "It's known that during the war, the Armenian Armed Forces had made missile attacks on Ganja and Barda cities with prohibited weapons, as a result of which civilians were killed. The commission's work is aimed at showing the aggressive policy of Armenia to the international community."

He added that the participation of scholars and clerics is also envisaged in the work of the commission.

"They will study the damage caused to mosques and monuments in the Karabakh region," summed up Kilic.

**Baku calls on Europe rights commissioner to urge Yerevan to submit mine maps (AzerNews)** By Vafa Ismayilova  
May 1, 2021

**Azerbaijani Human Rights Commissioner Sabina Aliyeva has called on Council of Europe Human Rights Commissioner Dunja Mijatovic to urge Armenia to submit maps of minefields on the country's liberated territories, the ombudsman office reported on April 30.**

Some 21 Azerbaijani citizens, including 14 civilians were killed and 87 citizens, 16 civilians were injured in mine explosions in liberated lands since the signing of the Karabakh peace deal by Azerbaijan, Russia and Armenia on November 10, 2020.

## Mine maps

In a letter addressed to Mijatovic, Aliyeva said: "I... would like to ask you as an impartial institution to call on Armenia to provide Azerbaijan with minefield maps and stop the violations of human rights. I look forward to close cooperation with your Office for the protection and promotion of human rights in the light of fairness and impartiality."

The rights commissioner said that there still remain hundreds of thousands of unmarked landmines on Azerbaijani territories planted by Armenia during the occupation period.

"Dozens of civilians were killed or severely injured due to these mines so far. We many times raised this issue before the relevant international organizations and still expect their response to call on Armenia to provide the maps of these landmines to prevent further casualties," she said.

Azerbaijani President Ilham Aliyev earlier described Armenia's failure to provide the mine maps as the main difficulty for Azerbaijani IDPs to return to their homes. He said that this is yet another war crime by Armenia as several servicemen and civilians were killed in mine blasts on the liberated territories after the war.

## Gross rights violations

Aliyeva stressed that since its establishment, the country's ombudsman institution had, many times, informed the Council of Europe human rights commissioner about gross violations of rights of Azerbaijanis who failed to return to their native lands and had to live as IDPs in different regions of Azerbaijan.

"As you know the conflict between Armenia and Azerbaijan has been ended by the trilateral agreement signed by the leaders of Azerbaijan, Armenia, and Russia on the 10th of November 2020. Due to this conflict, which lasted for almost 30 years, 20 percent of the territory of Azerbaijan has been under the occupation of Armenia and more than one million Azerbaijanis have been forcibly displaced facing great humanitarian tragedies," she said.

The rights activist noted that UN Security Council Resolutions 822, 853, 874, and 884 adopted in 1993 clearly indicated and condemned the occupation of the Azerbaijani lands and expressed grave concern at the displacement of large numbers of civilians in Azerbaijan.

"These documents called for immediate, unconditional withdrawal of all occupying forces from the occupied territories of Azerbaijan and requested the relevant international agencies to assist displaced persons to return to their homes in security and dignity. Nevertheless, we did not witness any attempt by your side to call on Armenian authorities to implement the mentioned resolutions and help the IDPs to return to their homes," she stressed.

Aliyeva emphasized that even the European Court of Human Rights in its judgment on "Chiragov and others v. Armenia" recalled Armenia's obligations towards the Azerbaijanis who had to flee during the conflict.

"The Court stresses that Armenian and Armenian-backed troops on the occupied territories of Azerbaijan prevent the return of Azerbaijani IDPs to their lands. We have many times brought to your attention the situation of the hostages, Dilgam Askerov and Shahbaz Guliyev who had been in captivity of Armenia for six years. They were illegally taken hostage by the armed forces of Armenia while visiting their homelands and subjected to torture and ill-treatment. We issued statements and a report in this regard and sent to all relevant international human rights organizations, including your Office. But unfortunately, we did not receive any response from your side on this case," she said.

Azerbaijan's ombudsperson noted that during the counter-offensive operations for the liberation of Azerbaijan's occupied territories in line with the above-mentioned international documents, she conducted several fact-finding missions in the residential areas, which came under Armenia's missile attacks and issued seven thematic reports based on the outcomes.

She underlined that those reports reflected blatant indiscriminate attacks by using banned munitions, which caused hundreds of civilian casualties in Azerbaijan. Aliyeva recalled the killing of innocent civilians in the shelling of the densely-populated areas in Ganja and Barda, as well as other cities and regions far from the war zone.

"Those attacks obviously constitute war crimes. The noted above reports were also sent to all relevant international human rights organizations, along with your Office. But unfortunately, we again witnessed no reaction from your side to these violations of human rights and humanitarian law," she stressed.

The rights activist added that the long-standing silence at human rights violations, Armenia's unwillingness to implement the international law, disrespect for Azerbaijan's territorial integrity "embolden the perpetrators and lead to further violations of human rights".

She described the continuing occupation for almost 30 years and blatant disrespect for the country's internationally recognized territory as the obvious result of a similar attitude. "I am of the opinion that you, as the Council of Europe Commissioner for Human Rights, have to express your regret, not about a military trophy park created for future generations as a lesson commemorating dangers of the policy of aggression and intolerance, but about destructions, plundering and acts of vandalism committed against hundreds of historical monuments, dozens of museums, mosques and cultural heritage in the liberated territories of Azerbaijan and condemn it," Aliyeva said.

### **Foreign mercenaries used by Azerbaijan in 2020 war stand trial in Armenia for international terrorism, murder (ArmenPress) By Stepan Kocharyan**

May 4, 2021

**The trial of the two Syrian militants who were fighting as mercenaries for Azerbaijan against Artsakh and Armenia in the 2020 war started at the Kapan courthouse of the Syunik Province Court of General Jurisdiction.**

The trial is presided over by Judge Napoleon Ohanyan.

Muhrab Muhammad al-Shkher and Yusuf Alabet al-Hajji – both Syrian nationals who were recruited and sent via Turkey - were fighting for the Azerbaijani military as foreign mercenaries in the war of aggression unleashed by Azerbaijan on September 27, 2020. The actions of the mercenaries were aimed at killing civilians in Armenia and Artsakh, with the purpose of terrorizing the peaceful population and destabilizing the domestic situation of Armenia and Artsakh, the Committee of Investigations earlier said in the indictment.

Yusuf Alabet al-Hajji is the Syrian terrorist who had testified that they 'were ordered to slaughter every Armenian in the village'.

Muhrab Muhammad al-Shkher, also a Syrian citizen, had testified that he, along with many others, were recruited by the leader of the Suleyman Shah Brigade in Syria and taken to Azerbaijan via Turkey.

Criminal charges of Terrorism Activity Committed by an Organized Group, International Terrorism, Gross Violation of International Humanitarian Law During Armed Conflicts (murder of non-combatants, civilians) and Mercenarism were pressed against the two arrested Syrian mercenaries.

The investigators in Armenia earlier said that more than 30 other mercenaries from the militant groups Sultan Suleyman Shah, Sukur, Hamza, Sultan Murad and others have been identified in having fought for the Azeri forces. These mercenaries are wanted for war crimes.

The leader of the Suleyman Shah Brigade – an international terrorist organization, Mohammad Al Jassim aka Abu Hamsha, is also wanted by Armenian investigators in the investigation.

### **Commission for Crimes in Karabakh to politically, legally assess Armenian aggression (AzerNews)**

May 4, 2021

**The recently created international commission to investigate war crimes in Azerbaijan's Karabakh will give a political and legal assessment of the Armenian aggression, a member of the commission, Russian historian and military expert Oleg Kuznetsov said in an interview with Anadolu agency, Trend reports.**

"The result of the commission's work will be a report, I think it will be a multi-volume report, which will not only reflect all facts about specific war crimes in Karabakh, but give a political and legal assessment of the criminal policy and practice of the Armenian occupiers in the Azerbaijani lands seized by them," Kuznetsov noted.

According to him, since the commission is initially created as an international and non-governmental one, its activities will focus, naturally, not on the norms of national legislation, but on international law, and its main goal is to give a political and legal, rather than criminal and legal assessment of Armenian aggression against the peaceful population of Karabakh.

"Our commission can only inform about the atrocities committed in accordance with the norms of international law. Prosecution of the perpetrators is the direct responsibility of the state in accordance with the norms of national legislation. It's a function of investigative bodies, prosecutors and courts, which the commission has no right and won't replace with itself in accordance with its status," he added.

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## MIDDLE-EAST

### Iraq

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

**UK government drops bid to shield soldiers from war crimes prosecutions (Middle East Eye)** By Ian Cobain

April 27, 2021

#### **The UK government has abandoned attempts to shield members of its armed forces from prosecution for murder and war crimes committed in Iraq and Afghanistan.**

Ministers agreed to amend its deeply controversial Overseas Operations Bill following stiff opposition from members of parliament's upper house, the Lords.

The initial proposal – to shield soldiers from prosecution for torture or genocide as well as murder and war crimes – had also faced condemnation by human rights groups and retired senior officers.

This does not mean that soldiers and ex-soldiers will be prosecuted, however.

Just one British soldier pleaded guilty at court martial to committing a war crime in Iraq, after a Basra hotel receptionist, Baha Mousa, was tortured to death, despite there being video evidence that other soldiers were involved.

Separately, three soldiers were prosecuted and jailed after photographic evidence emerged showing the abuse of prisoners.

In other cases, soldiers were prosecuted and acquitted.

In the civil courts in London, evidence has emerged suggesting that British special forces in Afghanistan may have been running an “execution squad”, killing unarmed civilians.

The provisions in the Overseas Operations Bill were widely denounced as dangerous and damaging to the UK’s standing in the world.

The United Nations high commissioner for human rights, Michell Bachelet, warned Boris Johnson’s government that the proposals would put the UK “at odds” with the Geneva Conventions.

After the government’s final climb-down on Tuesday, David Davis, an ex-soldier and former Conservative government minister, told parliament’s lower house, the Commons, that the bill had raised the danger of British troops being prosecuted by the International Criminal Court: “A truly shameful outcome.”

Stephen Timms, a member of the Labour opposition, said it was bewildering that the government had “ploughed on” with a Bill that was so widely condemned.

Steve Crawshaw, director of policy and advocacy at the London-based NGO Freedom from Torture, said: “This is a historic win for torture survivors, and for Britain’s international standing.

“It is chilling how close Boris Johnson came in his bid to decriminalise torture and other crimes. It should never have taken so long for the government to abandon these immoral proposals, but today’s collapse of the government’s position is a reason for celebration.

“Even the most obstinate leaders must eventually give way to reason. We must work to repair this country’s damaged international standing, and to ensure that such dangerous attempts to weaken the global torture ban will never see the light of day again.”

The government had argued that the bill was intended to protect service personnel from repeated investigations. Some have faced many investigations over several years.

The bill's critics say that this was done because many of the investigations were neither thorough nor effective, and that the proposed legislation did nothing to rectify this.

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## **Syria**

**Syria says Israeli raids target Mediterranean port region of Latakia (Reuters)** By Suleiman Al-khalidi

May 4, 2021

**Syrian air defences downed several Israeli missiles during pre-dawn raids on the Mediterranean port city of Latakia, the Syrian army said on Wednesday, a rare attack on the ancestral home region of the Syrian leader and close to a Russian air base.**

A Syrian army statement said aerial strikes soon after 2am hit several areas along the south west coast of Latakia. One civilian was killed and six injured in one of the strikes that the army said hit a civilian plastics factory.

"Our aerial defences intercepted the aggressors missiles and downed some of them," the army communique said.

State media earlier reported the Israeli attack also hit the town of Hifa, east of Latakia, and Misyaf in Hama province.

The Israeli military declined to comment.

Although Israeli strikes in the last few years have targeted many parts of Syria, they have rarely hit Latakia which is close to Russia's main air base of Hmeimim.

A senior military defector said the Israeli raid struck several areas in the town of Jabla in northwestern Latakia province, a bastion of Syrian President Bashar al-Assad's minority Alawite sect that dominates the army and security forces.

Assad comes from Qerdaha, a village in the Alawite Mountains 28 km (17 miles) southeast of Latakia, where his father, the late President Hafez al-Assad, is buried.

'SHADOW WAR'

Israel has escalated in recent months a so-called "shadow war" against Iranian-linked targets inside Syria, according to Western intelligence sources, who say the strikes mainly target research centres for weapons development, munitions depots and military convoys moving missiles from Syria to Lebanon.

Syria has never acknowledged that Israel targets Iranian-linked assets with its attacks and says Iran only has military advisers in the country.

Iran's proxy militias led by Lebanon's Hezbollah now hold sway over vast areas in eastern, southern and northwestern Syria, as well as several suburbs around Damascus. They also control Lebanese-Syrian border areas.

Israel has said its goal is to end Tehran's military presence in Syria, which Western intelligence sources say has expanded in recent years.

Israel sent senior delegates to Washington last week to discuss Iran with U.S. counterparts. The White House said the allies agreed on the "significant threat" posed by Iran's regional behaviour.

Israel has stepped up its warnings against what it would deem a bad new nuclear deal between Iran and world powers, saying war with Tehran would be sure to follow.

Iran's indirect talks with U.S. envoys in Vienna have been overshadowed by what appeared to be mutual sabotage attacks on Israeli and Iranian ships, as well as an explosion at Iran's Natanz enrichment plant that Tehran blamed on Israel.

## Yemen

**How South African weapons are fuelling war crimes in Yemen (The New Arab)** By Suraya Dadoo

May 3, 2021

**As the country stood on the brink of democracy in November 1993, Nelson Mandela proudly promised that in the new South Africa human rights would be the "light that guides our foreign affairs." However, decades later, South African-made weaponry has been deeply involved in the humanitarian crisis in Yemen.**

Reports confirm that the country's arms control body continues to approve weapons exports to Saudi Arabia and the United Arab Emirates (UAE), central protagonists leading a military campaign in Yemen since 2015 that has been characterised by widespread human rights violations and war crimes.

### A history of arms sales

In September 1994 - just four months after Mandela's inauguration - the ANC-led government was rocked by media reports that a large consignment of South African weapons had been sold by the government-owned arms company, Armscor, to war-torn Yemen.

As a central pillar of the apartheid regime, Armscor was established to circumvent the UN arms embargo imposed on Pretoria in 1977. Not only did Armscor arm apartheid security forces so they could internally crush resistance to apartheid, but it also supplied weapons to fuel destabilising wars throughout southern Africa in an effort to weaken support for South Africa's liberation movements. Weapons of South African origin were involved in killing fields across the world, from massacres in the former Yugoslavia to genocide in Rwanda. Armscor's culture of impunity was inconsistent with the principles of a liberated South Africa, leading Mandela's government to swiftly investigate weapons sales.

### A new beginning for SA's arms industry

Mandela's investigation transformed South Africa's weapons industry and precipitated the formation of the National Conventional Arms Control Committee (NCACC). The NCACC was comprised of ministers from various government departments, including Defence, Justice, and International Affairs, with a mandate to ensure that South Africa did not become complicit in human rights violations.

**Arab Spring revolution** In 2002, the government passed the National Conventional Arms Control Act, requiring arms companies to apply for export permits. Permits were granted only after the NCACC assessed each application, ensuring that weapons were not being sent to "governments that systematically violate or suppress human rights."

The purchasing country must honour an end-user certificate (EUC) and agree not to transfer munitions to other parties without South Africa's permission. Weapons were not to be sold to governments that violated EUC undertakings.

On paper, South Africa had a rigorous set of laws and institutions to ensure that its post-apartheid weapons industry could free itself from a sordid history of illicit arms trafficking to some of the world's most murderous regimes.

### The NCACC and Yemen

However, evidence suggests that 27 years into its democracy, South Africa's arms trade still bears a resemblance to its apartheid-era predecessor.

A new report by South African civil society group, Open Secrets, has exposed what appears to be an indifferent approach on the part of the NCACC to both human rights and regulation, and the lethal consequences of its failure to properly scrutinise weapons exports.

In 2015, more than 42% of South Africa's weapons exports went to Saudi Arabia and the UAE. In 2016, that number climbed to 48.9%. In 2017 and 2018, over a third of all SA weapons exports went to the Emiratis and the Saudis.

Over this same period, there have been scores of publicly documented deadly air strikes by the Saudi and UAE-led coalition on Yemeni homes, schools, hospitals, markets, mosques, weddings, and funerals. In this time the NCACC has continued approving weapons exports to these countries.

#### Weapons gone astray

In violation of its EUC agreements, Saudi Arabia and the UAE have been diverting South African weapons to militias in Yemen. Since 2015, SA-made weaponry has been documented on all sides of the conflict in Yemen.

Some weapons were produced by South Africa's state-owned manufacturer Denel, a descendent of Armsco; others by German company Hensoldt, which has production facilities in South Africa.

One of the most egregious diversions of South African weapons involves Rheinmetall Denel Munition (RDM), a joint venture between German arms company Rheinmetall Waffe Munition GmbH and South African Denel.

There is compelling evidence from independent experts and the UN that the mortars used in a 2018 attack on a fish market and hospital in Hodeidah which killed 64 civilians – and which was deemed a war crime – had likely originated from RDM.

The National Conventional Arms Control Act and the UN Arms Trade Treaty require the NCACC to take diversion of weapons into account when considering export applications. However, the NCACC continues to approve arms destined for the Emiratis and the Saudis – serial violators of EUC agreements.

#### Assessing weapons applications

There is confusion about the information that the NCACC uses to assess weapons applications.

Jackson Mthembu was the chairperson of the NCACC until his death in January 2021. In August 2020, Mthembu told Open Secrets that the NCACC relied on the Department of International Relations and Cooperation (DIRCO), the State Security Agency (SSA) and Defence Intelligence (DI) for information and to flag concerns.

However, three months prior, Defence Committee chairperson Cyril Xaba, told parliament that the NCACC relies almost entirely on the media and public reporting for information. Public reports from the UN, Yemeni and international NGOs have painstakingly analysed the devastation in Yemen and the role of the Saudi-led coalition, but have been widely ignored by the NCACC.

Mthembu also told Open Secrets that RDM's possible involvement in the Hodeidah attack "is of no concern to the NCACC" because information on the incident had not been directed to South Africa's UN Mission in New York.

Mthembu's response suggests that the legal and institutional frameworks established to ensure that South Africa's weapons trade is not complicit in human rights violations may not be functioning correctly.

The role of the Department of International Relations and Co-operation (DIRCO) is acutely aware of the devastation caused by the war in Yemen.

In 2019, Minister Naledi Pandor spoke about Yemen at the UN. In 2020, South Africa's representatives to the UN expressed concern at the human rights situation of Yemeni civilians.

DIRCO has not used its position within the NCACC to discourage the export of weapons to countries involved in the conflict in Yemen.

#### A missed opportunity

In 2019, the NCACC briefly halted weapons exports to Saudi Arabia and the UAE. Two years earlier, the NCACC had moved a clause requiring on-site inspections to the front page of its end-user agreements. Saudi Arabia, UAE, and several other countries, refused to sign the agreements, alleging that it violated their sovereignty.

A diplomatic spat followed and by the end of 2019 the NCACC had stopped approving weapons exports to these countries. South African weapons companies, however, used the threat of job losses to lobby the NCACC to restore exports.

In May 2020, it was announced that on-site inspections could be performed through an unspecified 'diplomatic process'.

**Covering corruption, coups, and war crimes in the Middle East (ICIJ)** By Michael Hudson

May 3, 2021

**In nearly two decades as a journalist covering the Middle East and North Africa, Maggie Michael has learned a few things.**

For Michael — a Cairo-based reporter for the International Consortium of Investigative Journalists — one lesson stands out above all others.

Never assume that people can't or won't talk to you — even about sensitive subjects such as corruption or war crimes.

"You can't assume they're not going to talk to you," she said. "You can't assume anything."

In 2017, when she was working for The Associated Press, Michael talked her way into a detention site in war-ravaged southern Yemen where sources told her prisoners were being tortured. She persuaded the superintendent of the lockup to give her and a video journalist a tour.

A year later, sources told her Emirati officers at "black sites" in Yemen were using sexual assault as part of their torture techniques. She found a way to surreptitiously interview seven inmates still on the inside and arranged for them to smuggle out letters and stunning drawings of torture scenes. An inmate used blue and black ink to draw on scraps of Styrofoam plates, showing scenes of snarling attack dogs and sexual abuse. The Arabic caption on one: "Naked after beating."

This kind of persistence — which helped Michael and two other AP journalists win a 2019 Pulitzer Prize for international reporting — is necessary in a part of the world where press freedom is severely limited.

In most of the region, Michael said, "you have the same barriers. You have, first, journalists seen as troublemakers, spies, biased, working for some political party against other parties. The second is the decline in resources — there is very little done to invest in the press."

Journalists in the Middle East and North Africa face death threats from militias, and intimidation and arrests from governments that won't tolerate a free and unbossed press. Authorities raid newsrooms, block online news sites and shut down publications that print what officials call "false news."

As of December, there were at least 89 journalists jailed in 10 countries in the Middle East and North Africa, according to the Committee to Protect Journalists, a global advocacy group. That's the highest number for the region since CPJ began counting in 1992. Egypt jailed 27 journalists in 2020, CPJ found, making it the third worst jailer of journalists in the world, behind China and Turkey.

"It's becoming regular news that you have journalists who have been arrested or disappear," Michael said. "They show up later in court facing allegations of affiliation with terrorist groups."

Many are detained for years without trials.

Michael notes that because she's worked at international news organizations for most of her career — more than 15 years at AP and, since February, at ICIJ — she hasn't faced the same level of pressure faced by journalists working at local and national publications across the region.

"You have a little bit of protection," she said, if you work for a news outlet that has the ability to bring international scrutiny onto a government's treatment of journalists.

Still, she said, even reporters working in the region for AP and other international media can face intimidation, violence, sexual assault and other traumas.

Michael herself endured some chilling episodes. During the Arab Spring protests in Egypt a decade ago, plainclothes security officers attacking protesters pushed her to the ground and kicked her with their boots. In Libya, a taxi driver locked the doors and drove to a remote area, then tried to grab her phone and said "give me everything you have." She bit his hand, unlocked the door and ran away yelling for help.

'Rabbit holes' Growing up in Egypt, Michael became interested in journalism at a young age. Her family's home was filled with the newspapers her parents loved to read.

In her early teens, the years of Hosni Mubarak's autocratic rule in Egypt, she was inspired by newspaper investigations of wrongdoing in government and business. News control in the country was tight enough that media outlets didn't take on the government directly, she says, but they had a green light to report on some forms of corruption within the country.

Michael got a journalism degree from The American University in Cairo, then worked about two years as a freelance writer and TV news producer before joining the AP in 2002.

At the wire service, she spent more than a decade as a news reporter covering street protests, news conferences, elections, military coups and other big stories in Egypt, Iraq, Libya, Sudan and other countries. In 2015, she covered the beginnings of Yemen's devastating civil war from afar, in the AP's Middle East bureau in Cairo, working the phones, monitoring social media and TV newscasts and taking feeds from AP correspondents on the ground.

It was a complicated conflict: a Saudi-led, U.S.-backed military coalition fought in the air, land and sea to push back the Houthis, an Islamist political and military movement that had seized control of territory that was home to most of Yemen's population. Al-Qaida militants formed another power base within Yemen. And the country's vast web of tribes and local militias further complicated things.

Michael wanted to dig deeper. She wanted to put boots on the ground and learn about Yemen and its war first hand. Unable to get permission from AP to travel to Yemen, where the dangers for journalists were exceptionally high, she took a six-month leave of absence and went to Yemen on her own, writing freelance articles for the London Review of Books, Foreign Affairs and other publications.

She paid her own travel expenses and the freelance payments she received were small. At one point, she said, she ran out of money and had to call her father and ask him to buy her a plane ticket so she could get out of Yemen and return home to Cairo.

But it was worth the struggle, Michael said. She got the soil of Yemen under her feet and was able to talk to people in many parts of the country — tribal leaders, militia commanders, human rights activists, lawyers, regular people shopping in local marketplaces.

She learned the hospitality and kindness of Yemenis. Even people with little food insisted on feeding her and making her tea. And she learned about the suffering that the war brought them.

"They say in the media they targeted a military camp," Hammoud Abdullah, a Yemeni who'd lost four brothers in an airstrike by the U.S.-backed coalition, told her. "But what happened is they have killed our children."

Another Yemeni, Yahia Hatroom, showed her the tiny underground room where he, his wife, his mother and ten children took refuge from sunrise to sunset.

"We live in rabbit holes now," he said.

'Impunity and fear' Michael returned to her job at the AP in 2016 and was able to spend more time in Yemen as she reported a series of stories about the civilians killed in the coalition's aerial attacks. By 2017, though, she decided to leave the AP and take a job as a researcher at a human-rights organization.

But then Trish Wilson, the AP's international investigations editor at the time, intervened and got Michael the OK to return to Yemen and pursue a story she'd been pitching for months — an investigation of torture inside detention centers that were being run by operatives from the United Arab Emirates, one of the key players in the multinational coalition fighting the Houthi rebels.

Wilson told her: "Go right now."

Michael's reporting revealed that hundreds of men had vanished in the network of secret prisons inside military bases, ports, an airport, private villas and even a nightclub. The torture included such horrors as the "grill" — a victim tied to a spit like a roast and spun over a blazing fire.

U.S. defense officials told AP that American forces had taken part in interrogations of detainees at locations in Yemen, providing questions for others to ask and receiving transcripts of interrogations from Emirati allies, but said senior military leaders were satisfied that there had not been any abuse when U.S. forces were present.

Wilson was impressed by Michael's relentless — and by her lack of swagger.

"She's very quiet. She's very modest," Wilson, now an editor at the Washington Post, said. "And she gets the story every fucking time."

After the torture story won an award from the Overseas Press Club of America, Michael pleaded with her editors: Instead of spending money on flying her to New York for a fancy prize ceremony, could she use the money to head back to Yemen? AP editors told her she could do both — attend the ceremony and make extended forays into Yemen.

With help of a grant from the Pulitzer Center on Crisis Reporting, Michael made four trips through Yemen in 2018, crisscrossing the country with two other team members, video journalist Maad al-Zikry and photographer Nariman El-Mofty.

Reporting on the war in Yemen was challenging because of the murkiness of battle lines and politics. Factions that fought each other one day might join on another day to attack a common enemy. Simply moving from one urban neighborhood or village to another could mean a change in who is in charge — and who might represent a danger.

Journalists reporting in Yemen work in what CPJ calls “a climate of impunity and fear.” Many sources wouldn’t talk to Michael on the phone due to concerns about surveillance. To meet face-to-face with key sources, Michael, El-Mofty and al-Zikry often had to make 10- to 14-hour treks, driving through no man’s lands shadowed by attack drones and facing tense scenes at militia checkpoints.

The team leaned heavily on each other. Every trip had to be meticulously planned, weighing concerns for the safety of the journalists and their sources. On multiple occasions, the trio had to decamp from a village where they were doing interviews when they heard a local militia had learned of their presence.

Ultimately they produced a slew of powerful text, photo and video stories — what the Pulitzer Prize Board described as “a revelatory yearlong series detailing the atrocities of the war in Yemen, including theft of food aid, deployment of child soldiers and torture of prisoners.”

‘You never know’ Now at ICIJ, Michael continues to report from her home in Cairo, which she shares with her teenage daughter and 15 cats, a feline pack that has sometimes multiplied while she’s been away on reporting trips.

Despite her awards and successes, she knows it’s important for her to be constantly learning new things and improving her skills.

She says she decided to move over to ICIJ in part because she wanted to supplement her shoe-leather reporting by stepping up her game in terms of using documents and data analysis — ICIJ specialties. She’s also excited to be collaborating with the hundreds of partner journalists, from more than 100 news outlets around the world, who work on ICIJ’s global investigations.

You have to speak to so many people, listen to so many stories. You never know what’s going to happen. — Maggie Michael

But she has learned from experience — and from other journalists she’s worked with — that the best journalism is, at its core, about old-fashioned tenacity.

If a source doesn’t return phone calls or texts, she doesn’t give up. She keeps writing and dialing, or finds someone else who will vouch for her with the source — even the source’s mother if necessary.

Or she will simply show up at the source’s home or office — even if that means making a long, dusty journey to get there.

Sometimes, she said, you have to be willing to listen to lots of people tell similar stories over and over, knowing that they may add a detail that you’ve never heard before, or will put you in touch with someone else who can help take your reporting in a new direction.

“You have to knock on a lot of doors,” she said. “You have to speak to so many people, listen to so many stories. You never know what’s going to happen.”

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## **Special Tribunal for Lebanon**

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

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## Israel and Palestine

**Israel Accused of 'Apartheid' Crimes Against Palestinians by Human Rights Watch (The Wire)** By Rami Amichay  
April 27, 2021

**An international rights watchdog accused Israel on Tuesday of pursuing policies of apartheid and persecution against Palestinians – and against its own Arab minority – that amount to crimes against humanity.**

New York-based Human Rights Watch (HRW) published a 213-page report which, it said, was not aimed at comparing Israel with apartheid-era South Africa but rather at assessing “whether specific acts and policies” constitute apartheid as defined under international law.

Israel's foreign ministry rejected the claims as “both preposterous and false” and accused HRW of harbouring an “anti-Israeli agenda,” saying the group had sought “for years to promote boycotts against Israel”.

Palestinian President Mahmoud Abbas welcomed the report.

Just weeks ago the International Criminal Court (ICC) announced it would investigate war crimes in the Israeli-occupied West Bank and Gaza Strip, with the Israeli military and armed Palestinian groups such as Hamas named as possible perpetrators.

In its report, HRW pointed to Israeli restrictions on Palestinian movement and seizure of Palestinian-owned land for Jewish settlement in territory occupied in the 1967 Middle East war as examples of policies it said were crimes of apartheid and persecution.

“Across Israel and the (Palestinian territories), Israeli authorities have pursued an intent to maintain domination over Palestinians by exercising control over land and demographics for the benefit of Jewish Israelis,” the report says.

“On this basis, the report concludes that Israeli officials have committed the crimes against humanity of apartheid and persecution,” as defined under the 1973 Apartheid Convention and the 1998 Rome Statute.

A statement from Abbas said: “It is urgent for the international community to intervene, including by making sure that their states, organizations, and companies are not contributing in any way to the execution of war crimes and crimes against humanity in Palestine.”

### Boycott accusations

Israeli officials fiercely object to apartheid accusations.

“The purpose of this spurious report is in no way related to human rights, but to an ongoing attempt by HRW to undermine the State of Israel's right to exist as the nation state of the Jewish people,” strategic affairs minister Michael Biton said.

Israel's foreign ministry said HRW's Israel programme was being “led by a known (BDS) supporter, with no connection to facts or reality on the ground,” referring to the pro-Palestinian Boycott, Divestment and Sanctions movement.

The report's author, HRW Israel and Palestine director Omar Shakir, was expelled from Israel in 2019 over accusations he backs BDS.

Shakir denies that his HRW work and pro-Palestinian statements he made before being appointed to the HRW post in 2016 constitute active support for BDS.

Shakir told Reuters that HRW would send its report to the ICC prosecutor's office, “as we normally do when we reach conclusions about the commissions of crimes that fall within the Court's jurisdiction.”

He said HRW also sent the ICC its 2018 report about possible crimes against humanity by Abbas's Palestinian Authority and the Islamist militant Hamas.

### ICC probe

The International Criminal Court's prosecutor said in March that she would formally investigate war crimes in the Palestinian territories, after ICC judges ruled that the court had jurisdiction there.

The Palestinian Authority welcomed the ruling but Israeli Prime Minister Benjamin Netanyahu denounced it as anti-Semitism and said Israel does not recognise the court's authority.

HRW called on the ICC prosecutor to "investigate and prosecute individuals credibly implicated" in apartheid and persecution.

HRW also said Israel's 2018 "nation-state" law – declaring that only Jews have the right of self-determination in the country – "provides a legal basis to pursue policies that favour Jewish Israelis to the detriment" of the country's 21% Arab minority, who regularly complain of discrimination.

Palestinians seek the West Bank, Gaza and East Jerusalem, areas captured in the 1967 conflict, for a future state.

#### **HRW Report (The News) May 3, 2021**

**New York-based Human Rights Watch (HRW) has in its latest report called out for pursuing policies of apartheid and persecution against Palestinians as well as against the Arab population living in Israel. This report has just confirmed what most independent observers of Israel and Palestine already know and have been saying for many years. The HRW has also said that Israel's crimes in Palestine amount to crimes against humanity. The Arabs living in Israel have already been converted into a minority group deprived of most of their fundamental rights as victims of Israeli atrocities. The over 200-page report has not clearly compared specific acts and policies of the state of Israel with those of apartheid-era South Africa but it does say that it sees elements of apartheid-like situation in the occupied territories.**

This comes in the wake of the International Criminal Court initiating an investigation of war crimes in the West Bank and the Gaza Strip. Though the ICC has mentioned both the Israeli army and armed Palestinian groups such as Hamas as possible perpetrators, for any fair human rights defender Israel's crimes against the Palestinians could fill reams of paper. A significant concern of the HRW, the ICC and other observers and watchdogs has been Israeli restrictions on Palestinian movement and seizure of Palestinian-owned land for Jewish settlements in territory occupied in the 1967 Middle East war. These and other acts of violence are tantamount to crimes of apartheid and persecution. Over the past many decades, Israeli authorities have sought to maintain domination over Palestinians by exercising complete control of demographics in both Israel and Palestinian territories. This Israel does by forcibly occupying Palestinian land and using it for the benefit of settling Jewish Israelis. The HRW report quotes the 1973 Apartheid Convention and the 1998 Rome Statute under which such crimes fall.

Now it is up to the world community to intervene in a positive way to protect the lives and properties of Palestinians who have been at the mercy of the Israeli state and its machinery of terror. Just like it happened against the erstwhile apartheid regime in South Africa, multinational companies and organizations must act together to prevent the execution of war crimes and crimes against humanity in Palestine, as highlighted by the HRW report. However, it is a pity that even Arab and other Muslim countries are not unanimous in developing a joint strategy against Israel.

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## **Gulf Region**

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## **ASIA**

## **North & Central America**

**Victims renew calls for justice as El Mozote trial moves ahead (Al Jazeera)** By Anna-Cat Brigida [May 2, 2021]

**Expert testimony delivered in El Salvador this week has revealed significant new details about what many consider to be the most brutal massacre of the country's 12-year civil war decades ago.**

Victims, experts and lawyers say the five days of hearings in the El Mozote trial uncovered new information about the extent of the United States's knowledge of the 1981 massacre of nearly 1,000 civilians by US-trained Salvadoran forces, as well as the Salvadoran chain of command. "The fact that there are experts giving professional testimony reiterating and corroborating the truth that the victims have maintained during all these years, is a form of reparations, of clarifying the truth and of sending an echo through the international community," Eduardo Guerrero, a lawyer with the victims' legal team through the Costa Rica-based Center for International Justice and Law (CEJIL), told Al Jazeera in a phone interview.

The hearings came at a moment when US President Joe Biden's administration is pressuring Central American governments to practice good governance, crack down on corruption and reduce impunity.

They also are fuelling renewed demands for accountability and for an apology from the US, which, in the 1980s, funnelled billions of dollars to the Salvadoran government as part of its push to fight communism in the region, often turning a blind eye to rights abuses.

The US government has yet to issue an apology for its role in human rights violations in El Salvador, including the El Mozote massacre, even though it has apologised for other Cold War-era atrocities in the region, such as the Guatemalan genocide and the Argentine Dirty War.

"It would be a great relief for us as survivors, who lost so many family members, [to receive an apology from the US government]," said Rosario Sanchez, a survivor of the El Mozote massacre who attended the hearings at the court in San Francisco Gotera, Morazan, this week.

"The US also has a responsibility because they shouldn't have given money for such atrocities," she told Al Jazeera by phone.

The El Mozote case was reopened in 2016 after the country's Supreme Court overturned a 1993 amnesty law that prevented the prosecution of human rights abuses carried out during the war.

An estimated 75,000 Salvadorans were killed in the fighting between a leftist armed rebellion and the US-backed Salvadoran army between 1980 to 1992. A UN Truth Commission attributed about 85 percent of the violence during the conflict to the Salvadoran state.

The El Mozote massacre took place during the course of three days in December 1981, as Salvadoran soldiers raped and killed civilians in several villages in El Salvador's northeast region of Morazan.

Seventeen Salvadoran military officers are currently facing charges in relation to the killings, including torture, rape and enforced disappearances. Lawyers for the victims say a judge could decide that the case, still in its discovery phase, will continue to the second, formal trial phase by the end of 2021.

During the hearings this week, US academic and Central America expert Terry Karl testified that the Salvadoran army employed an "extermination strategy" in El Mozote and described a subsequent cover-up by Salvadoran and US officials.

Karl said a US military adviser, Sergeant Major Allen Bruce Hazelwood, was present in Morazan department, where the massacre took place.

"If this had been made public, aid from the US would have been cut because that was illegal," Karl said during her testimony, which was based on research in El Salvador dating back to 1981, extensive interviews with key players in the Salvadoran civil war and a review of archival materials.

She also said the US was aware that the Salvadoran army was using napalm, a highly flammable mixture banned by the United Nations for use against civilians in 1981.

David Morales, a lawyer with San Salvador-based human rights group Cristosal who is part of the victims' legal team, told reporters at the court that Karl's account overwhelmingly showed that this type of military operation "could only be carried out with the planning, orders, supervision and cover-up by the Salvadoran high command".

Clever Pino, a former Peruvian colonel and expert in counterinsurgency tactics, also testified on April 29 and 30 that a new military document showed Operation Rescate, the army's official name for what occurred in December 1981, was ordered by high-level officials.

This detail was especially revealing as the army has refused to comply with a judicial order to allow the judge in the case to review military archives – a major challenge for the case.

"The systematic denial by the Salvadoran Armed Forces of Operation Rescate is a disinformation strategy," Pino said during his testimony, adding that the tactic "is used when the facts are too obvious or compromising and all that's left is denial".

The Salvadoran government has not issued any public statements about this week's testimony through official channels. Neither the president's office nor the defence ministry responded to Al Jazeera's request for comment in time for publication.

In the past, the Salvadoran Armed Forces have said the fighting at El Mozote was between the army and rebel fighters, rather than unarmed civilians. In the immediate aftermath of the El Mozote killings, the US Embassy in El Salvador also denied a massacre occurred and rejected that US-trained troops were involved in any way. But the publication of declassified State Department documents in 2018 showed a shift in the US Embassy's stance.

Jean Manes, the US ambassador to El Salvador from 2015 to 2019, wrote in the State Department cables about the El Mozote case that the "Embassy continues to support creating strong democratic institutions in El Salvador, including the judiciary, which should help strengthen accountability and transparency for all types of crime, both current and historic."

This week, a US embassy political attache told reporters at the trial that the US was "supporting the rule of law and an independent trial here in El Salvador", without directly mentioning US involvement in what happened in El Mozote. "We believe that efforts to guarantee accountability for human rights violations are important for ensuring justice for the victims," the official said.

For his part, Biden has said tackling impunity and corruption are priorities for his administration as it develops a \$4bn aid package to Central America to address what it considers the root causes of migration amid an increase in arrivals at the southern US border.

"The jury is still out on whether everything that has been said up until now is really rhetoric or if there is an interest from the US government to correct such horrible episodes," Oscar Chacon, executive director of Alianza Americas, an immigrant rights organisation with a focus on Central America, told Al Jazeera.

Meanwhile, for victims of the El Mozote massacre, the trial presents an opportunity to demand accountability – and to have their voices heard. In addition to an apology, Sanchez said she believes the US should contribute to reparations for the victims.

The Inter-American Court for Human Rights ordered reparations in 2012 and the Salvadoran government at the time agreed to a list of them, but lawyers for the victims say the state has only followed through with about 15 percent of those promises.

Sanchez added that anyone involved in the killings should face justice. "No matter what country they're from, if they were involved in what happened in El Salvador, we have the right that they face a trial."

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**Colombia's ex-FARC leaders admit kidnapping and other crimes (Al-Jazeera)** By Steven Grattan  
[April 30, 2021]

**Eight ex-commanders of Colombia's now-defunct rebel group the Revolutionary Armed Forces of Colombia (FARC), have formally admitted to accusations of kidnappings as a policy within their ranks and other crimes against humanity in a transitional justice court on Friday.**

The ex-leaders released a joint declaration stating they accept the accusations against them in full by the Special Jurisdiction for Peace (JEP) court set up under the transitional justice system to try war crimes as part of the continuing peace process.

"As we have repeatedly stated, our kidnapping policies are unjustifiable," the ex-rebels told reporters on Friday.

Ex-rebels who provide specific information to the JEP about crimes committed could receive lesser sentences.

"In more than 300 pages, we provide a detailed, clear and exhaustive response to the victims, who have courageously and generously approached the JEP trusting in the implementation of the final peace agreement to achieve a common goal: the end of the conflict and the construction of a stable and lasting peace. In this way, we seek to answer their questions and many of the disagreements expressed during this process, in which the centrality of their voices is paramount," the ex-fighters said.

It was the first time one of the former commanders, Carlos Antonio Lozada, admitted kidnappings publicly. Some of his peers had already done so. About 21,396 people were kidnapped or taken hostage by the FARC between 1990 and 2015, according to the JEP figures.

Lozada said the "acts consisted of ordering the capture and prolonged deprivation of liberty of civilians and members of the military forces who were captured in military operations, due to the refusal of the Colombian state to agree to the humanitarian exchange of guerrillas captured by the public forces and deprived of their liberty".

This was the JEP's first ever case, which put forth the accusations four months ago. The ex-commanders were accused of being responsible for serious crimes like cruel treatment, sexual abuse, disappearances and murder: all connected to the practice of kidnapping.

"The FARC were one of the most brutal guerrillas in recent history in Latin America. The recognition by its former commanders of their role in massive kidnappings makes that clear," Human Rights Watch Americas Director, José Miguel Vivanco, told Al Jazeera.

"The FARC committed often systematic atrocities against civilians, including child recruitment, hostage-taking, use of landmines, forced displacement and sexual violence. Thousands of victims have long awaited a day in court and they deserve to know the full truth and obtain meaningful justice for the guerrillas' crimes," Vivanco said.

The FARC created a political party after disarming as part of the historic 2016 peace deal with the government. Originally keeping their famous acronym as the party name, they decided to change it in January, over criticism the FARC acronym was too tied up with memories of the 50-year armed conflict that left 260,000 dead and millions displaced. They are now known as "Comunes".

But some believe today's admission may damage the FARC's political trajectory.

"The JEP ruling came at a difficult time, as FARC is struggling as a political party. To have to publicly admit to kidnappings – and to the cruelty involved in many of them – on the one hand, underscores FARC are serious about taking responsibility and the JEP is serious about providing truth, but also puts FARC in a difficult position, as they try to attract a sceptical electorate," says Angelika Rettberg, professor of political science at Bogota's Los Andes University.

For Elizabeth Dickinson, senior Colombia analyst for Crisis Group, the unconditional acceptance by the FARC of these accusations is significant because it provides a bellwether for how they will be interacting with the transitional justice process.

The issue of punishments has been controversial in Colombia since the peace deal. Many right wingers do not support the idea of lenient sentences for ex-FARC fighters, including the ruling party of President Ivan Duque who, unsuccessfully, advocated to change some aspects of the peace deal during his first months in power related to punishments.

"One of the challenges going forward for the entire transitional justice process will be the issue of sentencing. There has not been a sentencing yet, so I think all eyes politically will certainly be on what that looks like and what the alternative sentences will be," Dickinson said, adding that the court can offer alternative sentences that do not include traditional jail time.

Dickinson said critics of the court will be looking to ensure that the sentences are sufficiently stern, and that supporters of the transitional justice process will want a different outcome.

"So that's going to be an extremely politically charged issue and I think it's going to be a major challenge for the court to confront," she said.

## **Argentina Wants to Punish Deniers of Crimes Against Humanity (Vice) By Natalie Alcoba**

May 4, 2021

**The horrors of the last military dictatorship in Argentina are etched onto its collective psyche: people dragged off the streets or kidnapped from their homes, tortured in secret concentration camps, buried in unmarked graves or sedated before they were hurled from planes into the waters below.**

The state terrorism carried out by the military junta between 1976 to 1983 against so-called "subversives" went far beyond crushing leftist guerrillas. It swept up and eliminated a wide swath of people, from students, activists, factory workers, and union campaigners to the clergy, journalists, and others who voiced dissent. What is known is as chilling as what is still unknown: almost four decades later families are searching for scores of "disappeared" people and for their stolen children, who were born in captivity and then given to families who supported the military.

But a battle over "the truth" of that period is being waged by a small yet increasingly vocal number of deniers - Argentines who reject the collective understanding of the country's dark past and claim that the number of victims was much lower. In response, some legislators want to silence those denials with prison time or fines.

After the dictatorship came a search for justice and remembrance that is renowned around the world and set an example in Latin America. More than 1,000 former military commanders, soldiers and police officers have been sentenced for crimes committed during that period. The meticulous reconstruction of the past continues to this day: 22 people are standing trial now, accused of crimes against humanity against 323 prisoners of clandestine detention centers on the Campo de Mayo military base in Buenos Aires.

Every year on March 24, Argentines commemorate the disappeared, but this year a former presidential candidate tweeted a photo standing with young political supporters and a sweatshirt he sells that says "Ni Fueron 30,000, Ni Fueron Inocentes", which means "It wasn't 30,000, and they weren't innocent." Juan José Gómez Centurión, a retired military officer, was citing the number of forcibly disappeared and murdered people that human rights organizations and the government use as the official estimate. His merchandise amplifies the view repeated by deniers, that the military was acting against "terrorists."

They prefer another figure - the 8,960 tally produced by a truth commission immediately after the fall of the dictatorship, a figure which the commission itself said was not exhaustive.

That effort to minimize the repression has moved from a fringe view to the country's conservative political elite. Former President Mauricio Macri publicly voiced doubt about the figure in 2016, saying in a broadcast interview that he did not know if the dead and disappeared amounted to 9,000 or 30,000 people.

"There is an imposition in our country, to create a narrative around 30,000, to invent a number that is not real," said Ulises Chaparro, the 22-year-old president of a new right-wing organization called Jóvenes Republicanos, or Young Republicans, echoing the challenge to historical evidence. "This does not justify what happened - the disappeared, the state terrorism, none of us are justifying that. But, for me, in particular from the youth sector, I'm interested in telling history the way it really occurred."

Denial of the dictatorship's crimes has been around since the regime fell. Argentine historian Mario Ranalletti has written about a small group he describes as denialists, who frame the state terrorism of 1976 to 1983 as a "war" against "Marxist subversion" and "in defense of Christian and Occidental civilization". They call for a "complete memory" of the country's past that includes the violence committed by urban guerrilla groups who took up arms in pursuit of revolutionary change.

Victoria Villaruel, founder of the Center for Legal Studies on Terrorism and its Victims, argues that a date should be set aside to acknowledge the guerrillas' victims and demand justice. One estimate from the dictatorship stated that at least 687 people — mostly from the security forces — were killed by guerrillas between 1969 and 1979, although a court questioned the military's numbers, arguing that not all the attacks may have been carried out by guerrillas.

Argentine courts have drawn a difference between guerrilla attacks and the violence unleashed by the state, ruling that only the military's crimes amounted to crimes against humanity.

"Those who deny the 30,000 figure are in reality denying the existence of the disappeared," said Patricia Mounier, a legislator

from the province of Santa Fe. "Denying is, I think, in some sense, defending what the military did."

She is among a group of legislators from the ruling Frente de Todos coalition who have introduced three separate proposals to punish the denial, apology, minimization or justification of the state terrorism committed by the dictatorship. They have modeled their bills after laws in Germany, France, Belgium, Spain and Switzerland against Holocaust deniers.

The Argentine proposals would impose penalties as severe as three years in jail or fines of nearly \$3 million. Those who violate the law would be suspended from seeking public office for a period of time.

One bill explicitly seeks to sanction those who don't use the 30,000 figure, which is an estimation based on various sources, including statements by the military at the time, the hundreds of clandestine detention centers, and the thousands of people detained in the largest camps. Secret cables declassified by the U.S. government show that Argentine military officials in 1978 had already counted 22,000 dead or disappeared between 1975 and July 1978.

"Symbolically the number is very important... It allows us to establish how serious state terrorism was in Argentina," said legislator Marcelo Koenig, who introduced one of the proposed laws. "There were 30 thousand disappeared, but suppose there were not. It is still a genocidal dictatorship."

Koenig says he was spurred into action by a stunt staged by Jovenes Republicanos outside the presidential palace in February. The group dumped fake body bags they said were intended to represent the deaths caused by people who had allegedly jumped the vaccine queue. But the images raised haunting memories. Among those the young right-wingers accused of special vaccine treatment was Estela De Carlotto, the 90-year old leader of the Abuelas de Plaza de Mayo, a renowned group of women searching for their stolen grandchildren. (She said she had waited her turn for a shot.)

"It seems like many of our young people don't understand very well," President Alberto Fernández said at a subsequent event with De Carlotto. "They were born in democracy, and they don't understand the sinister, perverse, overwhelming violence of that dictatorship."

Chaparro said the political left invented a connection between the vaccine protest and the dictatorship.

"If you don't agree with them, they mark you as a fascist," he said. "We have to fight that, with statistics, and truth. And not allow them to continue with the indoctrination in primary and secondary schools," he said.

Verónica Torras, the director of Memoria Abierta, a coalition of human rights groups, shares the concerns of the proposed laws' backers. Latin America as a whole has seen a rise in discourse that denies, or justifies, the role that dictatorships played in the region, and it is accompanied by hate speech, said Torras.

But she doubts that prohibiting speech is an effective tool, and worries that a ban would generate a "false illusion of solving the problem."

Torras is also uncomfortable with how the legislation addresses the 30,000 figure.

It's one thing for human rights organizations to use that number, she said. It's another for the state to try to impose it as a way of closing the debate, "when in reality it is the state itself that is responsible for having been unable, until now, to reconstruct the precise number of the disappeared detainees."

For Fernando Haber and Ofelia Agorio, punishing denial is exactly what should be done.

"It is essential that words and what they mean be examined by a society that has suffered genocide," said Agorio, who was 13 years old when her older brother Nelson was disappeared and murdered by the dictatorship.

Haber, a labor lawyer, was a student and activist in poor neighborhoods when he was arrested and tortured inside a clandestine detention center before being held in a prison for six years until 1981.

"We were successful in finding out what happened to an important percentage of people, but not to others," he said. "I have been with very poor families, in the interior of the country, and it was very hard for the family to approach authorities to file a report out of fear," he said.

"This is what they want — to twist the truth," he added of those who deny the scope of the crimes. "The same thing happened with the Jews in the Holocaust - it was six million, and they would say it was one million. The same thing happened. And will keep on happening."

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## Venezuela

**Venezuela: Security Force Abuses at Colombia Border (Human Rights Watch) [April 26, 2021]**

**Venezuelan security forces have committed egregious abuses against local residents during a weeks-long operation against armed groups on the border with Colombia, Human Rights Watch said today.**

Venezuelan security forces opened the offensive in Apure state on March 21, 2021, with the alleged purpose of combatting armed groups in Venezuela. The operation led to the execution of at least four peasants, arbitrary arrests, the prosecution of civilians in military courts, and torture of residents accused of collaborating with armed groups. The abuses follow a pattern similar to that of systematic abuses that have led to international inquiries into possible crimes against humanity in the country.

“The egregious abuses against Apure residents are not isolated incidents by rogue agents, but consistent with the Venezuelan security forces’ systematic practices,” said José Miguel Vivanco, Americas director at Human Rights Watch. “International inquiries are essential into the mounting evidence against security force members who have committed abuses, and against commanders and top-level officials who knew or should have known what was happening during these operations.”

On April 5, Defense Minister Vladimir Padrino López announced the arrests of 33 people, to be tried under military jurisdiction. He said six camps of “terrorist groups” had been dismantled, and nine “terrorists” had been killed. He reported 8 deaths and 34 injuries of soldiers.

Confrontations between the Bolivarian National Armed Forces (Fuerza Armada Nacional Bolivariana, FANB) and a dissident group from the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) known as the Martin Villa 10th Front broke out in various rural areas in Venezuela on March 21. Since then, at least 5,800 people have fled Apure state for Colombia, according to the Office of the United Nations High Commissioner for Refugees (UNHCR).

Despite support from aid groups and the authorities in Arauquita, the Colombian city of 50,000 where most of the displaced Venezuelans and Colombians have arrived, shelters are overcrowded and aid is insufficient. Many more are staying in homes of friends and relatives in rural areas in the state of Arauca, Colombia, with limited, if any, access to aid. Colombian authorities have also reported the arrival of Venezuelans and Colombians living in Apure in the Colombian municipalities of Arauca and Saravena. Between 300 and 400 forcibly displaced people are in other parts of Venezuela.

Human Rights Watch interviewed 68 people in person in the state of Arauca and by phone in March and April. They included 38 people who had fled Apure, as well as lawyers, forensic experts, community leaders, journalists, local Colombian authorities, and humanitarian and human rights organizations. Most of those who had witnessed abuses feared reprisals in Venezuela and spoke on condition that their names and other identifying information be withheld.

Human Rights Watch also reviewed information from Colombian and Venezuelan authorities, and other evidence such as photographs, videos, and audio recordings of attacks, lootings, and people crossing the river to Colombia. The Venezuelan Attorney General’s Office and Ombudsperson’s Office did not respond to requests for information.

Displaced Venezuelans said that frequent airstrikes and fighting, as well as egregious abuses by Venezuelan security forces, caused them to flee.

The security forces they identified as responsible for abuses included the FANB, the Special Action Force of the Bolivarian National Police (Fuerzas de Acciones Especiales, FAES), the Bolivarian National Guard (Guardia Nacional Bolivariana, GNB), and the National Anti-Extortion and Anti-Kidnapping Command (Comando Nacional Antextorsión y Secuestro, CONAS).

Interviewees said soldiers and security force agents raided the houses of families living in the town of La Victoria and its rural areas of El Ripial, Los Arenales, La Capilla y La Osa. The agents did not show a search warrant, witnesses said. Residents, mostly peasants, were dragged from their houses without arrest warrants. Agents ordered detainees to cover their heads with their t-shirts and beat them, threw them to the ground, and threatened to kill them.

An official list of detainees and their whereabouts has not been provided, but relatives and human rights groups reported they were initially held at a military base in the city of Guasdualito and, weeks later, transferred to a section within the Santa Ana

prison in Táchira state that is administered by the military. Two detainees who were later released confirmed that they had been held in military installations. Multiple interviewees said that detainees were not members of armed groups.

On March 25, FAES took four members of a family from their house in La Victoria, said a family member. Their bodies were found a mile away, in El Ripial, with cuts, bullet wounds, and apparent bone dislocations. Forensic experts concluded that photos of the bodies suggest that they had been moved, and that firearms and grenades may have been planted by their hands.

Security forces broke into several houses and looted or destroyed personal belongings, food, and household items, residents said. Some families locked themselves inside their houses for days, then fled to Colombia. People with dual Venezuelan and Colombian citizenship feared that security forces would consider this proof of ties to armed groups.

In 2020, the United Nations Independent International Fact-Finding Mission on Venezuela and the Office of the Prosecutor at the International Criminal Court (ICC) found evidence that crimes against humanity may have been committed in Venezuela. Their reports implicated the same security forces accused of committing abuses in Apure.

On March 26, Venezuelan Attorney General Tarek Saab appointed two human rights prosecutors to investigate events in Apure, and established a joint commission of 12 experts to investigate the killings in El Ripial. The Attorney General's Office has not responded to a Human Rights Watch request for information on the status of investigations.

The Venezuelan judiciary has routinely failed to adequately investigate compelling evidence of widespread human rights abuses, Human Rights Watch research has shown, allowing impunity to remain the norm.

The Office of the Prosecutor at the International Criminal Court and the UN Fact Finding Mission on Venezuela should assess the possible responsibility of those directly implicated in extrajudicial executions, arbitrary arrests, and torture by Venezuelan security forces in Apure, Human Rights Watch said. They should also assess the possible responsibility of commanders and high-level authorities who may have ordered abuses, or may bear responsibility for failing to take appropriate steps to prevent crimes or hold those responsible to account.

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## TOPICS

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### **Terrorism**

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### **Piracy**

[April 24, 2021]

**A Cyprus-flagged container ship came under a pirate attack off the Nigerian coast in the Gulf of Guinea on Friday, according to a London-based maritime security firm.**

Dryad Global said the Contship New was under attack at around 10:30 a.m. GMT.

It was located 185 nautical miles southwest from the southern Nigerian state of Bayelsa.

"Crew members were reported mustered in the citadel. This incident is ongoing," a statement read.

The Gulf of Guinea remains the world's most dangerous place for commercial ships in terms of piracy. The International Chamber of Commerce's maritime bureau estimates that it accounted for nearly half of all reported attacks in the first quarter of this year.

**Three Maritime Armed Robbery Incidents Reported in Asia (Homeland Security Today) April 27, 2021**

**The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) has recently been notified of three incidents of armed robbery against ships.**

Of the three incidents, two incidents occurred to ships while underway in the eastbound lane of the Traffic Separation Scheme (TSS) in the Singapore Strait (SS), and one incident occurred to a ship while berthed alongside the MOT Terminal at Sandakan, Sabah, East Malaysia.

The two incidents in the SS occurred off Tanjung Pergam, Bintan Island, Indonesia within an interval of four hours on April 17. In one of the incidents, the duty engineer spotted one perpetrator trying to open the steering gear entrance door from the poop deck of a petroleum/chemical tanker. The perpetrator escaped knowing that his presence was discovered. Nothing was stolen. Within an interval of four hours, another incident occurred on board a bulk carrier while underway in the same vicinity. Four perpetrators were sighted in the engine room of the ship. One of the perpetrators hit the third engineer using a wrench. The crew member sustained a mild contusion on his forehead. Some engine spares were also stolen. Nothing was reported stolen in the other incident.

With these two incidents, a total of 12 incidents had occurred in the SS since January 2021. ReCAAP is concerned with the continued occurrence of incidents in the SS, particularly off Tanjung Pergam, and issued an Incident Alert on April 23. Of the 12 incidents in SS, nine incidents occurred off Tanjung Pergam.

In its alert, ReCAAP urges the littoral States to increase patrols and enforcement in their respective waters, particularly in the waters off Tanjung Pergam; as well as strengthen coordination, including information sharing on the latest situation, and the criminal groups involved, in order to arrest the perpetrators. As the perpetrators of these incidents are currently at large, there is a possibility of further incidents in the Singapore Strait. All ships are therefore advised to exercise enhanced vigilance, adopt extra precautionary measures and report all incidents immediately to the nearest coastal State.

**Nigeria: Renewed Onslaught On Maritime Criminals (All Africa) By Eromosele Abiodun**

April 30, 2021

**Over the years Nigeria and the Gulf of Guinea were known to be the hotbed of piracy and maritime crimes and criminality. Put simply, Nigeria was rated number one in pirates attack in the Gulf of Guinea by the International Maritime bureau (IMB) last year.**

The IMB is a specialised department of the International Chamber of Commerce (ICC). The IMB's responsibilities include in fighting crimes related to maritime trade and transportation, particularly piracy and commercial fraud, and in protecting the crews of ocean-going vessels.

The IMB in a report last year had said Nigeria led the table of pirate attacks with 21 recorded incidents between January and June 2019, as against 31 for the period of 2018, thereby beating Indonesia, which recorded 11 attacks, Venezuela six attacks and Peru with four attacks in six months.

The IMB is part of ICC Commercial Crime Services whose other divisions include The Counterfeiting Intelligence Bureau, The Financial Investigation Bureau.

According to the report, Gulf of Guinea saw 73 per cent of all kidnappings at sea, and 92 per cent of hostage takings. Pirates kidnapped 27 crewmembers in the first half of 2019 and 25 in the same period in 2018.

Also, two chemical tankers were hijacked, as well as a tug that was then used in another attack. Of the nine vessels fired upon, eight were off the coast of Nigeria.

These attacks took place on average 65 nautical miles off the coast.

According to the report, the four locations contributed 55 per cent to the total 77 attacks reported in the period as against 75 per cent of 106 attacks reported in 2018.

IMB said pirates and sea robbers are often well armed, violent and have attacked, hijacked, robbed ships, kidnapped crew along far from the coasts, rivers, anchorages, ports and surrounding waters. While six countries namely: Nigeria, Ghana, Benin, Bangladesh, Indonesia and Venezuela featured on that pirate attack chart in 2018, Nigeria and three other countries with Peru coming in as a new entrant on the chart.

It added that all kinds of weapons such as guns, knives and other dangerous material were deployed to carry out attacks on vessels, a development that led to some seafarers being injured and kidnapped. The report read in part, "In the past, incidents reported up to about 170 Nautical Miles from the coast. In many past incidents pirates hijacked the vessels for several days and ransacked the vessels and stole part of the cargo usually gas oil.

"A number of crewmembers were also injured and kidnapped in these incidents. Generally, all waters in and off Nigeria remain risky. Vessels are advised to be vigilant, as many incidents may have gone unreported.

"Incident continues to rise substantially especially kidnapping of crews for ransom. Vessels are advised to take additional measures in the high-risk waters.

"Although, there was a reduction in the number of attacks in the African region, Nigeria still led the continent all through 2018 and first half of this year. In first six months of 2018, 39 bulk carriers were attacked as against 20 in 2019. For container vessels, nine were attacked in 2019 while six attacks were reported in 2018 as against crude oil tanker that reported 9 in 2018 and 12 in 2019.

"For Chemical tankers and offshore tug vessels, 30 and 3 vessels were reported in 2019 while 22 and 2 attacks were reported in 2019. Vessels carrying Liquefied Natural Gas (LNG) and Liquefied Petroleum Gas (LPG) had no reported cases in 2018, but had one of such vessels attacked in 2019."

#### Renewed Onslaught

Following the IMB report, Nigeria stepped up its fight against pirates, a move that yielded the desired results.

The most cheering news following the deployment of new equipment was the arrest and successful prosecution of 10 pirates mid last year by the Nigerian Maritime Administration and Safety Agency (NIMASA).

Since then, efforts have been made to see that the issue of maritime crime is tackled headlong. Early this week, Nigeria and the Inter Regional Coordination Centre (ICC), Yaoundé, formed a forum to galvanise regional and international efforts to ensure security in the Gulf of Guinea (GOG). Gulf of Guinea Maritime Collaboration Forum (GOG-MCF/SHADE) was floated after meetings between Director General of the Nigerian Maritime Administration and Safety Agency, Dr Bashir Jamoh, representing Nigeria, and Executive Director of ICC Yaoundé, Admiral Narciso Fastudo Jr.

A joint statement by NIMASA, the Nigerian Navy, and ICC Yaoundé said GOG-MCF/SHADE, which was purposed to facilitate shared awareness and deconfliction of activities in the Gulf of Guinea, "will be open to all GOG countries with similar capacities to join on a voluntary basis."

The statement dated April 26, 2021 said: "GOG-MCF/SHADE will focus on counter-piracy and armed robbery by bringing together regional, international, industry and NGO partners to advance and coordinate near term maritime activities with a view to working toward a set of common operational objectives in order to protect seafarers and ships operating off the coast of West and Central Africa."

Jamoh and Fastudo agreed to hold the first virtual meeting of GOG-MCF/SHADE as soon as practicable, saying modalities would be announced later. They said due to its complementary nature, the G7++Group of Friends of the Gulf of Guinea (G7++FOGG) would support the creation of GOG-MCF/SHADE, which would comprise an open plenary session; working group meetings; working group chairs, coordination meeting; and a plenary session report.

Jamoh said: "The new maritime security framework speaks to our own integrated approach to security in the country's waters and the Gulf of Guinea. We have always believed in bringing all maritime stakeholders on board in the search for security, and we have proffered that as a solution at various forums with our regional and international partners.

"I am confident that cooperative efforts and shared capabilities are the best approach to success in our collective quest for maritime security. GOG-MCF/SHADE is coming as a powerful new force for security in the Gulf of Guinea," he said.

#### Training Cadets

In a related development, NIMASA recently announced that it was training 250 new cadets to man its various security platforms in the Lagos-Bayelsa coastal corridor as part of efforts to boost maritime security and the deep blue project.

The move by the agency is expected to nip piracy and other maritime crimes on the Nigerian waters and the Gulf of Guinea in the bud.

Jamoh, who was represented by his Special Assistant on Communications and Strategy, Ubong Essien, said the recruitment exercise was part of the current drive to develop local capacity for improved operations.

He said the 250 cadets are about to be sent for training as part of NIMASA's commitment to developing manpower to man its many platforms that are coming on stream soon.

"We felt that we must develop our hands locally, which will have ripple effects on the nation's economy," he said.

Jamoh disclosed that he was working hard to ensure the full implementation of his three-point agenda of boosting maritime security, safety and shipping development.

He said the new Deep Blue Project (DBP), which would be launched in the coming weeks, would rid the nation's maritime environment of illegalities adding that the DBP is the nation's Integrated Surveillance and Security Architecture that will sanitise Nigeria's maritime industry.

According to him NIMASA is investing in air assets through the acquisition of three special mission helicopters; two special mission aircraft and four unmanned air vehicles.

"On maritime assets, the agency is also investing in two massive well-equipped special mission vessels that will patrol the high seas. The vessels have the capacity to deploy about 17 fast-moving interceptor boats - which are designed for interdiction purposes should there be any crises requiring a swift response.

"On human assets, we have well-trained Special Forces from the various security agencies, including, navy, army and police, among other security agencies," he said.

The director-general said the agency had also integrated the services of the special police unit, C4I to run its intelligence-gathering centre.

According to him, the agency has invested in a computer command and control centre that will be used to effectively monitor activities on the waterways.

#### Partnering PAP

Also recently, the NIMASA promised to work in partnership with the Presidential Amnesty Programme (PAP) in the fight against piracy and other crimes in the country's maritime domain.

Jamoh disclosed this during a working visit to the interim Sole Administrator of PAP, Col. Milland Dixon Dikio (rtd.) in Abuja.

Jamoh underscored the importance of collaboration among relevant agencies and communities in the quest for maritime security.

"We should be working together in partnership to help us appreciate and evaluate the challenges from our various perspectives and collectively come up with solutions that would work for all of us, and the country at large.

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## **Gender-Based Violence**

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## **Commentary and Perspectives**

**The international community must hold Israel responsible for its crimes of apartheid (International Federation for Human Rights)** April 28, 2021

**On the occasion of the meeting of its International Bureau held on 27 and 28 March 2021, FIDH wishes to formally reaffirm its support for the position of Palestinian and Israeli organizations that reject the occupation and the policy of apartheid committed by Israel against Palestinians. Through systemic laws and practices, Israel seeks to establish a policy of institutional discrimination aimed at favouring Israeli citizens of the Jewish confession leading to the fragmentation of the State of Palestine. Besides discrimination, Palestinians face legal and institutional persecution that constitutes a serious violation of international law and demands an appropriate response from the international community in order to put an end to such crimes and the impunity that Israel is enjoying.**

Since 2009, several Palestinian FIDH member organizations including Al-Haq, the Palestinian Center for Human Right and the Al-Mezan Center for Human Rights, have analyzed the colonialist and segregationist dimension of Israeli occupation. They have documented assassinations, the destruction of property without any military justification, expropriation, arbitrary detention and torture, transfer of Israeli settlers to the occupied territories, annexation of Palestinian lands, innumerable obstacles to the free movement of Palestinians including a separation wall, pillaging of natural resources, as well as numerous other atrocities aimed at maintaining supremacy of Israelis to the detriment of the rights of Palestinians. Such policies and practices, which constitute the crime of apartheid, have been committed with impunity and their perpetrators have managed to escape prosecution.

In January of 2021, B'Tselem - the Israeli Information Center for Human Rights in occupied territories, an FIDH member organization that has been working since its inception in 1989 to document violations of the rights of Palestinians committed by Israel on the West Bank (including East Jerusalem) and the Gaza Strip, has published a report entitled "A Regime of Jewish Supremacy from the Mediterranean to Jordan: It's an Apartheid."

The report confirms that the Israeli government is seeking to achieve a regime of institutional discrimination aimed at favouring Israeli citizens of the Jewish confession. To do so, the Israeli authorities have divided the lands and the Palestinian population into different units, and have granted the Palestinians from each unit a different set of rights - all lesser than the rights granted to Jewish citizens residing in the same area. The documentation efforts deployed by Palestinian and Israeli organizations have led many international human rights bodies to the same conclusions.

A State that uses laws, policies and practices, which violate human rights, in order to maintain or perpetuate the domination of one (racial, ethnic, national or religious) group over another group, is, according to international law, considered a State that is committing the crime of apartheid.

Manifestations of apartheid committed by Israel:

As an occupying power, de facto and through its laws, Israel is applying diverse policies to establish a system of superiority over the Palestinians. Legally speaking, Israel has passed several laws that discriminate against Palestinians of 1948 (who have an Israeli passport) and Palestinians of 1967 living in the occupied Palestinian Territories, and that establish differences in the way people are treated in terms of their civil status, legal protection, access to social and economic benefits or the right to land and property. Among these legal texts, there is, for instance, the law on Israeli nationality and entry into Israel passed in 2003 (temporary order) enabling any person of the Jewish religion, from no matter what country, to go and live in Israel and obtain Israeli citizenship. A right totally denied Palestinians including the refugees whose right of return to Palestine has been enshrined for 70 years in United Nations Resolution 194. This discriminatory law and the violation of international law reflect the will of the occupying power to change the demographic composition of the population by acting to ensure a quantitative superiority for Jewish Israelis. In its latest amendment in 2018, this law granted sweeping discretionary power to the Israeli ministry of the Interior to render null and void or suspend permanent residence permits of Palestinians in Jerusalem, which makes them lose their residency in Israel unconditionally and without objective criteria, with a few exceptions. That law obstructs the right of Israeli citizens or residents of East Jerusalem to obtain family reunification when their spouse is Palestinian and lives on the West Bank or in the Gaza Strip.

Even more discriminatory, the Basic Law of 2018 raises Israel to the level of a Nation-State of the Jewish people and confirms the discriminatory nature toward non-Jews in the State of Israel in that it provides that exercising the right to self-determination in

Israel is reserved to the Jewish people. That law makes Hebrew the only official language of the country, relegating Arabic to the level of "a language with a special status." Furthermore, whereas the Israeli settlements situated in the Occupied Palestinian Territory are illegal under international law and, what's more, they constitute a hindrance for the entire population to exercising its human rights, the Basic Law confers upon them the constitutional status of "national value" (Art. 1, 2 and 5).

In practice, there is no dearth of examples of structural and institutional racial discrimination practiced by Israel as an occupying power. Since 1948, confiscation and expropriation of Palestinian lands have been ongoing. Israel has established over 700 Jewish towns and villages. At the same time, no new Palestinian town or village has been created. Today, 93% of land in Israel is State land. However, Palestinians only possess 3% of the land, although they represent about 20% of the population of Israel. Several laws have been passed to justify the Judaization of Palestinian land including the Absentee Property Law. In the Occupied Palestinian Territory including East Jerusalem, restrictions limiting Palestinians' access to natural resources, namely arable land and adequate water supply systems are still being imposed. The Israeli regime also severely limits construction and development on the little land remaining for Palestinian communities within its sovereign territory. It is also refraining from making urban plans that reflect the needs of the population, and has left areas of jurisdiction for these communities virtually unchanged despite an increase in population.

Moreover, Israel alone decides on movement within the different areas with restrictions to the freedom of Palestinians to circulate including to travel outside and re-enter, depending on the different situations. For instance, Palestinians from the West Bank who wish to enter Israel, East Jerusalem or the Gaza Strip must submit a request to the Israeli authorities. The separation wall built in Palestinian territory, and whose construction the International Court of Justice has condemned, further limits the movement of Palestinians. In the Gaza Strip, under siege since 2007, the entire population has been imprisoned because Israel prohibits almost all movement to enter or leave — with the exception of rare cases such as humanitarian grounds. Under the blockade, the inhabitants of Gaza are prevented access to basic services including drinking water and urgent health and humanitarian aid. Apartheid and supremacist policies are taking root differently in each area and the forms of injustice emerging as a result vary, but the international community is gradually and increasingly condemning them.

The Action of the international community against the apartheid committed by Israel:

For a few years now, some international bodies have become vocal on the apartheid policies set up by Israel. Thus, in December of 2019, the United Nations Committee on the Elimination of All Forms of Racial Discrimination (CERD) has expressed its concern about the Israeli apartheid policies and practices against the Palestinian people on both sides of the green line. In its final observations regarding Israel's report, the committee highlights "The Committee is extremely concerned at the (see CERD/C ISR/CO/14-16, par. 24) consequences of policies and practices which amount to de facto segregation, such as the implementation by the State party in the Occupied Palestinian Territory of two entirely separate legal systems and sets of institutions for Jewish communities grouped in illegal settlements on the one hand and Palestinian populations living in Palestinian towns and villages, on the other hand. The Committee is particularly appalled at the hermetic character of the separation of two groups, who live in the same territory but do not enjoy either equal use of roads and infrastructures or equal access to basic services and water resources. Such separation is concretized by the implementation of a complex combination of movement restrictions consisting of the Wall, roadblocks, the obligation to use separate roads and a permit regime that only impacts the Palestinian population (Art. 3 of the Convention)."

On 16 June 2020, over fifty experts and UN special rapporteurs on human rights published a joint statement, in which they consider that "Israel's project to annex almost a third of the West Bank "is the vision of a 21st century apartheid" adding that "what will remain of the West Bank will be a Palestinian bantustan, islands of disconnected land, completely surrounded by Israel and territorially cut off from the outside world." The UN experts and special rapporteurs warned of this serious violation of international law, specifying that "following the annexation would be the crystallization of an already unfair reality: two peoples living in the same space, governed by the same State, but with profoundly unequal rights."

Since 2013, FIDH has been sounding the alarm on the crime of apartheid perpetrated by Israel. Today, after having greeted with satisfaction the historic decision made on 21 February 2021 by the Preliminary Chamber I of the International Criminal Court (ICC) confirming that the jurisdiction of the Court extends to Gaza and the West Bank, including East Jerusalem, and that, consequently, the Prosecutor is authorized to investigate the international crimes committed in these territories, FIDH is calling for investigation, in addition to war crimes, of all the facts, laws and practices testifying to the crime of apartheid.

In parallel, and apart from the individual responsibility under the jurisdiction of the international criminal justice, it remains the international community's responsibility and that of United Nations member-States to take decisive measures to put an immediate end to the state of apartheid and stop the intensification of settlement activities on the occupied West Bank, including East Jerusalem. Such crimes, among the most serious in international law, must come to an end and the Palestinians must be able to exercise their right to self-determination.

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## **WORTH READING**

### **The Lethal Autonomous Weapons Systems: A Concrete Example of AI's Presence in the Military Environment (CSI Review)**

By Jacopo Scipione

May 4, 2021

**Comprehending and analysing Artificial Intelligence (AI) is fundamental to embrace the next challenges of the future, specifically for the defence sector. Developments in this sector will involve both arms and operations. The debate is linked to the risks that automation could bring into the battlefield, specifically for the Lethal Autonomous Weapons Systems (LAWS). While AI could bring many advantages in risk detection, protection and preparation capabilities, it may bring also several risks on the battlefield and break the basic principles of International Law. Indeed, having the human operator "out of the loop", could lead to unprecedented challenges and issues. Such weapons may also strengthen terroristic groups, allowing them to plan mass attacks or specific assassinations with no human sacrifice. The article, divided into three parts, aims to analyse the LAWS and its related issue. The first one introduces the LAWS and its applications worldwide. The second one summarizes the problems concerning International Humanitarian Law. Eventually, the last part is focused on the research for a proper regulation and the EU position on the topic.**

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