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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 warcrimesswatcheditors@case.edu and type "subscribe" in the subject line.

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AFRICA

CENTRAL AFRICA

Sudan & South Sudan

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Genocide committed by RSF militia in Sudan's raging civil war, U.S. Secretary of State Antony Blinken says (CBS News) By Haley Ott and Sarah Carter
January 7, 2025

The U.S. government has determined that genocide has been committed by members of the RSF paramilitary force and its allied militias in Sudan, Secretary of State Antony Blinken said Tuesday. The "Rapid Support Forces" and its allies are one side in a largely hidden but vicious civil war that has claimed tens of thousands of lives in less than two years.

In a statement announcing the U.S. determination that genocide was committed — and that new sanctions were being imposed as a result — Blinken called it a "conflict of unmitigated brutality that has resulted in the world's largest humanitarian catastrophe."

Blinken announced sanctions against RSF leader Mohammad Hamdan Daglo Mousa, also known as Hemedti, as well as seven RSF-linked companies based in the United Arab Emirates and an individual accused of helping the RSF procure weapons. As part of the sanctions, Hemedti and his family were barred from entering the United States.

The war has left "638,000 Sudanese experiencing the worst famine in Sudan's recent history, over 30 million people in need of humanitarian assistance, and tens of thousands dead," Blinken said.

"The RSF and RSF-aligned militias have continued to direct attacks against civilians. The RSF and allied militias have systematically murdered men and boys — even infants — on an ethnic basis, and deliberately targeted women and girls from certain ethnic groups for rape and other forms of brutal sexual violence," Blinken said. "Those same militias have targeted fleeing civilians, murdering innocent people escaping conflict, and prevented remaining civilians from accessing lifesaving supplies."

In May 2024, the Human Rights Watch organization said the RSF and its allies could have been guilty of genocide against non-Arab ethnic communities over a specific series of attacks in the western region of Darfur. The RSF has been widely accused of ethnic cleansing, crimes against humanity and war crimes since the war broke out.

The International Criminal Court has been investigating ethnic-based killings in Darfur and has said it has "grounds to believe" that both the paramilitaries and the Sudanese army have committed unspecified "Rome Statute crimes," which include war crimes, crimes against humanity and genocide. The ICC's investigation continues.

Why is there a civil war in Sudan?

Fighting broke out in Sudan between the Sudanese Armed Forces and the RSF in April 2023 after months of tension between the two top generals who had been running the country. The former allies in charge of the SAF and the RSF had been negotiating to fully integrate the RSF into the army before the formation of a new transitional government. Those negotiations broke down and the two sides went to war.

After war broke out, the U.S. government, along with international partners, unsuccessfully tried to broker a peace agreement.

Journalists and aid officials have largely been blocked from traveling to the country to report on the conflict first-hand, but independent researchers say the number of deaths from the war has been vastly unreported.

According to a study published in November by the London School of Hygiene and Tropical Medicine, an estimated 61,000 people were killed in Khartoum State alone, home to the capital city of the same name, between April 2023 and June 2024.

The study found that more than 90% of those deaths went unrecorded, but the estimated toll was considerably higher than previously believed.

"Our findings reveal the severe and largely invisible impact of the war on Sudanese lives, especially of preventable disease and starvation, said the report's lead author Dr. Maysoon Dahab, adding that "the overwhelming level of killings" in the central Kordofan and western Darfur regions "indicate wars within a war."

"Today's action is part of our continued efforts to promote accountability for all warring parties whose actions fuel this conflict," Blinken said Tuesday. "The United States does not support either side of this war."

What is genocide?

The United Nations adopted the Genocide Convention in 1948 after the Holocaust committed by Nazi Germany. In it, genocide is defined as any one of a series of acts, "committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group." Those acts include:

Killing members of the group.

Causing serious bodily or mental harm to members of the group.

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Imposing measures intended to prevent births within the group.

Forcibly transferring children of the group to another group.

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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

In DRC, mobile courts fight impunity and bring dignity to victims (Office of the High Commissioner for Human Rights) January 2, 2025

The crowd gathered around a makeshift open-air courtroom in a village in the Democratic Republic of the Congo (DRC) one recent morning, watching in silence as judges, prosecutors, lawyers and clerks listened to the defendants.

Craning their necks to get a better look at the trial, many in the audience seemed in awe at witnessing feared soldiers and militia men, dressed in their military outfits, finally facing justice for war crimes and crimes against humanity.

It is a scene that has been repeated across rural areas in eastern DRC, where mobile court hearings have played a key role in bringing some accountability for human rights violations and abuses and violations of international humanitarian law, in

particular sexual violence against women and girls.

Under its mandate to protect and promote human rights, UN Human Rights in DRC is assisting national authorities in their efforts to fight impunity, providing technical and logistical support for judicial investigations and proceedings for cases of violations of human rights and international humanitarian law.

One example is mobile court hearings, which are used to administer justice for cases of sexual violence, including rape, in conflict-hit eastern DRC.

Mobile court hearings have existed under DRC law for more than a decade, bringing traveling judges, prosecutors and defence lawyers to remote villages with the aim of showing local communities that crimes, many times perpetrated far from urban centres, are not beyond the reach of the law.

From January 2023 to November 2024, the UN Joint Human Rights Office in Congo (UNJHRO) supported 13 joint investigation teams and 19 mobile courts, leading to the prosecution of 1,010 alleged perpetrators of grave violations of international humanitarian law and human rights, resulting in 777 convictions.

Holding the hearings closer to where victims live also has an educational and deterrent effect and can help promote reconciliation within local communities and build peace in the country, said Paul-Thierry Kalonga, a human rights officer who works within UNJHRO. "Mobile hearings are very appreciated because they strengthen the population's confidence in national jurisdictions and show that justice was served," Kalonga said. "The defendant is prosecuted and, if necessary, punished."

There are also practical and psychological reasons for holding mobile courts: victims don't have to travel far to testify, and a familiar and safe environment can make it easier to speak, rights activists said.

UN Human Rights' support to judicial authorities in DRC has led to some landmark convictions.

On 3 June 2024, the South Kivu military court confirmed a life sentence for Munyiololo Mbawo, former leader and self-proclaimed general of the Raïa Mutomboki armed group. Mbawo was also sentenced to pay compensation to 127 victims of murder, rape, pillaging, torture and forced pregnancy.

The case marked a historic precedent, as it was the first time a national criminal court recognized the crime of forced pregnancy as an international crime, according to legal groups. UN Human Rights supported the mobile court that heard the case against Mbawo.

In another case, the High Military Court in September 2022 sentenced Captain Mihonya Kolokolo to life in prison following mobile court hearings held in Bukavu. Kolokolo was convicted of enlisting children in the military and violating and destroying protected reserves, particularly the Kahuzi Biega National Park and biosphere reserves. Legal groups say the Kolokolo conviction was the first in DRC for illegal exploitation of natural resources.

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EAST AFRICA

Kenya

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

Court orders Attorney General to file response on petition to push enforced disappearance cases to ICC (The Eastleigh Voice) By Lucy Mumbi

January 5, 2025

The High Court has given Attorney General Dorcas Oduor 14 days to respond to a petition filed by two civil society organisations seeking to push Kenya to escalate cases of enforced disappearances to the International Criminal Court (ICC).

The petition was brought before the court by Kituo Cha Sheria and Mathare Social Justice Centre, organisations advocating for justice in cases of forced disappearances.

The two civil society organisations have called on the court to declare that enforced disappearances in Kenya constitute crimes against humanity and should be investigated by the ICC.

The petitioners argue that the Kenyan police have shown an inability to prevent or investigate these crimes, thus necessitating international intervention.

In response, High Court judge Chacha Mwita, while declaring the matter urgent, instructed lawyer John Khaminwa, representing the petitioners, to ensure the court documents are promptly served to AG Oduor.

“The respondent (Attorney General) is directed to file a response to the petition within 14 days after service,” the judge ruled.

The court also directed all parties to file their submissions before a mention hearing on February 26.

“This court has the power and authority to compel the respondent to refer what is termed as a crime against humanity to the International Criminal Court as permitted under Article 14 of the Rome Statute,” Khaminwa said.

Khaminwa further stated that Article 7(1) of the Rome Statute classifies enforced disappearance, especially when used as a widespread political tool for suppression, as a crime against humanity.

More abductions, enforced disappearances

In its most recent report, the Kenya National Commission on Human Rights (KNCHR) revealed that 13 additional cases of abductions or enforced disappearances were recorded in the past three months, bringing the total to 82 since June 2024.

The commission also said that seven people were abducted in December, with six still missing, raising the total number of missing persons to 29 since June 2024.

“It appears that the National Police Service is incapable of conducting the investigations, and this court has a duty to protect and defend the people of the republic by referring the matter of enforced disappearances to the International Criminal Court,” Khaminwa said.

Meanwhile, on Monday last week, High Court Judge Bahati Mwamuye ordered IG Kanja to release six youths allegedly abducted by individuals suspected to be police officers, following a petition by the Law Society of Kenya and Busia Senator Okiya Omtatah.

After Kanja failed to comply with the order, Justice Mwamuye instructed Interior Cabinet Secretary Kipchumba Murkomen and Kanja to personally appear before him on January 8.

Social media users

The individuals who have been abducted are reportedly active social media users known for their outspoken criticism of President Ruto and his administration, often sharing strong words and images.

Last week, during an event in Homa Bay County, Ruto promised to put an end to the abductions, which was interpreted by many as an indication that the young men in question would soon be freed.

However, six of them are still yet to be found despite growing tensions and calls for protests. The President has continuously issued a warning about the improper use of social media platforms.

Ruto and his close allies have also urged parents to “guide young people to avoid fraying the nation’s moral fabric”, remarks that many have seen as targeting dissenting voices online.

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Russia

Britain to give Ukraine £11m to bring Russian war criminals to justice (The Telegraph)

December 29, 2024

Britain has pledged to give nearly £11 million to Ukraine to help bring Russian war criminals to justice for atrocities committed during Vladimir Putin's invasion of the country.

The Ministry of Defence (MoD) announced on Sunday that it will give bodies, including the Ukrainian prosecutor general's office, £4.5 million to support Ukrainian documentation, investigation and prosecution of war crimes.

The Government had previously pledged £6.2 million to help prosecute war crimes. Most of the money has been given to the Atrocity Crimes Advisory Group (ACA), a joint initiative between the UK, the US and the European Union.

In 2022, the UN Human Rights Commissioner's independent international commission of inquiry on Ukraine concluded that war crimes had been committed during the conflict.

The commission said it had seen evidence of executions, torture and sexual and gender-based violence.

The International Criminal Court also opened an investigation in March 2022, weeks after Russia invaded. The massacre of civilians by the Russian army in Bucha, near Kyiv, in March 2022 is among those under consideration for war crimes.

Healey 'proud of UK leadership on Ukraine' The funding comes on top of the wider £225 million announced by John Healey, the Defence Secretary, during a visit to Ukraine in mid-December, which included money for new boats and maritime drones, air defence systems and counter-drone technology.

MPs also voted in favour of loaning an extra £2.26 billion to Ukraine, which will be repaid using profits from Russian sovereign assets.

Mr Healey said: "Throughout 2024, the fierce courage of the Ukrainian people has continued to inspire the world.

"As we enter 2025, the UK's resolve to reinforce support for Ukraine is unwavering.

"I'm proud of UK leadership on Ukraine. From delivering cutting-edge equipment to training tens of thousands of troops, we have shown the UK stands with the Ukrainian people in the face of Putin's brutal, illegal invasion. Because the defence of the UK starts in Ukraine.

"This is underpinned by our £3 billion funding promise for Ukraine, next year and every year, for as long as it takes to enable the Ukrainians to defend themselves and restore their sovereignty, security and freedom."

David Lammy, the Foreign Secretary, said: "While in Kyiv, I saw first hand the inspirational bravery of the Ukrainian people. I'm immensely proud of the support this Government is providing them as they resist Russia's illegal full-scale invasion.

"The atrocities we have witnessed in Ukraine are unspeakable – there can be no lasting peace without accountability, and UK support will help Ukraine as it pursues justice for the victims and survivors of these crimes.

"As we look ahead to 2025, our message is clear: we will stand with you in war, we will stand with you in peace, and we will stand with you as you fight for your security and that of all of Europe."

US Congress issues resolution to recognize Russian actions in Ukraine as genocide (Euromaidan Press) By Kira Kravchuk

January 8, 2025

A bipartisan group of US House Representatives has reintroduced a resolution calling for Russia's actions in Ukraine to be recognized as genocide. The resolution marks the first Ukraine-related legislative act of the 119th Congress.

The allegations of genocide against Ukrainians by Russian forces are rooted in systematic patterns of violence, targeted killings, and cultural erasure, with evidence emerging, for example, from places like Bucha and Mariupol, where Russian troops executed civilians en masse.

The document, co-sponsored by Helsinki Commission Co-Chairs and Congressional Ukrainian Caucus leaders, argues that Russian military activities in Ukraine meet the criteria for genocide as defined in Article II of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide.

Evidence of Russian genocide in Ukraine

The resolution outlines five specific categories of evidence that align with the Convention's criteria.

First, it documents the systematic killing of civilians, including targeted attacks on residential areas and public infrastructure. Official records show 13,729 civilian casualties and 26,706 injuries, including 596 children killed and 1,728 injured. Ukraine documented damage to over 158,434 residential buildings and thousands of civilian infrastructure facilities.

Second, it cites "widespread and systematic sexual violence" against civilians and deliberate strikes on evacuation corridors. Ukrainian authorities have registered 331 cases of conflict-related sexual violence.

The third category details actions creating life-threatening conditions, including the destruction of essential infrastructure, farmland mining, and blocking humanitarian aid.

Fourth, the resolution points to "direct targeting of maternity hospitals" and measures that impede childrearing conditions.

The fifth element addresses the forced transfer of "millions of Ukrainian civilians, hundreds of thousands of whom are children, to Russia or Russian Federation-controlled territories." More than 19,000 Ukrainian children have been identified as forcibly displaced, and 16,000 people are officially listed as missing.

To establish intent, the resolution references official Russian communications, including President Putin's statement claiming Ukraine has "no historical basis" for independence. It also cites a state media article defining "de-Nazification" as "de-Ukrainianization" and notes that soldiers accused of war crimes in Bucha received medals.

The General Prosecutor's Office of Ukraine has documented 170,090 cases related to Russian aggression, with 151,698 classified as war crimes.

This resolution follows a similar initiative presented to the 118th Congress on 24 February 2023.

What should be done?

The resolution calls for three main actions:

condemning Russia for acts of genocide

urging the United States to work with NATO and EU allies to prevent further such acts supporting international criminal investigations to hold Russian leaders accountable.

The document aims to ensure these actions are reflected in American legislation to enable prosecution and prevent future occurrences.

In June 2024, the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly adopted a resolution recognizing Russia's actions during its full-scale invasion of Ukraine as genocide against the Ukrainian people. The resolution cited evidence of mass civilian murders, systematic torture, and the forcible deportation of up to 19,000 Ukrainian children to Russia, alongside rhetoric and actions aimed at erasing Ukrainian identity.

It called for the decolonization of Russia as essential for lasting peace, urged support for Ukraine's Peace Formula and the Crimean Platform, and recommended establishing a Special Tribunal to hold Russia accountable for its war crimes.

Ukrainian intelligence officials, including Kyrylo Budanov, asserted that Russia had developed a detailed plan for the extermination of Ukrainians well before the invasion began. This included creating execution lists targeting specific groups such as educators, journalists, and political leaders, as well as deploying mobile crematoria and establishing mass graves.

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Syria

UK special forces face possible Syria war crimes charges (BBC) By Tom Bennett

December 31, 2024

Nine members of UK special forces could face prosecution over alleged war crimes linked to at least two separate incidents in Syria, according to Ministry of Defence (MoD) data seen by the BBC.

The data, which was originally obtained via a Freedom of Information request by The Times newspaper, shows that two cases are being reviewed by the Service Prosecuting Authority (Spa), the military equivalent of the Crown Prosecution Service.

One case involves one individual, while another involves eight individuals.

The MoD did not disclose details of the cases, or whether they involved singular or multiple incidents.

UK Special Forces have been deployed on operations against Islamic State (IS) in Syria during the past decade - but the MoD does not comment on operations or the whereabouts of special forces troops.

An MoD spokesperson said: "Our UK personnel are respected worldwide for the highest standards and action will be taken against anyone that fails to meet these standards, including dismissal from service, where appropriate.

"It would be inappropriate to comment further on ongoing investigations."

In March 2024, it emerged that five serving SAS soldiers were under investigation over an incident involving allegations of potential war crimes in Syria more than two years ago.

According to the Daily Mail, the incident related to an operation involving the killing of a suspected jihadist, whose body was found near to a primed bomb vest - but he was not wearing the vest when killed.

The SAS soldiers involved are alleged by superiors to have used excessive force and should have arrested the man instead of killing him, the Mail reported. The soldiers are said to have claimed he posed a threat and intended to carry out a suicide attack.

It is unclear if this earlier-reported case is the same as the one involving eight individuals.

In addition to the cases in Syria, the MoD data reveals that the Spa is also considering a case in relation to a special forces individual in Afghanistan. Again, details were not provided of this case.

A public inquiry is being held into the activities of the SAS during their time in Afghanistan.

The Independent Inquiry relating to Afghanistan - launched in the wake of reporting by the BBC and other media outlets - is investigating whether UK Special Forces killed civilians and unarmed people on night raids in Afghanistan between 2010 and 2013.

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Yemen

U.S. transfers 11 Yemeni prisoners from Guantánamo to Oman (The Washington Post) By Abigail

Hauslohner and Missy Ryan

January 6, 2025

The Biden administration has released 11 additional detainees from the U.S. military prison in Guantánamo Bay, sending the

men, all natives of Yemen, to neighboring Oman, the Pentagon said Monday.

The move ends their more than two decades of imprisonment without charges and leaves the detainee population at 15. Over the years, the notorious prison in southeast Cuba has held roughly 780 men, all of them swept up amid the frantic global “war on terror” that followed 9/11.

Monday’s announcement is part of President Joe Biden’s fervent effort during his final weeks in office to reduce the number of those held in Guantánamo. The secretive facility, which for much of the world came to symbolize a subversion of justice by the United States, continues to divide Washington — where Democrats and Republicans disagree on the question of whether the prison should be permanently shuttered.

President-elect Donald Trump mused in the past about imprisoning more people there. His pick for defense secretary, former Fox News personality Pete Hegseth, worked at Guantánamo while serving in the Army in 2004 when it held hundreds of prisoners. Hegseth has said that one of Guantánamo’s major flaws is that detainees had too many rights and protections.

Last month, the Biden administration repatriated four men, including two Malaysians who pleaded guilty to involvement in a Southeast Asian terrorist plot and will now serve out their prison sentences in Malaysia, plus a Tunisian and a Kenyan who were never charged.

The administration also is seeking to repatriate — to an Iraqi prison — a severely disabled Iraqi detainee who pleaded guilty to terrorist involvement, the New York Times reported. Attorneys for the man, Abd al-Hadi al-Iraqi, have sued the U.S. government to block his transfer, arguing he will not be safe or receive adequate medical care in Iraq.

The flurry of activity around the oft-forgotten prison comes days before Khalid Sheikh Mohammed, the alleged mastermind of the Sept. 11, 2001, terrorist attacks, is expected to enter his guilty plea to the U.S. military commission in Guantánamo — part of a deal Mohammed reached with military prosecutors to avoid the death penalty. The Biden administration has intervened in the case, and those of two other defendants who reached similar agreements, hoping to prevent the plea deals from moving forward.

While the vast majority of Guantánamo detainees were never charged, or found to have any connection to the 9/11 attacks, the transfer of those cleared for repatriation has proven inherently complicated, often requiring months — if not longer — of negotiations between U.S. officials and would-be recipient countries, the terms of which are never made public.

Congress has barred the government from transferring Guantánamo detainees to the U.S. mainland and blocked repatriation to certain countries, including Yemen — from which a large proportion of detainees have hailed. Yemen remains destabilized by years of conflict, and transferring detainees there could present a security risk, officials say.

In a statement disclosing the men’s transfer to Oman, the Pentagon characterized their release as a “resettlement.” A previous group of Guantánamo detainees transferred to Oman were given housing, access to social welfare benefits — including health care, jobs and cars — and assistance starting, or reuniting with, families.

The United States says it requires recipient countries to guarantee that certain security measures will be followed. The Pentagon on Monday said that following a “thorough, interagency review by career professionals,” the 11 Yemenis were determined eligible “consistent with the national security interests of the United States.”

Among those transferred was Khalid Qasim, who attracted attention years ago after his artwork from the prison was displayed in New York. Tom Wilner, one of Qasim’s attorneys, said he was “overjoyed that Khalid is a free man” but condemned what he called the “appalling injustice” he endured.

“The torture he was subjected to over his two decades of detention without trial shames the United States of America,” Wilner said in a statement.

Repatriation efforts have been complicated at times by strenuous political opposition in Washington, and a dearth of foreign governments willing — or able — to take in suspected terrorists, many of whom have spent most of their adult lives at Guantánamo and often suffer from severe mental and physical ailments.

Oman has been one of Washington’s most reliable partners in the resettlement from Guantánamo, having previously taken in several dozen other former detainees. However, the sultanate angered human rights activists last year when it expelled an earlier group of 28 Yemeni former detainees, along with their families, and sent them back to war-ravaged Yemen. Observers suggested at the time that the move might be linked to the administration’s effort to secure a new transfer agreement.

Biden administration officials defended Oman’s actions, noting that the kingdom had never committed to hosting former Guantánamo detainees “indefinitely.”

“In some ways,” one U.S. official told The Washington Post last year, “you could say they’re making room.”

Israel and Palestine

Israel helps former soldier leave Brazil over investigation into alleged war crimes in Gaza (AP News) By Sam Mednick and Wafaa Shurafa

January 6, 2025

Israel has helped a former soldier leave Brazil after legal action was initiated against him by a group accusing Israelis of war crimes in the Gaza Strip based in part on soldiers’ social media posts.

Israel’s Foreign Ministry on Sunday said it had helped the former soldier safely leave Brazil on a commercial flight after what it described as “anti-Israel elements” sought an investigation last week. It warned Israelis against posting on social media about their military service.

The Hind Rajab Foundation, named for a 5-year-old Palestinian girl killed in Gaza, said Brazilian authorities had launched an investigation into the soldier after it filed a complaint based on video footage, geolocation data and photographs showing him taking part in the demolition of civilian homes.

The foundation described the move as a “pivotal step toward accountability for crimes committed in Gaza” during nearly 15 months of war.

There was no immediate comment from Brazilian authorities. Brazilian media reported Saturday that the investigation was ordered by an on-call federal judge in Brazil’s Federal District. The decision was issued on Dec. 30 but first reported over the weekend.

Israel has faced heavy international criticism over its war against Hamas in Gaza, with the International Criminal Court issuing arrest warrants for Prime Minister Benjamin Netanyahu and his former defense minister. The International Court of Justice is separately investigating genocide allegations.

The Brazil case raised the prospect that rank-and-file Israeli troops could also face prosecution while abroad.

Israel rejects the international allegations, saying its forces in Gaza are acting in accordance with international law and that any violations are punished within its judicial systems. It blames Hamas for civilian deaths, saying the militant group conceals tunnels and other infrastructure in residential buildings, necessitating their demolition.

Throughout the war, Israeli soldiers have posted numerous videos from Gaza that appear to show them rummaging through homes and blowing up or burning residential buildings. In some, they chant racist slogans or boast about destroying the Palestinian territory.

The war began when Hamas-led militants stormed into southern Israel on Oct. 7, 2023, killing some 1,200 people, mostly civilians, and abducting around 250. Some 100 hostages are still inside Gaza, at least a third believed to be dead.

Israel’s offensive has killed over 45,800 Palestinians in Gaza, according to local health officials. They say women and children make up over half the dead but do not distinguish between civilians and militants. Israel says it has killed over 17,000 militants, without providing evidence.

Israeli airstrikes on Sunday killed five people in the Nuseirat refugee camp in central Gaza, four in the southern city of Khan Younis and three in Bureij refugee camp in central Gaza, according to health workers. Gaza’s Health Ministry said at least 88 people had been killed in the past 24 hours.

Israel’s military in a statement said it struck a Hamas command center in Khan Younis and an Islamic Jihad militant in Deir al-Balah.

The war has caused widespread destruction in Gaza and displaced around 90% of the population of 2.3 million people, with many forced to flee multiple times.

Israeli forces kill Palestinian security member In the Israeli-occupied West Bank, Israeli forces killed a member of the

Palestinian security services, calling him a wanted militant.

Israel's paramilitary Border Police said Sunday they carried out an operation in Meithaloun village overnight to arrest Hassan Rabaiya. They said he was killed in a shootout while trying to escape. Israeli authorities released helmet-cam footage that showed police blowing up what they called an explosives lab in his home.

The Palestinian security services identified Rabaiya as a first lieutenant in its Preventive Security force, saying he was killed while "performing his national duty."

Meithaloun is near the West Bank city of Jenin, an epicenter of Israeli-Palestinian violence. The Palestinian Authority has been waging a rare crackdown on militants in Jenin, angering many Palestinians.

Separately on Sunday, the Palestinian Health Ministry in the West Bank said a 17-year-old boy was killed by Israeli gunfire in the urban Askar refugee camp in Nablus. The military said individuals hurled explosives at soldiers operating in the area, who then opened fire and hit one of them.

The internationally recognized Palestinian Authority exercises limited autonomy in parts of the West Bank and cooperates with Israel on security matters. But Israel has long accused it of inciting violence and turning a blind eye to militants, while Palestinian critics view it as a corrupt and ineffective body that aids the occupation.

The West Bank has seen a surge of violence during the war in Gaza. Israel captured both Gaza and the West Bank, as well as east Jerusalem, in the 1967 Mideast war, and the Palestinians want all three territories for their future state.

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ASIA

Afghanistan

SAS had golden pass to get away with murder, inquiry told (BBC) By Joel Gunter, Hannah O'Grady, and Rory Tinman
January 7, 2025

A former senior UK Special Forces officer has told a public inquiry into alleged war crimes in Afghanistan that the SAS had a "golden pass allowing them to get away with murder".

The accusation was published by the Afghanistan Inquiry on Wednesday as part of a release of material summarizing seven closed hearings with members of UK Special Forces.

The senior officer was one of several who registered concerns back in 2011 that the SAS appeared to be carrying out executions and covering them up.

The inquiry, which is examining night raids by UKSF between 2010 and 2013, follows years of reporting by BBC Panorama into allegations of murder and cover up by the SAS.

In one email from the time, the officer wrote that the SAS and murder were "regular bedfellows" and described the regiment's official descriptions of operational killings as "quite incredible".

Asked by the inquiry during the closed hearings whether he stood by his assertion that the SAS's actions amounted to murder, the officer replied: "Indeed."

Pressed by the inquiry counsel about his decision not to report his concerns further up the chain of command in 2011, he said

he regretted his lack of action at the time. He agreed that there had been a "massive failure of leadership" by UK Special Forces.

The senior officer was one of several who gave evidence to the inquiry behind closed doors in 2024.

Only the inquiry team and representatives from the Ministry of Defence have been allowed to attend the closed hearings. The public, members of the media, and lawyers for the bereaved families are not allowed to be present.

The material released on Wednesday summarizes the testimony from these hearings. Taken together, the documents – totaling hundreds of pages – paint a picture of the SAS's arrival in Afghanistan in 2009 and the aggressive way in which pursued the Taliban.

Senior special forces officers told the inquiry of deep concerns that the regiment, fresh from aggressive, high-tempo operations in Iraq, was being driven by kill counts – the number of dead they could achieve in each operation.

Another senior officer who gave evidence was asked whether he stood by his concerns in 2011 that the SAS was carrying out extra-judicial killings.

"I thought and think that on at least some operations [the SAS] was carrying out murders," he said.

A junior officer who also gave evidence to the inquiry behind closed doors described a conversation in which a member of the SAS who had recently returned from Afghanistan told him about a pillow being put over the head of someone before they were killed with a pistol.

"I suppose what shocked me most wasn't the execution of potential members of the Taliban, which was of course wrong and illegal, but it was more the age and the methods and, you know, the details of things like pillows," the junior officer said.

He clarified that some of those killed by the SAS had been children, according to the conversation he relayed. Asked by the inquiry counsel if he meant some of those killed would be as young as 16, he replied: "Or younger 100%".

The junior officer told the inquiry that he feared for his safety should his name be linked to testimony that the SAS had been allegedly murdering civilians.

These special forces officers were part of a small group that was privately raising doubts back in 2011 about the veracity of SAS operational reports coming back from Afghanistan.

In one email, one of the senior officers wrote to another senior colleague: "If we don't believe this, then no one else will and when the next WikiLeaks occurs then we will be dragged down with them."

As well as believing that the SAS may have committed murders, the two senior special forces officers described in their emails what they viewed as a cover-up in Afghanistan. The second officer told the inquiry chair: "Basically, there appears to be a culture there of 'shut up, don't question'."

At the time, support staff in Afghanistan were skeptical about the SAS's accounts of their operations, judging them not credible.

But rather than taking the concerns seriously, a reprimand had been issued "to ensure that the staff officers support the guys on the ground", another senior special forces officer wrote.

He told the inquiry that in the eyes of the Special Forces' commanding officer in Afghanistan, the SAS could do no wrong, and described the lack of accountability for the regiment as "astonishing".

The documents released on Wednesday also reveal new details about an explosive meeting in Afghanistan in February 2011, during which the Afghan special forces that partnered the SAS angrily withdrew their support.

The meeting followed a growing rift between the SAS and the Afghan special forces over what the Afghans saw as unlawful killings by members of the SAS.

One Afghan officer present at the meeting was so incensed that he reportedly reached for his pistol.

Describing the meeting in a newly released email, the UK Special Forces officer wrote: "I've never had such a hostile meeting before – genuine shouting, arm waving and with me staring down a 9mm barrel at one stage – all pretty unpleasant."

After intervention from senior members of UKSF, the Afghan units agreed to continue to working alongside the SAS. But it

would not be the last time they withdrew their support in protest.

"This is all very damaging," the special forces officer concluded his email.

SAS accused of war crimes in Afghanistan by rival unit chief (The Telegraph) By Robert Mendick
January 8, 2025

Special forces have been accused of a "deliberate policy" of executing Afghan civilians, including children, by an officer from a rival unit.

In evidence given to a public inquiry into suspected war crimes in Afghanistan, the soldier said an allegedly rogue special forces unit had targeted all males of fighting age, including under 16s, even if they posed no threat to troops.

The whistleblower – known only by the cipher N1799 – told the inquiry that he believed unit UKSF1 had carried out an "illegal" policy of targeting "everybody" on operations.

His commanding officer from rival unit UKSF3 also gave evidence and said he had been told by the whistleblower that UKSF1 had "committed multiple instances of murder", the inquiry investigating extrajudicial killings in Afghanistan between 2010 and 2013 heard.

The special forces whistleblower said UKSF1 had carried out the "flat packing" murders of civilians.

In the first evidence of its kind, the officer said he was told that a pillow "had been put over the head" of an Afghan in at least one case, before he was "killed with a pistol", the inquiry heard.

Unit had 'Pulp Fiction nickname for dropped weapons'

The soldier said he was also informed that members of the allegedly rogue special forces unit "dropped" weapons next to their victims "to give the impression that a deceased individual had been armed when shot", the inquiry heard.

A planted weapon was known colloquially among troops as a "Mr Wolf", in reference to a character in the Quentin Tarantino film Pulp Fiction, who is hired to "solve problems".

The witness told the Afghanistan inquiry that he learnt of the alleged war crimes from a soldier in the accused unit UKSF1 while on a joint training exercise in March 2011.

He also said he feared he would be branded a traitor if he came forward, in evidence heard by the inquiry behind closed doors and released on Wednesday by Lord Justice Haddon-Cave, the inquiry chairman.

N1799 gave a statement in 2011 to his then-commanding officer with UKSF3, who told the inquiry in a separate evidence session that he did not raise the claims with his counterpart in UKSF1 because he believed reporting allegations of murder may have been seen as "mud-slinging".

The commanding officer, known to the inquiry as N1785, said the relationship between his unit and the accused unit was "at times fractious and certainly competitive". He also described the relationship between UKSF1 and UKSF3 as at times "unhealthy".

The allegations, contained in documents released by the inquiry, will raise serious questions about whether extrajudicial killings were covered up by military leaders, defence ministers and senior officials over more than a decade.

The public inquiry into alleged SAS war crimes in Afghanistan was launched after a BBC Panorama investigation.

Johnny Mercer, the former veterans minister, has previously told the inquiry he raised concerns during his time in government but that his warnings were ignored.

Afghan families have accused UK special forces of conducting a "campaign of murder" against civilians, while senior officers and personnel at the Ministry of Defence "sought to prevent adequate investigation".

Whistleblower 'feared for wellbeing'

No charges were brought under Operation Northmoor – which was set up in 2014 to examine allegations of executions by special forces, including those of children.

A further Royal Military Police investigation, codenamed Operation Castro, saw three soldiers referred to the Service

Prosecuting Authority, but none was prosecuted.

The whistleblower N1799 told the inquiry he feared for his personal wellbeing when he made the allegation against UKSF1, adding: "I still do now."

N1799 was asked in the closed session of the inquiry if he thought there may have been a "deliberate policy of UKSF1 killing all fighting age males irrespective of whether they posed a threat".

The witness said a note provided to officers on a conversation had with a soldier from the allegedly rogue unit – known as N1201 – made at the time, was not as "graphic" as what they had actually said.

A partial transcript of the hearing read: "I don't want to just sit here and make stuff up but I just know that it felt more shocking than, I mean, look it's not great reading, obviously it's shocking reading this, but I just feel it was slightly more graphic... words that have been used about killing were like 'flat packing', 'flat packing them'... they're quite normal in the military world."

N1799 also told the inquiry that he was aware of rumours involving UKSF1 using the "dropped weapons". He said a "dropped weapon" was known as "Mr Wolf".

Oliver Glasgow KC, counsel to the inquiry, asked: "When you heard it described as a 'Mr Wolf', was that used by one person or by more than one person or can you not remember?"

The whistleblower said at least two or three people had used the term.

'Fighting-age males executed on target'

In a statement written by the whistleblower in March 2011, which has been handed over to the inquiry, he stated: "It was also indicated that 'fighting-age males' were being executed on target, inside compounds, using a variety of methods after they had been restrained.

"In one case it was mentioned a pillow was put over the head of an individual before being killed with a pistol. It was implied that photos would be taken of the deceased alongside weapons that the 'fighting-age male' may not have had in their possession when they were killed."

Giving evidence to the inquiry, the whistleblower was asked what denoted "a fighting-age male" and answered it could mean "100 per cent" younger than 16.

The commanding officer of the whistleblower's unit made a written record of their conversation. N1785 told the inquiry he also met with the Director Special Forces (DSF) in person.

He said he had documented the allegations because he felt that "committing to writing in effect compelled the [DSF] to act".

He claimed the DSF at the time "took a long time to come to decisions".

He said in evidence: "I thought that the fastest route to compelling him to conduct some kind of investigation was to put my concerns in writing."

N1785 added that he did not know if there had been "unlawful activity".

"I had this supposed third-hand account which appeared to give credibility to the [UKSF3] concern over several of the SINCREPs [serious incident reports] that were being reported at the time for operations in Afghanistan," he said.

"In my mind there was one of two things happening. Either the [sub unit] was using some ill-advised techniques, which was resulting in people dying who didn't need to die or shouldn't die or there was illegal activity on target, and what I wanted to press to the DSF is: 'You need to investigate this one way or another.'"

The hearing was told that a secure compartment was created into which the written document supplied by N1785 was retained. It was said that this was to protect N1799 and also to ensure that there was a record of who knew about the information.

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AMERICAS

Venezuela

Argentina takes Venezuela to International Criminal Court (Buenos Aires Times) January 2, 2025

President Javier Milei's government has filed a complaint against Venezuela at the International Criminal Court (ICC) over the arrest of an Argentine Gendarme (Border Guard) at the centre of a diplomatic row.

The "arbitrary detention and forced disappearance" of Nahuel Agustín Gallo constitutes "a serious and flagrant violation of human rights, demonstrating a systematic pattern of crimes against humanity" that were "clearly under the jurisdiction" of The Hague-based ICC, said Argentina's Foreign Ministry in a statement issued Thursday.

"This fact constitutes a grave and flagrant violation of human rights, evidencing a systematic pattern of crimes against humanity being committed in the Bolivarian Republic of Venezuela, which are clearly under the jurisdiction of the ICC," it argued.

"The Argentine government will continue to use all legal and diplomatic resources to guarantee the rights of Nahuel Gallo, to protect human rights and to demand international justice," it concluded.

Venezuela's chief prosecutor Tarek William Saab announced last week that the 33-year-old, who was arrested on December 8, would be charged with "terrorism," fuelling tensions between Caracas and Buenos Aires.

Saab said that Gallo was being investigated for allegedly belonging to "a group of people who attempted to carry out a series of destabilising and terrorist actions from our territory and with the support of international far-right groups."

Diosdado Cabello, the powerful interior minister, claimed that Gallo "wanted to infiltrate" the country.

The Milei government said Gallo, a lieutenant corporal in the Gendarmerie, travelled to Venezuela from Colombia to see his girlfriend and their child and spend the end of year holidays with them.

'Big lie'

Argentina's Foreign Minister Gerardo Werthein called the Venezuelan allegations "a big lie," while Security Minister Patricia Bullrich said that Gallo "entered Venezuela in a completely legal manner."

President Milei has called Gallo's detention an "abduction," while branding left-wing Venezuelan President Nicolás Maduro a "criminal dictator."

Buenos Aires has recognised Maduro's opponent Edmundo González Urriutta in the widely disputed July 28 presidential election as the winner, prompting Caracas to cut diplomatic ties.

Several members of the Venezuelan opposition, linked to banned leader María Corina Machado, have taken refuge in the Argentina's Embassy in Caracas, over which Brazil has temporarily taken custody.

Six Venezuelan opposition figures entered the embassy to escape "terrorism" accusations. Five of them remain inside.

Gallo is unable to get consular visits because Venezuela in July kicked out diplomatic staff from Argentina and six other Latin American countries after their governments questioned Maduro's claimed re-election victory in disputed elections.

A federal court in Mendoza Province last week urged Caracas to provide information on Gallo's whereabouts, denouncing his "forced disappearance" and considering that the case fell under the principle of "universal jurisdiction."

UN warning

Venezuelan authorities must respect people's rights to life, liberty and personal security in the run-up to the start of Maduro's

third term on January 10, UN experts said this week.

Venezuelan opposition leaders have called on their supporters to prepare mass protests in connection with Maduro's inauguration following last July's contested elections.

"We strongly call upon the authorities to ensure that the rights to peaceful protest and free expression be exercised without fear of reprisal," Marta Valinas, chair of the UN's Independent International Fact-Finding Mission on Venezuela, said in a statement.

"We remind security forces responsible for maintaining public order that they should adhere to the strictest international standards on the use of force," she said.

"Any violations of rights must be promptly, thoroughly, and impartially investigated and prosecuted by independent courts, with full respect for due process."

The statement highlighted that the fact-finding mission had documented the violent repression of the protests that erupted after Maduro was declared the winner in the July 28 elections, despite results published by the opposition appearing to show their candidate won by a landslide.

The crackdown on the protests left 28 dead, around 200 injured, and more than 2,400 under arrest, sparking what the mission described as "one of the most acute human rights crises in the country's recent history."

Only a handful of countries, including Venezuelan ally Russia, have recognised Maduro as the winner.

With more demonstrations planned around Maduro's inauguration, fact-finding mission member Francisco Cox warned that Venezuela's "repressive apparatus remains fully operational."

"Between August and December 2024, authorities detained at least 56 political opposition activists, 10 journalists, and one human rights defender," he pointed out.

"Those who order arbitrary detentions and the imposition of torture or other ill-treatment, as well as those who carry them out, bear individual criminal responsibility."

The fact-finding mission pointed to the latest figures from the Foro Penal NGO indicating that 1,849 people remain detained for political reasons in Venezuela.

"Hundreds remain in prison under degrading conditions, subjected to torture, as well as inhuman, cruel, and degrading treatment," the statement said, warning that "new individuals are detained daily."

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TOPICS

Gender-Based Violence

An Iraqi couple is charged in Germany with keeping and abusing Yazidi girls as slaves (ABC News) December 30, 2024

Germany's federal prosecutor on Monday charged an Iraqi couple with enslavement, torture and war crimes, alleging they kept two young Yazidi girls as slaves and sexually and physically abused them.

The man and the woman, identified only as Twana H.S. and Asia R.A. in line with German privacy rules, were arrested in Bavaria in April.

The were members of the Islamic State group in Iraq and Syria between October 2015 and December 2017, the prosecutor said in a statement. They allegedly kept a 5-year-old Yazidi girl as a slave starting in late 2015, and a 12-year-old from October 2017.

Prosecutors alleged that the man raped both girls repeatedly and that the woman prepared the room and put makeup on one of the girls.

The couple also exerted “harsh physical violence” on the girls, who were prevented from practicing their own religion and coerced into household work and childcare, prosecutors said.

The man on one occasion allegedly hit the older girl with a broomstick, the woman is accused of scalding the younger girl’s hand with hot water and both children were repeatedly forced to stand on one leg for half an hour as punishment.

Before they left Syria in November 2017, the suspects handed the girls over to other members of IS, the prosecutor’s statement said.

“All of this served the organization’s objective to destroy the Yazidi religion,” the statement said.

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Commentary and Perspectives

Frail Egos And Sandpit Colonialism: Australia, The United States And Invading Iraq – OpEd (Eurasia Review) By: Binoy Kampmark

January 4, 2025

Former Australian Prime Minister John Howard is in the news again. The release of Australian cabinet documents from 2004 – a supposed treat for historians of Australian history each new year – has been given a typically modest, calm and boringly anodyne treatment in media outlets.

One topic featured should have caused continued sharp intakes of breath and stirs of indignation: Australia’s participation in the invasion of Iraq in March 2003. Led by the United States with clinging support from the United Kingdom and Australia, ostensibly to disarm Saddam Hussein’s regime of biological, chemical and dare it be said, possible nuclear weapons, was a crude example of buccaneering, criminal adventurism. It was illegal, lacking the approval of the United Nations Security Council. It was almost certainly a crime against the peace, a higher offence developed by drafters and judicial authorities during the Nuremberg war crimes trials of 1945-6.

The words of US chief prosecutor at Nuremberg, Robert H. Jackson, delivered in his opening statement to the International Military Tribunal in November 1945, are all too pertinent. While Nazi Germany is the target of his address, the US-led coalition can do just as well as substitutes: “That attack on the peace of the world is a crime against international society which brings into international cognizance crimes in its aid and preparation which otherwise might be only internal concerns. It was aggressive war, which the nations of the world had renounced.”

This vast hinterland of venality, incompetence, and indifference to international law – the very sort of things countries such as the United States and Australia hyperventilate over when concerning adversaries – should have received more comment. The issue of Iraq in the 2004 cabinet release receives some mention in David Lee’s rather skimpy overview, perhaps unsurprising given that he occupies the position of National Archives of Australia Cabinet Historian.

In a comment to Guardian Australia, however, Lee makes a suggestion that should make the blood of service personnel and Australia’s citizenry boil. “The balance of evidence we’ve seen from the cabinet records from 2003 and 2004 indicate that weapons of mass destruction is not the casus belli – the cause of war – for Australia, but rather Australia’s desire to strengthen the US alliance.” Put another way, the commitment was, as have most Australian commitments to war been over its short history, a matter of impressing others.

The released documents do reveal that the Howard government, through its National Security Committee (NSC) of key ministers, had approved the deployment of forces three months prior to the official authorisation of Australia’s involvement on March 18, 2003, and began planning for it from August 2002 onwards. This meant that Australia, along with the US and UK, had long given up on getting a UN Security Council resolution authorising an invasion, let alone waiting for the findings

from ongoing UN weapons inspectors.

This hideous sense of a chugging, unstoppable train to war is evident in the admission on the part of Australian Foreign Affairs Minister, Alexander Downer, that the WMD issue was scratchy at best. A January 10, 2003 oral briefing on the efforts of the UN weapons inspectors drew a rueful observation: “there was no confidence that the inspection process would uncover clear evidence of continuing Iraqi weapons of mass destruction programmes”.

On February 10, 2004, the NSC met to discuss the release of a public version of a review by the Department of Defence of Iraq operations. The advanced deployment, above all else, had to be kept secret from the public, described in the minute as “the specific issue of public handling of when ADF action in Iraq commenced”. This had an added urgency, given that the Bush administration had, by January 2004, conceded that launching a war to disarm a state of its weapons of mass destruction (WMD) had been without merit. The Howard government not only risked having its mendacity exposed, but its competence questioned.

Showing that old dogs (and dogmas) are beyond learning new tricks, Howard remains unmoved and unenlightened by his role in this bloody affair. Last November, ahead of the release of the cabinet papers, he merely admitted to being disappointed by the failure of US intelligence assessments he refused to question. He still “tenaciously” maintained “that the decision was taken in good faith, based largely on what was called a national intelligence assessment.”

When considering such assessments, the former PM continues to prove slippery. “I knew from earlier examinations that there had been a failure to find stockpiles, in other words, the physical weapons, although there was plenty of capacity through programs to develop them rapidly.” When a failure to find something is paired with the capacity to develop it, its absence becomes irrelevant. The capacity to develop a weapon becomes the equivalent of hypothetically having it.

As if hearing the sound of a distant arrest warrant being rustled up in The Hague, Howard concludes that, “We were wrong, in fact, but not maliciously.” Like the fate that was to cruelly befall so many Iraqis and those in the broader Middle East, such a claim lacks legs, arms, or any limbs for that matter. It is also impossible to reconcile with the hardboiled zealotry that marked Washington’s desire to redraw the Middle East in a fit of forced democratisation.

The journey into Mesopotamia was a blind mission of assumption and presumption: the instant, easeful discovery of WMDs in the possession of a madman previously feted by the West; the creation of a transitional authority without hiccup, despite a wholesale dismantling of the Baathist state. Neither eventuated. The invaders were sandpit colonialists, poorly costumed to reenact the glory days of European empires in the Middle East with trimmed forces and smaller budgets. What makes Australia’s own involvement even worse, was that the reason to go to war lay less in an international security threat than a weak ego and reputational yearning: to be cringingly worthy to Washington.

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WORTH READING

Reparations for Corporate Involvement in War Crimes: The Lundin Trial and Prospects for Victims’ Justice (Business and Human Rights Journal)

By: Fanny Holm

January 2025

Abstract: In September 2023, the trial at Stockholm District Court against Orrön Energy (previously Lundin Energy) and two corporate directors for complicity in war crimes in Sudan between 1999 and 2003, started. The Lundin case is part of a trend of attempts to hold corporations criminally accountable for their alleged involvement in serious human rights abuses and provides a unique opportunity to assess the possibilities of such attempts in relation to the rights of the victims. This article analyzes how human rights obligations and the objectives of reparations for victims are satisfied by Swedish law and practice in the Lundin trial. It shows that while the law allows victims participating in trial to put forward civil claims, it denies this right to the large number of victims not participating, and the decision early in the Lundin proceedings to separate damage claims from the criminal trial has left the participating victims effectively denied reparations.

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