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**War Crimes Prosecution Watch**

**Volume 20 - Issue 16**  
**January 22, 2025**

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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](mailto:warcrimesswatcheditors@case.edu) and type "subscribe" in the subject line.

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## AFRICA

### NORTH AFRICA

#### Libya

##### **Libyan general released after arrest in Turin on ICC warrant for alleged war crimes (The Guardian)** January 21, 2025

A Libyan general wanted for alleged war crimes and violence against inmates at a prison near Tripoli has been arrested in the northern Italian city of Turin – and then released after an apparent mistake by prosecutors.

Osama Najim, also known as Almasri, was detained on Sunday on an international arrest warrant after a tipoff from Interpol, a source at the prosecutors office for the Piedmont region confirmed.

But Rome's court of appeal did not validate the warrant issued by the international criminal court (ICC) after the arrest was declared to be "irregular" by the city's attorney general because it had not been preceded by discussions with Italy's justice minister, Carlo Nordio.

"As a result, the conditions for validation are not met and, consequently, a request aimed at the application of the precautionary measure results in the immediate release of the person received," according to the court order reported by the news agency Ansa.

Nordio said earlier on Tuesday that he was evaluating the transmission of the ICC's request to Rome's attorney general.

La Stampa reported that Najim, who was wanted by the ICC for alleged war crimes and crimes against humanity, as well as alleged rape and murder, is already on his way back to Tripoli.

He was reportedly chief of Libya's judicial police and director of Mitiga prison, a facility close to Tripoli condemned by human rights' groups for the arbitrary detention, torture and abuse of political dissidents and migrants and refugees. It is not clear whether he is still in either role.

He was arrested on Sunday at a hotel in Turin. He was in the northern Italian city for a football match on Saturday between Juventus and AC Milan accompanied by other Libyans, according to reports in the Italian press.

The NGO Mediterranean Saving Humans wrote on X that the arrest "came after years of complaints and testimonies from victims, sent to the international criminal court, which conducted a difficult investigation".

Nello Scavo, a journalist on the Italian newspaper Avvenire, wrote about the general in his book, *Le Mani sulla Guardia Costiera*, in which he described him as being "among the figures capable of blackmailing Italy and Europe with boats". In the

book, Scavo alleged that Najim illegally transferred migrants “from both unofficial and official places of detention in Tripoli to the Mitiga facility, for the primary purpose of using them for forced labour as a form of slavery”.

The Libyan judicial police reportedly condemned what they described as Najim’s “arbitrary detention”, calling his arrest an “outrageous incident” on Facebook.

The arrest puts the spotlight on a controversial pact between Italy and Libya, signed in 2017 and renewed every three years. The deal, approved by the European Council, involves Italy funding and equipping the Libyan coastguard to prevent boats of refugees leaving the north African country. Humanitarian groups have criticised it for pushing people back to detention camps where they face torture and other abuses.

In November 2022, the European Centre for Constitutional and Human Rights (ECCHR), a German NGO, filed a criminal complaint at the ICC against several high-profile European politicians for allegedly conspiring with Libya’s coastguard to illegally push back people trying to cross the Mediterranean Sea in search of refuge in Europe.

Scavo told the Guardian that many testimonies from migrants and refugees presented to the ICC had provided evidence for the investigation into Najim. “It would be a turning point if a trial could be opened before the ICC, but I fear that many countries are afraid of what he might say, because these are representatives of authorities who have relations with Italy, with Malta and in general with Europe,” he said.

The hardline immigration policies of Georgia Meloni’s government, including a similar deal with Tunisia, are at least partly credited for the sharp decrease in refugees crossing from north Africa in 2024.

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## CENTRAL AFRICA

### Sudan & South Sudan

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

**US sanctions Sudan army leader, citing atrocities (Voice of America)** By: Anita Powell  
January 16, 2025

Washington has slapped sanctions on Sudan's army leader, citing his responsibility for war crimes in a conflict that has bled the oil-rich country dry over the last year — sparking a famine, killing tens of thousands of people and driving millions from their homes — just a week after the U.S. sanctioned his opponent for acts it described as genocide.

Thursday's sanctions on Sudanese Armed Forces leader Abdel Fattah al-Burhan and a Hong-Kong-based weapons supplier block them from entering or transiting the United States and restrict their access to any U.S. assets.

This leaves both sides economically restrained in this brutal conflict that the State Department has described as the world's worst humanitarian crisis, but where Washington's options are limited because of its strained diplomatic ties to the large African nation. This conflict also has drawn in outside players, with Egypt and the United Arab Emirates arming the rivals.

During his final press conference on Thursday, Secretary of State Antony Blinken accused the SAF of war crimes. In last week's sanctions, the State Department accused the opposing Rapid Support Forces of genocide.

"The SAF has also committed war crimes, and it continues to target civilians," Blinken said. "It's obstructed the advancement of the peace process. It's refused to participate on numerous occasions in ceasefire talks that we've sought to convene, and together with the RSF, it's caused what is the world's worst humanitarian crisis that people are suffering through every day. And we believe strongly, as we said, there's no military solution to this conflict."

'Flawed' action, Sudan says

Sudan's government expressed its objection to the sanctions, calling them "flawed," "unethical" and "dubious."

"This decision lacks the basic principles of justice and objectivity, relying on implausible pretexts," read its statement, which was posted on social media platform X. "It also reflects a blatant disregard for the Sudanese people, who stand firmly united behind General Abdel Fattah al-Burhan as a symbol of their sovereignty and armed forces, and as a courageous leader in the battle for dignity against the terrorist Janjaweed militias." Blinken did not address U.S. media reports citing anonymous U.S. officials that the SAF has used chemical weapons at least twice. VOA's query to the National Security Council went unanswered Thursday.

When asked by reporters whether both sides were equally responsible, Blinken replied, "The actions we took on the RSF, as you know, found a determination of genocide. The actions that we're looking at for the SAF go to war crimes. So there are gradations in these things, and we follow the law."

And Blinken expressed regrets that this conflict has escalated. It has followed many of the same contours as the Darfur conflict at the turn of the century.

"It is, for me, yes, another real regret that when it comes to Sudan, we haven't been able on our watch to get to that day of success," he said.

He added, "We'll keep working it for the next three days, and I hope the next administration will take that on as well."

Hemedti sanctioned

Last week's sanctions targeted RSF leader Mohammad Hamdan Daglo, whom the White House named as the leader of a wave of renewed ethnic cleansing, rape and systematic atrocities.

Daglo, who is better known by his nickname, Hemedti, was a commander in the Janjaweed militia considered largely responsible for the brutal Darfur conflict, in which Sudanese Arab Janjaweed militias used scorched-earth tactics on the Fur, Masalit and Zaghawa people of Western Sudan, killing at least 200,000. The scale and savagery of the violence prompted the International Criminal Court to issue its first-ever warrant for genocide to Sudan's then-president, Omar al-Bashir.

Hemedti led the RSF as a paramilitary unit until the April 2023 clash with government forces that sparked the current conflict.

The violence has plunged nearly 640,000 people into the misery of famine, the State Department said. And the United Nations estimates that 30 million people — more than half of the nation's population — need humanitarian assistance.

Daniel Volman, director of the African Security Research Project, told VOA it's "unlikely" that the incoming Trump administration will impose further sanctions. He said the U.S. and its allies bear some responsibility for "the conflict escalating to genocidal heights."

"I think that the United States, under both Democratic and Republican administrations, bears a major responsibility for failing to take effective action against the Bashir regime [which created the RSF and carried out the first genocide in Darfur] and for failing to take effective action to support the civil society groups fighting for a democratic government, which led to the current civil war," he said by email. "The United States is not alone in bearing responsibility. Russia, Iran and other countries are also arming the rival forces and prolonging the conflict."

Complicating factor

And, Volman said, the Biden administration's decision to sanction some of Hemedti's foreign backers by targeting companies based in the United Arab Emirates is also a complicating factor.

"The involvement of Egypt and the UAE in arming the rival forces and prolonging the civil war will complicate the Trump administration's relations with these two key allies and may lead them to expand and escalate their military intervention in Sudan," he said.

Andrew Payne, a lecturer in foreign policy and security at City, University of London, told VOA that for now, sanctions are the main tool that Washington has to constrain Khartoum.

"Sanctions are an easy tool that make it appear like an administration is doing something, regardless of whether that is an appropriate tool to use. It's relatively cost-free to the United States. If the alternative is something that requires political will, then that will have to be there. ... Sanctions are always the tool of cheapest resort, in a sense. So, it's a way of seeming like you're engaged, seeming like you're active, without considering more tougher measures," Payne said.

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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**

**Apple hit by Belgian probe over 'blood minerals' from Congo (Financial Times)** By David Pilling, Alice Hancock, and Michael Acton  
January 20, 2025

Belgium has started a criminal probe into allegations that Apple has knowingly sourced “blood minerals” from the Democratic Republic of Congo, in what lawyers for the central African country have called a “massive laundering and greenwashing operation”.

In December, the DRC filed criminal complaints in Belgium and France against subsidiaries of the US tech group, alleging they used minerals supplied by armed groups committing atrocities in eastern Congo.

Lawyers acting for DRC said prosecutors in Belgium had last week appointed an investigative judge — who oversees the investigation and is in charge of issuing arrest warrants, wiretaps and raids — to probe the case. They were still awaiting a decision from France, where the process was slower.

“This is the first step which shows that the prosecutor takes the case very seriously,” said Christophe Marchand, the lawyer who prepared the case in Belgium, which colonised Congo with catastrophic consequences in the early 20th century.

The Brussels prosecutors’ office did not respond to a request for comment. Apple said it “strongly disputes” the DRC’s claims and was “deeply committed to responsible sourcing of minerals” such as coltan, a critical mineral used in its iPhones and other electronics, of which more than half of global deposits are in Congo.

The criminal complaint alleges that Apple buys tantalum, an ore extracted from coltan, as well as tin, tungsten and gold — the so-called 3TG minerals — from mines whose profits stoke war in eastern DRC and promote child labour and environmental degradation. Millions of people have been displaced in fighting in which rape and killing of civilians is common.

Many of the minerals are certified to have come from mines in non-conflict areas or from Rwanda. But the complaint alleges that the so-called “bagging and tagging” certification process on which Apple and other electronics giants rely is deeply flawed and that minerals labelled as coming from Rwanda are, in fact, sourced from Congolese mines.

“There is no tech company on Earth that doesn’t know that everything purchased from Rwanda is 90 per cent sure to be Congolese,” Robert Amsterdam, whose law firm is representing DRC, told the Financial Times.

In a report this month, the UN said Rwandan-backed rebels in eastern DRC “fraudulently exported” at least 150 metric tons of coltan to Rwanda last year, leading to what it called “the largest contamination” of the region’s mineral supply chain on record.

M23 rebels — which the UN, US, EU and Congo say are backed by Rwanda — had, the report stated, gained control over many of the most important mines, “establishing a parallel administration controlling mining activities, trade, transport and the taxation of minerals produced”.

Kigali has consistently denied backing M23 rebels or benefiting from what Kinshasa claims is the \$1bn a year it loses from smuggled minerals.

In a March 2024 filing with the Securities and Exchange Commission, Apple said: “We found no reasonable basis for concluding that any of the smelters or refiners of 3TG determined to be in our supply chain . . . directly or indirectly financed or benefited armed groups in the DRC.”

Apple said it had written to its suppliers in June 2024 telling them to suspend sourcing 3TG metals from either DRC or Rwanda. The company said it was concerned that it “was no longer possible for independent auditors or industry certification mechanisms to perform the due diligence required to meet our high standards”.

Amsterdam characterised the new sourcing decision as a smoking gun. “It’s an admission that the supply chains are basically infiltrated with bogus minerals,” he said.

Apple has sought to increase use of recycled minerals in its products, saying it aimed to source 100 per cent recycled cobalt for batteries by this year.

Separately, lawyers acting for DRC have sought to draw the EU into the fight against Apple by sending a letter to Ursula von der Leyen, president of the European Commission, depicting as a “farce” the bloc’s agreement with Rwanda, signed last February, on sustainable sourcing of critical minerals.

“The EU has signed an MOU with Rwanda on developing their 3TG mineral programmes when anybody with a high school education knows Rwanda doesn’t have the minerals,” Amsterdam said. “It isn’t just Apple but the EU itself that is engaged in this sophistry.”

A spokesperson for the commission said it was “seriously committed to ensuring transparency and traceability of the critical raw materials both on the bilateral and multinational level”.

One of the key aims of its agreement with Rwanda was “to reinforce the fight against illegal trafficking of minerals”, they added.

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## EUROPE

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

**Official Court Website [English translation]**

**Bosnia Charges Serb Battalion Commander with Deadly Village Attack (Balkan Insight)** By Lamija Grebo  
January 10, 2025

The Bosnian state prosecution announced on Friday that former battalion commander Jovan Kevac has been charged with crimes against humanity over an attack by Bosnian Serbn troops on the villages of Gonji and Donji Biljani, near the town of Kljuc, on July 10, 1992.

Around 250 Bosniak civilians were captured and killed in the attack. The remains of the victims were later exhumed from several mass graves.

A BIRN investigation in 2022, based on analysis of Hague Tribunal verdicts and documents, revealed that Kevac was one of the soldiers and policemen who had not yet been prosecuted for the crimes committed in Biljani.

While testifying at the trial of Bosnian Serb political leader Radovan Karadzic, who was convicted of the crimes committed in Kljuc, among other offences, Kevac admitted that a large number of Bosniaks were killed on July 10, 1992 in Biljani.

However, Kevac but claimed that “individuals and groups, who were beyond control, committed the brutal crime”, and that the perpetrators were immediately arrested.

The Hague Tribunal prosecution insisted that the crimes in Biljani were committed by members of the Bosnian Serb Army battalion under the command of Kevac and that he kept silent about the fact that he was the commander of that unit in order to avoid responsibility.

“No, that’s not true,” Kevac said in the courtroom. The prosecution then confronted him with a document from the Bosnian Serb Army, according to which he led the “clean-up” operation in Biljani. He described the prosecution’s evidence as “insinuations that I do not accept”.

**Bosnia Charges Serb Ex-Soldiers with Shooting Srebrenica Bosniaks (Balkan Insight)** By Hana Vranac  
January 13, 2025

The Bosnian state prosecution announced on Monday that it has filed an indictment charging Milan Jevtic, Rajko Calmic, Ostoja Perisic and Dejan Milanovic with the capture and execution of a group of 31 Bosniak men and boys who were shot at Jasikovaca after the fall of Srebrenica in July 1995.

The four indictees allegedly committed the crime while serving as battalion commanders and members of the Milic Light Infantry Brigade of the Bosnian Serb Army.

Perisic is also charged with the individual executions of survivors, and Jevtic and Milanovic with individually executing one prisoner each.

In July 1995, more than 7,000 Bosniak men and boys from Srebrenica were killed in a series of massacres by Bosnian Serb forces, and over 40,000 women, children and elderly people were expelled – a crime that was classified as genocide by the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice.

**Bosnia to Try Serb Ex-Soldier for Wartime Mass Execution (Balkan Insight)** By Hana Vranac and Selma Melez  
January 14, 2025

The Bosnian state court said on Tuesday that it has confirmed an indictment charging Radinko Stevanovic, a wartime member of the Third Battalion of the Bosnian Serb Army’s Zvornik Brigade, with participating in the execution of Bosniak civilians at a slaughterhouse in the town of Karakaj on June 8 and 9, 1992.

“The victims had previously been detained at the Culture House in Pilica before being taken in groups to the execution site under the escort of Stevanovic and others. At the slaughterhouse, the civilians were systematically killed,” the court said in a statement.

The court also said on Tuesday that it has confirmed a war crime indictment charging Radomir Maric, a member of a Bosnian Serb Interior Ministry special platoon in the town of Sokolac.

Maric is charged with participating in the abduction and killing of 22 Bosniak civilians from the settlement of Bukres in the Bijeljina municipality on September 24 and 25, 1992.

A court statement said that the victims were taken to a location along the River Drina and killed, “after which their bodies were thrown into the river”. Four victims’ bodies have never been found.

The prosecution has previously said that Maric is in Switzerland, where he has citizenship.

In another development on Tuesday, the state prosecution requested an extension of a custody order for suspect Alojz Vrbic after his war crimes indictment was confirmed.

Vrbic is accused of committing crimes against civilians in Zepce in 1993 and 1994 when he was a member of the military police of the Croatian Defence Council, HVO, the Bosnian Croat wartime force.

A previous prosecution statement claimed that Vrbic and six others were responsible for “war crimes against dozens of Bosniak civilians, who were illegally detained in improvised prison facilities – including torture, abuse, beatings and other inhumane treatment, as a result of which some people died”.

Prosecutor Ljubo Badnjar argued that Vrbic, who holds Croatian citizenship, could flee, and that detention is the only way to ensure his presence at trial.

The Bosnian state court also announced on Tuesday that it has confirmed an indictment charging Rajko Milic, Miodrag Pavlovic, Radenko Zaric, Vukasin Draskovic and Milan Tomic with genocide for aiding and abetting the organised killing of Bosniak men from Srebrenica who were detained in a sports hall in the settlement of Rocevic, near Zvornik, in July 1995.

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## Turkey

### **Turkey opposition leader to stand trial for inciting public hatred (Reuters)** By Ezgi Erkoyun

January 22, 2025

A Turkish court late on Tuesday ordered far-right Victory Party leader Umit Ozdag be held in custody pending trial on charges of inciting public hatred through social media, prompting widespread condemnation from opposition leaders.

Ozdag was detained on Monday for allegedly insulting Turkish President Tayyip Erdogan over comments in which he said "even crusades had not done as much damage to Turkey as Erdogan has."

In a post on his X account, Ozdag said arresting him means arresting the people he represents, people in need, patriots, and people who are opposing the latest developments in the country.

"Workers who had to survive on minimum wage, retirees living below the hunger threshold were arrested!...You can arrest me, but you cannot silence me without killing me!"

Ozgur Ozel, the leader of the main opposition Republican People's Party (CHP) protested the arrest of Ozdag, who declared support for CHP's presidential candidate in 2023 elections.

Ozel said the arrest decision is a murder of justice, a destruction of both democracy and judicial independence.

Istanbul Mayor Ekrem Imamoglu also protested Ozdag's arrest and said that this amounts to an intervention of politics in the judiciary.

"The mind that has signed these practices will surely succumb to the will of the people and will leave those seats. This is our promise to our nation," Imamoglu said in a post on X.

In a news conference following the decision, nationalist opposition Iyi Party leader Musavat Dervisoglu said the ruling party is trying to muzzle opposition parties by threatening, discrediting and intimidating them.

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## Azerbaijan

### **Azerbaijan: Authorities must ensure fair trial rights of Ruben Vardanyan and investigate claims of rights violations (Amnesty International)** January 17, 2025

Reacting to the start of a trial of Ruben Vardanyan, a former de facto State Minister in Nagorno-Karabakh, a breakaway region which Azerbaijan brought back under its full control in 2023, Marie Struthers, Amnesty International's Eastern Europe and Central Asia Director, said:

"The Azerbaijani authorities claim they have put Ruben Vardanyan on trial to ensure accountability for crimes of which they accused him. But by denying him his fair trial rights, they are doing the exact opposite of justice. Authorities must uphold and ensure the fair trial rights of Ruben Vardanyan."

"Ruben Vardanyan has raised serious allegations of human rights violations which include ill-treatment in detention, being coerced to sign falsified case materials and denied the opportunity to prepare his defence. Authorities must promptly, thoroughly, independently, impartially and effectively investigate these grave allegations and bring to justice those suspected to be responsible.

Ruben Vardanyan has raised serious allegations of human rights violations which include ill-treatment in detention, being coerced to sign falsified case materials and denied the opportunity to prepare his defence

Marie Struthers, Amnesty International's Eastern Europe and Central Asia Director "Authorities must provide Ruben Vardanyan full access to his lawyers, and adequate time and opportunity to prepare his defence.

"The international community must closely monitor this high-profile case, to ensure Ruben Vardanyan's fair trial rights and justice."

### Background

Ruben Vardanyan, a prominent businessman and philanthropist who moved to Nagorno-Karabakh in 2022 and became the de facto State Minister the same year, was detained by Azerbaijani authorities on 27 September 2023 amid the mass exodus of ethnic Armenians following Azerbaijan's military takeover. He has been held in detention since, and is reportedly facing multiple charges, including "financing terrorism" and "creating illegal armed groups."

In an open letter attributed to him and published in the media, he complains of numerous violations of his human rights, including the right to a fair trial. According to the letter, he has spent most of his detention in solitary confinement and punishment cells, deprived of basic hygiene, while facing pressure to sign backdated falsified documents, and being given only one month to familiarize himself and his defence with a vast cache of case materials in Azeri, a language he does not understand.

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## Russia

**UN accuses Russia of waging war of attrition against Ukraine (Voice of America)** By Lisa Schlein  
January 9, 2025

U.N. human rights experts have accused Russia of waging a war of attrition against Ukraine by pursuing a policy of mass destruction to crush the spirit of the nation.

A report issued by the Office of the High Commissioner for Human Rights, or OHCHR, Wednesday says that since Russia's invasion of Ukraine nearly three years ago, there has been "a dangerous escalation of hostilities," which has had a huge, injurious impact "on the civilian population."

U.N. Deputy High Commissioner for Human Rights Nada Al-Nashif, who presented the report to the U.N. Human Rights Council in Geneva, told the 47-member body that "September, in fact, marked the highest number of civilian casualties since July 2022."

Most civilian casualties, she said, were caused by "relentless attacks with aerial glide bombs, long-range missiles, and drones that contributed to the killing of some 574 civilians — an increase of 30% over the previous year."

"Russian bombardment damaged civilian infrastructure and water, heating and transportation services, including four major attacks on Ukraine's energy infrastructure since mid-November," she said.

The report covers the period from Sept. 1 to Nov. 30, 2024. It documents continued and increasing gross violations of international human rights law and serious violations of humanitarian law, "including possible war crimes."

"We are deeply concerned by the impacts on civilians of the increased use of drones and the use of new weapons during the reporting period," said Al-Nashif.

"Russian armed forces launched some 2,000 long-range drones in November alone, killing scores of people," she said. "We are also concerned about the potential increased use of anti-personnel landmines, due to the threats they pose to civilians, both now and long into the future."

The report documents "credible allegations" of executions of Ukrainian military personnel captured by Russian armed forces, noting that "summary executions constitute a war crime."

The OHCHR has verified the execution of 68 Ukrainian POWs captured by Russian armed forces. The office also has verified the summary executions of 170 civilians since Russia invaded Ukraine on Feb. 24, 2022, in areas controlled by Russian armed

forces, including in places of detention.

“Accountability for all of these killings is essential. Instead, there is almost total impunity,” Al-Nashif said.

The 26-page report also documents torture of POWs at the hands of Russian and Ukrainian armed forces, calling it “a violation of international law.”

However, the report says the torture and ill-treatment of prisoners of war carried out by Russian armed forces is far worse than it is for those captured by Ukrainian military personnel.

It describes the torture of Ukrainian men and women POWs by Russia subjected to severe beatings, electric shocks, sexual violence and other abuse as “widespread and systematic.”

While Russian prisoners of war held by Ukraine also “were subjected to torture and ill-treatment, from severe beatings to sexual violence and dog attacks,” the report notes the abuse occurred mostly in places of transit before reaching official places of internment.

“The high commissioner’s report lays bare the harrowing reality of Russia’s war against human rights and fundamental freedoms in Ukraine,” said Filipenko Yevheniia, Ukraine’s ambassador to the United Nations in Geneva.

“In the dead of winter, Russia has calculated strikes on power grids, water systems and heating infrastructure. They have left millions freezing in their homes, struggling without electricity or clean water,” she said in a statement. “These are not unintended consequences. These are deliberate acts of terror calculated to spread suffering, target the most vulnerable, and shatter the spirit of the nation,” she said.

Russia’s representative at the council sharply criticized what he called “the selective nature and the bias of the U.N.’s pseudo human rights defender in chief” who, he said produced a report that “hypocritically whitewashed the crimes” and numerous human rights violations in Ukraine.

“If you are so desperate to talk about Russia, then you should write about the daily shelling of Donetsk and Belgorod, of atrocities committed by Ukrainian thugs and Kursk terrorist acts on homes in various Russian regions,” said Evgeny Ustinov, first counsellor at the Russian Federation’s Permanent Mission in Geneva.

“The OHCHR clearly does not want to speak about the blatant discrimination against Russia and Russian speakers in Ukraine or about the harsh censorship, elimination of dissenters, extrajudicial executions, arbitrary detention ... and crimes committed by Ukrainians against peaceful civilians in Russian cities in the Donbas, Bucha, Belgorod and other oblasts of our country,” he said.

The U.S. representative disagreed with this assessment, describing the OHCHR’s documentation of Russia’s violations and abuses against Ukraine as “exemplary.”

“Next month will mark a cruel milestone, three years of Russia’s unjust and unprovoked war in Ukraine,” said Michele Taylor, the U.S. ambassador to the U.N. Human Rights Council.

“In those three years, we have seen Russia’s forces commit war crimes, and with other Russian officials, crimes against humanity,” she said, adding that “Russia must answer for all of its reprehensible and unlawful actions.”

Since Russia invaded Ukraine in February 2022, the OHCHR said, more than 12,300 civilians have been killed, including over 650 children, and more than 27,800 people have been injured. It said more than 700 medical facilities and 1,500 schools and colleges have been damaged or destroyed.

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## MIDDLE-EAST

# Syria

## **Germany charges Syrian with war crimes against Yazidis (Reuters)** By Rachel More

January 15, 2025

A high-ranking member of the Islamic State militant group in Syria has been charged with war crimes and crimes against humanity in Germany, partly for alleged involvement in the genocide against the Yazidi community, prosecutors said.

The suspect, a Syrian national identified as Ossama A. in line with German privacy law, joined Islamic State (IS) in the summer of 2014 in the Deir ez-Zor region of eastern Syria, the German prosecutor-general's office said in a statement.

It said he is suspected of having led a local unit that forcibly seized 13 properties, mainly privately owned, which were used to house fighters, as office space or for storage.

Two of the buildings were used by IS to imprison captured Yazidi women so that fighters could sexually abuse and exploit them, according to Wednesday's statement, which listed aiding and abetting genocide among the charges against Ossama A.

"This was an integral part of the organisation's goal of destroying the Yazidi religious community," it said.

The suspect was arrested in Germany in April 2024 and is being held in pre-trial custody.

Germany has emerged as a key prosecutor of Syrian war crimes outside of Syria under the principle of universal jurisdiction.

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A senior German foreign ministry official said on Wednesday Berlin supports a U.N. body set up to assist investigations into serious crimes committed in Syria, particularly now that the long-reigning president Bashar al-Assad has been ousted.

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"What is clear is that the process of investigating and prosecuting these horrible crimes must be pursued under (the new) Syrian leadership," he added.

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The United Nations has said IS attacks on the Yazidis amounted to a genocidal campaign against them.

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# Israel and Palestine

## **ICC prosecutor sees 'no real effort' by Israel to probe alleged Gaza war crimes (Reuters)** By Anthony Deutsch

January 17, 2025

International Criminal Court Prosecutor Karim Khan has defended his decision to bring war crimes allegations against Israel's prime minister, saying Israel had made "no real effort" to investigate the allegations itself.

In an interview with Reuters, he stood by his decision over the arrest warrant despite a vote last week by the U.S. House of Representatives to sanction the ICC in protest, a move he described as "unwanted and unwelcome".

ICC judges issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu, former Israeli defence chief Yoav Gallant and Hamas leader Ibrahim Al-Masri last November for alleged war crimes and crimes against humanity during the Gaza conflict.

The Israeli prime minister's office did not immediately respond to a request for comment on Khan's remarks to Reuters.

Israel has rejected the jurisdiction of the Hague-based court and denies war crimes. The United States, Israel's main ally, is also not a member of the ICC and Washington has criticised the arrest warrants against Netanyahu and Gallant.

"We're here as a court of last resort and ...as we speak right now, we haven't seen any real effort by the State of Israel to take action that would meet the established jurisprudence, which is investigations regarding the same suspects for the same conduct," Khan told Reuters.

"That can change and I hope it does," he said in Thursday's interview, a day after Israel and the Palestinian militant group Hamas reached a deal for a ceasefire in Gaza.

An Israeli investigation could have led to the case being handed back to Israeli courts under so-called complementary principles. Israel can still demonstrate its willingness to investigate, even after warrants were issued, he said.

The ICC, with 125 member states, is the world's permanent court to prosecute individuals for alleged war crimes, crimes against humanity, genocide and aggression.

Khan said that Israel had very good legal expertise.

But he said "the question is have those judges, have those prosecutors, have those legal instruments been used to properly scrutinise the allegations that we've seen in the occupied Palestinian territories, in the State of Palestine? And I think the answer to that was 'no'."

#### TRUMP'S IMMINENT RETURN

Passage of the "Illegitimate Court Counteraction Act" by the U.S. House of Representatives on Jan. 9 underscored strong support for Israel's government among President-elect Donald Trump's fellow Republicans.

The ICC said it noted the bill with concern and warned it could rob victims of atrocities of justice and hope.

Trump's first administration imposed sanctions on the ICC in 2020 over investigations into war crimes in Afghanistan, including allegations of torture by U.S. citizens. Those sanctions were lifted during Joe Biden's presidency.

Five years ago, then-ICC prosecutor Fatou Bensouda and other staff had credit cards and bank accounts frozen and U.S. travel impeded. Any further U.S. sanctions under Trump would be widely expected to be more severe and widespread.

The ICC, created in 1998, was intended to assume the work of temporary tribunals that have conducted war crimes trials based on legal principles established during the Nuremberg trials against the Nazis after World War Two.

"It is of course unwanted and unwelcome that an institution that is a child of Nuremberg ...is threatened with sanctions. It should make people take note because this court is not owned by the prosecutor or by judges. We have 125 states," Khan said.

It "is a matter that should make all people of conscience be concerned," he said, declining to discuss further what sanctions could mean for the court.

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**ASIA**

# Afghanistan

**MoD taskforce told to track down SAS troops over Afghan killings (The Telegraph)** By Amy Gibbons  
January 10, 2025

A Ministry of Defence taskforce has been instructed to “track down” special forces troops who have been linked to suspected war crimes in Afghanistan.

The Afghan Inquiry Response Unit (AIRU), made up of civil servants and military personnel, will try to locate those who may have been involved in or known about the alleged execution of innocent civilians.

The aim is to identify former troops who may have been named by witnesses in connection to the Afghan Inquiry, which is investigating extrajudicial killings between 2010 and 2013.

Any details of individuals tracked down by the taskforce would then be passed to the inquiry, which has the power to compel people to give evidence to the investigation.

The Independent Inquiry Relating to Afghanistan, launched after a BBC Panorama investigation, is looking into claims that up to 80 Afghan males of fighting age were killed by special forces between 2010 and 2013, despite posing no threat to troops.

On Wednesday, the inquiry released evidence from a whistleblower stating that a special forces unit – known as UKSF1 – had conducted an “illegal” policy of targeting “everybody” on operations, including under-16s.

Military personnel who may be able to assist the inquiry have been urged to come forward on an anonymous basis.

As first reported by The Times, the AIRU will attempt to locate former troops whose names have been linked to the allegations.

A defence source told the newspaper it was “their responsibility to track them down”.

The unit, which was established in 2023 to assist with the inquiry, is staffed by 16 civil servants, supported by paralegals.

‘Feels like a witch hunt’

More than 30 military and civilian personnel have also been charged with assisting the taskforce, with a focus on providing welfare support to witnesses and helping AIRU to “locate, review and disclose documentary evidence”, according to government correspondence published last year.

The letter to Piers Doggart, solicitor to the Afghan Inquiry, disclosed that spending on the headcount for the MoD’s response was projected to exceed £15 million, not including the £6 million that had already been invested in the inquiry team itself.

Andy McNab, a former SAS soldier, told The Times he was concerned the attempts to track down potential witnesses were making special forces operators currently in the field “second-guess their actions”.

“It makes the whole thing feel even more like a witch hunt,” he said.

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## Bangladesh International Crimes Tribunal

**International Crimes Tribunal orders to produce ex-DMP AC Tanzil, constable Akram on 20 Jan (The Business Standard)** January 13, 2025

The International Crimes Tribunal (ICT) today (13 January) ordered prison authorities to produce Dhaka Metropolitan Police's

former assistant commissioner (AC) Tanzil Ahmed and former constable Akram Hossain before the court on 20 January in two separate cases of crimes against humanity.

The three-judge panel of the ICT led by Justice Md Golam Mortuza Mozumder passed the orders this morning, allowing two separate petitions of the prosecution.

The other members of the panel are Justice Shafiul Alam Mahmud and Judge Md Mohitul Haque Enam Chowdhury.

"The tribunal held a hearing on the prosecution pleas to issue production warrants against the two accused to show them arrested in crimes against humanity cases. Allowing our pleas, the tribunal ordered to produce the duo on 20 January," prosecutor BM Sultan Mahmud told reporters after the hearing.

The prosecutor alleged that former AC Tanzil was present on the scene when the then Officer-in-Charge (investigation) of Jatrabari Police Station Zakir Hossain shot and killed Imam Hasan Taim in the Jatrabari area on 20 July.

He also said former constable Akram Hossain dragged Md Hridoy from inside a shop, where he was hiding, in the Konabari area of Gazipur district on 5 August and shot him from point-blank range, killing him on the spot.

### **Appeal challenging tribunal's jurisdiction dismissed, trial to proceed (Dhaka Tribune) January 22, 2025**

The International Crimes Tribunal has dismissed an appeal challenging its jurisdiction over the reconstituted tribunal, paving the way for the trial related to alleged genocide and crimes against humanity committed during the July-August student movement to continue.

The three-member tribunal, headed by Chairman Justice Md Golam Mortuza Majumder, issued the order on Wednesday after a hearing. Chief Prosecutor Mohammad Tajul Islam represented the prosecution during the proceedings.

The appeal was filed by Ziaul Ahsan, former director general of the National Telecommunication Monitoring Centre (NTMC), who has been charged with crimes against humanity.

Chief Prosecutor Tajul Islam told reporters: "The appeal challenged the tribunal's jurisdiction and amendments to the Tribunal Act, but we argued that such appeals should be made in the constitutional or High Court. There is no scope to challenge these matters in the International Crimes Tribunal or any other criminal court."

He added: "The petitioners also questioned the legitimacy of the current government. We clarified that this tribunal does not have the jurisdiction to entertain such challenges."

Referring to the rights of the accused, Tajul Islam said: "Those accused of war crimes or crimes against humanity are not entitled to fundamental rights under the Constitution in this context. Laws created to prosecute such crimes cannot be invalidated for constitutional inconsistency due to special protections provided in this regard."

The prosecutor also addressed concerns over the tribunal's expanded jurisdiction. "The amended Tribunal Act now includes the issue of disappearances, which has been challenged. However, we demonstrated that the law allows trials of such acts regardless of the timing of their occurrence," he said.

Tajul Islam further said: "We believe the appeal was filed to attract media attention and derail proceedings. Not only was the appeal dismissed, but we also urged the tribunal to impose penalties on the applicants for submitting baseless petitions."

The charges stem from allegations of genocide and crimes against humanity attributed to Awami League government officials, party cadres, and sections of law enforcement in the suppression of last July-August's student movement. Following the unrest, the International Crimes Tribunal was restructured to address these allegations.

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## **TOPICS**

# Aiding and Abetting

## **Germany charges Syrian with war crimes against Yazidis (The Straits Times) January 15, 2025**

A high-ranking member of the Islamic State militant group in Syria has been charged with war crimes and crimes against humanity in Germany, partly for alleged involvement in the genocide against the Yazidi community, prosecutors said.

The suspect, a Syrian national identified as Ossama A. in line with German privacy law, joined Islamic State (IS) in the summer of 2014 in the Deir ez-Zor region of eastern Syria, the German prosecutor-general's office said in a statement.

It said he is suspected of having led a local unit that forcibly seized 13 properties, mainly privately owned, which were used to house fighters, as office space or for storage.

Two of the buildings were used by IS to imprison captured Yazidi women so that fighters could sexually abuse and exploit them, according to Wednesday's statement, which listed aiding and abetting genocide among the charges against Ossama A.

"This was an integral part of the organisation's goal of destroying the Yazidi religious community," it said.

The suspect was arrested in Germany in April 2024 and is being held in pre-trial custody. Germany has emerged as a key prosecutor of Syrian war crimes outside of Syria under the principle of universal jurisdiction.

In early 2022, a former Syrian intelligence officer who worked in a Damascus prison was jailed for life in a landmark trial where he was convicted of murder, rape and sexual assault.

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## Commentary and Perspectives

### **How crackdowns on protests exposed escalating human rights abuses in Kenya (The Eastleigh Voice) January 17, 2025**

Kenya's human rights trajectory deteriorated over the past year. The authorities restricted the right to peaceful protest in heavy-handed crackdowns against nationwide protests over the high cost of living.

The authorities failed to address the socio-economic causes of protests and, instead, harassed, intimidated, and arrested protest

leaders, activists and civil society groups accused of supporting the protests.

President William Ruto publicly threatened the courts for making decisions unfavourable to his administration. The authorities have rarely investigated or prosecuted law enforcement officers implicated in human rights abuses.

Men, women, and children with real or perceived psychosocial disabilities continue to be shackled—chained or locked in small, confined spaces—due to inadequate support and mental health services, and prevalent stigma.

The International Criminal Court (ICC) deputy prosecutor announced in November 2023 that she would not pursue additional investigations in the country related to the post-election violence in 2007-2008; ICC arrest warrants remain pending against two Kenyan individuals accused of witness tampering.

#### Police brutality against protesters

From June 18, Kenya faced intense street protests that continued through August, over taxes proposed in the Finance Bill 2024 to meet International Monetary Fund (IMF) revenue targets that would disproportionately fall on people with low incomes.

The protests organised largely by Kenyans between the ages of 18 and 35 reached their peak with the invasion of parliament on June 25. Protesters opposed taxes on goods and services such as bread, menstrual products, and mobile money transfers used by many informal workers. Protest anger evolved to include government waste and corruption and the worsening neglect of public services. Police shot directly into crowds, killing protesters and bystanders. The authorities have continued to track down people believed to be protest leaders or one of the estimated 3,000 protesters involved in the parliament invasion.

Several of these people have either been arrested or abducted by suspected security agents and then forcefully disappeared. On June 31, a preliminary report of the state-funded Kenya National Commission on Human Rights (KNCHR) said that police had killed at least 60 protesters and abducted another 66 people.

Bodies of people showing signs of torture continued to turn up in rivers, forests, abandoned quarries, and mortuaries. The authorities have yet to investigate or prosecute anyone for these crimes.

Kenya has a history of police brutality and a lack of accountability for serious abuses by security forces. Requests by several of the United Nations special rapporteurs, including the rapporteur on the right to freedom of assembly and association and the rapporteur on extrajudicial, summary or arbitrary executions, to visit to investigate abuses have been pending approval from Kenyan authorities for years.

#### Human rights concerns in Kenya's tax proposals

As in 2024, Kenya also experienced protests in 2023 in response to tax proposals in the Finance Bill 2023. President Ruto signed the 2023 bill into law despite a parliamentary report showing more than 90 per cent of Kenyans opposed it, and was similarly set to sign the 2024 bill despite strong opposition.

The tax bills come in the context of an IMF programme that initiated economic measures which increased the cost of living and undermined human rights. Neither the government nor the IMF published impact assessments to ensure that the policies they are pursuing are best for the fulfilment of people's economic, social, and cultural rights.

Kenya's spending on health, education, and other services essential for rights continued a downward trend and remains far below international standards under an IMF program.

#### Disobedience of court orders and threats to judges

Senior Kenya government officials, including the president, publicly threatened people who filed court petitions to challenge the 2023 Finance Bill and 2023 Housing Levy.

President Ruto accused the petitioners, and what he described as corrupt courts that listen and give them favourable decisions, of sabotaging his government. The president's close allies threatened to deal with judges they accused of colluding with petitioners to sabotage the president's development agenda.

The president initially ignored court orders halting his government's decision to deploy Kenyan police to Haiti without following due process. He later publicly declared that "the courts will not stop me," and approved the deployment of police to Haiti without addressing all the concerns raised by the courts.

In August 2024, police ignored a Habeas Corpus application by the families of three abducted activists—Jamil Longton, Aslam Longton, and Bob Njagi—in which the court found then Inspector General of Police, Gilbert Masengeli, in contempt of court. The authorities responded by withdrawing the judge's security details.

## Threats against civil society, media

In response to the tax protests, the authorities threatened civil society groups and some donor organisations for allegedly supporting the protests financially.

President Ruto publicly accused the Ford Foundation both of funding the protests and funding civil society organisations (CSOs) such as Kenya Human Rights Commission and Katiba Institute, whom he accused of organising the protests.

In July, the chairman of the Public Benefit Organisations Regulatory Authority, Mwambu Mabonga, said the authority had asked the Directorate of Criminal Investigations to investigate at least 16 CSOs for allegedly operating illegally and for receiving money from the Ford Foundation to fund the protests.

In July, some media outlets reported that the authorities summoned their editors and threatened them over live coverage of the protests. Kenyan media subsequently stopped the live coverage of the protests. President Ruto said he had the power to shut down media over the live coverage of protests but he opted not to do so.

## Kenya deploys police to Haiti

A long-awaited United Nations-authorized Multinational Security Support mission (MSS) led by Kenya, finally deployed to Haiti in June. The mission's mandate, renewed in September, was to support the Haitian National Police in restoring basic security and state control, and strong policies in place to monitor the force's conduct, ensure respect for human rights, and avoid the failures and abuses associated with past international interventions in Haiti.

The MSS, originally authorized in October 2023, faced legal and funding hurdles including slow commitments to a trust fund to fund its operations and a High Court decision which found the order to deploy police officers to Haiti unconstitutional. A June status of forces agreement between Kenya and Haiti partially addressed the court's objections.

## Violence against women and girls

Violence against women and girls, including high femicide rates, remain prevalent in Kenya. Approximately 13 women and girls are murdered each week and 130 cases of sexual violence are reported each week.

Fifteen percent of women and girls have been subjected to Female Genital Mutilation (FGM) and 13 percent of girls are married by the age of 18. Eighty three percent of women and girls are subjected to at least one form of obstetric violence during pregnancy, childbirth, and the post-partum period.

Between July and August 2024, parts of bodies, many of which belonged to women, were found in a dumpsite in Nairobi. Authorities stopped retrieval efforts after 17 bodies were retrieved despite additional bodies remaining in the dumpsite.

Only one victim was identified, and no one has been charged with the murder. In April, Catholic priest Dominic Nzioka, was found guilty of inappropriately touching a 16-year-old girl in his congregation. Nzioka was sentenced to seven years for indecent assault of a child, but, on appeal, the High Court of Mombasa sentenced him to three years' probation and monthly summons under Kenya's Sexual Offences Act.

## Sexual orientation and gender identity

Kenya still criminalises consensual same-sex relations. Article 162 of the penal code punishes "carnal knowledge against the order of nature" with up to 14 years in prison, while article 165 makes "indecent practices between males" liable to up to five years in prison.

## **A tribunal for Russia's leadership? (New Eastern Europe)** By Andrii Kutsyk, Dionizy Akulisz, & Kateryna Kyrychenko January 20, 2025

In any given year, there are nearly four dozen active armed conflicts around the globe. These conflicts are violent, durable, far-reaching, and oftentimes characterized by widespread atrocities or even acts of genocide. Throughout history, acts of mass violence have left a devastating mark on humanity, with the 20th century standing out as especially brutal. When one thinks of the most horrific atrocities, the crimes committed by Nazi Germany immediately come to mind. Yet, this list must also include the brutal acts committed by the Japanese regime during the Second World War, as well as the genocides in Rwanda, Bosnia and Iraq. It is worth remembering that this all took place in just the 20th century. The survivors of all these horrible crimes have desperately longed for justice. While many ad hoc international tribunals have been established to deliver justice, other victims, such as those of the Kurdish genocide in Iraq, have remained without any formal pathways for accountability.

Against the global backdrop of these recent genocides, Europe stands out with a particularly troubling pattern of such atrocities —

from the Holocaust under Nazi Germany to the Bosnian genocide, and now, disturbingly, Ukraine.

Atrocities against Bosnian Muslims, the Srebrenica massacre and international responses

July 2024 marked the 29th anniversary of the Srebrenica genocide, when Bosnian Serbs planned and deliberately killed more than 8,000 Bosnian Muslim men in July 1995. The Srebrenica massacre is often regarded as the largest atrocity of its kind in Europe since the Second World War.

These horrific events were prosecuted at the international level. An ad hoc international tribunal – the International Criminal Tribunal for the former Yugoslavia (ICTY) – was created in the Hague in May 1993 by United Nations Security Council Resolution 827. This was done to prosecute the main high-level perpetrators of numerous atrocities on the territory of the former Yugoslavia from 1991 onwards. The Tribunal established beyond a reasonable doubt that the killing of Bosnian Muslims in Srebrenica was a genocide. The ICTY was the first international criminal tribunal to introduce convictions for genocide in Europe. The Tribunal also issued indictments against 19 individuals for crimes committed in Srebrenica. All but one of this group are high-level perpetrators who planned and ordered the killing operation. In 1995 the ICTY convicted Radovan Karadžić, the leader of the Bosnian Serbs during the Bosnian War, for genocide, crimes against humanity, and war crimes primarily as part of a joint criminal enterprise. He was also convicted of holding various leadership roles. Ratko Mladić, the army commander, was also convicted in 1995 for similar charges, including genocide and crimes against humanity. This was done based on his role as a military leader and his involvement in a joint criminal enterprise, as well as other forms of criminal liability, including command responsibility. The Yugoslav leader Slobodan Milošević was also charged and transported to The Hague to face accountability for crimes committed under his leadership not only in Bosnia but also in Croatia and Kosovo. However, he passed away before a verdict was rendered in his trial.

In 2007, the International Court of Justice (ICJ) affirmed that the atrocities committed in Srebrenica constituted acts of genocide and that Serbia had failed to fulfil its obligations to prevent the genocide. This ruling complemented the individual criminal accountability of specific perpetrators by establishing state responsibility, thereby reinforcing obligations under international law for the broader international community.

Bucha, Irpin, Borodianka, Hostomel, Moshchun, Iziium, Mariupol, the Olenivka prison massacre and Ohmatdyt – the “Ukrainian collective Srebrenica” is growing every day...

With the ongoing war in Ukraine, there is mounting evidence and investigations into potential war crimes, crimes against humanity, and acts that may meet the legal criteria for genocide. However, as of now, there has not been a confirmed and internationally recognized genocide of the same magnitude as the Srebrenica massacre. While it is difficult to prove the true scale of the damage done during the heat of the ongoing war, Ukraine might sadly overtake the massacre when it comes to lives lost in the Russian atrocities. Since the beginning of Russia’s full-scale invasion of Ukraine up to November 2024, over 146,000 cases of war crimes have been registered by Ukrainian law enforcement agencies. According to NGO documenters, more than 8,000 people likely died from war-related causes in Mariupol alone between March 2022 and February 2023. Ukrainian documenters, international journalists and independent international organizations have found evidence of thousands of different cases of atrocities. This includes, for example, the killing and torture of civilians in Bucha, Irpin, Borodianka, Hostomel, Moshchun and Iziium. This list of numerous Russian atrocities is unfortunately not exhaustive and keeps growing every day...

From February 24th 2022 to the present day, the Russian army has been committing war crimes in the occupied Ukrainian territories that are similar to those committed by the Serbs in the occupied Bosnian territories and in particular in Srebrenica. The crimes in Srebrenica and those committed by Russian armed forces and mercenaries in Ukraine share the same context – those crimes are ethnically motivated and aimed at the destruction of an ethnic community or an entire nation. In Srebrenica, this targeted the Bosnian Muslims, while in Bucha and other locations, the target was the Ukrainian population.

International responses to atrocities in former Yugoslavia as an example for justice in the Russian aggression against Ukraine

Today, more than thirty years since the Yugoslav Wars, Europe is once again being tested on its commitment to its core values. The Russian aggression has created unprecedented challenges, bringing numerous horrendous atrocities and countless human rights violations to the European continent. Moscow continues to commit war crimes and crimes against humanity on the territory of Ukraine on a daily basis. Russia’s highest military and political leadership is also ordering the destruction of Ukraine’s civilian infrastructure; deporting Ukrainian children; torturing and killing Ukrainian prisoners of war; and creating unbearable conditions of life for people in the occupied territories. Putin is repeating the crimes committed by Milošević and the Serbian leadership more than thirty years ago. Additionally, the Russian state’s status as a nuclear power only complicates the situation. The reaction of the international community should be comparable to that concerning the crimes in former Yugoslavia, if not stronger. Ensuring that the perpetrators of the gravest international crimes are brought to justice will show that the power of international law admits no exceptions, even when dealing with powerful states wielding nuclear weapons.

In February 2022, in response to Russia’s brutal aggression against Ukraine, a number of key Ukrainian human rights NGOs, such

as the Kharkiv Human Rights Group, the Ukrainian Helsinki Human Rights Union and the Center for Civil Liberties, launched the Global Initiative “Tribunal for Putin” (T4P). This advocates for a strong international response to Russia’s crimes in Ukraine in order to avoid impunity for high-level perpetrators.

The International Criminal Court (ICC), as the primary international body for pursuing the accountability of high-level perpetrators of international crimes, has swiftly taken action to address the situation. Following the full-scale Russian invasion on February 24th 2022, the ICC Prosecutor Karim Khan formally launched an investigation into potential war crimes, crimes against humanity, and genocide in Ukraine. This was supported by 39 ICC State Parties. Since then, the ICC has been actively involved in gathering evidence on the ground, with Karim Khan making several visits to Ukraine to assess the situation firsthand. In March 2023, the ICC issued arrest warrants for Russian President Vladimir Putin and the Russian Presidential Commissioner for Children’s Rights Maria Lvova-Belova, accusing them of illegally deporting Ukrainian children to Russia during the war between the two countries. The ICC prosecutor notes that the charges against Putin and Lvova-Belova are based on sufficient evidence and that they are responsible for “the illegal deportation and transfer of Ukrainian children from the occupied territories of Ukraine to the Russian Federation”. This contradicts specific articles of the Rome Statute. The ICC noted that Russian forces had taken “hundreds of Ukrainian children from boarding schools and orphanages”. Karim Khan argues that these actions, aimed at permanently removing children from their homeland, constitute a violation of the Geneva Convention and qualify as war crimes. While the ICC prosecutor does not suggest that there is genocidal intent behind the illegal deportation of Ukrainian children, as any charges of genocide would require demonstrating specific intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, Ukraine has been gathering evidence to support such claims. The determination of whether genocide is being committed remains subject to the ICC’s further investigations and prosecutions.

This year, the ICC issued other arrest warrants against high-level Russian military officials. These are Lieutenant General Sergei Kobylash, the commander of long-range aviation in the Russian Aerospace Forces; Admiral Viktor Sokolov, the commander of the Black Sea Fleet; the former Russian Defence Minister Sergei Shoigu; and the Chief of the General Staff of the Russian Armed Forces Valery Gerasimov. These individuals were highlighted for their alleged role in attacking energy and civilian infrastructure in Ukraine. The charges underscore the ICC’s position that the deliberate targeting of civilian infrastructure, resulting in significant harm to the civilian population, can constitute both war crimes and crimes against humanity under international law. Thus, the issued arrest warrants are part of the Court’s efforts to bring to justice those from the Russian leadership most responsible for serious violations of international law.

Yet, there is a significant gap in the current justice system when it comes to holding perpetrators accountable for the crime of aggression. The ICC cannot prosecute acts of aggression committed by or within countries that are not members of the Rome Statute — like Russia. While the ICC can address war crimes, crimes against humanity, and genocide in Ukraine, it has no jurisdiction over Russia’s aggression. This limitation has fuelled calls to create a Special Tribunal specifically focused on prosecuting this crime in Ukraine to ensure a comprehensive response to all the ongoing international crimes.

On November 21st 2022, the NATO Parliamentary Assembly adopted a resolution urging members and partners of the North Atlantic Alliance to establish a special tribunal to prosecute the Russian leaders accountable for the crime of aggression. On November 23rd 2022, the European Parliament adopted a resolution calling on the EU and its member states to support the establishment of a special tribunal for the crime of aggression by Russia against Ukraine. On January 19th 2023, it adopted yet another resolution on the establishment of such a tribunal.

Yet, establishing a tribunal for the Russian aggression requires careful design to ensure adherence to the standards of international law, as well as the tribunal’s legitimacy in the global community. Practical issues like the tribunal’s format, jurisdiction, funding, logistical coordination, and applicable legal frameworks will need to be addressed. There are also the issues of overcoming leaders’ immunities and managing proceedings and trials in absentia. Despite the challenges, the creation of such a tribunal would represent a critical step toward comprehensive accountability for Russian aggression, upholding international law in order to complement existing legal mechanisms, and sending a strong message against impunity.

ICTY is, to some extent, the case that the international community should look up to when creating a tribunal for Russian leaders liable for aggression against Ukraine. The ICTY demonstrated how international criminal justice can be effectively applied to hold perpetrators accountable for war crimes, crimes against humanity, and genocide. Overall, it set a benchmark for future tribunals. However, it did not have jurisdiction over the crime of aggression at the time. This gap was later addressed when the crime of aggression was incorporated into the Rome Statute of the International Criminal Court (ICC) through the 2010 Kampala Amendments, which became effective in 2018. By building on the successes and limitations of the ICTY, a special tribunal for Russian aggression against Ukraine can leverage lessons learned, while filling jurisdictional gaps that earlier tribunals could not address.

Importantly, the ICTY was not a trial of defeated states as seen in the post-war prosecutions of German and Japanese regimes. Instead, it prosecuted individuals who faced only a domestic political defeat. A similar scenario could unfold with the Putin regime, making it essential for the international community to take proactive measures. Delaying the establishment of a special tribunal for Russian aggression in Ukraine effectively grants impunity, allowing Putin and other Russian officials to commit

further crimes. This includes acts of a genocidal nature. While it is not always in our power to prevent new crimes, it is our sacred duty to bring those responsible to justice. By acting decisively, we, as the international community, can send a powerful message that impunity will not be tolerated in modern democracies and that the rule of law serves as a shield against tyranny, aggression and atrocities.

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## WORTH READING

### **Principled and pragmatic: reconciling competing arguments for ICC attention (European Journal of International Relations)**

By Lisa Hultman, Hasini Ransala Liyanage, and Herman Wieselgren

January 19, 2025

#### **Abstract:**

The International Criminal Court (ICC) was founded to end impunity for war crimes, such as violence against civilians, but its legitimacy as an impartial institution is often questioned. Previous research has suggested that even though the ICC gets involved in the worst atrocities, investigations and prosecutions are influenced by political interests. We show that member state interests are critical already at the selection stage of initiating preliminary examinations. We theorize that incentives and drivers of ICC involvement move through two pathways. On the one hand, the Prosecutor seeks to maintain public legitimacy through performance; it does so by getting involved in the worst situations and thereby meeting the expectations on the Court as outlined in the Rome Statute. On the other hand, states can refer situations to the ICC as a way of managing their own domestic military challengers; the Prosecutor seeks to maintain cooperation from member states by examining such situations, even if the crimes are less severe. These pathways to examinations matter because state-referrals are more likely to move to investigations. We examine this argument through a global analysis, covering the period 2002–2019, using a multinomial regression model for the two pathways. Our findings support these claims. We also provide additional qualitative descriptions of how domestic challenges have clearly preceded self-referrals by governments in all cases but one. By differentiating the two pathways, we accommodate conflicting claims about the politicization of ICC involvement versus attention to the most severe situations.

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**War Crimes Prosecution Watch is prepared by the  
International Justice Practice of the Public International Law & Policy Group  
and the Frederick K. Cox International Law Center of  
Case Western Reserve University School of Law  
and is made possible by grants from the Carnegie Corporation of New York**

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