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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

NORTH AFRICA

Libya

Italy says it freed Libyan officer because of errors in ICC warrant (Reuters) By Angelo Amante
February 5, 2025

Italy's justice minister said on Wednesday Rome had no choice but to free a Libyan military officer wanted for war crimes by the International Criminal Court because of what he described as mistakes and inaccuracies in the court's arrest warrant.

Osama Elmasry Njeem was released and flown home to Tripoli two days after being detained last month in northern Italy on the back of the ICC warrant which said he was suspected of the murder, torture and rape of detainees in Libya.

His release sparked outrage among Italian opposition parties and triggered a legal investigation into Prime Minister Giorgia Meloni, two of her ministers and a cabinet undersecretary.

One of those under investigation, Justice Minister Carlo Nordio, told parliament the warrant had been "marked by

inaccuracies, omissions, discrepancies and contradictory conclusions".

Representatives of the court and its prosecutor did not immediately respond to requests for a reaction to the comments.

Nordio said there was "uncertainty" in the warrant over when Njeem was suspected of committing the alleged crimes, saying the document suggested they had started in February 2011 and later referred to February 2015.

"It is my intention ... to ask the ICC for justification of the inconsistencies," Nordio said, adding that the Court had realised it had made "a huge, hasty mess" and corrected the document a few days after it was first issued.

Interior Minister Matteo Piantedosi, who also addressed the house, reiterated that a decision to expel Njeem following his release was because he was viewed as dangerous.

He denied suggestions from the opposition that Njeem had worked with Italy to help control migrant flows from Libya, or that Rome had faced external pressure to free him.

The ICC, which has been investigating allegations of serious crimes committed in Libya since the country's 2011 civil war, has demanded an explanation over why Njeem was freed, saying Rome let him go without any consultation.

Opposition leaders rejected the explanations provided by the justice and interior ministers and demanded that Meloni come in person to explain her government's decision.

"The international credibility of Italy has been tarnished by your decision to release a Libyan torturer," said Elly Schlein, head of main opposition group the Democratic Party.

Rome's chief prosecutor, Francesco Le Voi, said last week that Meloni, Nordio, Piantedosi and the cabinet undersecretary for intelligence matters, Alfredo Mantovano, were under investigation over allegations they aided and abetted a crime and misused public funds.

All four have denied the suggestion and accused Le Voi of politicising the case. Being placed under investigation in Italy does not imply guilt, nor mean that formal charges will necessarily follow.

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CENTRAL AFRICA

Sudan & South Sudan

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

ICC to pursue arrest warrants over atrocities in Sudan's West Darfur region (Euronews) By Oman Al Yahyai
January 28, 2025

The International Criminal Court's (ICC) prosecutor announced on Monday that his office will pursue arrest warrants for individuals accused of atrocities in Sudan's West Darfur region, where reports of ethnic cleansing by paramilitary forces have emerged during the country's 19-month-long conflict.

Karim Khan told the UN Security Council on Monday that "criminality is accelerating in Darfur" and emphasised the need for justice and accountability.

"Civilians are being targeted, women and girls are subjected to sexual violence, and entire communities are left in destruction," he said. "This is not just an assessment; it is a hard-edged analysis based on verified evidence."

Sudan's conflict erupted in April 2023, when long-simmering tensions between the military and the paramilitary Rapid Support Forces (RSF) broke out in the capital, Khartoum, and spread to other regions, including the vast western Darfur

region.

Darfur became synonymous with genocide and war crimes two decades ago, particularly by the notorious Janjaweed Arab militias, against populations that identify as Central or East African. Up to 300,000 people were killed and 2.7 million forced to flee their homes.

The ICC prosecutor told the council on Monday that the current conflict bears “very clear echoes” to the events that occurred 20 years ago in Darfur.

"The pattern of crimes, the perpetrators, the parties, tracked very closely with the same protagonists, the same targeted groups as existed in 2003," Khan said.

"It's the same communities, the same groups suffering, a new generation suffering the same hell that has been endured by other generations of Darfuris, and this is tragic."

Khan told the council earlier this month there were grounds to believe that both government forces and the RSF, which was born out of the Janjaweed, may be committing war crimes, crimes against humanity or genocide in Darfur.

The Biden administration, shortly before it left office this month, determined that the RSF and its proxies are committing genocide in Sudan's civil war.

Gender-based violence is 'a priority' Human Rights Watch (HRW) said in a report last May that the RSF and allied militias carried out attacks on the ethnic Masalit and other non-Arab groups in West Darfur's El Geneina from April to June 2023, with violence intensifying in November.

According to HRW, thousands were killed and hundreds of thousands were displaced during the attacks.

"I can confirm today that my office is taking the necessary steps to put forward applications for warrants of arrest in relation to crimes we allege are being committed and have been committed in West Darfur," Khan told the council.

Khan stated that his office is particularly concerned about allegations of gender-based crimes against women and girls, calling them a “priority” for ICC investigations.

He described a worsening humanitarian crisis over the last six months, with famine, escalating conflict, sexual abuse of girls and women, and widespread destruction ravaging Darfur.

Addressing those involved in the violence, Khan urged: "Now, better late than never, for goodness sake, comply with international humanitarian law, not as a charity, not out of some political necessity, but out of the dictates of humanity."

Khan also revealed that his office is engaging with the RSF to gather relevant information for its investigations.

Members of his team met with RSF representatives last week, and Khan emphasised the need for "swift and meaningful action," stating he would closely monitor developments.

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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

ICC Prosecutor Says 'Closely Following' DR Congo Situation (Barrons) February 5, 2025

International Criminal Court prosecutors said Wednesday they were monitoring the situation in the Democratic Republic of Congo, noting that credible sources said hundreds had been killed in recent violence.

"The Office (of the prosecutor) is closely following current events, including the grave escalation of violence over the past weeks in eastern DRC, in particular in and around the provincial capital of North Kivu, Goma," it said in a statement.

ICC chief prosecutor Karim Khan, who probes war crimes and crimes against humanity, already has an open investigation into allegations of crimes committed since the start of 2022.

"This investigation is active, and continues with urgency and focus," added the statement, as prosecutors also appealed for information and evidence.

"Credible sources indicate that thousands of persons have been wounded and hundreds killed in and around Goma, including civilians and peacekeepers," the ICC prosecutors said.

Recent days have seen intense clashes between Congolese armed forces and Rwandan-backed M23 fighters, who have taken the strategic city of Goma. At least 900 people were killed in the Goma clashes and 2,880 wounded, according to the UN's humanitarian body.

"The ongoing situation in and around Goma falls within the scope of the... current investigation" by ICC prosecutors, the statement added.

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WEST AFRICA

Liberia

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EUROPE

Domestic Prosecutions In The Former Yugoslavia

Montenegro Prosecutor's Office Reopens Four War Crimes Cases (Balkan Transitional Justice) By
Borislav Visnjic
February 4, 2025

Montenegro's Special State Prosecutor's Office on Tuesday re-opened four cases of war crimes committed in that country during the 1990s.

It announced that criminal cases were being formed in connection with war crimes in Morinj, Bukovica, Kaludjerski laz and the deportation of refugees from Herceg Novi.

As part of Yugoslavia, Montenegro took part directly in the wars in Croatia and Bosnia and Herzegovina under the leadership of Serbia's Slobodan Milosevic, although it saw no conflict on its own soil.

From 1995 to the end of 2015, six trials were conducted in Montenegro for war crimes committed on the territory of the former Yugoslavia in the 1990s.

According to Action for Human Rights, an NGO that monitors war crimes cases and reforms in the judiciary, 36 people were accused in those cases and eleven were sentenced in final verdicts.

All four cases that the prosecutor's office is re-initiating were previously legally concluded – but can be re-initiated because war crimes do not have a statute of limitations. However, those persons who were legally acquitted for war crimes cannot be retried.

"Special investigative teams have been formed in the newly formed cases to complete the analysis of previously formed criminal cases regarding the same events in which the criminal proceedings were legally concluded, with the obligation to obtain new evidence, but also to search the database of the International Residual Mechanism for Criminal Courts," the

Special Prosecutor's Office said.

Morinj, a place close to the coastal town of Kotor, was a detention camp run by the Yugoslav Army, from October 1991 to August 1992. Croatian soldiers and civilians were held there after being captured near Dubrovnik in Croatia.

In April 2014, Montenegro's Appeal Court confirmed the convictions of four Montenegrin citizens for abusing Croatian soldiers at the detention camp. Ivo Menzalin was sentenced to four years in prison, Spiro Lucic and Boro Gligic to three years and Ivo Gojnic to two years.

More than 100 Bosniak families were forced to flee Bukovica, a village in the north of Montenegro, in 1992 and 1993. Most went to Bosnia. The Association of Exiled Bukovica Residents claims that, during that time, six Bosniaks were killed, two committed suicide after being tortured and around 70 were tortured by the Yugoslav Army and by police officers and paramilitaries from the Pljevlja area in the north of Montenegro.

In 2012, the appeals court in Podgorica acquitted seven former policemen and Yugoslav Army officers of abusing Bosniaks in the Bukovica area in 1992 and 1993.

In the case of Bukovica, as well as the deportation of refugees from Herceg Novi, all the accused were legally acquitted.

In the village of Kaludjerski laz, near Rozaje in the north of Montenegro, according to the earlier indictment of the prosecutor's office, on April 18, 1999, the Yugoslav Army members killed six and wounded five people. Over the next three days, 11 more people were killed in several locations.

In 2008, the Supreme State Prosecutor's Office indicted retired Colonel Predrag Strugar and seven other members of the Yugoslav Army, but after seven years they were all acquitted.

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Turkey

Drone strike on Kurdish ambulance by Turkey-backed forces in Syria constitutes apparent war crime: Human Rights Watch (Stockholm Center for Freedom) January 30, 2025

A drone strike by the Turkey-backed Syrian National Army (SNA) on January 18 that hit a Kurdish Red Crescent ambulance in northern Syria is an apparent war crime, Human Rights Watch (HRW) said in a statement on Thursday.

The ambulance was carrying a wounded civilian from an earlier attack on protesters at Tishreen Dam, where at least six people were killed and 16 others wounded.

It was struck near the village of Huriya, about 30 kilometers from the dam, while transporting a girl injured in the earlier attack. The explosion forced the ambulance doors open and shattered its windows. The driver's co-worker suffered a minor injury, but the girl was safely transferred to another vehicle.

Photographs of the damaged ambulance, taken on the road between Tishreen Dam and Tabqa, show its doors ajar and visible markings identifying it as a medical transport, according to HRW.

"The SNA and Turkish forces have demonstrated a clear and troubling pattern of unlawful attacks against civilians and civilian objects and even appear to be celebrating them," Hiba Zayadin, HRW's senior Middle East and North Africa researcher, said. "Turkey, as the SNA's main backer, has an obligation to rein in the SNA's abusive behavior or risk complicity in their crimes."

The attack on the ambulance followed an earlier drone strike on protesters gathered at Tishreen Dam. Witnesses and video footage indicate that at least six people were killed and 16 others wounded in the strike, which occurred in the early afternoon. The protesters, including women, children and the elderly, had gathered to oppose ongoing Turkey-SNA attacks and the potential risk of damage to the dam.

A video published on an SNA-affiliated Telegram channel shows two small air-dropped munitions exploding in a crowd of protesters performing a traditional Kurdish dance. The footage, which was verified by researchers, carried a caption celebrating the strike.

"There was no prior warning before the bombing. The attack was extremely brutal and directly targeted the civilians twice in succession," said Jiyan Khalil, a journalist who was filming the protest.

Tishreen Dam, a critical source of water and electricity for more than 413,000 people, has been a focal point in fighting between the Turkey-SNA coalition and the US-backed Syrian Democratic Forces (SDF) since December. The dam has been out of service since December 10 due to damage from clashes.

The International Committee of the Red Cross has warned that further damage could trigger a catastrophic flood, with severe humanitarian and environmental consequences.

At least four Turkey-SNA strikes in January have hit protesters near the dam, killing 20 people and injuring more than 120, according to the SDF.

Under international humanitarian law, ambulances and medical personnel are protected and must not be targeted, regardless of whether they are treating civilians or enemy combatants. Dams and similar infrastructure are also granted special protection to prevent mass civilian casualties.

The UN and human rights organizations have previously documented abuses in Turkish-controlled areas of northern Syria, including reports of unlawful detentions, torture, and attacks on civilians.

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Russia

A special tribunal to prosecute Russian leaders over Ukraine wins backing from European institutions (AP News) By Molly Quell and Raf Casert

February 5, 2025

A project to establish a court to prosecute the Russian leaders who orchestrated the invasion of Ukraine took a step forward Wednesday, with an announcement from a group of international organizations, including the European Union and the Council of Europe, working together with Ukraine.

Legal experts agreed on the framework for the Special Tribunal for the Crime of Aggression against Ukraine, which will allow for the prosecution of senior Russian officials for planning and coordinating the full-scale invasion in 2022.

“When Russia chose to roll its tanks over Ukraine’s borders, breaking the UN Charter, it committed one of the gravest violations: the Crime of Aggression. Now, justice is coming,” European Commission President Ursula von der Leyen said in a statement.

The move to create a special tribunal aims to fill a void created by limitations on the International Criminal Court. While The Hague-based court can go after Russian nationals for genocide, war crimes and crimes against humanity, it cannot prosecute Russians for orchestrating the invasion itself.

The 2002 Rome Statute which created the court does include the crime of aggression but only for countries who have joined the court. The Russian Federation is not a member state.

“The accountability gap for the crime of aggression must be closed right now because the lid of Pandora’s Box is blown off completely and our world is plunged into chaos and darkness,” Ukraine’s deputy minister of justice Iryna Mudra told reporters after the announcement was made.

Ukraine has been pushing for the creation of a special tribunal since early in the conflict. “If we want true justice, we should not look for excuses and should not refer to the shortcomings of the current international law but make bold decisions that will correct those shortcomings that unfortunately exist in international law,” Ukrainian President Volodymyr Zelenskyy said during a visit to the Netherlands in 2023.

There are still significant issues to be worked out, including how the tribunal will be paid for and where it will be located. The Netherlands, home to the ICC, the International Court of Justice and other judicial organizations, has offered to host the tribunal.

It is already home to the International Center for Prosecution of the Crime of Aggression, which supports evidence-gathering for a future tribunal and is overseen by the European Union’s judicial cooperation agency, Eurojust. The Council of Europe-backed register of damages, which allows Ukrainian victims of war to catalog the financial harm they have suffered, is also based in the Netherlands.

The tribunal will be established under Ukrainian law, which leaves the future court unable to prosecute the so-called troika, consisting of a country's head of state, head of government and foreign affairs minister. International law grants that trio immunity while they are in office.

The ICC, which isn't limited by immunity, has issued an arrest warrant for Russian President Vladimir Putin and several military leaders for war crimes.

The Council of Europe aims to get the tribunal up and running by the end of the year.

US aid freeze halts support for prosecuting Russian war crimes, Ukraine's energy sector, lawmaker says (Kyiv Independent) By Tim Zadorozhnyy

February 5, 2025

The Trump administration's foreign aid freeze impacted programs supporting the prosecution of Russian war crimes and the restoration of Ukraine's energy infrastructure after attacks, Ukraine-born Democratic Congressman Eugene Vindman said on Feb. 4, Ukrinform reported.

Vindman's comments come days after billionaire Elon Musk claimed he had President Donald Trump's approval to shut down the U.S. Agency for International Development (USAID). Shortly after taking office, the Trump administration effectively froze almost all foreign assistance for 90 days, halting USAID-funded projects worldwide while reviewing expenditures. Speaking at the Ukraine Week event in Washington, Vindman noted that the cuts include suspending U.S. assistance in war crimes investigations and halting support for international experts assisting in the process. Programs aimed at rebuilding Ukraine's infrastructure and power grid, damaged after Russian attacks, have also been suspended, Vindman said while calling on the administration to lift the restrictions. USAID, the U.S. government's primary foreign aid agency, has provided over \$37 billion in support to Ukraine since the start of Russia's full-scale invasion, including \$2.6 billion in humanitarian aid, \$5 billion in development assistance, and over \$30 billion in direct budget support. The White House declared on Feb. 3 that "under President Trump, the waste, fraud, and abuse ends now," accusing USAID of misusing taxpayer funds on supposedly "ridiculous" projects. The listed "waste and abuse programs" did not include anything related to Ukraine. Secretary of State Marco Rubio has been named interim USAID administrator, reinforcing rumors that the agency will be merged with the State Department. In the meantime, Ukraine's parliamentary humanitarian and information policy committee has begun consultations with European partners to temporarily replace U.S. assistance. Vindman, a former U.S. Army officer, gained prominence as a whistleblower in the 2019 scandal involving Trump's phone call with President Volodymyr Zelensky. In the call, Trump pressured Ukraine to launch an investigation into Joe Biden's family. Vindman was elected to the U.S. House of Representatives on Nov. 6, 2024 — the same day Trump won the presidency and secured his return to the White House.

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MIDDLE-EAST

Syria

UN war crimes investigators say Syria 'rich in evidence' (France 24) January 31, 2025

"The country is rich in evidence, and we won't have huge difficulty in pursuing accountability, criminal justice," said Hanny Megally of the UN Commission of Inquiry on Syria.

The sudden ousting last month of Assad after decades of dictatorship has seen the commission suddenly gain access to Syria, after striving since the early days of the civil war in 2011 to probe from abroad the vast array of alleged abuses.

"It was amazing to be in Damascus after the whole life of the commission not having access to the country at all," Megally told the Geneva UN correspondents' association ACANU after a recent visit to Syria.

With families rushing to former prisons, detention centres and suspected mass graves to find any trace of disappeared

relatives, many have expressed concern about safeguarding documents and other evidence.

Describing his visits to prisons in Damascus, Megally acknowledged that "a lot of the evidence seems to have been tampered with, and either it was on the ground and you could see people... had been walking all over it, or had been damaged or destroyed.

"And we've all seen the reports of people having taken away documents with them."

Evidence destroyed The notorious Saydnaya prison complex -- the site of extrajudicial executions, torture and forced disappearances that epitomises the atrocities committed against Assad's opponents -- "is pretty much emptied of any documents", Magally added.

He also said there were clear signs "of deliberate destruction of evidence", presumably by the Assad authorities before they left.

During his visit, Megally said he had seen "one or two places (with) rooms that looked to me like they were used to deliberately burn documents".

But he voiced optimism that the Syrian state under Assad was "a system that probably kept duplicates if not triplicates of everything, (so) even if evidence was destroyed, that may exist somewhere else".

And even in places where documents had clearly been intentionally destroyed, other parts of the building were "intact" and filled with evidence, he said.

"It seemed that there's still quite a lot of evidence that's protected now, and we hope can be used in future accountability."

Megally also said the careless handling of documents seen at the beginning had swiftly been brought to a halt once the calls to protect and preserve evidence went out.

"It was impressive just how quickly it seems people have picked up the fact that even by going and looking and moving things around, you're potentially risking tampering with evidence that could be used in future accountability processes," he said.

His colleague Lynn Welchman also said Syria's new authorities appeared to be "seeking to ensure the preservation of evidence for the future".

That is essential, she told reporters.

"One of the most important things for the future will be to ensure that what has happened in Syria never happens in Syria again," she said.

"There's a lot of work to be done in trying to find out what happened in order for all parts of Syrian society to move forward."

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Yemen

Man Sentenced to 44 Years in Prison After Pleading Guilty to Qaeda Ties (New York Times) By Ed Shanahan
February 4, 2025

A man who pleaded guilty to federal terrorism charges nine years ago after being accused of plotting a suicide bombing at Heathrow Airport in London in support of Al Qaeda's Yemeni affiliate was sentenced on Tuesday to 44 years in prison.

Prosecutors said that the man, Minh Quang Pham, planned the bombing after having received military training in Yemen from Anwar al-Awlaki, an American-born radical Muslim cleric and a leader of the Al Qaeda affiliate in Yemen. The United States later killed him in a drone strike.

The sentencing of Mr. Pham, 41, in Federal District Court in Manhattan, appeared to conclude a winding case that began with

his indictment in New York on several terrorism counts in 2012 and his extradition to the United States from Britain in 2015.

“Minh Quang Pham’s actions were not just an affront to the safety of this country, but to the principles of peace and security that we hold dear,” Danielle R. Sassoon, the U.S. attorney in Manhattan, said. “Today’s sentencing underscores our resolve to stop terrorism before it occurs.” A lawyer for Mr. Pham, Bobbi Sternheim, did not immediately respond to a request for comment.

A grainy black-and-white photo of Minh Quang Pham with dark hair toward the right. Minh Quang Pham, pictured, received military training from Anwar al-Awlaki, a leader of the Al Qaeda affiliate in Yemen.

Mr. Pham was born in Vietnam, moved to Britain as a child, worked as a web designer and converted to Islam. The events that led to his conviction and sentencing began in late 2010 when he traveled to Yemen, the base of operations for Al Qaeda in the Arabian Peninsula, or AQAP, according to court documents.

Mr. Pham planned to join the terrorist group, wage jihad on its behalf and martyr himself for its cause, prosecutors said. While in Yemen, he received training from Awlaki, who advised him to return to Britain and recruit others to the cause, according to court documents. Before leaving Yemen, prosecutors said, Mr. Pham approached Awlaki about undertaking a suicide mission.

Awlaki personally taught Mr. Pham how to create a deadly explosive device using household chemicals and directed him to detonate such a device at an area of Heathrow where flights arrived from the United States or Israel, according to court documents.

During this period, prosecutors said, Mr. Pham made various videos, some of which showed him preparing the device. In others, he encouraged people to engage in violent jihad.

He was detained upon arriving at Heathrow in July 2011 after the authorities searched him and found, among other things, a live round of armor-piercing ammunition, according to court documents.

He was released, and was arrested again several months later under British immigration law, prosecutors said. Searches of his home and other locations yielded several pieces of electronic media that showed he had been viewing Awlaki’s speeches and writings since returning to Britain, according to court documents.

Mr. Pham pleaded guilty in January 2016 to providing material support to Al Qaeda, to conspiring to receive military-type training from the group and to using a firearm in furtherance of violent crimes. He was sentenced several months later to 40 years in prison.

The conviction was subsequently vacated, partly at the request of federal prosecutors, according to court filings. A grand jury later returned a superseding indictment that reinstated several of the original charges and that added new ones. Mr. Pham entered a second guilty plea in May 2023, setting the stage for the sentencing on Tuesday.

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ASIA

Afghanistan

ICC prosecutor seeks arrest warrants for two Taliban leaders in Afghanistan (Reuters) By Stephanie van den Berg
January 23, 2025

The International Criminal Court prosecutor said on Thursday he had applied for arrest warrants for two Taliban leaders in Afghanistan including supreme spiritual leader Haibatullah Akhundzada, accusing them of the persecution of women and

girls.

A statement issued by the office of chief Prosecutor Karim Khan said investigators found reasonable grounds to believe that Akhundzada and Abdul Hakim Haqqani, who has served as chief justice since 2021, "bear criminal responsibility for the crime against humanity of persecution on gender grounds."

They are "criminally responsible for persecuting Afghan girls and women...and persons whom the Taliban perceived as allies of girls and women," the statement said.

Persecution has taken place across Afghanistan from at least Aug. 15, 2021 - the day that Taliban forces captured the capital Kabul - to the present day, the prosecutor said.

Since the Islamist group returned to power in 2021 it has clamped down on women's rights, including limits to schooling, work and general independence in daily life.

There was no immediate comment by Taliban leaders on the prosecutor's statement, which was welcomed by groups defending women's rights.

It will now be up to a three-judge panel at the ICC to rule on the prosecution request, which has no set deadline. Such procedures take an average of three months.

It was the first time ICC prosecutors have publicly sought warrants in their investigation into potential war crimes in Afghanistan, which dates back to 2007 and once included alleged crimes by the U.S. military there.

Khan said his office was demonstrating its commitment to pursuing accountability for gender-based crimes and that the Taliban's interpretation of Islamic sharia law could not be a justification for human rights abuses or crimes.

"Afghan women and girls as well as the LGBTQI+ community are facing an unprecedented, unconscionable and ongoing persecution by the Taliban. Our action signals that the status quo for women and girls in Afghanistan is not acceptable," the prosecutor said.

Zalmai Nishat, founder of the UK-based charity Mosaic Afghanistan, said if ICC warrants were issued it may have little impact on Akhundzada, who rarely travels outside Afghanistan. "But in terms of international reputation of the Taliban, this basically means a complete erosion of their international legitimacy, if they had any," he said.

Khan's move came amid an existential crisis at the court, opened in The Hague in 2002 to prosecute individuals accused of war crimes, crimes against humanity, genocide and aggression.

The administration of U.S. President Donald Trump is preparing new economic sanctions against it for issuing an arrest warrant for Israeli Prime Minister Benjamin Netanyahu for alleged crimes in Gaza.

Moscow struck back at the ICC for its 2023 warrant against Russian President Vladimir Putin by issuing a warrant of its own for Khan.

Despite the recent string of high-profile arrest warrants, courtrooms in The Hague are virtually empty and Khan is under investigation for alleged sexual misconduct in the workplace, which he denies.

The ICC has no police force and relies on its 125 member states to make arrests. But several European member states have expressed doubts about detaining Netanyahu and this week Italy arrested an ICC suspect, but failed to hand him over.

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AMERICAS

North & Central America

US Senate Democrats block bill to sanction international court over Israel (Reuters) By Patricia Zengerie
January 28, 2025

U.S. Senate Democrats on Tuesday blocked a Republican-led effort to sanction the International Criminal Court in protest of its arrest warrants for Israeli Prime Minister Benjamin Netanyahu and his former defense minister over Israel's campaign in Gaza.

The chamber voted 54-45 in favor of the bill, meaning the measure could not get the 60 yes votes needed to advance to a vote on passage in the 100-member Senate.

Senator John Fetterman was the only Democrat to vote with Republicans to advance the measure. Democratic Senator Jon Ossoff did not vote.

The "Illegitimate Court Counteraction Act" would have imposed sanctions on any foreigner who investigates, arrests, detains or prosecutes U.S. citizens or those of an allied country, including Israel, who are not members of the court.

It passed the House of Representatives earlier this month 243-140, as 45 Democrats joined majority Republicans in favor.

In the Senate, Democrats said they agreed with much of the bill, but it was too broad, and risked alienating important U.S. allies and imposing sanctions on lower-level workers at the court in the Netherlands.

Senator Jeanne Shaheen, the top Democrat on the Foreign Relations Committee, said the party had tried to reach a compromise with Republicans, but could not do so.

Republicans had said they hoped the bill would pass in time for President Donald Trump to sign into law soon after being inaugurated on Jan. 20, especially with Netanyahu due to visit him at the White House on Feb. 4.

White House officials did not immediately respond to a request for comment on whether Trump would use an executive order to impose sanctions.

Urging colleagues to vote no, Senate Democratic Leader Chuck Schumer accused the ICC of having "an anti-Israel bias that cannot be ignored." However, he said the bill was poorly crafted and also could target U.S. companies, such as those whose products help protect the court from foreign hackers.

The ICC is a permanent court that can prosecute individuals for war crimes, crimes against humanity, genocide and the crime of aggression in member states or by their nationals.

The court has said its decision to pursue warrants against the Israeli officials was in line with its approach in all cases, based on an assessment by the prosecutor that there was enough evidence to proceed, and the view that seeking arrest warrants immediately could prevent ongoing crimes. Congressional Republicans have been denouncing the ICC since it issued arrest warrants for Netanyahu and his ex-defense chief Yoav Gallant, accusing them of war crimes and crimes against humanity in the Gaza conflict. Israel denies the allegations.

Urging support for the bill, Senator Jim Risch, the Republican chairman of the foreign relations panel, accused the ICC of pursuing the Israeli leader for political reasons.

"It's just another example of politicization and antisemitism that's become endemic among a number of international organizations," he told reporters.

The war crimes tribunal has taken measures to shield staff from possible U.S. sanctions, paying salaries three months in advance, as it braces for financial restrictions.

Belize files a document containing an application for permission to intervene and a declaration of intervention in the proceedings – Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) (The United Nations: The Question of Palestine)
January 31, 2025

On 30 January 2025, Belize, referring to Articles 62 and 63 of the Statute, filed in the Registry of the Court a document containing an application for permission to intervene and a declaration of intervention in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel).

Pursuant to Article 62 of the Statute, whenever a State not party to a case considers that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

In its application for permission to intervene under Article 62, Belize considers that it has a legal interest in Israel's compliance with its obligations in respect of Gaza under the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 (the "Genocide Convention"), which may be affected by the decision in the case. Belize asserts that the "precise object" of its intervention is to protect its "interest in ensuring that Israel is held accountable for its violations of the Genocide Convention; its interest in ensuring that the authors of genocide do not enjoy impunity; and its interest in the prevention, suppression and punishment of genocide".

Pursuant to Article 63 of the Statute, whenever the construction of a convention to which States other than those concerned in the case are parties is in question, each of those States has the right to intervene in the proceedings. If they do so, the construction given by the judgment of the Court will be equally binding upon them.

In availing itself of the right of intervention conferred by Article 63, Belize relies on its status as a party to the Genocide Convention. Belize considers that the construction of Articles I, II, III, IV, V, VI and IX of the Convention is in question in these proceedings, and offers its interpretation of Articles I, II, III, VI and IX of the Convention.

In accordance with Article 83 of the Rules of Court, South Africa and Israel have been invited to furnish written observations on Belize's application for permission to intervene and declaration of intervention.

The full texts of Belize's application for permission to intervene and declaration of intervention are available on the Court's website.

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TOPICS

Terrorism

Neo-Nazi Leader on Trial in Maryland for Alleged Terrorist Plot to Destroy Baltimore-Area Power Grid (CBS News) By Tara Lynch
January 29, 2025

The trial of a Florida man completed its third day in federal court in Baltimore on Wednesday for an alleged terrorist plot to destroy the power grid in the Baltimore region.

According to court documents, Brandon Clint Russell, 29, of Orlando, Fla., planned to carry out attacks against electrical substations between 2022 and 2023 in furtherance of his neo-Nazi beliefs.

The trial began with jury selection on Monday, which concluded Tuesday morning. The court then heard opening statements from both the prosecution and defense, as well testimony from two prosecution witnesses.

On Wednesday, the court heard from an FBI informant who walked the jury through recorded phone calls and messages between the informant and profiles associated with Russel, and Sarah Beth Clendaniel.

Day 3 Highlights

A confidential FBI informant revealed details Wednesday of his work infiltrating online groups to gather evidence about an alleged plot to attack Maryland power grids, including conversations with suspects Brandon Russell and Sarah Beth Clendaniel. It's a job he said he's done for four years.

The informant, who works as a researcher specializing in extremism and domestic terrorism, testified that he was initially recruited through an FBI agent acquaintance. He received \$40,000 for his services plus \$30,000 in expense reimbursements across several investigations, having previously worked as a federal contractor drafting economic sanctions policy.

Prosecutors presented extensive evidence including text messages, photos, and recorded conversations between the informant and online users allegedly linked to Russell and Clendaniel. The discussions covered planning elements including how to "maximize impact" on power grids and obtain weapons.

Defense attorneys argued that Russell never explicitly agreed to travel to Maryland for the alleged plot, maintaining he only shared publicly available information. During redirect, prosecutors emphasized that Russell actively encouraged the informant and Clendaniel to carry out the attack.

An FBI Special Agent of the Counterterrorism Task Force testified about evidence seized during a raid of Clendaniel's Catonsville apartment, including approximately 950 rounds of ammunition, firearms, tactical gear, and knives. Physical evidence presented in court included a tactical bag and firearm parts.

The trial continues Thursday morning with additional witnesses. An FBI agent from the Tampa/Orlando office is expected to testify Monday about the search of Russell's Florida home. Prosecutors indicated the trial remains on schedule for its planned two-week duration.

Day 2 Highlights

Opening statements began with prosecutors, including Assistant U.S. Attorney Michael Aubin. He began with an alleged quote from Russell, which states "Never forget. This is a war for our very existence. This is not a game. This is not a hobby". Russell built his statement on the accusation that Russell was heavily involved in the planning, research and coordination of the plot.

"He obsessed over it. Over and over and over," Aubin said.

In previous interviews with law enforcement, Russell admitted to holding National Socialist and white supremacist beliefs and also subscribes to accelerationism, which is the ideology that society is beyond repair and requires violence to create radical social change. Court documents allege that this plot to take out BGE substations was to maximize impact and expedite this radical change.

Prosecutors say they will bring expert witnesses on accelerationism and domestic terrorism, ballistics, as well as an employee of Exelon, the company that owns BGE. Other witnesses will include account monitors for Telegram, the application Russell allegedly used to communicate with co-conspirators, two confidential human sources, as well as FBI investigators.

Defense counsel, Ian Goldstein, provided an opening statement, which removed Russell from having any connection or involvement in the plot. Goldstein claims Clendaniel was the person who sought to execute the plan and that his client had no intention of coming to Maryland to perform it.

He also commented on the accusations that Russell shared information to insight an attack. He said all of the information Russell shared is openly available online.

"Sharing information is not illegal. It is constitutionally protected speech," Goldstein said. "We don't put people in jail for questions that can be Googled."

Two witnesses took the stand, including Professor Arie Perliger from University of Massachusetts Lowell, who is an expert on far-right extremism and accelerationism. Perliger's testimony focused on "Atomwaffen Division", a white supremacist group created by Russell in 2015, how it formed, and how people online can become radicalized in groups like this.

An FBI Digital Forensics Examiner took the stand second. She is from the Tampa field office, which investigated Russell's case. She walked through several photos, videos, and documents that were found on Russell's cellphone, laptop, and external hard drives.

Some of the items depicted included images of Russell holding Nazi-paraphernalia and performing the Nazi salute. Other documents included white supremacist writings, drawings, and "Telegram" chats and posts between users.

Court will resume on Wednesday morning, when prosecutors say one of the confidential human sources will take the stand.

The Conspiracy

Russell encouraged using Mylar or foil balloons to short out a power transformer. Court documents show that on Oct. 25, 2022, he encouraged an attack to be carried out "when there is greatest strain on the grid," like "when everyone is using

electricity to either heat or cool their homes."

He used encrypted applications to post links to maps of infrastructure that included the locations of electrical substations, according to court records. During his conversations on those apps, Russell described how a small number of attacks on substations could cause a "cascading failure," and discussed increasing the impact by hitting multiple stations at once.

According to prosecutors, the attack would have caused power outages across much of Maryland and resulted in \$75 million in damages.

Russell faces a maximum sentence of 20 years in prison, according to court officials.

Neo-Nazi Leader

According to prosecutors, Russell is the co-founder of the neo-Nazi organization Atomwaffen.

In January 2018, He was sentenced to five years in federal prison for possession of explosives, according to the Department of Justice.

He was arrested in 2017 after Tampa Police responded to a double homicide at an apartment where Russell had been living with the alleged suspect and two of the victims. Court documents show the four roommates were active members of Atomwaffen. Russell was not home at the time of this incident.

The alleged homicide suspect told police he saw Russell participate in online neo-Nazi chatrooms where he threatened to kill people and blow up infrastructure. He also told police Russell had explosive materials in the apartment.

A search of Russell's room revealed neo-Nazi and white supremacist propaganda. Various books, military gear and flags often associated with white supremacist extremist organizations were also found around the apartment, court documents show.

Co-Conspirator in the Power Grid Plot

Russell allegedly collaborated with Sarah Beth Clendaniel of Catonsville, Maryland in the terrorist plot.

According to court documents, the two met in 2018 and they both believed in "accelerationism," a white supremacist belief that the current government needs to be violently overthrown to create societal and government collapse.

Clendaniel was arrested in February 2023 and a search of her home revealed various firearms and hundreds of rounds of ammunition, according to court documents. At the time, she was prohibited from owning a firearm as a convicted felon.

In May 2024, Clendaniel accepted a plea deal and pleaded guilty to trying to destroy the power grid. In September 2024, she was sentenced to 18 years in prison.

Evidence used during Clendaniel's trial included recorded phone conversations between her and an informant that revealed she wanted to get a high-powered rifle to shoot at substations in Reisterstown, Perry Hall, White Marsh and more.

During her sentencing hearing, a judge said the charges could have elevated the sentence as it promoted domestic terrorism. The judge further called the plot "dangerous," "terrifying," and "audacious."

According to prosecutors, Clendaniel stayed in communication with Russell through alleged transnational terrorist group leader Dallas Humber, who was accused of soliciting hate crimes and the murder of federal officials.

Clendaniel, Humber and Russell remained in contact until July 2024, which, according to prosecutors, showed that Clendaniel was still conspiring while incarcerated.

During her sentencing hearing, Clendaniel told the courtroom that she was more likely to hurt herself than others and that she retained her national socialist beliefs but would not act on them.

The judge said he was not convinced that Clendaniel would not act on her beliefs in the future.

She was ordered to serve her prison term at a federal prison in Tallahassee, Fla.

Clendaniel's Mother Speaks Out

Lanette Clendaniel, Sarah's mother spoke to WJZ after her daughter's sentencing hearing.

Lanette said she was not surprised by the sentence and had little confidence that treatment programs would help Sarah.

"I mean that's what they [prosecutors] were wanting was 18 years and life probation," Lanette Clendaniel told WJZ. "I support her 100% – not in her beliefs – she's under the influence of other spirits. When God pours his spirit out on her, those spirits will flee." In 2023, Lanette told the Associated Press that her daughter's neo-Nazi beliefs came amid mental health issues and a drug addiction.

According to Lanette, Sarah struggled with trauma after losing her father in a car crash in 1999 and spent years in psychiatric institutions and alternative schools.

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Gender-Based Violence

ICC prosecutor seeks arrest of Taliban leaders for 'persecuting Afghan girls and women' (BBC News) By

George Wright and Anna Holligan

January 23, 2025

The top prosecutor at the International Criminal Court (ICC) says he will seek arrest warrants against senior leaders of the Taliban government in Afghanistan over the persecution of women and girls.

Karim Khan said there were reasonable grounds to suspect Supreme Leader Haibatullah Akhundzada and chief justice Abdul Hakim Haqqani bore criminal responsibility for crimes against humanity on gender grounds.

ICC judges will now decide whether to issue the warrants.

The Taliban said it strongly condemned the accusations as "baseless" and politically motivated, accusing the court of "double standards".

The ICC investigates and brings to justice those responsible for genocide, crimes against humanity and war crimes, intervening when national authorities cannot or will not prosecute.

In a statement, Mr Khan said the two men were "criminally responsible for persecuting Afghan girls and women, as well as persons whom the Taliban perceived as not conforming with their ideological expectations of gender identity or expression, and persons whom the Taliban perceived as allies of girls and women".

Opposition to the Taliban government is "brutally repressed through the commission of crimes including murder, imprisonment, torture, rape and other forms of sexual violence, enforced disappearance, and other inhumane acts", he added.

The persecution was committed from at least 15 August 2021 until the present day, across Afghanistan, the statement said.

But the Taliban's Ministry of Foreign Affairs responded with a statement saying the court had turned a blind eye to what it described as "numerous war crimes and crimes against humanity committed by foreign forces and their local allies", referring to US-led forces present in the country before 2021.

"It is regrettable that such unfounded claims are being made against the honorable leaders of the Islamic Emirate at a time when peace has finally been restored in Afghanistan," it said.

"The Afghan people, after years of suffering, have only recently begun to experience relief from the chaos of private prisons, abductions, warlords and other inhumane practices."

Rights group Amnesty International welcomed the ICC move.

In a statement, Secretary-General Agnès Callamard said the announcement "gives hope, inside and outside the country to Afghan women, girls, as well as those persecuted on the basis of gender identity or expression".

But Ms Callamard also called on the ICC prosecutor to "reconsider his 2021 decision to deprioritise investigations" into alleged war crimes by international forces and the former government security apparatus, which could give the impression of a selective approach to international justice.

Akhundzada became the supreme commander of the Taliban in 2016, and is now leader of the so-called Islamic Emirate of

Afghanistan. In the 1980s, he participated in Islamist groups fighting against the Soviet military campaign in Afghanistan.

Haqqani was a close associate of Taliban founder Mullah Omar and served as a negotiator on behalf of the Taliban during discussions with US representatives in 2020.

The ICC prosecutor's office told the BBC that issues slowed down the pace of the investigation, including "the lack of cooperation" from the Taliban authorities.

"Due to fear, individuals with important information for the investigation are frequently unwilling to come forward," the office added.

Nader Nadery, a senior fellow at the Washington-based Wilson Center who participated in peace talks between the previous Afghan government and the Taliban, said that many Afghan women had been waiting for this moment.

"While it might not immediately change things, it sends a strong message that there won't be impunity," he told the BBC.

"It builds hope for many of those activists and Afghan women on the ground that probably there is a way forward and keeping that hope alive, I believe, is a major contribution immediately."

The Taliban regained power in Afghanistan in 2021, 20 years after a US-led invasion toppled their regime in the fallout of the 9/11 attacks in New York, but its government has not been formally recognised by any other foreign power.

"Morality laws" have since meant women have lost dozens of rights in the country.

Afghanistan is now the only country in the world where women and girls are prevented from accessing secondary and higher education - some one-and-a-half million have been deliberately deprived of schooling.

The Taliban has repeatedly promised they would be re-admitted to school once a number of issues were resolved - including ensuring the curriculum was "Islamic". This has yet to happen.

Beauty salons have been shut down and women are prevented from entering public parks, gyms and baths.

A dress code means they must be fully covered and strict rules have banned them from travelling without a male chaperone or looking a man in the eye unless they're related by blood or marriage.

In December, women were also banned from training as midwives and nurses, effectively closing off their last route to further education in the country.

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Aiding and Abetting

Italy's Meloni: probe against me may push away foreign investors (Reuters) January 30, 2025

Italy's Prime Minister Giorgia Meloni said on Thursday an investigation targeting her over the release of a Libyan war crimes suspect was bad publicity that could push away much-needed foreign investment.

"The point is that what is happening above all damages the nation ... That is what frankly drives me a little crazy," Meloni told a business conference in Milan, speaking via a video link.

Italy's leader has been placed under investigation for aiding and abetting a crime and misuse of public funds in connection with the release and repatriation of senior Libyan police officer Osama Elmasry Njeem.

Njeem was arrested in Turin on Jan. 19 on a warrant from the International Criminal Court (ICC), but freed two days later, officially because of a procedural fault with his arrest, and flown back to Libya on a government plane.

Meloni, renewing her criticism of the judiciary, said the affair was tarnishing Italy's international image, pointing out that news of her being put under investigation had made it to the front page of the Financial Times.

She said that could put off investors such as the Norwegian wealth fund Norges, which she said had recently increased its

holdings of Italian sovereign bonds to more than 8 billion euros (\$8.33 billion).

"After reading this news, do you think that this Norwegian investment fund that has just bought 8 billion euros of Italian government bonds will be more likely to buy 9 (billion), 7 (billion), or maybe zero," she said.

The investigation into Meloni, which also concerns three other government members, is unlikely to go to trial. Even if judges request it, it would need to be authorized by parliament, where the government has a solid majority.

Amid the controversy, and a stagnating economy, Meloni and her conservative allies remain popular. Support for her Brothers of Italy party is at an almost two-year high at more than 30%, an average of opinion polls showed on Thursday.

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Commentary and Perspectives

How Trump's Gaza proposals could violate international law (Reuters) How Trump's Gaza proposals could violate international law (Reuters) By Anthony Deutsch and Stephanie van den Berg
February 5, 2025

U.S. President Donald Trump said he wants to resettle Palestinians from the Gaza Strip to Egypt and Jordan, demolish remaining buildings to make way for a Riviera-style development project and place the occupied territory under U.S. "ownership".

Forcing people to leave their land and taking over territory are prohibited by longstanding treaties. Following is a look at the ramifications of Trump's plans under international law.

TAKING CONTROL OF TERRITORY

Trump said "the U.S. will take over the Gaza Strip and we will do a job with it too.... I do see a long-term ownership position."

The Gaza Strip is recognised by the United Nations and its highest court, the International Court of Justice, as part of the Palestinian territories under Israeli military occupation.

International law prohibits the seizure of territory by force, which is defined as an act of aggression. The U.N. Charter says: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

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Janina Dill, co-director of the Oxford Institute for Ethics, Law and Armed Conflict and a specialist in international humanitarian law, said: "There are no circumstances in which it is permissible to seize territory by force. The argument that it benefits populations there or elsewhere is legally meaningless even if it were factually correct."

Under the U.N. Charter, responsibility for identifying acts of aggression and responding to them falls to the Security Council, where the United States is a permanent, veto-wielding member. Aggression is also one of the crimes that can be prosecuted before the International Criminal Court. The United States and Israel are not members of the ICC, but the court has asserted jurisdiction over the Palestinian territories, including over acts committed there by countries that are not members.

MOVING PALESTINIANS OUT

"Forcibly resettling the Palestinians of Gaza would constitute the crime against humanity of deportation or forcible transfer," said Dill.

Trump has said Palestinian residents of Gaza would want to leave because it has become dangerous. But so far there has been no indication that the 2.3 million residents wish to go. The Fourth Geneva Convention of 1949 prohibits the forcible transfer or deportation of protected persons in occupied territory.

According to the founding document of the International Criminal Court, the Rome Statute, "the term 'forcibly' is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment."

Dill said it was also likely that removing Palestinians from Gaza would require carrying out other large-scale crimes against them.

"The scale of such an undertaking, the level of coercion and force required mean this would very likely meet the threshold of a large scale and systematic attack against the civilian population."

PREVENTING GAZANS FROM RETURNING

Trump has said that after Gaza residents leave, he does not envision them returning.

Preventing them from doing so would also amount to a violation of international legal principles under which displaced populations retain a right to return to lands they have fled.

Even a lawful evacuation by an occupying power "cannot involve sending people to a third country and it cannot be a pretext for ethnic cleansing or removing the population from the territory indefinitely or on a permanent basis," said Becker.

U.N. Secretary-General Antonio Guterres told Al Arabiya TV that taking the population out of Gaza would "create a high risk that you make the Palestinian state impossible forever."

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WORTH READING

'Fascism on trial': Rodolfo Graziani and the manipulation of historical consciousness in postwar Italy (Journal of the Association for the Study of Modern Italy) By Victoria Witkowski

February 3, 2025

This article uses the postwar trial of Fascist Italy's most prominent general, Rodolfo Graziani, to examine issues of transitional justice and the formation of popular memory of Italian Fascism and colonialism after 1945. During the Fascist ventennio, the regime constructed Graziani as the nation's colonial 'hero' despite his leading role in genocidal measures during Fascist Italy's colonial wars in North and East Africa. His position as minister of defence in Mussolini's Nazi-backed Salò Republic in 1943–5, however, threatened his heroic reputation as he worked with Nazi commanders and became responsible for atrocities against Italian civilians. After the Second World War, Graziani was tried for Nazi collaborationism at the Supreme Court in 1948, but his colonial conduct was left unquestioned. Unlike in the Nuremberg Trials in post-Nazi Germany, few Italians were tried for war crimes after 1945. This historical inquiry analyses the legal proceedings, transnational representation and outcome of Rodolfo Graziani's 1948 trial as an emblematic case study to explore de-fascistisation and decolonialisation initiatives and their limitations in post-Fascist postcolonial Italy.

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