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

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AFRICA

NORTH AFRICA

Libya

3 top Italian government officials accused of helping Libyan warlord flee justice (Politico) By Hannah Roberts
September 26, 2025

Three top Italian officials in Giorgia Meloni's government helped a Libyan warlord escape justice earlier this year and concealed secret meetings about his case from parliament, according to a report to the legislature summarizing the prosecution's case.

The events surrounding the arrest and prompt release of Osama Al-Masri Njeem, wanted by the International Criminal Court, have become a national scandal. The government's critics argue he was repatriated to avoid retaliation from Libya, which could have targeted Italian energy interests or allowed more migrant boats to cross the Mediterranean.

Al-Masri, a long-time enforcer in Tripoli's notorious Mitiga prison, had been arrested in January in Turin after attending a Juventus football match, but was released after only 48 hours. The ICC accuses him of war crimes and crimes against humanity, including torture, murder and sexual violence. He is accused of 22 rapes and 36 murders.

The role of two Italian government ministers and a cabinet secretary in letting him go is now under investigation, and the parliament will take a final vote on Oct. 9 as to whether their parliamentary immunity from prosecution should be lifted.

Ahead of the vote, Federico Gianassi, an MP for the opposition Democratic Party and parliamentary rapporteur to the committee that oversees cases against ministers, summarized the prosecutors' case in a report. POLITICO saw a copy.

Safe majority

While Meloni has a majority in the parliament that will likely shield her ministers from standing trial, the proceedings still threaten to embarrass her and leave her vulnerable to accusations that her government brushes aside international law under pressure over hot-button issues such as migration.

Justice Minister Carlo Nordio, Interior Minister Matteo Piantedosi and Cabinet Secretary Alfredo Mantovano are accused by prosecutors of helping a criminal escape justice from the ICC, and abuse of office after Al-Masri's arrest on an Interpol warrant on Jan. 19.

A spokesman for Nordio said that as minister of justice he had been "obliged to carry out a preliminary political and legal assessment before forwarding requests," which took two days, leading to Al-Masri's release after a procedural error. The documents received from the ICC contained "doubts and inaccuracies" that rendered

them void, the spokesman added.

Regarding his part in authorizing Al-Masri's removal on a state flight, Interior Minister Piantedosi said Al-Masri "was released and expatriated for urgent security reasons" and "because of the danger posed by the subject." Mantovano's office did not reply to a request for comment.

Fear of retaliation

According to Gianassi's report, the ministers held online meetings on the days following the arrest in January where they were warned by the intelligence services that holding Al-Masri could lead to "retaliation" against Italy's "economic interests linked to the [state-owned oil giant] ENI gas plant in Melliah and its immigration interests, given that the RADA militia is the entity that exercises security powers in the relevant areas indicated and that relations with it have strengthened over the last year."

Al-Masri was a leading figure in RADA, Libya's "Special Deterrence Force for the Countering of Terrorism and Organized Crime."

The officials were also warned of the danger that Italian citizens could be arrested in a tit-for-tat act of revenge for Al-Masri's detention.

During the meetings, the ministers decided on a "strategy of non-intervention" that led to his release on a procedural error, the report to MPs said.

This inertia permitted Al-Masri's release and the loss of potentially important evidence on phones and in documents. His return to Libya on an Italian state jet to be greeted by cheering crowds "facilitated the continuation of similar conduct," the report said.

The flight "was not justified by security reasons" and "assured Al-Masri an immediate and protected return, without the possibility of being arrested," Gianassi said. Accounting to parliament on Feb. 5, the week after Al-Masri's release, the two ministers failed to disclose the ministerial meetings where the case was discussed and where the strategy of not pushing ahead with the case in Italy was adopted, the report noted.

The ministers and cabinet secretary acted on "mere political opportunism, based on generic fears and not backed up by concrete evidence, which shows the Italian government's weakness in front of armed gangs that operate abroad and violate human rights," Gianassi told the committee deciding on ministerial prosecutions on Wednesday.

If the ministers are protected from standing trial as expected because of Meloni's majority, Al-Masri's alleged victims could then appeal to the European Court of Human Rights.

Prosecutors at the ICC have also called on judges to open infraction proceedings against the Italian government that would refer Italy to the U.N. Security Council for violating its international obligations. A ruling is expected in the next few months.

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CENTRAL AFRICA

Sudan & South Sudan

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

South Sudan court rejects ex-VP's bid to halt murder and treason trial (BBC) By Nichola Mandil and Basillioh Rukanga

September 29, 2025

A special court in South Sudan has ruled that it does have the jurisdiction to prosecute suspended Vice-President Riek Machar and seven co-accused, who are charged with murder, treason and crimes against humanity.

The court dismissed all objections by Machar's legal team regarding its authority, the constitutionality of the proceedings, and the claim that he was immune from prosecution. The case will continue on Wednesday.

Machar has dismissed the charges brought against him two weeks ago as a political "witch-hunt". They have raised fears of return to civil war.

The charges stem from an attack in March by a militia allegedly linked to Machar, which killed 250 soldiers and a general.

Since then, he has been under house arrest.

Machar's defence team had argued that the alleged crimes should not be tried by a national court but by a hybrid court under the African Union, in accordance with the 2018 Peace Agreement that ended the five-year civil war between his forces and those loyal to President Salva Kiir.

Presiding Judge James Alala however said that the special court did have the authority to try national offences, as a hybrid court had not yet been established.

"The special court enjoys jurisdiction to try this case according to the Transitional Constitution 2011 as amended," he said.

He also denied that Machar had immunity from prosecution, saying this was only enjoyed by the president.

"The First Vice-President does not have constitutional immunity, according to the transitional constitution," the judge ruled.

The court also expelled two of Machar's lawyers after the prosecution argued that they did not have valid licences.

The presiding judge ruled that the two could only participate once they have renewed their licences.

After the ruling, Machar's SPLM-IO party said the entire case was "unconstitutional" - nothing more than a "rigged court case" and "sham trial" led by a "kangaroo court" that lacked "jurisdiction, legality and competence".

It also alleged that the motives behind the trial were "tribal".

Machar's lead lawyer Geri Raimondo Legge Lubati told the court that his client and the co-accused had been "subjected to politicised media campaign" by ministers and other senior officials.

"This conduct amounts to unlawful and prior conviction of our accused and a blatant violation of the constitutional guarantee of presumption of innocence," he said.

The charges have sparked fears of renewed conflict in the country, with the UN, African Union and neighbouring countries all calling for calm in the world's newest country, which only gained independence from Sudan in 2011 following decades of war.

Darfur: ICC convicts Janjaweed leader of war crimes and crimes against humanity (UN News) By Vibhu Mishra

October 6, 2025

The landmark judgment, delivered on Monday in The Hague after a lengthy trial, found him guilty on 27 counts for his role in attacks against the Fur, Masalit and other non-Arab communities between August 2003 and March 2004 in West Darfur.

The crimes included murder, rape, persecution, torture and attacks on civilians in the towns of Kodoom, Bindisi, Mukjar and Deleig.

In a 355-page ruling, Presiding Judge Joanna Korner and Judges Reine Alapini-Gansou and Althea Violet Alexis-Windsor concluded beyond reasonable doubt that Ali Kushayb ordered, supported and participated in widespread and systematic terror attacks that led to mass killings and forced displacement.

Indiscriminate killings

The Janjaweed – Arab militias armed and supported by Sudan’s security forces – were part of Khartoum’s campaign to crush a rebellion by non-Arab groups in 2003. Villages were razed, men summarily executed, and women raped in what the UN later described as one of the gravest humanitarian crises of the early 21st century.

Among the evidence presented was testimony describing how Janjaweed fighters “killed the inhabitants of the town indiscriminately,” firing on people fleeing for their lives.

Another account recalled a wounded father who urged his children to “leave him behind and save themselves” as the militia advanced.

A case of many firsts

Ali Kushayb surrendered to the ICC in 2020 shortly after the fall of Sudan’s long-time leader Omar al-Bashir, after evading authorities for over 12 years.

His sentencing will follow, and the judgment can be appealed. A reparations phase for victims will also be opened.

The conviction marks several milestones for international justice: it is the first ICC verdict in the Darfur situation, the first case referred by the UN Security Council in resolution 1593 (2005) to result in conviction, and the first ever ICC conviction for gender-based persecution.

The ICC Prosecutor’s Office said it continues to pursue other outstanding warrants for Bashir, former Interior Minister Ahmad Harun, and ex-Defence Minister Abdel Raheem Hussein – all accused of similar crimes.

Echoes of the past

The conviction comes as Darfur once again descends into violence amid the ongoing war between Sudan’s army and the paramilitary Rapid Support Forces (RSF), which reportedly grew out of the Janjaweed militias and former leadership in 2013.

Reports of mass killings and ethnically targeted attacks have resurfaced in Darfur, drawing comparisons to the horrors of two decades ago.

In September alone, at least 91 civilians were killed in the besieged capital city of El Fasher during a series of strikes by the RSF, involving shelling drones and ground incursions.

‘Justice will prevail’

Deputy Prosecutor Nazhat Shameem Khan hailed the verdict as “a crucial step toward closing the impunity gap in Darfur,” adding that it “sends a resounding message to perpetrators of atrocities in Sudan, both past and present, that justice will prevail.”

She said the judgment “is a tribute to the bravery of thousands of Darfuri victims who hoped and fought for justice through the years.”

‘A long-overdue redress’

UN High Commissioner for Human Rights Volker Türk also welcomed the decision, calling it “an important acknowledgment of the enormous suffering endured by the victims of his heinous crimes” and a “first measure of long-overdue redress.”

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p class="sectionhead">Democratic Republic of the Congo

Official Website of the International Criminal Court

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

Former Congolese president sentenced to death for war crimes (BBC News) By Wedaeli Chibelushi
October 1, 2025

Former Democratic Republic of Congo President Joseph Kabila has been sentenced to death in absentia for war crimes and treason.

The charges concern accusations that Kabila has been supporting the M23, a rebel group who have wreaked devastation across the country's eastern region.

Kabila was convicted on Friday by a military court of treason, crimes against humanity, and war crimes, including murder, sexual assault, torture and insurrection. He denied the charges, but did not appear in court to defend himself.

The ex-president rejected the case as "arbitrary" and said the courts were being used as an "instrument of oppression". His current whereabouts are unknown.

The court also ordered him to pay a fine of \$33bn (£25bn).

One of his allies and a former minister, Kikaya Bin Karubi, told the BBC's Newsday programme that the whole trial had been "theatrical" and was an example of the dictatorship of President Félix Tshisekedi. He said the court had not seen any evidence linking Kabila to the M23 rebel group.

M23 leader Bertrand Bisimwa said on X that the sentence was a violation of the peace talks which were underway with the government.

Kabila, 54, led DR Congo for 18 years, after succeeding his father Laurent, who was shot dead in 2001.

Kabila backed Tshisekedi in the disputed 2019 elections, but they later fell out and Kabila went into self-imposed exile in 2023.

In April this year, the former president said he wanted to help find a solution to the deadly fighting in the east and arrived in the M23-held city of Goma the following month.

President Tshisekedi accused Kabila of being the brains behind the M23 and senators stripped him of his legal immunity, paving the way for his prosecution.

Decades of conflict had escalated earlier this year when the M23 seized control of large parts of the mineral-rich east, including Goma, the city of Bukavu and two airports.

Pointing to overwhelming evidence, the UN and several Western countries have accused neighbouring Rwanda of backing the M23, and sending thousands of its soldiers into DR Congo.

But Kigali denies the charges, saying it is acting to stop the conflict from spilling over onto its territory.

A ceasefire deal between the rebels and the government was agreed in July, but the bloodshed has continued.

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EUROPE

Kosovo Specialist Chambers

Kosovo's Thaci Was a Politician, Not a Fighter, Hague Court Told (Balkan Transitional Justice) By Xhorxhina Bami

October 2, 2025

James 'Jock' Covey, the fourth witness for the defence of former Kosovo President Hashim Thaci in his trial for war crimes and crimes against humanity in The Hague, told the court this week that Thaci was not a fighter but a politician who had called out ethnic-based violence in post-war Kosovo.

Covey was deputy to the UN representative in Kosovo, Bernard Kouchner, from July 15, 1999 to January 2001, just after the war ended. On Wednesday, Covey told the court that “our judgment was quite clear that this person standing next to us [Thaci] was not a fighter and I do not believe there is any evidence that this man ever fired a bullet as a result of boredom or anger”.

During questioning on Thursday, he said that Thaci “walked on eggshells when any relationship with leaders of the [Kosovo Liberation Army] KLA movement were concerned”.

Covey added that this judgment was based on Thaci’s “demeanour, because [his] dignity would not permit someone to say that [that they were afraid]; we felt we could see it, smell it”.

On Tuesday, Covey told the court that the KLA’s commanders in the guerrilla force’s various battlefield zones around the country did not respect Thaci, and the UN interim mission in Kosovo, UNMIK, “didn’t treat him as a commander”.

The former UN official recalled that Thaci constantly called for an end to violence among ethnic communities, unrelated to the arrival of international forces after Serbian troops withdrew from Kosovo when the war ended.

Covey told the court that none of the crimes allegedly committed by KLA fighters against those they saw as collaborators with Serbia “are directly related to Mr Thaci”. He also said Thaci did not use crimes committed individually or by other members of KLA for his political benefit.

“We quickly came to the conclusion that he didn’t have the personal authority to make someone else do that [commit such crimes]. Furthermore, I and we came to the conclusion that he knew he didn’t have that authority and that power,” the witness said.

Like several other witnesses who have testified before the court, Covey also said the KLA did not have a centralized army structure. The defence is seeking to prove that Thaci and his co-defendants, as senior KLA figures, could not have ordered fighters to commit crimes as the guerrilla force did not function with a top-down hierarchy,

Thaci was indicted in October 2020 and resigned as Kosovo President in November 2020 to face the charges and was sent to The Hague with former parliament speakers Jakup Krasniqi and Kadri Veseli, and former MP Rexhep Selimi. They have been in detention ever since.

The four are charged with individual and command responsibility for war crimes and crimes against humanity during the Kosovo war, including the murder of about 100 persons. They have all pleaded not guilty.

The Kosovo Specialist Chambers are part of Kosovo’s justice system but are based in The Hague with an international staff to ensure fair proceedings after witness intimidation problems in previous KLA-related cases. Many ethnic Albanians and KLA supporters insist that the proceedings have been unfair to the defendants.

Many prosecution witnesses have testified behind closed doors to protect their identities due to fears of reprisals, but this has led to allegations of a lack of transparency.

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MIDDLE-EAST

Syria

German police arrest Syrian man suspected of crimes against humanity (Reuters)

September 30, 2025

German police arrested on Tuesday a Syrian man suspected of committing crimes against humanity, including killing and torturing, as a militia leader in 2011 in Aleppo, prosecutors said.

The Syrian national, identified only as Anwar S. in line with German privacy laws, is suspected of being head of the "shabiha militia" deployed in Aleppo on behalf of the former Syrian leadership under then-President Bashar al-Assad.

Prosecutors said that on eight occasions between April and November 2011 after Friday prayers, the suspect and his militia hit civilians with batons, metal pipes and other tools to disperse protests. Electric shocks were also believed to have been used, they added in a statement.

Some protesters were handed over to police and intelligence authorities and, while detained, subjected to severe abuse, said the prosecutors, adding in one case, a protester died.

Reuters was not immediately able to contact Anwar S.'s lawyer for comment.

Germany has targeted several former Syrian officials in the last few years under universal jurisdiction laws that allow prosecutors to seek trials for suspects in crimes against humanity committed anywhere in the world.

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ASIA

Afghanistan

UN Rights Council Creates Afghanistan Accountability Body (Human Rights Watch)

October 6, 2025

The United Nations Human Rights Council on October 6, 2025, adopted a landmark resolution creating an independent mechanism to investigate past and ongoing rights abuses in Afghanistan, Human Rights Watch said today. The resolution puts the Taliban and all others responsible for serious crimes

in Afghanistan on notice that evidence is being collected and prepared so they may someday face justice.

The resolution, led by the European Union, was adopted by consensus. The mechanism is expected to include a focus on the Taliban's current abuses against women and girls, which amount to gender persecution. The body will collect and preserve evidence of war crimes, crimes against humanity, and other grave rights abuses; identify individuals responsible; and prepare files that can be used to support their prosecution in national and international courts. The resolution also further extended the mandate of the UN Special Rapporteur on human rights in Afghanistan, whose monitoring and reporting remains essential and is complementary to the work of the new mechanism.

“Countries at the UN Human Rights Council have together sent a strong message of their resolve to ensure that those responsible for serious international crimes in Afghanistan now or in the past will one day face justice in court,” said Fereshta Abbasi, Afghanistan researcher at Human Rights Watch. “It’s crucial for the new mechanism to get up and running quickly so that it can begin to collect, prepare, and preserve evidence, and build files on those responsible for international crimes in Afghanistan.”

The resolution responds to calls by Afghan and international human rights groups to address entrenched impunity in Afghanistan. In August 2025, a coalition led by HRD+, a network of Afghan human rights defenders, with support from 108 Afghan and international organizations, reissued an appeal for the investigative mechanism after four years of campaigning. Over the previous year, UN experts and countries from various regions joined civil society groups appealing to the EU to take this step.

The investigative mechanism, in accordance with its mandate and the practice of two similar mechanisms on Syria and Myanmar, is expected to take a comprehensive approach to investigating international crimes. All individuals responsible for carrying out rights-abusive Taliban edicts and policies that violate international law, such as the Propagation of Virtue and Prevention of Vice law, would be subject to investigation, and the evidence will be collected, preserved, and prepared for future prosecutions.

The mechanism is expected to investigate actions by the Taliban leadership, provincial directors, governors, and other officials who are responsible, for example, for torture and other ill-treatment of people in custody. It will also target officials responsible for the denial of women and girls of their rights, notably to education, health care, and freedom of movement, which constitutes gender persecution.

The investigative mechanism's scope is not limited to Taliban abuses but also covers those by officials of the former government, warlords, and members of international forces, non-state armed groups, and others responsible for serious abuses and violations in Afghanistan.

“The European Union has demonstrated principled leadership by putting forward this resolution for an investigative mechanism on Afghanistan,” Abbasi said. “By adopting the resolution by consensus, UN Human Rights Council member states have sent a powerful message against double standards for justice or a hierarchy of victims, and demonstrated growing international resolve to bring those responsible for international crimes to account.”

The UN secretary-general has been asked to put the body in operation with some urgency, finding a way to ensure that it can begin work on its core mandate despite the UN's ongoing financial crisis. This is particularly urgent for women and girls, whose lives are so restricted every day in many ways under Taliban rule.

The International Criminal Court (ICC) has issued arrest warrants for two senior Taliban officials on charges of the crime against humanity of gender persecution. The resolution directs the new mechanism to cooperate closely with the ICC and, particularly in light of US sanctions imposed on its officials and those seeking justice before the court, condemns “attacks and threats against the Court, elected officials, personnel and those cooperating with the Court.”

“UN Human Rights Council members have sent a clear message to victims, their families, and all those bravely fighting for justice in Afghanistan that their voices have been heard, and that their suffering is neither invisible nor erasable,” Abbasi said. “The UN secretary-general should ensure the investigative mechanism is promptly rolled out, and UN member states should ensure funding is made available for the mechanism to begin its work.”

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War Crimes Investigation in Myanmar

Myanmar's civilians demand justice amid worsening crisis (United Nations Human Rights Office of the High Commissioner)

October 3rd, 2025

As civilians, Rohingya, and all communities in Myanmar continue to face killings, mass forced displacement, and other forms of systematic human rights violations, civil society organizations and human rights defenders are intensifying calls for accountability and ending decades of impunity.

Three prominent human rights defenders from Myanmar spoke at the 60th session of the Human Rights Council in Geneva and at a high-level conference on the situation of the Rohingyas at the UN General Assembly in New York, urging the international community to take concrete steps to pursue justice and restore peace, dignity and human rights.

“We want justice,” said Tun Khin, president of the Burmese Rohingyas Organisation UK, a civil society organization that documents the plight of the Rohingya. “When I visited the Rohingya refugee camps, every survivor said the same thing: That they have been waiting for justice for eight years. It is critical to obtain justice for these survivors of genocide.”

Tun Khin has led efforts to pursue legal action against Myanmar's military leadership. His organization filed a universal jurisdiction case in Argentina, seeking prosecution for crimes committed during the 2017 military violence, in which thousands of Rohingyas were killed and 700,000 were forced to flee to Bangladesh.

The Rohingya case in Argentina joins other international efforts, including proceedings at the International Criminal Court (ICC) and the International Court of Justice.

However, Tun Khin expressed concern over the slow pace of these mechanisms. He pointed to the ICC's swift action in other cases, such as the issuance of an arrest warrant for Russian President Vladimir Putin, and questioned why similar urgency has not been applied to Myanmar.

“Justice delayed is justice denied,” he said.

Tun Khin emphasized the need for comprehensive accountability, including for non-state actors. He said the Arakan Army, which now controls parts of Rakhine State, is contributing to the displacement of Rohingya civilians.

“Justice should not be selective. All parties responsible for crimes must be held to account.”

Speaking at the 30 September High-Level Conference on the situation of Rohingya Muslims and other minorities in Myanmar as part of the 80th session of the U.N. General Assembly, UN Human Rights Chief Volker Türk repeated his calls on the UN Security Council for a full referral of the Myanmar situation to the ICC.

“Today, life in Myanmar — especially in Rakhine State — may be the worst it has ever been for the Rohingya and other minorities, marking another grim chapter in a long history of persecution,” Türk said, urging the international community to heed Rohingya's calls for peace and freedom.

Lucky Karim, a Rohingya human rights advocate and founder of Refugee Women for Peace and Justice, spent years in Bangladesh's refugee camps after fleeing violence with her family. Her organization, established after she moved to the United States, aims to amplify the voices of Rohingya women and advocate for their rights.

For Lucky Karim, the pursuit of justice is tied to visibility and representation.

“In the camps, refugees are often unable to speak out about the conditions they face,” said Lucky Karim, who took part in the interactive dialogue on the UN Human Rights report on Myanmar during the Human Rights Council's

60th session. “Now, I’m able to communicate those needs directly to policymakers.”

“I’m carrying the message of hundreds and thousands of women who are left behind in refugee camps and cannot physically be here.” -Lucky Karim, founder of Refugee Women for Peace and Justice

She described the camps as overcrowded and lacking adequate protection, particularly for women and children. Lucky Karim stressed that justice must include access to basic rights and meaningful participation in decisions that affect displaced communities.

“Before discussing repatriation, it’s essential to ensure protection for those still in Myanmar,” she said. “That’s where the solution begins.”

Lucky Karim also highlighted the importance of sustained international attention. “The Rohingya crisis still exists,” she said. “Until we can return home with dignity and rights, the world must not forget us.”

Salai Za Uk Ling, Executive Director of the Chin Human Rights Organization (CHRO), has documented abuses against Chin people for over 30 years. He described the current situation as an existential threat.

“Our communities have faced indiscriminate violence, including bombings and attacks on religious institutions,” Za Uksaid. “Over half of the Chin population has been displaced since the coup.”

Za Uk noted that geographic isolation of Chin State and limited development have contributed to a lack of international awareness. “Few organizations are present in the area, and access is restricted,” he said. “We’ve had to rely on our own documentation to share what’s happening.”

He described ongoing challenges, including limited access to healthcare, infrastructure, and humanitarian aid. “People are struggling with disease outbreaks and daily threats to their safety. Churches, schools, and hospitals have been targeted.”

CHRO has filed a criminal complaint in the Philippines under the principle of universal jurisdiction and is pursuing similar actions in other countries. Za Uk also echoed calls for actions by the ICC.

For Za Uk, justice is not only about accountability but also about restoring human dignity.

“States have a responsibility to ensure basic living conditions and basic dignity for everyone.”

These voices reflect the findings of UN Human Rights’s work, which has played a crucial role on Myanmar by documenting widespread and systematic human rights violations.

Through 15 reports based on hundreds of interviews with victims and witnesses and four oral updates to the Human Rights Council and General Assembly, UN Human Rights has maintained international attention on the crisis, including on the situation of the Rohingya, advocated for accountability and the respect of the democratic aspirations of the Myanmar people, and issued recommendations to address the multiple human rights and protection concerns civilians face.

To achieve this, UN Human Rights has also closely collaborated with civil society organizations and networks to support their documentation efforts and amplifying their advocacy messages.

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TOPICS

Gender-Based Violence

ASIA/AFGHANISTAN - Discrimination against women and violations of rights: an NGO appeals to the Permanent People's Tribunal (Agenzia Fides) October 7, 2025

On October 8, the Permanent People's Tribunal (PPT) will open its hearing to examine the complaint filed by a coalition of Afghan civil society organizations, which denounces the rights violations and discrimination that the Taliban government continues to inflict against Afghan women. With this appeal, civil society and women's rights groups aim to create a channel to determine the Taliban's responsibility for the gender apartheid in Afghanistan. The NGOs warn about the growing oppression suffered by Afghan women and call on the international community to listen to their voices.

The coalition is made up of four organizations: Rawadari, Afghanistan Human Rights and Democracy Organization, Organization for Policy Research and Development Studies, and Human Rights Defenders Plus. Since December 2024, these organizations have held consultations with victims and survivors, Islamic scholars, international human rights lawyers, civil society organizations, and criminal justice experts, both inside and outside the country, to document violations of Afghan women's rights.

According to the complaint filed with the PPT, since the Taliban's return to power in August 2021, women and girls have suffered a severe setback in their fundamental rights. They have been denied access to secondary and university education, excluded from most jobs, and marginalized from public life. Today, they face one of the most extreme forms of gender discrimination in the world. Silenced in their own country, they also risk being forgotten by the international community. The public hearing will be held in Madrid, Spain, from October 8 to 10, 2025. It will provide a platform for Afghan women to share their testimonies, along with statements from civil society experts, legal scholars, and human rights specialists. The Tribunal's judges will issue an opening statement on October 10, while the final judgment will be announced during the first half of December 2025. While the Afghan civil society coalition supports all other international mechanisms to hold the Taliban accountable for their persecution in Afghanistan, the Permanent People's Tribunal session calls for global action to address issues affecting justice in Afghanistan, focusing on people's lives and basic human rights. The PPT is an international tribunal of opinion that examines cases of serious human rights violations, war crimes, crimes against humanity, and genocide. It is composed of a network of renowned experts and is based in Rome. Since its creation, it has held more than 50 sessions around the world, including two on Afghanistan—in relation to the 1979 Soviet invasion—held in Stockholm (1981) and Paris (1982).

The PPT was founded in Bologna in 1979, inspired by the Universal Declaration of the Rights of Peoples (1976), following the initiative of Italian jurist and politician Lelio Basso. Its creation transformed the experiences of the Russell Tribunal on Vietnam (1966-67) and the Russell Tribunal on dictatorships in Latin America (1973-76) into a permanent institution dedicated to listening to peoples facing a lack of justice and impunity. Its judgments are not binding, but have a high symbolic, cultural, and political value.

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Commentary and Perspectives

What the looming verdict in Thaçi war crimes trial could mean for Kosovo, the Balkans, and beyond (Atlantic Council) By Agon Maliqi
October 2, 2025

Did a political representative of a guerrilla army have command

responsibility for alleged crimes committed by its members during the Kosovo war? This is the central question an international trial panel will soon have to answer in the case against Hashim Thaçi, Kosovo's former wartime leader turned politician—as prime minister and later president.

Since November 2020, Thaçi has been in detention at the Kosovo Specialist Chambers, a hybrid Kosovar–international court in The Hague, alongside three other members of the Kosovo Liberation Army's (KLA) General Staff. Their trial began in April 2023, and the prosecution took two years, concluding in April of this year.

The indictment against Thaçi and the three others alleges that during 1998-1999—while the KLA waged a rural insurgency against the Yugoslav army and police, whose top leadership was found guilty of massacres and the ethnic cleansing of at least 700,000 Albanians—the KLA engaged in a number of illegal detentions, disappearances, mistreatment, and murders of civilians seen as political rivals and collaborators, both Albanian and Serb. The prosecution brought 125 witnesses and 155 participating victims, and it argued that members of the KLA General Staff, including Thaçi as the then head of its political directorate, bear responsibility as part of a “joint criminal enterprise.”

On September 15, the defense opened its case, announcing just fifteen witnesses—mostly senior Western officials with direct knowledge of events. The strategy is not to deny the alleged crimes, which do not implicate Thaçi directly. Instead, the defense is arguing that the KLA lacked a proper command structure and that Thaçi, often outside Kosovo and serving in a political role, had no authority over operations.

A question of control

The first defense witness carried the weight of the US government of that era. James P. Rubin, former assistant secretary of state, testified for three days, accompanied by current State Department officials as observers. He rejected the prosecution's portrayal of Thaçi's power at the time and disputed the notion that the KLA had anything resembling a “military structure.” According to Rubin, this was one reason why the United States refused to arm the KLA even while it was bombing Slobodan Milosevic's Yugoslavia.

Rubin was well placed to know. Tasked by then Secretary of State Madeleine Albright to work with Thaçi during peace talks in France (February–March 1999) and later to secure KLA demilitarization after NATO's intervention, he said that Thaçi's signatory role reflected representation, not authority. Having spent time with Thaçi both in France and for three days in a KLA mountain hideout, Rubin testified that the then twenty-nine-year-old “had superiors from whom he had to get approval,” and he was “more of a public face to present to the West.”

Rubin's testimony was reinforced by Paul Williams, an international law expert who advised Kosovo's delegation. Williams said that Thaçi faced “extraordinary pressure from local commanders” not to sign the peace accords, and that he had to travel back to Kosovo to seek their approval. On September 22, John Stewart Duncan, then a British adviser to NATO's Supreme Allied Commander Europe who drafted and negotiated the KLA's demilitarization deal, further corroborated this portrayal of the KLA's command structure, adding that the guerilla army's real power rested with regional commanders.

Media reports suggest that more high-ranking Western officials—from the United States, NATO, the United Kingdom, and France—will testify in the coming days. The defense is expected to conclude by mid-November, with a ruling anticipated around March of next year.

Implications for Kosovo, the region, and beyond

The outcome of the case will likely have political implications for Kosovo and the Balkans, as well as for the United States. Washington's reputation is involved because Thaçi, as Rubin noted in his testimony, worked closely with successive US administrations to lead Kosovo toward peace and independence and promote ethnic reconciliation. For two decades, he was essentially seen as Washington's man.

Thaçi is also being tried in a court sponsored by the United States and the European Union (EU), and the court's chief prosecutor and presiding judge in the case are both American. This reflects a longstanding US commitment—starting with the International Criminal Tribunal for the former Yugoslavia in 1993—to pair Balkan peace deals with justice and accountability for war crimes.

Finally, the case has elements of a domestic US political drama which—regardless of objective reality—has

altered perceptions about the integrity of the process in a Balkans region that is already prone to viewing war-crimes tribunals as politically controlled by Western powers. Thaçi's indictment in 2020 was controversially announced while he was en route to the White House to meet with US President Donald Trump to sign a peace deal with Serbia. The announcement came from Jack Smith, then chief prosecutor of the Kosovo Specialist Chambers and later special prosecutor against Trump, which fueled speculation among Trump's allies in Washington about possible domestic US political motivations behind the case.

Rubin's testimony also frequently shifted from KLA command-and-control dynamics to these broader political issues. He accused the prosecution of distorting justice, calling the tribunal "an example of international justice that has gotten out of control." On Thaçi's indictment, he said that "politics had interfered in the rule of law" and sought to alter the Kosovo war narrative. Drawing on his Kosovo experience and his recent stint as the head of the State Department's Global Engagement Center under former President Joe Biden, Rubin also expressed his belief that many allegations against KLA leaders stemmed from Russian and Serbian propaganda.

Rubin's political narratives inside the courtroom and the decision of Western governments to allow officials to support the defense have created a perception in Kosovo, particularly among Thaçi's supporters, that an acquittal may be on the way. So much so that an opposite outcome would likely fuel a sense of betrayal and skepticism toward the West, which has been steadily on the rise in Kosovo even before Thaçi's indictment.

Yet if he is acquitted, Thaçi's return to Kosovo would almost certainly shake up the political scene, which has been mired in deadlock due to an inability to form a government. It also comes at a time when caretaker Prime Minister Albin Kurti is increasingly at odds with Washington and Brussels over what US and EU officials see as destabilizing moves regarding relations with Serbia and the rights of Kosovo Serbs.

It remains unclear what political role Thaçi might play if an acquittal comes in the spring, but snap elections are looming. Yet Thaçi's return would very likely boost Kurti's rival camp, whatever his role may be. That camp has favored closer cooperation with the West and has shown a greater willingness to pursue a final settlement with Serbia.

An acquittal would also likely please Albanian Prime Minister Edi Rama, a vocal supporter of Thaçi's defense who sees him as the preferred ethnic-Albanian partner across the border. Rama's relations with Kurti have arguably deteriorated beyond repair. At the same time, an acquittal would likely anger Belgrade, which has supplied the prosecution with evidence against Thaçi and would likely use an acquittal to reinforce its standard narrative of Western bias against Serbs.

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WORTH READING

The Fire Underneath: War Crimes & Reconciling National Security and the Rule of Law (University of Pennsylvania Journal of International Law) By Dru Brenner-Beck
Spring, 2025

I. Introduction

Compounding the difficulty of war crimes prosecutions, much of the evidence available to prove these allegations implicates core national security interests of sovereign States. This article examines how the International Criminal Court ("ICC"), the Guantánamo military commissions, and U.S. courts grapple with eruptions of State sovereignty arising from national security interests, the potential effects of these national security interests on due process and the right to a fair trial, and whether these tribunals can ultimately control the destructive effects of sovereignty on the edifice of the laws of war.

In the early twentieth century, German lawyer H.G. Niemeyer described State sovereignty as a volcano upon which the edifice of international law is built.[1] As Antonio Cassese explains, Niemeyer meant that violent

eruptions of State sovereignty on the international scene can destroy the foundation upon which the law of nations depends.[2] For Judge Cassese, nowhere is this metaphor more apt than in the context of international criminal tribunals where States' lack of cooperation can act as "lava burning away the foundations of the institution." [3] Nowhere too is such an eruption more likely than when international tribunals seek evidence that is central to States' national security interests—an eventuality that is frequently present when adjudicating war crimes and associated crimes against humanity.

Implicating the core national security interests of the State, war crimes evidence is frequently classified because of the involvement of State officials in wartime decisions, the prevalence of military secrets, and the involvement of sensitive intelligence systems and methods in its collection and analysis. A tribunal's difficulty in accessing this type of evidence—often key to a determination of guilt or exculpatory for the defendant—exacerbates the already difficult task of collecting and authenticating evidence for war crimes trials. This quandary is not unique to international tribunals. Given the principle of complementarity, national courts remain the primary forum for war crimes prosecutions. They must also grapple with the necessity of providing due process and a fair trial to an accused individual when either key evidence of guilt, or exculpatory evidence, is classified national security information⁴ that the State opposes disclosing.

In both jurisdictions, however, State sovereignty will ultimately affect the ability of criminal tribunals to hold accused war criminals accountable for their acts and ensure a fair trial for the accused perpetrator. A State's assessment of its national security interests will determine its willingness to disclose critical evidence, and that assessment may value maintaining secrecy above holding individuals accountable for their unlawful acts in criminal tribunals. This is particularly so when the classified evidence in question is exculpatory or otherwise mitigating. This article examines how the ICC, the Guantánamo military commissions, and U.S. courts grapple with eruptions of State sovereignty arising from national security interests, the potential effects of these national security interests on due process and the right to a fair trial, and whether these tribunals can ultimately control the destructive effects of sovereignty on the edifice of the laws of war.

II. The International Criminal Court

Because international criminal tribunals exercise direct jurisdiction over accused individuals, States are no longer supreme in deciding whether or how to prosecute an individual accused of war crimes as they would be in domestic war crimes trials.[5] Because the ICC was created to uphold "the interests of the international community as a whole, in ending impunity for the most serious crimes of international concern,"[6] its view of the calculus between prosecution of alleged perpetrators of serious international crimes and a State's national security interests may differ from that of States. Lacking a police force, the ICC depends upon States for enforcement, with Article 86 of the Rome Statute imposing a general obligation on States to cooperate with the ICC with (respect to investigations and (prosecutions)).[7] This duty of cooperation includes the requirement to "provid[e] concrete cooperation at all stages of the Court's activities, including investigations, arrest and transfer of suspects, access to evidence and witnesses, protection of individuals, and the enforcement of judicial decisions and sentences." [8]

In Article 72, the Rome Statute also recognizes a State's need to protect national security interests within the context of this duty of State cooperation under Article 86.[9] Article 72 is among the longest and most complex provisions in the Statute, with much of its language drafted during the Conference without the benefit of "the [lengthy] International Law Commission and Preparatory Committee process." [10] Its drafting was strongly influenced by developments in the International Tribunal for the Former Yugoslavia ("ICTY"), particularly in the case of *Prosecutor v. Blaskic*. [11] In *Blaskic*, the Tribunal Prosecutor issued subpoenas to various governments for the production of records concerning military operations in central Bosnia. [12] The Republic of Croatia objected to the authority of the Trial Chamber to issue subpoenas on various grounds, to include its assertion that the Tribunal did not have authority to issue either subpoenas or binding orders to sovereign states nor to judge or determine the State's national security claims. [13] Although the Appeals Chamber agreed that the international criminal tribunals lacked authority to issue a subpoena "(in the sense of injunction accompanied by threat of penalty)," it held that the tribunal could issue binding orders to States under the relevant U.N. Security Council Resolution which created the tribunal and "impos[ed] upon all States the obligation to lend cooperation and judicial assistance to the International Tribunal." [14] Although the Appeals Chamber determined that the International Tribunal was "not vested with any enforcement or sanctionary power vis-à-vis States[, it held the Tribunal was] . . . endowed with the inherent power to make a judicial finding concerning a State's failure to observe the provisions of the Statute or the Rules." [15] The Appeals Chamber further determined that "[i]t is primarily for its parent body, the Security Council, to impose sanctions, if any, against a recalcitrant State, under the conditions provided for in Chapter VII of the United Nations Charter." [16] Finally, the Chamber rejected Croatia's argument that because "[t]he determination of

the national security needs of each State is a fundamental attribute of its sovereignty,”[17] the Tribunal lacked power to judge or determine Croatia’s national security claims. The court acknowledged that “international rules do protect the national security of States by prohibiting every State from interfering with or intruding into the domestic jurisdiction, including national security matters, of other States.”[18] However, it concluded, the cooperation obligation in the U.N. Resolution establishing the International Tribunal “manifestly derogates from customary international law . . . [It held that t]o allow national security considerations to prevent the International Tribunal from obtaining documents that might prove of decisive importance to the conduct of trials would be tantamount to undermining the very essence of the International Tribunal’s functions.”[19]

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