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

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AFRICA

NORTH AFRICA

Libya

Libyan general accused of crimes against humanity arrested in Tripoli (The Guardian) By Angela Giuffrida
November 5, 2025

Osama Almasri Najim was arrested in Italy in January on an ICC warrant, only to be released and flown back to Libya.

A Libyan general wanted by the international criminal court (ICC) for alleged war crimes and crimes against humanity has been arrested in Tripoli.

Osama Almasri Najim, the former chief of Libya's judicial police, was arrested over allegations of torturing prisoners, leading to the death of one, at Tripoli's main prison, Libya's prosecutor's office said on Wednesday.

The Italian government came under fire in January after Najim was arrested in the northern city of Turin on the ICC warrant only to be released two days later and flown back to Tripoli on an Italian air force plane.

In a statement, Libya's prosecutors' office said that as it had pursued the ICC's allegations, it had gathered additional information about "human rights violations against inmates at Tripoli's main prison, who reported being subjected to torture and cruel, degrading treatment".

Najim had been questioned about the alleged abuse against 10 prisoners and the death of one, the statement said. The arrest was made "given that sufficient evidence was established to support the charges", the statement added.

Najim is wanted by the ICC for alleged war crimes and crimes against humanity, as well as alleged rape and murder.

He was arrested in Turin after attending a football match before being released and repatriated. Italy's prime minister, Giorgia Meloni, said he had been quickly repatriated because he was considered a risk to Italy's national security.

Critics accused her administration of pandering to Libya because of its reliance on the north African country to stem the flow of migration towards Italy's southern shores.

The ICC said Italy had failed in its obligations under the Rome statute, the court's founding treaty, to execute the warrant and surrender Najim while he was on Italian territory.

The case prompted Rome prosecutors to investigate Meloni and three other government officials on suspicion of aiding and abetting a crime and embezzlement of public funds over use of the air force jet, although they were later cleared.

In May, Libya accepted the authority of the ICC to investigate alleged war crimes in the country despite not being party to the Rome statute.

Italian opposition parties reacted swiftly to news of Najim's arrest, with the former prime minister and leader of the Five Star Movement Giuseppe Conte saying it was "a humiliation for the Meloni government".

Elly Schlein, leader of the Democratic party, said: "The Libyan authorities ordered Almasri's arrest on charges of torture and murder ... the same criminal that [the Italian government] freed and escorted home on a government flight. This is a disgrace at an international level for which our government must apologise to Italians." Antonella Forattini, a Democratic party politician, said it was "a stain on our institutions and Italy's image around the world". She added: "Libya is now demonstrating that it is ahead of our country in defending justice and legality."

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

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CENTRAL AFRICA

Sudan & South Sudan

US seeks humanitarian truce in Sudan while ICC looks at el-Fasher rampage (Toronto Star) By Molly Quell and Fay Abuelgasim
November 3, 2025

The United States is working with both sides in Sudan's war for a possible humanitarian truce, a U.S. envoy told The Associated Press on Monday, while International Criminal Court prosecutors said they are trying to preserve evidence from last week's rampage through a besieged city in the Darfur region.

The latest alleged atrocities in famine-hit el-Fasher "are part of a broader pattern of violence that has afflicted the entire Darfur region" and "may constitute war crimes and crimes against humanity," the ICC statement said, noting that evidence could be used in future prosecutions.

The Rapid Support Forces, a paramilitary group fighting Sudanese troops, captured el-Fasher after besieging it for 18 months. Witnesses have reported RSF fighters going house to house, killing civilians and committing sexual assaults. According to the World Health Organization, gunmen killed at least 460 people at a hospital and abducted doctors and nurses.

Details have been slow to emerge as communications are poor. The death toll remains unclear.

The fall of el-Fasher heralds a new phase of the brutal two-year war in Africa's third-largest country. The ICC's chief prosecutor told the Security Council in January there were grounds to believe both sides may be committing war crimes, crimes against humanity or genocide in Darfur.

Efforts toward a truce

U.S. adviser for African affairs Massad Boulos told the AP in an interview on Monday that the U.S. is working with the Sudanese army and RSF to bring about a humanitarian truce and could have an announcement "soon."

"We were working on this for the last almost 10 days with both sides, hoping to finalize the details," Boulos said. The U.S.-led plan would start with a three-month humanitarian truce followed by a nine-month political process, he said.

The U.S. has been working for months with Saudi Arabia, Egypt and the United Arab Emirates, calling themselves the Quad, on ways to end the war. In September, they called for a humanitarian truce for an initial three months to deliver desperately needed aid.

"The atrocities that we've seen, of course, are totally unacceptable," Boulos added of videos showing RSF and allied gunmen committing atrocities against civilians including beatings, killings and sexual assaults. The AP has not been able to independently verify the videos.

Earlier this month, the ICC for the first time convicted a suspect of crimes in Darfur after looking into atrocities in the region for more than two decades. Ali Muhammad Ali Abd-al-Rahman, also known as Ali Kushayb, was found guilty of ordering mass executions and bludgeoning two prisoners to death with an ax.

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EUROPE

Russia

Russia Aims Drone Attacks at Civilians, a War Crime, U.N. Inquiry Says (New York Times) By Andrew E. Kramer
October 27, 2025

A U.N. human rights commission has documented hundreds of instances of Russian drone pilots targeting civilians in the city of Kherson in southern Ukraine, and concluded that they amount to crimes against humanity and war crimes.

For more than a year, Russian operators have routinely flown drones into Kherson and dropped hand grenades on civilians on sidewalks or working in backyard gardens, according to a report released on Monday by the Independent International Commission of Inquiry on Ukraine. Other attacks hit ambulances and fire brigades, with drones sometimes hovering over burning buildings, waiting to drop grenades on arriving firemen.

What appear, in isolation, to be random acts of cruelty, according to the commission's report, were actually an intentional pattern of attacks, intended to create "a permanent climate of terror" and force residents out of Kherson. Ukrainians call such hunting of civilians a "drone safari."

"These attacks were committed as part of a coordinated policy to drive out civilians from those territories and amount to the crime against humanity of forcible transfer of population," the report concluded.

Russia has denied targeting civilians but declined to cooperate with investigators who had also sought to investigate Ukrainian strikes in Russian-occupied territory on the other side of the frontline.

As drones have come to play a larger role in warfare, so too have they come to play a larger role in war crimes, the report showed.

Russian military units often release videos of drone-eye views of civilians being killed, to be posted online by the units or groups affiliated with the Russian Army, apparently as a means of amplifying the threat.

"The city will be dismantled — brick after brick," one post by a military-affiliated group boasted in May, according to the report. "Stay tuned for updates," it said.

The U.N. report is among the most comprehensive to date on Russian drone attacks on civilians in Kherson and other frontline areas in southern Ukraine. Citing local authorities, it estimated that Russian drones have killed more than 200 civilians and wounded 2,000 others over the past year. Investigators interviewed 226 people, including victims and first responders, and reviewed more than 500 videos.

The attacks the inquiry covered used small frontline drones, typically with a range of six miles, not the larger, longer-range drones that Russia routinely uses to bombard Ukrainian cities that are farther from the battlefield. Some frontline drones hover and drop grenades, while others fly into targets and explode. The attacks in Kherson are so frequent that the city has erected miles of net canopies over its streets to block drones.

Russian forces overran Kherson, on the west bank of the lower Dnipro River, in their initial invasion of Ukraine in 2022. Ukraine reclaimed the city in a counteroffensive later that year, but Russian forces kept control over the river's east bank, within easy drone range. That section of the front line has barely shifted in the last three years.

A paradox of drone weapons lies in their use of remotely viewed video for targeting: They remove the operator from the battlefield, while at the same time providing an intimate view of the violence. It was a factor the U.N. investigators cited in alleging war crimes.

"All the types of short-range drones used in these attacks are equipped with live streaming cameras that focus on particular targets, leaving no doubt about the knowledge and intent of the perpetrators," the report said.

Investigators documented similar tactics used by Russian drone forces across a wide area of the front, showing that the attacks were directed “under a centralized command,” the report said.

It cited as one example an instance when a drone struck a medical first aid point, starting a fire. When a fire truck arrived to extinguish the blaze, another drone dropped a grenade on it.

The inquiry suggested the tactics were working, keeping residents of Kherson and other riverfront towns on edge, and persuading some to flee.

The report cited a woman living in one area where Russian drones buzz in often.

“It’s a lottery — will a drone fly in or not?” it quoted her as saying. “You go to bed and don’t know if you will be killed or wake up in the morning.”

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MIDDLE-EAST

Syria

France issues new arrest warrant against Syria's ex-leader Assad for chemical attacks (France 24)
October 23, 2025

French magistrates this summer issued a new arrest warrant against ousted Syrian president Bashar al- Assad over deadly chemical attacks in 2013, a judicial source said on Thursday.

This means France has now put out three separate arrest warrants against the former dictator exiled in Russia, who ruled Syria from 2000 until he was toppled last year after more than 14 years of devastating civil war.

French investigators have since 2021 been looking into suspected Syrian government chemical attacks on Adra and Douma outside Damascus on August 4- 5, 2013, and in Eastern Ghouta on August 21.

Around 450 people were hurt in the first attack, while American intelligence says over 1,000 were killed with sarin nerve gas in East Ghouta, a suburb of Syrian capital Damascus.

Magistrates had in 2023 issued an arrest warrant in the chemical attacks case while Assad was still president, but the country's highest court in July annulled it over it being ordered while his presidential immunity still applied.

This new arrest warrant issued after his fall from power replaces the previous one. It accuses him of complicity in crimes against humanity and complicity in war crimes in the chemical attack case.

Also in the same case, magistrates issued a warrant against Talal Makhoul, the former commander of the Syrian Republican Guard's 105th Brigade, the judicial source said.

Assad and his family fled to Russia, according to Russian authorities, after Islamist-led fighters seized power on December 8.

Two other French warrants are already out for Assad's arrest.

One was issued in January for suspected complicity in war crimes for a bombing in the Syrian city of Deraa in 2017 whose victims included a French-Syrian civilian.

And another was issued in August over the bombardment of a press centre in the rebel-held city in 2012 that killed two journalists.

Marie Colvin, 56, an American working for The Sunday Times of Britain, and French photographer Remi Ochlik, 28,

were killed on February 22, 2012 by the the explosion in the eastern city of Homs, which is being investigated by the French judiciary as a potential crime against humanity as well as a war crime.

Ahead of Syria's new leader Ahmed al-Sharaa visiting Russia last week, a Syrian government official told AFP that the new president would ask President Vladimir Putin to hand over Assad.

But after the meeting neither Sharaa nor Putin publicly mentioned extraditing Assad, who Russia says it is protecting on "humanitarian grounds". Russian Foreign Minister Sergei Lavrov confirmed early last week that the ousted Syrian leader was still living in Moscow.

The Syrian civil war, which erupted in 2011 with Assad's brutal repression of anti-government protests, killed over half a million people.

French cement maker Lafarge faces trial on charges of financing jihadists in Syria (Reuters) By Juliette Jabkhiro
November 4, 2025

Cement maker Holcim's Lafarge unit goes on trial on Tuesday facing charges that its Syrian subsidiary financed terrorism and breached European sanctions to keep a plant operating in northern Syria during the country's civil war.

Investigative judges allege that Lafarge paid jihadist groups including Islamic State and the al Qaeda-affiliated Nusra Front, both designated as terrorists by the EU, a total of 5 million euros (\$5.83 million) between 2013 and September 2014.

The case, bringing a company to trial on financing terrorism charges in France, is unprecedented. Lafarge, which became part of Switzerland-listed Holcim (HOLN.S in 2015, and eight people including former Lafarge executives have been under investigation by the anti-terrorism prosecutor's office since 2017.

In a statement on Tuesday, Lafarge said the case revolved around "actions that occurred more than a decade ago and were in flagrant violation of Lafarge SA's Code of Conduct. None of the former executives who are standing trial as individuals are with Lafarge SA or any affiliated entities today."

Lafarge said it was dealing the issue responsibly through the legal process.

SEPARATE CASE IN U.S. ALREADY HEARD

In a separate case in the United States, Lafarge admitted in 2022 that its Syrian subsidiary paid \$6 million to IS and the Nusra Front to allow employees, customers and suppliers to pass through checkpoints after civil conflict broke out in Syria.

The group paid \$778 million in forfeiture and fines as part of its plea agreement.

Lafarge faces much lower fines in France if it is found guilty.

The eight individuals on trial face up to 10 years in jail. They and Lafarge stand accused of arranging different payments to the armed militant groups.

LAFARGE SYRIAN PLANT BEGAN OPERATIONS MONTHS BEFORE UPRISING

The Jalabiya plant, located in northern Syria and bought by Lafarge in 2008 for \$680 million, began operations in 2010, months before the beginning of the Syrian uprising in early 2011.

Employees were housed in the nearby town of Manbij, on the western bank of the Euphrates river, and needed to cross to access the plant. Among the payments were 3 million euros allegedly paid to secure safe passage at checkpoints, according to investigators.

Another 1.9 million euros were allegedly used to purchase source materials from quarries that were under IS control.

The trial is set to last until December 16.

Lafarge is also under investigation for complicity in crimes against humanity over how the company kept its factory running in Syria.

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War Crimes Investigation in Myanmar

Myanmar at a crossroads: A choice between impunity and justice (UN News) By Vibhu Mishra
October 29, 2025

Nicholas Koumjian, head of the Independent Investigative Mechanism for Myanmar (IIMM), told the UN General Assembly's Third Committee that "the frequency and severity of international crimes in Myanmar have escalated."

Warning that civilians of all ethnicities are bearing the brunt, he said: "We have amassed evidence that persons detained by the military authorities have been tortured and subjected to various forms of sexual violence."

"We have evidence of the identity of the perpetrators and their commanders."

Mr. Koumjian added that his team has also documented summary executions and attacks on schools, hospitals, and places of worship as the military increasingly relies on airstrikes.

He noted that in Rakhine state, where the Arakan Army (an ethnic armed group fighting against Myanmar's military junta) has seized most territory, the military's brutal response has left civilians destitute and starving.

"[We are] gathering evidence of several alleged atrocities, including drone attacks targeting civilians, executions, rape, torture, and the obstruction of humanitarian aid to a population facing starvation," he said.

An invisible crisis

Tom Andrews, UN Special Rapporteur on the Human Rights situation in Myanmar, said the situation in has worsened dramatically, with nearly 22 million people now requiring aid and 16.7 million facing acute food insecurity.

March earthquakes in central Myanmar left roughly 200,000 people homeless, damaged 157,000 buildings, and caused an estimated \$11 billion in losses.

"The military junta took this natural disaster and turned it into a humanitarian catastrophe," Mr. Andrews said. "They blocked systematically the delivery of humanitarian aid, harassed and threatened relief workers, looted homes and medical supplies, and forcibly conscripted young people into the military."

Airstrikes on civilian targets surged in the aftermath, surpassing pre-earthquake levels. The health system was also targeted, with 169 attacks on medical facilities and personnel in the first eight months of 2025, while food shortages in central Rakhine state worsened sharply, leaving 58 per cent of families unable to meet basic needs.

"The crisis is getting worse every day," he warned. "This is not only a national tragedy; it is affecting the entire region and beyond."

Lack of funds imperilling efforts

Mr. Koumjian also warned that a funding shortfall could soon force the Mechanism to lose one-third of its staff – including experts on gender-based crimes and crimes against children – undermining accountability efforts.

"Pursuing justice for the crimes committed in Myanmar sends an important message," he said, "that the international community will not stand by when civilians are targeted and international law ignored."

'Time is slipping away'

Julie Bishop, the Secretary-General's Special Envoy on Myanmar, echoed those concerns, urging renewed diplomatic engagement as "time is slipping away."

She described a “deeply disturbing pattern of indiscriminate attacks on civilians” and said Myanmar’s planned elections risk “deepening violence and instability” as opposition groups reject them as illegitimate.

She warned that those who support these elections “should consider potential consequences...no elections should risk human lives.”

Independent experts

The Independent Investigative Mechanism for Myanmar (IIMM) and the Special Rapporteur on the human rights situation in the country are both mandated by the UN Human Rights Council to monitor abuses and pursue accountability.

The IIMM is tasked with collecting and preserving evidence of international crimes for future judicial proceedings.

The Special Rapporteur is an independent expert, not a UN staff member, who reports impartially on human rights conditions.

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TOPICS

Terrorism

Lafarge faces justice for financing terrorism (Justice Info) By Chloé Dubois
November 3, 2025

A “long”, “complex”, and “gigantic” process. These are often the terms used to describe the eight years of investigation into the Lafarge case. And the trial that opens this Tuesday, 4 November 2025 is unlikely to mark the end of it. The French cement manufacturer is to appear until 16 December 2025 before the Paris Criminal Court, where it is charged with “financing terrorist enterprises” and “failure to comply with international financial sanctions”. In this case, Lafarge is accused of paying €5 million to several terrorist organizations between 2013 and 2014 through its Syrian subsidiary. These payments were intended to ensure the continuation of its activities in the country.

The trial is unprecedented: never before has a multinational corporation been brought to justice for such acts as a legal entity.

Plea bargain in the US

In 2022, Lafarge - which had since merged with the Swiss group Holcim - admitted to financing terrorist organizations as part of a plea bargain signed in the United States. The group had to pay a \$778 million fine, thus ending US proceedings. These admissions only implicate the legal entity; the eight individuals brought before the French courts were not involved in the proceedings – although this could undermine their presumption of innocence, according to one of their lawyers.

Among them, four French former executives of Lafarge and its Syrian subsidiary will be tried for “financing terrorist enterprises” and “failure to comply with international financial sanctions”: Bruno Lafont, CEO of the group until 2015; Christian Héroult, then deputy chief operating officer; Bruno Pescheux and Frédéric Jolibois, former directors of the Syrian subsidiary, Lafarge Cement Syria (LCS). Alongside them, a Norwegian, Jacob Waerness, a Jordanian, Ahmad al Jaloudi, a Syrian, Firas Tlass, and a Syrian-American, Amro Taleb, all of whom operated in Syria on behalf of Lafarge, will appear in court on the sole charge of “financing terrorist enterprises”.

However, the trial does not cover all of the charges against Lafarge: in this case, the company has also been charged with “complicity in crimes against humanity.” Initially examined as part of the same judicial investigation, this charge was separated in 2023. The investigation into this aspect of the case is ongoing.

This decision, to split the case in two, weighs heavily on the civil parties, including some 200 former employees of the Syrian cement plant, who are aware that this separation will delay the trial they are awaiting. Élise Le Gall, a lawyer representing some of these employees, nevertheless wants to view this first step as “an opportunity to obtain additional information that will be useful in the ongoing investigation”. But for her, it is also an opportunity to focus on the multinational’s “financial spiral”.

“Security payments” to the organization Islamic State

It all started at the Jalabiya plant. The cement factory, located in northeastern Syria, was still under construction when it was acquired by Lafarge in 2007, following the takeover of Orascom Cement, an Egyptian cement company. The investment opened up new markets for the manufacturer - particularly in the Middle East and Africa - but it also increased its debt. So, in 2010, when the Syrian factory finally went into operation in a region where demand for cement was set to grow rapidly, Lafarge expected a return on its investment.

But in 2011, the Syrian revolution broke out. Within a few months, the country was plunged into civil war. Despite the instability, Lafarge’s management decided to maintain production. The cement plant was managed by Lafarge Cement Syria, a subsidiary 98.7% owned by the group. It was not until July 2012, when all French companies in Syria had already ceased operations, that Lafarge began to prepare for the gradual evacuation of its foreign employees. Syrian employees, however, continued to work.

It was then, as armed groups fought over the region, that Lafarge and LCS allegedly began negotiations to guarantee access for trucks and employees to the factory, but also their release in the event of kidnapping or arrest. These so-called “security” payments - initially made to rebels of the Free Syrian Army and Kurdish fighters - quickly benefited several groups deemed as terrorists, which were gradually gaining influence.

Between 2013 and 2014, the French investigating judges estimate that Lafarge transferred €3.1 million in “security payments” to the organization Islamic State (IS), to Jabhat al-Nusra, and to Ahrar al-Sham. They also estimate that the company “injected” nearly €1.9 million into the local economy by purchasing raw materials (pozzolan, sand, petroleum hydrocarbons) from suppliers “under the control of Islamic State”. The transactions were taxed at 10% by the jihadists: approximately €187,000 is believed to have been paid directly to the organization in taxes.

In the summer of 2014, the situation became untenable. According to the referral order consulted by Justice Info, the factory closed its doors. But it reopened in early September, after reaching, according to the investigating magistrates, a financial agreement with the organization IS, “supposed to be valid until February 2015”. The court document indicates that the sum paid at that time came several weeks after the organization IS proclaimed a caliphate on 29 June 2014, and the adoption on 15 August 2014 of a UN Security Council resolution condemning “any direct or indirect trade with the Islamic State of Iraq and the Levant, the al-Nusra Front, and all other individuals, groups, undertakings, and entities associated with al-Qaeda”.

However, on 18 September 2014, while some 30 employees continued to run the cement plant, the jihadist group threatened the region - and the industrial site - with an imminent assault. A few days later, Lafarge told the press that the plant had been shut down and the staff evacuated. In reality, “no manager told us to leave,” said a former LCS employee interviewed by Justine Augier in a book entitled *Personne morale*. Faced with the imminent attack, employees were forced to flee by their own means: “If we had left an hour later, Daesh would have cut off our heads. [...] Lafarge didn’t care. We just ran away. It’s too hard for me to remember that moment,” this employee said. Three days later, a jihadist propaganda video was released showing the Jalabiya cement plant in the hands of the organization IS. Four employees were captured and held hostage for ten days before being released.

Two years later, the story broke in the press: in February 2016, on the Syrian news site Zaman Al Wasl; and in Le Monde, in June of the same year. Two complaints are filed. It is the starting point of a long legal battle.

Lafarge’s “historic” indictment as a legal entity

In September 2016, the French ministry of Economy and Finance filed the first complaint, accusing the company of violating the embargo imposed on Syria by the European Union. This embargo prohibited any financial or commercial relations with the Syrian regime and groups subject to sanctions, including the organization IS. Two months later, a second complaint was filed with the national anti-terrorism prosecutor’s office by eleven Syrian employees and two non-governmental organizations: Sherpa and the European Center for Constitutional and Human Rights (ECCHR). It targeted Lafarge, its Syrian subsidiary (LCS) and several of its executives for “complicity in crimes against humanity”, “financing terrorist enterprises”, “deliberately endangering the lives of others” and other related offenses.

In June 2017, a judicial investigation was opened, leading to the indictment of several former executives of the French

cement company. But it was in June 2018 that the case took on a whole new dimension, when Lafarge SA itself was indicted as a legal entity for “complicity in crimes against humanity”. “This is undoubtedly the most historic and important aspect of this entire proceeding,” says Anna Kiefer, litigation and advocacy officer at Sherpa. For the first time, investigating judges ruled that “criminal responsibility for international crimes should not rest solely with individuals,” but with the company itself. This is a major legal precedent, agrees Cannelle Lavite, co-director of the Business and Human Rights Department at ECCHR, as it “demonstrates above all that it is possible to criminalize a parent company” for acts committed by one of its subsidiaries abroad. This contributes to “deconstructing the discourse of executives” who, according to the lawyer, “very often hide behind their subsidiaries,” even though “they control them through capital and hierarchical structures” and despite the fact that they “derive income” from them.

These indictments have been the subject of numerous appeals. But after several years of “legal twists and turns,” which we reported on in 2022 on the Justice Info's website, Lafarge's indictment as a legal entity was definitively confirmed by the Court of Cassation on 16 January 2024.

For the civil parties, the decision of France's highest court is as much a victory as it is a huge setback. Because in the same ruling, the judges overturned the indictments for “endangering the lives of others”. The Court of Cassation ruled that Syrian employees of LCS could not benefit from the protections provided by French labor law. It held that the contracts were governed by Syrian law, since the main employment relationship was in Syria.

But the consequences of this annulment go further for the 200 or so employees who had brought civil proceedings. “Endangering the lives of others” was the only other basis - along with “complicity in crimes against humanity” - that allowed workers to hope for possible compensation for the damage suffered. In fact, in another decision handed down by the Court of Cassation on 20 April 2022, the judges had ruled that their civil action on the grounds of financing terrorism was inadmissible. “What the ruling tells us is that this offense is, by its very nature, detrimental to the public interest and cannot constitute direct and personal harm to any individual. But it does not take into account the specific nature of the plaintiffs' situation and the direct and personal harm they suffered as a result of these acts of illegal financing,” explains lawyer Matthieu Bagard, alongside Le Gall.

Together, they represent some 60 former employees of the Jalabiya factory. And they intend to challenge this interpretation as soon as the trial begins. The “link” between the danger they faced and the financing of terrorist groups is clear, according to Le Gall: “Every day, LCS employees traveled to the Jalabiya factory, passing through checkpoints manned by armed rebel groups, but also terrorists, whom Lafarge financed to ensure traffic flow. These journeys had become a constant threat to them: they were stopped, questioned, sometimes detained or kidnapped. Their lives literally depended on the payments made by the company to these groups to keep the roads open. Without this financing system, they would have never been exposed to this danger. The offense of financing a terrorist enterprise immediately created the very conditions for the harm they suffered.”

And for LCS employees, the issue of compensation is particularly important. Because while their status as civil parties is still “admissible” in the investigation for “complicity in crimes against humanity,” there is no guarantee that a second trial will take place. However, Bagard adds, “we can see that, twelve years after the events, Lafarge has recovered fairly well from its legal setbacks,” but that many workers “remain in extremely precarious situations” and are “unable to find work,” whether in Syria or abroad.

For the civil parties, the main issue at stake in the hearing that opens on Tuesday in Paris is precisely this: to ensure that the employees of the Jalabiya cement plant are heard in this first trial and considered. “The debates, which the defense can sometimes make technical, must not obscure the real impacts on people who have not been properly protected,” Lavite insists.

On the role of the French authorities

Beyond the criminal responsibilities of the group and its managers, the trial could shed light on certain gray areas. In particular, the role of the French authorities in this case. In recent years, the investigation has established that some Lafarge executives passed on information to the French intelligence services. Were these services aware of the payments allegedly made by the multinational to terrorist organizations?

This sensitive issue - at a time when Western diplomacies, including the French, are reestablishing ties with a Syria now led by a former jihadist - will likely be at the heart of the defense strategy. In particular, that of Christian Herrault, the group's former deputy COO. During the proceedings, he repeatedly claimed that the French authorities, through the ministry of Foreign Affairs, had “encouraged” Lafarge group to pursue its activities in Syria. These statements were confirmed by Solange Doumic, his lawyer, who believes this issue “is a key element of the case”.

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Gender-Based Violence

The International Criminal Court's (ICC) prosecutor said on Monday his office is taking "immediate steps" to preserve and collect evidence of alleged mass killings, rapes, and other crimes in El-Fasher, Sudan.

The move follows reports of atrocities allegedly committed during attacks by the Rapid Support Forces (RSF). The Office of the Prosecutor (OTP) said in a statement it was "profoundly alarmed" by the reports.

The OTP noted that these alleged atrocities are part of a broader pattern of violence in Darfur since April 2023 and "may constitute war crimes and crimes against humanity" if substantiated.

The office said this effort is part of its ongoing investigation into crimes allegedly committed in Darfur since hostilities broke out last year.

The statement highlighted the recent conviction of Janjaweed leader Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb) for similar crimes in 2004, calling it "a warning for all parties to the conflict in Darfur that there will be accountability for such atrocious crimes."

The ICC has jurisdiction over the ongoing conflict based on UN Security Council Resolution 1593, passed in 2005, which referred the situation in Darfur to the court.

The prosecutor's office called on all individuals and organizations to submit any information or evidence related to recent or prior events in El-Fasher through its secure online platform.

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Commentary and Perspectives

The Council of Europe steps up its action against Russia's impunity for the War in Ukraine: The establishment of the International Claims Commission for Ukraine (International Law Blog) By Konstantinos D. Magliveras
October 30, 2025

I. Introduction On 16-17 May 2023, the 4th Summit of Heads of State and Government of the Council of Europe (CoE) took place in Reykjavík. The agenda comprised two matters: to stand united against the Russian Federation's (RF) war against Ukraine and to give further priority and direction to CoE work. As regards the former, the ensuing Declaration endorsed the conclusion of the so-called 'Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine' (Register of Damage). It had been established four days earlier by the CoE Committee of Ministers (Resolution CM/Res(2023)3 amended in September 2023). According to Appendix I of the Resolution, said Agreement was an action essentially implementing UN General Assembly (UNGA) Resolution ES-11/5 of 14 November 2022. Titled 'Furtherance of remedy and reparation for aggression against Ukraine', Resolution ES-11/5 recognised that RF must bear the legal consequences of its internationally wrongful acts against Ukraine, noted 'the need for the establishment of an international mechanism for reparation' and recommended 'the creation of an international register of damage' caused by RF.

Before the Reykjavík Resolution, the CoE Parliamentary Assembly (Resolution 2482 (2023) had asked Member States to set up such an international compensation mechanism and a register of damage. As regards the latter, it is presently operational and receives, processes, and records claims in accordance with its Statute. As regards the former, the Reykjavík Resolution recorded Member States' '[e]xpress willingness to engage with the international community in further developing such a mechanism to be established by a separate international instrument, which may include a claims commission and compensation fund ...' (emphasis added). The purpose of this note is to

examine from a critical point of view the Convention Establishing an International Claims Commission for Ukraine ('Convention' and 'Commission'), which the Committee of Ministers approved on 22 October 2025. The note could be read together with a previous one published in International Law Blog examining the CoE Special Tribunal for the Crime of Aggression against Ukraine, which has not yet been operationalised.

II. The Convention's legal basis and aim, the Commission's organs and work and other pertinent matters

Considering that the Convention was adopted by only CoE Member States, one would have reasonably expected that it would set out which is its legal basis vis-à-vis the CoE's founding legal instrument and constitutive act, the Statute of the CoE (1949). However, there are no references to the Statute, which, it should be recalled, excludes matters relating to national defence from CoE aims and purposes. On the contrary, the Convention cites solely UN instruments: its founding treaty (Article 2 UN Charter); UNGA Resolution ES-11/1 of 2 March 2022 (deploring RF's aggression against Ukraine); UNGA Resolution 60/147 of 16 December 2005 (adopting the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law); and the aforementioned Resolution ES-11/5.

It follows that the Convention should be viewed as a multilateral legal instrument through which signatory parties decided to implement the UNGA's call for the establishment of an international compensation mechanism, in casu the International Claims Commission for Ukraine. It is submitted that the Convention was drafted and concluded under the auspices of the CoE is of no particular relevance, because the CoE Member States that adopted the Convention acted in reality as UN Member States implementing a decision issued by its plenary organ (UNGA). To put it otherwise, such a Convention could have been adopted by the same signatories acting, for example, on their own (i.e. without the CoE's institutional framework) or as members of the European Union (EU) or as members of the Organisation for Security and Cooperation in Europe (under the OSCE Rules of Procedure). Indeed, any of 193 UN members acting as a group of like-minded countries or under the auspices of an international organisation or institution could have created an international entity akin to this Commission. It follows that there could globally be more than one such 'Commissions'. Even though Resolution ES-11/5 says that such 'Commissions' should be established in 'cooperation with Ukraine', were Ukraine not to cooperate their creation would not be contrary to international law.

Presumably to avoid any other 'Commissions' from being established elsewhere in the global community, Article 30[1] of the Convention provides that it shall be open for signature by all CoE members, 'any other States and the European Union that participated in the Diplomatic Conference for the adoption of this Convention, and any other States that voted in favour of ... resolution ES-11/5 ...'. The latter's voting record was as follows: 94 UN Member States in favour, 14 against, 73 abstained, and 12 were absent or suspended from voting (on account of Article 19 UN Charter). However, Article 30 arguably contradicts Article 28 of the Convention for the following reason. Even though RF voted against Resolution ES-11/5, under Article 28, it may become a member of the Commission at any time provided that it makes a declaration accepting, inter alia, its responsibility for damage and injury caused in Ukraine, including aggression, and violations of international humanitarian law and human rights law. Moreover, RF would also have to agree, on the one hand, to honour the Commission decisions on compensation and pay the compensation awarded and, on the other hand, 'to reimburse Members and, where applicable, Observers for their contributions to the costs of the Commission'.

The latter stipulation appears problematic because Article 23(1) of the Convention (titled 'Financing and Budget') provides that, upon RF becoming a Member, it shall bear the Commission costs from the Convention's entry into force. It follows that this stipulation in Article 28 has rather been addressed in Article 23(1). If RF never joins the Commission (and realistically it will never do so), the Commission will be financed through the annual assessed contributions of Members and through voluntary contributions, the latter to be made without prejudice to the possibility of being recovered from RF. How such recovery could possibly be achieved is not explained in the Convention. Pursuant to Article 23(5), the Commission will have its own budget within the CoE framework. Members' contributions will be determined by the Financial Committee, based on the criteria for determining the annual scale of contributions for the CoE general budget. Finally, pursuant to Article 23(7), the Commission's plenary organ, the Assembly, is empowered to suspend a Member's rights where it considers that it has failed to fulfil its financial obligations under the Convention. It is not clear if this power of suspension should be understood as sanction or as warning. If it were the former, it is rather difficult to see which are the important rights to be suspended, unless the Member in defaulting payment of assessed contributions happens to be Ukraine. And if RF were to join the Commission, one easily understands the futility of the power of suspension.

Regarding the time frame of the internationally wrongful acts committed by RF, the Convention's temporal scope covers those perpetrated on or after 24 February 2022. However, 'this does not absolve [RF] of any responsibility for its internationally wrongful acts committed in or against Ukraine on or after 20 February 2014' (the day RF invaded and later annexed the Crimean Peninsula). According to the Preamble, the Convention could be amended in the future to have its temporal scope extended to 20 February 2014 (amendments are regulated in Article 33). Two observations should be made. First, it is not clear which is the time frame of the wrongful acts committed after 20 February 2014: do they continue ad infinitum or stop on 24 February 2022 (the day that the Commission's mandate commences)? Second, none of the wrongful acts after February 2014 are considered to be ever time-barred.

Regarding the Commission's legal status, Article 2 of the Convention calls it 'an independent body within the institutional framework of the [CoE]'. Moreover, under Article 4, it has international legal personality and may undertake related (trans)actions (e.g. enter into agreements, acquire and dispose of movable and immovable property, institute legal proceedings). The Commission has a rather burdensome institutional architecture, which should result in a high cost of running and overheads. In particular, Part IV (Articles 7-15) envisages the following organs/bodies: Assembly; Financial Committee; Council; Commissioners and Panels (each Panel will be composed of three Commissioners); Secretariat and Executive Director. The Commission must operate according to the highest standards of independence, impartiality, fairness, and objectivity. Its privileges and immunities are guaranteed under Article 6.

Pursuant to Articles 16 et seq., of the Convention, the procedure to be followed in the Commission is as follows: the Panels shall examine claims, establish whether they are substantiated, determine any amount of compensation due with respect to each of them, and make recommendations for decisions to the Council. Decisions shall be adopted in accordance with the applicable Rules and Regulations. Panel recommendations must be reasoned and preferably adopted by consensus. If this proves impossible (efforts to achieve consensus must be made), recommendations shall be adopted by a majority of the Commissioners sitting on the Panel.

Article 26 of the Convention deals with the settlement of disputes. In particular, disputes between Members as to the Convention's interpretation or application shall be settled through negotiation or any other peaceful means. The Assembly is required to facilitate the friendly settlement of such disputes. Interestingly enough, pursuant to Article 7(4), this is a function that the Assembly could delegate to the Council. Arguably, the settlement of disputes clause is inadequate and should have envisaged settlement by an international court or through binding arbitration, especially to cater for the possibility that RF joins the Commission. Previous experience with state claims for injury and damage shows the significance of being able to resort to judicial mechanisms/entities.

III. Conclusions – Who will pay any compensation to be awarded

In accordance with Article 30(3), the Convention shall enter into force when both of the following conditions are met: (a) twenty-five signatories have expressed their consent to be bound by this Convention; and (b) the aggregate individual contributions of these signatories to the budget of the Register of Damage for 2025 constitute at least 50% of the total Register budget for 2025 (presently it translates to circa 3,7 million euro). As regards the second condition, it should not be a problem to be fulfilled. But how soon will the twenty-five ratifications be secured cannot be prognosed.

Assuming that the Commission becomes functionable, the obvious question is who will pay the compensation/reparation to be awarded. Articles 3(4) and 21 say that RF, under international law, is responsible for all damage, loss, or injury to Ukraine and RF must bear the legal consequences of its internationally wrongful acts. Therefore, the Convention expects that RF 'shall fund the compensation determined and awarded by the Commission', while the other Members shall not be required to fund the compensation. To the question whether Commission Decisions can be enforced through the domestic courts of Members, Article 21 answers in the negative. It follows that, even if RF were to join the Commission, its Decisions would not be capable of domestic enforcement (unless RF expressly permits it, a very low likelihood). There is no doubt that the Convention has an almost impossible goal: how to ensure that a state, which does not recognise that it has committed wrongful acts under international law, is made to pay compensation/reparation. While the CoE should be lauded for trying, arguably the end result has several weak points and inconsistencies.

[1] Note that in the text of the Draft Convention Establishing an International Claims Commission for Ukraine dated 22 October 2025 on the CoE website the words 'Article 30' do not appear. The Moscow Mechanism Expert Report on the Treatment of Ukrainian Prisoners of War by the Russian Federation (EJIL: Talk!) By Hervé Ascencio, Veronika Bilkova, and Mark Klamburg October 31, 2025 <https://www.ejiltalk.org/the-moscow-mechanism-expert-report-on-the-treatment-of-ukrainian-prisoners-of-war-by-the-russian-federation/>

In July 2025, forty-one OSCE participating States, in cooperation with Ukraine, invoked the OSCE Moscow Mechanism to examine the treatment of Ukrainian prisoners of war (POWs) by the Russian Federation. This activation reaffirmed the mechanism's continuing importance as an instrument for addressing serious violations of international law. Embedded within the OSCE framework, the Moscow Mechanism allows participating States to establish independent expert missions and task them to assist in the resolution of a specific human dimension problem on their own territory or in other OSCE participating States. Since the outbreak of Russia's full-scale war of aggression against Ukraine in February 2022, the mechanism has been invoked five times in relation to the conflict, reflecting widespread international concern over Russia's conduct. Posts about the previous reports can be found on EJILTalk [here](#), [here](#) and [here](#). The 2025 expert mission specifically focused on Ukrainian POWs and soldiers hors de combat. The mission presented its report to the OSCE Permanent Council on 25 September 2025 and the report became public on the same day (see [here](#)).

The mission's primary task was to investigate the treatment of Ukrainian POWs and soldiers hors de combat by the Russian Federation, focusing on establishing the facts and circumstances surrounding possible violations of international law, especially international humanitarian law (IHL) and international human rights law (IHRL). The mandate extended to collecting, consolidating, and analysing information to identify patterns of widespread or systematic torture, ill-treatment, and executions of Ukrainian POWs and soldiers hors de combat, both on the territory of the Russian Federation and in temporarily occupied areas of Ukraine, and to provide recommendations on accountability mechanisms.

The experts based their findings on a range of sources, including official documents from States and international organizations, reports from the OHCHR and ODIHR, materials provided by Ukrainian authorities and non-governmental organizations, as well as testimonies and interviews with recently released POWs. Open-source materials – such as satellite imagery, drone footage, and videos posted online – were also analysed to corroborate claims and verify events. The mission operated under a particularly constrained timeframe, having only three weeks from the appointment of the experts to the completion of the report. The mission was nevertheless able to visit Ukraine from 25 to 30 August 2025 and conduct interviews in person.

Ukraine cooperated fully with the mission, whereas the Russian Federation declined to engage, preventing direct assessment of conditions, verification of prisoner numbers, or independent inspection. Despite these constraints, the mission was able to consolidate credible evidence demonstrating the systematic nature of violations of IHL and IHRL.

Available estimates indicate that, as of August 2025, between 6,000 and 7,000 Ukrainian soldiers remain in Russian captivity. More than half are detained in temporarily occupied territories, particularly in the Donetsk and Luhansk regions, while the remainder are held in detention centres across various regions of the Russian Federation. Ukrainian authorities have identified a total of 222 detention sites, where POWs may be held alongside civilians or common criminals. Since February 2022, at least 13,500 Ukrainian soldiers have been detained in such conditions, of whom approximately 169 have died in captivity, and around 6,800 have been released through prisoner exchanges.

Recognition of POW Status

Respect for the protections afforded by POW status presupposes that certain categories of persons hors de combat are recognized as such under the Geneva Convention relative to the Treatment of Prisoners of War (GCIII) and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (API). The mission found that the Russian Federation consistently fails to recognize POW status for most Ukrainian soldiers. Instead, Russian authorities classify them as persons detained for countering the special military operation, a designation also applied to detained Ukrainian civilians. This qualification creates confusion between categories of protected persons under IHL, undermining the distinction between POWs and civilians and exposing captured soldiers to criminal prosecution for mere participation in hostilities.

Beyond this general denial, the Russian authorities appear to pursue a deliberate policy of stripping POW protections from specific groups, particularly foreign volunteers labelled as mercenaries and entire Ukrainian units (such as the Azov Regiment or the Aidar battalion) designated as terrorist organizations. Members of these groups get prosecuted under the Russian Criminal Code, usually for mercenary activity or terrorism. These prosecutions, increasingly observed since 2024, concern acts that, in practice, usually constitute lawful conduct of warfare, thereby violating the principle of combatant immunity. Moreover, the mission found little evidence that the Russian Federation has established competent tribunals to determine POW status in cases of doubt, as required under Article 5(2) of GCIII.

Main Findings of the Report

The main findings reached by the mission concern four serious violations of IHL and IHRL committed against Ukrainian POWs by the Russian Federation. These are: arbitrary killings, torture and other forms of mistreatment, inhumane conditions of detention, and the denial of the right to a fair trial. Regrettably, the mission can confirm that all of these violations do indeed occur and that they are of a widespread and systematic nature.

The mission documented extensive evidence of arbitrary killings of Ukrainian POWs and soldiers hors de combat, both on the battlefield and in detention. On the battlefield, dozens of Ukrainian soldiers have been summarily executed while surrendering or after surrendering. Evidence, although difficult to obtain, was corroborated through eyewitness accounts, forensic examinations, intercepted communications, satellite and drone imagery, and videos posted online. These acts appear to have increased since 2024. Arbitrary killings also occur in detention facilities, where at least 167 Ukrainian POWs have died so far due to acts or omissions of camp administrations, deliberate neglect of medical needs, denial of food or water, and exposure to life-threatening conditions and Russian state agents conducting interrogations. The repeated occurrence of such killings on the battlefield and across multiple detention sites indicates a widespread and systematic policy targeting Ukrainian POWs and soldiers who oppose Russian military presence. Moreover, these acts have been accompanied, and likely incited, by public statements from certain Russian officials openly calling for the denial of quarter and the killing of all Ukrainian POWs.

The mission also found credible evidence of widespread and systematic torture and ill-treatment, encompassing

severe physical beatings, electrocution, excessively intense physical exercise, stress positions, dog attacks, mock executions, and threats of sexual violence, including rape, castration, and coerced sexual acts. Psychological intimidation and humiliation were pervasive. Testimonies from released POWs indicate that 89.4 percent experienced some form of ill-treatment, of which 63.8 percent reported physical violence, 55.2 percent psychological violence, and 42.9 percent sexual violence. Despite the absolute prohibition of torture under international law and its recognition as a war crime, evidence indicates that Ukrainian POWs have been subjected to severe abuse at every stage of captivity: during capture, upon arrival at detention facilities (“welcome beatings” – приёмка), throughout internment, and during interrogations to extract confessions. Torture is, again, not limited to isolated facilities but occurs systematically across detention centers and penal colonies in Russia and the temporarily occupied territories, reflecting a practice directed, sanctioned, or tolerated by central authorities.

Conditions in most detention sites fall far short of international standards prescribed by the GCIII and IHRL. Overcrowding, unsanitary conditions, inadequate food, water, shelter, heating, or ventilation, and restricted access to medical care are pervasive. Wounded POWs often die during transport or remain untreated, sometimes resulting in permanent disability or death. POWs are frequently held alongside common criminals and civilian detainees, in violation of GCIII. They are subjected to forced labour under unsafe conditions, deprived of personal property, and compelled to participate in propaganda videos or humiliating acts. Forced and repeated transfers exacerbate physical and psychological suffering. Medical neglect is widespread, with POWs deliberately exposed to contagious diseases such as tuberculosis, denied timely treatment for injuries, or left without care for chronic conditions. Moreover, POWs are routinely denied the right to communicate with their families. When communication occurs, it is often controlled and pre-scripted to convey a positive image of captivity. The Russian National Information Bureau (NIB) does not operate transparently, and ICRC access is limited or restricted to selected facilities. All these practices, taken together, constitute deliberate breaches of GCIII and IHRL and may amount to war crimes.

The mission found a systematic denial of fair trial guarantees for Ukrainian POWs. Individuals are prosecuted for actions consistent with lawful combat, including participation in hostilities, yet are routinely denied the basic protections of due process. Reports indicate widespread use of coerced confessions, lack of access to effective legal counsel, opaque and expedited proceedings, and staged “sham trials” often employed for propaganda purposes. POWs frequently face trials that lack independence and impartiality, with outcomes predetermined and designed to serve political or military objectives rather than justice. These practices violate the principle of combatant immunity, the absolute prohibition on coercion, and fundamental guarantees of a fair trial as enshrined under both IHL and IHRL. Such systematic disregard for legal safeguards underscores the ongoing pattern of abuse.

In addition to the four main categories of violations, the mission documented other serious abuses committed against Ukrainian POWs, for instance those concerning the release and repatriation. Seriously ill or wounded POWs, who under GCIII should be prioritized for release, are frequently deprioritized. No mixed medical commissions have been established to oversee or manage the process, and transfers often take place under unsafe and degrading conditions. POWs are transported in overcrowded trucks with hands tied and eyes covered, and hazardous air transport is sometimes used, including in incidents such as the crash of a military aircraft carrying POWs. These practices constitute violations of IHL obligations for humane treatment, respect for human dignity, and safety during transfers, and may amount to war crimes.

The Olenivka penal colony (Volnovakha Correctional Colony No. 120), located in the Donetsk region, in the temporarily occupied territories of Ukraine exemplifies systemic abuse of Ukrainian POWs. The facility, housing both POWs and civilians, has been characterised by overcrowding, unsanitary conditions, inadequate food and medical care, forced labour, and widespread physical and psychological abuse. POWs endure beatings, torture, stress positions, and sexual violence, including during interrogations. In July 2022, explosions destroyed “Barracks 200,” killing 53 POWs and injuring over 100, most from the Azov Regiment, with survivors receiving no medical care and later transported under harsh conditions. Evidence suggests the blasts were likely caused by Russian-fired thermobaric munitions. These incidents illustrate both immediate and ongoing violations of GCIII and the systematic disregard for the lives and dignity of POWs.

Accountability

The mission was also tasked to offer recommendations on relevant accountability mechanisms. The report examines existing mechanisms for ensuring accountability and considers how they can be applied to address violations of international law arising from the treatment of Ukrainian POWs by the Russian Federation. This analysis is structured along three lines of analysis: the responsibility of the Russian Federation as a State, the individual criminal responsibility of perpetrators, and the rights of victims to remedies and reparation.

The mission concluded that the Russian Federation bears State responsibility for numerous violations of IHL and IHRL in its treatment of Ukrainian POWs. Under Common Article 1 of the Geneva Conventions and Article 2 of the ICCPR, the Russian Federation must respect and ensure respect for these bodies of law, including by preventing, halting, and remedying violations committed by its armed forces, State organs, and groups under its effective control. The mission emphasizes that the Russian Federation must not only continue to uphold all applicable rules of IHL and IHRL, but also immediately cease ongoing violations and provide full reparations along with guarantees of non-

repetition. While international mechanisms such as the ICJ, the ECtHR (for cases predating 16 September 2022), and UN human rights bodies provide avenues for accountability, Russia's disengagement and non-cooperation with these institutions significantly undermine the prospects of effective redress.

Individual criminal responsibility arises for war crimes and crimes against humanity. Ukraine has incorporated these crimes into its Criminal Code, including recent amendments introducing crimes against humanity and extending command responsibility. Ukrainian prosecutors have registered tens of thousands of cases, resulting in some convictions. Other States have initiated investigations and prosecutions under the principle of universal jurisdiction, as exemplified by the 2025 conviction in Finland of a Russian fighter for war crimes against a Ukrainian POW. At the international level, Ukraine's ratification of the Rome Statute enables complementarity with the International Criminal Court (ICC), which is investigating alleged war crimes and crimes against humanity in Ukraine. The mission stresses the importance of the ICC pursuing accountability for abuses against POWs, including executions and torture.

Accountability must also encompass remedies and reparations for victims. International law affirms the right of victims to truth, justice and reparation, including compensation, rehabilitation and guarantees of non-repetition. While existing bodies such as the ICC Trust Fund for Victims or the ECtHR provide limited avenues, a new institutional framework is emerging. The UN General Assembly's resolution of November 2022 and the subsequent establishment of the Register of Damage for Ukraine in May 2023 mark significant steps toward documenting claims and laying the groundwork for a broader reparation mechanism. The mission stresses that Ukrainian POWs who suffered harm must be included as beneficiaries in any eventual reparations system, ensuring that accountability translates into meaningful justice and redress for victims.

Conclusions

The fifth Moscow Mechanism report related to the Russia's war of aggression against Ukraine documents widespread and systematic violations of IHL and IHRL by the Russian Federation in its treatment of Ukrainian POWs, including arbitrary killings, torture, ill-treatment, denial of fair trial rights, unsafe detention and transfers, and obstruction of humanitarian access. These violations may constitute war crimes and, in some cases, crimes against humanity. The report underscores the urgent need for accountability at both the state and individual levels, reparations for victims, and continued international monitoring. It reminds the global community that even in war, fundamental principles of humanity and the rule of law must be respected.

The added value of the report lies in its rigorous verification of facts, documenting systematic patterns of abuse that leave no room for denial or claims of ignorance by the Russian Federation and its representatives. By establishing a record of widespread and repeated violations, the report provides a solid evidentiary basis for accountability at both state and individual levels, supporting national prosecutions, universal jurisdiction cases, and investigations by the ICC, while also reinforcing the rights of victims to truth, justice, and reparation. Beyond its legal implications, it should serve as a historical record, informing the international community, policymakers, and the public of the deliberate nature of these abuses, and highlighting the Moscow Mechanism's critical role in enabling independent scrutiny of serious violations even during ongoing armed conflicts.

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WORTH READING

Inge Viermetz, *Woman Acquitted at Nuremberg* (FIU Law Review) By Diane Marie Amann
Spring 2025

INTRODUCTION

The words "Nuremberg defendants" typically conjure an image of twenty-one middle-aged men, many wearing headphones or dark glasses as they slouch and stare and fidget in the prisoners' dock of Courtroom 600.¹ At the farthest corner sits the little-known propagandist Hans Fritzsche; at the nearest, Nazi Germany's Reichsmarschall, Hermann Göring, whose ogling and other antics commanded attention throughout the year-long International Military Tribunal trial.² The quoted words also might stir recollection of the jurists subsequently condemned for enforcing the Nazi regime's racist laws—or at least the German jurist who was featured in the 1961 Hollywood film *Judgment at Nuremberg*.³ But the words are unlikely to bring images of women to mind. In popular imagination, the post-World War II war crimes trials tend to be peopled by men. Men play wise judges, heroic prosecutors, undaunted defenders, and villainous accused; the occasional woman surfaces only as victim, love interest, or not at all.⁴

This picture has begun to change, however, as scholars rediscover the women who participated as lawyers, journalists, analysts, interpreters, witnesses—and as defendants.⁵ Two women, in fact, stood trial in Nuremberg's subsequent proceedings. One, a doctor who had performed pseudo-medical experimentation on camp inmates, was convicted.⁶ This article focuses on the other, an administrator at an adoption agency run by the Nazi SS. Though not the first exonerated Nuremberg defendant—that title belongs to Hans Fritzsche and two others at the first trial—Inge Viermetz is the only woman ever acquitted at Nuremberg.⁷

I. Woman Accused at Nuremberg

The trial in question is not the International Military Tribunal proceeding held from 1945 to 1946 before a bench comprising American, British, French, and Soviet judges; it is, rather, one of the twelve “subsequent proceedings” that took place between 1946 and 1949, before three-member panels of judges who had served on state courts in the United States.¹² These Nuremberg Military Tribunals heard extensive evidence that persons in the medical, industrial, judicial, and diplomatic sectors, no less than those in the military sector, bore responsibility for the atrocities of the Nazi era.¹³ The eighth such trial scrutinized a “resettlement” sector that had been operated by four agencies of the Nazi paramilitary group known as the SS; lasting from mid-1947 to early 1948, the trial was called RuSHA, after the German acronym for one of those agencies, the Race and Settlement Main Office.¹⁴

The RuSHA indictment charged not only criminal membership in the SS but also crimes against humanity and war crimes.¹⁵ It set forth a gruesome list of acts—from forced evacuations to forced abortions—alleged to have been “carried out as part of a systematic program of genocide, aimed at the destruction of foreign nations and ethnic groups, in part by murderous extermination, and in part by elimination and suppression of national characteristics.”¹⁶ First on that list was this charge: “Kidnaping the children of foreign nationals in order to select for Germanization those who were considered of ‘racial value’”¹⁷ The affected children were among the “hundreds of thousands of people” whose fate was decided, according to the RuSHA prosecution's opening statement, “in part upon the basis of whether the subject had high cheek bones and blue eyes, a proper ‘political attitude’, and perhaps a great grandfather of German nationality.”¹⁸

These allegations formed a focal point for the five-month trial. The New York Times report of opening statements told readers that “Czech Children Seized by Nazis Will Testify.”¹⁹ Two such children, plus a Czech mother whose kidnapped children had never returned, did give testimony; they were followed by three Polish children.²⁰ Ranging in age from fifteen to seventeen, these child witnesses told how they had been taken from their families and communities, and then transported to sites where they were forcibly schooled in German, forced to join the Hitler Youth, and forcibly adopted into German families.²¹ At least one child witness had forgotten her mother tongue during her forced separation from home.²²

On trial for such charges were fourteen persons. Thirteen were SS men, three of whom had worked at the SS adoption and placement agency called Lebensborn, or “Well of Life Society.”²³ RuSHA's fourth Lebensborn defendant, Inge Viermetz, attracted special attention; as a New York Times headline put it, there was a “Woman Among Accused at Nuremberg.”²⁴

Even today that headline might provoke the question, “Wait, women were prosecuted at Nuremberg?” Indeed as recently as 2023, the International Criminal Court piqued comment by announcing that it was seeking to arrest a woman—Maria Lvova-Belova, Russia's Commissioner for Children's Rights—whom it sought along with Russia's President on war crimes charges of taking Ukrainian children.²⁵ Such prosecutions are uncommon but not unheard of. Examples in this century include Biljana Plavšić, a Bosnian Serb leader who pleaded guilty at the International Criminal Tribunal for the former Yugoslavia; Pauline Nyiramasuhuko, a governmental minister convicted in a trial before the International Criminal Tribunal for Rwanda; and Simone Gbagbo, former First Lady of Côte d'Ivoire, whose arrest warrant the International Criminal Court eventually vacated.²⁶

As long ago as 1945, prosecutors at the International Military Tribunal had contemplated naming arms manufacturer Bertha Krupp as a defendant; the British hesitated, however, and the idea came to nought.²⁷ Yet by the time of the RuSHA trial two years later, British military courts had convicted nineteen women who worked at the Ravensbrück, Auschwitz, and Bergen-Belsen concentration camps, and seven of those women already had been executed.²⁸ Dr. Herta Oberheuser already had begun serving the twenty-year sentence imposed following her Nuremberg Military Tribunal conviction for atrocities committed at Ravensbrück,²⁹ and a U.S. Army court already had ordered life imprisonment for Ilse Koch, the camp commandant's widow known as the “Bitch of Buchenwald.”³⁰ That nickname resonated with prosecutorial efforts to depict women defendants as perverts, as monsters, as sadists—as having departed from prevailing ideals of feminine decorum.³¹

The RuSHA prosecution was not as vulgar as that. Although it did suggest that its woman defendant possessed ostensibly masculine traits, these were traits of a quite different kind: Inge Viermetz was presented as a diligent, trusted, and independent Lebensborn manager, responsible for implementing the forced placements of non-German children into German schools and homes. In support of this description, prosecutors submitted no fewer than five affidavits in which Viermetz swore to certain information.³² One affidavit stated that she had entered Lebensborn's employ in September 1938, as a thirty-year-old divorcée and former secretary for a Munich horseracing group. Within

a year Viermetz had risen to run two Lebensborn departments. In spring 1940 a new managing director, or chief, arrived at Lebensborn, and “he very soon recognized my organizational skills,” she said in an affidavit.³³ For a time Viermetz and an SS man co-directed Main Department A, which handled multiple aspects of foster and adoption placement. After the SS man left, “I was practically the head of this Main Department,” with the formal title of “deputy head,” she stated. Viermetz had traveled on the chief’s orders to Salzburg in Austria, Poznan in Poland, and other cities, with the aim of “conducting negotiations for Lebensborn in areas outside the German Reich.”

The affidavits thus indicated both that Viermetz had operated within the inner circle of Lebensborn and that her official acts warranted trial before a Nuremberg Military Tribunal. But Professor Megan A. Fairlie, whose memory we commemorate at this symposium, would have been quick to point out a flaw in the prosecution’s case: All affidavits appear to have been procured during Viermetz’s many months of detainment, when she was interrogated without benefit of defense counsel.³⁴ What is more, the interrogations were conducted in German, with a court reporter taking notes, then submitted in English translation to the RuSHA tribunal. The risk of distortion was obvious, and Viermetz and her lawyer seized upon it.

On January 28, 1948, Inge Viermetz took the stand, the last RuSHA accused to testify. At once she established that she was not a member of the Nazi Party.³⁵ Then, through responses to her attorney’s well-crafted direct examination, Viermetz effectively applied a testimonial scissors to the prosecution’s most damning evidence. She maintained that her own affidavits’ portrayal of her was false. Some offices she supposedly managed did not even exist, she said, while others were little more than departments within departments.³⁶ Viermetz insisted that she could not exercise initiative but rather had to report to the Lebensborn chief, who gave her no power to make specific decisions independently, let alone any “general power of attorney to deputize for” him.³⁷

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