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War Crimes Prosecution Watch is a bi-weekly e-newsletter that compiles official documents and articles from major news sources detailing and analyzing salient issues pertaining to the investigation and prosecution of war crimes throughout the world. To subscribe, please email warcrimesswatcheditors@case.edu and type "subscribe" in the subject line.

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AFRICA

NORTH AFRICA

Libya

ICC Takes Custody of Libyan Prison Official Accused of War Crimes (American Society of International Law) By Brianne Blain
December 18, 2025

The International Criminal Court (ICC) has confirmed the transfer of Khaled Mohamed Ali El Hishri, a Libyan war crimes suspect, from Germany to its custody in The Hague, marking a significant development in efforts to hold perpetrators of atrocities in Libya accountable.

El Hishri is alleged to have been a senior official at Mitiga Prison in Libya, where thousands of people were detained for extended periods. The Office of the Prosecutor says he committed, ordered, or oversaw crimes against humanity and war crimes between February 2015 and early 2020, including murder, torture, cruel treatment, rape and other forms of sexual violence, persecution, and outrages upon personal dignity.

German authorities arrested El Hishri in July 2025 pursuant to a sealed ICC arrest warrant. He remained in Germany while domestic judicial proceedings were completed under Article 59 of the Rome Statute, before being surrendered to the Court in December 2025. El Hishri made his initial appearance before ICC Pre-Trial Chamber I later that month, and a hearing to confirm the charges is provisionally scheduled for May 2026.

The case comes more than 14 years after the United Nations Security Council referred the situation in Libya to the ICC in 2011, making it only the second such referral to the Court after Darfur, Sudan. While Libya is not a party to the Rome Statute, it formally accepted the ICC's jurisdiction over crimes committed on its territory from 2011 through the end of 2027 under Article 12(3) in May this year.

The United Nations Support Mission in Libya (UNSMIL) welcomed El Hishri's transfer, describing it as an important step toward justice and accountability for victims of serious human rights abuses. UNSMIL emphasized that accountability for mass atrocities is critical to sustainable peace and reaffirmed its commitment to supporting efforts to end impunity in Libya.

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CENTRAL AFRICA

Sudan & South Sudan

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

Sudan militia chief sentenced to 20 years for war crimes during Darfur conflict (BBC) By Wedaeli Chibelushi and Anna Holligan
December 9, 2025

The International Criminal Court (ICC) has sentenced a Sudanese militia leader to 20 years in prison for atrocities committed during a civil war more than two decades ago.

Ali Muhammad Ali Abd-Al-Rahman had been convicted in October on 27 counts of war crimes and crimes against humanity in the Darfur region.

Known as Ali Kushayb, he was one of the leaders of the Janjaweed, a government-backed group that terrorised Darfur, killing hundreds of thousands of people.

Kushayb, aged 76, is the first person to be tried by the ICC for atrocities committed during the civil war. He had argued the charges were a case of mistaken identity.

Dressed in a light blue suit and tie, Kushayb stood quietly as presiding judge Joanna Korner delivered his sentence on Tuesday.

"Abdal Raman not only gave the orders which led directly to the crimes but... also personally perpetrated some of them," Judge Korner told the court.

The conflict in question lasted from 2003 to 2020 and was one of the world's gravest humanitarian disasters, with allegations of ethnic cleansing and genocide against the region's non-Arabic population.

Five years after the end of that crisis, Darfur is a key battleground in another civil war, this time between Sudan's army and the paramilitary Rapid Support Forces (RSF), whose origins lie in the Janjaweed.

During Kushayb's trial, survivors described how their villages were burned down, men and boys slaughtered and women forced into sex slavery.

Judge Korner said Kushayb had given orders to "wipe out and sweep away" non-Arab tribes and told soldiers "don't leave anyone behind. Bring no one alive."

The charges against Kushayb centred on attacks committed between 2003 and 2004.

The Darfur war began after the Arab-dominated government at the time armed the Janjaweed, in an attempt to suppress an uprising by rebels from black African ethnic groups.

The Janjaweed systematically attacked non-Arab villagers accused of supporting the rebels, leading to accusations of genocide.

That same systematic violence is still happening in Darfur as part of Sudan's current civil war.

Many of the Janjaweed fighters went on to join the RSF.

The UK, US and rights groups have accused the RSF of carrying out ethnic cleansing against non-Arab communities in Darfur since the conflict began in 2023. The RSF has denied the accusations.

When passing Kushayb's sentence, Judge Korner said the ICC wanted to ensure both "retribution and deterrence".

"Deterrence is particularly apposite in this case given the current state of affairs in Sudan," she said.

Throughout the two conflicts, there has been a "long hiring out of militias, suppressing of rebellion, and sexual violence used as a tool of war", Dr Matthew Benson-Strohmayer, Sudan Research Director at the London School of Economics, told the BBC.

"I think the way that the war is being fought in Darfur in particular is really a war of terror," he told the BBC.

At the time of the verdict, Dr Benson-Strohmayer said he hoped the conviction would impact the current conflict, but "sincerely" doubted it will.

Most victims of the first Darfur crisis remain displaced, and although the ICC has managed to prosecute Kushayb, there are still outstanding arrest warrants against Sudanese officials, including one accusing former President Omar al-Bashir of genocide, which he denies.

Bashir is reportedly in military custody in north Sudan after he was ousted in a coup in 2019.

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Democratic Republic of the Congo

Official Website of the International Criminal Court
ICC Public Documents - Situation in the Democratic Republic of the Congo

French court sentences ex-DR Congo rebel and politician to 30 years in jail (BBC) By Emery Makumeno and Wycliffe Muia
December 16, 2025

A French court has sentenced a former rebel leader and politician from the Democratic Republic of Congo to 30 years in jail after finding him guilty of complicity in crimes against humanity more than two decades ago.

Roger Lumbala headed a rebel movement backed by neighbouring Uganda accused of committing atrocities during a period known as the Second Congo War.

The judge said the 67-year-old was found guilty of ordering or aiding and abetting torture and inhumane crimes, summary executions, rape constituting torture, sexual slavery, forced labour and theft.

Lumbala, who was living in France when he was arrested nearly five years ago, has refused to accept the legitimacy of the court in Paris.

He did not attend the trial, which began last month, though he was in the dock to hear the verdict on Monday.

Lumbala also served as a minister in DR Congo's transitional government from 2003 to 2005 and later as a member of parliament.

Several years later the Congolese government issued an arrest warrant for him over his alleged support for the M23, a rebel group currently active in the eastern DR Congo, prompting him to flee to France.

The Second Congo War, which raged from 1998-2003, involved nine countries, numerous rebel groups and led to the estimated deaths of between two and five million people.

At the time Lumbala led the Rally of Congolese Democrats and Nationalists (RCD-N), which allegedly carried out atrocities during a campaign between 2002 and 2003 called "Erase the Slate".

The operation targeted members of the Nande and Bambuti ethnic groups in the north-eastern provinces of Ituri and North Kivu who were accused of supporting a rival militia.

A UN team that investigated in its aftermath said it was characterised by "premeditated operations using looting, rape and summary execution as tools of warfare".

Lumbala's case was prosecuted under the principle of "universal jurisdiction", which allows French courts to seek justice related to crimes against humanity committed abroad.

Five non-governmental organisations, including Trial International and the Clooney Foundation for Justice, pooled their expertise to participate in the trial, helping support survivors to testify and requesting expert analyses.

Trial International, a Geneva-based justice campaign group, said 65 survivors, witnesses and experts testified before the court about the Erase the Slate operation.

After the verdict, it issued a statement from two of the survivors - David Karamay Kasereka and Pisco Sirikivuya Paluku.

"We were scared but came all the way here because the truth matters. For years, no one heard us," they said.

"We would have preferred to face Roger Lumbala, to look him in the eyes. But this verdict marks a first step toward reclaiming pieces of ourselves that were taken from us."

During the trial Mr Kasereka, 41, described how his father and neighbours were tortured killed by Lumbala's men, the AP news agency reports.

Mr Paluku, who is a now 50-year-old nurse, told of how the rebels robbed and injured him, killed his uncle and raped his friend's wife, the AFP news agency says.

"We hope that this will serve as a lesson to those who continue to bring grief to the people of Congo, and particularly

to Ituri," he told the Reuters news agency.

According to AP, Lumbala's legal team, which has 10 days to file an appeal, called the sentence excessive. Prosecutors had sought a life sentence.

Eastern DR Congo, which is rich in minerals, has been wracked by conflict for more than 30 years, since the 1994 Rwandan genocide. Several peace deals going back to the 1990s have collapsed.

Over the years a number of other militia leaders, including Thomas Lubanga, Germain Katanga and Bosco Ntaganda, have been put on trial and convicted by the International Criminal Court (ICC) for abuses committed in the east of DR Congo.

Human rights groups welcomed Monday's verdict as a milestone for further accountability in the long-running conflict there.

"This verdict is historic. For the first time, a national court has dared to confront the atrocities of the Second Congo War and show that justice can break through even after decades of impunity," Trial International's Daniele Perissi said in a statement.

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WEST AFRICA

Lake Chad Region — Chad, Nigeria, Niger, and Cameroon

Chad failed to arrest Sudanese President, ICC tells Security Council (UN News) December 13, 2025

The International Criminal Court (ICC) decided today that Chad has not met its obligation to fully cooperate with the court by failing to arrest and surrender Sudanese President Omar al-Bashir during his visit to Chad in August.

Following its decision, pre-trial chamber I of the ICC referred the matter to the Security Council and the Assembly of States Parties to the Rome Statute, the ICC's founding treaty.

Mr. al-Bashir is facing charges of war crimes, crimes against humanity and genocide with the ICC having issued arrest warrants against him in 2009 and in July last year.

The chamber also concluded that Chad did not fulfil its obligation to consult the chamber by not submitting the question of immunity of Mr. al-Bashir for its determination, and recalled its decision yesterday declaring that Malawi had also failed to cooperate in Mr. al-Bashir's arrest.

The chamber reaffirmed that there is no conflict between the obligations of States Parties to the Rome Statute towards the court to surrender suspects, and their obligations under customary international law. This reiteration underscores that States Parties, as well as the African Union (AU) cannot refuse to comply with the ICC's requests for cooperation in this matter.

Under the Rome Statute, States that fail to comply with a request to cooperate with the court may be referred to the Assembly of States Parties or to the Security Council.

"It is for the United Nations Security Council and the Assembly of States Parties to take any measures they may deem appropriate to ensure the full cooperation with the ICC," said a news release issued by the ICC.

The chamber has previously informed the council and the assembly of Mr. al-Bashir's visits to Djibouti, Chad and Kenya.

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EUROPE

Council of Europe's Special Tribunal for the Crime of Aggression Against Ukraine

Commission signs Convention to establish the International Claims Commission for Ukraine on behalf of the EU (European Commission)
December 15, 2025

Today, the Commission, represented by Vice-President Kaja Kallas and Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection, Michael McGrath, signed the Convention establishing the International Claims Commission for Ukraine on behalf of the EU. The signature is a major milestone in Europe's collective efforts to ensure accountability and justice for Ukraine and the Ukrainian people, ensuring that the victims of Russia's brutal war of aggression are properly compensated. The signature took place in the context of a Diplomatic Conference hosted by the Council of Europe and the Netherlands, and was attended by the President of Ukraine, Volodymyr Zelenskyy.

President von der Leyen said: "Today's agreement sends a crystal clear message: Russia's war of aggression will not go unanswered. This is a concrete instrument of justice to ensure the aggressor will be held accountable. Because accountability is not optional, it is inevitable. The victims of Russia's brutality have the right to compensation. And we will pursue this, in yet another example of Europe's steadfast support for Ukraine."

Operating within the Council of Europe's framework, the Claims Commission will be responsible for reviewing, assessing, and deciding on claims for the compensation of damage, loss or injury caused by Russia in Ukraine. It will also be responsible for determining the amount of compensation due in each case. The Claims Commission builds on the important work carried out by the Register of Damage established in May 2023 to record eligible claims. As a final step, the Commission is discussing with its international partners legal pathways to establish a compensation fund which would ensure that Russia directly compensates Ukraine for the damage caused.

The Claims Commission will strongly support the principles of justice, accountability, and victims' rights; and ensure that these are upheld in line with the international legal framework. Following the signing of the Convention, the EU and its Member States will proceed with ratification.

Background

Since the start of Russia's full-scale invasion of Ukraine, the international community has been committed to ensuring that Ukraine and its citizens can seek reparations under international law. An essential tool that has supported this objective is the Register of Damage, established in 2023. The Register serves as a record of all eligible claims seeking compensation for the damage inflicted by Russia.

In March 2025, the discussions about setting up a Claims Commission began in order to build on the work of the Register. In September, these negotiations resulted in agreement on the Draft Convention establishing an International Claims Commission for Ukraine within the framework of the Council of Europe. On 12 November, the Commission put forward a proposal requesting authorisation from the Council to sign the Convention, which was adopted by the Council on 15 December.

Work is ongoing in parallel on establishing a Special Tribunal to hold Russian political and military leaders accountable, given that they bear the greatest responsibility for the crime of aggression against Ukraine. An Agreement was signed in June between Ukraine and the Council of Europe to establish this Special Tribunal. Since the Enlarged Partial Agreement of the Special Tribunal was finalised, the EU has been preparing a proposal for the signature of this instrument.

The EU is also supporting Ukrainian authorities, such as the Prosecutor General's Office of Ukraine, to strengthen capacities to investigate and prosecute international crimes committed in Ukraine, including through the EU Advisory Mission. Additionally, the EU has provided further funding to the International Criminal Court for its work in Ukraine and elsewhere to support its investigation capacities, to scale up its data storage and processing infrastructure, and to build up additional analytical capacities.

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Sweden signs Convention establishing International Claims Commission for Ukraine (Government Offices of Sweden)

December 16, 2025

On 16 December, Sweden signed a Convention on the establishment of the International Claims Commission for Ukraine. The Claims Commission is important in ensuring redress for damage inflicted by Russian actions that violate international law. Sweden has contributed to the establishment of the Claims Commission.

"The establishment of the Claims Commission is a vital step in demanding accountability from Russia for its war against Ukraine. Russia must pay for the damage it has caused Ukraine since the full-scale invasion began," says Minister for Foreign Affairs Maria Malmer Stenergard.

On 14 November 2022, the UN General Assembly adopted a resolution stressing the need to establish an international mechanism for reparation for damage caused by Russia's actions in violation of international law in and against Ukraine.

The International Claims Commission is part of this mechanism. In 2023, a register was established to record claims and evidence linked to damage caused by Russia's aggression. Sweden is one of the founding members of the register of damage. The new International Claims Commission will examine claims submitted to the register. The register and the Claims Commission have been set up within the framework of the Council of Europe.

Sweden is actively working for accountability for the crimes committed during Russia's aggression. This is done through international and national support, including to the International Criminal Court, the UN, the EU, the OSCE and civil society organisations. Sweden is also actively participating in efforts to establish the Special Tribunal for the Crime of Aggression against Ukraine.

The Convention was adopted at a diplomatic conference in The Hague in the presence of President Zelenskyy on 16 December 2025. State Secretary for Foreign Affairs Dag Hartelius participated in the conference and signed the Convention on behalf of Sweden.

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MIDDLE-EAST

Syria

Germany charges suspected former Syrian intelligence agent with murder in Assad jail (Reuters)

December 22, 2025

Dec 22 (Reuters) - German prosecutors have charged a suspected former member of Syrian intelligence with crimes against humanity and the torture and murder of dozens of prisoners held in a Damascus prison under Bashar al-Assad, a statement said on Monday.

The accused, who was arrested in May and identified only as Fahad A. under German privacy rules, was suspected of working as a guard in a prison in the Syrian capital between the end of April 2011 and mid-April 2012, it said.

"There, he participated in well over 100 interrogations during which prisoners were subjected to severe physical abuse, such as electric shocks or beatings with cables," it said.

"On the orders of his superiors, the accused also abused inmates at night, for example by hanging them from the ceiling, dousing them with cold water, or forcing them to remain in uncomfortable positions. As a result of such mistreatment and the catastrophic prison conditions, at least 70 prisoners died."

German prosecutors have used universal jurisdiction laws that allow them to seek trials for suspects in crimes against humanity committed anywhere in the world.

Based on these laws, several people suspected of war crimes during the Syrian conflict have been arrested in the last few years in Germany, which is home to around one million Syrians.

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AMERICAS

South America

Inter-American Court of Human Rights Condemns the State of Mexico for Sexual Violence by Members of the Mexican Army, Torture, and the Death of Ernestina Ascencio Rosario (Robert & Ethel Kennedy Human Rights Center) December 17, 2025

The family of Ernestina Ascencio Rosario and their representatives welcome the decision of the Inter-American Court of Human Rights (IACtHR), which, after nearly nineteen years of impunity and denial of justice by the State of Mexico, declared the State internationally responsible for the sexual violence, torture, and death of Ernestina Ascencio Rosario. Ernestina was a 73-year-old monolingual Nahua Indigenous woman who was assaulted in February 2007 by members of the Mexican Army in the Sierra de Zongolica, Veracruz.

The IACtHR's decision is of historic significance, as it marks an important step in addressing the multiple barriers Indigenous women face in accessing justice in contexts of violence and discrimination based on ethnicity, gender, and economic exclusion. The Court held that the violations committed by the State against the victims resulted from institutional violence, structural discrimination, and the violation of the right to the truth, all of which led to impunity for those responsible. The judgment also advances the protection of older persons by recognizing that such protection is reinforced when age intersects with other factors of vulnerability, such as gender and ethnic origin, particularly in militarized contexts, where conditions of violence, exclusion, and structural discrimination are exacerbated.

In addition, the IACtHR reaffirmed the existence of structural obstacles faced by Indigenous peoples and individuals in accessing justice as a result of historical patterns of discrimination, marginalization, and social exclusion, and ordered the State to adopt measures to eliminate those barriers.

Through its systematic analysis of the factors that ensured impunity for those responsible, including public statements by high-level authorities, such as the President of Mexico, the Court made clear how State conduct perpetuated discrimination and impunity and deepened the vulnerability experienced by Ernestina and her family. Accordingly, the Court found that the State engaged in institutional violence against Ernestina Ascencio Rosario and her relatives. This approach to examining State action provides prosecutors and judicial authorities with a methodology to ensure compliance with due process guarantees and to protect victims' rights, taking into account the specific conditions of vulnerability they face due to ethnicity, gender, and other discriminatory factors.

As a result, the Court ordered the State, among other measures of reparation, to carry out a thorough and serious criminal investigation, within a reasonable timeframe, into the sexual violence, torture, and death of Ernestina, leading to the punishment of those responsible; to adopt measures of satisfaction and rehabilitation, including providing culturally appropriate medical and psychological care to her family members; to make the judgment public and carry out a public act of acknowledgment of international responsibility; and to grant scholarships for basic, technical, and/or university education to Ernestina's grandchildren who wish to pursue them. The Court also ordered the Mexican State to implement a training and capacity-building program for public officials on the matters addressed in the judgment; to strengthen the health center located in the Municipality of Soledad Atzompa; to adopt measures regarding health and justice with a gender-, ethnic-, and age-sensitive perspective; to address the linguistic barriers faced by Indigenous women in the State of Veracruz; and to develop a national registry of Indigenous-language interpreters. The State must report within one year on its compliance with these measures, and the Court will monitor

their implementation until full compliance is achieved.

After learning of the judgment, Martha Inés Ascencio, daughter of Ernestina, stated: “I am very happy because on our own we did not know what we were going to do, and you supported us. Now, with this judgment, we know that they did listen to us. Three months before the 19th anniversary of my mother’s death, today I heard a bit of justice for what we have been fighting for, but the State still needs to comply with what it has been ordered to do.”

According to Patricia Benítez Pérez, coordinator of CESEM, “The IACtHR’s judgment honors the memory of Mrs. Ernestina Ascencio Rosario. The truth that was silenced for 19 years for the Inés Ascencio family has been vindicated before the highest court in the region, which upholds the truth and the words that Ernestina expressed during her lifetime: ‘Pinomeh xoxomeh nopan omotlatlamotlakeh’ (‘the men in green threw themselves on top of me.’)”. For Julia Marcela Suárez Cabrera, representative of AJDH, “the claim we pursued to uncover the truth about the abuses committed against Mrs. Ernestina and her family made it possible for the IACtHR to provide them with justice and to order the State to implement measures of reparation for the victims and guarantees of non-repetition that ensure the rights of Indigenous women in Mexico.”

The representatives of the victims consider that the jurisprudence issued by the Court in this case will be a fundamental tool in the fight against the structural racism that, like in this case, is manifested in the racial discrimination faced by Indigenous women and other historically discriminated groups seeking judicial protection against the violence perpetrated against them.

The judgment comes nearly two decades after the events, following an uninterrupted search for truth, justice, and reparation that yielded no results, and led the Inter-American Commission on Human Rights to submit the case to the IACtHR in 2023. The prolonged lack of adequate State responses consolidated, up to the present day, a scenario of impunity and violation of the right to the truth that the Court’s decision seeks to correct, and which reflects the State’s structural failures to fully guarantee the human rights of Indigenous women, particularly the right to a life free from violence and discrimination, the right to a dignified life, and the right to adequate guarantees of access to truth and justice.

The organizations Abogadas y Abogados para la Justicia y los Derechos Humanos (AJDH), Centro de Servicios Municipales Heriberto Jara A.C. (CESEM), Kalli Luz Marina A.C., the Coordinadora Nacional de Mujeres Indígenas (CONAMI), the Robert and Ethel Kennedy Human Rights Center, and the International Institute on Race, Equality and Human Rights, as representatives of the victims, upon being notified of the judgment, formally requested that the Mexican State propose a roadmap for the full implementation of the ruling. This provides the State with an opportunity to honor its commitment in declaring 2025 the “Year of Indigenous Women” by fully complying with the judgment without further delay.

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Venezuela

Venezuela’s National Guard linked to killings, torture and repression, UN probe finds (United Nations) December 11, 2025

The Independent International Fact-Finding Mission says the force has played a central role in systematic repression since 2014, entrenching impunity and violating basic rights.

“The facts we have documented show the role of the GNB in a pattern of systematic and coordinated repression against opponents or those perceived as such, which has continued for more than a decade,” said Marta Valiñas, the Mission’s Chair.

“The persistence of these crimes and the absence of adequate justice require a determined response from national and international accountability mechanisms.”

Excessive force

The GNB used excessive force, including the improper use of lethal weapons, during peak periods of protest in 2014,

2017, 2019, and 2024.

The Mission said it has reasonable grounds to believe that officials fired indiscriminately on protestors, including aiming directly at vital areas on the body.

Investigators also received information regarding projectiles being modified to cause greater harm.

They also documented mass and targeted arbitrary detentions, physical violence during arrests, planting of evidence, torture, and sexual and gender-based violence inside GNB facilities that were used as temporary detention centres.

Pattern of abuse

"The torture, ill-treatment, and acts of sexual violence we have verified – including assaults and rape – were not isolated incidents. They form part of a pattern of abuse used to punish and break victims," said Ms. Valiñas.

The report found the GNB was a central actor in the commission of persecution on political grounds, which is a crime against humanity.

The military force also played a key role in the 2024 post-election "Operation Tun Tun" (Spanish for "knock, knock") raids that sought to target and criminalise opponents through unfounded accusations of terrorism or incitement to hatred.

Structural impunity and systemic failures

The report identifies what the Mission described as "a pattern of structural impunity sustained by systemic failures within the Venezuelan judicial system, revealing its inability or unwillingness to investigate or prosecute violations committed by the GNB."

This is further characterized by stalled investigations, prolonged procedural paralysis, manipulation of evidence, deliberate obstruction by the GNB, and accountability that is exclusively limited to low-ranking personnel.

The report contains an in-depth analysis of the internal operational structures of the branch, including its chain of command.

It also details how Venezuela's "national security" doctrine has merged military and police functions, thus legitimising the militarization of public security and expanding the GNB's role in operations aimed at social control and internal repression.

Leader Of Tren De Aragua Charged In Manhattan Federal Court With Racketeering, Terrorism, Drug Importation, And Firearms Offenses (United States Attorney Office Southern District of New York) December 18, 2025

Hector Rusthenford Guerrero Flores, a/k/a "Niño Guerrero," a/k/a "El Cejón," a/k/a "El Innombrable" is Charged with Ordering, Directing, and Facilitating Acts of Terrorism and Violence in the United States and Acting in Concert with Cartel de Los Soles

United States Attorney for the Southern District of New York, Jay Clayton, Special Agent in Charge of the Special Operations Division of the Drug Enforcement Administration ("DEA"), Louis A. D'Ambrosio, Co-Director of Joint Task Force Vulcan ("JTFV"), Jacob Warren, Special Agent in Charge of the New York Field Office of Homeland Security Investigations ("HSI"), Ricky J. Patel, Special Agent in Charge of the Houston Field Office of the FBI, Douglas Williams, and Special Agent in Charge of the Andean Division of the DEA, Eugene L. Crouch, announced today the unsealing of an Indictment charging HECTOR RUSTHENFORD GUERRERO FLORES, a/k/a "Niño Guerrero," a/k/a "El Cejón," a/k/a "El Innombrable,"[1] in connection with GUERRERO FLORES's leadership role in Tren de Aragua ("TdA" or the "Enterprise"), a transnational criminal organization operating throughout North America, South America, and Europe, which has also been designated as a foreign terrorist organization. GUERRERO FLORES is currently at large. The U.S. Department of State is offering rewards of up to \$5 million for information leading to the arrest and/or conviction of GUERRERO FLORES. The case has been assigned to U.S. District Judge Andrew L. Carter, Jr.

"As alleged, Hector Rusthenford Guerrero Flores has been the mastermind of Tren de Aragua's evolution from a Venezuelan prison gang into a transnational terrorist organization that committed countless acts of violence, extortion, and drug trafficking all over North America, South America, and Europe," said U.S. Attorney Jay Clayton. "In the Southern District of New York, we have now charged over 30 members or associates of Tren de Aragua with federal crimes, and we are committed to bankrupting the cartels and transnational gangs who flood our streets with deadly drugs and pursue death, violence and corruption as a way of life. This is what New Yorkers want, and it is what they deserve."

"Guerrero Flores operated Tren de Aragua like a multinational crime syndicate—laundering money through

cryptocurrency, trafficking drugs by the ton, selling weapons of war, and orchestrating acts of terror across borders,” said DEA Special Agent in Charge Louis A. D’Ambrosio. “He ran this empire from prison, shielded by corruption, and in collaboration with a narco-state cartel intent on flooding the United States with cocaine. This case exemplifies today’s threat: criminal organizations that function like terrorists and terrorize like insurgents. DEA and our partners are dismantling them piece by piece—targeting their leadership, finances, weapons, and networks.”

“For more than a decade, as alleged in the Indictment unsealed today, Nino Guerrero has led TdA from its inception as a prison gang in Venezuela to a transnational terrorist organization,” said JTFV Co-Director Jacob Warren. “TdA has inflicted widespread harm in the United States through extortions, kidnappings, murders, drug trafficking, gun trafficking, prostitution, sex trafficking, robberies, bank burglaries, and money laundering. The charges unsealed today in the Southern District of New York are directly in line with JTFV’s mission: a collaborative, whole of government effort, to destroy TdA. We are grateful for our partnership with the U.S. Attorney’s Office for the Southern District of New York and our law enforcement partners who worked tirelessly to investigate and bring these important charges.” “As alleged, Niño Guerrero has for decades led one of the fastest-emerging foreign terrorist organizations to encroach upon American soil: Tren de Aragua,” said HSI Special Agent in Charge Ricky J. Patel. “This reputed leader grew TdA from a Venezuela-based prison gang to the vile, vicious organization it has become. Together with our partners, HSI and the HSTF New York will continue to wage an unyielding campaign against cartels, drug traffickers, and transnational criminal organizations who seek to sow destruction and death. Together, we will ensure that no corners of their criminal empires are beyond the reach of justice.”

“Hector Guerrero Flores is the alleged leader of a Venezuelan foreign terrorist organization sowing violence, murder, and misery into communities and nations throughout the Western Hemisphere,” said FBI Houston Special Agent in Charge Douglas Williams. “Under the leadership of Guerrero Flores, Tren de Aragua translates the suffering and death of thousands into profits for its members. Tren de Aragua, under the guidance of Guerrero Flores, saw members commit murders; violent robberies; sex trafficking; and weapons and narcotics trafficking impacting communities across the United States.”

“DEA is unwavering in its mission to dismantle the command and control of Tren de Aragua, a designated foreign terrorist organization that thrives on drug trafficking and violence,” said Special Agent in Charge Eugene L. Crouch of the DEA Andean Division. “For years, TdA has exploited corruption to expand its reach and evade justice, but those days are over. DEA is relentlessly targeting TdA’s leadership, financial networks, and infrastructure, and we will not rest until these individuals are brought to justice. We are grateful to the Colombian National Police and the Colombian Attorney General’s Office for their invaluable partnership in this investigation.”

According to the allegations in the Indictment unsealed today in Manhattan federal court:[1]

GUERRERO FLORES and others known and unknown were members and associates of TdA, a criminal organization that operated throughout North America, South America, and Europe, including in the United States, Venezuela, Colombia, Peru, Chile, Brazil, Mexico, and Spain. TdA—literally meaning “Train from Aragua”—originated in the Venezuelan state of Aragua in the 2000s, and TdA used the Tocarón Prison in Aragua as a center of operations to orchestrate and conduct criminal activities. TdA was largely composed of persons from South America, mostly from Venezuela. In the following years, gang members and associates left Venezuela and spread throughout North, South, and Central America and Spain, which expanded TdA’s presence.

TdA members and associates established a presence in other countries in South America, Central America, and the United States by engaging in the following pattern of behavior: First, TdA members and associates infiltrated other countries by illegally crossing their borders and finding cities and other residential neighborhoods where they could easily establish control over civilian populations. Next, TdA members and associates committed crimes and other acts of terrorism to assert control over their territory and enrich themselves through extortions, kidnappings, robberies, murders, drug trafficking, prostitution, sex trafficking, and trafficking of guns, grenades, and ammunition. Many of the crimes and acts of terrorism committed by TdA members and associates were ordered, directed, facilitated, or otherwise supported by TdA leadership in South America, including GUERRERO FLORES. Finally, TdA members and associates would spread to other locations, forming cells with their own local leadership and structure. TdA’s violent tactics often resulted in entire neighborhoods and apartment buildings being subject to TdA’s control. TdA members and associates laundered the proceeds of their criminal activities, including through cryptocurrency, and transmitted a portion of the proceeds to TdA leadership in South America, including GUERRERO FLORES.

Through this pattern of behavior, TdA members and associates established a strong gang presence in other countries in South America, Central America, North America and Europe, like Colombia, Peru, Chile, Brazil, Mexico and Spain. TdA members and associates also illegally crossed the border into the United States and established a presence in various parts of the country, including New York, Colorado, New Mexico, Texas, Nebraska, Illinois, and Florida. As a result, TdA operated as a national and international criminal organization with its members and associates regularly conducting gang activities and acts of terrorism transcending national boundaries across the Western Hemisphere.

TdA members and associates also worked in concert with some of the largest cocaine trafficking organizations in the world, including the *Cártel de los Soles*, or “Cartel of the Suns.” The *Cártel de los Soles* is and, at all relevant times, was, a Venezuelan drug-trafficking organization comprised of high-ranking Venezuelan government officials who corrupted the legitimate institutions of Venezuela to facilitate the importation of tons of cocaine into the United States,

including through the use of maritime drug distribution routes with boats and ships carrying hundreds or thousands of kilograms of narcotics, including cocaine. It is and was the goal of the *Cártel de los Soles* to “flood” the United States with cocaine, as it has sought to weaponize the drug and inflict its harmful and addictive effects on users in the United States. Members and associates of the *Cártel de los Soles* have included, among others, the most powerful politicians in Venezuela, former military officials, and some of the largest and most violent cocaine traffickers in the world. In turn, certain of these politicians have controlled the locations from which TdA grew in power and influence. Members and associates of the *Cártel de los Soles* relied upon corruption and violence as they transported cocaine from Venezuela en route to the United States. In Venezuela, politicians aided cocaine traffickers by offering them safe passage for their cocaine, protection from arrest, and, at times, the support of the police and military. And *Cártel de los Soles*’s cocaine traffickers relied on violence throughout their cocaine distribution route—including the use of firearms, kidnappings, and murder—to protect their cocaine, their distribution networks, and themselves.

For over a decade, GUERRERO FLORES served as either the leader or co-leader of TdA, acting as the mastermind over TdA’s expansion across the Western Hemisphere. During much of that time, GUERRERO FLORES operated from Tocarón Prison, where the Venezuelan government allowed GUERRERO FLORES to control the day-to-day operations of the prison. Under GUERRERO FLORES’s direction, TdA members and associates engaged in a wide range of crimes, including extortions, kidnappings, murders, drug trafficking, gun trafficking, prostitution, sex trafficking, robberies, bank burglaries, and money laundering. GUERRERO FLORES and other high-level leaders of TdA would collect a “causa” or fee from income generated by lower-level members of TdA, thereby enriching themselves from income earned by other TdA members. As the leader of TdA, while operating from Venezuela and elsewhere, GUERRERO FLORES ordered, directed, facilitated, and supported acts of violence and terrorism transcending national boundaries, including murders, kidnappings, extortions, and maiming against victims located inside and outside the United States.

GUERRERO FLORES and other members and leaders of TdA also worked with several of the largest cocaine traffickers in Venezuela to transport tons of cocaine from Venezuela for eventual distribution in the United States. GUERRERO FLORES both directed and personally facilitated the transportation of this cocaine by supplying teams of heavily armed individuals to protect and transport cocaine shipments for his trafficking partners and associates. These individuals were armed with, among other automatic weapons, AK-47s, MP5s, and AR-15s, as well as grenades.

The cocaine that GUERRERO FLORES helped distribute was manufactured in Colombia and Venezuela. The cocaine shipments were then transported from their point of origin and flown from clandestine airstrips or transported by maritime routes from Venezuela to Central America. From there, drug trafficking associates working with the Venezuelan distributors transported this cocaine north, through Mexico, and across the U.S. border. These drug trafficking associates included members of the largest, most violent, narcotics trafficking organizations in Mexico. At times, GUERRERO FLORES personally accompanied large cocaine loads as they were guarded by teams of armed men, en route to airports or airstrips for transport north and eventual distribution to the United States. GUERRERO FLORES was paid a fee per kilogram transported or received an interest in portions of these massive cocaine shipments in lieu of payment. The traffickers that GUERRERO FLORES worked with moved thousands of kilograms per shipment, multiple times per month, resulting in the distribution of hundreds of tons of cocaine to the United States.

In addition, GUERRERO FLORES also sold firearms to large-scale cocaine traffickers operating out of Venezuela. These traffickers purchased from GUERRERO FLORES automatic weapons including AK-47s, MP5s, and AR-15s, and then used the weapons they purchased from GUERRERO FLORES to protect their cocaine loads.

GUERRERO FLORES, 42, of Venezuela, is charged with participating in a racketeering conspiracy, which carries a maximum sentence of 20 years in prison; conspiracy to provide material support to terrorists, which carries a maximum sentence of 15 years in prison; cocaine importation conspiracy, which carries a maximum sentence of life and a mandatory minimum of 10 years in prison; and using and carrying firearms, machineguns, and destructive devices in furtherance of drug trafficking, which carries a maximum sentence of life and a mandatory minimum of 30 years in prison.

The maximum potential sentences in this case are prescribed by Congress and provided here for informational purposes only, as any sentencing of the defendant will be determined by the judge.

Mr. Clayton praised the outstanding investigative work of DEA’s Bilateral Investigations Unit and Bogotá Country Office, HSI New York, FBI Houston, and the New York City Police Department. Mr. Clayton also thanked Colombia’s Office of the Attorney General; Colombian National Police’s Unified Action Group for Liberty (“GAULA”); Arapahoe County District Attorney’s Office; Aurora Police Department in Aurora, Colorado; New York/New Jersey Regional Fugitive Task Force of the U.S. Marshals Service (“USMS”); U.S. Customs and Border Protection’s National Gang Unit and New York Human Intelligence Division; U.S. Immigration and Customs Enforcement’s New York Enforcement and Removal Operations; Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”); the New York City Crime Analysis Center at the New York/New Jersey High Intensity Drug Trafficking Area; the Harris County Sheriff’s Office; and the Houston Police for their assistance with the investigation.

This case is part of JTFV, which was created in 2019 to eradicate MS-13 and now expanded to target Tren de

Aragua, and is comprised of U.S. Attorney's Offices across the country. Those include Southern and Eastern Districts of New York; Eastern and Western Districts of North Carolina; Eastern and Western Districts of Virginia; Southern District of Florida; Eastern District of Texas; Western District of Oklahoma; Northern District of Indiana; and the District of Nevada; , as well as the as well as the Executive Office for U.S. Attorneys Department of Justice's National Security Division and the Criminal Division. Additionally, the FBI, DEA, HSI, ATF, USMS, and the Federal Bureau of Prisons are essential law enforcement partners with JTFV. The Justice Department's Office of International Affairs and the Criminal Division's Office of Judicial Attaché in Bogotá, Colombia, has also provided significant assistance.

This case is part of Operation Take Back America, a nationwide initiative that marshals the full resources of the Justice Department to repel the invasion of illegal immigration, achieve the total elimination of cartels and transnational criminal organizations, and protect our communities from the perpetrators of violent crime. Operation Take Back America streamlines efforts and resources from the Department's Organized Crime Drug Enforcement Task Forces and Project Safe Neighborhood.

This case is being handled by the Office's Violent Organizations & Crime Unit, National Security & International Narcotics Unit, and JTFV. Assistant U.S. Attorneys Nicholas S. Bradley, Andrew K. Chan, Kaylan E. Lasky, Henry L. Ross, Kevin T. Sullivan, Kyle A. Wirshba, and Jun Xiang are in charge of the prosecution, with assistance from Trial Attorneys Jason Harley and Josie Thomas from JTFV.

The charges contained in the Indictment are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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TOPICS

Commentary and Perspectives

History and International Law Proscribe Amnesties for Russian War Crimes (Just Security) By Kateryna Busol
December 11, 2025

On the 80th anniversary of the opening of the main Nuremberg Trial, which prosecuted Nazi leadership for aggression and mass atrocities of World War II – details of the allegedly proposed new “peace” plan for Ukraine emerged. The initiative, widely perceived as an attempt to force Kyiv’s capitulation rather than as a viable pathway to peace, is being renegotiated. And yet, it has surfaced one of the Kremlin’s recurrent demands: full amnesty for wartime atrocities – the very acts Nuremberg sought to punish and prevent.

On the 80th anniversary of the opening of the main Nuremberg Trial, which prosecuted Nazi leadership for aggression and mass atrocities of World War II – details of the allegedly proposed new “peace” plan for Ukraine emerged. The initiative, widely perceived as an attempt to force Kyiv’s capitulation rather than as a viable pathway to peace, is being renegotiated. And yet, it has surfaced one of the Kremlin’s recurrent demands: full amnesty for wartime atrocities – the very acts Nuremberg sought to punish and prevent.

Nuremberg’s symbolism has been poignantly woven throughout Russia’s onslaught on Ukraine. Russia denies that the Red Army committed any crimes during World War II and criminalizes critiques exposing them. By fortifying narratives about its allegedly unique role in defeating Nazis and branding Ukrainians as their successors, Russia assigns itself the role of a liberator who can never be a perpetrator – neither during World War II, nor during the ongoing aggression. Hence, the requested blanket amnesties.

The Kremlin’s demands for amnesties are not new – they have been persistent since its initial invasion of Ukraine in 2014. During and following the Minsk negotiations in 2015, Russia opposed not only atrocity prosecutions, but any holistic support to survivors, through reparations and other transitional justice measures.

Such demands contravene the spirit and letter of international law.

International law is adamant on States' duty to prosecute, punish, and prevent international crimes – war crimes, crimes against humanity, genocide, and aggression – as well as serious human rights violations such as enforced disappearances and torture. The universally ratified Geneva Conventions that protect civilians, prisoners of war, and wounded in war also oblige States to prosecute or extradite alleged perpetrators. Statutes of limitation do not apply – these atrocities may be tried decades after commission. War-related amnesties are possible, but only for sedition-like activities – not for the gravest international crimes. The rise of amnesties for military junta-era atrocities during democratic transitions and peace processes across Latin America prompted the Inter-American Court of Human Rights to consistently confirm the inadmissibility of amnesties for serious human rights violations. The Inter-American Human Rights Commission has recommended that States avoid far-reaching amnesty legislation. Nuanced prosecutions can also contribute to truth-seeking and wider redress, which can be essential to sustainable post-conflict recovery.

Russia's crimes against Ukrainian civilians and prisoners of war are well-documented: they include widespread torture and sexual violence, enforced disappearances, child deportation, and concerted attacks on hospitals, power stations and civilian areas.

Several considerations prevent Ukraine – and its democratic and law-abiding partners – from agreeing to amnesties or de facto impunity for such atrocities.

First, ceding more territories to the Kremlin, as the “peace” plan also proposes, would expose more Ukrainians to Russian crimes. International law's prohibition of torture, war crimes, crimes against humanity, and genocide is absolute. Russia has disregarded this prohibition consistently by committing or facilitating numerous atrocities in Georgia, Syria, Ukraine, CAR, and elsewhere – and has also withdrawn from the Council of Europe anti-torture convention. Joining agreements which would place Ukrainians under the direct reach of the Russian government and in the viable danger of such atrocities, with no prospect of accountability, would arguably breach peremptory norms of international law. This would make such arrangements void under the Vienna Convention on the Law of Treaties (see article 53, for instance).

Second, Russia's amnesty demands, unlawful from the outset, cannot restrain numerous prosecutions of its atrocities launched globally. Apart from Ukraine's 204,000+ war crime proceedings (reflecting individual incidents, per Ukraine's Code of Criminal Procedure), Russians' crimes are investigated by the International Criminal Court (ICC), with six arrest warrants, and by third countries, under universal jurisdiction. The Council of Europe has recently endorsed the Special Tribunal for the Crime of Aggression Against Ukraine. Under international law, treaties do not bind non-parties. In contrast, all States must prosecute international crimes – or extradite the suspects for trial. Regardless of what temporary arrangements might be imposed on Kyiv, countries around the world should continue their investigations of Russian perpetrators, back the aggression tribunal and step up their support for the ICC, in its work on Ukraine and globally.

Crucially, justice for war crimes has been consistently demanded by Ukrainians, even during the most challenging periods of the invasion. Eighty-two percent of Ukrainians find trials “very important,” and ninety percent emphasise the urgency of supplementary redress through non-judicial channels such as reparations and truth-seeking. This stance is supported by leading actors: the U.N. Commission of Inquiry on Ukraine, the U.N. Special Rapporteur on Torture and the Council of Europe Human Rights Commissioner emphasize that justice is not a hindrance, but a pre-condition to sustainable peace for Ukraine.

Any compromise on prosecuting Russian perpetrators would further undermine the fragile system of international criminal justice painstakingly developed since World War II and Nuremberg. Amnesties for Russian war criminals would question the standing of the ICC amid one of its most vulnerable periods and its pending arrest warrants, against Vladimir Putin, but also other State leaders. Russia has used double-tap attacks and conducted warfare by means of atrocities in Ukraine, Syria, Mali and elsewhere. It may even create a precedent that would shield ex-Syrian President al-Assad, responsible for mass torture and many other serious crimes against Syrians (and already benefitting from Russian protection). Giving the Kremlin an accountability carte blanche would signal impunity to victims of al-Assad and other abusers backed by Russia and its proxies. Allowing the Kremlin to get away with crimes against humanity would also gravely weaken international efforts to conclude an overdue international treaty against these crimes.

Nuremberg was far from perfect. Hitler and some of his clique escaped by committing suicide or through the ratlines of the Cold War. Some convicted Nazi-lenient industrialists obtained early releases, as post-war Europe accelerated its economic recovery. And yet, with all of Nuremberg's flaws, it was “one of the most significant tributes that Power has ever paid to Reason,” as emphasised by Robert Jackson, Nuremberg's Chief Prosecutor for the United States and (and a U.S. Supreme Court Justice). It prevented the likes of Göring or Ribbentrop from walking around freely, without charge or trial.

We should not establish a precedent to the contrary now.

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WORTH READING

The War Crime of Spreading Terror By Cody Corliss
October 14, 2025

ABSTRACT

Public perception of terrorism often evokes images of masked gunmen, hijackings, or lone-wolf attacks. Yet another frequently overlooked form of terrorism exists: the war crime of spreading terror. Defined as acts or threats of violence for the primary purpose of spreading terror among civilians during armed conflict, this crime is well-established in international law but remains rarely prosecuted.

This Article considers acts of terror in armed conflict, past prosecution of the acts of terror as a war crime, and the remaining obstacles to accountability. Ultimately, jurisdiction has proven to be the greatest barrier. Although war crimes can be prosecuted in both international and national courts, the war crime of spreading terror faces distinct hurdles. It falls outside the jurisdiction of the International Criminal Court despite its prohibition by treaty and widespread recognition as customary international law, and some states, including the United States, have not incorporated the crime into domestic law.

This Article argues for expanding jurisdiction and elevating the crime's profile. Prosecuting this crime aligns with international criminal law's expressive function, which seeks to prosecute the most serious crimes to represent the international community's outrage. Criminalization and prosecution reinforce accountability, but also serve pragmatic purposes, including enabling earlier prosecutorial intervention, linking senior officials to war crimes, and formally acknowledging civilian suffering.

INTRODUCTION

One of the most acclaimed paintings of the twentieth century memorializes the war crime of spreading terror. On April 26, 1937, during the Spanish Civil War, the Nazi German Condor Legion bombed and strafed the Basque city of Guernica at the request of Spanish Nationalist General Francisco Franco. The German forces timed their attack to achieve significant carnage, specifically selecting an afternoon market day when Guernica's city center teemed with civilians. The bombing continued for nearly three hours, reducing the small town to a "heap of smoldering rubble" and killing up to one thousand people. As one Spanish Nationalist military officer later recalled to a correspondent of the Sunday Times of London, "We bombed it, and bombed it and bombed it, and bueno why not?"

An explicit terrorist threat also preceded the attack on Guernica. Before the bombing, Spanish nationalist northern commander General Emilio Mola issued a widely publicized message to the region: "If submission is not immediate, I will raze all Vizcaya [the province in which Guernica is located] to the ground . . . I have the means to do so." Low-flying airplanes dropped leaflets bearing this threat upon cities and towns throughout the region, acts intended, in the words of one scholar, "to insure [sic] that Mola's message frightened as many Basques as possible." One month later, Mola's threat would become reality. Franco's nationalists sought to "make a terrible example of the town" to break the will of the Basque people and quell further resistance. The war crimes at Guernica were never prosecuted. Instead, indictment came only through Pablo Picasso's paintbrush. Guernica, Picasso's Cubist masterpiece, now hangs in pride of place in the Museo Reina Sofia in Madrid, and a tapestry version of the work is displayed outside the United Nations Security Council Chamber in New York. International law books often feature the image on their covers, a choice that Judge Hilary Charlesworth of the International Court of Justice asserts is intended "to suggest that the shocking events in Guernica in 1937 demonstrate the need for international law to prevent similar atrocities." Despite Guernica's emblematic role in highlighting the critical importance of international law, the very crime it depicts remains nearly as unlikely to be prosecuted today as it might have been in 1937.

[Full article available for PDF download via link]

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