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warcrimesswatcheditors@case.edu <warcrimesswatcheditors@case.edu>

To: warcrimeswatch - War Crimes Prosecution Watch <warcrimeswatch@case.edu>

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**CASE WESTERN RESERVE
UNIVERSITY**
School of Law

FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

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Prosecution
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Editor-in-Chief
Michelle Wang

Technical Editor-in-Chief
Miriam Harley

Managing Editor
Xi Chen

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

CENTRAL AFRICA

Central African Republic

Official Website of the International Criminal Court
ICC Public Documents - Cases: Central African Republic

[CAR: Special Criminal Court at serious risk of closure in 2026 due to lack of funding \(Amnesty International\)](#) February 11, 2026

The Special Criminal Court (SCC) of the Central African Republic is at serious risk of closure in 2026, potentially depriving thousands of victims and survivors of war crimes and crimes against humanity of justice and reparations, Amnesty International said today. The organization is calling on states to make urgent financial contributions to the court to ensure its crucial operations can continue.

"The Special Criminal Court is doing essential work, with 15 investigations and three trials ongoing."- Marceau Sivieude, Amnesty International's Regional Director for West and Central Africa

The SCC, which relies solely on voluntary contributions from states and international organizations, has endured massive budget cuts over the past year. Without additional funding, the court, which has a mandate to investigate and prosecute crimes under international law committed during conflicts in the Central African Republic, will run out of money in June.

"Thousands of Central African civilians were killed, raped, abducted, maimed, injured, displaced, or had their homes burned down during waves of violence and armed conflict since 2003. For these victims and survivors, the SCC represents a hope for justice, which is now compromised. The court is doing essential work, with 15 investigations and three trials ongoing, and over 30 persons currently wanted. Its closure would be a catastrophic setback in the fight against impunity in the Central African Republic. It must continue its work," said Marceau Sivieude, Amnesty International's Regional Director for West and Central Africa.

"Victims are excluded from their own trials, as the court no longer has the means to cover their transportation and accommodation costs. The possibility of cases being frozen or simply abandoned is no longer a hypothesis, it is a founded fear. Victims fear that justice will be extinguished due to lack of resources," said a member of a local survivors' association. "The decline in funding has a significant impact. Financial partners are no longer responding to our needs, yet those partners are essential. This affects those most directly concerned, namely the victims who are seeking justice," said the representative of another survivors' association.

Fewer staff and minimal operations due to lack of funding

The SCC was severely affected by the withdrawal of funding by the United States, which was the second biggest donor to the court after the United Nations (UN). The only current donors are the UN, through its peacekeeping mission and its development agency, and the European Union (EU). Due to the liquidity crisis faced by the UN, it cannot guarantee its planned contributions for 2026.

This drastic funding reduction has already profoundly affected the court's functioning and jeopardizes its very existence, with serious repercussions for ongoing proceedings and the services provided to victims and witnesses. For this calendar year, only the EU has pledged a funding contribution. Some European states are also examining the possibility of providing funding, however they have not yet committed to making new contributions, and neither has any other state.

"National courts do not have the resources and capacity to carry out the mandate entrusted to the Special Criminal Court." - Marceau Sivieude, Amnesty International's Regional Director for West and Central Africa

The court has already had to make a quarter of its staff redundant, particularly its foreign experts, between August and September 2025, according to information gathered by Amnesty International. There is now only one team of judicial police officers left to investigate, down from four previously, while there are 15 ongoing investigations into cases involving war crimes and crimes against humanity. The witness protection section has lost more than half of its staff, potentially reducing the court's ability to prevent reprisals against witnesses.

"Victims and survivors of crimes under international law have a right to truth, justice, and reparations. We call on all partner states of the Central African Republic to urgently commit financial and human resources to the SCC so that justice can be served for these victims and survivors. Without this, impunity will prevail," said Marceau Sivieude.

"National courts do not have the resources and capacity to carry out the mandate entrusted to the SCC, despite the efforts made by the Central African authorities. If the SCC closes, having arrested and prosecuted in person only a few low-level persons, and not the leaders most responsible, and for a few recent incidents, it will have largely failed in its mission and disappointed the hopes and expectations of the Central African people."

Background

The SCC, inaugurated on 22 October 2018, is a hybrid court supported by the UN, composed of Central African and foreign prosecutors and judges.

On 19 April 2022, it opened its first trial, against three former members of an armed group for war crimes and crimes against humanity. Since then, four trials have taken place, two of these cases are still in the appeal phase. Two other trials are currently pending in first instance.

The SCC issued an arrest warrant for former President François Bozizé in 2024, which has not yet been executed, although the case was sent to trial in January 2026 even in the absence of Bozizé. Over 30 persons are currently wanted by the court in connection with ongoing investigations or proceedings.

The SCC began its second five-year term on 22 October 2023. It is due to end in October 2028.

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Sudan & South Sudan

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

Sudan: RSF violations in capture of El Fasher amount to war crimes (UN OHCHR) February 13, 2026

The Rapid Support Forces unleashed "a wave of intense violence ... shocking in its scale and brutality" during its final offensive to capture the besieged city of El Fasher last October, committing widespread atrocities that amount to war crimes and possible crimes against humanity, says a report published Friday by the UN Human Rights Office.

Based on interviews with over 140 victims and witnesses conducted in Sudan's Northern state and in eastern Chad in late 2025, the UN Human Rights Office documented more than 6,000 killings in the first three days of the RSF offensive on El Fasher, following 18 months of sustained siege of the city. The report assesses that at least 4,400 people were killed within El Fasher in those few days and over 1,600 others along exit routes as they fled. The actual scale of the death toll during the week-long offensive is undoubtedly significantly higher.

The report found that the RSF and allied Arab militia carried out widespread attacks, including mass killings and summary executions, sexual violence, abductions for ransom, torture and ill-treatment, detention, disappearances, pillage and the use of children in hostilities. In many cases, attacks were directed against civilians and persons hors de combat based on their ethnicity or perceived affiliation.

"The wanton violations that were perpetrated by the RSF and allied Arab militia in the final offensive on El Fasher underscore that persistent impunity fuels continued cycles of violence," said UN High Commissioner for Human Rights Volker Türk.

"There must be credible and impartial investigations to establish criminal responsibility, including of commanders and other superiors. These must lead to meaningful accountability for perpetrators of exceptionally serious crimes, through all available means – whether fair and independent Sudanese courts, use of universal and extraterritorial jurisdiction in third states, before the International Criminal Court or other mechanisms."

"There are reasonable grounds to believe that the RSF and affiliated Arab militia committed acts amounting to the war crimes of murder; intentionally directing attacks against civilians and civilian objects; launching indiscriminate attacks; use of starvation of civilians as a method of warfare; attacks directed against medical and humanitarian personnel; infliction of sexual violence, including rape; torture and other cruel treatment; acts of pillage; and the conscription, enlistment, and use of children in hostilities," says the report.

These patterns of grave violations and abuses in El Fasher mirror those previously documented in RSF offensives on Zamzam camp in April 2025 and in El Geneina and Ardamata in 2023. Taken together, they demonstrate an organized and sustained course of conduct, suggesting a systematic attack against the civilian population in the Darfur region. Acts of violence knowingly committed as part of such an attack would amount to crimes against humanity.

"The unprecedented scale and brutality of the violence meted out during the offensive deeply compounded the horrific violations the residents of El Fasher had already been subjected to during the long months of siege, constant hostilities and bombardment," said Türk.

The UN Human Rights Office documented multiple incidents of mass killing targeting locations where many civilians had gathered, with the apparent aim of inflicting maximum harm.

Witnesses gave independent and consistent accounts of one incident in which around 500 people were killed when RSF fighters opened fire using heavy weapons on a crowd of 1,000 sheltering at Al-Rashid dormitory in El Fasher University on 26 October. One of the witnesses reported seeing bodies thrown into the air, "like a scene out of a horror movie".

RSF fighters also carried out summary executions within El Fasher of civilians accused of 'collaboration' with the Sudanese Armed Forces (SAF) and Joint Forces, often determined on the basis of their non-Arab ethnicity, such as the Zaghawa community. Adolescent boys and men aged under 50 were specifically targeted.

"During my recent visit to Sudan, I heard direct testimony from survivors that illustrates how sexual violence was systematically used as a weapon of war," said Türk. Survivors and witnesses recounted patterns of rape and gang rape, abductions for ransom using sexual violence, and sexual assault during invasive body searches, with women and girls from the Zaghawa and other non-Arab communities at particular risk.

The report also documents widespread abductions for ransom as civilians fled, with consistent accounts of a pattern of abductions and detention of civilians for financial gain. It documents 10 detention facilities used by the RSF in El Fasher, with severely inadequate conditions leading to outbreaks of disease and deaths in custody. This included the Children's Hospital, which was converted into a detention facility. In addition, several thousands of people remain missing and unaccounted for.

The UN Human Rights Chief renewed his call on parties to the conflict to take effective steps to bring to an end the grave violations by forces under their command, and to States with influence to act urgently to prevent the repetition of violations documented in El Fasher. "This includes respecting the arms embargo already in place, and ending the supply, sale or transfer of arms or military material to the parties."

He also reiterated his call on States to do everything possible to support local, regional, and international mediation efforts, to achieve a cessation of hostilities and a pathway towards inclusive civilian governance. "In a protection crisis of this scale, human rights must remain central to efforts to achieve a durable resolution of the conflict," said Türk.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Italian investigated over claims he paid to shoot people during siege of Sarajevo (The Guardian) By Angela Giuffrida
February 5, 2026

An elderly Italian man is under investigation as part of an investigation by prosecutors in Milan into individuals who allegedly paid members of the Bosnian Serb army for trips to Sarajevo so they could kill citizens during the four-year siege of the city in the 1990s.

The 80-year-old is being investigated on charges of aggravated murder, a source close to the case told the Guardian. The man, a former truck driver from the northern Italian region of Veneto, is the first suspect to be placed under investigation since the inquiry began in November.

According to reports in the Italian press, he is alleged to have bragged about "conducting a manhunt".

More than 10,000 people were killed in Sarajevo by shelling and sniper fire between 1992 and 1996 in the longest siege in modern history, after

Bosnia and Herzegovina declared independence from Yugoslavia.

The snipers were perhaps the most feared element of life under siege because they would pick off people on the streets, including children, at random. Sarajevo is in a basin surrounded by mountains, which made cutting it off and attacking it particularly easy.

Groups of Italians and people of other nationalities, so-called "sniper tourists", are alleged to have participated in the massacre after paying large sums of money to soldiers belonging to the army of Radovan Karadžić, the former Bosnian Serb leader who in 2016 was found guilty of genocide and other crimes against humanity, to be transported to the hills surrounding Sarajevo so they could shoot at people for pleasure.

The investigation in Italy originated from a legal complaint submitted by Ezio Gavazzeni, a Milan-based writer who gathered evidence on the allegations, as well as a report sent to the prosecutors by the former mayor of Sarajevo Benjamina Karić.

Gavazzeni said he had first read reports about the alleged sniper tourists in the Italian press in the 1990s, but it was not until he watched Sarajevo Safari, a 2022 documentary by the Slovenian director Miran Zupanič, that he began to investigate further.

In the documentary, a former Serbian soldier and a contractor said that groups of westerners would shoot at the civilian population from the hills around Sarajevo. The claims have been vehemently denied by Serbian war veterans.

Speaking to the Guardian in November, Gavazzeni said the Italian suspects would meet in the northern city of Trieste and travel to Belgrade, from where the Bosnian Serb soldiers would accompany them to the hills of Sarajevo. "There was a traffic of war tourists who went to there to shoot people," he said. "I call it an indifference towards evil."

Probably the most high-profile deaths by sniper fire were Boško Brkić and Admira Ismić, a couple documented in the film Romeo and Juliet in Sarajevo, who were killed by a sniper in 1993 while trying to cross a bridge. Their bodies remained in no man's land between the Bosnian and Bosnian Serb positions for several days. Photographs were published widely and became symbolic of the randomness and inhumanity of the war.

Bosnia Court Upholds Conviction of Wartime Fighters for Abusing Prisoners (Balkan Insight) By Emina Dizdarevic Tahmiscija
February 17, 2026

The appeals chamber of the Court of Bosnia and Herzegovina, the country's state court, has confirmed the first-instance verdict from July last year convicting Slavisa Djeric and Nenad Ujic of the inhumane treatment of civilians detained in Rogatica, eastern Bosnia, during the 1992-5 war in Bosnia.

Djeric and Ujic were wartime members of the Bosnian Serb Army's Military Police and guards at the Rasadnik detention facility in Rogatica. They were found guilty of the inhumane treatment of civilians from July to December 1995.

The verdict found that they beat the detainees and inflicted physical and psychological suffering on them.

Djeric was sentenced to three years in prison and Ujic to four.

Three others, Zoran Neskovic, Panto Pantovic and Pero Despet, were acquitted of all charges.

All five were acquitted of the inhumane treatment and murder of Mehmed Hajric, an imam and head of the wartime presidency in the town of Zepa.

The verdict cannot be appealed.

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Kosovo Specialist Chambers

Hague Prosecution Demands 45 Years' Jail for Kosovo Ex-Guerrilla Leaders (Balkan Insight) By Xhorxhina Bami
February 9, 2026

On the first day of closing statements in the war-crimes trial of former Kosovo President Hashim Thaci and three others at the Kosovo Specialist Chambers in The Hague on Monday, the Specialist Prosecutor's Office, SPO, sought a sentence of 45 years' imprisonment for each of the four former leaders of the Kosovo Liberation Army, KLA.

"The SPO has requested convictions on all 10 counts and the imposition of a single sentence of 45 years based on the individual contributions to the crimes made by each of Hashim Thaci, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi," chief prosecutor Kimberly West told the court.

"These crimes are war crimes and crimes against humanity and are grave in nature. And the gravity of the charges has not diminished with the passage of time," she added.

West stressed that "a conviction and sentence are not sought against the General Staff, nor against the KLA. Equally, no conviction is sought, and no sentence can be imposed, on the sole basis of being a member of the General Staff or of the KLA."

The Specialist Chambers have been widely criticised by ethnic Albanians who consider the court ethnically biased and seeking to undermine the legacy of what they see as the KLA's just war against Serbian forces. The KLA War Veterans' Organisation has staged four mass protests across Europe in support of the ex-KLA leaders on trial. However, prosecutors have insisted that the KLA itself is not on trial, despite the perception.

Thaci, Krasniqi, Selimi and Veseli are accused of having individual and command responsibility for crimes committed against prisoners held at KLA detention facilities in Kosovo and in neighbouring Albania, including 102 murders. The crimes were allegedly committed during and just after the Kosovo war in 1998 and 1999.

Thaci was indicted in October 2020 and resigned as Kosovo's president the following month. He and the others have been in detention in The Hague

ever since.

The so-called special court is part of Kosovo's justice system but based in The Hague with an international staff to ensure fair proceedings, after witness intimidation problems arose in previous KLA-related cases. Many prosecution witnesses have testified behind closed doors to protect their identities due to fears of reprisals, but this has led to allegations of a lack of transparency.

The prosecution argues that Thaci and three others had command responsibility over lower-ranking fighters and also committed crimes themselves. The defence has maintained that the KLA did not have a proper command structure, and that the accused did not have the authority to hold the guerrilla fighters accountable as real power in the KLA was held by operational zone commanders.

The closing statements are scheduled to continue until February 18, with a day off on Kosovo's independence day, on February 17.

After the closing statements, the judges' panel has 90 days to consider its verdict, which means it may come in the spring.

Kosovo: A Relentless Charge (Justice Info) By Margherita Capacci
February 13, 2026

On Monday, February 9, the prosecution started its closing statements in the trial for Hashim Thaçi and three other former members of the Kosovo Liberation Army (KLA), almost three years after the start of the trial. The prosecutor of Kosovo Specialist Chambers in The Hague demanded a 45-year sentence for each of the accused.

Looking straight across the courtroom to the four men, Specialist Prosecutor Kimberly West requested convictions on all 10 counts of war crimes and crimes against humanity, based on their "individual contributions" to these crimes, which are "grave in nature".

Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi's charges include persecution, illegal detention, torture and murder. They were all high-ranking figures of the KLA who went on to become prominent Kosovo politicians. Thaçi served as prime minister, foreign minister and president of independent Kosovo between 2008 and 2020, when he resigned to defend himself before the Court. According to the prosecution, the KLA had a well-structured chain of command, and the accused bear individual and command responsibility for the charges, which also cover the murders of more than 100 people and the abuse of hundreds more in around 50 KLA detention camps in Kosovo and northern Albania from at least March 1998 through September 1999. The alleged crimes are in the context of the 1998-99 ethnic Albanian war for independence from Serbia, which ruled over Kosovo. A 78-day campaign of NATO airstrikes against Serbian forces ended the fighting.

The Specialist Chambers have been criticised by ethnic Albanians who see the court as ethnically biased and seeking to equalise what the KLA did in what they see as a just war with the crimes committed by the Serbs. Most of the 13,000 people who died in the 1998-1999 war in Kosovo were ethnic Albanians, and another million were driven from their homes. According to current Kosovo Prime Minister Albin Kurti, the sentence requested by the prosecution was detaching individual actions from the context of a defensive war. "A conviction and sentence are not sought against the general staff nor against the KLA", said West.

All four accused have pleaded not guilty to all charges. In the defence case, presented in the autumn of 2025, 7 defence witnesses working in and around Kosovo in the late 90s said that the KLA was not a well-structured group with a functioning chain of command and that Thaçi was not directly responsible for the crimes.

A pervasive climate of intimidation

Around 40 people filled the public gallery on the first day of hearings. Besides the Kosovo Ambassador, other embassy officials, and some Kosovo and international media, the majority were family members and friends of the four accused. Thaçi and Selimi saluted them with the usual smile as they entered the courtroom, walking with their back straight.

"Unfortunately, this trial did not escape the long-standing and pervasive climate of intimidation that had been forecasted from the start", said West in her opening remarks. The Kosovo Court was set up in 2015 by the Kosovo parliament under pressure from the country's western allies to handle ex-KLA fighters. The Chambers are formally part of the Kosovo judicial system, but are located in the Netherlands and are fully staffed by internationals. The Chambers were specifically set outside of Kosovo because of worries over witness protection, which had been an issue at the International Criminal Tribunal for the former Yugoslavia (ICTY). The court has nevertheless seen several proceedings of former KLA members found guilty of intimidating witnesses, and a new trial for Thaçi and others taking place at the end of February will also discuss that matter.

"Despite fears, threats, and stigma being forced upon witnesses and their families", said West, "these witnesses have so yearned for the truth to come out that they nonetheless chose to cooperate with my office and give evidence to this court."

Punishing perceived opponents

The prosecutor disregarded the evidence that came from the international defence witnesses, as they "parachuted into a situation with little background knowledge of the players involved, did not speak the language, interacted face to face with key players only a handful of times, hardly ever saw any KLA rules, regulations, orders or communiques, and were not familiar with the KLA structure". Thaçi raised his eyebrows while taking notes, then smirked.

"This case is about the four accused's goal to gain and exercise control over all of Kosovo", stated West, saying that in order to achieve their aim, they "committed crimes against their perceived opponents". The prosecution rejected the defence argument that the KLA was just a collection of autonomous units and that the crimes cannot be attributed to the accused. West said there is "overwhelming evidence" that the accused were key members of the KLA general staff and gave orders to the zone commanders on the ground, who were responsible for detaining and mistreating people.

Taking the floor next, prosecutor Alan Tieger argued that decisions within the KLA were made collectively and that applied to how to deal with collaborators. "General or central staff communiques over the next three to four years disseminated a consistent message", said Tieger. He said the KLA wanted the independence of Kosovo and control over the area, and saw parties that were in favour of autonomy as traitors. "Occupiers' collaborators would be dealt with mercilessly", he said. Tieger cited the ICTY testimony of Sokol Bashota, a KLA leader, who said that collaborators were given a warning, and if they failed to stop, punitive measures were taken: "In most cases, decisions were made to kill them."

In November 1998, Thaçi and another KLA member met with representatives of Human Rights Watch to discuss the detention of two Serbian journalists, said prosecutor Clare Lawson. The accused told the organisation that the detainees could not be released because they had been tried and were now serving a prison sentence. "The idea that there had been a trial before any court was quite simply a lie", Lawson said. She described it as a "false depiction of reality to placate the international community. Such deception not only demonstrates intent and knowledge, [...] it reflects endorsement of the crimes by providing cover for their continuation".

From April 1999, Thaçi became the Prime Minister of the Provisional Government of Kosovo. "The evidence shows that throughout this time, the targeting of opponents did continue", said Lawson. While the defence argued that in the climate of revenge that followed the war, these attacks were spontaneously led by individuals, the prosecution's stance is that the location of the crimes and the involvement of the military police and intelligence members represent "compelling evidence" that the general staff members and some of the accused were involved in these attacks.

The victims' suffering

Showing a map with blue dots scattered all over Kosovo and northern Albania, prosecutor James Pace spoke of "437 incidents of detention" between April 1998 and August 1999. In some locations, dozens of dots were clustered together. "Most of the victims were civilians not taking part in hostilities at the time of their arrests", said Pace, adding that the violence was committed on political and ethnic grounds. "The blue dots represent farmers, teachers, business persons, retirees, those who socialize with Serbs, those who used to or continue to work in state-owned entities in order to make a living during the most difficult of times." He added that people who did not join or supported the KLA or who were affiliated with other parties, such as the LDK (Democratic League of Kosovo) were also targeted. "Kosovo Albanian, Serb, Roma, Montenegrin, Bosnian, Macedonian. Men, women, and children."

Victims were arrested from their homes or at checkpoints by masked men and did not have due process, Pace told the judges. He showed a photo of a dilapidated red brick house at the margin of a wood, with a miserable open shed on the left part of the garden wall. "Detainees were held in a room on the left of your screens and also in rooms in the house on the right." Some stayed hours or days, others weeks or months, explained Pace.

"Many victims were held in locked or guarded rooms and provided no or inadequate food, water, sanitation facilities, hygiene facilities or medical care." One victim lost 38 kg during his two-month-long detention. Detainees were questioned, "often before, while, or after being beaten". Pace said that "some were instructed to confess to crimes they did not commit".

In September 1998, Thaçi, Selimi and others allegedly led the arrest, detention, and intimidation of 13 members of a parliamentary delegation who were on a humanitarian visit to Qirez/Cirez. Thaçi is accused of threatening to kill one of them.

The silence that kills

Pace also spoke of the physical violence in detention. KLA members "punched and kicked detainees all over their bodies. They beat them with bottles, baseball bats, wooden sticks, rifles, and metal bars. They stabbed them with knives, stomped on them, and electrocuted them". Presiding Judge Charles Smith looked at the four accused present in the courtroom. "Selimi beat a detainee with plastic pipes", added Pace. In some areas, detainees were also forced to do physical work, such as sawing wood and digging their own graves. Victims were subject to psychological mistreatment, some were threatened with executions or falsely told that their relatives had been killed.

Detention left physical, mental and social scars on the victims. According to the prosecution, unfounded claims by the KLA of being a spy or a collaborator, "meant that victims and their family members continued to carry a stain which destroyed their reputation. It meant that they were treated as outsiders and were no longer welcome in their village".

Relatives were also targeted, said Pace. Sometimes they were beaten or detained, "as they desperately sought to learn of their loved ones' fates", without receiving any information. Many of the bodies were never found, and family members could not "achieve closure". He spoke of a woman whose husband's remains were never found. "She said that the silence kills and that it has killed her and others for a second time."

Common purpose

On February 10, the second and last day of the prosecution's closing statements, prosecutor Matthew Halling said that "the accused contributions have to be understood through their powerful collective role as key members of the general staff [of the KLA]". According to him, "they combined their individual statures into something that was even greater than the sum of its parts. And in those roles, they were able to disseminate the common criminal purpose, appoint JCE [joint criminal enterprise] members and tools, coordinate their efforts, and deny crimes in an effort to blunt the international community's response". For the indictment, the four accused were part of a joint criminal enterprise, whose "common purpose" was "to gain and exercise control over all of Kosovo".

As the head of the political directorate of the KLA and later as Prime Minister, "Thaçi is a direct proponent of the common criminal purpose. You can see this particularly clearly in how he talks about the LDK, one of the groups targeted", Halling told the court. "Describing Thaçi's contributions as neutral is farcical", and he added that there is a "clear connection between Thaçi's words, the general staff's words, and the charged crimes".

The indictment also states that the accused are responsible for failing to prevent and punish the crimes committed by their subordinates. As Veseli served as the head of the Intelligence Directorate, this failure represented "both a contribution to the charged JCE and a failure of his duties as a responsible superior". Veseli was in Switzerland for long periods, but Halling argued that he could still exercise his authority from abroad, similarly to Thaçi and others.

Enabling the continued pursuit of criminal means As the general inspector, Selimi supervised local commanders and was often on the ground. "Selimi, being able to release KLA military police suspected of crimes, illustrates both his authority in the KLA and his failure to exercise it to release wrongly detained victims or to punish the perpetrators", said Halling.

He then turned to Jakup Krasniqi, the KLA spokesperson and from November 1998 its deputy commander. He was doing "far more than being just a spokesperson". Halling said that the accused admitted in his own book "to writing those provisional regulations of the army, complete with the military police being tasked to be merciless to all those who oppose and sabotage the liberation war".

"The KLA hierarchy is hardly perfect, but the indicators of effective control are there for all to see", concluded Halling. "The accused created a collective decision-making structure, then spoke the words, made the appointments, participated in the crimes, and enabled the continued pursuit of criminal means by which to seize control over Kosovo."

Closing statements by the defence teams will continue until February 18, when the accused will have a chance to speak in court. After that, the judges will have at least 90 days to issue a verdict. The trial started in April 2023 and has seen 130-plus witnesses testifying over the course of 227 hearings, with written statements by over 130 more witnesses. 155 victims are currently taking part in the case.

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

This month marks the fourth anniversary of Russia's full-scale invasion of Ukraine. This unlawful war represents the most egregious violation of international law in Europe since the Second World War. It is a textbook example of the crime of aggression and demands accountability.

Establishing a credible mechanism of accountability has been difficult, but the international community has remained steadfast in its determination to bring Russian leaders to justice.

After more than three years of sustained effort, the foundational agreement formally establishing the Special Tribunal for the Crime of Aggression against Ukraine (STCA) was signed on June 25, 2025, in Strasbourg, France, by Ukraine and the Council of Europe, a 46-member intergovernmental organization aiming to advance human rights, democracy and the rule of law. Crucially, the STCA is not an externally imposed mechanism. It is the result of sustained Ukrainian leadership — legal, diplomatic, and political — supported by partners but driven by those who best understand the crime, its context, and its victims.

The STCA represents a decisive step toward closing a longstanding gap in international criminal accountability. While the crime of aggression is a crime under customary international law and is prohibited under Article 2(4) of the United Nations Charter, the International Criminal Court's (ICC) jurisdiction over the crime of aggression is uniquely restricted. The Court may exercise jurisdiction if the U.N. Security Council refers a situation, a scenario unlikely in the case of Russia, given its veto as a permanent member. Otherwise, the Court may exercise jurisdiction only where both the aggressor and victim states are Parties to the Rome Statute and have accepted the Court's jurisdiction over the crime of aggression, and where no opt-out declaration has been made. As Russia is not a State Party, the ICC lacks jurisdiction over the crime of aggression against Ukraine.

The STCA is not merely a response to Russia's aggression. It is a Ukrainian contribution to the architecture of international criminal justice. Beyond Ukraine, the STCA agreement has broader significance: it reaffirms that the prohibition on the use of force is a cornerstone of the international legal order, strengthens deterrence against future wars of aggression, and demonstrates that even the most senior political and military leaders are not beyond the reach of the law.

Accession Process Begins

The accession process has now commenced, allowing states to join an Enlarged Partial Agreement (EPA) to govern the STCA. Under Council of Europe regulations, a minimum of 16 member states is required for the EPA to enter into force. In the case of the STCA, however, it is estimated that 25 to 30 states will be necessary to demonstrate its political legitimacy and financial sustainability. On Feb. 11, the Estonian Parliament approved legislation to join the EPA, making Estonia the first country to do so. It is also anticipated that states beyond the Council of Europe will participate, underscoring the STCA's broad geographical and political support.

Two of the most challenging aspects of establishing the STCA are determining the overall cost and ensuring that implementation proceeds expeditiously. The nature of its task, particularly its focus on Russia's leadership, brings unique risks to the STCA. Consequently, robust physical security, data protection, witness protection, detention facilities, and a dedicated Tribunal building will be needed. These requirements significantly increase the overall cost. Thus, states are understandably seeking further clarification of this issue as they contemplate committing to the EPA.

At the same time, the STCA must become operational without delay to safeguard its credibility and prevent political erosion or attempts to undermine or obstruct its establishment. So it is essential that the process of establishing the STCA receives sustained political and financial support as early as possible.

Phases of Implementation

In response to these challenges, during the meeting of STCA Working Party in Strasbourg, Ukraine proposed an innovative approach. The STCA can be implemented in three phases: ("0") an advance team; ("1") a skeleton tribunal; and ("2") the full operational tribunal.

Phase 0 will begin with a small advance team working in both Strasbourg and the Netherlands for roughly 1½ to 2 years before fully relocating to the Netherlands. They will develop the institutional architecture of the STCA, including internal rules and procedures, staffing frameworks, and security requirements, and find premises in The Hague for the skeleton tribunal phase. In short, Phase 0 transforms the STCA from a formal legal agreement into a functioning institutional blueprint. The European Union has allocated €10 million (US\$11.9 million) to support this phase for 2026-2027.

Phase 1 will continue the project in the Netherlands by establishing a "skeleton tribunal." This phase will transition from institutional design to functionality and will expand upon the foundational work of Phase 0 by recruiting and appointing key personnel, such as judges, establishing the registry, implementing operational systems, and setting prosecutorial priorities. The skeleton tribunal will have legal standing and enter into a host country agreement.

Equally important, Phase 1 builds institutional credibility. By demonstrating tangible operational capacity, the skeleton tribunal reinforces political confidence among participating states, encourages further accessions to the EPA, and strengthens donor commitment, supported by annual membership contributions from participating states.

Together, Phases 0 and 1 are expected to take several years. This timeline is comparable to the establishment of the ICTY and the ICTR, both of which required multiple years between their initial authorization and the commencement of trials.

In the final phase, the STCA will become fully operational, with courtrooms, detention facilities, secure transport arrangements, and permanent premises. Indictments, the issuance of arrest warrants, and trials in absentia will be part of this final phase.

Resilience to Political Pressure

An international criminal proceeding of this complexity needs to be resilient against political pressure. The phased model is intended to ensure sufficient political will and financial support so that the tribunal will succeed in upholding the foundations of international law. However, the establishment of the STCA is no longer a question of "if," but of "how fast" and "how robust." Each completed phase reduces political reversibility and increases legal inevitability.

To ensure the STCA's success, sustained political engagement and concrete diplomatic action are essential. Ukraine, together with legal advocacy organizations such as the International Bar Association, is actively engaging governments to support the rapid adoption of the EPA, either as Full or Associate members, to secure meaningful accountability for the war against Ukraine. This approach shifts the narrative from the resource commitments required to establish the Tribunal to the far greater cost of non-accountability, positioning the STCA as a strategic investment in global security. If the crime of aggression is not prosecuted now, it will be permanently normalized. The stakes could not be higher.

ASIA

War Crimes Investigation in Myanmar

Justice moves closer for Rohingya as victims seek reparations in landmark genocide case (Burmese Rohingya Organisation UK)
February 13, 2026

The Burmese Rohingya Organisation UK (BROUK) has petitioned a court in Argentina to ensure that victims of the Rohingya genocide are granted the reparations they have a right to under international law, marking a significant new step in ongoing international accountability efforts.

BROUK has filed a civil claim against the architects of the Rohingya genocide at a court in Buenos Aires, demanding reparations for Rohingya victims. The claim is part of a criminal investigation in Argentina, where the judiciary is already pursuing charges against senior Burmese military officials for genocide and crimes against humanity against the Rohingya, under the principle of universal jurisdiction.

Those named in the civil claim include Min Aung Hlaing and Soe Win, the Commander-in-Chief and Deputy Commander-in-Chief of the Burmese military respectively, and other military officials.

"Rohingya have suffered through a decades-long genocide, affecting every aspect of their lives. The generations of Rohingya victims – whether still in Burma or living as refugees elsewhere – have a right to reparations, and we hope this case in Argentina will be the first real step towards that," said Tun Khin, President of BROUK.

BROUK's petition stresses that senior Burmese military officials, including Min Aung Hlaing and Soe Win, hold significant economic assets that can be used to compensate Rohingya victims, as identified by the UN Fact-Finding Mission on Myanmar and others. This includes the two major, military-owned conglomerates Myanmar Economic Holdings Limited (MEHL) and Myanmar Economic Corporation (MEC), as well as a series of other private, military-tied entities often called "crony companies". Holding perpetrators financially accountable is an important step toward ending impunity and supporting justice for survivors.

BROUK has urged the court to work with the UN Independent International Investigative Mechanism on Myanmar, as well as domestic Argentine state-led financial investigative bodies, to identify further assets that could be used to compensate victims.

"It is unacceptable that the Burmese military is continuing to amass blood money from its web of private assets, while Rohingya victims are struggling to survive. We urge the Argentinian judiciary to take up this new case and ensure that Rohingya who have had to flee for their lives, suffer unspeakable violations, or seen family members killed get the compensation they deserve from those responsible," said Tun Khin.

After BROUK filed its civil suit in Buenos Aires on 12 February 2026, the Argentinian judiciary is expected to assess the request.

This new civil claim builds on that momentum by extending accountability efforts toward reparations for victims. The case reflects sustained advocacy by Rohingya organisations to advance justice through international legal mechanisms.

Background:

In 2019, BROUK filed a universal jurisdiction (UJ) case in Buenos Aires, alleging that specific current and former Burmese military and civilian officials committed genocide and crimes against humanity against the Rohingya. The case was formally accepted in 2021, and in February 2025, the Federal Court in Buenos Aires formally approved the request and issued arrest warrants for 22 military officials and three civilians in connection with these crimes.

Under international human rights law, victims of violations have a right to reparations – a principle that is also enshrined in the Argentine legal code and in the Rome Statute of the International Criminal Court. This could range from economic or other material compensation, to legal or medical rehabilitation, and public apologies or guarantees of non-repetition.

For Rohingya survivors, reparations are not only about financial compensation, but about recognition, dignity, and acknowledgment of the harm they have endured.

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TOPICS

Terrorism

US Takes Alleged Benghazi Participant Into Custody More Than 13 Years After Attack (Military.com) By Haley Fuller

The Justice Department announced Friday that a “key participant” in the Sept. 11, 2012, Benghazi attack is now in U.S. custody and will be prosecuted for his alleged role in the deaths of four Americans.

Attorney General Pam Bondi identified the suspect as Zubayr Al-Bakoush and said he arrived at Andrews AFB early Friday. Prosecutors have filed an eight-count indictment that includes murder-related charges tied to the deaths of several Americans.

Bondi made the announcement alongside FBI Director Kash Patel and U.S. Attorney Jeanine Pirro. Al-Bakoush is expected to face charges that include terrorism, arson, and murder.

Why This Arrest Still Matters In 2026

Benghazi has remained a live subject in U.S. politics and counterterrorism for more than a decade because the attack combined a catastrophic operational failure, a rapidly deteriorating security environment in Libya, and an enduring public demand for accountability.

This prosecution also matters because it reinforces a consistent U.S. approach to terrorism cases: if suspects can be located and transferred, the United States will often prefer federal court proceedings in Washington over attempts to rely on local prosecutions. The outcome will depend on the evidence, but the decision to bring the case into a U.S. court reflects a deliberate jurisdictional and strategic choice.

What The Benghazi Attack Was And Who Was Killed

On Sept. 11, 2012, armed militants attacked U.S. facilities in Benghazi, Libya. The attackers breached the U.S. compound, set fire to buildings, and later attacked a nearby annex. The resulting deaths became central to how the U.S. government describes the event, not only as an attack on a diplomatic mission but also as a coordinated assault that unfolded in phases.

How The Government Will Have To Prove The Case

The hardest part of any long-delayed terrorism prosecution is not announcing custody; it is establishing proof beyond a reasonable doubt after years of conflict, dispersion of witnesses, and degraded physical evidence. The eight-count indictment suggests prosecutors plan to present a theory tying Al-Bakoush's conduct to the deaths and the attack's operational acts, not merely to presence near the scene.

The case will likely turn on a mix of sources: human witness testimony, communications evidence, chain-of-command or coordination evidence, and intelligence-derived material that the government can lawfully use in court. This is the point where the public should keep its expectations disciplined.

How This Fits With Earlier Benghazi Prosecutions

This arrest comes after years of prior prosecutions tied to Benghazi. One of the most prominent cases involved Ahmed Abu Khattala, who was captured and brought to the United States, then prosecuted in federal court in Washington.

Khattala was prosecuted in federal court in Washington, where prosecutors presented evidence tying him to the planning and execution of the Benghazi attack. Court filings in the case laid out the government's account of how militant groups coordinated the assault on U.S. facilities and how individual defendants were linked to specific actions during the attack.

That litigation history matters because it shows how federal prosecutors have previously framed Benghazi-related conduct in court and how judges and juries evaluated evidence distinguishing direct participation from broader association. The same evidentiary issues are likely to shape the prosecution of Zubayr al-Bakoush, where the outcome will turn on proof of his specific conduct rather than his proximity to the attack.

What To Watch As The Case Moves Forward

What happens next will determine whether the arrest leads to a successful federal prosecution or becomes another stalled terrorism case shaped by evidentiary limits. The first major development will come when the indictment is unsealed, because that document will show how prosecutors are tying specific alleged acts to the Benghazi attack and which charges they believe the evidence can support.

While early reporting outlined the government's charging posture, the indictment itself will provide the factual framework on which the case will rise or fall.

As the case moves forward, pretrial litigation is likely to focus on classified or sensitive evidence. Terrorism prosecutions routinely force the Justice Department to balance protecting intelligence sources and methods against the need to present admissible proof in open court. The government plans to proceed through ordinary federal court channels, which typically brings disputes over what evidence can be disclosed, summarized, or excluded before trial.

The outcome will also depend on how narrowly prosecutors define Zubayr al-Bakoush's alleged role in the attack. Officials have described him as a “key participant,” but that phrase can encompass a wide range of conduct, from leadership and coordination to logistical support or direct involvement. The case will ultimately turn on whether prosecutors can link his specific actions to the charged offenses with evidence a judge will admit and a jury will credit.

For now, the headline is custody. The real test will come in court, where the government must convert that custody into a conviction grounded in proof rather than inference.

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Commentary and Perspectives

On 15 December 2025, the Paris Cour d'assises found Roger Lumbala, a former Congolese minister and warlord, guilty of complicity in crimes against humanity committed between 2002 and 2003 in the north-east of the Democratic Republic of the Congo (DRC).

This decision marks a significant step in the fight against impunity for international crimes and confirms the importance of universal jurisdiction, which allows a national court to prosecute serious crimes committed abroad.

The written judgment (la feuille de motivation) of the Cour d'assises, almost 90 pages long, follows a clear and structured line of reasoning. The court begins by explaining how it reached its conviction, before returning to the context of the conflict in the DRC and the role of the Congolese Rally for National Democracy (RCD-N). It then examines how the acts in question qualify as crimes against humanity, the involvement of armed groups, and Roger Lumbala's personal responsibility, before determining the sentence.

A verdict based on solid evidence and supported by years of investigation

In reaching its decision, the judges and the jury relied on a wide range of reliable sources: United Nations reports (in particular those of MONUC and the Group of Experts), documentation from international and Congolese NGOs, analyses by specialised investigators, forensic and judicial expert reports, and numerous testimonies collected over the years.

The authors of these reports were among the 65 individuals heard during the trial; 30 witnesses (contextual witnesses, facts witnesses, and experts) and 35 civil parties, including seven individuals heard by videoconference. The court was thus able to verify the rigour of the investigative methods, the independence of the inquiries, and the absence of any manipulation of testimony. It emphasised that those questioned sought above all to recount their experiences.

The context: a war with devastating consequences

The court places the facts within the broader context of the Congo wars, which ravaged the country from the late 1990s to the early 2000s. In eastern DRC, the collapse of state authority, the intervention of foreign powers, and the proliferation of armed groups led to massive violence against civilian populations, against a backdrop of competition for control over territory and natural resources. It was in this context that numerous politico-military movements emerged or were reconfigured, including the RCD-N.

The RCD-N: a politico-military movement at the heart of the conflict

The court established that the RCD-N was created in June 2000 by Roger Lumbala, with the support of Ugandan military officials. The RCD-N was a politico-military group that exercised territorial control, relying on troops often drawn from other rebel groups and later reinforced through an alliance with Jean-Pierre Bemba's Movement for the Liberation of the Congo (MLC).

The judgment describes how these alliances enabled the RCD-N to assert itself militarily in several areas of the north-east of the country, notably in Bafwasende and Isiro, and to take part in military operations, including Operation Effacer le Tableau at the end of 2002, aimed at driving out rival groups and controlling strategic territories around the town of Mambasa.

The court establishes the commission of crimes against humanity

The core of the verdict concerns the legal characterisation of crimes against humanity. The court concluded that widespread and coordinated attacks were carried out against civilian populations in several territories of the former Orientale Province. These acts of violence formed part of a strategy of terror designed to subjugate populations, eliminate any resistance, and consolidate military and political control. Men, women, and children were indiscriminately affected; certain populations were particularly targeted, notably civilians perceived as close to enemy groups and minority communities.

The court highlighted the existence of a concerted plan: the crimes were committed repeatedly, in multiple localities and over an extended period by troops operating under an identifiable chain of command. The so-called Effacer le Tableau operation illustrates this planning, with a coordinated offensive accompanied by looting and systematic violence against civilians.

According to the court, the crimes were foreseeable, organised and tolerated, and even encouraged by command structures. The recognised acts include 14 cases of summary executions, 15 cases of torture, 16 cases of rape constituting torture, 14 cases of pillage considered as inhuman acts, eight cases of enslavement in the form of forced labour, and two cases of sexual slavery.

Roger Lumbala's responsibility

Roger Lumbala consistently claimed that he did not command armed troops at the time of the events. The court rejected this argument and established that the RCD-N in fact relied on combatants, including certain troops from the MLC, and that the crimes were committed in territories under his political and administrative authority.

The court found him responsible for complicity in crimes against humanity, recalling that complicity fully engages the criminal liability of those who facilitate, encourage or support the direct perpetrators of crimes. It underlined Lumbala's role as founder and leader of the RCD-N, his participation in military alliances, and his knowledge of the crimes, given their scale and duration.

Roger Lumbala took no measures to prevent or halt the abuses. On the contrary, he encouraged and facilitated the crimes, while deriving political and military advantage from the situation.

The judgment also concluded that there was an agreement between the RCD-N and the MLC, involving several political, administrative and military officials from both groups. This coordination demonstrates that Roger Lumbala played an active and central role in organised actions aimed at committing crimes against humanity.

Finally, the court highlighted the central role played by Jean-Pierre Bemba in the joint operations, notably Operation Effacer le Tableau, which pursued common political, military, and economic objectives.

The sentence and the appeal proceedings

On the basis of its findings, the court sentenced Roger Lumbala to 30 years' imprisonment. In view of the exceptional gravity of the crimes, it also imposed a permanent ban from French territory as an additional penalty.

Roger Lumbala has appealed against this decision; in response, the prosecution filed a cross-appeal.

In addition, a hearing on civil damages is scheduled for the end of June 2026. This phase of the proceedings will examine victims' claims for reparations for the harm they suffered in connection with the crimes recognised by the court.

A landmark decision against impunity

By convicting Roger Lumbala of complicity in crimes against humanity, the French courts reaffirm a fundamental principle: the gravest crimes know no borders, and their perpetrators or accomplices can be prosecuted, even many years after the events, by national jurisdictions.

This decision highlights the decisive role played by victims and civil society organisations to obtain justice, and highlights the essential role played by various international bodies in the documentation of grave crimes. It sends a powerful message: crimes committed in the shadows of armed conflicts must not go unpunished.

That message resonates with particular force at a time when violence continues in eastern DRC and when certain current political processes sidestep the demands of justice and human rights, reminding us that there can be no lasting peace without justice and accountability.

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WORTH READING

Justice Denied by Design: Nuremberg's Neglect of Atrocities against Institutionalized Persons with Disabilities and Enduring Gaps of Protection Under the Rome Statute (Journal of International Criminal Justice) By Kate McInnes
February 19, 2026

Abstract

Globally, persons with disabilities face violence at disproportionately high rates. This risk is especially acute in contexts of institutionalization, which exposes persons with disabilities to unique and unacceptable vulnerabilities, including acts of violence that may amount to atrocity crimes under the Rome Statute of the International Criminal Court. To date, however, atrocities against persons with disabilities have been adjudicated just once in the history of international criminal justice: at the post-World War II tribunals in Europe. How these atrocities and their treatment at Nuremberg shaped the development of international criminal law has never been analysed. Drawing on an exhaustive review of the relevant statutes, travaux préparatoires, and drafting history, this article demonstrates that offences against institutionalized persons with disabilities during World War II had a negligible impact on the development of atrocity crimes under the Rome Statute. This is because a thorough reckoning with these offences and their structural determinants, particularly institutionalization, would have threatened the self-protective priorities of prosecutors, judges, and drafters, who sought to shield matters of 'domestic policy' from international scrutiny. The result is significant gaps in protection under the Rome Statute — relating, in particular, to the enumeration of protected groups under genocide and persecution, and the operation of 'deprivation-style' crimes — which continue to impact victims with and without disabilities today.

1. INTRODUCTION

Globally, persons with disabilities — defined in the preamble of the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) as those who possess 'long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder ... full and effective participation in society on an equal basis with others' — experience violence at disproportionately high rates.¹ This risk is particularly acute when persons with disabilities are subjected to institutionalization, a practice which constitutes state-sanctioned violence and a flagrant breach of international human rights law.² Recent accounts from states at war³ and at peace⁴ support the conclusion that policies of institutionalization render persons with disabilities uniquely and unacceptably vulnerable to acts of violence which may constitute atrocity crimes.

Despite growing recognition of this heightened risk,⁵ international criminal law has failed to respond accordingly. As one group of scholars has observed, an 'accountability void' persists with respect to atrocities committed against persons with disabilities.⁶ To date, atrocities against persons with disabilities have been adjudicated just once in the history of international criminal justice: at the International Military Tribunal at Nuremberg. The trials at Nuremberg are frequently cited as evidence of international criminal law's potential to deliver justice for persons with disabilities today, yet this often rings of what Mégret describes as a 'liberality of shortcuts ... so focused on continuities that it neglects discreet but fundamental breaks'.⁷ These references assume both that the tribunal adequately addressed such crimes and that subsequent developments in international criminal law were informed by those prosecutions. On closer examination, neither assumption holds.

This impunity gap and recent attempts to fill it — most notably during negotiations for a proposed Convention on the Prevention and Punishment of Crimes Against Humanity⁸ — give rise to an unexplored question: how did the crimes committed against institutionalized persons with disabilities during World War II in the European theatre inform the development of atrocity crimes, as codified in the Statute of the International Criminal Court? Applying a critical disability studies methodology, this article interrogates the influence (or absence thereof) of these atrocities on the sources of law underpinning the Rome Statute.

The findings are jarring but unsurprising. Offences against institutionalized persons with disabilities during World War II had no discernible impact on the development of atrocity crimes. This is because a thorough reckoning with these offences and their structural determinants, particularly institutionalization, would have threatened the self-protective priorities of prosecutors, judges, and drafters, who sought to shield matters of 'domestic policy' from international scrutiny. The result is significant gaps in protection under the Rome Statute — relating, in particular, to the enumeration of protected groups under genocide and persecution, and the operation of 'deprivation-style' crimes — which continue to impact victims with, and without, disabilities today.

Section 1.A outlines the critical disability studies methodology adopted in this article and situates institutionalization as a determinant of atrocity crime victimization. Section 2 describes the atrocities committed against institutionalized persons with disabilities during World War II and explains how the London Charter's safeguards against incursions into state sovereignty, coupled with judicial and prosecutorial neglect, produced an inadequate response at Nuremberg. Section 3 analyses the impact of atrocities against institutionalized persons with disabilities during World War II, and their adjudication at Nuremberg, on the development of the atrocity crimes codified under the Rome Statute. Section 3.A details the absence of 'disability' as a protected group under both genocide and persecution as a crime against humanity, while Section 3.B evaluates the operation of three deprivation-style crimes — starvation as a war crime, deliberate infliction of adverse 'conditions of life' as an act of genocide, and extermination as a crime against humanity — and draws a negative inference that atrocities against institutionalized persons with disabilities during World War II were not considered in their drafting and codification. Section 4 concludes by synthesizing the article's analysis and

contextualizing the research within current trends in international criminal law.

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