

CIVITAS
MAXIMA



2025 Annual Report

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About Civitas Maxima

Civitas Maxima is an independent non-governmental organization that supports and assists forgotten victims of international crimes – war crimes, crimes against humanity, genocide and torture – by helping them to obtain justice before foreign or international courts when legal action at the domestic level has failed or is impossible.

The organization coordinates a network of international lawyers and investigators who work closely with civil society actors and local partners in the countries where the crimes were committed. It documents crimes or supports local partners in documenting them, initiates legal proceedings wherever possible, and provides assistance to police and judicial authorities. It shares its knowledge and expertise to strengthen the capacity of civil society groups and legal practitioners. It also informs affected communities and the public about trials and developments in international justice.

How we work

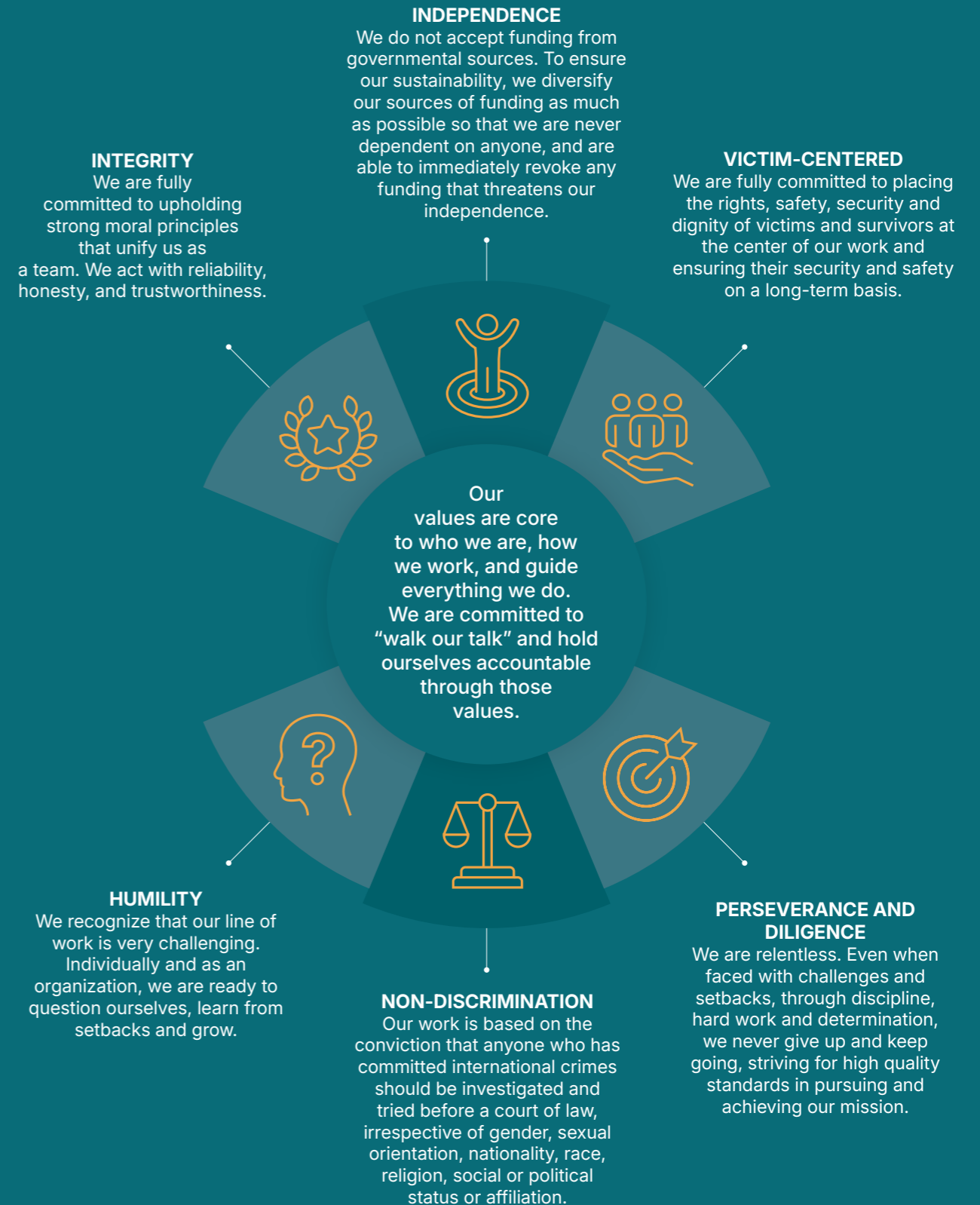
- **We pursue a victim-centered approach** in everything we do, from investigation to litigation, as well as in our awareness-raising and outreach initiatives. We are committed to building mechanisms and partnerships that can ensure victims' long-term safety and security.
- We are committed to developing and strengthening investigations and prosecutions of **sexual and gender-based violence** as integral components of international crimes.
- Since we were founded, we have established close **cooperation with local grassroots organizations** as the foundation of our work model. The Global Justice and Research Project (GJRP) has been our partner organization in Liberia since 2012.
- **We develop and enhance partnerships.** We provide tailored training and mentorship to local groups, helping them to strengthen their skills in documentation and their understanding of extra-territorial or universal jurisdiction cases.

A change-maker beyond the beaten path of international justice

Civitas Maxima's long-term objective is to deliver tangible justice to all victims of international crimes and their communities, and to advance the global fight against impunity. By fighting for accountability for some of the world's worst atrocities, it seeks to heal the wounds of the past and to help prevent the recurrence of violence by fostering lasting peace grounded in justice.

However, the organization's unique model goes beyond seeking justice for individuals. It draws on trials conducted abroad to enable local actors to restore justice in the countries where the crimes were committed, and to create a momentum for change at national level wherever possible.

Through relentless investigation, capacity building with local actors, and strategic communication and outreach, Civitas Maxima harnesses criminal trials taking place outside countries where crimes were committed to break deeply entrenched norms of local impunity.





In 2025 a number of victims and survivors have been successful through their courage and perseverance in obtaining justice for the worst crimes, even if this year will be remembered as a moment of major tension for international criminal justice. Indeed, judges and prosecutors at the International Criminal Court (ICC) faced sanctions for carrying out their duties, while certain institutional protection mechanisms, notably within the European Union, remain unactivated to defend the ICC. Against this backdrop, the very foundations of the fight against impunity for the most serious crimes appear to have been weakened.

In the face of these growing pressures, the challenge is now simple and essential: to ensure that quests of justice of victims and survivors get the necessary expertise and support to continue, that judges and prosecutors keep carrying out their mission, and that crimes of genocide, torture, war crimes, and crimes against humanity are still prosecuted and justice rendered. For when these crimes are no longer pursued, it is the entire legal framework that protects our societies that erodes.

Since 2020, Civitas Maxima has doubled its budget, a growth that reflects both the urgency of our mission and the trust placed in our model.

It is in this context that the role of Civitas Maxima asserts itself with renewed urgency. By operating primarily outside international jurisdictions and without relying on public funding, our organization makes a concrete contribution to breaking down barriers to access to criminal justice for victims of the most serious crimes. This model has proved to be financially sustainable, and we have continued our work with consistency in 2025.

On substance, between 2017 and 2025, our work has enabled victims of forgotten crimes to be heard publicly before judges each year, save for 2019. Their accounts, carefully gathered and archived by our teams and local partners, now constitute an essential body of evidence, with an impact particularly in the countries where these crimes were committed, such as Liberia.

This report takes time to measure what has been made possible over this period, thanks to the courage and determination of those who never gave up their pursuit of justice.

The year 2025 was also marked by tangible progress in several proceedings, with decisions handed down in Ghent and Philadelphia, at various stages of cases related to crimes committed in

contexts of civil war, but also in Madrid in the first Spanish proceedings for international crimes related to war profiteering. A significant portion of our work remains confidential at this stage, which limits what we can share publicly.

Among the year's notable developments, the decision handed down in October 2025 by the Belgian judiciary in the Martina Johnson case marks an important milestone. Indicted in 2014 for crimes committed during the Liberian civil war, she could stand trial before an assizes court in 2026 or 2027, after more than a decade of proceedings. This timeline illustrates the reality of justice's long timeframe, and the perseverance it demands from both victims and their representatives.

This long timeframe has consequences. One of the presumed victims in the case against Martina Johnson passed away in 2020, without having been able to witness the trial of the person she accused. The defense of Martina Johnson, for its part, fulfilled its role by invoking the procedural rules at its disposal, notably in order to delay, at a certain stage, the decision to close the investigations.

In this report, we offer cross-perspectives on these proceedings, both from the point of view of the victims and in light of the rights of the defense – rights that our organization has always recognized and emphasized in its annual reports, as they are an integral part of a fair justice system. But we also talk specifically about our holistic approach on security

and well being of victims and survivors, which is a fundamental component of our victims-centered approach.

As already mentioned, our work in 2025 took place in a broader context of renewed challenges to certain fundamental achievements of international criminal law. The year 2025 saw the emergence of deliberate political efforts aimed at calling into question principles that were thought to be established, particularly regarding amnesties and immunities. This report accordingly offers expert analyses of these developments and their implications.

In the face of these concerning dynamics, Civitas Maxima's determination remains undiminished. Since its founding, our organization has committed to standing alongside the victims and survivors of international crimes who shared with us their quests of justice.

We have been able to do all of that only thanks to the trust of our donors and partners. To them we express our deepest gratitude, and with this trust our commitment to victims and survivors remains unwavering: to contribute, concretely and sustainably, to the delivery of justice.

Alain Werner, Director
Civitas Maxima

CC	Criminal Code
CARL	The Centre for Accountability and Rule of Law
CICC	Coalition for the International Criminal Court
CJA	The Center for Justice and Accountability
CM	Civitas Maxima
DNA	Deoxyribonucleic acid
ECOWAS	Economic Community of West African States
FBI	Federal Bureau of Investigation
GJRP	Global Justice and Research Project
HRDA	Human Rights Data Analysis Group
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
ICA	International Council on Archives
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
I-GMAP	The Institute for Genocide and Mass Atrocity Prevention
IICI	The Institute for International Criminal Investigations
LAPS	Liberia Association of Psychosocial Services
LAW	Legal Action Worldwide
LURD	Liberians United for Reconciliation and Democracy
MHPSS	Mental health and psychosocial support
MODEL	Movement for Democracy in Liberia
NGO	Non-Governmental Organization
NPFL	National Patriotic Front of Liberia
OIDH	L'Observatoire Ivoirien des Droits de l'Homme
PJCR	Procédure de Jugement des Crimes Reconnus
PTSD	Post-Traumatic Stress Disorder
PwC	PricewaterhouseCoopers
SCSL	Special Court for Sierra Leone
SEWACCOL	Secretariat for the Establishment of War Crimes Court in Liberia
SSIE	Service Social Inter-Entreprises
TRC	Truth and Reconciliation Commission
ULIMO	United Liberation Movement for Democracy in Liberia
ULIMO-K	United Liberation Movement for Democracy in Liberia - Alhaji Fromah faction
UN	United Nations
UNCAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNESCO	United Nations Educational, Scientific and Cultural Organization
US	United States
USC	The University of Southern California

Laye Sekou Camara, aka “K-1”, Sentenced to Almost 5 Years in Prison for Immigration Fraud in the United States

Press release, 12th September 2025



Geneva and Monrovia, 12 September 2025

Laye Sekou Camara, high-ranking member of the Liberians United for Reconciliation and Democracy (LURD) has been sentenced on 11 September 2025 to 57 months in prison, 3 years of supervised release and assessed a \$400 special fee by the District Court for the Eastern District of Pennsylvania, in the United States. On 16 January 2025, he pleaded guilty to four counts of immigration fraud.

Camara, also known as “General K-1” and “General Dragon Master,” took part in numerous atrocities during Liberia’s second civil war. Nine witnesses testified in-person to his brutality, describing how he travelled through villages arresting men, women, and children. Those who refused to join LURD were killed. Camara has denied committing any war crimes, claiming he was a low-level translator who “held no rank” in LURD and never hurt anyone. He nonetheless pleaded guilty to lying about his role in LURD when applying for a US visa and later obtaining a residency card.

During the hearing, the judge stated that he considered survivor testimonies “highly credible”, and that Camara had concealed acts of horrific violence from immigration authorities. He noted that Camara was not being tried for war crimes but for immigration-related offences. Camara, who appeared in court as a free man, was placed in custody at the end of the hearing.

Immigration fraud, an alternative avenue to accountability

In the U.S., an immigrant cannot obtain lawful residence if they fall into any one of several “inadmissible” categories. One such category, the

persecutor bar, denies entry to those who have caused harm to others based on race, ethnicity, religion, or political group membership. Providing false information to obtain immigration status is a criminal offense.

Camara was not charged with war crimes, but the court heard considerable evidence of these crimes and examined his individual actions in the context of Liberia’s second civil war. Prosecutions for immigration fraud therefore provide an important alternative pathway to accountability where war crimes legislation fails.

A victory for and testament to the victims of Liberia’s civil wars

Arrested in March 2022, Camara was due to stand trial on 21 January 2025. On 16 January, he pleaded guilty to all four counts, waiving his right to a jury trial. His sentencing was delayed until 11 September. During the hearing, Camara took the stand, speaking mostly about the first Liberian civil war while denying having committed any crimes. He presented several witnesses on his behalf; the U.S. prosecutors presented none.

Hassan Bility, Director of the Global Justice and Research Project (GJRP), said from Monrovia: “Today is a red-letter day for all the victims of the Liberian Civil Wars. For a long time, Liberians have been denied justice in the name of letting ‘bygones be bygones’. But that’s in the past now. With this verdict, the souls of those who were slaughtered in containers, while searching for food as the second Liberian Civil war raged on, will now get some rest and be at peace. This victory is for Liberia.”

In a context of total impunity in Liberia, Camara’s conviction is a testament to the bravery of the witnesses who came from Liberia to testify. It is imperative that the Liberian Government continue to build on this momentum by equipping the Office of the War Crimes and Economic Court to allow for meaningful justice inside Liberia.

Ready to speak. Liberian Witnesses, A Guilty Plea, and What Justice Could Not Reach

In January 2025, a group of Liberian citizens arrived in Philadelphia, Pennsylvania. Some had never left their country before. They had traveled thousands of miles to do one thing: tell a court what they had lived through during Liberia's second civil war – the atrocities they had witnessed and survived at the hands of Laye Sekou Camara, a former high-ranking commander of LURD (Liberians United for Reconciliation and Democracy) known by his *noms de guerre* “General K-1” and “General Dragon Master.” *The trial they had come to testify in would never take place.*

The trial they had come to testify in would never take place.

This article does not argue that the American justice system failed. Camara was convicted, sentenced, and some victims were heard. What it examines is a more specific problem. When international crimes can only be prosecuted through a substitution charge – for the lie that concealed them rather than for the crimes the lie was meant to hide – the underlying atrocities are present enough to shape the sentence, but never themselves the subject of a verdict. When that charge is then resolved through a guilty plea, the trial disappears altogether, taking with it one of the only spaces where victims might have spoken. The Camara case is the product of both dynamics at once. What this case makes visible is the gap between what a substitution charge can produce and what international human rights law recognizes as the full scope of victims' rights – a gap that no single judge's discretion can fully bridge alone.

A case about immigration fraud

Laye Sekou Camara was not prosecuted for war crimes. He was prosecuted for using and being in possession of fraudulent U.S. immigration documents. Between 2011 and 2022, he had falsely denied being a member of a rebel group, participating in extrajudicial killings, and being involved in the recruitment of child soldiers – lies that allowed him to obtain and retain a U.S. permanent resident card. It was on these four counts of immigration fraud, under 18 U.S.C. § 1546, that he was indicted and ultimately convicted. On September 11, 2025, he was sentenced to 57 months in prison. The prosecution had sought a sentence of 40 years.

This outcome reflects a structural gap in U.S. law. In a growing number of countries – France, Switzerland, Germany and Sweden among others – national courts can directly prosecute war crimes and crimes against humanity committed abroad, on the basis of universal or extraterritorial jurisdiction. France prosecuted Kunti Kamara on this basis; Switzerland, Aliou Kosiya. These mechanisms place the crimes themselves at the centre of the proceeding and give victims formal standing as civil parties. Civitas Maxima has supported a number of such prosecutions across jurisdictions. U.S. federal law contains no equivalent mechanism for prosecuting war crimes committed abroad by foreign nationals against foreign victims. The immigration fraud charges were what U.S. law made available – not a lesser substitute chosen for convenience, but the only available basis on which a prosecution could be brought. This jurisdictional gap has since been partially addressed by legislation enacted in 2023, though it did not apply to the Camara case¹.

The crimes were serious enough to shape the sentence – but within this framework, they were never judged. The conviction sanctioned the lie.

The underlying atrocities – the massacres, the child soldiers, the killings at the Freeport of Monrovia – were introduced as evidence of the fraud and its gravity, but could not themselves be adjudicated. And the gravity of that fraud derived entirely from what it concealed. The sentence acknowledged this: the judge applied human rights violations enhancements – provisions that allow a more severe sentence when immigration fraud was used to conceal serious human rights abuses – to adjust the offense level upward and imposed the highest sentence available at that level. The judge noted among other things an anecdote that had struck him – that Camara had stopped soldiers from beating a journalist not out of any concern for the victim, but to protect his own reputation. The crimes were serious enough to shape the sentence – but within this framework, they were never judged. The conviction sanctioned the lie. The crimes themselves were acknowledged but never adjudicated.

This distinction has direct procedural consequences. Under U.S. law, the right to be heard at sentencing is not a general victims' right – it is tied directly to who qualifies as a victim of the specific offense charged. The Crime Victims' Rights Act (18 U.S.C. § 3771) guarantees victims of federal offenses the right to make a statement before sentence is pronounced. But that right belongs to victims of the charged offense – not to witnesses of the conduct it concealed. The Liberian witnesses were not victims of immigration fraud. They were witnesses to the war crimes that fraud was designed to hide. Immigration fraud is considered a victim-less offense under U.S. law: it is the integrity of the immigration system that is harmed, not an individual. As a formal matter, they had no standing under the Act. Whatever space they would have to speak would have to come from elsewhere.

The guilty plea and its consequences

In the United States, between 90 and 97 percent of federal criminal cases are resolved without a trial.² Defendants plead guilty – often as part of a negotiated agreement with prosecutors – and the case proceeds directly to sentencing. Its stated advantages are efficiency, reduced costs, and certainty for both sides.

When efficiency is prioritized over deliberation, what space remains for those against whom the crime was actually committed?

This model is not confined to the United States. In France, a debate is currently unfolding over whether to introduce a plea-bargaining mechanism for serious criminal offenses – including murder and rape – under a proposed *procédure de jugement des crimes reconnus* (PJCR). The arguments in favor echo those made for the American system: efficiency, reduced backlogs, and the possibility of sparing victims a painful trial. The arguments against are straightforward: without a full trial, there is no public deliberation, no space for testimony, and victims are left to accept or refuse a solution negotiated without them. Crimes against humanity and war crimes are explicitly excluded from the PJCR's scope – but the underlying question it raises is the same one this case forces us to confront: when efficiency is prioritized over deliberation, what space remains for those against whom the crime was actually committed?

On January 16, 2025 – five days before the trial was due to begin – Camara pleaded guilty to all four counts. The plea was not the result of a negotiated agreement. It was a unilateral decision by the defendant, made on the morning jury selection was to begin. During the plea colloquy – the formal exchange in open court in which the judge verifies the voluntariness and factual basis of the plea – the judge read the indictment word for word, and Camara answered “yes” to each count, including to having made false statements about extrajudicial killings and the use of child soldiers. Legally, that constitutes a formal admission of the underlying conduct. But through his attorney, he continued to deny having committed any war crimes. He claimed he had been nothing more than a low-level translator who “held no rank” in LURD.

There would be no trial. No jury. No public proceeding in which the facts underlying the fraud – the massacres, the child soldiers, the mutilations – would be examined before a court.

There would be no trial. No jury. No public proceeding in which the facts underlying the fraud – the massacres, the child soldiers, the mutilations – would be examined before a court. The guilty plea collapsed the case into what it had always formally been under American law: a matter of immigration paperwork. The judge himself stated it plainly: “So, this is not a War & Economics Crime Court [sic], here? We're not trying that. That's not the trial here.”³

For the witnesses who had traveled from Liberia, the effect was immediate. The trial they had prepared for would no longer take place. They were ready to speak, with no trial left to speak at. Unlike in Liberia, where no one has yet been held accountable for war crimes – despite the Truth and Reconciliation Commission's recommendations – a courtroom in Philadelphia had been, for many of them, the only available space where their testimony could carry legal weight. The guilty plea closed that space five days before it was due to open. Yet that was not the end of the story. A single judicial decision would give the witnesses a space the system had not guaranteed.



Court sketch of Laye Sekou Camara during his pre-sentence evidentiary hearing on 23rd of January, 2025. Illustration by Chase Walker

Between silence and voice: what January 23 made possible – and what it did not

The story does not end with the guilty plea. The judge agreed to hold a pre-sentencing evidentiary hearing on January 23, 2025 – a decision the defense immediately challenged, arguing that the government had not yet filed a formal motion for a sentencing increase. The exchange was tense. Ultimately, the judge ruled in favor of hearing the witnesses – choosing to *create a space* that the procedural framework had not itself provided.

Another spoke of the moment K-1 opened fire at the Freeport, killing his uncle. A third testified that when he emerged from hiding, he “saw five bodies laying down, and my auntie was one of them.

Nine Liberian witnesses took the stand that day. One witness described the villages swept through by Camara’s forces – the arrests, the killings of those who refused to follow. Another spoke of the moment K-1 opened fire at the Freeport, killing his uncle. A third testified that when he emerged from hiding, he “saw five bodies laying down, and my auntie was one of them.”⁴ Their accounts are now part of a 139-page public court transcript – a judicial document that is publicly accessible and that preserves, on the official record of a U.S. federal court, what those witnesses came to say.

By admitting guilt, Camara eliminated the need for the prosecution to prove the underlying conduct at all. Those who did testify did so because the judge created that space, not because the system required it.

There is a further dimension worth acknowledging. The U.S. prosecutor noted that a guilty plea constitutes a formal admission of guilt – arguably weightier than a jury verdict, since it is voluntary. This means that by admitting to the fraud, Camara implicitly validated the underlying allegations. The Camara case is now the fourth in a series of prosecutions in Philadelphia connected to Liberia’s civil wars, following those of Mohammed Jabateh, Thomas Woewiyu, and – soon – Moses Wright.

Together, these cases deposit into public judicial records testimonies that might never otherwise have been collected under oath, construct a body of case law other jurisdictions can draw upon, and contribute to the momentum for accountability in Liberia itself, where the establishment of a War and Economic Crimes Court remains unfinished business.

But the hearing was not a trial, and what it could not provide matters as much as what it did. Over a dozen witnesses had traveled from Liberia to testify at the proceeding that was supposed to begin on January 21. Nine were heard. The others appear in the record only through anonymized summaries prepared by investigators – their words filtered, condensed, mediated. What the guilty plea removed was not the legal framework – testimony would still have served to prove the fraud under any procedure – but the necessity of presenting it. By admitting guilt, Camara eliminated the need for the prosecution to prove the underlying conduct at all. Those who did testify did so because the judge *created* that space, not because the systems required it.

By admitting guilt, Camara eliminated the need for the prosecution to prove the underlying conduct at all.

In the Camara case, two limits converged. The charges could not reach the crimes themselves. The guilty plea reduced the space in which they might have been examined – though not entirely, as a judicial decision would partly restore it. A conviction was obtained. But when a substitution charge is the only available basis for prosecution, even a genuine conviction produces an outcome that is complete on its own terms – and incomplete both by the standards of international victims’ rights and by the measure of what the witnesses had crossed an ocean to do.

What the sentence leaves open

For victims of international crimes, justice encompasses more than a sentence. International human rights law and transitional justice standards recognize four pillars of victims’ rights: the right to truth, the right to justice, the right to reparation, and guarantees of non-repetition – articulated notably in the Joinet/Orentlicher Principles⁵ and affirmed by multiple international bodies⁶. The Camara case illustrates how a substitution charge produces a structurally incomplete satisfaction of at least two of these rights.

The *right to truth* – in its judicial dimension – implies that the facts be officially established through a proceeding centered on those facts themselves. Here, the crimes were introduced into the record, the judge described the testimony as highly credible, and the sentence reflected their gravity. But the *atrocities themselves* were never the subject of a verdict. They weighed on Camara’s sentence for the fraud – without ever being tried as the crimes they were. That is not a full judicial truth about what Camara did – nor about what the victims lived through.

That silence calls for two distinct responses: carrying those voices forward – and ensuring that the next time, the crimes themselves are judged, not only the lies on a form.

The *right to justice* – understood as criminal accountability for the crimes themselves, not only for their concealment – was similarly only partially fulfilled. Camara was convicted and sentenced. But he was convicted of fraud, not of the massacres, the use of child soldiers, or the killings. A sentence imposed for lying about atrocities is not the same as a sentence imposed for committing them.

Proceedings that can only reach international crimes indirectly, through a substitution charge, may be structurally unable to fully satisfy either right – not through bad faith, but through limitations that no single judge’s discretion can fully overcome. What the Camara case makes visible is not a failure of the system, but the outer boundary of what it was built to do.

Hassan Bility, Director of the Global Justice and Research Project, called the conviction a “red-letter day for all the victims.” It was. But it was also a day marked by what went unsaid – by the testimonies that found no verdict, the voices that found no jury – and those that were never heard at all.

That silence calls for two distinct responses. The first is a matter of memory: carrying those voices forward, preserving what the proceeding could not fully produce, accompanying victims regardless of judicial outcome. That is part of Civitas Maxima’s work. The second is a matter of justice: ensuring that the next time, the crimes themselves are judged – not only the lies on a form. That is the call to Liberia, and to the War and Economic Crimes Court that remains to be built.



Adriana Schnyder, Legal Counsel at Civitas Maxima

Adriana Schnyder is a jurist and researcher specialized in international criminal law, transitional justice, and human rights – fields in which she is finalizing a doctoral thesis at the University of Geneva, where she has also lectured. She is a 2021 Tremplin Grant recipient at the University of Geneva and holds a Master’s degree in Law from the Universities of Geneva and Basel.

Sentencing for Immigration Fraud in the United States: A Comparative Analysis

Civitas Maxima has had remarkable success in pursuing accountability for crimes committed during the two Liberian civil wars before the courts of Philadelphia, Pennsylvania, in the United States of America. CM has assisted in three cases all of which have resulted in convictions and a fourth case is scheduled to go to trial in November 2026. The unusual thing about these cases is that the defendants were charged with violations of U.S. immigration statutes and with perjury and not with war crimes or other human rights offenses. The U.S. legal framework for core international crimes – war crimes, crimes against humanity, genocide, and torture – was not conducive to bringing substantive cases arising from historical events for a number of reasons; amendments have since made prosecutions easier but are not retroactive so those statutes still cannot be used to punish old crimes.

These cases nevertheless provide a vehicle for justice, even if imperfect, because proving the fraud or the perjury requires showing that the underlying false statement is in fact true.

Therefore, in order to provide some measure of accountability for these types of crimes, immigration law is being used. In the process of applying for visas, asylum, lawful residence, and/or naturalization, individuals are required to attest to their admissibility, or their suitability for entry into the U.S. This takes the form of several different questions that individuals must answer truthfully: for example, whether they ever participated in persecution of others, engaged in genocide, been affiliated with certain groups, were involved in torture, or recruited or used child soldiers. Providing a false answer in order to conceal any of these facts is a criminal offense and it is for these offenses that charges were brought in the four cases with which CM has assisted.

These cases nevertheless provide a vehicle for justice, even if imperfect, because proving the fraud or the perjury requires showing that the underlying false statement is in fact true. Meaning that the individual did actually participate in persecution or genocide or torture, or was involved in the

recruitment or use of child soldiers or with rebel or other groups. Witnesses from Liberia have testified in each of the cases to provide evidence that the defendant did commit the underlying violations.

Where the justice may seemingly fall short, however, is in the punishments handed down following a conviction. In one case, the defendant received a sentence of 30 years' imprisonment; in another, on the same number of counts, with similar underlying facts, the defendant was sentenced to just under 5 years. (The third convicted defendant died before he could be sentenced.) In the following pages, this article will provide a concise explanation of the U.S. Federal Sentencing Guidelines that are applicable to immigration fraud, particularly those concerning serious human rights offenses, as well as a comparative analysis of the two divergent sentences and the judges' reasoning.

Initial calculation of sentencing range

When a trial ends with a conviction, sentencing occurs in a separate proceeding before the same judge.⁷ In federal courts, sentencing is based on the Federal Sentencing Guidelines – a lengthy manual with instructions for calculating the duration of a sentence in individual cases. The initial calculation of a sentencing range requires determining the base offense level for a particular conviction. Cross-referencing this base offense with the criminal history category on the sentencing table will produce an initial Guidelines range.

Guidelines § 2A contains subsections which delimit specific offense categories for which the rules provide an offense level. For immigration and naturalization fraud, the relevant category is § 2L2.2 – “fraudulently acquiring documents relating to naturalization, citizenship, or legal resident status for own use . . . [and] fraudulently acquiring or improperly using a United States passport.”⁸

Guidelines § 2L2.2 provides for a base offense level of 8.⁹ It also accounts for certain characteristics specific to the immediate offense (‘offense-specific adjustments’), including past deportations and previous felony immigration offenses.¹⁰ In 2012, an amendment to this section of the guidelines introduced an offense characteristic specific to human rights violations.¹¹ This amendment calls for an increase or ‘enhancement’ to the base offense level of at least 5 and at most 17:

*If the defendant committed any part of the instance offense to conceal the defendant's participation in (i) the offense of incitement to genocide, increase by 6 levels; or (ii) any other serious human rights offense, increase by 10 levels. If clause (ii) applies and the resulting offense level is less than level 25, increase to level 25.*¹²

In addition to enhancements for specific characteristics of an offense, the Guidelines provide for general adjustments in § 3. Any adjustment under this section is based on the instant offense, meaning the offense of conviction.¹³ Upward adjustments for obstruction of justice are occasionally applied under this section.¹⁴ This adjustment (“obstructing or impeding the administration of justice”) calls for a 2-level increase.¹⁵ It applies where a defendant has “willfully obstructed or impeded, or attempted to obstruct or impede, the administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of conviction” A 2-level downward adjustment for acknowledgement

of guilt is also sometimes applied, particularly where the defendant has pleaded guilty.

These calculations result in an ‘offense level.’ To find the relevant Guidelines sentencing range, this number is cross-referenced with the defendant’s criminal history category. The criminal history category calculation is made using prior sentences of imprisonment imposed by courts in the United States.¹⁶ A certain number of points is allocated based on the length of previous sentences.¹⁷ Crimes of violence that went uncounted in previous subsections because they were treated as a single sentence receive one additional point.¹⁸ A defendant who receives seven or more points and who committed the instant offense while under some kind of penal supervision receives one additional point.¹⁹

These points are added up and used to assign the defendant a roman number from I-VI, with I corresponding with longer sentences and VI with shorter.²⁰ The Guidelines allow for departures in this category where “reliable information indicates



“No justice no peace” sign during a protest in Indianapolis, United States Photo: Madison Oren

that the defendant's criminal history category substantially underrepresents the seriousness of the defendant's criminal history or the likelihood that the defendant will commit other crimes. . . .²¹ This reliable information can include foreign convictions²² and prior similar conduct that did not lead to a conviction.²³

The criminal history category corresponds with a roman numeral on the y-axis of the sentencing chart, and the offense level corresponds with a number on the x-axis. The meeting point is the defendant's Guidelines range of imprisonment in months. Once this number is correctly calculated, judges have relatively unfettered discretion to increase or decrease the range.

Figure 1: Sentencing table: months of imprisonment

	Offense level	Criminal History Category (Criminal History Points)					
		I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
Zone A	1	0-6	0-6	0-6	0-6	0-6	0-6
	2	0-6	0-6	0-6	0-6	0-6	1-7
	3	0-6	0-6	0-6	0-6	2-8	3-9
	4	0-6	0-6	0-6	2-8	4-10	6-12
	5	0-6	0-6	1-7	4-10	6-12	9-15
	6	0-6	1-7	2-8	6-12	9-15	12-18
	7	0-6	2-8	4-10	8-14	12-18	15-21
	8	0-6	4-10	6-12	10-16	15-21	18-24
Zone B	9	4-10	6-12	8-14	12-18	18-24	21-27
	10	6-12	8-14	10-16	15-21	21-27	24-30
	11	8-14	10-16	12-18	18-24	24-30	27-33
Zone C	12	10-16	12-18	15-21	21-27	27-33	30-37
	13	12-18	15-21	18-24	24-30	30-37	33-41
Zone D	14	15-21	18-24	21-27	27-33	33-41	37-46
	15	18-24	21-27	24-30	30-37	37-46	41-51
	16	21-27	24-30	27-33	33-41	41-51	46-57
	17	24-30	27-33	30-37	37-46	46-57	51-63
	18	27-33	30-37	33-41	41-51	51-63	57-71
	19	30-37	33-41	37-46	46-57	57-71	63-78
	20	33-41	37-46	41-51	51-63	63-78	70-87
	21	37-46	41-51	46-57	57-71	70-87	77-96
	22	41-51	46-57	51-63	63-78	77-96	84-105
	23	46-57	51-63	57-71	70-87	84-105	92-115
	24	51-63	57-71	63-78	77-96	92-115	100-125
	25	57-71	63-78	70-87	84-105	100-125	110-137
	26	63-78	70-87	78-97	92-115	110-137	120-150
	27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175	
29	87-108	97-121	108-135	121-151	140-175	151-188	
30	97-121	108-135	121-151	135-168	151-188	168-210	
31	108-135	121-151	135-168	151-188	168-210	188-235	
32	121-151	135-168	151-188	168-210	188-235	210-262	
33	135-168	151-188	168-210	188-235	210-262	235-293	
34	151-188	168-210	188-235	210-262	235-293	262-327	
35	168-210	188-235	210-262	235-293	262-327	292-365	
36	188-235	210-262	235-293	262-327	292-365	324-405	
37	210-262	235-293	262-327	292-365	324-405	360-life	
38	235-293	262-327	292-365	324-405	360-life	360-life	
39	262-327	292-365	324-405	360-life	360-life	360-life	
40	292-365	324-405	360-life	360-life	360-life	360-life	
41	324-405	360-life	360-life	360-life	360-life	360-life	
42	360-life	360-life	360-life	360-life	360-life	360-life	
43	life	life	life	life	life	life	

Judicial changes to sentencing range

A judge may depart from the offense level calculated if there are either aggravating or mitigating circumstances of a nature or to a degree inadequately taken into account by the Guidelines.²⁴ Analysing the appropriateness of so-called "departures" is sometimes called "heartland analysis."²⁵ In the Sentencing Commission's own words:

The Commission intends the sentencing courts to treat each guideline as carving out a "heartland," a set of typical cases embodying the conduct that

each guideline describes. When a court finds an atypical case, one to which a particular guideline linguistically applies but where conduct significantly differs from the norm, the court may consider whether a departure is warranted.²⁶

Determining whether a departure may be applied thus requires courts to consider what type of conduct falls within the heartland of a given guideline and its related offenses. In the immigration fraud context, judges often consider this heartland to consist of lies about simple assault, marital status, or previous unlawful entry into or presence in the United States.²⁷ Courts have found that concealment of human rights offenses falls outside of this heartland.²⁸

Courts have demonstrated a willingness to look behind the offense of conviction, namely to what exactly is being concealed from immigration officials. They view the underlying human rights offenses as essential to judging the seriousness of the instant immigration offense. In *United States v. Jordan*, the sentencing judge commented on the scale of the massacre in which the defendant participated, where approximately 160 to 250 civilians were killed.²⁹ After discussing the sheer number of deaths, the judge observed that "it is difficult to imagine a lie of a more egregious nature" and that despite the defense's suggestions, "the court cannot divorce the defendant's lie from its substance."³⁰ The lie sought to conceal participation in the massacre and as such, the judge considered it "the sine qua non of the entire matter."³¹

The court cannot divorce the defendant's lie from its substance.

Similarly, in *United States v. Mitrovic*, the sentencing judge announced that he had to consider the defendant's wrongdoing as a prison guard in Bosnia "because it is serious conduct, which makes the lying more serious."³² Judges tend to also invoke the very fact that Congress imposed a 10-year maximum for immigration fraud. They ask what offenses that sentence could possibly be imposed on if not offenses concealing involvement in such serious human rights violations.³³ However, some judges haven taken a different position.³⁴

A judge may impose a "variance" to vary the sentence from the range produced by the Guidelines based on a list of statutory justifications for sentencing contained in 18 USC § 3553(a). The provision requires judges to "impose a sentence sufficient, but not greater than necessary, to comply

with the purposes set forth in paragraph (2) of this subsection." Paragraph 2 goes on to list those purposes as the need 1) to reflect the seriousness of the offense, promote respect for the law, and provide just punishment; 2) for deterrence; 3) to protect the public from further offenses by the defendant; and 4) to provide the defendant with needed educational or vocational training, medical care, or other corrective treatment.³⁵ In varying a sentence, § 3553(a) also requires consideration of the nature and circumstances of the offense and the personal history and characteristics of the defendant.³⁶

Cases have shown that any assessment of seriousness in accordance with § 3553(a) will include consideration of the underlying acts whose concealment amounted to fraud. Like with departures, where that underlying conduct is more serious, the lie will likewise be considered more serious.³⁷ Deterrence is a particularly frequent invocation by judges to justify this conclusion. In *U.S. v. Munyenyezi*, the sentencing judge observed that:

*Other would be refugees, immigrants and applications for United States citizenship . . . must know . . . that if they are murderers, if they participated in unspeakable acts of genocide, if they participated in serious human rights violations, if they persecuted others, they are simply not welcome here. And if they lie about such conduct to obtain immigration benefits or refuge or citizenship, the punishment . . . will not be lenient.*³⁸

On the mitigating side of variances, defense counsel typically invoke a defendant's family life, work history, and minimal record.³⁹ Judges have been unpersuaded. According to one, "those factors, in my view, cannot begin to move the scales toward leniency in this case."⁴⁰ Another went further, casting doubt on the circumstances of the defendant's clean record: "As may be expected with an escaped war criminal, Defendant, undoubtedly anxious to avoid Government scrutiny, has no criminal history in this country."⁴¹ The sentencing factors on which judges rely for variances are meant to be balanced. The cases demonstrate that judges tend to put more weight on the seriousness factor than the personal history and characteristics factors, where the defendant has concealed human rights offenses.

In practice, variances are rarely applied because courts choose to depart based on the Guidelines instead. Having imposed a sentence they consider to be just punishment, the question of a variance is moot. Judges do sometimes note, however, that although they imposed their desired sentence as

a departure, they would have arrived in the same place had they varied under § 3553(a).⁴² Given the centrality of the substantive human rights offenses to judges' reasoning in departing, it is evident that their imposition of variances remains grounded in those same underlying offenses.

Analysis of Civitas Maxima's cases: Mohamed Jabateh and Laye Sekou Camara

The complexities of the Guidelines as applied to these types of cases can be difficult to fully grasp and are best illustrated by examples. The two cases in which CM participated and that went to sentencing are quite instructive in this respect and show the broad range of entirely permissible sentences for similar crimes (and similar underlying facts).

The first case in the United States with which Civitas Maxima assisted was against Mohamed Jabateh, who was charged in 2016 with two counts of fraud in immigration documents and two counts of perjury, on grounds that he had lied about his role as a commander within the armed group United Liberation Movement for Democracy in Liberia (ULIMO) and its offshoot ULIMO-K as well as his participation in various violent crimes during the first Liberian civil war. Fraud in immigration documents carries a maximum sentence of 10 years for each count; perjury carries a maximum sentence of 5 years for each count. 17 witnesses from Liberia came to testify at trial to the crimes they had witnessed Jabateh commit, and a jury found Jabateh guilty on all four counts in May 2018.

Based on Jabateh's prior history and the offenses for which he had just been convicted, his criminal history category was I and his offense level was 14, which produced a sentencing range of 15-21 months. The Probation Officer recommended a sentence of 10 years based on an upward departure of 17 offense levels (for a total of 31), given the scale of the crimes testified to during trial. In response to this recommendation, Jabateh argued for the imposition of the base Guidelines sentence, whereas the prosecution requested both an upward departure and an upward variance for the statutory maximum sentence of 30 years.

In handing down a 30-year sentence, the judge provided a written opinion in which he thoughtfully documented both his legal and factual reasoning. He first found that he could make findings of fact based on the evidence he heard during trial and then proceeded to lay out those facts that he



Pool of the abandoned Ducor Palace, Monrovia. It was the first 5-star hotel in Africa. The Ducor Palace was used as a strategic military position by Charles Taylor's men in the Second Liberian Civil War. Photo: Civitas Maxima/Nicolás Braguinsky Cascini

determined were proven by a preponderance of the evidence. Among those facts were that Jabateh had committed or ordered “acts of violence [including] murder, rape, starvation, beatings, torture, ritual cannibalism[,] and human enslavement on a massive scale.”⁴³ The judge also found that in order to conceal his involvement in these crimes, Jabateh not only “repeatedly lied” at least on five separate occasions when he sought asylum as well as permanent residency but also “describ[ed] himself as an innocent victim of ethnic persecution” rather than the perpetrator.⁴⁴

The “seriousness of [Jabateh’s] lies, separate and apart from the horror of the crimes themselves” demonstrated the “exceptionally pernicious manner” in which he violated the immigration laws. Those laws were enacted to protect refugees and asylum seekers, not to enable individuals to escape accountability for criminal acts. Jabateh’s egregious misrepresentations fundamentally undermined the purpose of the laws and were vastly outside of the heartland of the Guidelines, meriting and justifying the judge’s decision to upwardly depart (alternatively these misrepresentations would have justified a variance). By imposing a 26-level upward departure, Jabateh’s offense level became 40, which prescribed an adjusted Guidelines sentence of 292-365 months. The statutory maximum for Jabateh’s counts being capped at a total of 360 months, the judge imposed the full 360 months or 30 years’ imprisonment.

Jabateh appealed his sentence as “procedurally unreasonable” on grounds that the lower court judge unjustifiably departed upward, that he incorrectly ordered the sentences to run consecutively, and that he at least partially based the sentence on a finding that Jabateh had engaged in acts of genocide.⁴⁵ The appeal was reviewed under the more rigorous standard of ‘plain error’ rather than the lower standard of ‘abuse of discretion’ because Jabateh had not objected to his sentence at the trial stage. The appellate court found that none of the judge’s actions were plainly erroneous and that throughout his written opinion, he had appropriately stressed that the sentence “hinged on the gravity of Jabateh’s concealment” of his crimes and not the underlying crimes themselves.⁴⁶ Thus Jabateh’s convictions and his 30-year sentence was affirmed.

In Civitas Maxima’s second case in the U.S., the defendant, Thomas Woewiyu, passed away after being convicted but before being sentenced. He had been found guilty of 11 out of 16 counts of immigration fraud and perjury and the prosecution

had requested an upward departure to offense level 43 and a sentence of 30 years.

The third case of Civitas Maxima related to the defendant Laye Sekou Camara, who was charged in 2022 with three counts of using a fraudulently obtained immigration document and one count of possessing such a document. Each count carries a maximum penalty of 10 years’ imprisonment. In January 2025, Camara unexpectedly pleaded guilty in open court to all charges right before jury selection was scheduled to begin. Given that over a dozen witnesses had already flown in from Liberia to testify, the judge ordered a pre-sentencing evidentiary hearing to assist him in assessing the appropriate sentence and 8 Liberians spoke about witnessing crimes committed by Camara, who was a general in the rebel group Liberians United for Reconciliation and Democracy (LURD).

The disparities in the two sentences – 30 years and 4.75 years – belie the fact that the Guidelines were intended to promote uniformity and standardize sentences in similar situations.

Based on Camara’s history and the offenses to which he had pleaded guilty, his criminal history category was I and his base offense level was 8. The Probation Officer applied a first enhancement of 10 points and then a further enhancement to reach the offense level of 25. Camara challenged these enhancements, arguing that in fact the prosecution was trying to “bootstrap” the war crimes allegations to the immigration charges, which was not permitted, and asked for time served or 0-6 months. The prosecution, in turn, argued for an upward departure or variance and imposition of the maximum sentence of 40 years.

The judge accepted the Probation Officer’s report in full, then decreased the offense level by 2 because Camara had accepted responsibility by pleading guilty. With the offense level set at 23, the Guidelines range was 46-57 months. In denying the prosecution’s request for upward departure, the judge relied on several rationales. Importantly, the judge distinguished the Jabateh case by noting that his sentencing was conducted under a prior version of the Guidelines.

In the current applicable version, the underlying facts of war crimes and use of child soldiers are

considered and addressed in the enhancements section, as these enable judges to fully account for the gravity of the lies and corresponding fraud perpetrated on the immigration system at the stage of calculating the offense level. In Camara’s case, two enhancements were applied that directly related to the underlying conduct. Further upward departure should only be undertaken in rare circumstances. The judge stressed that he found the 8 Liberian witnesses who had testified in the pre-sentencing hearing to have been extremely credible and that the human rights violations that he finds Camara committed were reflected in the two enhancements applied to the offense level. These considerations, along with some particularly noteworthy and revealing testimony, led the judge to hand down the maximum recommended sentence of 57 months (4.75 years).

Final reflections

The disparities in the two sentences discussed above – 30 years and 4.75 years – belie the fact that the Guidelines were intended to promote uniformity in application and standardize sentences handed down in similar situations. And indeed, the initial calculation of offense level seems to be relatively standard; it is in the discretionary granting of upward departures or variances by the judges where the results can look seemingly disparate. It remains to be seen whether the outcome of Civitas Maxima’s fourth case, set for trial in fall 2026 before the same presiding judge as Jabateh, will look more

like Jabateh or more like Camara. Application of the new version of the Guidelines, with its built-in enhancements for various human rights violations, may help to reduce the sentencing disparity.

This is one of the significant limits of using immigration fraud as an avenue for justice: the punishments reflect the offenses of lying, and not the horrific nature of the underlying crimes.

But it is also true that from the perspective of the witnesses who travel from Liberia to testify – and for those victims and survivors who remain at home – Jabateh’s 30 years set a precedent that may be misleading. While Camara’s almost-five-year sentence is well within the appropriate sentencing range, and indeed on the high end, it may be disappointing for those survivors who suffered so tremendously at his hands.

Managing the expectations of the witnesses is a critical part of the role that Civitas Maxima plays in these cases. It remains important to acknowledge that, unfortunately, this is one of the significant limits of using immigration fraud as an avenue for justice for victims of war crimes and serious human rights violations: the punishments reflect the offenses of lying and the gravity of those lies, and not the horrific nature of the underlying crimes.



Kristina Hon, Senior Legal Counsel at Civitas Maxima

Kristina is an American attorney barred in New York State and at the U.S. Supreme Court. She holds an LL.M. in International Humanitarian Law and Human Rights, a Master’s in Diplomacy and International Relations, a Juris Doctor law degree, and a double Bachelor’s in History and International Affairs. Prior to joining Civitas Maxima, she served for nearly ten years as an attorney and analyst on the defence team of a Guantánamo Bay detainee facing the death penalty before a U.S. military commission.



Meghan Gauld, Former intern at Civitas Maxima

Meghan Gauld was an intern with Civitas Maxima in the summer of 2025. She is a law student at Temple University and will be graduating in May 2026.

Liberia: Renew Mandate to Establish War Crimes Court – President Should Step Up Progress on Justice for Grave Crimes

Press release, 28th April 2025

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Research Project



Monrovia, April 28, 2025. Liberian President Joseph Boakai should follow through on his commitment to justice and human rights by renewing an executive order key to establishing a war crimes court to address accountability for civil war-era crimes in the country, seven human rights groups said today. The order, signed on May 2, 2024, is set to expire on May 1, 2025.

The groups, Liberian and international nongovernmental organizations, are Advocates for Human Rights, Center for Justice and Accountability, Civitas Maxima, Civil Society Human Rights Advocacy Platform of Liberia, Global Justice Center, Global Justice and Research Project and Human Rights Watch.

“Liberia’s quest to bring closure for victims of civil war atrocities, and ensure their access to justice, remains a major priority,” said Adama Dempster, secretary-general of the Civil Society Human Rights Platform of Liberia. “We call for government and international support to ensure the establishment of the court.”

Widespread and systematic violations of international human rights and humanitarian law characterized Liberia’s two brutal armed conflicts, which took place between 1989 and 2003. They included summary executions, massacres, rape and other forms of sexual violence, mutilation and torture, and forced conscription and use of child combatants. Nobody has faced criminal investigation or prosecution in Liberia for serious crimes committed during the civil wars. The only steps toward justice for serious crimes have been cases prosecuted abroad.

The country’s Truth and Reconciliation Commission, in its final 2009 report, recommended the creation of an extraordinary criminal court, a hybrid court composed of Liberian and international judges,

prosecutors and other staff with a mandate to try those allegedly responsible for committing serious crimes. As the groups highlighted in a recent [submission](#) to the UN Human Rights Council in the context of Liberia’s upcoming November 2025 Universal Periodic Review, 16 years later, Liberia has yet to implement this critical recommendation.

The May 2024 executive order establishes an office to “investigate design, and prescribe the methodology, mechanisms, and the process” for the establishment of a war crimes court and a national anti-corruption court (Office for the Establishment of War and Economic Crimes Court for Liberia).

“President Boakai promised Liberians accountability for war time atrocities; for this to become a reality President Boakai must renew the executive order,” said Ela Matthews, senior staff attorney at the Center for Justice and Accountability. “The president should also work with the legislature to replace the executive order with legislation so the Office can work sustainably to develop the framework for establishing the war and economic crimes court.”

Over the course of 2024, the Boakai administration took further steps toward setting up the Office. President Boakai made a public commitment to advance the process during a speech to the United Nations General Assembly on September 25, 2024. Additional steps included the withdrawal of the appointment of the first executive director for the Office following strong reservations voiced by victim and civil society groups, and the more consultative process involved in the second appointment, resulting in the selection of Jallah Barbu as the new executive director. President Boakai also wrote to the United Nations secretary-general requesting assistance in establishing a court.

However, progress remains limited. In January 2025, a group of human rights organizations [wrote](#) to President Boakai calling on the government to take necessary measures towards the establishment of the court. The organizations highlighted the need to ensure the Office has requisite staffing and budgetary support and called on the Office to adopt an action plan or “roadmap,” to advance preparation for the court’s establishment.

The plan should address the model on which the war crimes court will be designed; the composition of the court; a clear procedure for the election and appointment of its officials; a proposed budget; and efforts needed for the adoption of a statute among other issues, and have clear action points and intended outcomes.

Despite the challenges in the process, prospects for a war crimes court continue to offer thousands of victims a promise of justice that has long evaded them, the groups said. President Boakai should

renew the executive order and ensure sufficient funding is in place so that the necessary work to establish the court can accelerate.

“A comprehensive roadmap that can ensure the Office has both the resources and mandate to fulfill its key mission—establishing a sustainable war crimes court—is therefore vital and urgent, said Hassan Bility, executive director of the Global Justice and Research Project. “We urge the Office to move swiftly in the adoption and implementation of such a plan of action.”



“Every human has rights” sticker. Photo: Markus Spiske

Twenty-Two Thousand Voices in a Warehouse: The Liberian Truth Commission's Records and What They Could Still Do

Between 1989 and 2003, Liberia experienced two devastating civil wars. The first, launched on Christmas Eve 1989 when Charles Taylor and his *National Patriotic Front of Liberia* invaded from Côte d'Ivoire, killed more than 200,000 people. The second, fought by rebel groups *Liberians United for Reconciliation and Democracy* (LURD) and the *Movement for Democracy in Liberia* (MODEL) against Taylor's regime, ended in October 2003 with the signing of the Accra Peace Agreement – bringing the combined toll to over 250,000 dead and nearly 1.5 million displaced.⁴⁷

The TRC's mandate was broad: to document gross human rights violations, violations of international humanitarian law and economic crimes committed between January 1979 and October 2003.

It was in that agreement that the parties committed to establishing a truth and reconciliation commission.⁴⁸ The *Truth and Reconciliation Commission* (TRC) of Liberia was established under the TRC Act of May 2005⁴⁹ and began its work in February 2006. The TRC's mandate was broad: to document gross human rights violations, violations of international humanitarian law, and economic crimes committed between January 1979 and October 2003, and provide a platform for victims and perpetrators alike to testify. This public truth-telling, its founders believed, was a necessary condition for genuine national reconciliation.

The TRC submitted its final report in June 2009. Its main recommendations – the creation of an extraordinary criminal court for war crimes, a 500-million-dollar reparations program over thirty years, the removal from public office of named perpetrators – have not been implemented. No criminal prosecution has been initiated in Liberia for crimes committed during either civil war. In May 2024, Liberian President Joseph Boakai took a first concrete step by signing an executive order establishing an office tasked with designing a Special War Crimes Court (see CM and GJRP press release, May 2024, this report, p.24). That mandate

was renewed on 30th of April 2025, though the court remains to be established and no prosecution has yet been initiated on Liberian soil.

The TRC produced an extraordinary historical record. The question is not only: where are these archives? Who are they for, and what could they still do?

Trudy Huskamp Peterson's article in this report, "Archives in Exile: The Liberian Truth and Reconciliation Commission Story", describes how the TRC's physical archives left Liberia and came to be held by the *Georgia Institute of Technology* in Atlanta, where they remain today. This article examines the contents of these archives, why they remain largely out of reach, and why, specifically, for accountability efforts, this matters.

What the archives contain: an exceptional record

The TRC archives constitute one of the most significant documentary collections ever produced by an African truth commission. According to the TRC's final report (2009), after three and a half years of work, the Commission collected more than 22,000 written statements from victims, witnesses, and alleged perpetrators across all fifteen counties of Liberia and within diaspora communities. The Commission heard more than 500 live public testimonies, and conducted dozens of in-depth personal interviews.

The Commission collected more than 22,000 written statements from victims, witnesses, and alleged perpetrators across all fifteen counties of Liberia and within diaspora communities.

Behind these numbers lies a more precise reality. Based on the analysis of those statements, the TRC identified 86,647 victims and documented 163,615 distinct violations.⁵⁰ These figures are derived from the statistical analysis of statements by Benetech, a US-based nonprofit organization specializing in human rights data (see Trudy Huskamp Peterson's article in this report for further details). Together,

these figures represent the most systematic database ever built on the Liberian conflict.⁵¹

The TRC's archives extend well beyond individual statements. They include transcripts of thematic and institutional public hearings, investigative reports, documents produced by the International Technical Advisory Committee, specialized reports on women and sexual violence, child soldiers, and economic crimes, and a separate report on the Liberian diaspora – "*A House with Two Rooms*" – based on over 1,600 statements gathered in the United States, the United Kingdom, and Ghana.

The commission's work was designated as confidential – a designation intended to protect victims, witnesses, and the integrity of the process itself.

They also include nominal lists of alleged perpetrators, that is, 124 persons recommended for criminal prosecution before an Extraordinary Criminal Court for Liberia – an internationalized domestic criminal court with jurisdiction over war crimes and crimes against humanity – along with 58 individuals recommended for trial before domestic courts, 49 for exclusion from public life, and 102 foreign mercenaries identified by the Commission (TRC Final Report, Vol. II, pp. 325–360).⁵² These are documents of the highest sensitivity. Under Section 25 of the TRC Act, all information obtained in the course of the commission's work was designated as confidential – a designation intended to protect victims, witnesses, and the integrity of the process itself.

One lacuna deserves mention. Due to lack of funding, Volume IV of the final report – intended to compile approximately 10,000 pages of full hearing transcripts – was never published.⁵³ As of the time of writing, no evidence suggests it has been published since.

The TRC was mandated to cover an unusually long period: from January 1979 – the final year of Americo-Liberian rule – to October 2003, spanning twenty-four years and two civil wars.⁵⁴ This temporal scope allowed the Commission to document not only the mass violations committed during hostilities, but also the political, economic, and ethnic structures that made them possible. Thus, the archives document both recent and historical atrocities: the systemic inequalities and repressive mechanisms of the Liberian state.

On substance, the mandate was equally as wide as the temporal scope: gross human rights violations,

humanitarian law violations, sexual and gender-based violence, economic crimes, and – in a first for any truth commission – the role of the diaspora in financing warring factions. This last dimension justified the first official truth commission hearings ever held outside a country's borders, in eleven US cities, as well as in Ghana, Sierra Leone, and Nigeria.⁵⁵

The archives today: exiled and incomplete

As Trudy Huskamp Peterson details in her article in this report, the TRC's physical archives were transferred to Georgia Tech in Atlanta in 2010 under a custody agreement that has since expired and was never renewed.

The digitization promised under that agreement was never completed. The anonymized statistical data processed by HRDAG – a US-based nonprofit that analyzed the TRC's statements – remains the notable exception: it is publicly available online. But the original statements, hearing transcripts, investigative materials, and confidential documents remain in a warehouse in Atlanta. While technically owned by Liberia, the material is practically out of reach.

The consequences are concrete. Aaron Weah, a former TRC adviser and researcher at Ulster University, reported in 2020 that he had been denied access to the archives when he requested them for his research on memorialization in Liberia.⁵⁶ More structurally, Liberia's pre-existing information deficits – limited literacy, low connectivity, absence of functional archival institutions in 2009 – mean that the vast majority of Liberians have never had direct access to the work of the commission that was supposed to document their history.⁵⁷

This situation is inseparable from the non-implementation of the TRC's recommendations. No criminal court or reparations programs have been established, and none of those named by the TRC for removal from public life were actually removed. Thus, the archives have no institutional home in Liberia to which they could return. The cases that have led to accountability have been brought by foreign actors, in foreign jurisdictions – not by the Liberian state.

Inaccessible archives: for whom, and at what cost?

Briony Jones and Ingrid Oliveira, two researchers at Swisspeace, found in a 2016 comparative study of fifteen truth commissions that included Liberia's, that most truth commission archives have a phantom-like existence – they exist, but neither the public nor

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8 - JULY 31, 2008



Members of the Liberian Truth and Reconciliation Commission jury listening to a testimony, 9th January, 2008, Monrovia, Liberia. Photo: Dosso Zoom/AFP

commission staff have clarity on where they are or how long they will remain available.⁵⁸ Liberia's case is a particularly poignant illustration. Not only are the physical archives in Atlanta, but their legal status has been in limbo since the 2010 custody agreement expired. The promised digitization was never completed. No Liberian institutional counterpart has ever been designated to negotiate a return.⁵⁹

States tend to control truth commission archives rather than open them, particularly, in circumstances where the politicians under investigation by the commission are in power.

Sandra Rubli and Briony Jones, writing in a 2013 guidance note on truth commission archives for Swisspeace, noted that the risk of destruction or concealment is highest precisely in cases where a truth commission has made nominal prosecution recommendations and named alleged perpetrators⁶⁰. This is reflective of the Liberian situation, with 124 individuals recommended for prosecution and dozens more listed for public sanctions.

Briony Jones and Ingrid Oliveira found that states tend to control truth commission archives rather than open them, particularly, in circumstances where the politicians under investigation by the commission are in power.⁶¹ For the TRC's civil society counterparts in Liberia, the report was disseminated not by the government but by NGOs. Similarly, the underlying archives have never been made accessible to the public that produced them through their testimonies.

The judicial cost of inaccessibility

The inaccessibility of the TRC archives carries a direct and measurable judicial cost. Comparative experience in other post-conflict settings allows us to see what is being lost.

In a 2014 guide on archival evidence published by Swisspeace, Trudy Huskamp Peterson analyzed what makes archival documents valuable as evidence in criminal proceedings.⁶² Documentary evidence, she explains, offers structural advantages over oral testimony: it is not subject to witness intimidation or shifting depositions and can provide more conclusive evidence of specific events or orders than personal recollections alone. Peterson further emphasizes the importance of chain of

custody as a central criterion of authenticity: a document whose custody can be traced continuously from creation carries a presumption of authenticity that substantially strengthens its value in court. Applied to Liberia's situation – archives moved in conditions of urgency, an agreement now expired, the transfer inadequately documented – these criteria raise serious questions about the integrity of the TRC's records as potential evidence.

Francesca Lessa, a researcher at the University of Oxford, closely observed the 2013–2016 trial held in Buenos Aires that investigated Operation Condor – the coordinated campaign by South American dictatorships in the 1970s to eliminate political opponents across borders. Over 74 hearings, Lessa documented how archival records – including the reports of truth commissions – allowed courts to establish the existence of a transnational repression network and to attribute individual criminal responsibility to defendants who would otherwise have benefited from the absence of direct proof.⁶³

Brazil's experience offers a complementary analysis. Vivien Ishaq, an archivist at Brazil's National Archives and researcher on the country's transitional justice process, has shown that the opening of the military dictatorship's archives to Brazil's National Archives from 2006 onward – followed by full declassification in 2012 – enabled the Federal Prosecution Service and reparations commissions to build cases against alleged perpetrators who had previously denied any link to the repressive apparatus.⁶⁴ The nine million digitized and indexed pages of the National Intelligence Service provided the primary documentary basis for the investigations of Brazil's National Truth Commission.⁶⁵ What Brazil achieved – digitization, public access, coordinated judicial and academic use – is precisely what the 2010 agreement envisioned for Liberia's archives, and what never happened.

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For Liberia specifically, this inaccessibility has direct consequences for the extra-territorial proceedings that have been the only form of accountability for crimes committed during the civil wars. The convictions secured before courts in the United

States, Switzerland, and France – for example those of Mohammed Jabbateh (United States, 2017), Alieu Kosiah (Switzerland, 2021), Thomas Woewiyu (United States, 2021), and Kunti Kamara (France, 2022) – were made possible through painstaking documentation work by organizations including Civitas Maxima.

For Liberia specifically, this inaccessibility has direct consequences for the extra-territorial proceedings that have been the only form of accountability for crimes committed during the civil wars.

Whether the full body of the TRC's archives – beyond what is already publicly available – could have strengthened those cases, or might yet support future proceedings, remains an open question.

What international standards say: a framework that exists but is not applied with respect to the Liberian TRC's archives

The situation of the TRC's archives also falls short of the standards that international law has developed for exactly these situations. Indeed, the relevant normative framework is substantial, even if largely non-binding in character.

The 2005 Joinet/Orentlicher Principles constitute the foundational reference. Principle 14 states clearly that the right to truth implies that archives must be preserved, and that technical measures and penalties must prevent any destruction, concealment, or falsification of records.⁶⁶ The Orentlicher Report is explicit on this point: except in extreme cases where the physical survival of archives is in danger, original records should remain in the country concerned, and even when temporary removal is justified, it should be for limited periods only.⁶⁷ Principle 15 requires that access be facilitated for victims, for persons accused who seek to defend themselves, and for historical research.⁶⁸

In 2015, UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Pablo de Greiff, went further by publishing, as an annex to his report A/HRC/30/42, a set of recommendations on how truth commissions should manage and preserve their records. This remains the most precise UN guidance on the subject. It recommends that archives be deposited in

the country where violations occurred; that access policies maximize public accessibility except where restrictions comply with international human rights law; and that victims, their families, and investigative and prosecutorial authorities have unhindered access to information relevant to their cases.⁶⁹ De Greiff himself observed, in that same report, the lack of consistency in the disposition of truth commission archives worldwide – a gap that, as this article has sought to show, Liberia's case illustrates with particular force.⁷⁰

A more recent instrument deserves particular attention in the Liberian context. In 2020, the International Council on Archives (ICA), in collaboration with Swisspeace, UNESCO, and the ICRC, adopted the *Guiding Principles for Safe Havens for Archives at Risk* – directly applicable to the situation of the Liberian TRC's archives – physical records held abroad under an agreement that has since expired.⁷¹

Principle 2 – the *Last Resort Principle* – holds that a safe haven abroad should only be used when it is impossible to protect the archives in the country of origin, and that the removal of originals must remain a temporary measure. Principle 10 – the *Ownership Principle* – affirms that the hosting institution's custody does not affect ownership and implies an obligation to return the records if the sending institution so requests. Principle 12 – the *Anticipating Succession Principle* – most precisely identifies the Liberian lacuna: both parties must agree on what happens if either institution ceases to exist or undergoes major changes in governance.⁷²

The lack of consistency in the disposition of truth commission archives worldwide – is a gap that, as this article has sought to show, Liberia's case illustrates with particular force.

When the TRC submitted its final report and closed in 2009, it left no designated institutional successor. No Liberian body was ever appointed to take over the agreement with Georgia Tech, to oversee the digitization process, or to represent the state's interests in the eventual return of the archives. This is precisely the scenario that Principle 12 was designed to prevent.

At the regional level, the Inter-American system has produced the most developed norms on archives and memory. The IACHR's Resolution 3/2019 –

Principles on Public Policies on Memory in the Americas, adopted in November 2019 – is the most comprehensive regional text on the subject to date. It defines archives broadly, explicitly including truth commission records, and frames their preservation and accessibility as part of states' obligations to provide truth, justice, reparation, and guarantees of non-recurrence.⁷³

The African human rights system has no equivalent instrument. The African Union Transitional Justice Policy, adopted in 2019, is a significant continental framework, but it does not address the preservation or accessibility of the records that truth commissions themselves produce. This gap is worth noting – and worth changing. The continent that has extensively used truth commissions is also the one whose regional human rights framework is least equipped to protect their archival legacy.

What is documented can still be lost

Liberia's case brings together, in a single story, all the tensions that run through the management of truth commission's archives: between the urgency of preservation and the conditions for return; between sovereign ownership and effective custody; between a formal right of access and the reality of inaccessibility; and between historical memory and judicial potential.

What the fate of the TRC's archives illustrates is that a society's documentary record of its worst atrocities does not survive on its own.

What the fate of the TRC's archives illustrates is that a society's documentary record of its worst atrocities does not survive on its own. It requires active policies – digitization, indexing, legal frameworks for access, capable custodial institutions – and the political will to follow through on the commission's work.

The normative tools exist: the Joinet/Orentlicher Principles, the De Greiff recommendations, the ICA

Safe Havens Principles, and the IACHR's Resolution 3/2019 together provide a coherent framework. They call for archives to be preserved in the country of origin; made accessible to victims, their families, researchers, and judicial authorities; managed by independent professional institutions; and for any temporary arrangement abroad to be governed by a renewable agreement that anticipates succession.

Fifteen years after the TRC closed its doors, the records of over 22,000 Liberians remain in a warehouse in Atlanta, under an expired agreement, without completed digitization, and without a designated Liberian institutional custodian.

The need for accessible archives is not abstract. Liberia may be closer than ever to establishing the War Crimes Court the TRC recommended in 2009 – President Boakai established an office to that end in May 2024 and renewed its mandate on 30 April 2025. Yet the court remains to be established, and no criminal proceedings have been initiated in Liberia. If that court is fully established, it will need evidence. The archives in Atlanta – statements, hearing transcripts, investigative files, lists of alleged perpetrators – are precisely the kind of documentary record that gives prosecutions their evidentiary foundation. Preserving them, and ensuring they remain accessible, is not a question for the future. It is a question for now.

Fifteen years after the TRC closed its doors, the records produced by over 22'000 Liberians remain in a warehouse in Atlanta, under an expired agreement, without completed digitization, and without a designated Liberian institutional custodian. Those records are the voices of people who chose to speak – about what had been done to them, to their families, and to their communities. They deserve to be preserved, and to be accessible: to the researchers and lawyers who may one day need them, but *above all* to the Liberians themselves, whose history they hold.

Records in Exile: The Unresolved Fate of Liberia's Truth Commission Archives

When a truth commission concludes its work, the fate of its records is rarely settled in advance. The Liberian Truth and Reconciliation Commission (TRC) was no exception. Faced with threats, eviction, and institutional collapse, it made an extraordinary decision: it sent its archives abroad.

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The story is both simple and complex. At the time the truth commission was created in 2006, the Georgia Institute of Technology (Georgia Tech) had a "research project in Liberia" to work with "government officials on developing a national information and communication technology

policy" and "study ways in which computers and communications technology can be used in Liberia's development."⁷⁴ The project was led by Mike Best of the College of Computing, and from this grew a relationship with the new truth commission. In an interview, Best said his team of Tech students "collaborated with the TRC to create a corpus of thousands of digital video public testimonials" and offered to maintain the videos "in a sustainable and coherent way with permanent online resource locators." He added, "While organizing and preserving thousands of videos is a difficult task, Liberia's TRC has also entrusted Georgia Tech with its entire collection of records – both physical and digital. Hundreds of thousands of documents have been shipped to Tech."⁷⁵

In June of 2020 *JusticeInfo.net* interviewed Jerome Verdier, the former president of the TRC. He said the Commission "had no alternative" other than



Archives of newspapers published during the Civil Wars, collected by a private citizen. Monrovia, Liberia, 2019. Photo: Civitas Maxima/Nathaly Leduc

sending the archives to Georgia Tech, not only because the TRC “was receiving threats” but also the Commission was “threatened with eviction” from its premises and “[l]eaving the archives there could expose them to insecurity and possibly destruction.” Michael Best added that the Commission “had a bonfire in their backyard where they disposed of the disposable records and the other stuff was sequestered onto a boat at the port and made its way to Savannah, Georgia, and then on to us in Atlanta because we were maybe their closest international partner by that time and they just needed a safe archive.”⁷⁶

The transfer was governed by an agreement stating that the ownership and control of the records remain with the TRC and, after its close, with the government of Liberia.

The transfer was governed by an agreement stating that the ownership and control of the records remain with the TRC and, after its close, with the government of Liberia. Georgia Tech promised to “relinquish physical custody of the records only when and if a process to securely ship the documents to Liberia (or another location) has been established by the parties and funds to pay for this in place.”⁷⁷ The agreement, signed in 2010, was to run for five years, and thereafter renewable for further five-year periods. No renewal has been signed, but neither has the Government of Liberia sought to have the records returned to it.

Meanwhile, on the opposite side of the United States, another body of digital records is held. Benetech, a non-profit organization specializing

in software for social justice projects, maintained a group focused on the “statistical and analytical side of Benetech’s human rights work.” It was led by Patrick Ball.⁷⁸

The precise start of the Benetech group’s engagement with the Commission is unclear. According to its website, a Benetech staff member was in Liberia by 2003 and “assisted the TRC to build a systematic data coding system, electronic database, and secure data analysis process to manage the thousands of statements given to them in the course of their work.” The website also states that “[i]n July 2009, The Human Rights Data Analysis Group concluded a three-year project with the Liberian Truth and Reconciliation Commission” and “analyzed more than 17,000 victim and witness statements ... and compiled the data into a report.”⁷⁹ The data, completely anonymized, is online with HRDAG.⁸⁰ The website includes a lengthy discussion of how the data was created by coding the original victim and witness statements, which are held in Georgia. Whether HRDAG has an agreement with the Government of Liberia on preservation of and access to this data has not been made public.

They illustrate the problems that truth commissions need to resolve before they end with bonfires in the backyard and archives in exile.

Taken together, these two bodies of records are essential to understanding the recent history of Liberia. They illustrate the problems that truth commissions need to resolve before they end with bonfires in the backyard and archives in exile.

“Justice Someday, Somewhere:” The Murder of Five American Nuns in Liberia in 1992

All crimes deserve justice. But a lack of accountability for some crimes can be felt more keenly by those who were most deeply affected. The murder of five American nuns in Monrovia, Liberia in October 1992 is one such crime.⁸¹ Sisters Kathleen McGuire, 54, cousins Shirley and Joel Kolmer, 61 and 58, Agnes Mueller, 62, and Barbara Ann Muttra, 69, were from the Illinois-based Catholic order Adorers of the Blood of Christ, and they had been working at a small convent in Gardenersville, a suburb of Monrovia. With the exception of Kathleen, all of them had spent significant time in Liberia before their deaths.

In October 1992, the National Patriotic Forces of Liberia (NPFL) led by Charles Taylor launched Operation Octopus in a push to capture Monrovia from African peacekeeping forces. On Tuesday, October 20, Barbara Ann and Joel left the convent in a car to drive their day guard home, picking up two peacekeeping soldiers on the way. Stopping on the side of the road to drop off the soldiers, the car came under fire from fighters hiding behind a wall. Both Barbara Ann and Joel were killed by the bullets before their valuables (watches and heart-and-cross necklaces) were looted by the fighters. The car caught fire and burned.

Over the next three days, the fighting continued to make its way closer and closer to the convent. On Friday, October 23, NPFL soldiers – at least two, identified as Mosquito and Black Devil – forced their way into the locked convent compound. Kathleen was the first sister to be killed, followed by Shirley and Agnes; everyone else in the compound, except for one other victim, were spared. News of their deaths took over a week to be confirmed and their bodies were not recovered for an additional six weeks due to the fighting, when it became clear that they had been mutilated and dismembered.

An international outcry followed and several entities conducted investigations, including Charles Taylor, whose assigned investigator concluded that NPFL fighters “could” have killed the nuns.⁸² The Catholic Church, which reported on and strongly condemned the deaths,⁸³ also launched its own inquiry, as did Liberia’s Truth and Reconciliation Commission, after the war concluded. A consensus seemed to emerge that the NPFL soldier identified by witnesses as “Mosquito” was allegedly Christopher Vambo, one of

Taylor’s trusted commanders. He survived the war but the other fighters who had been at the convent died on the front lines.

Stymied justice in the United States

Notably absent from this list of investigating entities was the United States, until in 2002 the Federal Bureau of Investigation (FBI) finally opened an investigation into the killings. Despite the fact that a decade had already elapsed, by all accounts, the FBI managed to compile a strong file and in 2010, the lead investigator submitted what he called a “prosecutable case” to the U.S. Attorney General’s office in Washington, DC.⁸⁴ After a two-year deliberation, the U.S. Attorney’s office declined to file any charges and the case was effectively closed.

The barrier that precluded charges being filed seems to have been an ambiguity in the law. The offense implicated in the deaths of the five nuns is “murder of a U.S. national overseas” which was made a crime in 1986.⁸⁵ At the time, the punishment for this crime was a term of years or life in prison and the applicable statute of limitations – or the amount of time after the commission of the crime that it can be prosecuted – was five years. In 1994, two years after the killing of the nuns, the punishment for murder of a U.S. national overseas was changed to allow for the application of the death penalty. This change modified the statute of limitations to be unlimited, meaning that the crime could now be prosecuted at any time.

The problem, however, was that when the change was made, the law did not specify whether the modification to the statute of limitations could be applied retroactively, or before the law came into force. Therefore, it was not entirely clear whether in 2012, or even now, 34 years after the fact, Christopher Vambo could still be prosecuted before U.S. courts.

The case of the nuns was partially reopened with the prosecution in 2018 of Thomas Woewiyu in Philadelphia, PA, but not on charges of war crimes. He was charged with immigration fraud. Woewiyu had been a founding member of the NPFL with Charles Taylor and at the time of the murder of the nuns, had been both the NPFL’s spokesperson as well as its Minister of Defense. Evidence of Woewiyu’s indirect involvement in the killing of the



Trudy Huskamp Peterson

Trudy Huskamp Peterson was Acting Archivist of the United States, 1993-1995; executive director of the Open Society Archives in Budapest, Hungary; archivist for the United Nations High Commissioner for Refugees; and since 2002 a consultant specializing in human rights and archives. Trudy has also been a consultant to the Special Court for Sierra Leone. Among her publications are *Final Acts* (on truth commission archives) and *Temporary Courts, Permanent Records*.

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nuns was introduced to help prove that he had lied on his immigration forms when he answered ‘no’ to the question of whether he had ever persecuted anyone – meaning that he in fact had persecuted several groups of people, indirectly resulting in the deaths of the nuns. He was convicted on the charges related to the nuns but passed away before he could be sentenced.

Perhaps incomplete justice is better than no justice, but as two other articles in this Annual Report discuss, seeking accountability for war crimes through immigration law in the United States is an ill-fitting mechanism.

The War Crimes Court in Liberia

A more appropriate mechanism – or at least one that could more accurately reflect the true gravity of the crimes that were committed – would be the War Crimes Court that is in the process of being set up in Liberia. Despite the truth and reconciliation process, and the release of a comprehensive report by the Truth and Reconciliation Commission, impunity has reigned in Liberia. Not one case has been brought domestically for crimes committed during the Liberian civil wars. However, in May 2024, the President of Liberia, Joseph Nyuma Boakai, issued an executive order creating the Office of the

Economic and War Crimes Court whose mandate is to design, implement, and launch the structure for a war crimes court. That process has not been without its obstacles but it currently represents the best, and perhaps only, avenue for justice for the killing of the five American nuns.

There are several factors that would make the prosecution of Christopher Vambo for these killings an excellent and largely straightforward case for the War Crimes Court to take up. While the Court has yet to create a statute that would lay out the crimes under its jurisdiction, looking at statutes of other courts set up after armed conflicts – the international tribunals as well as hybrid courts – is instructive. The International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL), for example, both had authority to prosecute violations of Article 3 Common to the Geneva Conventions. Common Article 3, as it’s more commonly known, provides the minimum baseline protections for civilians in a non-international armed conflict, or civil war, and violations of these protections are crimes that must be prosecuted under international criminal law. These violations include the offenses of “violence to life . . . in particular murder,” as well as “outrages upon personal dignity.”⁸⁶ The killing of the nuns, as well as the post-mortem desecration of their bodies,⁸⁷ would be covered by these offenses.



Memorial statue honoring five American nuns of the Adorers of the Blood of Christ, murdered in Liberia in 1992, stands on the grounds of the historic Ruma complex in Illinois, where the order has been based since the 19th century. Photo: Derik Holtmann

Regarding modes of liability, or how individuals can be held accountable for crimes, the statutes of both the ICTR and the SCSL include two forms that could be replicated by the War Crimes Court that would be applicable to the nuns’ case. An individual would be responsible if they “planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime” or if they “knew or had reason to know that [a] subordinate was about to commit such acts or had done so and the superior [the individual on trial] had failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators.”⁸⁸ In an interview in 2014, Vambo addressed the crimes directly and declared that he “wasn’t the one who executed the Catholic nuns, but the Catholic nuns were executed under his command.”⁸⁹ Thus at least one of the modes of liability could be applicable to him.

As time passes, perpetrators and survivors die and opportunities for accountability begin to disappear.

Vambo himself is a factor – indeed the linchpin – of this case. In the intervening years since the end of the war, he is known to have worked as a security guard as well as a taxi driver in Monrovia. An article from 2022, however, mentioned in passing that Vambo, along with numerous other former rebel fighters and warlords, had died.⁹⁰ While Civitas Maxima now believes that information to be false, that Vambo is indeed still alive, this erroneous report highlights the importance of bringing all perpetrators to justice. As time passes, perpetrators and survivors die and opportunities for accountability begin to disappear. If Vambo is alive, and located in Liberia, then it will not be difficult for the War Crimes Court to enable his arrest once it begins to work on the case of the American nuns.

Lastly, Liberia and the United States have a long-standing historical relationship that should allow for an ease of coordination and cooperation between the War Crimes Court and the U.S. U.S. assistance, financial and otherwise, has allowed Liberia to consolidate its democratic progress and improve its governance institutions, including law enforcement and the judiciary. The two countries concluded an extradition treaty in 1939 which remains in effect and while no mutual legal assistance treaty exists, such assistance is routinely and reciprocally granted through diplomatic letters.

The United States has also been a vocal supporter of the War Crimes Court from the beginning, acknowledging the need to counter the atmosphere of impunity and pledging funding, advice, and technical support. With the dissolution of the U.S. Agency for International Development and the closure of the State Department’s Office of Global Justice, much of the anticipated financial contribution has unfortunately disappeared.⁹¹ But there are other avenues, such as promptly and efficiently replying to diplomatic letters of assistance and facilitating access to evidence and witnesses located in the U.S., by which the U.S. could signal its continuing backing of the Court and the larger accountability process in Liberia.

Final thoughts

The title of this article is taken from investigative reporting,⁹² expressing the hope that Gerald Rose had of one day seeing justice done for the nuns. Rose was, at the time of the murders, the deputy chief of mission at the U.S. embassy in Monrovia. He made it his mission, long after he retired from government service, to keep the case of the nuns fresh in the minds of U.S. officials and members of the U.S. Congress. The opening of the FBI investigation in 2002 was likely in no small part due to his efforts. Its closure without charges left him “angry and unfulfilled,” but with unyielding faith and a refusal to give up “on justice someday, somewhere for the sisters.”⁹³

Rose passed away on 19 January 2024 at the age of 95. He determinedly testified at the Woewiyu trial and felt that “a small measure of justice [had been done] but not enough.”⁹⁴ In the words of his widow, Peggy, “[i]t was a mission for him to bring the killer(s) of the nuns to justice and it grieved him that he was not able to do so.”⁹⁵

While the accountability door may be closed in the United States, a window has opened in Liberia. It behooves Liberia and those working diligently to set up the War Crimes Court to continue their efforts and to recognize that prosecuting Vambo – or any other alleged perpetrators who can be identified – for the killings of Sisters Kathleen, Shirley, Joel, Agnes, and Barbara Ann should be a priority. The case should be included in the first wave of trials undertaken by the Court in order to ensure that accountability is finally achieved for the sisters, for their order, for the Liberians they helped during their long years in Monrovia, and for those like Rose who tirelessly strove for justice.

Written by Kristina Hon Senior Legal Counsel at Civitas Maxima

Reopening an Avenue for Accountability: ECOWAS Court of Justice Makes Surprising U-Turn on its Temporal Jurisdiction

In *Abiola v. Nigeria*, the Court of Justice of the Economic Community of West African States ('ECOWAS') signals a notable departure from its previously restrictive approach to temporal jurisdiction. In an earlier ruling concerning the *Lutheran Church Massacre in Liberia*, the ECOWAS Court of Justice had dismissed claims brought, *inter alia*, by *Civitas Maxima's* local partner, the *Global Justice and Research Project*, on the grounds that it lacked temporal jurisdiction. By now recognizing its jurisdiction *ratione temporis* over a State's ongoing failure to investigate violations committed prior to 2005, the Court reframes accountability as a continuing obligation – potentially reopening long-closed avenues for justice across the region. This development is particularly significant for Liberia, where atrocities committed during the civil wars, all prior to 2005, have yet to be properly investigated by the State and hence by a potentially upcoming War Crimes Court.

It was a short, straightforward reasoning by which the ECOWAS Court of Justice ('the Court') considered, on 28 February 2025, that it has temporal jurisdiction over the matter *Khafila Abiola and others against the Federal Republic of Nigeria*.⁹⁶ In no more than two paragraphs the Court clarified that:

"(...) Generally, this Court has temporal jurisdiction only when the alleged human rights violation occurred after the entry into force, for the Respondent, of both the substantive human rights treaty (here, the African Charter) and the 2005 Supplementary Protocol, which established the Court's human rights mandate. (...)

However, in this case, the crux of the Application is not necessarily the murder of Mrs. Abiola in 1996, an act that was completed before the Court's human rights jurisdiction became effective in January 2005. Rather, the Applicants' complaint relates to the Respondent's failure to fulfil its continuing obligation to hold the perpetrators accountable and provide compensation for the violation, matters over which the Court has jurisdiction. (...)"⁹⁷

That determination of the scope of the Court's temporal jurisdiction in the *Abiola* ruling is not only surprising, when read in comparison to the previously restrictive stance adopted by the Court

in this regard, it also touches upon essential legal questions as to a state's obligation to investigate long-past atrocities and reopens an essential avenue to justice for victims of crimes committed a long time ago, as it is the case notably in Liberia.

The *Abiola* ruling

The *Abiola* case dealt with the murder of Kudirat Abiola, wife of Nigerian politician and statesman Moshood Abiola, who was shot dead on 4 June 1996 in Lagos while protesting against her husband's incommunicado detention by the military junta.

The *Abiola* case dealt with the murder of Kudirat Abiola, wife of Nigerian politician and statesman Moshood Abiola, who was shot dead on 4 June 1996 in Lagos while protesting against her husband's incommunicado detention by the military junta.

Although the military government promised to investigate her killing and to hold the perpetrators accountable, nothing substantial was done to bring to trial those responsible. In 1999, following the return to civilian rule in Nigeria, a Commission of Inquiry examined the matter. In front of that Commission, Sergeant Barnabas Jabila, member of a state-linked "killer squad", confessed to have personally shot Kudirat Abiola.⁹⁸ Nigeria subsequently conducted domestic criminal proceedings, charging and trying *inter alia* Major Hamza Al-Mustapha, who according to Sergeant Barnabas Jabila gave him the order to kill Ms Abiola. While Major Al-Mustapha and another accused were convicted and sentenced to death by the High Court of Lagos in 2012⁹⁹, they were one year later acquitted on appeal¹⁰⁰. The Court of Appeal in Lagos considered that the prosecution had failed to prove its case beyond reasonable doubt and accused the lower court of being "stroked to secure a conviction by all means."¹⁰¹ Sergeant Barnabas Jabila, who was himself a key witness in the proceedings against Al-Mustapha,¹⁰² as well as two other identified suspects were never charged and prosecuted.¹⁰³

The children of Ms. Abiola eventually turned to the ECOWAS Court of Justice in 2022, claiming a violation by the Nigerian State of Articles 4¹⁰⁴ (right to life) and 5¹⁰⁵ (right to human dignity and prohibition of torture) of the African Charter on Human and People's Rights ('African Charter') for not having charged Sergeant Jabila and the two other suspects with the killing of their mother.¹⁰⁶ Although the case was finally dismissed by the Court on admissibility grounds, the ruling established that the ECOWAS Court of Justice has temporal jurisdiction to adjudicate a state's failure to investigate even though the primary violation, i.e. the violation of the right to life, predates the Court's human rights mandate, that came into effect on 19 January 2005 ('the critical date').¹⁰⁷

A surprising development

This reasoning is therefore so surprising as the *Abiola* ruling was handed down merely four months after the Court had published its decision in the *Global Justice and Research Project against Republic of Liberia*¹⁰⁸ case in which it had come to a completely different conclusion. That case concerned one of the deadliest massacres of the first Liberian civil war, committed by the Liberian Armed Forces on July 29, 1990, and leaving 600

civilians dead at Saint Peter's Lutheran Church in Monrovia. In that case, the ECOWAS Court of Justice had argued that it lacked jurisdiction over Liberia's failure to investigate, because the violation of the substantive right, e.g. the violation of the right to life, occurred before the Court's human rights mandate came into effect in 2005.¹⁰⁹ According to the Court, its temporal jurisdiction over the primary violation conditioned its jurisdiction over the state's failure to investigate that violation. The Court explicitly stated that "the obligation to investigate and prosecute (...) does not exist in isolation nor is it a standalone duty. (...) It is an ancillary rights derivable from the violation of the substantive rights enshrined in the Charter."¹¹⁰ As a result, this ruling of October 2024 precluded victims of human rights violations committed before 2005 of bringing any claims before the ECOWAS Court of Justice for their state's failure to investigate those violations.¹¹¹

The *Abiola* ruling now appears to be a radical change in the ECOWAS Court's position as to the scope of its temporal jurisdiction. This is particularly striking as the Court in *Abiola* makes explicit reference to the *Global Justice and Research Project* ruling and as both cases deal with a similar situation. In the two cases, the underlying violation was a violation to the right to life that occurred prior to the



The ECOWAS Community Court of Justice in Abuja, Nigeria. Photo: ECOWAS



WE MARCH FOR JUSTICE
LIBERIA
November 12, 2018

WE MARCH FOR JUSTICE
LIBERIA
November 12, 2018 8:00am

Liberians protest outside the U.S. Embassy in Monrovia on 12 November 2018, calling for a War and Economic Crimes Court to deliver justice for victims of the civil war. Photo: Ahmed Jallanzo/EPA

critical date. The primary violations of both cases occurred with only six years difference; in 1996 for Ms. Abiola's murder and in 1990 for the Lutheran Church massacre. Both, Nigeria and Liberia had already ratified the African Charter for Human and People's Rights at the moment the primary violations occurred.¹¹² Further, in both Respondent States, independent national bodies, the Commission of Inquiry in Nigeria and the Truth and Reconciliation Commission in Liberia, had carried out investigations into the killings and established the violations¹¹³ on a national level. As much in the *Abiola* case as in the *Global Justice and Research Project* case, the perpetrators of the substantive violations were identified as state actors and were – at least in part – even known by name. Finally, in both cases the applicants did not ask the ECOWAS Court to deal with the violation of the right to life in itself but to rule on the lack of investigation of the substantive violation.¹¹⁴

By recognizing its jurisdiction over a State's ongoing failure to investigate violations committed prior to 2005, the Court reframes accountability as a continuing obligation – potentially reopening long-closed avenues for justice across the region.

Despite all these parallels, the Court's conclusions on jurisdiction could not be more different. While in October 2024, the Court considered its temporal jurisdiction over a state's failure to investigate was conditioned by its jurisdiction over the violation of the substantive right itself¹¹⁵, it clearly differentiated in the *Abiola* ruling between its possibility to adjudicate on the substantive violation on the one hand and on the failure to investigate that violation on the other.¹¹⁶

Underlying legal questions

With this new approach, the ECOWAS Court of Justice seems to align with other Human Rights Courts¹¹⁷ by qualifying a state's duty to investigate as a self-standing and continuous obligation that is independent from the violation of the substantive right. While this development is encouraging, two major legal questions remain.

The first one being the legal basis on which the ECOWAS Court grounds a state's obligation to investigate. In its *Abiola* ruling, the Court does not

refer to any specific provision, which leaves open whether the procedural obligation to investigate the violation of a substantive right arises from that right itself or whether it has a separate legal basis. The applicants in their pleas argued that "the refusal of the Respondent to charge Sergeant Barnabas Jebila (...) for the murder of Ms. Abiola violates Articles 4 and 5 of the African Charter"¹¹⁸ thereby suggesting that the obligation to investigate arises directly from the substantive rights that were violated in that case, namely the right to life and personal integrity and the right to human dignity. The Court in its response did not contradict this plea, what could be read as an implicit agreement with the applicants' claim. Theoretically, the Court could have based the State's obligation to investigate on a separate legal basis, such as Articles 7¹¹⁹ (right to a fair trial) and 1¹²⁰ (right to the enjoyment of the rights guaranteed in the Charter) of the African Charter, as it was for example done by the African Court for Human and People's Rights in its ruling *Beneficiaries of late Norbert Zongo & Ors. v. Burkina Faso*¹²¹, to which the ECOWAS Court of Justice also explicitly refers in *Abiola*.

The second major question deals with the qualification of the obligation to investigate as being a 'continuing' obligation. In its *Abiola* ruling, the Court does not provide any further detail on whether there would be any limits to the continuity of that obligation. Hence it remains totally open for how long this obligation continues in time, whether the time lap between the primary violation and the critical date matters, if victims have to pro-actively request an investigation from the Respondent State and whether it makes a difference if a state takes or not some investigate action over time. This imprecision may create a risk of excessively broad temporal jurisdiction over failures to investigate long-past violations.

The *Abiola* ruling can be read as a significant step to fight impunity for human rights violations committed before 2005 in ECOWAS States.

In order to balance this risk against the need to pressure States to investigate past human rights violations, the European Court of Human Rights established, in *Šilih v. Slovenia*, a set of conditions governing its jurisdiction over failures to investigate primary violations that predate the entry into force of the European Convention on Human Rights ('the Convention') for the Respondent State. Firstly,

only procedural acts and/or omissions occurring after the entry into force of the Convention for the Respondent State can fall within the Court's temporal jurisdiction and secondly, there must be a genuine connection between the primary violation and the entry into force of the Convention in respect of the Respondent State.

For Liberia, the *Abiola* ruling is of particular importance. As both civil wars took place before 2005, the Court's previous stance had deprived Liberian victims from seeking justice for their state's inaction.

This genuine connection exists when the lapse of time between the primary violation and the entry into force of the Convention does not exceed ten years and a significant proportion of procedural steps were or were supposed to have been carried out after the ratification of the Convention by the Respondent State.¹²²

With these limitations, the European Court of Human Rights has set a sophisticated framework on its temporal jurisdiction over failures to investigate long-past atrocities. Further case law before the ECOWAS Court of Justice will show whether the Court will equally nuance and condition its temporal jurisdiction over failures to investigate atrocities that predate the 19 January 2005. For now, it seems that the Court opened the door widely for applications regarding a state's failure to investigate human rights violations committed before its critical date.

Consequences for victims and for accountability in Liberia

In fact, the *Abiola* ruling can be read as a significant step to fight impunity for human rights violations committed before 2005 in ECOWAS States. It allows victims of those violations to tackle the inertia of Governments that are either not willing or excessively slow in taking the necessary steps to investigate atrocities, hold perpetrators accountable and provide remedies to victims.

For Liberia, the *Abiola* ruling is of particular importance. As both Liberian civil wars took place before 2005, the Court's previous stance on its temporal jurisdiction deprived Liberian victims from seeking justice for their state's inaction.

It now seems that the Court opened the door widely for applications regarding a state's failure to investigate human rights violations committed before its critical date.

Given that as of today, no perpetrator of civil war crimes has ever faced justice in Liberia, the ECOWAS Court of Justice represents an important legal avenue for Liberian survivors to bring their claims and pressure the Liberian Government to finally take action. While the ECOWAS Court of Justice seemed to have closed this important avenue in October 2024, it now reopened it with the *Abiola* ruling, allowing Liberians again to urge for justice and accountability at home.



Rebecca Fleming, Legal Counsel at Civitas Maxima

Rebecca is a jurist with experience in international and Human Rights law. She holds a master's degree in Economic Law and a bachelor's degree in Political Sciences from Sciences Po Paris.

Before joining Civitas Maxima, Rebecca served as Legal and Policy Officer at the European Commission, where she worked on victims' rights and within the Commission's Legal Service. She previously worked with TRIAL International on investigating and litigating cases involving war crimes and crimes against humanity, and with Amnesty International on corporate social responsibility. Rebecca also served as Programme Assistant at Interpeace's West Africa Regional Office in Abidjan, Côte d'Ivoire, where she managed community-based peacebuilding projects across the region.

Defamation Trial in Moutiers: Civitas Maxima Director Found Victim of Defamation

Press release, 28th May 2025



Geneva, 28 May 2025. On May 27, 2025, the criminal division of the Jura-Bernois-Seeland Regional Court, in Switzerland, found Mr. Alan White, a U.S. citizen, guilty of the offence of defamation committed on July 19, 2021 against Alain Werner, the Director of Civitas Maxima.

In an e-mail sent to a Swiss lawyer on that date, Alan White claimed that Alain Werner and Hassan Bility, Director of the Monrovia-based Global Justice and Research Project, had made millions of euros by pursuing criminal cases against Liberian nationals.

According to this e-mail, these cases were suspicious, as they were based on false testimonies obtained in exchange for various things of value, such as sums of money or witness protection in Europe.

Alain Werner, having been informed of this e-mail **during the Alieu Kosiah's appeal before the Federal Criminal Court in January 2023**, filed a criminal complaint on April 6, 2023 for defamation against Alan White.

On August 15, 2024, the Public Prosecutor's Office of the Canton of Berne issued a summary penalty order convicting Alan White of defamation. Alan White objected to this order.

Two trial hearings were then held before the above-mentioned Court on April 28 and May 27, 2025. Alan White did not appear at these hearings, and was therefore tried in absentia.

In the grounds for its decision read out orally at the hearing, the Court found that the allegations of Alan White were clearly defamatory and recognized the seriousness of the attack on Alain Werner's honor. This judgment, which is not final, may be challenged by Alan White through an appeal or an opposition to the in absentia ruling within 10 days.

Alain Werner would like to express his gratitude to his lawyers, Paul Gully-Hart and George Ayoub, from the law firm Schellenberg Wittmer, for their exemplary dedication and professionalism throughout these proceedings.

Experiencing the Importance of Justice First-Hand

For nearly twenty-five years, I have accompanied victims of some of the most serious crimes before national and international courts. In Freetown, The Hague, Phnom Penh, Dakar, and then Bellinzona and Paris, I worked as a prosecutor, as counsel for the civil parties, and then as a lawyer and Director of my organisation, Civitas Maxima. Always on the same side: that of the victims.

I have watched them stand up and speak – sometimes for the very first time – about what they had endured. I have seen their courage. I have also seen what justice can produce when it works: a space where words exist, where they are heard, where they matter to those who carry them, where they become an act. But until recently, I had never been in their position. In 2025, for the first time in my life, I sat on the victims' side.

I had filed a criminal complaint in Switzerland for defamation after being accused, in an email, of manipulating witnesses together with Civitas Maxima and of fabricating false testimony. Serious accusations, which called into question not only my personal integrity, but also that of my organisation and its partners.

In 2025, for the first time in my life, I sat on the victims' side.

In my work, that integrity is not an abstract virtue it is the very condition of our existence. Without it, there is no more collaboration with prosecuting authorities, no more trust from donors.

This time, I was no longer the one carrying others' voices, and I then discovered, from the inside, what it really means to access justice. First, being taken seriously. Seeing authorities mobilise time, resources, and public money to investigate and recognise that what you have suffered warrants, in principle, an institutional response and a trial. That it ceases to be a private matter and becomes a question of public interest, that it counts and is worthy of attention. Then, being heard. Formally. Officially. Before a court.

I remember the hearing. The judge, who knew every detail of the file. Who had taken the time to understand a complex international context – spanning Switzerland, the United States and Liberia – far removed from the defamation cases he would ordinarily handle. Nothing was approximate, nothing was rushed. That rigour and diligence left a lasting impression on me.

And then there were my lawyers, Paul Gully-Hart and George Ayoub. Two highly experienced and committed Geneva-based counsel who handled this defamation case with remarkable dedication, as if it were the most important case of their careers.

Justice is not merely a decision or a judgment, but a process. And within that process there are sometimes moments when something is repaired – at least sufficiently to bring a measure of peace.

Alongside them, I felt something I had until then only understood intellectually. That justice is not merely a decision or a judgment, but a process. And that within that process there are sometimes moments when something is repaired – at least sufficiently to bring a measure of peace. Of course, the harm I suffered and alleged bore no comparison to the war crimes or crimes against humanity faced by the victims we accompany every day at Civitas Maxima. And the proceedings are not over – an appeal is currently underway. But this experience, on a modest scale, allowed me to feel – differently and directly – what it means to seek and obtain justice.

Behind every pursuit of justice – there is a simple and fundamental expectation: to be heard, to be taken seriously. And when that happens, it truly changes something."

This moment certainly did not change my path but reinforced it. It reminded me, in a different way, why this work of pursuing justice for international crimes matters. Why we must continue, despite the obstacles and the setbacks, despite the delays and the reversals, despite the defamation, despite the impunity that sometimes seems to be gaining ground.

Because behind every pursuit of justice – and all the more so for the most serious crimes – there is a simple and fundamental expectation: to be heard, to be taken seriously. And when that happens, it truly changes something.

Written by Alain Werner, Founder and Director of Civitas Maxima

When Criticism Demands Proof: The Scope and Standard of Exculpatory Evidence in Allegations Against an International Justice NGO

The judgment issued on 27 May 2025 by the Regional Court of Bernese Jura-Seeland in the case between the Director of Civitas Maxima and the author of a defamatory email represents an important milestone, both for Civitas Maxima and for the protection of international justice NGOs in Switzerland. It also offers an illuminating starting point for a reflection on the mechanism of exculpatory evidence (Swiss law's *preuves libératoires*) in defamation matters under Art. 173 of the Swiss Criminal Code.

This judgment is part of a broader context in which the investigative work of NGOs is increasingly finding itself at the centre of defamation or personality-rights disputes. In Switzerland, organisations such as Swissaid, Public Eye and TRIAL International have in recent years been the targets of complaints or threats of legal action following sensitive or contested publications. Here, an NGO is once again under attack, but the roles are reversed: it is not the NGO that must justify the rigour of its methods in response to a defamation complaint, but its director who seeks the protection of criminal law in the face of allegations directly challenging the integrity of its evidentiary work.

For an organisation whose mission is to document international crimes and bring victims' voices before the courts, the stakes are existential.

In this context, the nature of the allegations is of decisive importance. The author accused Civitas Maxima and its director of basing criminal proceedings on allegedly false and "coached" witness testimony, obtained in exchange for material benefits and prospects of asylum. For an organisation whose mission is to document international crimes and bring victims' voices before the courts, the stakes are existential. The allegations also carry direct consequences for the application of Art. 173.

In its analysis, the court applies the standard framework of Swiss defamation law. Having established the existence of an accusation of dishonourable conduct within the meaning of Art.

173 para. 1, it then examines whether the author of the allegations may rely on the exculpatory evidence provided for in Art. 173 para. 2. However, the court's reasoning stops at this stage of the analysis since, where statements are made with the primary intention of accusing someone of disreputable conduct and in the absence of justified cause within the meaning of Art. 173 para. 3, the author is not permitted to lead exculpatory evidence in support of the allegations.

This stopping point at the first stage of Art. 173 is nonetheless of legal interest: by denying access to the exculpatory evidence, the court leaves open the question of what would have needed to be demonstrated to justify an allegation of evidence fabrication by an NGO.

It is this reconstruction of the evidential standard – first from the perspective of truth, then of good faith – that is worth examining.

The author may first avoid conviction by establishing the truth of his allegations.

Proof of truth must relate to the very fact that is the subject of the accusation of dishonourable conduct¹²³. Where the communication in question combines a factual allegation and a value judgment, proof must target the facts underpinning that judgment¹²⁴. Where the accusation of dishonourable conduct takes the form of a suspicion, proof must concern the harmful fact itself, and not the circumstances or indicia that gave rise to that suspicion¹²⁵.

Applied to allegations of evidential manipulation directed against an NGO, this requirement to target the accusation of dishonourable conduct itself is decisive. It would not suffice, for the purposes of invoking proof of truth, to demonstrate that the NGO attracts criticism, that certain witnesses contradicted themselves on peripheral matters, that the proceedings are politically sensitive, or that the documentation methodology is subject to debate. Such elements bear on a general assessment of the NGO's work but do not establish the truth of the accusation, namely the allegation of fabricated, false or "coached" testimony.

In the case of Civitas Maxima, the accusation of dishonourable conduct precisely corresponds to that allegation, and proof of truth must therefore establish that specific witnesses were in fact manipulated as to the content of their statements, that they received identifiable benefits in connection with those statements, that their accounts were deliberately reshaped, and that those statements were knowingly used in legal proceedings.

Discussing investigative methods or difficulties in corroborating sources may fall within the bounds of ordinary controversy. Asserting that an NGO fabricates testimony takes the debate into a domain in which proof of truth must relate to a precise fact.

Insofar as such allegations concern conduct liable to constitute criminal offences, proof of truth is subject to particularly stringent requirements and entails a substantial demonstration of the precise facts of the conduct imputed. Case law accordingly requires, in principle, that proof of truth be supported by a criminal conviction or, where prosecution is not possible, by evidence of equivalent probative value¹²⁶.

Alongside this substantive requirement is a central procedural element: the burden and risk of proof lie entirely with the party who invokes proof of truth, and it falls upon that party to establish that the accusation of dishonourable conduct corresponds to the truth. If that proof fails or any doubt remains, the author bears the full risk of that failure and the principle *in dubio pro reo* does not apply in this context¹²⁷. In a configuration such as that involving Civitas Maxima and its director, the party who accuses an NGO of fabricating evidence faces, under Swiss law, a high evidentiary burden.

This framework draws an important dividing line in the debate surrounding international justice NGOs. Discussing investigative methods, potential biases, or difficulties in corroborating sources may fall within the bounds of ordinary controversy. Asserting, however, that an NGO fabricates testimony takes the debate into a domain in which proof of truth must relate to a precise fact, the burden and risk of which lie entirely with the party making the allegation.

If the author is unable to establish the truth of the imputed fact, he may still avoid conviction by establishing that he had substantial grounds to hold

an honest belief that his statement was true and that he held that belief at the time.

As to timing, the assessment of good faith requires assessing the situation at the time the statements were made¹²⁸. Elements discovered after the fact cannot remedy an initial lack of care¹²⁹. As to quality, Swiss law imposes a genuine duty of diligence. The author must be able to demonstrate that he did everything that could reasonably have been expected of him, in light of the circumstances and his personal situation, to verify the accuracy of what he was about to communicate¹³⁰, including where the statements impugn the integrity of organisations whose mission is to document human rights violations.

Against these criteria, the course of the proceedings before the Regional Court of Bernese Jura-Seeland illustrates what such diligence would have required. The court noted that, despite having had several opportunities to be heard, the author of the accusations never appeared in person, responded only in piecemeal fashion to the numerous questions put to him, and relied on weak and poorly interpreted sources. His conduct is further described as contradictory and dilatory in the proceedings. In these circumstances, he appears less as the author of a genuine verification exercise than as a conduit for insufficiently substantiated assertions, which he nonetheless presented as established facts.

A simple principle emerges, recognised in both doctrine and case law: the more serious the allegation, the more thorough the prior verification must be¹³¹. Accusing an international justice NGO of selecting vulnerable witnesses or underestimating certain contradictions does not call for the same level of verification as accusing it of orchestrating false testimony in exchange for material benefits or asylum promises. In the latter case, good faith cannot rest on impressions, rumours, or converging elements. It requires positive steps – cross-checking sources, obtaining independent corroboration, and rigorously distinguishing between hypotheses and established facts.

The very form of the allegation plays a decisive role here. A person who expresses a doubt or suspicion, and presents it as such, need only demonstrate that he had sufficient grounds to regard it as justified. By contrast, a person who asserts that serious facts have been established must be able to trace a path of verification commensurate with that degree of certainty.

Finally, one further factor must be considered, particularly significant in the work of NGOs: the

TRIBUNAL

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Tribunal régional
Agence du Jura bernois

Heures d'ouverture:
Lu-Je 08.00-12.00 14.00-17.00
Ve 08.00-12.00 14.00-16.30

breadth of dissemination. The more an allegation of evidence manipulation is likely to be taken up, commented upon and amplified, the more legitimate it is to expect its author to have chosen his words carefully and to have thoroughly verified his sources¹³². The judgment of the Regional Court of Bernese Jura-Seeland underlines this principle in the context of its findings of fact and sentencing, noting that the impugned email, initially addressed to a limited circle, found its way into the heart of a war crimes appeal, thereby increasing its reach and, accordingly, its gravity.

Good faith is therefore not a refuge for reckless accusations. It protects honest errors preceded by the verification that could reasonably have been expected of the author, not serious allegations asserted as established fact yet lacking an adequate evidential foundation.

A methodological symmetry in the service of public debate

The judgment of the Regional Court of Bernese Jura-Seeland represents an important victory for the protection of Civitas Maxima. It unequivocally characterises the allegations as defamatory and denies the author access to the exculpatory evidence, given the primary intention of accusing someone of disreputable conduct and the absence of any justified cause.

It also provides a useful framework for thinking more broadly about the legal regime applicable to allegations targeting the evidentiary integrity of international justice NGOs.

Three main lessons can be drawn:

First, proof of truth in allegations of evidence fabrication must target the precise mechanism of

manipulation alleged, rather than the general climate of contestation surrounding an NGO's work.

Second, good faith does not reduce the degree of precision required as to the accusation of dishonourable conduct. On the contrary, it requires the author to be able to account for the verification steps undertaken, at a level commensurate with the gravity of the allegation.

NGOs must accept that their methods are open to discussion and criticism, but those who allege that they manipulate evidence must also accept that their accusations are subject to a standard of rigour at least equivalent to that which they purport to denounce.

Third, the burden and risk of proof lie entirely with the party making the allegation. A person who asserts that an NGO fabricates evidence accepts that the soundness of that allegation will be assessed against the quality of his own evidentiary record.

A form of methodological symmetry thus emerges. NGOs must accept that their methods are open to discussion and criticism, but those who allege that they manipulate evidence must also accept that their accusations are subject to a standard of rigour at least equivalent to that which they purport to denounce.

Finally, it should be noted that the judgment of the Regional Court of Bernese Jura-Seeland is not final and is currently subject to pending appeal proceedings, such that the issues it raises may still give rise to further developments.



Mariam Oueslati

Mariam Oueslati is a Swiss-qualified attorney-at-law. She practiced for several years in the litigation department of a leading law firm in Geneva, where she handled complex cases and acted in proceedings before cantonal and federal courts in Switzerland, particularly in criminal law. She holds a Bachelor and Master's degree in Law from the University of Geneva. She collaborated with Civitas Maxima as pro bono counsel in 2025.

Spanish Court Reopens Investigation into International Crimes Allegedly Committed by Spanish National During Civil War in Sierra Leone

Press release, 4th July 2025



Madrid, 4 July 2025. On 30 June 2025, the *Audiencia Nacional*, the Spanish court entrusted with jurisdiction over international crimes committed abroad, reopened the pre-trial investigation into international crimes allegedly committed by a Spanish national during the civil war that ravaged Sierra Leone from 1991 to 2002.

The suspect, Manuel Terrén Parcerisas, is alleged to have participated in the illegal trade of blood diamonds that helped finance the war as well as to have aided and abetted offenses committed by members of the Sierra Leonean rebel group Revolutionary United Front.

The investigation had been suspended in January 2025 in order for the Criminal Chamber of the *Audiencia Nacional* to assess whether the alleged offenses were time-barred from prosecution, as contended by both the Defense and the Prosecutor. In a decision issued on 16 June 2025, the Criminal Chamber concluded that there was not enough evidence at this stage of the proceedings to decide on the issue of prescription and that further investigative measures would be required before a decision on the statute of limitations can be made. Following this decision, the same Chamber confirmed, on 30 June, the continuation of the investigation.

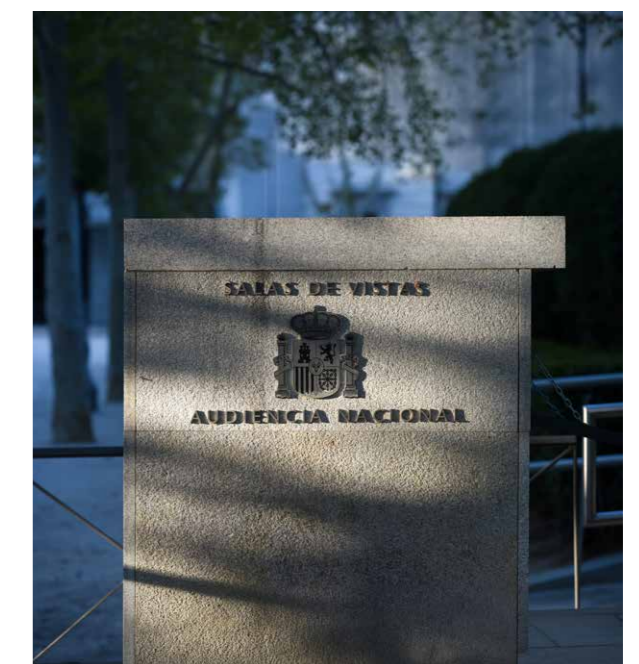
Civitas Maxima welcomes this decision and will keep supporting the investigative efforts conducted by the Spanish judicial authorities and by the *Comisaría General de Información*, a specialized division of the Spanish National Police responsible for counter-terrorism and complex international crime investigations.

This development provides a critical opportunity to continue advocating for the inapplicability of statutory limitations to international crimes.

While this principle is well established in the jurisprudence of international, regional, and domestic courts and tribunals, it has not fully yet permeated Spanish legislation or jurisprudence. Civitas Maxima's contributions to these legal proceedings hence fall within a broader commitment to align Spanish jurisprudence with global developments in the fight against impunity for international crimes.

Civitas Maxima supported the filing of the complaint against Manuel Terrén Parcerisas in 2021, brought by a victim of the alleged crimes. Over the course of the proceedings, **Manuel Terrén Parcerisas was arrested on 2 July 2024** and subsequently granted provisional release.

This landmark case also represents the second instance in which a European citizen faces investigation for war crimes and crimes against humanity connected to the illicit trade of blood diamonds from Sierra Leone – the first being the proceedings supported by Civitas Maxima against **Michel Desadeleer** in Belgium.



Entrance of the Audiencia Nacional. Photo: Gustavo Valiente/Europa Press

Access to Justice for Victims of International Crimes: Updated Reflections from Spain Following the Intervention of the European Court of Human Rights

Given all the events we are currently witnessing, debating the continued relevance of the principle of universal jurisdiction and/or victims' access to justice for international crimes may seem almost akin to the discussions said to have taken place among Byzantine scholars while Constantinople was under siege. Universal jurisdiction refers to the power of a national court to prosecute the most serious international crimes – such as genocide, crimes against humanity or war crimes – regardless of where they were committed and of the nationality of the perpetrators or the victims.

Debating the continued relevance of universal jurisdiction may seem almost akin to the discussions said to have taken place among Byzantine scholars while Constantinople was under siege.

Nevertheless, as far as Spanish courts are concerned, this debate was effectively closed in mid-2024 – and not by their own decision, but rather by a body from which at least some of us might have expected a different position. That is, a position closer to what is supposed to be its very *raison d'être*: the international protection of victims' rights. However, this body – the European Court of Human Rights – ultimately adopted, as I will briefly outline below, what I consider to be a disappointing stance. Coming from this institution, such a position goes beyond the Spanish context and carries broader implications. At the very least, it invites us to reconsider where our present and future efforts should be directed.

Without reiterating what was already discussed in the previous *Civitas Maxima* report regarding the evolution of Spanish legislation on universal jurisdiction and what it has meant in practice for victims, a few contextual elements are worth recalling. First, conceptually speaking, when referring here to the principle of universal jurisdiction, we do so in accordance with the accurate characterization provided by the Spanish Constitutional Court in the Guatemala case, namely that: "International prosecution under the principle

of universal justice is based exclusively on the particular characteristics of the crimes subject to it, whose harmfulness (...) transcends that suffered by the concrete victims and reaches the international community as a whole. Consequently, their prosecution and punishment constitute not only a commitment but also a shared interest of all States (...), whose legitimacy (...) does not depend on further particular interests of any individual State."

This understanding prevailed in Spain for many years – until 2009, enabling the development of several widely known proceedings – from those initiated in relation to crimes committed by and during the Argentine military junta, to those against Augusto Pinochet, among others. These cases represented a major paradigm shift in international law and opened a significant window of hope for victims of international crimes. Under the law then in force, any victim could turn to Spanish courts without being required to demonstrate a particular connection with Spain. These proceedings were, in many instances, driven by the victims themselves, for whom the Spanish jurisdiction was often the only available avenue, given the impossibility of accessing courts in the States where the crimes had been committed.

The European Court of Human Rights ultimately adopted what I consider to be a disappointing stance – coming from this institution, such a position goes beyond the Spanish context and carries broader implications.

In 2009, however, Spanish legislation in this field was significantly restricted, effectively weakening the principle within the Spanish legal system. A further reform in 2014 sought to dismantle it almost entirely, providing that Spanish courts would only retain jurisdiction – including in already ongoing proceedings – over the most serious international crimes, such as genocide, crimes against humanity, or war crimes, if the proceedings were directed against a Spanish national, a foreign national habitually residing in Spain, or a foreign national present in Spain whose extradition had been denied

by Spanish authorities. In other terms, this meant that Spanish courts could no longer act where the alleged perpetrator neither resided in nor was present in Spain – even when the victim was a Spanish national or the crime had been committed against a Spanish citizen – frustrating the legitimate expectations of victims who had pursued these proceedings for years and for whom, in many cases, no alternative judicial avenue existed.

The work of organizations such as Civitas Maxima aims at providing access to justice for victims of international crimes a tangible reality.

The legal battle that followed to challenge this reform was particularly intense in the well-known *Couso* case, which was ultimately brought before the European Court of Human Rights. Briefly, the case dates back to 8 April 2003, when a U.S. tank fired on the Palestine Hotel in Baghdad, seriously injuring Spanish cameraman José Couso Permu, who died shortly afterwards at the Ibn Nafis hospital. Proceedings began in Spanish courts in May of that same year and continued until 2019. As early as 2005, the Spanish National Court (*Audiencia Nacional*) considered that the events could constitute a war crime.

However, following the 2014 reform, it became clear that the new statutory requirements were no longer satisfied, raising the question of whether the case should be dismissed. The National Court's initial response – correct in my view – was negative. It held that with regard to war crimes, where conventional international law is particularly well developed, the Geneva Conventions – treaties almost universally ratified, including by Spain, and reflective of customary international law – establish a "clear and unconditional obligation to search for persons alleged to have committed, or ordered to be committed, grave breaches, and to bring such persons before their own courts." This obligation, it reasoned, could not be altered through the adoption of domestic legislation imposing additional restrictive requirements such as those introduced in 2014.

This position represented an important victory for victims' access to justice – at least with regard to war crimes. However, it proved short-lived. It was subsequently overturned by both the Spanish Supreme Court and the Constitutional Court. In essence, these courts concluded that proceedings

against non-Spanish suspects accused of war crimes could only be pursued if they resided in or were present in Spain – even when the victim was Spanish or the crime had been committed against a Spanish national. Consequently, the judicial process was brought to an end. The relatives of José Couso then turned to the European Court of Human Rights, claiming their (human) right of access to justice.

To some extent, the content of the Court's decision could have been anticipated – at least in part – from the majority position of the Grand Chamber in *Nait-Liman v. Switzerland*, even though that case addressed criminal universal jurisdiction only tangentially. Similar indications could also be drawn from other cases such as *Hussein and Others v. Belgium* and *M.M. v. France*. However, the Court went further in *Couso*, offering its most explicit assessment to date of criminal universal jurisdiction within the framework of Article 6 of the European Convention on Human Rights, which, as interpreted by this Court, encompasses a right of access to a court.

At this point – and this is, in my view, the most novel and problematic aspect of the ruling – the Court set out what it considered to be the correct interpretation of the provisions of the Geneva Conventions governing the repression of grave breaches. In essence, it rejected the interpretation according to which these provisions impose any obligation on States to prosecute war criminals when they are located outside their territory.

The Court affirmed that this outcome was not merely a political choice, but the only result consistent with the correct interpretation of the applicable international legal framework.

In doing so, the Court positioned itself on a legal question that has long been the subject of considerable debate, and which the Spanish Supreme Court itself had explicitly acknowledged. The Court's reasoning also aligned with arguments emphasizing the need to avoid jurisdictional conflicts or diplomatic tensions, the potential overload of domestic courts, or the risk of abusive litigation – considerations invoked in the context of determining the right of victims of the most serious international crimes to access a court.



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME



It could certainly be argued that the European Court did not consider the restrictions introduced by the Spanish legislature and high courts to be entirely unreasonable. Yet the practical reality – well documented in the Spanish context – is that those restrictions rendered the exercise of universal jurisdiction before Spanish courts virtually inoperative. More significantly, the Court went further: it affirmed that this outcome was not merely a political choice, but the only result consistent with the correct interpretation of the applicable international legal framework. For victims of international crimes seeking the prosecution of those responsible before the courts of the 46 Council of Europe member States, this reading confirms that no international legal obligation requires those States to exercise universal jurisdiction – turning the matter into one of pure legislative discretion.

If States do not have a legal duty, but do possess the power, to establish the broadest possible access to justice for victims, then efforts must continue to ensure that this possibility becomes a reality.

In this sense, the implications of the judgment go far beyond Spain, effectively setting a standard for all member States of the Council of Europe.

The judgment concluded by noting that its findings did not call into question the broad international consensus recognizing the right of victims of international crimes to obtain adequate and effective

reparation. The Court also encouraged States to give effect to this right by granting their court's jurisdiction to examine such claims, even when they are based on acts committed abroad. Finally, it stated that States' efforts to make access to a court as effective as possible for victims seeking compensation for international crimes were commendable.

However, the key point is that these remarks appeared more like expressions of goodwill or recommendations that States may choose to follow – or not. In other words, they did not establish that victims (not even victims of war crimes) have a legal right to such access.

Returning to the initial point, at least in my view this position is both disappointing and lacking in courage – particularly for an institution tasked with the international protection of human rights. Yet in terms of the work that must now continue, it suggests that our primary focus should no longer lie – or should no longer lie primarily – with judicial bodies, but rather with the legislative authorities of Spain and of other Council of Europe member States. If these States do not have a legal duty, but do possess the power, to establish the broadest possible access to justice for victims of the most serious international crimes, then efforts must continue to ensure that this possibility becomes a reality – so that what the European Court of Human Rights described merely as a wish or aspiration may finally become effective. It is precisely in this space that the work of organizations such as Civitas Maxima continues, both before the courts, alongside victims, and in support of legislative reforms aimed at making access to justice for victims of international crimes a tangible reality.



Javier Chinchón Álvarez

Javier Chinchón Álvarez. Associate Professor of Public International Law and International Relations, Complutense University of Madrid.

He holds a PhD (with extraordinary award) and a law degree from UCM, and a degree in Political and Administrative Sciences from UAM. In addition to regularly collaborating with various media outlets, he is the author of more than 120 academic works in his field of specialization, with notable publications on international law of state responsibility, international human rights law, international criminal law, and transitional justice and international law. Alongside his academic work, he has been and continues to be a member/consultant of multiple Spanish and Ibero-American organizations, where he has participated in the design and development of various actions and claims before international human rights protection bodies.

How Does Civitas Maxima Use Universal Jurisdiction Before National Courts?

As described by Javier Chinchón Álvarez, there is a current trend aimed at limiting the scope of proceedings for international crimes (such as genocide, war crimes, crimes against humanity, or torture) when they are not tried in the country where they took place, but in a third country.

Civitas Maxima approaches creatively the question of scarce justice avenues, making use of whatever form of jurisdiction is available for the extra-territorial cases it pursues on behalf of victims of the most heinous crimes.”

The case mentioned by Javier Chinchón Álvarez in its contribution in this Annual Report (pp. 54) is quite telling: the European Court of Human Rights considered that Spain had not violated the European Convention on Human Rights by terminating proceedings against non-Spanish suspects accused of war crimes because mainly they did not have their habitual residence or were present in Spain, even if the victim of the crime was himself a Spanish national!

In this kind of situation, it is indeed necessary to call for legislative reforms to make access to justice for victims of international crimes a tangible reality. In Spain, a legislative proposal to render conditions to exercise universal jurisdiction more flexible is under scrutiny since 2023.

When legally possible, Civitas Maxima has taken advantage of other forms of jurisdiction, such as in the United States through criminal proceedings for immigration offenses linked to the commission of war crimes.

But what to do while legislative reforms have not yet taken place and avenues for justice are scarce? Civitas Maxima approaches creatively this question, making use of whatever form of jurisdiction is available for the extra-territorial cases or prospective cases it pursues or will pursue on behalf of victims of the most heinous crimes, and in particular those avenues linked to:

Presence or some form of residency of the alleged perpetrators in a country different to that where the crimes were committed and of which he is a national: many of Civitas Maxima's cases are or were possible thanks to this form of jurisdiction, such as the Alieu Koshiah case (in Switzerland), the Kunti Kamara case (in France), the Martina Johnson case (in Belgium), the Agnes Taylor Reeves Case (in the United Kingdom) or the Gibril Massaquoi case (in Finland);

Nationality of the victim: Civitas Maxima has assisted for many years and continues to assist a European victim to get justice in her country of residence and citizenship, in a scenario where the alleged perpetrator lives abroad and where the alleged offenses were committed during a civil war in a third country. While this scenario is not envisageable anymore in Spain, as explained by M. Chinchón, it is still legally possible in several other European countries.

Nationality or dual nationality of the perpetrator: Civitas Maxima is currently pursuing several cases using the nationality or dual nationality of the perpetrators to get proceedings in their country of citizenship, even if the crimes had been committed abroad. This is the approach taken by Civitas Maxima in Spain, where it supports proceedings against Manuel Terrén Parcerisas, a Spanish national who did not have his habitual residence in Spain at the time of filing the complaint.

Other forms of jurisdictions: When legally possible, Civitas Maxima has taken advantage of other forms of jurisdiction, such as in the United States through criminal proceedings for immigration offenses linked to the commission of war crimes (see page 16).

For an interactive map detailing the current conditions to exercise universal jurisdiction over the crimes of genocide, aggression, war crimes, and crimes against humanity in each State, see the online tool launched by the Clooney Foundation [Justice Beyond Border](#).



US soldiers stand behind graffiti reading "US army go back home" on the perimeter of the Palestine Hotel, 21 November 2003 in Baghdad. The hotel, which housed international media, was also the site of the April 2003 attack that killed Spanish journalist José Couso Permuy. Photo: Patrick Baz

After Over 10 years, The Investigation Phase of The Case Against Martina Johnson is Closed

Press release, 14th October 2025

CIVITAS
MAXIMA

GJRP
Global Justice and
Research Project

Geneva and Monrovia, 14 October 2025. Today, following a closed hearing held on 30th September 2025, the judge of the “Chambre du conseil” in the Ghent Court of First Instance issued a decision formally closing the investigation into Martina Johnson.

Martina Johnson, who has been resident in Belgium since 2003, was allegedly a former commander of Charles Taylor’s National Patriotic Front of Liberia (NPFL) during the first Liberian civil war (1989-1996). Arrested in Belgium in September 2014 on suspicion

of war crimes and crimes against humanity, Martina Johnson is accused by Belgian prosecutors of participating directly in mutilation and mass killings in late 1992 during “Operation Octopus”, an infamous military offensive waged on Liberia’s capital during first civil war.

The purpose of the hearing of 30th September was to determine whether the investigation by the Belgian judicial authorities, which has been ongoing since 2012, yielded sufficient evidence to refer the case to trial. The “Chambre du conseil” answered positively.

Following today’s decision, the parties now await a hearing before the judges of the “Chambre des mises en accusation” (part of the Appeal court) and a decision on whether to send the case to trial. Civitas Maxima and the Global Justice and Research Project have collaborated with victim representative Luc Walley on this case.

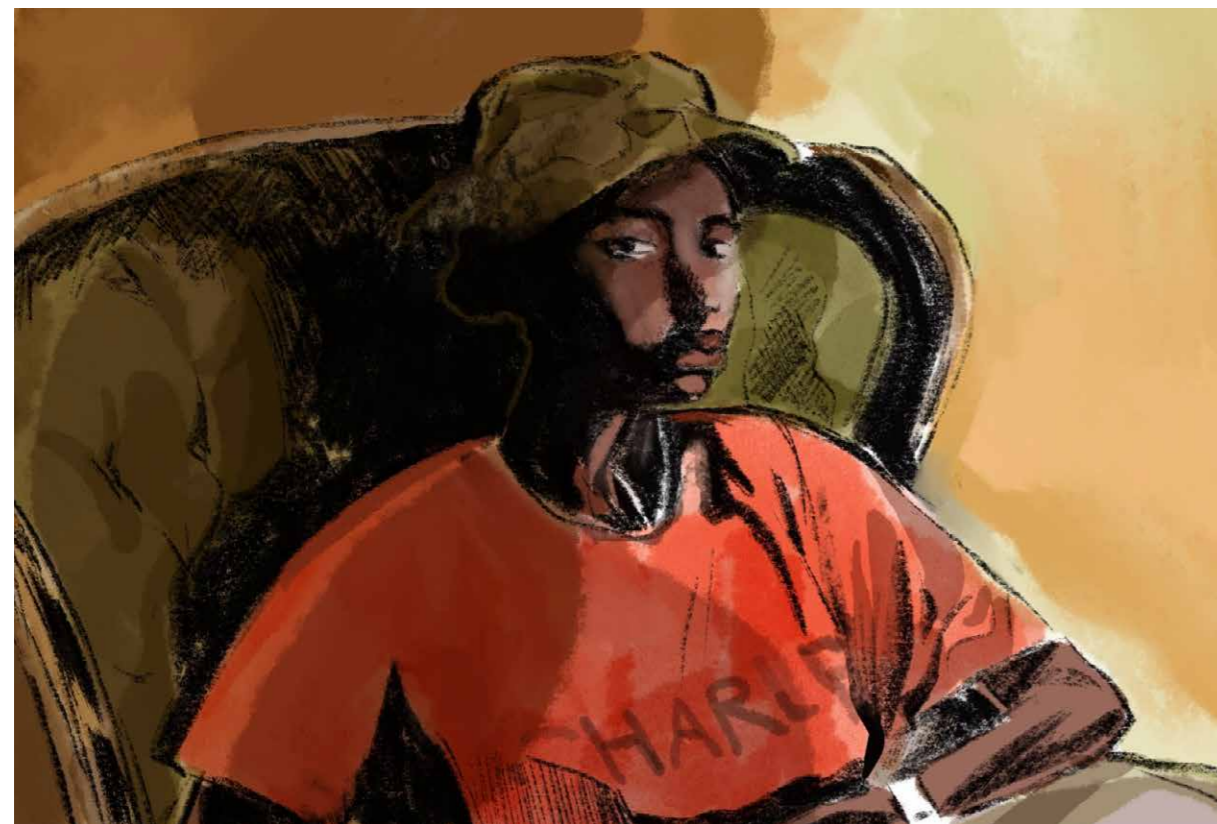


Illustration of Martina Johnson by JP Kalonji/Civitas Maxima

A Decade Delayed: Why the Investigation into Martina Johnson Spanned More Than 10-Years

In 1992 Martina Johnson, an NPFL commander and close ally of Charles Taylor, allegedly played an important role in the military campaign dubbed “Operation Octopus.” The assault began in the early hours of 15 October and lasted four weeks. Operation Octopus was characterized by widespread murder of civilians, rape and looting, with human casualties believed to be in the thousands. In 2012, 20 long years after the crimes took place, three victims bravely filed a complaint in Belgium against Martina Johnson. Martina Johnson, who is a resident of Belgium, was arrested in September 2014 and placed under investigation. However, it was not until October 2025 that a decision to close the investigation was taken, and March 2026 that the case was formally referred to trial.

In 2012, 20 long years after the crimes took place, three victims bravely filed a complaint in Belgium against Martina Johnson. It was not until October 2025 that a decision to close the investigation was taken.

While cases prosecuted under the framework of universal jurisdiction are often notoriously slow due to jurisdictional and evidential complexities, for victims and lawyers alike, the fact that this investigation took over a decade to complete is difficult to comprehend. This article attempts to answer the very simple question of “what took so long?” and examines how a combination of legal, procedural and in some cases strategic delays resulted in an investigation that spanned a decade.

Administrative and bureaucratic obstacles

The case against Martina Johnson is marked by several specificities that complicated its progress from the outset. First and foremost, the crimes were committed abroad in Liberia, creating a complex evidentiary framework for authorities to navigate. Investigative acts relied on evidence gathered from across the world: archives, historians, experts, witnesses, survivors as well as national and international media sources. Second, the time elapsed between the commission of the crimes and

the start of the investigation, paired with the sheer destruction of the Liberian civil wars, has meant the availability of such evidence is seriously limited.

One of the presumed victims in the case against Martina Johnson passed away in 2020, without having been able to witness the trial of the person she accused.

For these reasons, investigating on the ground in Liberia where the crimes occurred was of primary importance for investigators. However, working abroad entails legal and practical challenges requiring effective cooperation between states. To start with, a request to investigate in Liberia had to be accepted by the Liberian authorities before any investigative acts could be carried out by Belgian police on the ground. The first request was submitted in 2015. In the absence of a Belgian diplomatic presence in Liberia, this procedure was time-consuming and required sustained follow-up. Indeed, three further requests were submitted in 2019. While delays were expected, they were further compounded by the Ebola and COVID-19 pandemics.

In 2022, eight years after Martina Johnson’s arrest, Me Luc Walley, the civil parties’ lawyer, actively sought to ensure that the pre-trial phase continued to move forward despite a seeming halt in progress.

In 2022, eight years after Martina Johnson’s arrest, Me Luc Walley, the civil parties’ lawyer, actively sought to ensure that the pre-trial phase continued to move forward despite a seeming halt in progress. Requests to hold review hearings were submitted in order to get the investigative judge to move forward after years of inactivity. Following multiple meetings with all parties involved in the case, the Court of Appeal ultimately ordered the continuation of the investigation (*mise en continuation*). In doing so, and with the support of the Prosecutor, the Court exercised its supervisory role over the investigative



Charles Taylor's NPFL fighters cruise the streets of uptown Monrovia, one riding shotgun sitting on the car bonnet, May 1996. Photo: Mike Goldwater

judge's work. As a result, the investigative judge was required by the Court to move forward with the case. An investigation was subsequently carried out in Liberia, for the first and only time, marking a significant step forward in the investigation.

Attempts to have the case dismissed

Throughout the investigation, Martina Johnson's lawyers repeatedly tried to have the case dismissed in its entirety. At a hearing on 30 September 2025 before the Chambre du conseil, the Defense attacked the veracity of witnesses' statements and questioned the central role played by NGOs Global Justice Research Project and Civitas Maxima in identifying witnesses and evidence. They called into question the integrity and work processes of each NGO, as well as that of their respective Executive Directors. Raising allegations of bias and witness tampering, they argued that both GJRP and Civitas Maxima, whose missions are to document crimes and gather information for case-building purposes, could not be considered objective sources, and even going as far to claim that the organizations paid witnesses to tell lies. The Defense further argued that the principle of the presumption of innocence and the right to a speedy trial had been undermined considering the excessive length of both pre-trial detention and investigation.

The longer proceedings take, the higher the chances are that victims will lose hope. In many instances, victims took a leap when they agreed to participate in proceedings.

These arguments were ultimately dismissed by the Chambre du conseil. In response, the Defense filed an appeal against the ruling, but this was later withdrawn. Such procedural steps could also be interpreted as part of a broader strategy to delay the proceedings, in the hope that continuing delays would work in the defendant's favor. In 2026, the accused was officially sent to trial, more than eleven years after the initial complaint was filed.

Consequences of the delays, victim impact

The consequences of such a lengthy case have impacted first and foremost the victims, one of whom passed away during the course of the investigation. For those surviving victims awaiting justice for crimes committed over 30 years ago, the psychological impact of the delay should

not be underestimated. Martina Johnson held a position of power and influence within the NPFL, and victims therefore have legitimate concerns that ex-fighters present in Liberia may retaliate. Martina Johnson has been on conditional release for much of the investigation, and victims as a result have worried about their security for a decade. The longer proceedings take, the longer victims must also contend with the psychological burden and emotional toll that inevitably accompanies participation in any justice processes. An opportunity to truly move on is denied to victims who instead have lived for a decade with the proceedings hanging over them. This can have a big mental health impact and, in some cases, can result in secondary victimization. Victims could experience depression, anxiety, insomnia and are at risk of PTSD.

Victims must contend with the psychological and emotional toll that accompanies participation in any justice processes.

Furthermore, the longer proceedings take the higher the chances are that victims will lose hope in justice processes. In many instances' victims took a leap when they agreed to participate in proceedings. They put their trust into NGOs, the authorities and other stakeholders involved in the process and feel let down by the slow progress. It is not surprising that victims drop out of the process along the way as a result of this. In more practical terms, witnesses contacted at the outset of the investigation may no longer be able to be located for trial. Given the time that has passed, it is not impossible others may have died. It is also very common for individuals in Liberia to move, change phone numbers etc. All this influences the quality of the evidence and testimony that will eventually be presented at trial.

The prolonged duration of the proceedings has not been without consequence: it has reshaped expectations, strained trust, and left lasting psychological impacts.

For those victims who are still alive, the recent referral of the case to trial may revive a sense of hope that justice will be done. Yet this moment follows more than a decade marked by uncertainty and, at times, a gradual loss of confidence in the process. The prolonged duration of the proceedings

has not been without consequence: it has reshaped expectations, strained trust, and left lasting psychological impacts. The fact that some victims and witnesses did not live to see this stage further underscores the irreversible effects of such delays. At the same time, the passage of time also carries risks for the accused, including in cases where health concerns arise, and raises the possibility that the accused may not be able to see the proceedings through to their conclusion. This dual reality highlights the human cost of protracted justice on all sides of the process.

This leads to a broader reflection on the delicate balance between justice delayed and justice denied.

The case also raises broader questions about the role and preparedness of domestic courts, particularly those not specialized in international crimes, to handle complex cases of this nature. While the willingness to exercise universal

jurisdiction is commendable, Martina Johnson's case illustrates how structural limitations and lack of specialization can contribute to significant delays.

Over time, these delays have not only molded the trajectory of the case but have also affected the availability and quality of evidence and the participation of stakeholders. They have provided opportunities for procedural challenges and strategic litigation, while simultaneously placing a sustained burden on victims and witnesses.

This leads to a broader reflection on the delicate balance between *justice delayed* and *justice denied*. While thorough investigations are essential in cases involving international crimes, excessive delays risk undermining both the effectiveness and the perceived legitimacy of judicial processes. As the case now moves to trial, an open question remains: to what extent will these delays influence the proceedings themselves? The answer will be crucial – not only for the outcome of this case, but also for the future of universal jurisdiction cases and the ability of courts to deliver justice that is both meaningful and timely.



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Reflecting on the Length of Universal Jurisdiction Proceedings: A Defense's Perspective

Lengthy investigations are a recurring feature of universal jurisdiction cases. This is clearly illustrated by the case of Martina Johnson, in which it took the Belgian authorities no fewer than 14 years to compile the casefile. The previous article written by H. Huxtable and E. Marguet provides a detailed account of the case's timeline and suggests that – along with other administrative and bureaucratic obstacles – specific procedural steps taken by Martina Johnson's defense team may have formed part of a broader strategy to delay the proceedings.

This contribution seeks to examine that assumption more broadly by assessing the legitimacy and impact of defense approaches within the context of universal jurisdiction in general. It argues that, while defense strategies may in some instances contribute to procedural length, a clear distinction must be drawn between legitimate defense conduct and deliberate obstruction.

While defense strategies may contribute to procedural length, a clear distinction must be drawn between legitimate defense conduct and deliberate obstruction.

As rightly pointed out by H. Huxtable and E. Marguet, universal jurisdiction cases investigate, many years later, crimes committed in a foreign context. Evidence-gathering is therefore hindered by time, distance, as well as by political, security, or public health conditions which may significantly restrict access to the territory. Further difficulties stem from the obstacles in securing judicial cooperation from the authorities of the state concerned, as well as from resource scarcity and the time required to process and assess multilingual evidence once collected.

These constraints, however, do not affect the prosecution alone. They also weigh on the defense, whose ability to access evidence, provide elements *à décharge* and effectively challenge the case is similarly impeded. The process may firstly be prolonged due to linguistic barriers. Proceedings may indeed be conducted in a language that the accused does not speak (i.e. Dutch in the Martina Johnson case), requiring systematic translation of procedural documents, evidence, and hearings. The

translation of the casefile is not always immediate, thereby complicating the defense's ability to act in a time-efficient manner.

Measures denounced as defence tactics could rather simply be the implementation of fundamental fair trial rights.

In universal jurisdiction cases, evidentiary records also often rely predominantly on witness testimony, owing to the absence of other forms of evidence more commonly available in domestic proceedings, such as video or audio recordings, documentary material, or DNA evidence. In this context, it becomes particularly important for the defense to identify and locate witnesses capable of corroborating the defendant's account. Yet, as is the case for the authorities, the geographical distance from the alleged events, combined with the lapse of time, renders this task both complex and time-consuming.

Resorting to multiple legal avenues and making full use of the remedies available under domestic law cannot automatically be characterised as an abuse of the right of defence done solely to lengthen proceedings.

It should finally be noted that – at least in Belgium – investigations generally begin without the participation of the defense, focusing first on the collection and assessment of evidence before that material is later presented to the defendant for response. As a result, the defense typically enters the proceedings at a later stage, sometimes having to engage with and respond to years of prior investigative work. This makes an effective procedural involvement of the defense even more critical, particularly given the sensitivity of some evidence-gathering environments and the need for enhanced vigilance to ensure due process guarantees. In practice, such involvement may take the form of motions to exclude or challenge the admissibility of certain evidence, objections to the jurisdiction of the forum, challenges to the way the investigation has been conducted, as well as requests for additional investigative measures or lines of inquiry capable of testing the prosecution's case.

In light of these elements, measures denounced as defense *tactics* could rather simply be the implementation of fundamental fair trial rights. Resorting to multiple legal avenues and making full use of the remedies available under domestic law cannot automatically be characterised as an abuse of the right of defense done solely to lengthen the proceedings.

A defence strategy will rightly be characterised as obstructive when the exercise of procedural rights manifestly exceeds what may be expected of a reasonable party, and amounts to an abuse of process aimed at unduly delaying proceedings.

This is not to suggest that the defense's procedural rights are systematically exercised with diligence. A defendant could, for instance, display a lack of cooperation or responsiveness – including in relation to investigative measures requested on their own behalf – file repetitive motions, systematically appeal decisions without advancing any new legal basis, or repeatedly challenge the jurisdiction of the courts seized of the case even though that question has already been settled. A defense strategy will then rightly be characterised as obstructive when the exercise of procedural rights manifestly exceeds what may be expected of a reasonable party, and amount to an abuse of process aimed at unduly delaying the proceedings.

Such an obstructive strategy would not, however, necessarily result in a more favourable outcome for the defense, for two main reasons. Firstly, most jurisdictions recognise that under customary international law core crimes such as genocide, crimes against humanity, and war crimes are not subject to statutes of limitations and may therefore be prosecuted irrespective of when they were

committed. The mere passage of time can thus not, in itself, lead to the extinction of proceedings.

Secondly, the European Court of Human Rights has consistently held that the conduct of the parties must be taken into account to assess whether the length of proceedings is excessive¹³³. Article 6 of the European Convention on Human Rights guarantees the right to a hearing within a reasonable time. When this requirement is not met, certain jurisdictions may grant the defendant a reduced sentence or even declare the proceedings inadmissible. This would, however, not be possible if the excessive delay is only attributable to the conduct of the defense. While Article 6 does not impose an obligation on defendants to cooperate actively in the proceedings, the Court has held that their conduct remains an objective factor that must be considered separately from that of the State authorities. Delays resulting solely from the defense's behavior would therefore not give rise to the finding of due process violation to their prejudice.

Attributing delays to strategic obstruction risks oversimplifying the role of the defence and failing to account for the structural, legal, and practical constraints that shape universal jurisdiction cases.

It follows from the above that the suggestion that procedural steps taken by the defense could form part of a strategy to delay proceedings calls for a nuanced assessment. While, in some instances, the case file may indeed reveal an intention to delay the investigation, in others, attributing delays to strategic obstruction risks oversimplifying the role of the defense in criminal proceedings and failing to account for the structural, legal, and practical constraints that shape universal jurisdiction cases, as well as the delays that may legitimately arise from the exercise of fundamental fair trial rights.



Marie Bassine, Legal Counsel at Civitas Maxima

Marie is a Belgian-qualified lawyer specializing in national and international criminal law. She holds a master's from KU Leuven and an LL.M. in Public International Law from Leiden University. She practiced for five years as a criminal lawyer at the Brussels Bar, including on universal jurisdiction proceedings.

Should torture be enshrined in the Swiss Criminal Code? A decisive step in Bern

Press release, Bern, October 16, 2025



On October 30–31, the Legal Affairs Committee of the National Council (CAJ-N) will decide whether National Councillor Beat Flach's initiative to include torture in the Criminal Code will move forward to Parliament. This key step will open a substantive debate on whether Switzerland should adopt a specific offense to punish torture under all circumstances. Once a driving force in the international fight against this practice, Bern is now preparing to decide whether to close a gap that has been denounced for decades or assume a risk to its international credibility.

International context and domestic stakes

For nearly thirty years, the UN and other international bodies have criticized Switzerland for this gap – a paradoxical situation, as the country was long a leader in the global fight against torture.

The United Nations Convention against Torture, which Switzerland strongly supported, enshrines the principle of “No Safe Haven” – no refuge for torturers. Yet without a specific offense, criminal authorities cannot prosecute foreign suspects present on Swiss territory. “This decision could finally equip Switzerland with a clear criminal tool

and put an end to the risk that perpetrators of torture remain unpunished,” said ACAT–Switzerland on behalf of the signatory organizations.

The issue is not limited to the international level. Reports of violence in federal asylum centers, allegations of abuse in detention, and debates surrounding controversial police interventions are reminders that no society is immune. A specific legal provision strengthens the prevention of torture by ensuring a clear framework – protective for both officials and those concerned – and safeguards human dignity against the most serious abuses.

The recognition of a gap in Swiss criminal law, first expressed at the UN, has gradually spread to national prevention and expert bodies, civil society, and academia. Political parties have generally moved closer to supporting the idea of a specific offense. However, the federal consultation revealed resistance, particularly among certain cantons that consider the measure purely symbolic.

It is now up to the CAJ-N to provide momentum – a decision is expected on October 30–31.

The Crime of Torture in Switzerland: A Long-Awaited Outcome?

Switzerland has long been at the forefront of combating torture and promoting international instruments prohibiting torture and other inhuman or degrading treatment. It has, of course, ratified the 1984 Convention and the 2002 Optional Protocol.

Switzerland has long been at the forefront of combating torture – and yet has consistently refused to adopt a domestic criminal offence of torture.

Notwithstanding this tradition and its active promotion of the universal prohibition of torture, Switzerland has, curiously, consistently refused to this day to adopt a domestic criminal offence of torture. Two reasons account for this. First, the view that Swiss law was sufficiently equipped to meet the country's international obligations (a view strongly contested by the experts of the Committee against Torture during the periodic review of the situation in Switzerland)¹³⁴. The second argument, less explicit, was that an anti-torture provision could be used to challenge legitimate actions by the police or the authorities responsible for the administrative detention of irregular migrants. On the first point, it should be noted straightaway that torture has been criminalized since 2011 as a crime against humanity (Art. 264a, para. f) of the Criminal Code [CC]) and as a war crime (Art. 264c para. 1 lit. c) CC).

This absence of a criminal offence of torture outside the contexts of war crimes and crimes against humanity has attracted criticism both from within and beyond the country. The debate was genuinely set in motion by the parliamentary initiative tabled on 18 December 2020 by Beat Flach, a representative of the Green Liberal Party¹³⁵. After an animated debate and by a narrow majority, the Legal Affairs Committee of the National Council (the lower chamber of Parliament) adopted the preliminary draft arising from the Flach initiative. Prior to this, the Committee had organized, as is standard practice in Switzerland, a broad consultation of “interested parties” (in this case cantons, political parties, umbrella bodies for prosecution and police, and NGOs). The preliminary draft provoked a surprisingly strong opposition, particularly among the majority of cantons and representatives of

prosecution and police authorities. Objections focused above all on the alleged futility of the provision, its “symbolic” character, and the additional burden it would impose on the justice system and the police (which is difficult to reconcile with the two preceding arguments). A narrow majority of the Committee, and thus of party representatives, were not persuaded by these objections and referred the preliminary draft to the Federal Office of Justice, instructing that office to revise it in light of the objections raised during the consultation. At the time of writing, the revised text is not yet known.

The two main arguments that persuaded the majority of committee members were that Switzerland should contribute unreservedly to a ‘no safe haven’ policy for alleged perpetrators of torture.

The two main arguments that apparently persuaded the majority of committee members were, on the one hand, that Switzerland should contribute unreservedly to a “no safe haven” policy for alleged perpetrators of torture; and, on the other, that the criminalization of torture presents specific characteristics not fully covered by the various offences that must otherwise be relied upon in the absence of a specific provision (serious bodily harm, unlawful confinement, abuse of authority) – beginning with the protected interest, namely human dignity, a core value enshrined in the Federal Constitution.

A major challenge on the road ahead is persuading the authorities responsible for policing and administrative detention that complaints and proceedings will not accumulate.

On a practical level, a specific offence would enable Switzerland to fulfil its obligations under the Convention against Torture in full (in particular Arts. 4, 5, 7 and 9) and to cooperate fully with foreign prosecuting authorities.

A major challenge on the road ahead is persuading the authorities responsible for policing and administrative detention that complaints and proceedings will not accumulate, and that it is possible to draft the provision in such a way as to target only the most serious cases of ill-treatment – while nonetheless avoiding any suggestion that ordinary ill-treatment is permissible: the line to walk is a fine one.

As regards its content, the provision, if adopted, will have a broad scope. The Committee had to choose between two variants: a first that would have limited the scope of application to public officials, members of an authority, or members of a political organization acting in the exercise of their functions, and a second that would require (only) that a person be under the custody or control of the accused. The second variant prevailed decisively, and it is around this variant that the forthcoming debate will center.

There is a growing movement towards expanding imprescriptibility, in Switzerland as elsewhere.

In the course of this debate, two aspects will no doubt remain hotly contested. The first concerns the *subjective* element (that is, the requisite intent of the perpetrator; see also Art. 1 CAT). The preliminary draft incorporates the subjective elements (specific purposes) from the definition in Article 1 of the Convention against Torture; however, whereas these specific purposes are merely illustrative in the Convention, the Committee intends at this

stage to make them a defining element. This seems unduly restrictive. The second sensitive point is the question of imprescriptibility. As Victoria Priori notes, one of the criticisms levelled at the current situation is that non-specific offences (serious bodily harm, unlawful confinement, abuse of authority) could easily become time-barred. Should the new offence therefore be made imprescriptible? There is a growing movement towards expanding imprescriptibility, in Switzerland as elsewhere. However, taking that step would require setting a high gravity threshold for the acts in question. The risk then arises of having two categories of torture within the same code: “ordinary” torture, which would remain subject to a cumbersome composite charge (combining bodily harm and unlawful confinement), and “extraordinary” torture, which alone would be imprescriptible. Avoiding such a situation – in which “ordinary” and “extraordinary” torture carry different legal consequences – would be wise, and so too would be forgoing imprescriptibility.

Consultation:



Summary:



Robert Roth

Robert Roth has been full Professor (*professeur ordinaire*) at the Geneva Faculty of Law from 1987 to 2017; since then he is Emeritus (*professeur honoraire*). He has been Judge at the Geneva *Cour de cassation* and Presiding Judge of the Trial Chamber of the Special Tribunal for Lebanon (2011-2013). He has been from 2014 to 2018 Director of the Geneva Academy of International Humanitarian Law and Human Rights and is since April 2023 President of the Association for the Prevention of Torture. His main teaching and research fields are international, European and comparative criminal law. He has published nine books (as author or editor) and more than ninety articles.

Why States Resist Defining Torture: Political, Legal, and Institutional Obstacles to Domestic Criminalisation

Torture, as Professor **Paola Gaeta** once memorably put it, is a chameleon. It changes colour depending on the legal framework in which it appears: a war crime, a crime against humanity, or a standalone offence. That legal ambiguity has allowed states to evade their responsibilities for far too long.

Torture, as Professor Paola Gaeta once memorably put it, is a chameleon. It changes colour depending on the legal framework in which it appears.

The need for states to domestically criminalise torture as a separate offence arises from **Article 4(1)** of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“UNCAT”). Moreover, the Committee against Torture, when monitoring the implementation of the Convention, has been repeatedly asking states to replicate in their criminal codes the definition of torture under **Article 1(1)** of the UNCAT. In summary, the definition covers any act or omission intentionally inflicting severe physical or mental suffering on a person by or with the involvement of a public official or other person acting in an official capacity – for specific purposes such as to extract information, punish, coerce, or discriminate. States are expected to incorporate this definition into their own law without deviation.

While the definition that states shall implement is clear, in practice the process to adopt a domestic definition for torture as a separate offence has proven to be full of hurdles. According to some states, the adoption of a domestic definition for torture replicating that in Article 1(1) of the UNCAT is **not necessary**, since many other offences punished under their criminal code (assault, battery just to name a few) already cover instances of torture. In these states’ view, Article 4(1) does not require the introduction of a separate domestic offence of torture, but simply that torture is prosecuted, even if captured and included within the definition of other crimes. For instance, Switzerland, Ethiopia, Germany, Botswana, Poland, Uruguay, Cambodia, China and the United States of America are countries where torture is not defined as a separate offence.

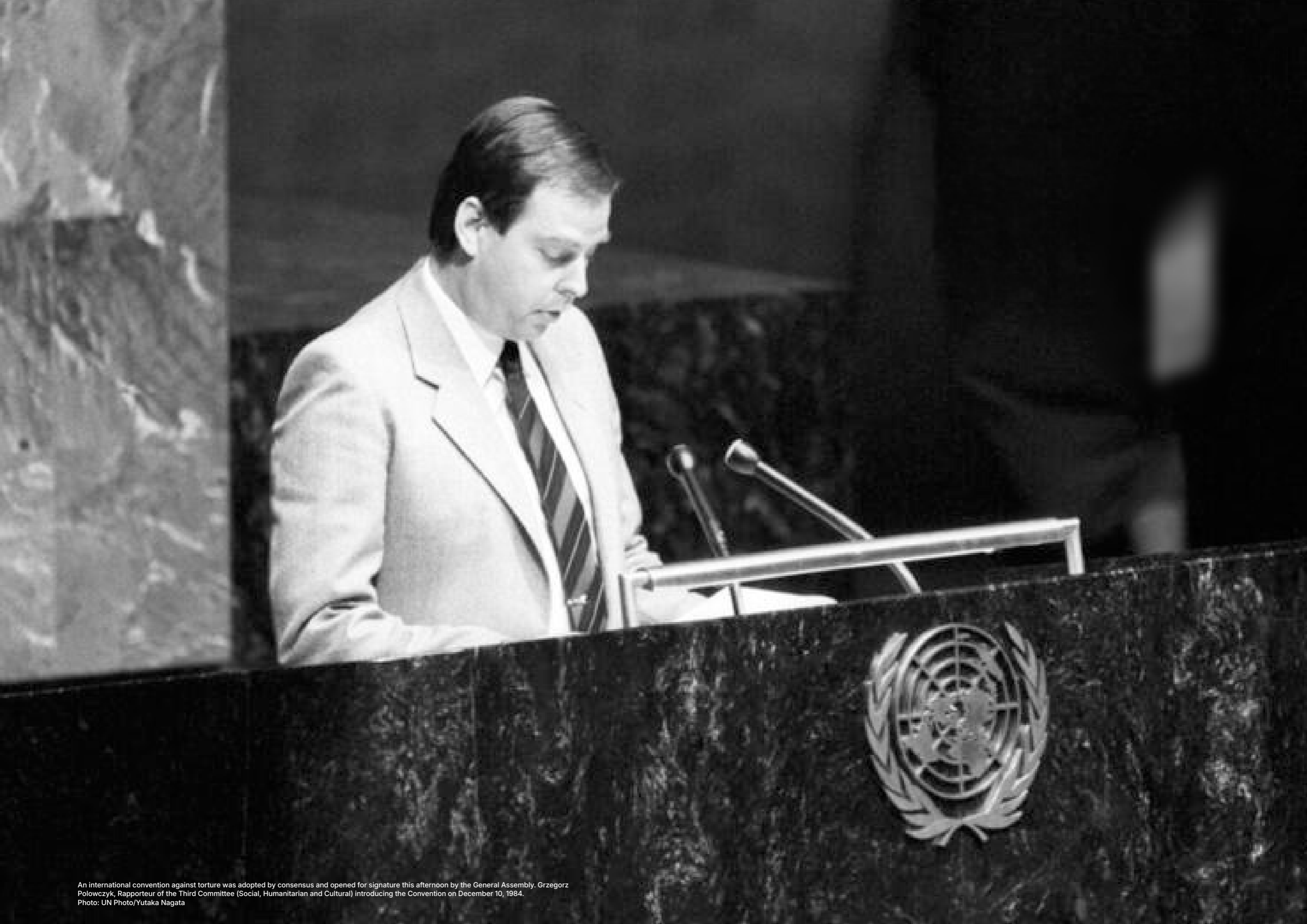
Problematically though, prosecuting torture under other domestic offences downplays one or more of its elements, since none of these domestic forms of criminality **fully captures** the definition of torture in Article 1(1) of the UNCAT: assault or battery for example in national criminal codes do not include the motives of extracting information, punishing, coercing or discriminating.

Furthermore, oftentimes these ordinary crimes incur lower penalties compared to those attached to the separate offence **of torture**. This is for example the case in Switzerland where, since no domestic separate definition of torture exists, authorities combine different offences leading to sanctions that do not reflect the severity that **characterises torture**.

Building on this, as suggested by Professor **Robert Roth**, if torture is considered as included within other domestic forms of criminality, the statute of limitations (the legal deadline after which a crime can no longer be prosecuted) applies, contrary to what is requested by the **Committee against Torture**, where torture could be prosecuted as long as the alleged perpetrator is alive. Moreover, this would create a discrepancy whereby to the statute of limitations would apply to torture when prosecuted through other forms of domestic criminality but not when it is underlying act for war crimes or crimes against humanity.

Prosecuting torture as a standalone crime is simpler: there is no need to prove it was connected to an armed conflict or a widespread and systematic attack against a civilian population.

While for torture as an underlying act for crimes against humanity and war crimes, one must prove a contextual element, this is not true for torture as a separate offence. For instance, for an act of torture to be qualified as a war crime, a nexus to the armed conflict must be established. Similarly, for torture as a crime against humanity, the widespread or systematic attack against a civilian population must be proven. For torture as a separate offence,



An international convention against torture was adopted by consensus and opened for signature this afternoon by the General Assembly. Grzegorz Polowczyk, Rapporteur of the Third Committee (Social, Humanitarian and Cultural) introducing the Convention on December 10, 1984.
Photo: UN Photo/Yutaka Nagata

no similar contextual element is required, therefore allowing courts to prosecute a single act of torture without any need to further delve into an analysis of the context in which the act of torture took place. In plain terms: prosecuting torture as a standalone crime is simpler. There is no need to prove it was connected to an armed conflict or a widespread and systematic attack against a civilian population. This more readily applicable definition for torture as a separate offence represents a tangible and credible safeguard for the actions of public officials, possibly accounting for the cautious approach adopted by states in relation to UNCAT's definition of torture.

Not having a domestic definition for torture as a separate crime implies that cases of torture committed by public officials can easily be hidden or downplayed.

Another recurrent argument put forward by those resisting the implementation of a domestic definition for torture, is that by introducing a separate offence of torture, one would undermine and hinder the work of police officers, especially in detention centres and prisons. In the case of Italy, this argument was accentuated by claiming that given the overcrowding of prisons and the detention system, a separate offence criminalising torture would entail a greater risk for detention officers to be accused of **said crime**. Basically, a separate offence for torture would undermine the **honour and the image** of public officials. Yet, since public officials are those entrusted with the protection of citizens, states should actually punish those violating and abusing their power in the **gravest manner**. On the contrary, not having a domestic definition for torture as a separate crime implies that cases of torture committed by public officials can easily be **hidden or downplayed**.

At times, other arguments that states have relied upon to avoid inserting definitions of torture in their domestic legislation are more linked to concerns of national security. On occasion, it is put forward as an argument that states might have to resort to torture in order to extract important and sensitive information linked to matters of national security. These types of arguments became more and more popular after the terrorist attacks of the 11th September 2001 and can be summarised in the so-called **'ticking-bomb' scenario**: a hypothetical situation in which authorities believe that torturing a suspect could reveal information needed to prevent an imminent attack. What the ticking-bomb scenario disregards is that the evidence completely rejects the assumption that through torture one can extract the truth. Indeed, it has been proven that torture does not contribute to the truth, dismantling the idea that confessions, even if achieved under torture, represent **'the queen of proofs'**.

States resist criminalization not because of sound legal reasons, but because they think the consequences are politically costly.

All in all, it seems that the reasons underlying states' unwillingness to adopting domestic definitions of torture as a separate offence are multiple. Aside from some more substantive reasons linked to the definition of torture and how it is partially covered by other crimes, many states resist integrating torture as a separate offence since it directly touches upon the actions and conduct of state agents and concerns probably the most important matter for any state, national security.

In a nutshell, States resist criminalisation not because of sound legal reasons, but because they think the consequences are politically costly.



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Sednaya prison where thousands of Syrians were killed under torture. December 2025. Photo: Andrea Backhaus/Shutterstock

Taking Stock on the Domestic Criminalisation of Torture as a Separate Offence

Since the adoption of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (“UNCAT”), the Committee against Torture has been vocal in requesting states to domestically criminalise torture as a separate offence. According to Article 4(1) of the UNCAT, an appropriate criminalisation at the domestic level is required if states must fulfil their obligations under the Convention.

After more than four decades since the adoption of the UNCAT, its implementation and the domestic criminalisation of torture are still work in progress.

Article 4(2) requires that states implement appropriate domestic penalties when it comes to torture. After a period of flexibility, the Committee against Torture requires explicitly that states shall adopt the definition provided for in Article 1(1) of the UNCAT.

Yet, as I mentioned in the piece “Why States Resist Defining Torture: Political, Legal, and Institutional Obstacles to Domestic Criminalisation” (pp.73), criminalising torture as a separate offence is often hindered by states on basis which are often political.

Political will, legal culture, and institutional capacity are fundamentally important to translate international commitments into effective prevention and accountability.

Even if the criminalisation of torture as a separate offence seems a complex process in practice, it is important to assess the progress made so far. As mentioned by the UN Special Rapporteur on Torture [Alice Edwards](#), there is legislative practice recognising torture as an explicit and separate offence in at least 31 African states, 11 Arab States, 11 Asian-Pacific States, 36 states part of the Council of Europe and the Russian Federation as well as 18 states in the Caribbean and Latin American region.

Without aiming to provide details for each and every country, this piece tries to present the main trends when it comes to the domestic criminalisation of

torture as required under the UNCAT.¹³⁶ Moving on a sliding scale measuring compliance with their UNCAT’s obligations, states can be divided in three groups from more to less compliant. What follows sets out which states fall into each group. Respectively, there are states fully aligning with Article 1(1), states that present a separate offence of torture in their criminal codes but still are not fully in conformity with the UNCAT’s definition and obligations, and lastly, states that lack a separate offence of torture in their criminal codes.

To this very moment, only few countries provide for domestic definitions of torture that have been considered by the Committee against Torture fully in line with Article 1(1) of the UNCAT. Among these, one can find [Austria](#), [Cyprus](#), [Malta](#), [Romania](#) and [Canada](#).

Only a minority of states fully lacks a separate and standalone offence for torture – representing a critical deficiency for the Committee against Torture.

The majority of states recognises torture as a separate offence in their respective criminal codes but this definition does not include all the elements provided for the UNCAT. Usually, different elements might be missing from the domestic definition such as the element of discrimination, the element of purpose, or the lack of any reference to the involvement of a public official or other person acting in an official capacity. In all these cases, states are therefore not entirely fulfilling their obligations under Article 4(1) of the UNCAT requiring an appropriate domestic criminalisation fully in line with Article 1(1) of the UNCAT. Aside from substantive elements of Article 1(1) missing, oftentimes discrepancies arise because states do not explicitly exclude torture from the statute of limitations (the legal deadline after which prosecution is no longer possible) or because these domestic definitions lack appropriate penalties.

Among the countries that have a separate domestic definition of torture, even if not in full alignment with the UNCAT one can find:

Afghanistan, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahrain, Belgium, Belize, Benin, Bolivia, Brazil, Burkina Faso, Cabo Verde, Cameroon, Chad, Chile, Colombia, Costa Rica, Czechia, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, Guatemala, Guyana, Honduras, Iraq, Jordan, Kazakhstan, Kenya, Latvia, Lebanon, Liechtenstein, Lithuania, Madagascar, Maldives, Mali, Mauritius, Mexico, Mongolia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Palestine, Panama, Paraguay, Peru, Portugal, Qatar, Russia, Rwanda, Senegal, Serbia, Slovenia, South Africa, South Korea, Spain, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, Venezuela.

Finally, for a number of states, the Committee against Torture has noted the complete absence of a standalone torture offence in domestic criminal codes. This is the case for the following countries:

Bosnia, Botswana, Cambodia, Central African Republic, China, Cuba, Denmark, El Salvador, Ethiopia, France, Gabon, Germany, Hungary, Iceland, Indonesia, Israel, Japan, Kiribati, Kuwait, Malawi, Namibia, Poland, Saudi Arabia, Seychelles, Sierra Leone, Slovakia, Somalia, Sweden, Switzerland, United States of America, Uruguay, Vietnam, Zambia.

All in all, domestic criminalisation of torture under the UNCAT remains uneven across countries, irrespective of the clear obligations set out in the Convention. By now, a majority of states has adopted a separate offence for torture in their domestic criminal codes, even if not fully in compliance with the definition provided in Article 1(1) of the UNCAT. Most states fall in the intermediate category where a standalone offence is contained in their domestic criminal codes, but the definition lacks substantive elements, statute of limitations apply or the associated penalties are not appropriate, creating gaps for prosecution and legal protection. Only a minority of states fully lacks a separate and standalone offence for torture at the domestic level, representing a critical deficiency for the Committee against Torture.

This variation across countries demonstrates that clear obligations at the international level and legal reform are not sufficient in and of themselves.

This variation across countries demonstrates that clear obligations at the international level and legal reform are not sufficient in and of themselves. Political will, legal culture, and institutional capacity are fundamentally important to translate international commitments in effective prevention and accountability.

At last, after more than four decades since the adoption of the UNCAT, its implementation and the domestic criminalisation of torture are still work in progress. Moving forward, continuous monitoring, reporting and technical guidance will be vital to close the gap between simply ratifying the Convention and full compliance with its international obligations in practice.

2025: A Year of Unprecedented Assault Against the Legal Foundations of the International Order

2025 was not only the year in which judges and prosecutors of the International Criminal Court were sanctioned by the U.S. administration. It was also the year in which — among other developments — the Swiss Foreign Minister and the French President stated that Vladimir Putin, despite being the subject of an ICC arrest warrant for international crimes, would be welcomed in their respective countries for peace negotiations. It was also the year in which proposals advanced by both Russia and the United States to end the war in Ukraine reportedly included blanket amnesties for crimes committed during Russia's latest invasion.

The assault on the legal foundations of the international order — including the principles governing amnesties and immunities — reached an unprecedented level, and this Annual Report reflects

on these developments and their potential direct impact on our work.

We begin with an op-ed by CM Director Alain Werner, originally published in French in the newspaper *Le Temps* on 29 September 2025 as part of his monthly column on international justice and our blog in English on 30 September 2025. In this piece, Alain Werner examines the implications of the Swiss Foreign Minister's remarks regarding a potential visit by Vladimir Putin to Switzerland for peace negotiations on Ukraine.

The report then features contributions from two leading legal experts, who analyze the evolving global trends surrounding immunities and amnesties and their implications for international justice.

Swiss Foreign Minister's reckless remarks about hosting Vladimir Putin

It was in August. The Federal Councilor in charge of Foreign Affairs, Ignazio Cassis, declared that Switzerland could host Vladimir Putin for a peace conference by granting him immunity.

The decisions of the International Criminal Court (ICC) are consistent. Since Mr. Putin has been indicted for war crimes, no member state can receive him on its territory without being obliged to arrest him, as required by the ICC Statute, except by obtaining an explicit decision from the United Nations Security Council, which seems unlikely. Since Mr. Putin has been indicted for war crimes, no member state can receive him on its territory without being obliged to arrest him, as required by the ICC Statute, except by obtaining an explicit decision from the United Nations Security Council, which seems unlikely. At a time when international law is under attack from all sides, it is dangerous for a politician of a member state to call for the violation of the ICC Statute. Doing so weakens the entire structure of international justice, built on decades of effort.

When, on June 16, 2021, Geneva hosted Vladimir Putin and Joe Biden for a meeting facilitated by Switzerland, the then-president

of the Swiss Confederation publicly expressed the hope that these discussions would also have “a positive effect on the whole world.” Eight months later, Vladimir Putin launched a war that continues to this day — the largest and deadliest on European soil since 1945. With this war, Mr. Putin broke away from the rules of international law and, since March 2023, has been under an ICC arrest warrant for war crimes. He will likely one day also face indictment for the crime of aggression by an ad hoc tribunal soon to be established by the Council of Europe.

The ICC has neither police nor an army to enforce its decisions, it relies solely on the force of law. As of today, 125 states are still members of this institution, nearly two-thirds of the United Nations member states. Thus, while the ICC cannot send forces to arrest Vladimir Putin in Moscow or elsewhere, member states' compliance with their obligations makes the world considerably smaller for anyone under an international arrest warrant. From 2015 to 2019 — before the arrest warrant was issued — Mr. Putin traveled three times to Austria, twice to France,

twice to Japan, as well as to Italy, Greece, Germany, Finland, Argentina, Serbia, and Brazil — all ICC member states.

Since March 2023, Mr. Putin has not traveled to any of the 125 ICC member countries, except Mongolia — a neighboring, Russia-dependent country — where he traveled with his ministers and military chiefs in September 2024. Following that trip, the ICC issued a decision noting Mongolia's violation of its obligation to cooperate with the Court.

The same situation applies to Mr. Netanyahu, who is also under an ICC arrest warrant for war crimes and crimes against humanity issued on November 21, 2024. He can no longer travel to Italy, Scotland, France, or Japan as he did between 2021 and 2024 without risking arrest. In 2025, he has traveled only three times to the United States and to Hungary, an ICC member state. Upon Mr. Netanyahu's arrival in Budapest in April 2025, Hungarian President Mr. Orbán announced that his country was withdrawing from the ICC. The Court has since issued a decision noting Hungary's violation of its obligations, as withdrawal cannot take effect immediately but only one year later. Exceptions to the obligation to arrest anyone under an ICC warrant — such as a host country's fear for its territorial integrity, participation in a peace conference, or attendance at a major political summit for regional development — could have been explicitly provided for by the states that negotiated and ratified the ICC's founding Statute freely and sovereignly. However, no such exceptions were provided, unless, once again, the UN Security Council adopts a resolution to that effect.

Here, a Swiss specificity comes into play. Although the separation of powers is a fundamental pillar of our system, Switzerland's legal practice regarding cooperation with the ICC is inconsistent with the Court's recent jurisprudence and leaves it to the Federal Council to decide whether to arrest — or not — a person benefiting from immunity, such as a head of state under an ICC warrant. Ignazio Cassis's recent statement of the government's willingness to grant temporary immunity to Vladimir Putin for a possible peace conference reflects this political prerogative. Such a decision, while legally possible in Switzerland, would clearly violate the country's obligations to cooperate with the ICC. It would amount to prioritizing short-term diplomatic convenience over the imperative of fighting impunity, which the ICC has upheld for more than 25 years. This choice by the Federal Council would endanger Switzerland's credibility as a reliable partner of international justice and betray the spirit of its commitments to the victims of the most serious crimes.

At a time when the world's leading power is imposing sanctions on ICC judges and prosecutors, and some African states have just announced their withdrawal, it is up to the ministers and presidents of the countries that have supported the construction of international justice for decades to vigorously defend respect for international law and to explain why this law is so valuable for global security and stability, and why its respect, without exception, is crucial. Doing precisely the opposite is irresponsible. It undermines people's trust in international law and fuels the populist movement we see across our democracies, which advocates the cynical violation of international law for short-term political gain.

Written by Alain Werner, Director of Civitas Maxima

Immunity and Accountability: When Can Leaders Be Prosecuted for International Crimes?

A legal framework still in tension

In the search for justice for international crimes, one question keeps resurfacing – raised by victims, investigators, and courts alike: how is it possible that those responsible for the gravest crimes are sometimes shielded from prosecution?

How is it possible that those responsible for the gravest crimes are sometimes shielded from prosecution?

A historical journey: from absolute immunity to conditional accountability

For centuries, international law treated rulers as legally untouchable abroad. This was not merely a political convenience but a structural principle captured by the maxim *par in parem non habet imperium* – equals have no authority over one another. Heads of state were considered embodiments of the state itself, and subjecting them to foreign jurisdiction would have been incompatible with sovereign equality.

During the nineteenth and early twentieth centuries, this principle translated into a broad and almost absolute understanding of immunity. Courts in Europe and elsewhere consistently refused to exercise jurisdiction over foreign sovereigns, even in cases involving serious allegations. Immunity was seen as a cornerstone of international order. A first evolution emerged with the development of the restrictive doctrine of state immunity, which distinguished between sovereign acts (*acta jure imperii*) and private or commercial acts (*acta jure gestionis*). While initially confined to civil matters, this distinction introduced an important conceptual shift: not all acts performed by a state or its agents were inherently sovereign in nature.

The decisive transformation came after the Second World War. The Nuremberg and Tokyo tribunals established that individuals, including high-ranking officials, could be held criminally responsible for international crimes. The rejection of the defense based on official position marked a fundamental break with past practice.

However, this transformation remained incomplete. Rather than eliminating immunity altogether, international law evolved into a layered system.

Immunity was preserved for certain officials and in certain contexts, while accountability expanded in others. The result is the framework that continues to govern international law today: a system in which immunity and accountability coexist, often uneasily.

Understanding immunity today

The modern law of immunity is structured around two concepts: personal immunity (*ratione personae*) and functional immunity (*ratione materiae*).

On the one hand, personal immunity applies to a limited group of high-ranking officials, including heads of state, heads of government, and foreign ministers. It is absolute in scope while in office and covers both official and private acts. However, it is temporary and ceases once the individual leaves office. On the other hand, functional immunity applies to *all* state officials for acts performed in an official capacity. It continues after the official leaves office but is increasingly contested in relation to international crimes.

Certain acts are so fundamentally contrary to international law that they cannot be protected as official conduct.

The central legal question remains whether such crimes can be considered “official acts” at all. Increasingly, courts and scholars answer in the negative.

The foundations of the modern framework: Pinochet and Yerodia

The modern law of immunity is often understood through two landmark cases that illustrate different approaches: the Pinochet case before the UK House of Lords (2000) and the Arrest Warrant case before the International Court of Justice (2002).

The Pinochet case: the limits of functional immunity

The arrest of former Chilean president Augusto Pinochet in London in 1998 marked a turning point in the law of functional immunity. Accused notably of acts of torture, Pinochet argued that he was immune from prosecution as these acts were performed in his ‘official capacity’.

The House of Lords rejected this argument in part, holding that acts of torture could not be considered legitimate functions of the state. This reasoning introduced a new perspective: certain acts are so fundamentally contrary to international law that they cannot be protected as official conduct.

This decision did not create a universal rule, but it opened the door to the idea that international crimes may fall outside the scope of functional immunity. It suggested that the nature of the act matters, and that some conduct is inherently incompatible with the concept of state authority.

However, the decision was carefully framed. It concerned a *former* head of state and relied heavily on a treaty framework (the Convention against Torture of 1984). It did not establish a general rule applicable to all crimes or to sitting officials.

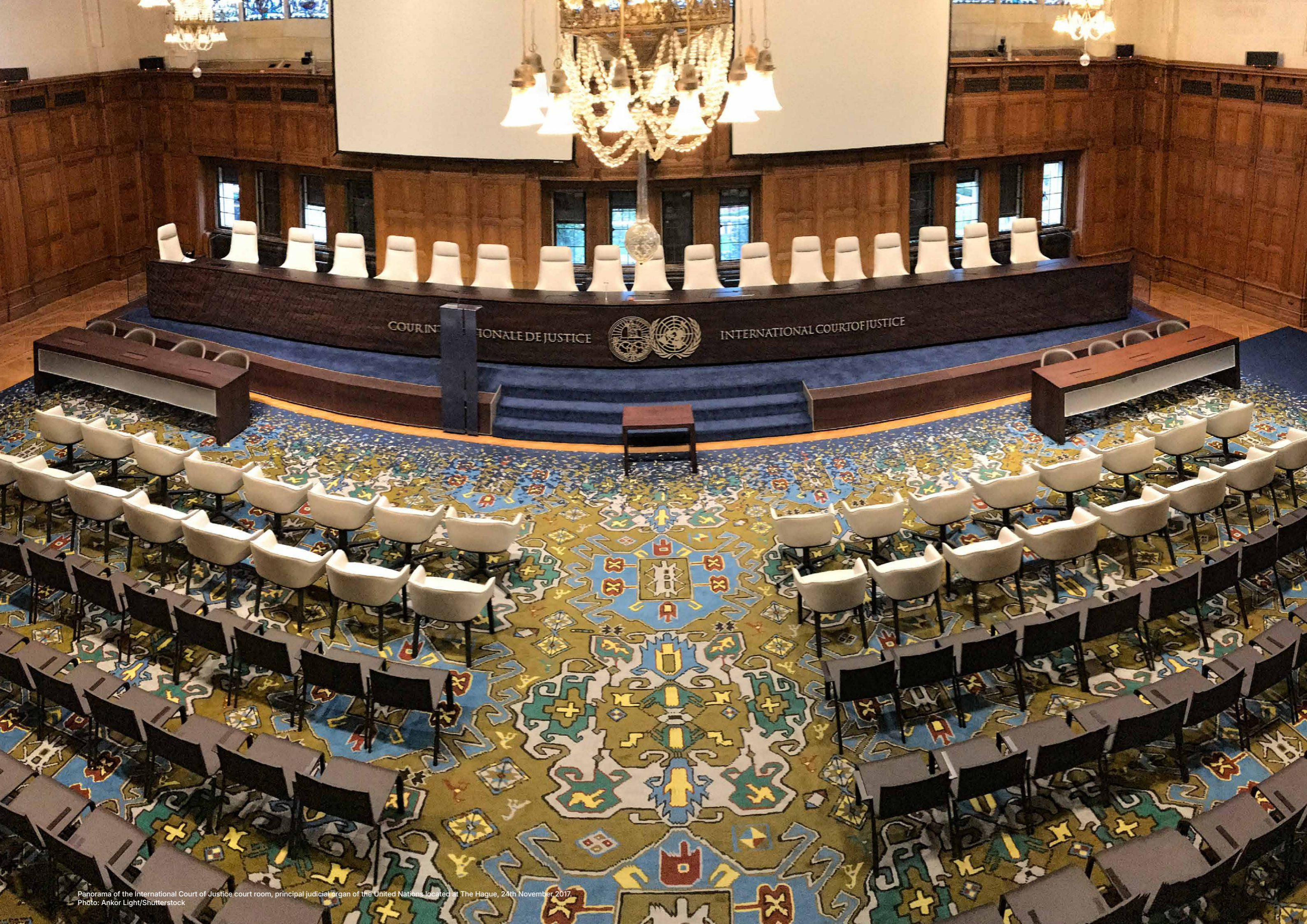
The Yerodia judgment: The persistence of personal immunity

In contrast, the International Court of Justice adopted a more cautious approach in the Arrest Warrant case (*Democratic Republic of the Congo v Belgium, 2002*). It held that incumbent high-ranking officials benefit from full immunity before foreign criminal courts, even when accused of serious international crimes. The Court emphasized that this immunity is procedural rather than substantive. It does not negate responsibility, but it prevents certain courts from exercising jurisdiction while the individual remains in office.

The Court also identified alternative avenues for accountability, including prosecution in the official's own state, waiver of immunity, prosecution after leaving office, or proceedings before an international tribunal.



Former Japanese Prime Minister Hideki Tojo takes the stand for the first time during the International Tribunal trials, Tokyo, Japan, 26 December 1947. Photo: U.S. National Archives and Records Administration



Panorama of the International Court of Justice court room, principal judicial organ of the United Nations located at The Hague, 24th November 2017.
Photo: Ankor Light/Shutterstock

This reflects an attempt to balance competing concerns, preserving the functioning of international relations while ensuring that accountability remains possible.

Together, these decisions establish a key distinction that continues to structure the law. Functional immunity has been increasingly limited, particularly for international crimes, while personal immunity for sitting officials remains robust before national courts.

Immunity before international courts: expanding accountability

International criminal tribunals, particularly the International Criminal Court (ICC), have taken a clear position: official capacity should not bar prosecution. Article 27 of the Rome Statute explicitly provides that immunity shall not prevent the Court from exercising jurisdiction.

This approach reflects a strong normative commitment to accountability. It builds on clear jurisprudence, including the ICC Appeals Chamber decision in *Al-Bashir*, which confirmed that heads of state may be subject to the Court's jurisdiction.

However, this position remains contested, particularly in relation to officials of non-States Parties.

Recent developments before the ICC regarding the situation in Ukraine and Russia (a non-State Party) have brought the question of immunity into sharp focus, while also shifting attention toward an equally critical issue: state cooperation.

In 2023, the ICC issued an arrest warrant against Vladimir Putin for alleged war crimes related to the unlawful deportation of children. This marked a historic moment: for the first time, the Court targeted a sitting head of state of a permanent member of the United Nations Security Council.

Immunity does not mean that crimes are denied, nor that perpetrators are absolved. It means that, in certain circumstances, courts cannot exercise jurisdiction – at least temporarily.

Subsequent proceedings in 2025–2026, particularly those examining the failure of certain States Parties to arrest President Putin during official visits, have clarified the Court's position in unequivocal terms. The ICC reaffirmed that official capacity does not

exempt an individual from arrest and surrender obligations, even when the person concerned is the sitting leader of a State not party to the Rome Statute.

In doing so, the Court confirmed and extended its earlier jurisprudence in *Al-Bashir*. It held that States Parties are under a binding obligation to cooperate under article 98 of the Rome Statute, including by arresting and surrendering individuals subject to ICC warrants, regardless of their official status. The Court rejected arguments based on customary international law immunities, effectively prioritizing Article 27 of the Statute over competing interpretations of Article 98.

The result is a growing gap between law and practice.

These decisions are legally significant, but they also expose a deeper tension. While the ICC's position on immunity is now clear, its enforcement remains entirely dependent on states. When a State Party fails to execute an arrest warrant, the Court may issue a finding of non-compliance, but it lacks direct enforcement powers. The result is a growing gap between law and practice.

Immunity before national courts and the constraints on universal jurisdiction

National courts operate within a different framework, shaped by customary international law and diplomatic considerations.

Recent jurisprudence confirms that many states continue to recognize personal immunity for sitting officials. In a landmark decision in 2025, for example, the *Cour de cassation* reaffirmed that *sitting* heads of state benefit from complete immunity from foreign criminal jurisdiction.

The case concerned proceedings initiated in France against a foreign head of state accused of international crimes. The Court held that, under customary international law, immunity *ratione personae* remains absolute while the individual is in office, regardless of the nature of the alleged acts.

In other words, the Court refused to recognize an exception based on the gravity of crimes or on *jus cogens* norms.

This position stands in clear contrast with the approach of the ICC. Where the ICC prioritizes accountability, the French court emphasized sovereign equality and the stability of international relations.

At the same time, the Court confirmed that this immunity is temporary. Once the individual leaves office, prosecution becomes possible, and functional immunity may not apply to international crimes.

German courts have taken a comparable approach, rejecting functional immunity for international crimes while maintaining personal immunity for incumbents.

These domestic decisions illustrate a broader pattern: national courts remain cautious, preserving the core of sovereign immunity while gradually limiting its scope.

Where the ICC prioritizes accountability, the French court emphasized sovereign equality and the stability of international relations.

At the same time, they illustrate a parallel trend: the continued erosion of functional immunity (*ratione materiae*) for former officials. Courts are increasingly willing to accept that acts constituting international crimes cannot be characterized as protected "official acts," thereby extending the logic first articulated in *Pinochet*. This dual movement – preserving personal immunity for incumbents while narrowing functional immunity for former officials – creates a differentiated legal regime depending on the status of the individual.

Taken together, recent jurisprudence highlights a deepening fragmentation of the legal framework governing immunity. International courts increasingly reject personal immunity in the name of accountability, while domestic courts remain attached to a more traditional conception grounded in sovereign equality and diplomatic necessity. The result is a pluralistic and forum-dependent system in which the applicability of immunity varies significantly depending on where proceedings are brought.

Conclusion

Since the *Pinochet* case, the doctrine of personal immunity has not simply eroded; it has been fundamentally reconfigured. What once appeared to be a rigid and absolute rule has evolved into a more nuanced and differentiated regime. Incumbent high-ranking officials continue to benefit from robust protection before foreign domestic courts, reflecting the enduring importance of sovereign equality and the smooth conduct of international relations. At the same time, the expansion of international criminal jurisdiction – most notably through the ICC – has significantly curtailed the practical reach of such immunity in vertical, international contexts.

Recent jurisprudence confirms that this evolution is neither linear nor uniform. Instead, it reveals a persistent tension between two competing logics: the traditional, state-centric model of immunity and an emerging accountability-driven paradigm. The coexistence of these approaches has produced a fragmented legal landscape in which immunity is simultaneously upheld and restricted, depending on the forum and the status of the accused.

Looking forward, the central challenge for international law will be to reconcile these competing imperatives.

Looking forward, the central challenge for international law will be to reconcile these competing imperatives. Whether through further judicial clarification, state practice, or normative development, the balance between immunity and accountability remains unsettled. What is clear, however, is that the legacy of *Pinochet* endures: it has irrevocably altered the terms of the debate, ensuring that no discussion of immunity can ignore the growing demand for justice confronted with the gravest international crimes.



Annyssa Bellal

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Amnesties and Accountability in a Changing World

The global debate on amnesties for serious crimes is entering a new phase. It is marked less by certainty than by reconfiguration. The legal and political landscape of amnesties is being reshaped, unevenly and without full coherence.

For over two decades, international law has been shaped by a strong anti-impunity consensus. Amnesties, understood as legal measures that bar or preclude criminal prosecution for past acts, were widely considered incompatible with states' obligations under international law, as well as with victims' rights to justice, when applied to grave violations of human rights and international humanitarian law amounting to crimes under international law.

That consensus, however, was not universal in origin. It emerged most forcefully from Latin America, in response to authoritarian regimes that used amnesty laws to shield perpetrators of torture, disappearances, and mass killings. Courts, particularly within the Inter-American system, responded decisively. Landmark cases such as *Barrios Altos v. Peru* and *Almonacid Arellano v. Chile* established that such measures lacked legal effect and violated victims' rights to justice. This jurisprudence travelled widely and shaped international expectations, contributing to what has often been described as a global anti-impunity norm.

With Colombia's transition process, however, a subtle but important shift becomes visible. The 2016 Colombian peace agreement represents one of the most sophisticated attempts to reconcile the demands of justice and peace. It excludes amnesty for serious international crimes while allowing reduced or alternative sentences for those who provide full truth and contribute to reparations through the Special Jurisdiction for Peace.

Yet the Latin American experience represents only one part of a much more complex global picture.

In other regions, the relationship between amnesties and accountability has evolved along distinct, context-driven paths. In South Africa, the Truth and Reconciliation Commission offered conditional amnesties in exchange for full disclosure, prioritizing truth-seeking and national reconciliation over criminal punishment. While seen by some as a landmark model, it has also been heavily criticized for failing to address the structural roots of apartheid, provide adequate reparations, or ensure sustained accountability for victims.

In parts of Africa affected by prolonged armed conflict, amnesties are shaped by the scale of violence, deeply divided societies, and the practical limits of comprehensive prosecutions. In Uganda, debates over amnesty for members of the Lord's Resistance Army, alongside domestic and international prosecutions, illustrate the persistent tension between negotiated peace and the duty to prosecute serious crimes.

These experiences point to a broader regional pattern. Amnesties are frequently embedded in pragmatic transition strategies that prioritize stability and conflict resolution, even where this creates friction with international accountability norms. The African Union Transitional Justice Policy reflects this approach. It rejects amnesties for serious international crimes such as genocide, war crimes, and crimes against humanity, while permitting carefully tailored conditional amnesties as part of a broader effort to balance accountability with peace, reconciliation, and stability.

In Europe, the approach has broadly aligned with the Latin American trend toward limiting impunity, while still leaving room for contextual considerations. The European Court of Human Rights has increasingly embraced this orientation, particularly in cases involving torture and other serious violations. In *Marguš v. Croatia*, the Court rejected the applicability of amnesty for war crimes. While not articulating an absolute prohibition in all circumstances, its case law significantly restricts the permissibility of amnesties for grave human rights violations and emphasizes states' obligations to investigate and prosecute.

At the same time, ongoing and prospective negotiations linked to the Russian aggression in Ukraine highlight the continuing tension between legal accountability and political settlement. Any potential peace arrangement could test the resilience of this framework, particularly if proposals involving amnesties or immunities for serious crimes emerge. The European system therefore faces a critical question: whether it will maintain its trajectory toward strict accountability or accommodate compromises in the interest of ending hostilities and securing stability.

In Asia, experiences further complicate the picture. In Nepal, prolonged debates over transitional justice have centred on attempts to include or limit amnesties, with courts rejecting their application

to serious crimes while political actors repeatedly seek to reintroduce them. In Sri Lanka, the absence of formal amnesties has not prevented de facto impunity, illustrating how accountability can be undermined through institutional inaction. Afghanistan's 2007 blanket amnesty law demonstrates how such measures can entrench power in fragile political contexts, while Indonesia's Aceh agreement shows how peace-driven amnesties may remain selective and leave victims without effective remedies. These cases reinforce a broader pattern: amnesties are not only legal instruments, but political tools shaped by power, and their impact on victims depends as much on implementation as on formal design.

Taken together, these regional experiences underline a central challenge. Amnesties do not operate in a single legal or political environment. They are shaped by context, including the nature of the conflict, the balance of power, and the demands of transition. Yet international law has often struggled to fully reflect these differences.

This tension is also embedded in the legal framework itself. Article 6(5) of Additional Protocol II to the Geneva Conventions encourages the granting of amnesty at the end of non-international armed conflicts, acknowledging that the transition from war to peace may require compromise. At the same time, human rights bodies consistently insist that serious crimes cannot be subject to measures that effectively extinguish accountability. Meanwhile, state practice remains inconsistent, and no explicit treaty prohibition exists.

The result is a fragmented and evolving landscape. While blanket and self-amnesties, particularly those enacted to shield perpetrators, are widely rejected, there is growing openness to conditional or negotiated amnesties embedded within broader transitional justice frameworks, especially after armed conflicts. This shift reflects an implicit recognition that criminal prosecutions alone cannot address the full complexity of mass violence and that rigid legal approaches may, in some cases, hinder the achievement of peace.



The sister of a La Cantuta massacre victim wears her brother's photograph during proceedings before the Inter-American Court of Human Rights, 21st August 2025. Photo: Corte IDH



A man carrying his baby approaches a barricaded point guarded by British soldiers on the Falls Road in Belfast, 16th August 1969.
Photo: Evening Standard/Hulton Archive

Recent analysis of international justice mechanisms, including by a study paper requested by the European Parliament's Subcommittee on Human Rights (DROI),¹³⁷ underscores, however, the ongoing risks of impunity. Failures to investigate and prosecute serious crimes undermine the rule of law, erode public trust, and perpetuate cycles of violence. These analyses also highlight persistent gaps in victim participation and access to remedies, particularly in transitional contexts, and the evidence base for these concerns continues to grow.

Against this backdrop, the critical question is not whether amnesties are used, but how they affect victims in practice:

In Colombia, victims have gained unprecedented access to truth, yet many continue to question the adequacy of reduced sanctions. The case also highlights a broader tension between the short-term mandates of transitional justice mechanisms and the long-term justice needs of victims. Measures designed to facilitate peace, including reduced or alternative forms of accountability, may serve immediate political objectives, but their consequences are long lasting.

South Africa provides a parallel example, where the promise of truth was not always matched by sustained reparations or accountability, and where victims continue to call for justice decades later.

In El Salvador, a blanket amnesty blocked accountability for decades before being overturned, leaving victims to pursue justice and recognition long after the end of conflict.

In Nepal, prolonged political deadlock and repeated attempts to reintroduce amnesty provisions for serious crimes have left victims waiting for meaningful accountability for nearly two decades.

In Europe, similar tensions are visible in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, which introduced a system of immunity from prosecution under certain conditions for conflict-related offences. The legislation has been widely criticised and legally challenged, with the High Court of Northern Ireland finding key aspects of the scheme incompatible with human rights obligations. This underscores the continuing friction between efforts to manage the past and the duty to ensure accountability.

These experiences show that the impact of amnesties cannot be assessed in abstract legal terms. They also demonstrate that context alone should not serve as a shield against accountability. Measures adopted to end conflict must be assessed

against victims' lived experiences, including access to truth, justice, reparations, and meaningful participation. Yet the long-term effects of amnesties remain underexplored. In many cases, they continue to operate within elite-driven bargaining processes, where victims' roles are secondary, selective, or largely symbolic.

This is where the language of balance becomes most contested. While it recognizes the need to reconcile competing objectives, it can obscure the asymmetry of these trade-offs. In practice, the costs of compromise are often borne by victims, who may be asked to accept reduced accountability or delayed justice in the name of broader political goals. These costs are long-term and often intergenerational.

As these tensions deepen, they are increasingly shaped by broader transformations in how power, conflict, and accountability operate today.

Outlook: Amnesties in an Era of Expanding Impunity and New Demands for Justice

The future of amnesties will unfold in a more unstable and politicized global landscape. As multilateral norms weaken and justice institutions face growing pressure or outright capture, the risk increases that amnesties are used to protect those in power rather than to support genuine transitions. As security and stability are prioritised, governments may adopt or disguise amnesties to shield security forces, political elites, or allies from accountability, while limiting victims' access to courts, truth, and reparations.

At the same time, the nature of conflict is changing. In many places, wars no longer end with clear peace agreements but persist in fragmented and protracted forms. This raises a fundamental question: if there is no clear transition from war to peace, what purpose do amnesties serve? Instead of facilitating reconciliation, they risk becoming tools to manage ongoing violence while postponing justice indefinitely.

Technological and social changes add further pressure. As artificial intelligence becomes increasingly embedded in warfare and decision-making, responsibility for harm grows more diffuse and difficult to trace, complicating accountability and calling into question the very *raison d'être* of amnesties – that is, the suspension of accountability in the interest of peace. When responsibility is so fragmented that no clear actor can be held to account, the traditional logic of granting amnesties to identifiable parties in exchange for peace risks losing coherence and practical relevance.

At the same time, rapid social transformations are reshaping demands for justice. Growing inequality, climate-related harm, and unresolved historical injustices are generating new and more expansive claims. Victims and social movements increasingly call for accountability not only for discrete past atrocities, but also for structural and ongoing harms that fall outside traditional legal categories. As impunity persists for these forms of victimisation, frustration may intensify, raising further questions about the role – if any – of amnesties in this broadened landscape of harm.

In this context, the risks are increasingly concrete. Amnesties may cease to function as exceptional compromises tied to peace and instead become routine instruments within weakened or captured systems. They may be applied unevenly, creating double standards in which some victims gain access to justice while others are excluded. They may also expand to cover new forms of harm without sufficient legal or ethical scrutiny. Finally, in the age of AI, established notions of responsibility may need to be revisited, as diffuse agency and complex decision-making chains challenge existing frameworks of accountability and justice.

At the same time, there is a clear opportunity. New forms of mobilisation led by victims' groups, youth movements, climate activists, and communities affected by inequality and historical injustice are pushing back against impunity in all its forms. These actors are expanding the boundaries of justice and insisting that accountability frameworks, including those involving amnesties, respond to both past and emerging harms. The fight against impunity may enter a new phase, bringing renewed scrutiny to the permissibility of amnesties.

The challenge ahead is therefore both practical and normative. Can international law ensure that amnesties remain meaningful, transparent, and genuinely balanced against growing demands for justice, rather than becoming tools of convenience or serving the interests of only a few? Should it

adapt to new forms of harm without weakening existing protections for victims of serious crimes? What is the purpose and *raison d'être* of amnesties, if at all, beyond their traditional role in peace negotiations? And in a world where power increasingly shapes outcomes, who will ensure that amnesties do not once again come at the expense of those most affected?

The answers will determine whether amnesties continue to serve as tools for difficult transitions or become mechanisms through which impunity is sustained. It's an important moment to revisit the question and role of amnesties.

One principle should serve as a clear guiding compass: meaningful change for victims must remain at the center of these efforts.

A final shift sharpens these needs. As the international rules-based order weakens and is increasingly replaced by a more transactional and alliance-driven system, the external checks that once constrained the use of amnesties are eroding. Where oversight mechanisms weaken, enforcement becomes selective, and geopolitical interests outweigh legal commitments, the space for meaningful scrutiny narrows. In such a landscape, the risk is not only that amnesties expand, but that they do so without effective accountability, leaving victims with fewer avenues for redress and fewer institutions capable of upholding their rights.

While this brief contribution highlights the many uncertainties and unresolved issues that remain, the current global shifts also generate renewed momentum to re-engage with the critical question of amnesties – their legality and their application in practice. One principle, however, should serve as a clear guiding compass: meaningful change for victims must remain at the center of these efforts.



Thomas Unger

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The Role of Mental Health and Psychosocial Support in Survivor Centered Justice

In universal jurisdiction cases, the crimes being prosecuted often have no immediate link to the country pursuing litigation. Instead, prosecutions are grounded in international law and the agreement amongst states that the sheer gravity of core international crimes requires them to act on a moral obligation to prosecute and prevent the existence of safe havens for war criminals. These types of prosecutions by nature depend heavily, if not sometimes exclusively, on the testimony of survivors and witnesses. Required to recount their stories on multiple occasions throughout the process, survivors and witnesses can face a heavy toll, and the risk of re-traumatization puts them in an extremely vulnerable position.¹³⁸ As one study put it, survivors are both “the strongest and the weakest link in the process.”¹³⁹ However, despite the central role played by survivors and the magnitude of what is often being asked of them, domestic justice systems persistently fail to meet the broader needs of the individuals seeking accountability for core international crimes through universal jurisdiction.

Survivors are both ‘the strongest and the weakest link in the process.’

Most individuals seeking justice for international crimes have experienced conflict firsthand and have lived through very traumatic experiences. Throughout the process of investigation and trial, victims are required to recount their traumatic experiences repeatedly, for example during investigative interviews, during confrontation with a defendant, and then again at trial. Being required to recall detailed facts at each of these milestones during the justice process can trigger traumatic memories and reactions both during the moment and after.¹⁴⁰ Studies have shown that the long-term impacts of this can include depression, anxiety and post-traumatic stress symptoms.¹⁴¹

In criminal proceedings taking place in common law systems, victims often assume the role of “witness”, viewed by prosecutors as a “tool” to support the state in their prosecution and conviction of the offender. In civil law systems, victims can play a more active role as civil parties for example. In this role, they have the power to review the case file and participate actively in proceedings.

However, in both systems the specific psychosocial support needs of survivors of international crimes are rarely met. Often focused only on the “justice outcome”, systems tend to forget that for survivors and witnesses, accountability is not always only about obtaining a conviction. It is also often about reconciliation, reparation, truth seeking, individual and collective healing, and acknowledgement.¹⁴²

Systems tend to forget that for survivors and witnesses, accountability is not always about obtaining a conviction. It is also about reconciliation, reparation, truth seeking, and acknowledgement.

Survivors and witnesses each have unique motivations for participation as well as unique needs arising from participation. Failing to take this broader picture into account can negatively impact how survivors experience justice and can turn an empowering process into one that may do more harm than good. Using Civitas Maxima’s experience as a starting point, this article explores the provision of psychosocial support in universal jurisdiction cases, and highlights how states often fail to meet the basic mental health and psychosocial support (MHPSS) needs of victims, both during and in the aftermath of proceedings. Despite the obvious need and importance, MHPSS financed and provided by the prosecuting state is often unavailable or ill-suited to meet the specific needs of victims in universal jurisdiction cases. In most cases, it is therefore NGOs that bear the burden of facilitating and financing this support.

What do we mean by MHPSS and what does it entail?

In the context of international criminal justice, MHPSS can refer to all measures aimed at protecting the psychological well-being, dignity and social functioning of survivors and witnesses who participate in judicial proceedings. Understood broadly, the term may cover provision of information, accompaniment, psychosocial support (during investigations and at trial), medical care, trauma counseling or even long-term therapeutic intervention.

While there is no specific obligation enshrined in a single document at the international level, various references are made to the importance of MHPSS. For example, Article 68 of the Rome Statute, provides that “the Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.” At the regional level, and most applicable to our cases, are the obligations found in the European Union Victims’ Rights Directive. Under the Directive, at a minimum, victims are entitled to free confidential support services before, during and for an appropriate time after criminal proceedings (Article 8). Furthermore, the Directive dictates that referrals to victim support services should be provided, including to specialist support providers where necessary. Support at a minimum should include provision of information systems, emotional and where available psychological support (Article 9).

In most cases, it is NGOs that bear the burden of facilitating and financing this support.

MHPSS provision in practice

While the Directive provides relatively detailed and explicit minimum standards, it is our experience that the reality experienced by victims seeking justice in Europe indicates that these standards are not met. During the first instance trial of Kunti Kamara which took place in France for example, no psychological support whatsoever was provided by authorities prior to or during the trial. It was only at the request of Civitas Maxima before appeal proceedings that a psychologist was provided by Paris Aide aux Victimes (an association mandated by the court) to accompany victims during testimony and in court during appeal proceedings. While this was undoubtedly an improvement, in practice the psychologist who was volunteering was shared between two trials happening simultaneously and did not speak the language of the victims. Similarly, in another French case, victims were recently required to confront the defendant, more than 30 years after the crimes took place, directly as part of pre-trial proceedings. Again, the authorities did not organize any psychological support for victims or witnesses.

The experience of Civitas Maxima is not unique. Academics and NGOs who have studied the issue more broadly have raised similar concerns. For

example, a study of the experience of victims’ who participated in Syrian trials in Germany found that survivors ended up with nightmares, depression and other psychological reactions following their testimony and felt left alone without anyone to support them in dealing with these issues.¹⁴³ One survivor described: “[I]t was really difficult. Honestly really hard. I spoke for more than eight hours, and I was sometimes emotional, not factual. It was really difficult also that the criminal is in front of me, in the same room, and I am facing him.”¹⁴⁴

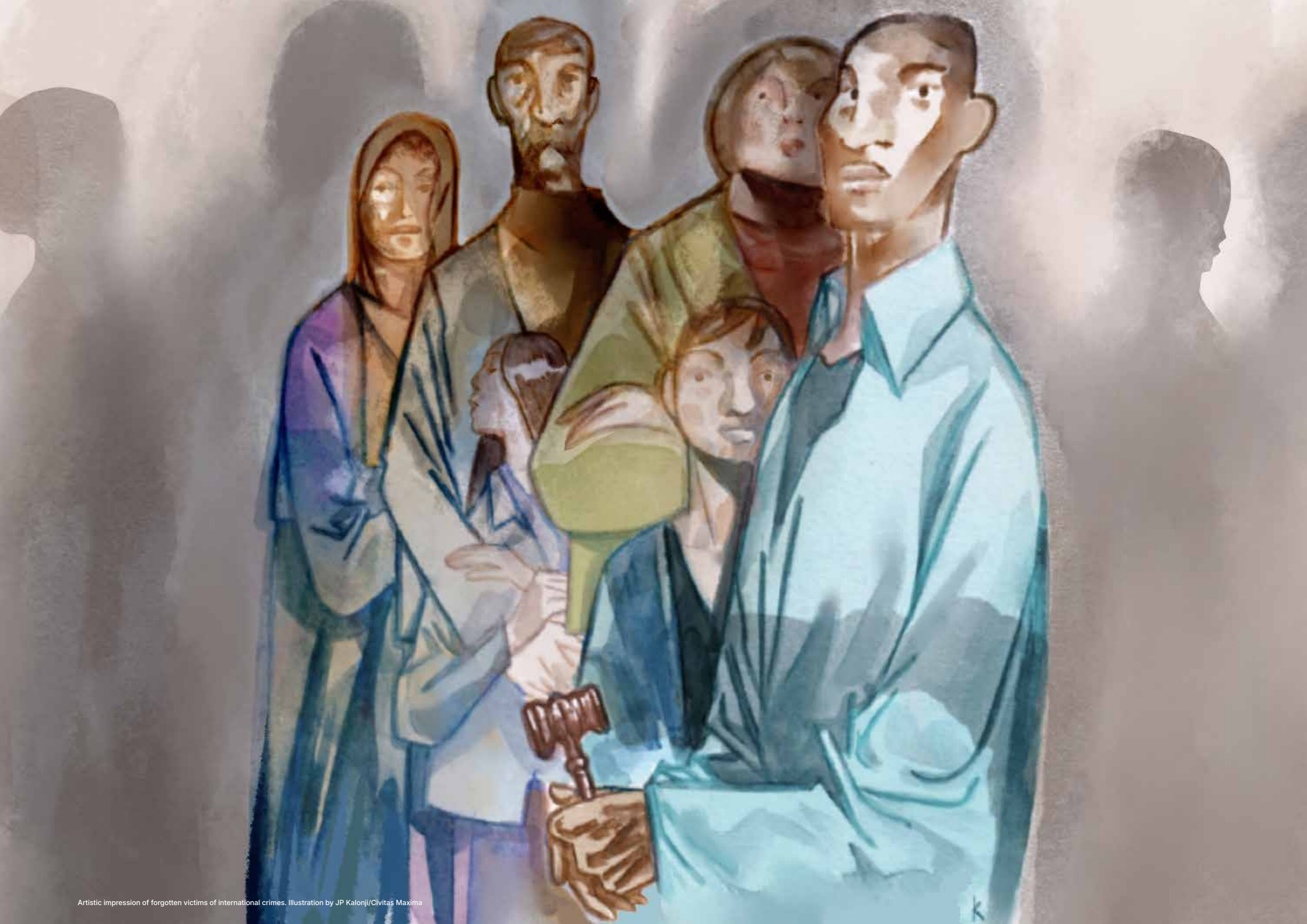
Where support and services are available, access is not guaranteed or may be difficult due to various factors, including language, cultural barriers and immigration status.¹⁴⁵ As a result services are effectively unable to cater to victims of core international crimes. For example, witnesses who do not live in the country where the trial is taking place may not have access to the service by virtue of their asylum status, or services may not be available in the language spoken by survivors. Where survivors are flown in temporarily to testify the situation is even more challenging.

It could also be the case that the psychological services offered may not be contextually or culturally relevant for victims. One study highlighted that some victims felt almost ridiculed by some practical suggestions of local psychologists, who were not trained for inter-cultural psychological assistance.¹⁴⁶ In some cultures, stigma may be attached to psychological support – and therefore other forms of support may be more appropriate. For example, group support that allows for victims to build networks and seek solidarity amongst other survivors. This type of community support is rarely available.

MHPSS is often closely linked to the issue of security, as victims’ fear of participation can be linked to concerns for the safety of themselves and their families. Holistic MHPSS provision is therefore not solely linked to psychosocial support but also the effective and concrete availability of security measures throughout investigations and trials. Like MHPSS, authorities often fail to meet these needs.¹⁴⁷

NGOs bridging the gap

It is clear that in the majority of cases, national authorities are not yet equipped to meet their basic obligation to provide MHPSS. This does not mean that victims are going through cases unsupported. In the cases that we work on, CM ensures, as part of a survivor-centered approach, that the MHPSS needs of victims are *always* considered at each stage of



the proceedings. In some instances, where it is clear that participation may do more harm than good, or where we do not have the capacity to deal with serious MHPSS needs, Civitas Maxima may decide not to engage.

At CM, MHPSS needs are addressed ad-hoc and on a case-by-case basis. In the context of our Liberian cases, we have set up a referral system and collaborate with Liberia Association of Psychosocial Services (LAPS) to provide individualized psychological support during key milestones of investigations and trials. This includes both individual and group sessions. In other instances, we have collaborated with individual professionals able to respond to the differing language and cultural needs of victims. However, this model is not sustainable and there will always be limitations. For example, we are limited in our expertise as well as our ability to financially meet the burden of delivering these kinds of services.

As universal jurisdiction continues to be used more widely, prosecuting authorities need to better develop frameworks to provide MHPSS support to victims and witnesses in these types of cases. In this regard it is important for NGOs engaged with authorities to keep advocating for the incorporation of MHPSS provision throughout the steps of the accountability process. In this way, throughout the lifecycle of a case, national investigators and prosecutors can ensure that any risk of re-traumatization is mitigated.

Universal jurisdiction prosecutions are grounded in the promise of justice for victims of the gravest crimes, yet that promise risks being undermined when their most basic MHPSS needs remain unmet. As this analysis demonstrates, the persistent gaps in mental health and psychosocial support not only expose victims and witnesses to re-traumatization but also compromise the integrity and legitimacy of the proceedings themselves.

“Universal jurisdiction prosecutions are grounded in the promise of justice for victims of the gravest crimes, yet that promise risks being undermined when their most basic psychosocial needs remain unmet.”

While NGOs try to bridge the gap, the responsibility to ensure holistic, accessible, and culturally appropriate support ultimately lies within domestic justice systems. Moving forward, prosecuting authorities must embed comprehensive MHPSS frameworks into every stage of universal jurisdiction cases, alongside robust security measures, to ensure that participation in justice processes is not an additional source of harm but a genuinely restorative experience.

2012–2025: The Story of Civitas Maxima Through its Press Releases

On 14 October 2025, Civitas Maxima published its 62nd press release, the very first having been posted online on 18 September 2014, almost two and a half years after the effective start of our work in March 2012.

These press releases allow us to appreciate how our work has evolved since our founding, and how our organization has grown: multiplying its staff by nearly 20 since 2012, and its budget by 7, even if they reflect only a small part of our work, as most of our investigations remain confidential for a long time. They also tell a story that numbers alone cannot: that of a sustained, painstaking effort, case by case, to make accountability for mass atrocity a reality.

2014–2015: The first arrests: three cases go public

When Alain Werner founded Civitas Maxima in March 2012, he was already working on two cases in Belgium: those of Martina Johnson, a former member of Charles Taylor’s Liberian rebel group, and of Michel Desaeleer, a Belgian-American businessman suspected of blood diamond trafficking. Two criminal complaints had been filed in these cases by Luc Walley, a Brussels lawyer: one filed in January 2011 against Michel Desaeleer on behalf of victims in Sierra Leone, and another in January 2012 against Martina Johnson on behalf of victims in Liberia.

The first press release was written and posted online from a café on Oxford Street, where the team was on its way to a meeting with a potential donor.

The arrest of Martina Johnson on 18 September 2014 took the organization entirely by surprise. At that time, Civitas Maxima had 3 employees, no communications department, and worked out of a 40 square-meter office. The first press release was written and posted online from a café on Oxford Street, where the team was on its way to a meeting with a potential donor.

The arrest of Michel Desaeleer the following year, in August 2015, came after he was detained at Malaga airport in Spain following the circulation by Belgium of a European arrest warrant. No one had any visibility on this development, as it depended on Mr Desaeleer’s movements outside

the United States, having been born in Belgium and subsequently become a US resident and then citizen. The decision had been made in 2011 to refer his case to Belgian rather than American courts, because it was possible in Brussels – but not in the United States – for victims to file a criminal complaint directly and to be a party to the proceedings.

Between these two events arising from Civitas Maxima’s “founding” cases, another press release was published in January 2015, concerning the arrest in Switzerland of Alieu Kosiah. That arrest had in fact taken place at the end of 2014 but only became public following leaks in the Liberian press. Unlike the two Belgian cases mentioned above, where arrests came years after criminal complaints were filed and following confidential investigations by Belgian police and an examining magistrate, Mr Kosiah was arrested quickly after criminal complaints were filed against him, notably by Alain Werner, lawyer and Director of Civitas Maxima, in 2014, with the entire investigation conducted in the presence of his lawyer.

2016: The death of Michel Desaeleer in prison in Brussels

Just as proceedings appeared to be heading towards a trial that would have been the world’s first in connection with blood diamond trafficking charged as the crime of pillage as a war crime, the case came to an abrupt end on 28 September 2015. On that day, Mr Desaeleer took his own life in a Brussels prison, as Civitas Maxima learned from a Belgian journalist following the case.

Our organisation communicated the following day, taking care to explain the situation to the victims in Sierra Leone who had filed a criminal complaint against him in 2011. While criminal proceedings for international crimes can continue even decades after the facts, even when the accused is very old, and even in theory when all victims have died, the criminal action is extinguished upon the death of the person charged. It was decided to address this case and pay tribute to the victims’ quest for justice – however incomplete – in our 2016 annual report.

Civitas Maxima also had to explain to its donors that years of work would ultimately yield nothing concrete due to an unforeseeable event no one could have predicted, and that this is part of the reality of judicial proceedings.

October 2014

News

The Guardian

Martina Johnson’s Liberian war crimes trial is a milestone in quest for justice

Plied with drugs and guns that many had been trained to use overnight, waves of child soldiers were sent into Monrovia as cannon fodder, forcing horrified west African peacekeepers to mow them down as one of the most brutal chapters of Liberia’s civil war began on 15 October 1992 when rebels attempted to seize the capital.

Overseeing Operation Octopus was a female commander called Martina Johnson. As part of the operation, a heavy artillery unit shelled residential areas throughout the four-month offensive, and allegations of torture were made that stood out even in a war characterised by mutilations and mass rapes.

This September she was called to account for her actions for the first time at a court in Belgium’s riverside city of Ghent. She is currently under

October 2016



Death of a Middleman Thwarts Blood Diamonds Case

The illegal trade in “blood diamonds” smuggled from Sierra Leone helped fuel a brutal civil war that lasted from 1991 to 2002 and caused an estimated 50,000 deaths. But so far, no one has been held to account for creating the system that moved stones from hellish mines in eastern Sierra Leone to the world’s diamond markets. Regrettably, that prospect is now even less likely, following the sudden death in a Belgian jail on September 28 of Michel Desaeleer.

Desaeleer, an international businessman who held dual U.S. and Belgian nationality, was arrested in August last year on suspicion of involvement in the war crimes of pillage and inhumane treatment and complicity in enslavement as a crime against humanity, among other charges.

The arrest warrant against Desaeleer, served at Malaga airport in Spain, was issued in connection with a Belgian federal investigation into a complaint launched in 2011 by five Sierra Leonean citizens, who were forced to work in diamond mines in Sierra Leone during the war. The complaint contains sworn testimony linking Desaeleer to the diamond trade, establishes his physical presence at diamond mines in Kono in eastern Sierra Leone, and establishes his awareness of and involvement in activities taking place

April 2018



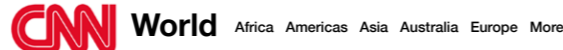
‘Jungle Jabbah’ was accused of cannibalism and other horrors in Liberia. How a U.S. court brought him to justice.

PHILADELPHIA — The jury knew her only as Witness 18. The woman, dressed in the colorful traditional garb of rural Liberia from where she had come, said the man on trial was not an entrepreneur living quietly in Southwest Philadelphia, as he claimed. Rather, she told the court, Mohammed Jabbateh was “Jungle Jabbah,” a ruthless militant commander responsible for barbarous war crimes committed decades ago.

In chilling testimony here last fall, the woman, now in her 60s, recounted how Jabbateh had invaded her village in 1991. After killing her brother-in-law by removing his heart, she said, Jabbateh’s fighters did the same to her husband — and then ordered her to cook the organ so they could eat it. “Make yourself strong, ma,” she remembered one of them saying as he urged her to build a fire. “If you don’t do it, he’ll kill us both.”

Jabbateh, 51, was convicted in October, not for committing war crimes in Liberia but for lying to investigators in the United States about his violent past and defrauding the U.S. immigration system in the process. He faces up to 30 years in prison, and it is expected that he’ll be deported from the United States eventually. A judge is scheduled to announce Jabbateh’s fate at a hearing Thursday.

August 2015



‘Blood Diamonds’ arrest sheds light over grim African trade

Malaga, Spain Last Friday, a 64-year old Belgian citizen, Michel Desaeleer, was waiting to board a flight from Malaga in southern Spain to New York. But his name registered on a Europe-wide database of arrest warrants and he was detained by police at the airport, according to Spain’s Interior Ministry.

The accusation against Desaeleer, who also holds U.S. citizenship, is that he profited from the illicit trade of “blood diamonds” during the civil war that ravaged Sierra Leone between 1991 and 2002. But it’s only in recent years that a case against him has been put together by Belgian authorities, and it’s largely based on eyewitness testimony.

Desaeleer is suspected of having participated with former Liberian President Charles Taylor and the rebels of the Revolutionary United Front (RUF) led by Foday Sankoh in Sierra Leone in a scheme to mine diamonds illegally in the district of Kono in eastern Sierra Leone.

The warrant for Desaeleer’s arrest was based on testimony gathered by a Swiss-based NGO, Civitas Maxima from witnesses who were in Kono between 1999 and 2001. According to a statement from Spanish police, the

October 2017



Nigeria | Africa | World | Sport | Entertainment | Most popular

Liberia: Former warlord go face trial 20 years after civil war

Author, Daniel Semeniworima, Role, BBC Pidgin, Lagos

Two decades after di Liberia civil war finish, wetin people no believe say go happen, don begin inside one courtroom for Philadelphia for US.

Na for there chief prosecutors for America dey drag one former warlord wey dem accuse say im commit plenty crime including rape, murder, eating of human being, butcher of people and to carry people do slave.

Di former warlord na one 50-year-old business man wey be, Mohammed Jabateh but im run comot from Liberia sharp-sharp enter US even before di war end.

For di trial wey go start on Monday 2 October na im US prosecutors dey hope say dem go fit convince court say Mr Jabateh — na im be di same

April 2019



How the U.S. Became a Haven for War Criminals

With former Liberian militia leader Jucontee Thomas Woewiyu soon to be sentenced, others like him remain unprosecuted in the U.S.—even living alongside their victims.

Isaac was 12 when he was taken. He and his 18-year-old sister Marie had been living in the Liberian bush for about a month, having left Kakata, a town just beyond the perimeter of the U.S.-owned Firestone rubber plantation, when Charles Taylor’s forces launched an attack on the nearby city of Monrovia in October 1992.

That November day, like most Fridays, Isaac and Marie carried fruits and cassava into Konola village to sell at the market. They put the items down for for people to inspect. Suddenly, a swarm of armed men and boys closed in. People began running in all directions. Marie clasped Isaac in her arms, but the rebels snatched him from her grip and tossed him into the back of a pickup truck with othe

August 2020



Swiss Court Sets November Trial Date for Ex-ULIMO Commander, Alieu Kosiah

GENEVA – The Swiss Federal Criminal Court has announced that new dates for the trial of Alieu Kosiah, former United Liberation Movement of Liberia for Democracy (ULIMO) commander. After being postponed twice due to the spread of COVID-19, the trial of Alieu Kosiah is scheduled to take place in Bellinzona, Switzerland, from November 16 to December 18, 2020. Civitas Maxima represents several plaintiffs in the case.

Kosiah is accused of the commission or command of acts of sexual violence, murders, cannibalism, recruitment of child soldiers, looting, forcing civilians to work in cruel conditions, and the forced movement of looted goods, weapons, and ammunition. Alieu Kosiah will be the

October 2022



Au procès de Kunti Kamara à Paris, l’horreur des crimes commis au Liberia en 1993

D’après l’acte d’accusation, l’ancien puissant seigneur de guerre s’est rendu complice d’une « pratique massive et systématique de tortures ou d’actes inhumains »

Qui est vraiment Kunti Kamara ? Accusé de complicité de crimes contre l’humanité, l’homme au crâne lisse qui comparait aux assises du tribunal de Paris depuis lundi 10 octobre n’a rien, en apparence, d’un chef rebelle africain, d’un puissant seigneur de guerre. Avec son jean sombre et sa dououne noire, le Libérien à la silhouette chétive – il mesure 1,64 m – se présente chaque jour dans le box des accusés en regardant la salle d’audience avec un sourire, saluant parfois une connaissance ou un gendarme ayant déjà croisé sa route. une connaissance ou un gendarme ayant déjà croisé sa route.

« M. Kamara est un homme respectueux, intelligent, discret et parfois renfermé », témoigne à la barre Stéphanie Thiebaut, chargée de l’enquête de personnalité de l’accusé interpellé en 2018 à Bobigny (Seine-Saint-Denis) où il était hébergé chez un compatriote. Kunti Kamara est-il l’ancien commandant du groupe rebelle libérien de l’United Liberation Movement of Liberia for Democracy (Ulimo) qui, au tournant

July 2024



Detenido en Málaga un empresario español acusado de enriquecerse con ‘diamantes de sangre

El arrestado, residente en Brasil, es investigado por el tráfico de piedras preciosas extraídas por esclavos en minas de Sierra Leona y por organizar mercantiles para blanquear su venta en Europa

Los llamados diamantes de sangre, las piedras preciosas extraídas mediante el trabajo de esclavos en minas de Sierra Leona para financiar la guerra civil que asoló este país africano entre marzo de 1991 y enero de 2002, no son algo lejano en el tiempo y el espacio que sirvió para el argumento de una célebre película protagonizada por Leonardo DiCaprio titulada con este nombre. La Policía Nacional detuvo la noche del martes en el aeropuerto de Málaga a Manuel Terrén Parcerisas, un empresario español al que la Audiencia Nacional investigaba desde hace más de dos años como presunto integrante hace más de 20 años de una trama de venta ilegal de estas gemas que sirvieron para financiar al grupo paramilitar Frente Revolucionario Unificado (RUF, en sus siglas en inglés) durante el conflicto que dejó más de 70.000 muertos y 2,6 millones de desplazados en

June 2021

The New York Times

THURSDAY, APRIL 19, 2019

Switzerland finds Liberian Rebel Guilty of War Crime Atrocities

In a landmark case, Alieu Kosiah was sentenced to 20 years in prison for crimes committed during Liberia’s civil war.

GENEVA — A former Liberian warlord was found guilty of war crimes including murder, cannibalism and the use of child soldiers in Switzerland’s criminal court on Friday — the first conviction specifically for atrocities in Liberia’s back-to-back civil wars between 1989 and 2003 in which a quarter-million people are thought to have died.

The court found the former warlord, Alieu Kosiah, 46, guilty on 21 of the 25 charges against him, including ordering the killing of 13 civilians and two unarmed soldiers, the murder of four other civilians, as well as rape, cruel treatment of civilians and using a child soldier in armed

January 2023



Liberia: Finnish appeals court begins Liberia war crime hearing

Prosecutors believe the suspect who now lives in Finland, committed crimes against humanity in Sierra Leone and Liberia.

Prosecutors argued the 53-year-old suspect Gibril Massaquoi – who has denied any wrongdoing – murdered, raped and mutilated civilians as a top official of the Revolutionary United Front.

The RUF was a militia that fought in Sierra Leone, but also in Liberia for its ex-president Charles Taylor.

Last year, Massaquoi, who has lived in Finland for many years, was acquitted of all charges by a lower Finnish court. It said a significant doubt remained about his participation in the suspected acts due to witnesses changing their testimonies. But the prosecutors took the case to the court of appeal in Turku,

January 2025

The Philadelphia Inquirer

A man known as ‘Dragon Master’ during a Liberian Civil war admitted lying about his past on immigration documents

Laye Sekou Camara admitted that he falsley asserted he’d never been part of a rebel group in the war torn country

A Liberian immigrant who spent years living in the Philadelphia region pleaded guilty Thursday to fraudulently obtaining immigration documents by failing to disclose that he had previously served as a high-ranking general known as the “Dragon Master” during a Liberian civil war.

Prosecutors had been preparing to take the Laye Sekou Camara to trail and present evidence that he had misled immigration authorities and failed to admit that he had been “personally responsible for numerous extrajudicial civilian deaths” either by killing people himself or overseeing the slaughter of civilians, in the early 2000s, court documents said.

2017–2018: First Trials in the United States and Two First Guilty Verdicts

The year 2017 marked a turning point for the organisation in terms of communications. Until then, Civitas Maxima had published only 4 press releases in 5 years since its founding in 2012; for 2017–2018, it would publish more than double that number (10 in total). This was largely due to the trials in Philadelphia against Mohamed Jabateh, aka Jungle Jabbah, in 2017, and against Thomas Woewiyu in 2018 – both proceedings linked to the civil war in Liberia, on which Civitas Maxima and its Liberian partner, the GJRP, had collaborated, resulting in two guilty verdicts. These two trials, like the ones which were to come later in Europe, told the stories of unspeakable cruelty committed by the warring factions against the civilian population during the civil wars in Liberia. The courage and resilience of those who came to court and spoke up were equally remarkable.

Civitas Maxima organised regular courtroom reporting around these two trials and was active on social media for the first time, in partnership with New Narratives, whose Liberian journalists covered the trial in Philadelphia, as they would go on to do for all subsequent trials.

2019: Release of Agnes Reeves Taylor in London

Charles Taylor's former wife was arrested in London on 2 June 2017, charged with acts of torture allegedly committed during the first Liberian civil war with the NPFL rebel movement, of which her husband Charles Taylor was the leader. The 5th press release of Civitas Maxima covered that arrest, while the 20th, published in December 2019, announced her release, which came as both a surprise and a shock to those who considered themselves victims of Madam Taylor's actions. Indeed, at the time that decision was made by an English judge, all the logistics for witnesses to travel to London for the trial were in place, with the trial dates having been put on hold pending a decision by the English Supreme Court. It was solely on a specific legal point in that court's ruling relating to the implementation in English law of the Convention Against Torture, and it was on that basis subsequently decided the case would not proceed to trial. That decision had nothing to do with the veracity of the allegations against Ms Reeves Taylor, as is made explicit in the ruling itself. And yet Madam Reeves Taylor's return to Liberia that followed in 2020 marked the beginning of threats and defamatory attacks against Civitas Maxima and the GJRP.

2020: The saga of organising the Alieu Kosiah trial, disrupted by Covid-19

The year 2020 was marked by the onset of the Covid-19 pandemic, which had numerous impacts, as for the entire world, including the deaths of some of our victims, and of Thomas Woewiyu, who had been found guilty at the Philadelphia trial in 2018 and was still awaiting his sentencing, on which we communicated in April 2020.

Moreover, the trial of Alieu Kosiah was – finally! – due to be held in March, more than 5 years after his arrest at the end of 2014; the decision to send him to trial had been taken by judges in March 2019 and was welcomed by the organisation's 15th press release. But in March and then again in July 2020 we had to communicate the fact that the trial could not proceed as planned, with proceedings ultimately beginning – and then only for a few days – in December 2020, without an audience and under strict sanitary rules. The saga of the delays to the start of the Alieu Kosiah trial alone generated 6 press releases between 2019 and 2020, for a case whose investigation began during the Ebola epidemic in Liberia and ended up opening to trial in the midst of Covid.

2020, 2023, 2025: Years of defamation against CM and a first ruling

An overview of our press releases unfortunately also makes clear that we have not communicated solely on victims' heroic extraterritorial quests for justice, nor solely on the need for the countries in which crimes were committed to try those crimes themselves.

Indeed, since 2020 we have had to face public and defamatory attacks on the integrity of our work, which forced us to communicate publicly via press releases on three occasions in 2020 and 2023, particularly in response to the attacks and legal proceedings brought against us by Agnes Reeves Taylor.

In 2025, with our 59th press release, we also reported on a first-instance ruling by a Swiss court that recognised acts of defamation against Civitas Maxima's director, Alain Werner, though an appeal has since been filed against that ruling.

2021–2024: 6 trials at first instance and on appeal, across 3 countries

Over the four years from 2021 to 2024, six distinct trials took place in three different European countries (Switzerland, Finland and France): 3 first-instance proceedings and 3 appeal proceedings, in the cases against Alieu Kosiah, Gibril Massaquoi, and Kunti Kamara. All of these trials lasted several weeks, with the Gibril Massaquoi proceedings each lasting several months and also taking place in Liberia and Sierra Leone.

As with the Philadelphia trials, Civitas Maxima provided detailed daily coverage of everything said in court throughout all these months of proceedings, with New Narratives' Liberian journalists covering each trial across 5 different countries and relaying key courtroom developments back to Liberia through the press and via radio stations. All this daily coverage tells the stories of tens of Liberian men and women who came forward, most of the time far away from home, to tell their stories with unparalleled dignity and bravery. During these years of constant high tension inherent to criminal proceedings, Civitas Maxima published 14 press releases on these 6 proceedings for the period running from 25 January 2021 to 28 June 2024, nearly a quarter of all publications since the organisation's founding.

2022–2023: First Ukrainian collaborations

In 2021, before Russia's most recent invasion of Ukraine, Civitas Maxima delivered training in Kyiv to the Ukrainian organisation Truth Hounds (recipient of the Sakharov Prize in 2024) to share its experience on extraterritorial proceedings. Ties and contacts between the two organisations continued after the events of 2022, and they collaborated in 2022 and 2023 to report to Swiss federal prosecutors the attack by Russian forces on a Swiss journalist at the front line in Ukraine. This gave rise to our first two press releases also published in Ukrainian, the one published in 2022 being our 40th press release.

2022–2024: 4 new arrests or indictments in 3 different countries, including a new blood diamond case

The years 2022–2024 were not only years of ongoing trials but also ones in which new cases became public. Two new cases in Philadelphia, and also a new arrest in France and one in Madrid. In the new case in Paris, as the organisation did in the Kunti Kamara case held also in France, Civitas Maxima is itself a plaintiff, alongside men and

women from Liberia, which is possible under French – but not Swiss – legislation.

This last case in Spain, which became public in July 2024 and led to our 54th press release, concerns a new alleged blood diamond case, nine years after the arrest of Michel Desaedeleer in Brussels.

2024: Creation of a structure to prosecute war crimes in Liberia

In 2024, Liberian quests for justice concerning the civil wars, pursued across 6 countries outside Liberia since 2014 and carried forward by the courage of Liberian victims, supported by Civitas Maxima and the GJRP and relayed by New Narratives journalists, had finally worn down the political resistance within Liberia itself. This led to the announcement of the creation, within the country itself, of a structure to establish a tribunal to finally try the crimes committed during the civil wars, fittingly welcomed by our organisation's 52nd press release.

The pace of justice is slow, and the courage and resilience of victims and survivors are deserving of every praise.

2025: 3rd verdict in Philadelphia and (at last!) the conclusion of investigations in the Martina Johnson case

In 2025 we were able to communicate on the 5th guilty verdict linked to international crimes in cases on which Civitas Maxima and the GJRP collaborated in one way or another with national authorities, with a 6th case – the Massaquoi trials – having resulted in an acquittal, with these files having mobilised judges across 4 different countries on 2 continents.

That same year saw, on 14 October 2025, the conclusion of investigations in the Martina Johnson case, which had first become public in 2014. The 62nd press release of Civitas Maxima thus marked the close of investigations in a case made public 11 years earlier with our very first press release. The pace of justice is slow, and the courage and resilience of victims and survivors are deserving of every praise.

What these 62 press releases document, taken together, is not a sequence of discrete events but a single, unbroken commitment to the idea that those who ordered or committed atrocities can and must be held to account, wherever in the world they may be found.

Written by Alain Werner, Director of Civitas Maxima

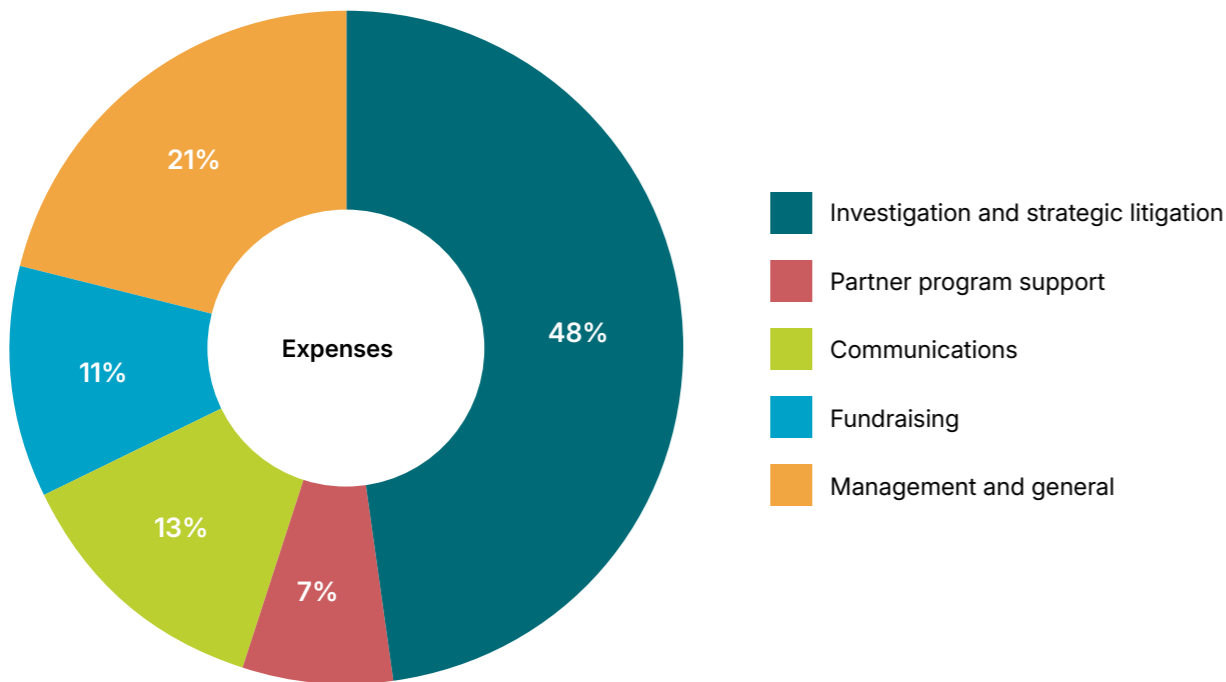
Civitas Maxima from 2012 to 2025

Trial stage (1st instance and appeal) 2017-2025



Operating Statement for the Year Ended December 31, 2025*

	2025 CHF	2024 CHF
Income		
Grants & donations**	2,118,026	1,829,950
Other income	-	30,500
Total income	2,118,026	1,860,450
Expenses		
Investigation and strategic litigation	-965,385	-953,061
Partner program support	-140,795	-165,506
Communications	-265,136	-183,452
Fundraising	-230,537	-192,824
Management and general	-420,991	-420,290
Total expenses	-2,022,845	-1,915,134
Earnings before financial result	95,181	-54,684
Financial expenses	-87,921	-51,442
Financial income	7,904	105,978
Result for the financial year	15,164	-148



*Based on the audited accounts by PwC **Figure includes allocation to and use of the restricted funds.

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Founded in 2012, Civitas Maxima has established itself as one of the few organizations in the world capable – without any state funding – of supporting and assisting hundreds of victims of international crimes in their quest for justice. Your valued contribution will help us to continue our activities and preserve the independence of our work.

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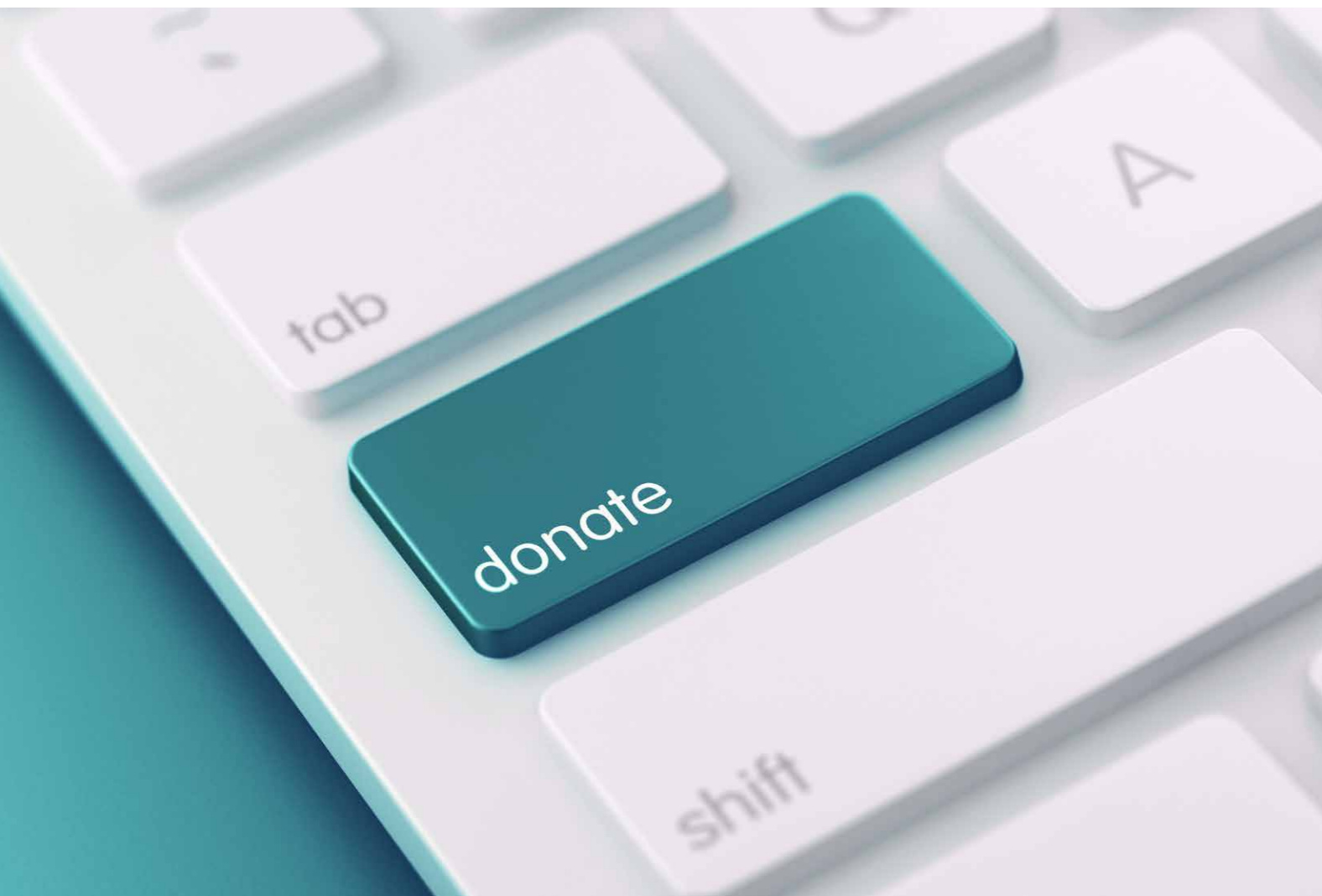
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Special thanks for this annual report:

Concept: Alain Werner

Editorial coordination: Lara Brehmer, Julia Rosso

Design: Nigel Willmott

- 1 The Justice for Victims of War Crimes Act, Pub. L. No. 117-351, 136 Stat. 6265 (Jan. 5, 2023), extended U.S. federal jurisdiction to war crimes committed anywhere in the world by any person present on U.S. territory, regardless of nationality, and removed the five-year statute of limitations. The Act does not cover crimes against humanity and requires written certification by the Attorney General that the prosecution «is in the public interest and necessary to secure substantial justice.»
- 2 Pew Research Center, “Only 2% of federal criminal defendants went to trial in 2018” (2019); U.S. Sentencing Commission, Annual Report 2023.
- 3 Transcript of Pre-Sentencing Evidentiary Hearing at 48:24–49:4, United States v. Laye Sekou Camara, No. 2:22-cr-00142-CFK (E.D. Pa. Jan. 23, 2025).
- 4 Sentencing Memorandum at 15, United States v. Laye Sekou Camara, No. 2:22-cr-00142-CFK (E.D. Pa. Sept. 4, 2025), citing Transcript at 119:14–25.
- 5 Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, UN Doc. E/CN.4/2005/102/Add.1, 8 February 2005 (updating the original Joinet Principles, UN Doc. E/CN.4/Sub.2/1997/20/Rev.1, 1997). The four pillars – truth, justice, reparation, and guarantees of non-repetition – are articulated notably in Principles 2 ss, 19 ss, 31 ss and 35 ss respectively.
- 6 Affirmed by the Inter-American Court of Human Rights, the UN Human Rights Committee, and the UN General Assembly, among others.
- 7 Susan N. Herman, *The Tail That Wagged the Dog: Bifurcated Fact-Finding Under the Federal Sentencing Guidelines and the Limits of Due Process*, 66 S. CALIF. L. REV. 289, 292 (1992).
- 8 U.S. SENT’G GUIDELINES MANUAL § 2L2 (U.S. SENT’G COMM’N 2024).
- 9 U.S. SENT’G GUIDELINES MANUAL § 2L2.2 (a) (U.S. SENT’G COMM’N 2024).
- 10 *Id.* at § 2L2.2(b).
- 11 U.S. SENT’G GUIDELINES MANUAL SUPP. TO APPX. C, (U.S. SENT’G COMM’N 2012). Of the twelve cases where sentences have been imposed, four defendants (Boskic, Djurdjic, Teganya, and Ngombwa) were subject to the enhancement because their criminal conduct occurred after 2012. The other eight defendants (Jabbateh, Mitrovic, Jordan, Sosa, Munyenyezi, Belayneh, Worku, and Lopes) committed their crimes before 2012 and were not subject to the enhancement.
- 12 *Id.* at § 2L2.2(b)(4)(B).
- 13 Sentencing Transcript at 23, U.S. v. Munyenyezi (10-00085) (D.N.H. July 15, 2013).
- 14 *E.g.*, Sentencing Memorandum of Court at 41, U.S. v. Ngombwa (14-00123) (N.D. Iowa Feb. 7, 2017); Sentencing Transcript at 10, U.S. v. Teganya (17-10292) (D. Mass. Sept. 20, 2019).
- 15 U.S. SENT’G GUIDELINES MANUAL § 3C1.1 (U.S. SENT’G COMM’N 2024).
- 16 U.S. SENT’G GUIDELINES MANUAL § 4A1.1, comment 2 (U.S. SENT’G COMM’N 2024).
- 17 U.S. SENT’G GUIDELINES MANUAL § 4A1.1(a)-(c) (U.S. SENT’G COMM’N 2024).
- 18 U.S. SENT’G GUIDELINES MANUAL § 4A1.1(d) (U.S. SENT’G COMM’N 2024).
- 19 U.S. SENT’G GUIDELINES MANUAL § 4A1.1(e) (U.S. SENT’G COMM’N 2024).
- 20 U.S. SENT’G GUIDELINES MANUAL § 5A, note 3 (U.S. SENT’G COMM’N 2024).
- 21 U.S. SENT’G GUIDELINES MANUAL § 41A.1(a)(1) (U.S. SENT’G COMM’N 2024).
- 22 U.S. SENT’G GUIDELINES MANUAL § 41A.1(a)(2)(A) (U.S. SENT’G COMM’N 2024).
- 23 U.S. SENT’G GUIDELINES MANUAL § 41A.1(a)(2)(E) (U.S. SENT’G COMM’N 2024).
- 24 U.S. SENT’G GUIDELINES MANUAL § 5K2.0(a)(1)(A) (U.S. SENT’G COMM’N 2024).
- 25 Sentencing Memorandum of Court at 20, U.S. v. Jabbateh (16-00088) (E.D. Pa. May 21, 2018).
- 26 U.S. SENT’G GUIDELINES MANUAL § 1A1.4(b) (U.S. SENT’G COMM’N 2024).
- 27 Sentencing Transcript at 140–41, U.S. v. Mitrovic (12-00311) (N.D. Georgia Sept. 7, 2016); Sentencing Transcript at 15, U.S. v. Teganya (17-10292) (D. Mass. Sept. 20, 2019).
- 28 Sentencing Memorandum of Court at 21, U.S. v. Jabbateh (16-00088) (E.D. Pa. May 21, 2018); U.S. v. Jordan, 432 Fed. Appx. 950, 952 (11th Cir. 2011) (observing District’s Court’s finding that the misrepresentations in that case fell outside the heartland of the immigration fraud guideline).
- 29 *Dos Erres Massacre*, NAT’L SEC. ARCHIVE (last visited July 14, 2025), <https://nsarchive.gwu.edu/dos-erres-massacre> (placing death count at over 250); Sentencing Memorandum of Government at 4, U.S. v. Sosa (10-00049) (C.D. Cal. Feb. 10, 2014) (noting that the 162 remains were recovered from the village well at Dos Erres).
- 30 Transcript of Continued Sentencing at 11, U.S. v. Jordan (10-80069) (S.D. Fla. Sept. 16, 2010).
- 31 *Id.* at 11–12.
- 32 Sentencing Transcript at 140, U.S. v. Mitrovic (12-00311) (N.D. Georgia Sept. 7, 2016).
- 33 Transcript of Continued Sentencing at 13, U.S. v. Jordan (10-80069) (S.D. Fla. Sept. 16, 2010).
- 34 Sentencing Memorandum of Court at 47, U.S. v. Ngombwa (14-00123) (N.D. Iowa Feb. 7, 2017). Sentencing Transcript at 29, U.S. v. Teganya (17-10292) (D. Mass. Sept. 20, 2019).
- 35 18 U.S.C. § 3553(a).
- 36 18 U.S.C. § 3553(a)(1).
- 37 Sentencing Transcript at 42, U.S. v. Munyenyezi (10-00085) (D.N.H. July 15, 2013).
- 38 *Id.*
- 39 Sentencing Transcript at 120–22, U.S. v. Mitrovic (12-00311) (N.D. Ga. Sept. 7, 2016);
- 40 Sentencing Transcript at 44, U.S. v. Munyenyezi (10-00085) (D.N.H. July 15, 2013).
- 41 Sentencing Memorandum of Court at 33, U.S. v. Jabbateh (16-00088) (E.D. Pa. May 21, 2018).
- 42 Sentencing Transcript at 43, U.S. v. Mitrovic (12-00311) (N.D. Ga. Sept. 7, 2016); Sentencing Transcript at 42, U.S. v. Munyenyezi (10-00085) (D.N.H. July 15, 2013).
- 43 Sentencing Memorandum of Court at 8, U.S. v. Jabbateh (16-00088) (E.D. Pa. May 21, 2018).
- 44 Sentencing Memorandum of Court at 16, U.S. v. Jabbateh (16-00088) (E.D. Pa. May 21, 2018).
- 45 U.S. v. Jabbateh, 974 F.3d 281, 303 (3d Cir. 2020).
- 46 U.S. v. Jabbateh, 974 F.3d 281, 305 (3d Cir. 2020).
- 47 Carla De Ycaza, ‘A Search for Truth: A Critical Analysis of the Liberian Truth and Reconciliation Commission’, *Human Rights Review*, vol. 14, no. 2, 2013, pp. 192–193.
- 48 Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, signed on the 18th of August 2003 in Accra, Art. XIII.
- 49 An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia, 12 May 2005, Art. IV §4 (hereinafter ‘TRC Act’).
- 50 De Ycaza, *op. cit.*, p. 200, citing TRC Final Report Vol. II, p. 185.
- 51 Human Rights Data Analysis Group (HRDAG), ‘Liberia’, hrdag.org/liberia/ (accessed April 2026). Anonymized data available at hrdag.org/liberia-data/ (accessed April 2026).
- 52 De Ycaza, *op. cit.*, pp. 198–200, citing TRC Final Report, Vol. II, pp. 325–360.
- 53 De Ycaza, *op. cit.*, p. 198. Volume IV, intended to compile approximately 10,000 pages of full hearing transcripts, was never published due to lack of funding.
- 54 TRC Act, Art. IV §4.
- 55 TRC Final Report, Vol. III, 2009; De Ycaza, *op. cit.*, p. 201, citing TRC Final Report Vol. III.
- 56 Julia Crawford, ‘Why Liberia’s TRC archives stay in a US university’, *JusticeInfo.net*, 9 June 2020.
- 57 See Kujenga Amani, ‘Liberia’s Truth and Reconciliation Commission: The Importance of Documentation in Postwar Education and Reconciliation’, *SSRC*, 29 April 2013.
- 58 Briony Jones & Ingrid Oliveira, ‘Truth Commission Archives as New Democratic Spaces’, *Journal of Human Rights Practice*, vol. 8, no. 1, 2016, pp. 6–24, at p. 7.
- 59 Crawford, 2020.
- 60 Sandra Rubli & Briony Jones, Archives for a Peaceful Future. A Guidance Note for Working with the Archives of Truth Commissions in Dealing with the Past Contexts, *swisspeace Essential 01/2013*, p. 8.
- 61 Jones & Oliveira, *op. cit.*, p. 20.
- 62 Trudy Huskamp Peterson, The Probative Value of Archival Documents, *swisspeace Essential 02/2014*.
- 63 Francesca Lessa, ‘Remnants of Truth: The Role of Archives in Human Rights Trials for Operation Condor’, *Latin American Research Review*, vol. 56, no. 1, 2021, pp. 183–199, at p. 184–185.
- 64 Vivien Ishaq, ‘Des commissions de vérité aux procédures judiciaires. Les enjeux de l’ouverture des archives pour les enquêtes menées par la CNV au Brésil’, in Camille Goirand & Angélica Müller (eds.), *Documenter les violences. Usages publics du passé dans la justice transitionnelle*, Éditions de l’IHEAL, 2020, pp. 37–60, at p. 40.
- 65 Ishaq, *op. cit.*, p. 52.
- 66 Diane Orentlicher, Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, E/CN.4/2005/102/Add.1, 8 February 2005 (hereinafter ‘Joinet/Orentlicher Principles’), Principle 14.
- 67 Joinet/Orentlicher Principles, commentary §32: ‘Except in extreme cases where the physical survival of archives is imperiled, the original documents should remain in the country concerned. Even in situations justifying removal of archives, the records should remain outside the country concerned for limited periods only.’
- 68 Joinet/Orentlicher Principles, Principle 15; commentary §33.
- 69 Pablo de Greiff, Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, A/HRC/30/42, 7 September 2015, Annex ‘Set of general recommendations for truth commissions and archives’, §9 – 13.
- 70 De Greiff, A/HRC/30/42, Annex, §4.
- 71 ICA, Guiding Principles for Safe Havens for Archives at Risk, International Council on Archives / *swisspeace*, 2020, Principle 2 (Last Resort Principle) and Principle 10 (Ownership Principle).

- 72 ICA, Guiding Principles, op. cit., Principle 12 (Anticipating Succession Principle): 'The sending and the hosting institution must agree on what will happen if either the sending or the hosting institution ceases to exist, or is subject to major changes in reporting relationships.'
- 73 IACHR, Resolution 3/2019, Principles on Public Policies on Memory in the Americas, adopted at the 174th Period of Sessions, 9 November 2019.
- 74 "Remarks by Georgia Tech President G. Wayne Clough, Visit of Liberia President Ellen Johnson-Sirleaf, September 13, 2006." <https://repository.gatech.edu/server/api/core/bitstreams/35ded4ca-00b8-418b-855d-e9bd2d205e13/content> (accessed 11 March 2026).
- 75 "View from the Library, Featured Faculty Mike Best," Georgia Tech Library and Information Center, Spring 2011 Volume 2, Issue 2. <https://repository.gatech.edu/server/api/core/bitstreams/42e5669f-ef5f-4762-ae94-d561f777d-bf7/content> (accessed 11 March 2026). The videos and the final truth commission website are available through Georgia Tech at <https://www.trcofliberia.org/>
- 76 Julia Crawford, "Why Liberia's TRC archives stay in a US university," JusticeInfo.net, 9 June 2020.
- 77 Ibid.
- 78 Benetech Spins Off Human Rights Data Analysis Group," February 15, 2013. The spin off was named the Human Rights Data Analysis Group (HRDAG). <https://benetech.blogspot.com/2013/02/benetechs-human-rights-spin-off.html> (accessed 11 March 2026).
- 79 HRDAG <https://hrdag.org/liberia/> <https://benetech.blogspot.com/2013/02/benetechs-human-rights-spin-off.html> (accessed 11 March 2026).
- 80 HRDAG <https://hrdag.org/liberia-data/> <https://benetech.blogspot.com/2013/02/benetechs-human-rights-spin-off.html> (accessed 11 March 2026).
- 81 The factual background that follows comes from the reporting of T. Christian Miller, including T. Christian Miller, *Who Killed the Nuns?*, ProPublica, 6 Feb. 2015, <https://www.pbs.org/wgbh/frontline/article/who-killed-the-nuns/> (last accessed 23 Apr. 2026); T. Christian Miller, *Unsolved Killing of American Nuns in Liberia an Open Case Again*, ProPublica, 6 May 2015, <https://www.propublica.org/article/unsolved-killing-of-american-nuns-in-liberia-an-open-case-again> (last accessed 23 Apr. 2026).
- 82 T. Christian Miller, *Who Killed the Nuns?*, ProPublica, 6 Feb. 2015.
- 83 Robert D. McFadden, *Five U.S. Nuns Are Shot to Death While Trapped by Liberian War*, N.Y. Times, 1 Nov. 1992, <https://www.nytimes.com/1992/11/01/world/five-us-nuns-are-shot-to-death-while-trapped-by-liberian-war.html> (last accessed 23 Apr. 2026).
- 84 Johnny Dwyer, *Why the Murder of Five American Nuns Will Go Unavenged*, TIME, 31 Oct. 2012, <https://world.time.com/2012/10/31/why-the-murder-of-five-american-nuns-will-go-unavenged/> (last accessed 21 Apr. 2026).
- 85 Omnibus Diplomatic Security and Antiterrorism Act of 1986, Pub. L. 99-399, Section 1202, codified at 18 U.S.C. § 2331.
- 86 See e.g. Article 3, Geneva Convention Relative to the Protection of Civilian persons in Time of War, 12 August 1949, <https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-3>.
- 87 Rule 113. Treatment of the Dead, Customary International Humanitarian Law Database, International Committee of the Red Cross, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule113>.
- 88 See Article 6, Individual criminal responsibility, Statute for the Special Court for Sierra Leone, <https://www.rscsl.org/Documents/scsl-statute.pdf>; Article 6, Individual Criminal Responsibility, Statute of the International Tribunal for Rwanda, https://legal.un.org/avl/pdf/ha/ictr_ef.pdf.
- 89 T. Christian Miller, *Is This Man Responsible for the Murders of 5 American Nuns?*, ProPublica, 31 Dec. 2014, <https://www.propublica.org/article/is-this-man-responsible-for-the-murders-of-5-american-nuns> (last accessed 23 Apr. 2026).
- 90 "Liberia: NPFL General on TRC "Most Notorious" List Dies; Angry Victims Say He Escaped Justice," Front Page Africa, 22 Feb. 2022, <https://frontpageafricaonline.com/news/2016news/liberia-npfl-general-on-trc-most-notorious-list-dies-angry-victims-say-he-escaped-justice/> (last accessed 24 Apr. 2026).
- 91 Anthony Stephens, *Liberia: Advocates Warn Trump Administration's Plans to Shut Offices Devoted to Global Justice and Human Trafficking Will Be Big Blow to Liberian Victims*, Front Page Africa, 25 Apr. 2025, <https://frontpageafricaonline.com/news/liberia-advocates-warn-trump-administrations-plans-to-shut-offices-devoted-to-global-justice-and-human-trafficking-will-be-big-blow-to-liberian-victims/> (last accessed 24 Apr. 2026).
- 92 T. Christian Miller, *Who Killed the Nuns?*, ProPublica, 6 Feb. 2015, <https://www.pbs.org/wgbh/frontline/article/who-killed-the-nuns/> (last accessed 23 Apr. 2026).
- 93 *Id.*
- 94 Statement by Joyce Rose Cruickshank, 16 Feb. 2024, in an email on file with Civitas Maxima.
- 95 Statement by Peggy Rose, 16 Feb. 2024, in an email on file with Civitas Maxima.
- 96 Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25 (ECOWAS Court of Justice 28 February 2025).
- 97 Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25. Para. 32-33.
- 98 Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25. Para. 11-15; Sahara Reporters. « FLASHBACK: How Major Al-Mustapha Ordered Me To Kill MKO Abiola's Wife, Provided Logistics, Transportation To Lagos – Sergeant Rogers », 9 November 2022. <https://saharareporters.com/2022/11/09/flashback-how-major-al-mustapha-ordered-me-kill-mko-abiolas-wife-provided-logistics>.
- 99 Vanguard News. « KUDIRAT ABIOLA: Al-Mustapha to die by hanging », 30 January 2012. <https://www.vanguardngr.com/2012/01/kudirat-abiola-al-mustapha-to-die-by-hanging/>.
- 100 Ben Ezeamalu. « Court of Appeal sets Al-Mustapha free », *Premium Times*, 12 July 2013. <https://www.premium-timesng.com/news/140798-breaking-court-of-appeal-sets-al-mustapha-free.html?tztc=1>.
- 101 Ezeamalu. « Court of Appeal sets Al-Mustapha free », 2013.
- 102 It is interesting to note that Sergeant Jabila, after having testified on the killing of Ms Abiola, which he confessed to have killed on the orders of Major Al-Mustapha, later on said he was asked to give such testimony as part of an agreement with the federal government and the Lagos State government. He alleged to have been promised a job, house, and security. The contradictions in his testimonies were one of the reasons for which the Court of Appeal eventually acquitted Al-Mustapha. One of the Appeal judges allegedly wondered "why PW2 (Mr. Jabila) was treated as a prosecution witness instead of charging him with murder". See: Ezeamalu. « Court of Appeal sets Al-Mustapha free », 2013.
- 103 Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25. Para. 15.
- 104 "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right." Article 4 of the African Charter on Human and People's Rights.
- 105 "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited." Article 5 of the African Charter on Human and People's Rights.
- 106 Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25. Para. 18(ii).
- 107 Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25. Para. 30-34.
- 108 Global Justice and Research Project & Ors v. Liberia, ECW/CCJ/RUL/04/24 (ECOWAS Court of Justice 17 October 2024). This case was initially brought on October 4, 2022, when CJA, the Institute of Human Rights and Development in Africa (IHRDA) and pro bono co-counsel Debevoise & Plimpton, LLP filed a suit in the ECOWAS Community Court of Justice on behalf of Civitas Maxima's local partner organization in Liberia, the *Global Justice and Research Project*, and three survivors of the Lutheran Church Massacre against the Republic of Liberia for its failure to hold the perpetrators of the massacre to account.
- 109 Global Justice and Research Project & Ors v. Liberia, ECW/CCJ/RUL/04/24. Para. 41-65.
- 110 Global Justice and Research Project & Ors v. Liberia, ECW/CCJ/RUL/04/24. Para. 46.
- 111 For an analysis of the Global Justice and Research Project & Ors. v. Liberia, see Civitas Maxima. « Lutheran Church massacre: ECOWAS Court disillusions Liberian victims », 18 November 2024. <https://civitas-maxima.org/lutheran-church-massacre-ecowas-court-disillusions-liberian-victims/>.
- 112 Nigeria ratified the African Charter on Human and Peoples' Rights in 1983 and Liberia ratified it in 1987. United Nations. *United Nations Treaty Collection*. Accessed 14 April 2026. <https://treaties.un.org/pages/showDetails.aspx?objid=08000002800cb09f>.
- 113 For the Nigerian Commission of Inquiry (Oputa Panel), see Human Rights Violations Investigation Commission (HRVIC). « Final Report, Volume 3 », 2002. <https://atjhub.csvr.org.za/wp-content/uploads/2021/09/Oputa-Panel-Report-Volume-3.pdf>. Para. 5.10. For the Liberian Truth and Reconciliation Commission, see Republic of Liberia, Truth and Reconciliation Commission. « Volume II: Consolidated final report », 30 June 2009. P. 156.
- 114 Global Justice and Research Project & Ors v. Liberia, ECW/CCJ/RUL/04/24. Para. 61; Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25. Para. 17(ii) and 18(ii).
- 115 Global Justice and Research Project & Ors v. Liberia, ECW/CCJ/RUL/04/24. Para. 46.
- 116 Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25. Para. 32-33.
- 117 The European Court of Human Rights held that "the positive obligation to carry out an effective investigation (...) constitutes a detachable obligation capable of binding the State even when the (original violation) took place before the critical date." Grand Chamber. Šilih v. Slovenia (European Court of Human Rights 9 April 2009). Para. 159. Similarly, the Inter-American Court in *Moiwana Community v. Suriname* found that the denial of an effective remedy is a continuing violation that could be adjudicated even when the underlying violation occurred before the State's recognition of the Court's jurisdiction. Interamerican Court of Human Rights. *Moiwana Community v. Suriname* (15 June 2005). The African Court on Human and Peoples' Rights also distinguished clearly between primary, instantaneous violations, such as a violation to the right to life, that cannot be adjudicated by they Court if they occur before the critical date and the subsequent, continuing obligation to investigate, by which States are bound beyond the critical date and that consequently fall under the Court's temporal jurisdiction. See African Court on Human and People's Rights. *Beneficiaries of late Norbert Zongo & Ors. v. Burkina Faso*, Application No. 013/2011 (21 juin 2013). Para. 71-77.
- 118 Khafila Abiola & Ors v. Nigeria, ECW/CCJ/RUL/01/25. Para 18 (ii).

- 119 “Every individual shall have the right to have his cause heard. This comprises: a. the right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; (...)” Article 7 of the African Charter on Human and People’s Rights.
- 120 “The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.” Article 1 of the Organization of the African Union.
- 121 African Court on Human and People’s Rights, Beneficiaries of late Norbert Zongo & Ors. v. Burkina Faso, Application No. 013/2011. Para. 61-77.
- 122 Grand Chamber, Šilih v. Slovenia. Para. 161-163.
- 123 ATF 124 IV 149.
- 124 CR CP II-Rieben/Mazou, Art. 173 SCC N 25.
- 125 ATF 137 IV 313.
- 126 Swiss Supreme Court, 6B_1225/2014 of 18 January 2014 ; CR CP II-Rieben/Mazou, Art. 173 SCC N 29.
- 127 CR CP II-Rieben/Mazou, Art. 173 SCC N 26.
- 128 Swiss Supreme Court, 6B_512/2017 of 12 February 2018 ; ATF 124 IV 149.
- 129 *Ibid.*
- 130 Swiss Supreme Court, 6B_1222/2019 of 21 January 2020 ; ATF 124 IV 149.
- 131 ATF 116 IV 205 ; PC CP-Dupuis/Moreillon, Art. 173 SCC N 38.
- 132 ATF 124 IV 149 ; ATF 118 IV 153.
- 133 See e.g. Eckle v. Germany, 1982, § 82; Sociedade de Construções Martins & Vieira, Lda., and others v. Portugal, 2014, § 48.
- 134 See most recently: Committee against Torture, Concluding Observations on the eighth periodic report of Switzerland, 11 December 2023, and Switzerland’s response of 25 July 2024, CAT/C/CHE/FCO/8.
- 135 Parl. Init. 20.504.
- 136 The classification of countries is made based on the publicly available documents on the official UN website. There might be cases where since the last document of the Committee against Torture, legislative practice might have changed or developments might be ongoing.
- 137 Bilková, V. and Cristani, F. (2025) *Mechanisms of international justice to fight impunity: International tribunals, universal jurisdiction and transitional justice processes*. Brussels: European Parliament, Directorate-General for External Policies.
- 138 “Integration of Mental Health and Psychosocial Support Approaches in Accountability Mechanisms for Atrocity Crimes”, An Michels Pantea Javidan, Eveline de Bruijn and Lisa M. Brown, 2024.
- 139 *Ibid.*
- 140 “Integration of Mental Health and Psychosocial Support Approaches in Accountability Mechanisms for Atrocity Crimes”, An Michels Pantea Javidan, Eveline de Bruijn and Lisa M. Brown, 2024, p. 31.
- 141 Murthy, 2007; Tol and others, 2013.
- 142 “Integration of Mental Health and Psychosocial Support Approaches in Accountability Mechanisms for Atrocity Crimes”, An Michels Pantea Javidan, Eveline de Bruijn and Lisa M. Brown, 2024, p. 31.
- 143 Weidman, p. 56.
- 144 *Ibid.*, 56.
- 145 “Breaking Down Barriers: Access to Justice in Europe for Victims of International Crimes”, ECCHR, REDRESS, FIDH, 2020, p. 119.
- 146 Weidman, p. 56.
- 147 “The risk of speaking out: rethinking victim and witness protection in universal jurisdiction proceedings”, Civitas Maxima, 2025.

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