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# COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

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Developments concerning the International Criminal Court and  
other international criminal tribunals

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## DEVELOPMENTS CONCERNING THE INTERNATIONAL CRIMINAL COURT (ICC) AND OTHER INTERNATIONAL CRIMINAL TRIBUNALS

### I. The International Criminal Court (ICC)

1. The Rome Statute of the International Criminal Court (the Rome Statute) currently has 125 State parties.
2. The following developments have occurred since the last CAHDI meeting:
  - On 30 May and 1 July 2025, Timor-Leste and Seychelles ratified and accepted, respectively, the amendment to Article 124 of the Rome Statute, bringing the number of ratifications/acceptances to 26.<sup>1</sup> Timor-Leste and Seychelles also ratified and accepted, respectively, the amendments on the crime of aggression and the amendment to Article 8 of the Rome Statute adopted at the Review Conference held in Kampala (Uganda) from 31 May to 11 June 2010 (the so-called “Kampala amendments”). The total number of ratifications/acceptances for both amendments is now 49.<sup>2</sup> Moreover, Timor-Leste also became a party to the Agreement on the Privileges and Immunities of the ICC – bringing the number of ratifications/acceptances to 80.<sup>3</sup> Additionally, Seychelles also accepted the amendments to Article 8 of the Rome Statute concerning “weapons which use microbial or other biological agents, or toxins”, “weapons the primary effect of which is to injure by fragments undetectable by x-rays in the human body”, and “blinding laser weapons”. This brings the total number of ratifications/acceptances for each amendment to 24, 22 and 22, respectively.<sup>4</sup>
  - On 2 June 2025, Hungary notified the denunciation of the Agreement on Privileges and Immunities of the ICC. On the same day, Hungary also withdrew from the Rome Statute. Both the denunciation and the withdrawal shall take effect one year after the date of receipt of the notification.
  - On 1 July 2025, Seychelles accepted the amendment to Article 8 of the Rome Statute concerning “intentionally using starvation of civilians” adopted in The Hague on 6 December 2019 and entered into force on 14 October 2021, bringing the number of ratifications/acceptances to 21.<sup>5</sup>
3. A summary of the ICC’s judicial activity since the last CAHDI meeting is set out below:
  - On 7 April 2025, in the case [The Prosecutor v. Dominic Ongwen](#), the Appeals Chamber delivered its judgment rejecting Mr Dominic Ongwen’s appeal and confirming the Trial Chamber’s decision on reparations from 24 February 2024. The Appeals Chamber considered the grounds of appeal raised by the Defence. Among other findings, the Appeals Chamber concluded that Trial Chamber’s decision not to reveal the victims’ names to the Defence was justified due to security concerns and did not unduly affect the Defence right to conduct a meaningful review of the victims’ dossiers. The Appeals Chamber also found that there was

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<sup>1</sup> See, [Amendment to Article 124 of the Rome Statute of the International Criminal Court](#), The Hague, 26 November 2015.

<sup>2</sup> See, [Amendments on the crime of aggression to the Rome Statute of the International Criminal Court](#), Kampala, 11 June 2010; [Amendment to Article 8 of the Rome Statute of the International Criminal Court](#), Kampala, 10 June 2010.

<sup>3</sup> See, [Agreement on the Privileges and Immunities of the International Criminal Court](#), New York, 9 September 2022.

<sup>4</sup> See, [Amendment to article 8 of the Rome Statute of the International Criminal Court \(Weapons which use microbial or other biological agents, or toxins\)](#), New York, 14 December 2017; [Amendment to article 8 of the Rome Statute of the International Criminal Court \(Weapons the primary effect of which is to injure by fragments undetectable by x-rays in the human body\)](#), New York, 14 December 2017; [Amendment to article 8 of the Rome Statute of the International Criminal Court \(Blinding laser weapons\)](#), New York, 14 December 2017.

<sup>5</sup> See, [Amendment to Article 8 of the Rome Statute of the International Criminal Court \(Intentionally using starvation of civilians\)](#), The Hague, 6 December 2019.

no error in rejecting the Defence's argument regarding the allegedly overlapping claims of victims before Ugandan tribunals as well as before the ICC. The Appeals Chamber noted that the compensation discussed before national tribunals was different from the reparations awarded by the Court. It concluded that the Defence had failed to explain how the Acholi traditional mechanisms should be incorporated into the reparation system under the Court's legal texts and how such incorporation would affect the scope of Mr Ongwen's liability for reparations.

- On 24 April 2025, in the [situation in the State of Palestine](#), the Appeals Chamber issued its judgment on the appeal filed by the State of Israel against the decision of Pre-Trial Chamber I on Israel's challenge to the jurisdiction of the Court pursuant to Article 19(2) of the Rome Statute. The Pre-Trial Chamber had previously rejected Israel's challenge to the jurisdiction of the Court as premature. On the merits of the appeal, the Appeals Chamber concluded that the Pre-Trial Chamber committed an error of law by failing to sufficiently address Israel's argument that it was entitled to make a jurisdictional challenge under Article 19(2)(c) of the Rome Statute. The Appeals Chamber therefore reversed the Impugned Decision and remanded the matter to the Pre-Trial Chamber for a new ruling on the substance of Israel's challenge to the jurisdiction of the Court. In light of the above, the Appeals Chamber dismissed, as moot, Israel's request for suspensive effect of two arrest warrants issued after the Impugned Decision and "any other legal acts taken by the Court based thereon". Moreover, the Appeals Chamber dismissed Israel's appeal against Pre-Trial I's decision rejecting Israel's request for an order to the Prosecutor to issue a new notice pursuant to Article 18(1) of the Rome Statute and found the appeal to be inadmissible. On 16 July 2025, the Pre-Trial Chamber rejected Israel's request to have arrest warrants withdrawn, vacated, or declared of no force or effect and to suspend the Prosecutor's investigation. In particular, the Pre-Trial Chamber found that the previous Appeals Chamber's Judgment did not impact the jurisdictional findings contained in the Warrants and, therefore, there was no legal basis for withdrawing.
- On 15 May 2025, Libya [accepted the ICC jurisdiction](#) over alleged crimes from 2011 to the end of 2027. On 16 July 2025, Mr Khaled Mohamed Ali El Hishri, a national of Libya, was arrested by the authorities of the Federal Republic of Germany pursuant to a warrant of arrest issued under seal by Pre-Trial Chamber I of the ICC on 10 July 2025 in the context of the [situation in Libya](#). Mr Khaled Mohamed Ali El Hishri is alleged to have been one of the most senior Mitiga Prison officials, where thousands of persons were detained for prolonged periods. He is suspected of having committed directly himself, ordered or overseen crimes against humanity and war crimes, including murder, torture, rape and sexual violence, allegedly committed in Libya from February 2015 to early 2020. The suspect, arrested upon the ICC request, will remain in the custody of the German authorities pending the completion of the national proceedings as foreseen in article 59 of the Rome Statute. On 8 August 2025, Pre-Trial Chamber I decided to unseal the arrest warrant issued initially on 10 November 2020 against Mr Saif Suleiman Sneidel. Mr Saif Suleiman Sneidel, a Libyan national, is believed to be a member of 'Group 50', a sub-group of the Al-Saiqa Brigade commanded by Mahmoud Mustafa Busayf Al-Werfalli, referred to as early as May 2017 as a 'field commander' and as early as February 2018 as an officer with the rank of first lieutenant. The Chamber found reasonable grounds to believe that he is responsible for war crimes of murder, torture and outrages upon personal dignity, allegedly committed in Benghazi or surrounding areas, in Libya, on or before 3 June 2016 until on or about 17 July 2017.
- On 3 June 2025, in the case [The Prosecutor v. Joseph Kony](#), the Appeals Chamber delivered its judgment in the appeal of the Defence for Mr Joseph Kony against the decision of Pre-Trial Chamber III of 29 October 2024 on the [criteria for holding confirmation of charges proceedings in absentia](#). The Appeals Chamber confirmed Pre-Trial Chamber III's decision that the Rome Statute allows for the confirmation of charges hearing to proceed *in absentia* without requiring a suspect's prior initial appearance in circumstances in which he or she "cannot be found". The Appeals Chamber found that this interpretation is consistent with the object and purpose of the Statute and that it is not incompatible with the rights of the defence. It found that, indeed, the Rome Statute provides adequately robust safeguards to protect the suspect's fair trial

rights even in cases where such an initial appearance has not taken place. The confirmation hearing in the case is scheduled to open on 9 September 2025.

- On 8 July 2025, in the [situation of Afghanistan](#), Pre-Trial Chamber II issued warrants of arrest for Mr Haibatullah Akhundzada, Supreme Leader of the Taliban, and Mr Abdul Hakim Haqqani, Chief Justice of the Taliban, who have exercised *de facto* authority in Afghanistan at least from 15 August 2021. The Chamber found that there are reasonable grounds to believe that Mr Haibatullah Akhundzada and Mr Abdul Hakim Haqqani have committed by ordering, inducing or soliciting the crime against humanity of persecution, under Article 7(1)(h) of the Rome Statute, on gender grounds against girls, women and other persons non-conforming with the Taliban's policy on gender, gender identity or expression; and on political grounds against persons perceived as "allies of girls and women". These crimes are believed to have been committed on the territory of Afghanistan since the Taliban seized power on 15 August 2021 and have continued until at least 20 January 2025.
- On 24 July 2025, Trial Chamber V issued its verdict in the case [The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona](#). The Chamber found Mr Ngaïssona and Mr Yekatom guilty beyond any reasonable doubt of a number of war crimes and crimes against humanity which took place in Bangui and the west of the Central African Republic ("CAR") between September 2013 and at least February 2014. The Chamber, composed of Judges Bertram Schmitt, Presiding, Judge Péter Kovács, Judge Chang-ho Chung, Judge Beti Hohler, Alternate Judge, sentenced Alfred Yekatom to a total of 15 years of imprisonment and Patrice-Edouard Ngaïssona to a total of 12 years of imprisonment. The duration they have spent in detention will be deducted from their sentences.

## II. Kosovo\* Specialist Chambers (KSC) and Specialist Prosecutor's Office (SPO)

4. The Kosovo Specialist Chambers (KSC) and Specialist Prosecutor's Office (SPO) were established pursuant to an international agreement ratified by the Kosovo Assembly, a Constitutional Amendment, and the Law on Kosovo Specialist Chambers and Specialist Prosecutor's Office. They are temporary in nature and have jurisdiction concerning crimes against humanity, war crimes, and other crimes under Kosovo law commenced or committed in Kosovo between 1 January 1998 and 31 December 2000 by or against citizens of Kosovo or the Federal Republic of Yugoslavia. Since the last CAHDI meeting, the latest developments at the KSC were as follows:

- On 16 April 2025, the Specialist Prosecutor's Office (SPO) completed its presentation of evidence in the case of the [Specialist Prosecutor v. Hashim Thaçi et al.](#), against the former Kosovo President Mr Hashim Thaçi, Mr Kadri Veseli, Mr Rexhep Slimi, and Mr Jakup Krasniqi. The trial opened on 3 April 2023. In presenting its case, the SPO has called testimony from 125 witnesses live in court. Around 3,000 SPO exhibits have been admitted into evidence in multiple languages. And the SPO has made a total of 1,430 filings in this case to date. Mr. Thaçi, Mr. Veseli, Mr. Selimi and Mr. Krasniqi are charged with crimes against humanity and war crimes, including the murders of more than 100 victims and the illegal detention and torture of hundreds of victims. According to the indictment, the crimes were committed against hundreds of civilians and persons not taking part in hostilities from at least March 1998 through September 1999 in multiple locations across Kosovo and in northern Albania. More than 150 victims are participating in this trial and are represented by Victims' Counsel.
- On 17 April 2025, the Specialist Chamber of the Constitutional Court in the case of the [Specialist Prosecutor v. Salih Mustafa](#) delivered its judgment on the referral made by Mr Salih Mustafa, finding that there had been no violation of the Kosovo Constitution or the European Convention for the Protection of Human Rights and Fundamental Freedoms. Mr Mustafa had alleged violations of his individual rights and freedoms in connection with the criminal proceedings against him before the Kosovo Specialist Chambers. In its judgment, the

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\* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Constitutional Chamber declared part of his complaints inadmissible and rejected the remainder.

- On 14 July 2025, the Court of Appeals Panel in the case of the [Specialist Prosecutor v. Pjeter Shala](#), affirmed Mr Shala's conviction for the War Crimes of Arbitrary Detention (count 1), Torture (count 3), and Murder (count 4). However, the Appeals Panel also granted in part three of the fourteen grounds raised by Mr Shala in his appeal, dismissing the remaining grounds raised by Mr Shala, and reducing his sentence from 18 to 13 years of imprisonment, with credit for time served. In concluding, the Appeals Panel emphasised that it has confirmed Mr Shala's convictions for the war crimes of arbitrary detention, torture and murder, and that the reduction in his sentence in no way suggests that the crimes for which he has been convicted and sentenced are not grave.

### III. The United Nations International Mechanism for Criminal Tribunals (IRMCT)

5. The United Nations International Residual Mechanism for Criminal Tribunals (Mechanism) continues the jurisdiction and essential functions of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) after the completion of their respective mandates. The latest developments<sup>6</sup> at the Mechanism since the last CAHDI meeting were as follows:

- On 13 May 2025, in the case of the *Prosecutor v. Charles Sikubwabo*, the Single Judge issued a decision in which he considered that the Prosecution had presented sufficient information to establish that Mr Sikubwabo is deceased and terminated proceedings against Mr Sikubwabo before the Mechanism.
- On 13 May 2025, in the case of the *Prosecutor v. Ryandikayo*, the Single Judge issued a decision in which he considered that the Prosecution had presented sufficient information to establish that Mr Ryandikayo is deceased and terminated proceedings against Mr. Ryandikayo before the Mechanism.
- On 15 May 2025, in the case of the *Prosecutor v. Nzabonimpa et al.*, the Appeals Chamber issued a decision on the appeal of a decision on allegations of contempt and on requests to appear as *amici curiae*. The Appeals Chamber found that Mr Robinson had failed to demonstrate that the subject matter of the appeal raised issues related to the proper functioning of the Mechanism that warranted appellate review as of right; and dismissed, Judge Nyambe dissenting, the appeal and the requests to appear as *amici curiae*.
- On 29 July 2025, in the case of the *Prosecutor v. Ratko Mladić*, the President of the Mechanism denied a request from Mr Ratko Mladić to be provisionally released on humanitarian grounds. The President stated that she "acknowledge[d] that Mladić's current condition, which requires dependency on others for activities of daily living, is precarious" but that he continues "to receive very comprehensive and compassionate care". Mr Mladić, the former commander of the army of the Bosnian-Serb Republic, was convicted by a Trial Chamber of the ICTY on 22 November 2017 of genocide, crimes against humanity and war crimes. He was sentenced to life imprisonment. The conviction and sentence were upheld by the ICTY Appeals Chamber in 2021. Mr Mladić has remained at the United Nations Detention Unit in The Hague, awaiting designation and his transfer to a State where he will serve the remainder of his sentence. To date, he has served approximately 14 years of the life sentence.

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<sup>6</sup> All the relevant filings are accessible through this link: [Home | UNITED NATIONS | International Residual Mechanism for Criminal Tribunals](#).

#### IV. Special Criminal Court of the Central African Republic (SCC-CAR)

6. The Special Criminal Court (SCC-CAR) is a special court within the justice system of the Central African Republic created by Organic Law No. 15.003 of 3 June 2015 to investigate, prosecute and judge serious violations of human rights and international humanitarian law committed on the territory of the Central African Republic since 1 January 2003, as defined by the Central African Criminal Code and international law. It comprises international and Central African judges, four chambers and a Special Judicial Police Unit. With a limited duration of 5 years (renewable), the SCC-CAR focuses on the most serious crimes, such as war crimes and crimes against humanity, and takes precedence over ordinary national courts. The SCC-CAR complements the work of the ICC, which was seized by the Central African authorities on 30 May 2014. On 24 September 2014, the ICC Prosecutor announced the opening of an investigation into crimes within its jurisdiction committed since 1 August 2012 on Central African territory. As the ICC gives priority to prosecuting those most responsible, the SCC-CAR is responsible for investigating and prosecuting the dozens of other perpetrators of serious human rights violations committed. The latest SCC-CAR developments since the last CAHDI meeting are as follows:

- On 24 March 2025, the SCC-CAR announced publicly that the suspect [Mr Mohamed Ali Fadoul](#) had been arrested by judicial police officers on 20 March 2025 pursuant to an arrest warrant issued by the investigating judges of the Court on 4 March 2025. The Court also announced that, on 21 March 2025, he was brought before the investigating judges and made his first appearance. After being informed of his rights, he was charged with crimes against humanity by murder, extermination, persecution, enforced disappearance of persons, imprisonment or other severe deprivation of physical liberty in violation of fundamental provisions of international law and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health and war crimes by murder, attacks upon the health and physical or mental well-being of persons, as well as cruel treatment such as torture, mutilation or any form of corporal punishment, attacks upon the civilian population, attacks upon places of worship, attacks upon objects indispensable to the survival of the population, and pillaging.
- On 15 April 2025, the Special Indictments Division of the Special Criminal Court issued a [ruling on the appeals](#) against the order dismissing the case and referring it to the Assize Chamber of the Court in the 'Guen' investigation. The Special Indictments Division of the Court ruled that the appeals were inadmissible and consequently ordered that the case be transferred to the Assize Division. Its ruling is subject to appeal to the Appeals Chamber within 3 days of notification. The case concerns crimes allegedly committed by anti-Balaka groups in the localities of Guen, Gadzi and Djomo in the sub-prefecture of Gadzi in the Mambere-Kadei prefecture. According to the investigating judges, between February and March 2014, crimes against humanity and war crimes were committed against the Muslim population in the above-mentioned localities.
- On 19 June 2025, the SCC-CAR published the summary of the judgment in the case of the [Prosecutor v. Oumar Serge Abdoulaye Assan et al.](#) In the judgment, the Court acquitted Mr Oumar Serge Abdoulaye Assan of all charges due to insufficient and unreliable evidence and ordered his immediate release. The other accused, Mr Abdramane Seleman, Mr Abakar Balamane, Mr Amat Younouss, Mr Hassane, Mr Haroun Gueye, and Mr Zakaria Mahamat, were found guilty as co-perpetrators of the following crimes: the crimes against humanity of murder, attempted murder, other inhumane acts, and persecution; and the war crimes of murder and attempted murder. The Court dismissed the charges for the war crimes of attacks on civilians, pillage, and destruction of enemy property.
- On 28 July 2025, On 28 July 2025, the First Section of the Assize Chamber of the SCC-CAR, delivered its judgement n°43-S1-2025 in the proceedings known as '[Ndélé 1](#)' (*in absentia*), concerning the serious events that took place in Ndélé on 11 March and 29 April 2020. In December 2023, the Assize Division had ordered that the proceedings be split into two

separate parts: on the one hand, that involving the detained defendants, who had already been tried at first instance; on the other hand, those involving the absent defendants (tried in absentia), namely: General Ndjouma Fache, Younouss Kalam Yal, Atahir English, Abdel Kane Mahamat Salle, Fotor Sinine and Yousouf Moustapha alias Badjadje. In the second part, the Court found all the defendants guilty of crimes against humanity - murder, inhuman acts and persecution - as well as war crimes, namely murder and cruel treatment, committed in Ndélé on 11 March and 29 April 2020. Général Ndjouma Fache and Fotor Sinine were convicted to 20 years each, and the other four accused were convicted to 25 years each. However, the six defendants were acquitted of charges of war crimes involving looting and attacks against the civilian population. The Court also reserved its judgment on civil interests and costs. In accordance with Article 134 of the SCC-CAR Rules of Procedure and Evidence, a three-day period is open for the filing of any appeals.