

BRINGING PERPETRATORS OF ATROCITIES TO ACCOUNT IN THE UK

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INTRODUCTION

Prosecuting an alleged perpetrator in the country in which they committed international crimes is not always possible, especially when domestic courts are unable or unwilling to act. Universal jurisdiction is a legal principle that enables States to investigate and prosecute serious international crimes in domestic courts, regardless of where they occurred or the nationality of those involved. The rationale behind universal jurisdiction is that some crimes are so heinous that every State has an interest in seeking justice and accountability for them. In many cases, universal jurisdiction is the only legal mechanism available for victims/survivors and their families to access justice.

Universal jurisdiction appears in domestic legislation such as the Geneva Conventions Act 1957 and the Criminal Justice Act 1988.¹ The International Criminal Court Act (ICCA) 2001, however, limits the reach of universal jurisdiction claims. Under the ICCA, UK courts can only prosecute genocide, crimes against humanity and war crimes (as defined in the Rome Statute) committed abroad when they are perpetrated by a UK national, UK resident, or a person subject to UK service jurisdiction.² This means that even if British citizens were victims of such crimes abroad, their families could not necessarily seek justice through British courts.

As a result, British courts can prosecute breaches of the Geneva Conventions or torture committed anywhere in the world, but they cannot do so in relation to serious international crimes defined under the Rome Statute. The current legal framework produces a significant jurisdictional gap: individuals suspected of genocide, war crimes and crimes against humanity who are not UK citizens or residents – including Putin's henchmen, the Taliban responsible for gender persecution in Afghanistan, among others – can travel to or remain in the UK without fear of prosecution.

This legal position runs counter to the UK's international legal obligations. Refusing to prosecute individuals for crimes against humanity, genocide, and war crimes on jurisdictional grounds creates a dissonance with the UK's long-standing commitment to international justice and the prevention of impunity for international crimes.

The UK can take concerted action by empowering British courts to act where alleged perpetrators of international crimes are physically present in the UK. Reforming the ICCA to allow for the prosecution of international crimes – regardless of the nationality or residence of the alleged perpetrator – is essential to fulfil the UK's international legal obligations, safeguard the integrity of the rule of law, and ensure the UK does not become a safe haven for perpetrators of the world's most serious crimes.

¹ Geneva Conventions Act 1957, s 1; Criminal Justice Act 1988, s 134.

WHY WE NEED REFORM

A Victim/Survivor-Centric Approach to Justice

Domestic prosecutions of international crimes are essential to deliver justice and recognition to victims/survivors, particularly where the countries where the crimes were committed are unwilling or unable to act. Yet, as it stands, the UK justice system prevents victims/survivors of international crimes from seeking justice before British courts, even if the alleged perpetrators are in the UK.

British courts lack jurisdiction over many alleged perpetrators of international crimes, including:

- Members of the Taliban visiting their children studying in the UK, whose acts of gender or religious persecution constitute crimes against humanity which, for now, do not trigger universal jurisdiction.
- Leaders of the Iranian regime who may travel to the UK for medical treatment despite credible allegations of their involvement in crimes against humanity of persecution, which do not trigger universal jurisdiction.
- Alleged perpetrators of conflict-related sexual violence (CRSV) in the Democratic Republic of Congo, for the same reason.
- Alleged perpetrators of genocide in Darfur, from two decades ago, or the newest genocide being perpetrated right now, for the same reason.
- Russian leaders committing grave human rights abuses in Ukraine, for the same reason.

In all these cases, the alleged conduct falls within the purview of Rome Statute crimes but does not trigger universal jurisdiction under current UK law.

In 2025, the Joint Committee on Human Rights (JCHR)² and the International Development Committee (IDC)³ produced separate reports touching upon the issue of universal jurisdiction. Both reports recommended that the UK remove the nationality and residence requirements.

Removing nationality and residence requirements would provide victims/survivors with an option for justice and accountability. In practice, there would not be many cases of this sort. However, such an action would send a strong message to perpetrators of such crimes: the UK could not be used as a safe haven.

Upholding International Rule of Law

Justice and accountability are fundamental to the rule of law, whose core principle is that everyone is subject to the law. These principles should be applied consistently and fairly. There should be no difference in their application to international crimes such as genocide, crimes against humanity, and war crimes.

When the law does not allow investigations and prosecutions of suspects of international crimes who are physically present in the UK, particularly where evidence of their involvement exists, it permits these crimes to go unpunished, creating the perception that some individuals are above

² Joint Committee on Human Rights, [Accountability for Daesh crimes](#), 13 May 2025.

³ International Development Committee, [Protection not permission: The UK's role in upholding international humanitarian law and supporting the safe delivery of humanitarian aid](#), 12 June 2025.

the law. This gap risks undermining public confidence in the legal system and weakens the enforcement of international legal norms.

It is detrimental to justice that, under current UK law, prosecutions for genocide, crimes against humanity and war crimes are limited to nationals and residents, while foreign nationals who commit the same atrocities can evade accountability simply because of their nationality or immigration status. This creates an untenable divide in the law, where UK citizens are being held to a higher standard of accountability than non-citizens or residents for the same heinous acts.

For UK victims/survivors of international crimes, this means that justice can be denied in their own courts solely because the alleged perpetrator is not a UK citizen or resident. For example, in August 2024, Ryan Evans, a Wrexham-born safety advisor for Reuters and former British soldier was killed ⁴on a hotel in eastern Ukraine.⁵ The Rt Hon Lord Wigley described Evan’s death as ‘part of a wider pattern of similar atrocities and war crimes’; and, without legislative changes, ‘the family of Ryan have very ⁵.⁶ Although Ukraine’s security service identified a Russian general ⁶,⁷ there were no legal avenues available at the time to seek justice and accountability for his death.

ADDRESSING MISCONCEPTIONS

The following section addresses some of the misconceptions surrounding universal jurisdiction and provides clarifications about the operation of the proposed changes.

Misconception One: It is better to prosecute international crimes where they are committed

The UK Government has previously held that “where crimes are committed abroad...offences are best investigated and prosecuted under local laws in the country in which they have taken place.”⁷

While justice should ideally be delivered where crimes occurred, this is often not possible in practice. Many States where widespread international crimes have been committed lack functioning or independent judicial systems, are controlled by those responsible for, or complicit in, the crimes, or cannot guarantee fair trials, witness protection or other assistance.

In such circumstances, UK prosecutions provide a necessary and credible forum of last resort. This has been brought to the attention of the UK Government by Parliamentarians, experts, and victims/survivors themselves, including Nobel Peace Prize laureate Nadia Murad. The experience of victims/survivors of CRSV is particularly illustrative. Despite the scale of violations – reaching more than 4,500 UN-verified cases in 2024 alone, the majority of which involve women and girls – impunity remains the norm.⁸ Even though CRSV may constitute war crimes, crimes against

⁴ Al Jazeera, [Reuters safety adviser killed in Russian missile attack on Kramatorsk hotel](#), 26 August 2024.

⁵ Lord Wigley, [Crime and Policing Bill Debate](#), 5 February 2026.

⁶ Reuters, [Ukraine says Russian general deliberately targeted Reuters staff in August missile strike](#), 23 December 2024.

⁷ Ministry of Justice, [Accountability for Daesh Crimes Inquiry](#), 5 February 2025.

⁸ UN Secretary-General, *Protection of civilians in armed conflict: Report of the Secretary General*, UN Doc S/2025/271, 15 May 2025, para 30.

humanity, and, in some cases, acts of genocide, victims/survivors are routinely denied justice at home.

The UK has taken a principled stance on CRSV with its Preventing Sexual Violence in Conflict Initiative (PSVI), which aims to raise global awareness of the prevalence of sexual violence in situations of armed conflict and take action to end it, with a dedicated team and funding at the FCDO.⁹ However, the Government has not taken the logical next step of making it possible to prosecute perpetrators of CRSV who travel to the UK. As UN Secretary General Antonio Guterres has stated, “Too often, perpetrators walk free, cloaked in impunity, while survivors often bear the impossible burden of stigma and shame.”¹⁰

Under current UK law, when alleged perpetrators travel to the UK, the lack of jurisdiction allows impunity to persist.

Concrete examples demonstrate the systemic nature of this failure:

- In Iraq, more than a decade after Daesh unleashed genocide against the Yazidis, victims/survivors of CRSV have not been able to access justice locally.¹¹ To this day, there is no law criminalising such international crimes in Iraq. Without such a law, it is not possible to prosecute Daesh for international crimes where they are committed. To complicate matters further, victims/survivors do not trust authorities and do not wish to testify, especially now that the United Nations Investigative Team to Promote Accountability for Crimes Committed by Daesh (UNITAD) is no longer active.
- In Ethiopia, victims/survivors of the horrific CRSV perpetrated as part of the Tigray genocide are unable to seek justice due to the ongoing conflict, the lack of avenues for justice, and denial of their experiences. Their suffering continues to be silenced and neglected.¹²
- In Sudan, victims/survivors of the 2003-2005 Darfur genocide face yet another wave of atrocities (and indeed yet another genocide). The impunity that followed previous atrocities has enabled further international crimes.¹³

Considering these cases, the claim that justice should generally be pursued where crimes were committed cannot be sustained.

Misconception Two: The ICC is better equipped to deal with all international crimes

The International Criminal Court (ICC) is the first international criminal tribunal with a permanent mandate and the power to award reparations to victims/survivors. However, for the ICC to engage, it must have territorial jurisdiction (over the territory of the State Party to the Rome Statute) or personal jurisdiction (over citizens of the State Party). This imposes a significant

⁹ For more information, see Foreign, Commonwealth & Development Office, [Preventing Sexual Violence in Conflict Initiative: About us](#), (undated).

¹⁰ UN News, [Long after the guns fall silent, conflict-related sexual violence leaves lasting scars](#), 19 June 2025.

¹¹ Human Rights Institute, [Justice and Accountability for the Atrocities of Daesh – Progress Made and the Way Forward \(Working Draft\)](#), March 2023.

¹² Genocide Watch, [Ethiopia's Slow Recovery for Rape Victims in Tigray](#), 12 July 2024.

¹³ REDRESS, [Ruining a Country, Devastating its People: Accountability for serious violations of international human rights and humanitarian law in Sudan since 15 April 2023](#), September 2023.

limitation which prevents the ICC from investigating crimes committed in many parts of the world, including international crimes committed against the Yazidis in Iraq or Syria, against Uyghurs in China, against Tigrayans in Ethiopia, and others.

To date, the ICC has focused on a few of the leaders in situations within its jurisdiction. The ICC cannot replace domestic and regional options for justice and accountability. This is by design, as the ICC acts as a court of 'last resort'. States have the first responsibility to prosecute international crimes, meaning that the ICC can only act where national and legal systems are unwilling or unable to do so. Proceedings under the principle of universal jurisdiction are key where alleged perpetrators are omitted from consideration by the ICC, or where the ICC does not have jurisdiction to act.

For example, the ICC is limited in its ability to provide meaningful accountability for the scale and geographic spread of international crimes committed in Sudan. Its jurisdiction, based on a 2005 UN Security Council referral, concerns 'the situation in Darfur' and may exclude any international crimes committed elsewhere in the country that do not have a sufficient connection to Darfur.¹⁴

Since fighting between the Sudanese Armed Forces and the Rapid Support Forces began on 15 April 2023, both warring parties have committed war crimes and other serious violations of international humanitarian law, including executions, mutilation of bodies and attacks on civilians across multiple regions of Sudan, far beyond Darfur. These crimes fall largely outside the ICC's jurisdiction.¹⁵

While the Office of the Prosecutor of the ICC has announced renewed investigations, these efforts are focused on West and North Darfur. There is no independent judicial mechanism capable of addressing atrocities committed across the rest of the country.

Recognising this gap, the UN Fact-Finding Mission on Sudan has called on States to pursue all available accountability avenues, including universal jurisdiction prosecutions before national courts, to complement the ICC's limited mandate.¹⁶ This situation demonstrates that the ICC is not an appropriate or sufficient alternative to national prosecutions.

Given its limited jurisdiction and capacity, national courts exercising universal jurisdiction remain essential to filling accountability gaps and ensuring that perpetrators of international crimes do not evade justice simply because no international court can reach them.

Misconception Three: Removing nationality and residence requirements will apply further pressure to an already overwhelmed justice system

There are already safeguards in place to ensure that only well-founded cases of international crimes move forward. For example, authorities and the Crown Prosecution Service (CPS) would first conduct investigations to determine whether international crimes have been perpetrated (so-called structural investigations). Then, the CPS would determine whether they had enough evidence against the alleged perpetrator before seeking the Attorney General's consent. The Attorney General then decides whether to allow the case to proceed.

¹⁴ UN Security Council Resolution 1593 (2005), para 1.

¹⁵ For additional resources on human rights violations in Sudan, see REDRESS, [Accountability for International Crimes in Sudan](#), (undated).

¹⁶ UN General Assembly, *Report of the Independent International Fact-Finding Mission for the Sudan*, UN DOC A/HRC/57/23 (2024), paras 106-107.

In reality, this will be a very small number of such cases, as not many cases will be able to meet all the requirements. As the CPS testified before the JCHR, they ‘support the recommendations to remove the nationality and residence requirements, which would streamline things and make it a lot easier for prosecutors to provide advice on jurisdiction’.¹⁷

Countries such as Germany, the Netherlands, France, and Sweden already prosecute international crimes where the perpetrator is present, demonstrating that such an approach is workable and consistent with the rule of law.

In recent years, courts in these countries have tried and convicted an Iraqi national and former member of the Islamic State (IS) for crimes of genocide and crimes against humanity against^{18, 19} Assad’s henchmen for torture in Syria,²⁰ and Rwandans involved in^{20, 21} among others. Their experience demonstrates that this approach has not²¹ ‘opened the floodgates’ to prosecutions. Comparative data from these jurisdictions shows that prosecutions remain rare, with only a small number of cases initiated each year, demonstrating that effective accountability can be delivered without overwhelming the justice system or undermining foreign policy interests.²²

Misconception Four: UK authorities will struggle to access evidence and investigate the crimes properly

Authorities in the UK and CPS are already conducting such investigations in relation to war crimes (Geneva Conventions Act 1957) and torture (Section 134 of the Criminal Justice Act 1988). These investigations trigger universal jurisdiction in relation to international crimes committed abroad.

The UK supported the establishment of several UN mechanisms tasked with collecting evidence of international crimes for use in domestic prosecutions, including the International, Impartial and Independent Mechanism for Syria (IIIM), the Independent Investigative Mechanism for Myanmar (IIMM), and the UN Investigative Team for Accountability of Daesh (UNITAD). These mechanisms have been working with prosecutors around the world to support their investigations and provide evidence where possible. For example, UNITAD has worked with prosecutors in 14 countries, and IIIM with prosecutors in at least 12 countries, and effectively supported investigations and prosecutions.

The UK’s current approach to universal jurisdiction, which rests on two different regimes for different international crimes, produces uncertainty for survivors and their families and leads to injustices. **Legal reform would provide additional clarity and consistency in the way in which the principle of universal jurisdiction is adopted in UK law.**

Misconception Five: Calls for reform target specific countries

¹⁷ Joint Committee on Human Rights, [Uncorrected oral evidence: Daesh \(HC 1922\)](#), 15 November 2023.

¹⁸ DW, [German Court finds former ‘IS’ member guilty of genocide](#), 30 November 2021.

¹⁹ Human Rights Watch, [Germany: Conviction for State Torture in Syria](#), 13 January 2022.

²⁰ TRIAL International, [Universal Jurisdiction Annual Review 2022](#), 4 April 2022.

²² TRIAL International, [Universal Jurisdiction Annual Review 2026](#), April 2026.

Calls for universal jurisdiction reform are not specific to any country, conflict or contemporary political context; they have been made consistently since at least 2009,²³ demonstrating a long-standing structural issue rather than a politically motivated response to any particular situation. In any event, existing safeguards would remain in place, ensuring prosecutorial discretion and political oversight over decisions whether to investigate or prosecute.

These reforms aim to close the justice gap. They do not target specific countries or their citizens. They are to ensure that the alleged perpetrators of international crimes cannot come to the UK without any fear of prosecution. The reforms also aim to ensure that the families of British citizens killed in conflict or atrocity crimes abroad can seek justice in the UK.

Misconception Six: Existing law is sufficient to prosecute perpetrators of international crimes

Several pieces of legislation confer universal jurisdiction on UK courts, including Section 1 of the Geneva Conventions Act (criminalising ‘grave breaches’ of Geneva Conventions, which overlap with some war crimes under the Rome Statute),²⁴ Section 1 of the Taking Hostages Act 1982 (criminalising hostage-taking),²⁵ and Section 134 of the Criminal Justice Act (criminalising torture).²⁶ However, the ICCA (which criminalises genocide, crimes against humanity, and war crimes) does not confer universal jurisdiction – it codifies active personality jurisdiction only. Active personality jurisdiction (also known as the nationality principle) enables states to prosecute their own citizens, even for crimes committed outside of its national borders.²⁷ As a result, the current legal framework creates fundamental loopholes and significant gaps that prevent the UK from delivering justice and accountability to victims/survivors of international crimes. For example, while the Geneva Conventions Act and the ICCA both criminalise war crimes, the former is much narrower and primarily concerns international armed conflict, while the latter covers a much broader range of crimes.

The limitations of the current framework are illustrated by the case of former Rwandan General James Kabarebe.²⁸ In September 2016, Kabarebe visited London to speak at a UN peacekeeping conference. Then Prime Minister Boris Johnson reportedly granted him special mission immunity for the duration of his visit. This took place after a UN Group of Experts published a report in 2012,²⁹ identifying General James Kabarebe as effectively directing the Rwandan-backed M23 rebel group, which has been implicated in widespread war crimes, including summary executions, rape, and forced recruitment in the DRC.³⁰ According to reports, Kabarebe is said to

²³ Joint Committee on Human Rights, [Closing the Impunity Gap: UK law on genocide \(and related crimes\) and redress for torture victims](#), 11 August 2009.

²⁴ Geneva Conventions Act 1957, s 1.

²⁵ Taking Hostages Act 1982, s 1.

²⁶ Criminal Justice Act 1988, s 134.

²⁷ Max Planck Encyclopedias of International Law, [Criminal Jurisdiction of States under International Law](#), March 2011.

²⁸ TRIAL International, [Universal Jurisdiction Annual Review 2022](#), 4 April 2022.

²⁹ Group of Experts on the Democratic Republic of the Congo, [Final report of the Group of Experts on the DRC submitted in accordance with paragraph 4 of Security Council resolution 2011 \(2011\)](#), S/2012/843, 15 November 2012.

³⁰ Carlos Mureithi and Ermo Egbejue, [Who are the M23 rebels and why is there fighting in eastern DRC?](#), 14 February 2025.

have had command control over the group during its capture of Goma, the capital of North Kivu province in the DRC. The attack reportedly left over 140,000 people displaced.³¹

Human Rights Watch documented at least 24 summary executions and 26 rapes committed by M23 fighters during the occupation.³² Kabarebe, Rwanda's Minister of State for Regional Integration since 2023, reportedly still serves as a liaison to the M23 and was sanctioned by the US in February 2025 for his alleged role in directing the rebel group's operations and human rights abuses in eastern DRC.³³

Despite the gravity of the allegations, Kabarebe could not have been prosecuted under the ICCA during his 2016 visit, even without special mission immunity. As he is neither a UK national nor a resident, UK courts would have lacked jurisdiction under the current provisions. This case demonstrates how the absence of presence-based jurisdiction prevents UK courts from acting even where credible allegations exist, and the individual is present in the UK.

CONCLUSION

To enable the UK to play a proactive role in securing justice and accountability for international crimes, jurisdictional limitations should be removed from UK law. Removing the nationality and residence requirements for prosecutions for crimes of genocide, crimes against humanity, and war crimes in Sections 51 and 58 of the ICCA would help close this gap.



³¹ UN News, [UN relief agencies working 'around the clock' to assist displaced in DR Congo](#), 27 November 2012.

³² Human Rights Watch, [DR Congo: War Crimes by M23, Congolese Army](#), 5 February 2023.

³³ U.S. Department of State, [Treasury Sanctions Rwandan Minister and Senior Militant for Conflict in the Democratic Republic of the Congo](#), 20 February 2025.