

## BRIEFLY NOTED\*

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### JUDICIAL AND SIMILAR PROCEEDINGS

#### 1. **Case B 9704-22 (Svea Court of Appeal – December 19, 2023)**

<https://perma.cc/3N9V-YX93> (Judgment in Swedish)

<https://www.domstol.se/svea-hovratt/nyheter/2023/12/the-svea-court-of-appeal-announces-verdict-in-a-case-about-grave-breaches-of-international-humanitarian-law-and-murder-in-iran-in-1988/> (English Press Release)

On December 19, 2023, the Svea Court of Appeal in Sweden issued its judgment in the above case affirming the conviction and sentencing of Hossein Seyed Ahmadi, an Iranian citizen, for grave breaches of international humanitarian law and murder that took place in Iran in 1988. Specifically, he was charged with having executed prisoners associated with the People’s Mojahedin Organization of Iran in the Gohardasht prison. Though the Court of Appeal dismissed the conviction of grave breaches of IHL with regard to some of the prisoners at issue, it found overall that the district court was correct in holding that the prosecutor substantiated the charges levied against Ahmadi. With regard to the murder charge, the Court of Appeal affirmed and noted that it should actually have been considered several acts of murder instead of just one single act. One judge dissented and argued that the defendant should have been found guilty of aiding and abetting murder rather than murder itself. The Court of Appeal also agreed with the district court’s assessment that the acts took place in relation to the conflict between Iran and Iraq, thus triggering the application of IHL. Ahmadi’s sentence to life in prison stands, and damages have been awarded to surviving plaintiffs and relatives of the deceased prisoners.

The Court found that the district court was correct in holding that that the prosecutors’ charges were substantiated, though the Court of Appeals did find that in some cases, the evidence was not sufficient to prove that certain people were executed as alleged by prosecution.

### RESOLUTIONS, DECLARATIONS, AND OTHER DOCUMENTS

#### 1. **Register of Damage Caused by the Aggression of the Russian Federation against Ukraine Opens for Claims Submission (April 2, 2024)**

<https://rd4u.coe.int/en/-/register-of-damage-for-ukraine-opens-for-claims>

Markiyani Kliuchkovskiy, Executive Director of the Register of Damage for Ukraine, announced the opening of the Register for claims submissions on April 2, 2024. The category of damages for which the Register is currently receiving submissions is damage or destruction of residential property. According to the Register’s press office, additional categories will be launched in the “near future.” Claims can be [submitted](#) via a e-governance service called Diia via a mobile app or a web portal.

#### 2. **U.S. Indicts Russian Soldiers for War Crimes against U.S. National (December 6, 2023)**

<https://www.justice.gov/opa/pr/four-russia-affiliated-military-personnel-charged-war-crimes-connection-russias-invasion>

The U.S. announced the unsealing of war crimes charges in the Eastern District of Virginia against four Russian military officers for their conduct concerning a U.S. civilian national in the context of the Russian invasion of Ukraine in February 2022 (see: *U.S. v. Suren Seiranovich Mkrtchyan et al.*, U.S. District Court, E.D. Va., Case 3:23-cr-00161, Indictment dated December 5). The indictment specifically charges torture, inhuman treatment, unlawful confinement, and conspiracy to commit war crimes. As reported in *International Enforcement Law Reporter* (subscription required), “this is the first time the Justice Department has pursued these types of cases as war crimes.” According to a [press release](#) from the U.S. Department of Justice’s Office of Public Affairs, Attorney General Merrick B. Garland stated that “the Justice Department will work for as long as it takes to pursue accountability and justice for Russia’s war of aggression.” In addition, he

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noted that the “charges reflect that the defendants’ alleged actions are not only grave breaches of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, but also violations of U.S. law.”

**3. Nicaragua Files Case at ICJ against Germany over Support to Israel (International Court of Justice – March 1, 2024)**

<https://www.icj-cij.org/sites/default/files/case-related/193/193-20240301-pre-01-00-en.pdf>

On March 1, 2024, Nicaragua initiated [proceedings](#) before the International Court of Justice (ICJ), alleging Germany violated international law by funding Israel and halting aid to the UN Palestinian refugee agency (UNRWA).

In its [official application](#), Nicaragua accuses Germany of failing to fulfill its obligation under the Geneva Conventions to prevent “serious violations of peremptory norms of international law” in Gaza. Nicaragua also alleges that Germany not only failed to prevent genocide from being committed against the Palestinian people but “contributed to the commission of genocide” through its political, financial, and military support to Israel in its continued military occupation of Palestine.

In support of their argument, Nicaragua noted that Germany [ceased](#) financial assistance to UNRWA, which provides essential aid for Palestinian civilians. Germany was one of the several countries, including the United States and Canada, that suspended their funding after [allegations](#) that 12 UNRWA staff members were part of the October 7 Hamas attack on Israel.

The application urges the ICJ to implement emergency measures mandating Germany to halt its military assistance to Israel and reverse its decision to cease funding UNRWA, given Germany’s “participation in the ongoing plausible genocide and serious breaches of international humanitarian law” in the Gaza Strip.

The Nicaraguan case follows the earlier case filed by South Africa in December, which accused Israel of committing genocide against Palestinians in Gaza. In January, the ICJ [instructed](#) Israel to “take all measures within its power” to prevent breaches of the Genocide Convention and subsequently [ordered](#) the implementation of a set of provisional measures aimed at preventing the genocide of Palestinians in Gaza.

While a specific date for the hearing has yet to be announced, it is customary for the ICJ to expedite proceedings concerning requests for emergency measures, often initiating them within weeks.