

# STANDING GROUP ON ATROCITY CRIMES



## THE ATROCITY CRIMES REVIEW

*A COMPREHENSIVE  
UK STRATEGY FOR  
ATROCITY PREDICTION,  
PREVENTION AND  
RESPONSE*

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SUPPORTED BY  
ACCOUNTABILITY UNIT  
COALITION FOR GENOCIDE RESPONSE  
IBA HUMAN RIGHTS INSTITUTE

STANDING GROUP ON  
ATROCITY CRIMES

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The Atrocity Crimes  
Review

*A Comprehensive UK Strategy for Atrocity Prediction,  
Prevention and Response*

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The Standing Group on Atrocity Crimes is an independent *ad hoc* body, comprising a group of leading international lawyers, cross-party parliamentarians and policy advisers, dedicated to strengthening the United Kingdom's approach to atrocity prediction, prevention and response. Its Secretariat is comprised of the following organisations: Accountability Unit, Coalition for Genocide Response, and the IBA Human Rights Institute (IBAHRI).

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## **DEDICATION**

In tribute to survivors/victims of atrocity crimes, and to the witnesses, journalists, lawyers, and investigators who, often at immense personal risk, bring to light the evidence necessary for the international community to recognise, prevent, and respond to such crimes with urgency, resolve, and practical action.

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## CONTENTS

|                                                                                 |    |
|---------------------------------------------------------------------------------|----|
| <a href="#"><u>Acknowledgments</u></a>                                          | I  |
| <a href="#"><u>Executive Summary</u></a>                                        | 1  |
| <a href="#"><u>A. State Anticipation/Prediction of International Crimes</u></a> | 10 |
| <a href="#"><u>B. State Prevention of International Crimes</u></a>              | 21 |
| <a href="#"><u>C. State Responses to International Crimes</u></a>               | 38 |
| <a href="#"><u>D. Funding, Resourcing and Allocation</u></a>                    | 58 |
| <a href="#"><u>Annex A: Expert Evidence</u></a>                                 | 71 |
| <a href="#"><u>Annex B: Call Evidence</u></a>                                   | 73 |
| <a href="#"><u>List of Abbreviations</u></a>                                    | 75 |
| <a href="#"><u>About the Standing Group</u></a>                                 | 78 |
| <a href="#"><u>Endnotes</u></a>                                                 | 79 |

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### Disclaimers

The views expressed in this Review do not necessarily reflect the views of individual contributors

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# EXECUTIVE SUMMARY

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*Summary Headnote: Relevance of the mandate of the Standing Group; Global proliferation of armed conflicts and, relatedly, commission of international crimes; Failure of existing international legal frameworks/mechanisms to prevent and adequately respond to crimes, including holding perpetrators accountable; Roles and responsibilities of the UK Government on atrocity-related matters; Proposals for a comprehensive approach to atrocity prediction, prevention and response.*

## Introduction

1. The world faces the largest number of active armed conflicts since 1946.<sup>1</sup> More than 98 countries have been partly involved in some form of external conflict in the past five years, up from 59 in 2008.<sup>2</sup> International crimes as a result of inter-State conflict are resurging, but atrocity crimes by States and non-State actors alike are increasingly common within States where there is no armed conflict.<sup>3</sup> Between 2000 and 2020, almost one in five countries experienced mass atrocities, or identified that there was a serious risk they could take place.<sup>4</sup>
2. Mass atrocities, including the crime of aggression, war crimes, crimes against humanity and genocide, are likely to remain a prominent and even perennial feature of our world, given a global disregard for, and active denial of, international law by powerful States.<sup>5</sup>
3. UK citizens are increasingly vicarious witnesses to harrowing and destructive daily images of atrocity crimes, despite the apparent legal commitment of States, including the UK, to the international rule of law, which requires action to prevent and respond, as well as meet the repeated, and now empty, moral refrain of ‘Never Again.’
4. The consequences of atrocity crimes, and the lack of adherence to binding international law, extend beyond the immediate harm to victims/survivors and witnesses; they have direct and indirect implications for UK interests, politics, society and economy. Atrocity crimes elsewhere frequently threaten international peace and security, cause mass displacement of civilians, diminish opportunities for economic relations, degrade the environment, divide society, and contribute to the rise of authoritarianism, which in turn further heightens the risk of future atrocities.<sup>6</sup> Atrocities do not happen spontaneously, but have long gestation periods, stemming often, but not always, from inequality and discrimination, and acting as both a driver and consequence of armed conflict, environmental harm and instability. There is a cyclical relationship.<sup>7</sup>
5. The social, political, and economic future of UK citizens is predicated on the enforcement of international law, which binds not only States which are directly responsible for internationally wrongful acts, but also third States. These obligations, arising from treaty or customary international law, require States to prohibit, prevent and punish the commission of international crimes and encourage the pacific settlement of disputes.<sup>8</sup> There is also national self-interest in promoting the rule of law and maintaining international norms. As a medium-sized country that has left the European Union (“EU”), but is heavily integrated into the global economy, the UK shares an interest in more predictable international relations and reduced incidence of conflict and atrocity crimes that adherence to international law has historically provided.
6. The increasing need for atrocity prevention and adequate response comes at a time of ever-growing attacks on the legitimacy and authority of international courts, tribunals and organisations, such as the United Nations (“UN”), the International Criminal Court (“ICC”) and the International Court of Justice (“ICJ”). The backsliding on adherence to international law is juxtaposed with a dwindling in the number of democracies; less than 8% of the world’s population (in 25 countries) live in full democracies, and some 39.4% are under full

authoritarian rule – up from 36.9% in 2022.<sup>9</sup> Freedom House puts it another way: 80% of people on Earth live in countries that are either not free or only partly free.<sup>10</sup> Furthermore, three of the five permanent UN Security Council (“**UNSC**”) members are increasingly hostile to binding international law, actively violate it by committing alleged atrocity crimes, and undermine the international institutions and mechanisms which enforce international criminal law.

### Current UK atrocity prevention programming

7. The paradox is that successive UK governments have alluded to the link between atrocity crimes and harm to peace, trade and democracy at home.<sup>11</sup> The current Government has, for instance, repeatedly emphasised that global instability and conflicts have hindered its ability to deal with refugee flows, energy prices, terrorism and hate crime, or economic growth.<sup>12</sup> It has also expressed repeated commitments to atrocity prediction and prevention.<sup>13</sup> Yet, these same governments have failed to disaggregate instability/conflict from a key cause and driver: the commission of atrocity crimes and fundamental violations of international law.<sup>14</sup> They have failed also to deal fully with it as a distinct challenge or a national security or defence priority.
8. The UK Government has no comprehensive framework, no national strategy, no strategic review, to prevent and respond to atrocity crimes. This failure has two aspects: one, a deliberate policy choice; and two, a lack of serious strategic thinking.
9. In relation to policy, governments say that they do not wish to have a “fetter” on foreign or economic policy, which reflects prioritising critical diplomatic relationships and short-term economic benefits over a principled approach consistent with our legal obligations.<sup>15</sup> An approach encompassing a fully comprehensive framework, would cost very little – likely the cost of a couple of complex missiles or two modern tanks annually – in comparison with the inordinate cost of atrocities materialising and their second- or third-order effects.
10. In relation to strategy, there is a demonstrable lack of cohesive, coherent and strategic thinking at the highest levels of successive governments and a focus on symptoms rather than causes. For instance, neither the 2025 National Security Strategy (“**NSS**”) nor the 2025 Strategic Defence Review (“**SDR**”) – whilst repeatedly referring to threats emanating from economic uncertainty, global instability, mass migration, and conflict – mention atrocity crimes nor their inextricable link to those very issues.<sup>16</sup> Its core emphasis is on deterring and responding to armed conflict, without any acknowledgement of atrocity crimes as both a driver and consequence of armed conflict.
11. Furthermore, there appears to be no budgeting for tackling atrocity crimes in the national security budget, which will comprise 5% of GDP by 2035, nor in the defence budget, which will comprise 3% of GDP by 2030, at a time when the overseas development budget, which is the primary support for atrocity prevention work, is being cut officially from 0.5% to 0.3%, but which in fact is a real terms cut to 0.1% of GDP.<sup>17</sup> The FCDO is said to have fully protected *aid budgets* for Ukraine, Sudan, Palestine, and Lebanon only and the preventing sexual and gender-based violence initiatives.<sup>18</sup>
12. At a time when more resources ought to be provided to atrocity-related work, the Government is also embarking on a general 15-25% cut to all staff, with apparent significant cuts to the atrocity prevention team and changes to take effect in September 2026.<sup>19</sup>
13. At the time this Review was finalised,<sup>20</sup> there was no clarity or transparency on the FCDO cuts to highly specialised atrocity prevention/response work, despite repeated pleas from parliamentarians for disclosure and serious restraint to any cuts for atrocity-related work.<sup>21</sup>

### UK compliance with international legal obligations

14. To seriously address the scourge of atrocity crimes, States need to understand and articulate the full trajectory of atrocity crimes and create pathways for tackling them from gestation to commission, and beyond. This requires *anticipating* or *predicting* their occurrence through the use of operational risk frameworks, *preventing* their commission when serious risks are identified, and *responding* when atrocities do occur, in line with existing international law, through to meaningful reparations for victims, and preventing their reoccurrence.
15. Many critically important and binding international legal obligations on the UK on the international plane are not given domestic effect through policy or are not operationalised by domestic legislation. Some of these obligations, set out in the International Law Commission's ("ILC") Draft Articles on State Responsibility, largely reflect and restate binding customary international law: to undertake due diligence to prevent atrocity crimes; to not recognise as lawful situations in which wrongful acts occur; to not aid or assist the commission of crimes; to work with international partners to bring the wrongful situation to an end, and so forth.<sup>22</sup> If anything, the current approach to atrocity crimes can be described as piecemeal, incoherent and non-compliant with binding international law or political commitments.
16. It has long been implicit in official Government policy that genocide determination is for international courts and tribunals, a position traceable at least to 1971;<sup>23</sup> a policy which starkly contradicts States' obligations to prevent, under the Convention on the Prevention and Punishment of the Crime of Genocide ("**Genocide Convention**"), especially in circumstances where the UK is not willing to utilise the very international courts that have exclusive jurisdiction to adjudicate.<sup>24</sup> That official stance also stands in inexplicable contradiction to the fact that the UK Government has made *de facto* determinations, or adopted determinations, including those made by the UN, on crimes against humanity, as it did on 18 October 2023 in respect of the situation of the Uyghurs on behalf of 51 other countries;<sup>25</sup> its continuous assessments relating to risk of atrocity crimes in Gaza, including the risk of genocide, as disclosed in the *Al-Haq* case;<sup>26</sup> designating atrocity crimes as "ethnic cleansing", such as in Sudan;<sup>27</sup> and its determination that Russia had carried out the crime of aggression in Ukraine with its full-scale invasion on 22 February 2022,<sup>28</sup> all of which are just as egregious under international law as the commission of genocide. The UK Government has not done the same, or has not been forthcoming, when UN bodies have made findings of alleged genocide.<sup>29</sup>
17. It is alleged that successive UK governments have gone further – by purportedly silencing internal specialists who have warned of the serious risk of genocide or other atrocity crimes – especially in relation to situations in Israel/Occupied Palestinian Territories, Sudan, Yemen and the People's Republic of China ("**PRC**" or "**China**") – for apparent fear that being forthcoming about the risk, even internally, would trigger international obligations to act or disclosures to the public.<sup>30</sup> This was despite the fact that often assessments of atrocity crimes partly derived from investigation and documentary work funded by the FCDO itself. The lack of formal and independent fair-labelling of atrocities, internal frameworks for escalating serious situations of international concern relating to atrocities to ministerial or emergency "Cobra" level, and maintaining transparent processes for acting on any assessment in line with international law are critical failures.

### Best practice and civil society-led advocacy

18. Over the years, several major initiatives have been launched by parliamentarians, experts and civil society to encourage the UK Government to better meet its obligations to prevent and

- respond to international crimes, including: the various iterations of the Genocide Determination Bill and the Genocide (Prevention and Response) Bill;<sup>31</sup> genocide determination amendments to the Trade Bill 2021; legislative amendments on universal jurisdiction;<sup>32</sup> sanctions legislation to induce human rights compliance;<sup>33</sup> supporting parliamentary inquiries, such as the International Development Committee's ("IDC") Preventing Mass Atrocity Inquiry 2022-2023,<sup>34</sup> the FCDO-sanctioned 'Truro Review'; and several *ad-hoc* inquiries of All-Party Parliamentary Groups ("APPG").<sup>35</sup>
19. These initiatives and inquiries have received widespread support among leading international experts, civil society and victim/survivor groups, as well as strong cross-party support in Parliament.
  20. The initiatives have had some demonstrable impact on UK Government policy. For instance, the UK Government established a Mass Atrocity Prevention Hub within the Office for Conflict, Stabilisation and Mediation ("OCSM") to provide early warning and specialised policy responses.<sup>36</sup> It introduced specialised training for UK ambassadors in "at-risk" countries to recognise early warning signs of identity-based violence. It has also invested in many *ad hoc* projects relating to specific situations of concern: such as the Sudan Witness and the Myanmar Witness Projects to monitor and document human rights violations for future accountability; the International Accountability Platform for Belarus; the Atrocity Crimes Advisory Group to document international crimes in Ukraine, *among several others*.<sup>37</sup> The effectiveness, or otherwise, of these initiatives is addressed in the Review.<sup>38</sup>
  21. But the core content of the wider initiatives, often led by civil society actors, has not been implemented, and a comprehensive framework for atrocity prevention remains elusive, as does any national security or defence prioritisation of atrocity prevention work. In the past two decades, significant progress has been made in understanding the risk factors, causes and dynamics that drive atrocity crimes.<sup>39</sup> To enhance responsiveness to early warning signs, policymakers now have access to a wide range of tools and instruments designed to support early decision-making from an atrocity prevention and protection vantage;<sup>40</sup> some States have pioneered national mechanisms to give these tools and instruments effect, although they are rarely strengthened by tangible powers to constrain unlawful executive action.<sup>41</sup>
  22. There is much that clearly needs to be done in the UK, learning from and cooperating with the UK's international partners and organisations, but also pioneering new approaches to enforce binding international law, where there is no past practice. A piecemeal, partisan and protracted approach is no longer sustainable, nor adequate. With the changing foreign policy priorities globally, the UK must step up and provide leadership.
  23. The expanding use of new and emerging technologies, including artificial intelligence ("AI"), in warfare, for mass surveillance and the spread of disinformation has far-reaching implications for the risk and commission of atrocity crimes. These technologies fuel hate speech and facilitate the persecution and targeting of persons on discriminatory grounds at an unprecedented scale.<sup>42</sup> At the same time, they offer new tools to strengthen atrocity prediction, prevention and response, if appropriate safeguards are maintained.<sup>43</sup> Across all stages of atrocity prevention, from early warning analysis to documentation and accountability, robust government expertise on AI is needed.

### **Mandate and rationale**

24. The Standing Group on Atrocity Crimes ("**Standing Group**") was convened to undertake an independent review of, and provide comprehensive advice on, the UK Government's approach to atrocity prediction, prevention and response.

25. The work of the Standing Group is holistic and cohesive, covering the full trajectory that atrocity crimes follow, from gestation to commission to reparative relief for victims/survivors.
26. To assess the UK Government's approach and propose tangible policy outcomes, the analysis and recommendations in the Review are divided into four parts: Part A, Atrocity Anticipation or Prediction; Part B, Atrocity Prevention; Part C, Atrocity Response; Part D, Government Resourcing, Fundraising and Capacity-Building. The scope, nature, and findings of those parts are summarised as follows:

**27. Part A: State Anticipation/Prediction of International Crimes**

- a. Identifies anticipation and prediction as the indispensable gateway to atrocity prevention, finding that, although the UK has developed important early warning tools and mechanisms, its approach remains opaque, inconsistently triggered, overly conflict-focused, and insufficiently embedded across government; it therefore recommends clear guidance giving effect to the “constructive knowledge” standard, transparent criteria for assessment and escalation, distinct atrocity-specific analysis within Joint Analysis of Conflict and Stability (“**JACS**”) and related processes, stronger operational capacity and training across posts, and more systematic engagement with civil society, survivor-informed evidence/research, and dedicated funding.

**28. Part B: State Prevention of International Crimes**

- a. Argues that the UK has failed to give practical domestic effect to its binding legal duties to prevent atrocity crimes, particularly genocide, while relying too heavily on courts which it does not utilise, unenforceable political commitments, and *ad hoc* foreign-policy responses. It recommends legislation to operationalise the duty to prevent, independent risk assessments, stronger cross-government coordination and parliamentary scrutiny, responsible arms-transfer controls, treating the crime of aggression as other atrocity crimes, and principled support for UNSC veto restraint.

**29. Part C: State Responses to International Crimes**

- a. Clarifies that UK responses to international crimes must be victim-centred and extend beyond criminal accountability to include prevention of ongoing harm, non-recognition and non-complicity duties, practical routes to reparations, and support for international justice mechanisms. It recommends reforming universal jurisdiction and related prosecutorial barriers, strengthening SO15/War Crimes Team capacity and structural investigations, modernising forced-labour and supply-chain laws, expanding and enforcing Magnitsky-style sanctions, creating lawful routes for repurposing assets for reparations, and renewed UK leadership on international accountability, including evidence-preservation and mutual legal assistance.

**30. Part D: Funding, Resourcing and Allocation**

- a. Examines how the UK's atrocity prediction, prevention and response work is weakened by the absence of a distinct strategy, transparent funding envelope, sustained specialist capacity and clear political ownership. It recommends the creation of a statutory expert advisory body for atrocity crimes, a cross-government atrocity strategy, protected expert staffing, assured training, practical early warning and escalation mechanisms, formal engagement with survivors and civil society, stronger parliamentary reporting, and a clear ministerial mandate to coordinate and resource atrocity-related work across Government.

### Full spectrum response to atrocity crimes

31. There are real, practical and meaningful ways to ensure the UK takes the lead internationally on atrocity prevention and response, while at the same time retaining discretion over its foreign, economic or other policies. These can coexist in harmony. In fact, a forward-facing and proactive policy framework can prevent any fetters materialising in the first place and alleviate imposed/external constraints resulting from internationally wrongful acts of other States.
32. The NSS and the SDR are correct in identifying that the UK has the agency, power and means to make a difference through its “lattice-work of international partnerships”, “seat at the table of global decision making” and “deep expertise in multilateralism, development and conflict resolution”. The Standing Group goes further: the UK is the sixth richest economy in the world;<sup>44</sup> one of the five permanent UNSC members; the sixth top global military power;<sup>45</sup> and a well-respected interlocutor with global reach in diplomatic affairs. Our democratic friends and allies should be able to count on the UK playing its hand carefully, even if sparingly, to support them for protecting their populations from harm, and pro-actively upholding international law. The UK often not only has a legal basis and obligation to act, especially when the early warning signs have been highlighted, but one reinforced by a moral responsibility, given the acute failures to prevent. This responsibility is one that is shared with the international community, and the UK should work with like-minded countries to make meaningful global impact.
33. The NSS and the SDR have placed a premium on a “defence dividend”; there is a strong case, however, for advocating for a “peace dividend” rooted in practical policies to address the root causes of harm to UK interests at home and abroad, and where prevention will be better than cure.
34. At the opening of the Nuremberg Tribunal, the US Chief Prosecutor, Robert H. Jackson, said that the crimes being adjudged were “so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive if they are repeated.”<sup>46</sup> But ignored, repeated, and tolerated they have.
35. The Standing Group’s Review provides an opportunity for the Government to critically reassess the UK’s atrocity anticipation, prevention and response agenda, holistically engage with a range of cross-party political actors, learn from and collaborate with strong and progressive allies, engage with victims/survivors, and deliver on the concrete, practical, targeted, and depoliticised recommendations that follow.
36. The international nature of the Standing Group’s make-up – comprising leading global voices on international law – reinforces the importance and significance of an international and joined-up approach to atrocity prediction, prevention and response. This strategic Review provides a pragmatic, practical, and clear route through for the Government to properly address atrocity crimes – past, present, and future – so that there is a consistent, principled, and timely approach and one that has real world consequences.

### RECOMMENDATIONS

37. The full set of recommendations for the United Kingdom Government, divided by the issues of concern, are provided below. The recommendations, with detailed commentary and steps that the Government may immediately consider and implement, in line with its international obligations, can be found at the end of each Part of the Review.

## **Part A: State Anticipation/Prediction of International Crimes**

- Recommendation 1: Institute clear guidance, strategy, or policy on when and how to address risks of genocide, and other atrocity crimes, in the United Kingdom’s early warning infrastructure, giving full effect to the “constructive knowledge standard”.
- Recommendation 2: Establish a reliable, equitable, comprehensive, and transparent framework for deciding which situations of concern require assessment, what triggers those assessments, and how atrocity-specific risks are escalated and acted upon within Joint Analysis of Conflict and Stability (“JACS”) and related processes. Transparency of such processes is key, as is accountability for implementation.
- Recommendation 3: Separate atrocity prevention and response workstreams from the conflict prevention workstream, both conceptually and operationally, including by establishing a national, cross-government mass atrocity prevention strategy alongside its conflict prevention strategy.
- Recommendation 4: Strengthen operational capacity across government and overseas posts by embedding atrocity prevention more explicitly into guidance, training, staffing, and in-country analytical capability.

## **Part B: State Prevention of International Crimes**

- Recommendation 1: Give meaningful domestic effect to binding legal obligations to prevent atrocity crimes where they exist and have extra-territorial effect with the prioritisation of the obligations under the Genocide Convention.
- Recommendation 2: Permit the harmonisation of the Rome Statute so that the crime of aggression is treated at the ICC in the same way as the crime of genocide, crimes against humanity and war crimes and, thereafter, give domestic effect to the prohibition on the use of force and proscribe the crime of aggression.
- Recommendation 3: Embed atrocity prevention as a core domestic and foreign policy objective and national security priority, with a ministerial mandate and formal reporting to Parliament bi-annually, as recommended in an iteration of the Genocide (Prevention and Response) Bill.
- Recommendation 4: Reinforce the United Kingdom’s political commitment to the Responsibility to Protect (“R2P”) by giving practical effect to its peaceful and preventive dimensions through a coherent national framework for atrocity risk assessment and prevention, early warning, inter-agency coordination, capacity building, partnerships with civil society, and voluntary restraint in the use of the UNSC veto in situations of mass atrocity.
- Recommendation 5: Increase transparency over the United Kingdom’s arms export control regime by publishing guidance specifically addressing how the Strategic Export Licensing Criteria, including Criterion Two, ought to be interpreted and applied by the Export Control Joint Unit.

## **Part C: State Responses to International Crimes**

- Recommendation 1: Equip the United Kingdom’s courts with powers to prosecute atrocity crimes independently of the nationality or residency of the alleged perpetrators, by way of Government amendments to the International Criminal Court Act 2001 (“ICCA 2001”).

- Recommendation 2: Introduce clear guidelines in relation to structural investigations of international crimes; and ensure that SO15 is equipped with the human and technical support needed to conduct its work effectively and efficiently, with a dedicated and ringfenced fund for the SO15 War Crimes Team.
- Recommendation 3: Introduce legislation to enable the United Kingdom's courts to directly prosecute corporations for their involvement in atrocity crimes.
- Recommendation 4: Strengthen existing legislation pertaining to modern-day slavery in the supply chain, including through import bans, and ensuring mandatory and enforceable due diligence and transparency requirements.
- Recommendation 5: Ensure steps are taken to strengthen the Government's leadership over the global sanctions regime as a response to ongoing atrocity crimes, including through operationalising non-recognition of, and non-complicity in, internationally wrongful acts, and putting in place concrete measures to induce States to comply with peremptory norms of international law.
- Recommendation 6: Introduce relevant laws enabling the United Kingdom to repurpose sovereign assets, as a lawful countermeasure, in the case of atrocity crimes.
- Recommendation 7: Augment and reinforce the Government's support of the international rule of law in relevant international fora and position the United Kingdom as a leader in responding to atrocity crimes pursuant to existing international legal obligations.

#### **Part D: Funding, Resourcing and Allocation**

- Recommendation 1: Adopt a distinct, cross-government strategy for atrocity prediction, prevention and response, supported by a clearly identified funding envelope and transparent public reporting on relevant programmes and expenditure.
- Recommendation 2: Establish a clear ministerial mandate for atrocity prediction, prevention, and response, together with a durable central coordinating function in Government with authority to convene departments, align policy and preserve specialist institutional knowledge. This could be achieved by granting a current Minister specific responsibility for oversight of all atrocity prevention and response work across Government.
- Recommendation 3: Protect and build specialist atrocity-related capability across Government by hiring FCDO staff with specific atrocity prevention roles lasting a minimum of five years, ring-fencing key expert roles, introducing assured training and refresher training for relevant officials and Ministers, and providing a practical toolkit for use by posts and departments working in at-risk contexts.
- Recommendation 4: Establish a small interagency body, convened *ad hoc*, with an independent and impartial statutory mandate to comprehensively assess atrocity crimes in situations of international concern and provide independent advice to Parliament and/or the Government on request.
- Recommendation 5: Introduce a simple, trusted and non-burdensome early warning and escalation mechanism so that embassy and consular posts, relevant departments and specialist teams can rapidly raise atrocity concerns to the attention of senior decision makers, with clear proto. for onward action.

- Recommendation 6: Create a more sustainable atrocity-prevention ecosystem by expanding dedicated funding, supporting research and policy integration, and formalising Government engagement with victims/survivors, civil society organisations (“CSOs”) and external experts. Strengthen accountability by requiring regular reporting to Parliament on atrocity-related activity, capability, training uptake and implementation progress.

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**[END]**

## A. STATE ANTICIPATION/PREDICTION OF INTERNATIONAL CRIMES

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*Summary Headnote: Ensuring robust, practical and actionable frameworks to predict atrocity crimes through ongoing, real-time monitoring and assessment of early warning signs and risk factors; Operationalising atrocity-specific risk assessment and escalation frameworks domestically; Ensuring buy-in across Government departments; Clarifying the links and differences between atrocity prevention and conflict prevention work.*

### Introduction

1. The capacity of a State to anticipate and predict atrocity crimes is a prerequisite for the ability to address them, and thus fulfil its international law obligations, including the duty to prevent atrocity crimes, such as genocide.<sup>47</sup> Indeed, under international law, preventive duties are generally understood to be conduct-oriented, rather than result-oriented, as they are driven by States' differing capacities.<sup>48</sup> For this reason, international law sets out a series of obligations for States to assess their respective preventive capacities, which include monitoring, due diligence, and early warnings, as a necessary precursor to any and all preventive action.
2. To assist in this endeavour, in 2014, the UN Joint Office on Genocide Prevention and the Responsibility to Protect developed the UN Framework for Analysis of Atrocity Crimes ("**UN Framework**").<sup>49</sup> The UN Framework reflects the breadth and complexity of the atrocity crimes it is designed to help prevent by identifying 14 risk factors that can give rise to an environment conducive to their commission.<sup>50</sup>
3. The UN Framework is meant as analytical guidance and is not a mandatory tool.<sup>51</sup> Since its development, several regional organisations and States have created similar tools of their own. For example, the US developed the US Atrocity Risk Framework in 2022,<sup>52</sup> while the European External Action Service ("**EEAS**") developed the EU Responsibility to Protect - Atrocity Prevention Toolkit ("**EU Toolkit**"). Compared to the UN Framework, the EU Toolkit includes a broader set of risk factors (e.g., gender-based, environmental, and socio-economic),<sup>53</sup> and a list of imminent warning signs that atrocity crimes may be committed.<sup>54</sup>
4. The division between structural risk factors and imminent warning signs in the EU Toolkit underscores the difference between "risk assessment" and "early warning." Indicators of risk assessment focus on State or macro-level characteristics (e.g., regime type, past atrocities, and armed conflict) and rely on quantitative and qualitative data (e.g., statistical and aggregated data and historical context). Early warning indicators point to intermediate and short-term factors that may change rapidly, sometimes labelled "triggers," and are thus of a more dynamic and contextual nature, with significant local variations.<sup>55</sup>
5. The UK utilises a variety of internal tools to aid its monitoring and early warning efforts. These reportedly include: the Atrocity Crime Events ("**ACE**") database, created in 2024, covering events from 1913–2021, to help analyse and predict future risks; academic and open-source data, including integration of AI and machine-learning-based forecasts; and the "Countries at Risk of Instability" ("**CRI**") tool, to monitor risk factors and track certain indicators, such as hate crimes, marginalised minority legislation, and sexual violence.<sup>56</sup> The Government does not publish its findings related to the CRI tool, as they contain sensitive information from intelligence sources.<sup>57</sup> The UK's JACS guidance, a cross-government strategic assessment tool to inform decision-making in respect of conflicts, has also

published a conflict risk assessment framework, which contains similar questions to those in the US Atrocity Risk Framework.<sup>58</sup>

6. Whilst the UK Government asserts that a section on atrocity crime prevention has been included in JACS since 2021, JACS assessments are not public documents and are often withheld by the Government, even from Parliament.<sup>59</sup> In addition, there are no public documents available containing details on how the Government approaches the atrocity crime prevention section of JACS assessments. The 2024 guidance does not contain this either, focusing only on the risk of conflict.<sup>60</sup> Furthermore, the Government has repeatedly refused Parliamentary requests for access to JACS.<sup>61</sup>
7. Consequently, there is no publicly available list of all the factors which the UK Government might use in their assessments for atrocity crime anticipation and prevention, nor of countries of concern, the availability or quality of experts, or evidence of actions or interventions.<sup>62</sup> There is also often a conflation between the risk of conflict and the risk of atrocity crimes. Previous conflict risk assessment tools appear to have been repackaged as atrocity crimes risk assessment tools without reviewing them for this purpose.<sup>63</sup> Furthermore, there is no trigger for JACS assessment or clear process to determine when to request a new assessment. Several experts, including Sir Geoffrey Nice KC, Barrister at Temple Garden Chambers, lead prosecutor for the Trial of Slobodan Milošević at the International Criminal Tribunal for the former Yugoslavia (“**ICTY**”), and John Cubbon, Barrister at Outline Chambers, note that enhancing transparency and public access to relevant research and analyses is necessary to enable the Government to act on its findings.<sup>64</sup>
8. The UK’s lack of publicly available information in relation to these tools and bodies renders it difficult to assess in full the UK’s efforts on anticipation and prevention. For example, in 2022, the Mass Atrocity Prevention Hub was created by the OCSM in order to implement Recommendation 7 of the Bishop of Truro Review.<sup>65</sup> It is claimed to have central policy ownership of the Government’s approach to mass atrocity prevention in both non-conflict and conflict settings and is said to work closely with thematic and geographic teams.<sup>66</sup>
9. Despite being in existence for over four years, however, there have been no reports or reviews of the Hub’s work. The scope of its prevention work appears severely limited, as the Hub does not monitor early warning signs globally, nor does it have the capacity or resources to be able to do the necessary monitoring/assessment to fulfil the UK’s international obligations, including those under the Genocide Convention.<sup>67</sup> In April 2026, reports claimed that the Hub had been abolished due to funding cuts, following a review and significant reshuffle of the FCDO in 2025.<sup>68</sup> However, the relevant Minister, Hamish Falconer MP, at the time of writing, responded by stating that the Hub’s mandate has simply moved to a different team within the FCDO.<sup>69</sup> It is not yet clear how the FCDO is continuing this mandate. Reliable sources familiar with FCDO staffing note that, since inception, there were only three full-time FCDO staff members with an atrocity prevention mandate and, as at August 2026, there might be further staffing cuts by 15-25%.

### **Real-time monitoring/assessment of early warning signs and risk factors**

10. The ability to effectively anticipate and predict atrocities is a crucial precursor to preventing them. The more effectively a State predicts, the more likely it is to be able to identify risks and take preventive action. As discussed above, the duty to prevent genocide is generally understood to arise at the moment a State learns, or should have learned, that a risk exists, known as the “constructive knowledge standard”.<sup>70</sup> In principle, the Government has acknowledged the “constructive knowledge standard” and the need to identify “serious risks

- of genocide”,<sup>71</sup> which, if implemented, necessarily requires the Government to actively monitor early warning signs and risks. The Government has supported this standard in recent proceedings before the ICJ.<sup>72</sup> Most relevant to the issues of genocide anticipation and prevention are the UK’s intervention in the case of *Ukraine v. Russian Federation* concerning the interpretation of the Genocide Convention and the scope of the Court’s jurisdiction under it. In its August 2022 written intervention, the UK affirmed that States must, in “good faith,” “assess whether genocide is occurring, or there is a serious risk of genocide occurring”, in order to fulfil their duties under the Genocide Convention.<sup>73</sup>
11. In addition to interventions before the ICJ, the UK has developed several atrocity anticipation/prevention measures since the Court’s ruling in *Bosnia v. Serbia* in 2007. These include, *inter alia*: the publication in 2019 of the cross-departmental guidance note on the UK’s approach to atrocity prevention; the establishment of an early warning mechanism to identify emerging risks of mass atrocities,<sup>74</sup> including JACS;<sup>75</sup> the Preventing Sexual Violence in Conflict Initiative (“**PSVI**”), which includes the appointment of a special representative mandated to drive strategy;<sup>76</sup> the establishment of the OCSM,<sup>77</sup> including its Mass Atrocity Prevention Hub;<sup>78</sup> and the Conflict, Stability and Security Fund.<sup>79</sup> The UK has also made significant financial contributions to fund and support atrocity prevention/accountability efforts, including to the UN Peacebuilding Fund and the UN Development Programme,<sup>80</sup> as well as UN mechanisms addressing accountability for crimes committed in Syria and Iraq, including the International, Impartial and Independent Mechanism for Syria (“**IIM**”) and the United Nations Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL (“**UNITAD**”), among others.<sup>81</sup> Further, the UK has adhered to its 2015 commitment not to vote against a credible draft UNSC resolution on timely and decisive action to prevent atrocity crimes, including genocide.<sup>82</sup>
  12. These welcome steps demonstrate the Government’s commitment to making atrocity monitoring and prevention a foreign policy priority and reflect its crucial role and leadership worldwide. Nonetheless, a successful early warning system that can anticipate risks of, and in turn identify and prevent the occurrence or recurrence of crimes, such as genocide, requires clearer guidance on when and how to operationalise the system, in order to give full effect to the “constructive knowledge standard”.
  13. Indeed, in practice, the Government has interpreted what constitutes a “serious risk of genocide” more strictly than in *Bosnia v. Serbia*, applying a higher standard of proof. One example of this concerns the ongoing conflict in the Occupied Palestinian Territories. In September 2025, the UK acknowledged that its duty to prevent genocide is triggered from the moment it “learns, or should normally have learned, of the existence of a serious risk of genocide”, while also asserting that no such risk exists in the case of the Occupied Palestinian Territories due to a lack of evidence of Israel’s specific intent to commit genocide.<sup>83</sup> However, the *Bosnia* standard did not envision such a high threshold, which ultimately impedes the prediction and identification of the serious risk of genocide.<sup>84</sup>
  14. The Government’s poor implementation of the *Bosnia* judgment is also evident in the UK’s most recent Guidance Note on JACS.<sup>85</sup> The analysis process identifies “where the UK government should collectively put its efforts on supporting conflict prevention and resolution, resilience, stability, and peace, balanced against relevant risks”.<sup>86</sup>
  15. As the UK’s primary early warning system, JACS neither explicitly nor implicitly incorporates the “constructive knowledge standard”.<sup>87</sup> While the most recent Guidance Note, published in September 2024, references the analysis of atrocity risks, it does not make specific

reference to the risk of genocide, instances that trigger the UK's duty to prevent genocide, or the type of action and communication such instances require of relevant government officials. In the absence of such clear guidance, strategy, or policy on when and how to address risks of genocide, both internally and externally, in the UK's primary early warning system, the UK's approach to genocide anticipation and prevention fails to give full effect to the "constructive knowledge standard."<sup>88</sup>

16. In addition to inadequate guidance, the Government lacks a reliable, equitable and comprehensive framework for determining which situations to assess and what triggers such assessments. This leads to reasonable concerns about the selectivity and inefficacy of the JACS process.<sup>89</sup> In some instances, JACS assessments have been severely delayed, and in others never updated following renewed escalations of violence and conflict, rendering the assessments ineffective. Regarding the former, the UK produced a JACS assessment concerning the Tigray war in Ethiopia in 2022, two years into the war and after several requests from Parliamentarians.<sup>90</sup> Regarding the latter, the UK produced a JACS assessment concerning Sudan in 2019 and has never produced another, despite the devastating crisis and escalating violence in 2021 and again in 2023.<sup>91</sup>
17. In addition to producing updated JACS assessments, several experts, Elisabeth Pramendorfer, Geneva Director, Global Centre for the Responsibility to Protect, Dr Kate Ferguson, Co-Executive Director, Protection Approaches, and an anonymised expert, emphasised the need for these assessments to integrate local knowledge from meaningful engagement with affected communities.
18. Elisabeth Pramendorfer highlighted that in "complex crises" like the situation in Sudan, "violence manifests in multiple, overlapping patterns, each with distinct drivers, perpetrators, and risk factors. Different communities face different threats and require tailored protection strategies".<sup>92</sup> Dr Kate Ferguson asserted that trust between the UK Government and these communities is critical and requires the Government to heed the warnings of "those most proximate to intensifying risk".<sup>93</sup> An anonymised expert noted that close engagement with civil society organisations ("CSOs"), with real-time, victim-centred monitoring and early warning, can improve risk assessments.<sup>94</sup> As experts Emily Prey, Director of Mass Atrocities, International Law and Gender Policy, New Lines Institute, and Prof. Diane Marie Amann, Departmental Lecturer in Public International Law, University of Oxford, emphasise, fostering these civil society relationships might also guide the UK Government in implementing gender- and child-sensitive approaches to monitoring and early warning.<sup>95</sup>
19. Further, there are many contexts of severe conflict and security concerns in which a JACS assessment has never been produced. For instance, with knowledge of the so-called Islamic State's ongoing and increasing persecution of the Yazidis as early as 2011, following the withdrawal of UK forces from Iraq,<sup>96</sup> in the same year JACS was first introduced,<sup>97</sup> the Government failed to conduct a JACS assessment before the 2014 genocide. Other examples include the persecution of Muslims in India<sup>98</sup> and documented atrocity crimes against the Uyghurs in Xinjiang, which escalated in 2016 and have continued ever since.<sup>99</sup> Regarding the latter, Stop Uyghur Genocide asserts that "the UK Government was in possession of extensive information indicating a serious risk of genocide" at least by August 2018, when the UN Committee on Elimination of Racial Discrimination reported that tens of thousands to one million Uyghurs had been detained under the pretext of countering terrorism and religious extremism, to re-educate them for political and cultural indoctrination.<sup>100</sup> Such failures to act beseech the UK to be more transparent about the situations it assesses and

when it does so, but also to ensure these standards are fair, equitable, and comprehensive.

### **Current frameworks and mechanisms focused on early-stage atrocity prevention**

20. As mentioned above, the paucity of publicly available information in the UK regarding the tools and capacities the Government utilises to fulfil its preventive duties renders it difficult to fully assess the Government's efforts in anticipating and, by extension, preventing atrocity crimes. Based on publicly available information, however, it is possible to identify three *principal limitations* to the Government's current approach.
21. The first is that the UK's approach to atrocity prevention conflates atrocity prevention with conflict prevention.<sup>101</sup> While atrocities do occur in the context of armed conflict, many atrocities also occur in its absence.<sup>102</sup> Furthermore, atrocities and armed conflict present different dynamics, drivers, and risk factors, each requiring targeted analysis and recommendations for the distinct underlying factors and differing sets of actors at play.<sup>103</sup> As an illustration, when an ongoing or imminent threat of atrocities arises, preventing the commission of atrocities requires targeted measures designed to persuade, deter, or even coerce specific actors seeking to commit them. Such measures are rarely suitable for the purposes of conflict prevention, as this focuses on mediation, consensus, and compromise. Thus, while strategically aligned, the two agendas present important operational differences and risk, at times, working at cross-purposes.<sup>104</sup> The Government has recognised the "crossover and political tensions" between these two agendas, and the need for "cohesion and consistency between its approaches" to them.<sup>105</sup> However, in January 2023, the Government declined to produce a written framework that explicitly articulates these agendas' distinct objectives and needs due to apparent time constraints.<sup>106</sup>
22. Furthermore, as a result of this conflation, the assessment of the risk of atrocities and decisions about how best to respond remain bureaucratically siloed within the FCDO, preventing robust action and, often, real-time responses. Although the JACS process is cross-departmental, and the Government affirms cross-departmental cooperation on atrocity prevention and response, atrocity prevention interventions often require the deployment of tools that do not always fall under the purview of the FCDO. These include travel bans and visa restrictions, under the competence of the Home Office; sanctions and trade restrictions, within the remit of the Department for Business and Trade; or the initiation of investigations and related proceedings before the Ministry of Justice.<sup>107</sup> What is needed instead is better integration of atrocity prevention analysis, policy, and decision-making *across* government.<sup>108</sup>
23. Finally, the UK Government's current approach also siloes atrocity prevention from related areas of policy. Atrocity prevention is often marginalised as less important than other policy workstreams; even of contiguous policy frameworks that share the agenda's protective and preventive goals. Ultimately, prevention is rarely seen as a priority and is often perceived as conflicting with other policy priorities (such as trade).<sup>109</sup> Yet, as research demonstrates,<sup>110</sup> approaching other workstreams with an atrocity prevention lens helps to identify alternative possibilities for action and, at a minimum, sheds light on potentially unforeseen mid and long-term consequences of actions taken in accordance with other policy frameworks or priorities.<sup>111</sup>
24. Experts have long maintained that, in addition to the pre-existing Mass Atrocity Prevention Hub, the Government would benefit from an inter-agency process focused on elevating atrocity early warnings and policy advice to the Situation Centre in the Cabinet Office.<sup>112</sup> As envisioned in the Genocide (Prevention and Response) Bill, a Private Member's Bill

- (“**PMB**”), tabled in the House of Lords by Baroness Kennedy of the Shaws LT KC in 2023,<sup>113</sup> this should include a specialised genocide monitoring team tasked with the continuous assessment of global developments that might escalate into genocide or atrocity crimes (Clause 1). The Bill is designed to anticipate and predict genocide at its earliest stages, i.e., before a “serious risk” of genocide occurs, at which point the Government’s obligation to prevent under international law is triggered. It also provides for the Secretary of State to appoint a Minister of the Crown to lead initiatives on genocide and atrocity crime prevention, providing centralised leadership at an appropriate governmental level and fostering cohesive policy actions that enhance accountability (Clause 2). The Bill institutes an annual reporting requirement to Parliament for the Minister (Clause 4) and mandates the creation of a Genocide Response Fund (Clause 5), dedicated to programmes and initiatives aimed at preventing or responding to potential genocides and atrocity crimes. The importance of establishing such a Fund, discussed in [Part D](#), cannot be overstated, given how under-resourced this work has been historically, and the risk that its resourcing might be further eroded amidst competing and shifting policy priorities, and resulting budgetary issues.
25. In addition, the Government would benefit from embedding atrocity prevention in the work of several UK posts. This could include, for example: rendering JACS more effective in terms of atrocity early warnings, by continuing to update and publish the Guidance Note to specifically address atrocity-related developments;<sup>114</sup> specifying the measures/indicators that would lead the relevant Minister or the Cabinet Office to declare an imminent risk of atrocity crimes, and the consequential mechanisms/actions that would be triggered;<sup>115</sup> and providing specific atrocity prevention training for UK Government officials, beyond current programmes. As set out in Clause 3 of the aforementioned Bill, regular training on genocide and atrocity crimes should be provided for FCDO employees/staff across UK embassies and overseas missions, as argued for in [Part D](#).<sup>116</sup> In addition, the FCDO should designate a well-resourced staff member to coordinate in-country atrocity prevention work; as well as integrate atrocity prevention into the job descriptions/titles of staff members currently responsible for UK atrocity prevention work;<sup>117</sup> and invest in network analysis capabilities.<sup>118</sup>
  26. Finally, the Government should maintain and increase research funding for agenda-related matters, including the intersection between atrocity prevention and other policy areas. This would not only advance a “whole-of-government” approach to atrocity prevention and response, but help to identify synergies and tensions between mass atrocity prevention and other policy areas more systematically. This would, in turn, challenge false dichotomies and counter bureaucratic siloing, thus assisting in coordinating the deployment of specific tools across multiple workstreams.<sup>119</sup> The Government could leverage existing research and institutions, and expand collaborations with international initiatives on atrocity prevention.
  27. Parliament also has historically been very active on the atrocity prevention agenda, and it could further contribute by implementing the above recommendations and passing the Genocide (Prevention and Response) Bill. This PMB received cross-party support, including from the current governing party when in opposition, and passed all stages in the House of Lords before moving to the House of Commons. In the Commons, it did not progress due to prorogation of Parliament for an early general election.
  28. The Genocide (Prevention and Response) Bill complements the Genocide Determination Bill, which – as discussed in [Part B](#) – focuses on identifying a serious risk of the crime in order to give effect to the international obligation to prevent.<sup>120</sup> The Government has an opportunity to reconsider the Bills, their content and recommendations, either by introducing them as primary legislation, or by supporting their passage as PMBs, if they

succeed in the ballot for PMBs. Furthermore, the Government has an opportunity to consider, in light of this Review, the recommendations pertaining to the duty to prevent more broadly than genocide; whether they exist in a binding form and if they can also be operationalised in a practicable manner.<sup>121</sup>

### Successful prediction and prevention and engagement with victims/survivors

29. While the UK does not have a clear and consistent government-wide policy that gives effect to the “constructive knowledge standard,” the Government’s approach to prediction, as a precursor for genocide prevention, might have contributed to the de-escalation or prevention of such, at least in some cases. The UK’s delayed, yet improved and impactful, efforts to monitor and anticipate atrocities in Myanmar are a case in point.

#### MONITORING OF RISKS IN MYANMAR

Several third States, among them the UK, arguably failed to prevent the Rohingya genocide in 2016,<sup>122</sup> years after the failures in Bosnia-Herzegovina (“BiH”) in 1995, and five years after establishing the JACS assessment framework. Dr Kate Ferguson identified several key failures in Myanmar, such as the absence of a national framework for preventing atrocities and measuring specific risk indicators and the lack of an internal communication protocol connecting the embassy with the relevant parts of Whitehall and New York.<sup>123</sup> Consequently, the information sharing was inaccurate and delayed, leaving relevant ministers unaware of the severity of the situation or the full scope of potential prevention and protection response options.<sup>124</sup> However, the UK has since increased its monitoring of risks against the Rohingya in Myanmar. This effort involved, as Dr Kate Ferguson stated, developing a lightweight atrocity prevention system at a country level. This framework enables close monitoring and the prompt identification of risks of identity-based violence. Furthermore, a new atrocity prevention communications protocol has been introduced, and training in atrocity prevention has been provided to UK staff in all sectors, including health and trade, in partnership with civil society.<sup>125</sup> As a result of this work, which uncovered continuing risks against the Rohingya, the UK has made efforts to keep Myanmar on the UNSC agenda. For instance, on 8 November 2022, the UK convened a UNSC meeting to discuss the Rohingya situation, and on 21 December, the UNSC adopted a UK-drafted resolution calling for the protection of civilians.<sup>126</sup> Further, in November 2023, the UK intervened in *The Gambia v. Myanmar* case before the ICJ, highlighting States’ responsibility to prevent genocide and interpreting the Myanmar Government’s systematic treatment of the Rohingya as potentially amounting to genocide.<sup>127</sup>

30. State approaches, however, to anticipating and predicting atrocities – as a precursor to prevention – are often hindered by political constraints, leaving gaps. The UK Government should empower more CSOs to help shape its anticipation and prevention policy, ensuring they have a seat at the table to meaningfully participate and provide input. As frontline responders to early warning signs of atrocities, CSOs can provide victim/survivor-centred context that is vital for effective policy, while also allowing the Government to maintain strategic distance when necessary.
31. The UK Government has taken some steps to include CSOs in developing atrocity anticipation and prevention policies. In 2019, it established the UK War Crimes Network to

- unite cross-government departments and civil society to improve coordination towards atrocity accountability. The Network includes the FCDO, Attorney General's Office, Home Office, Police, intelligence agencies, and non-governmental organisations. These partners meet bi-annually with the goal of sharing information, cooperating on investigations and prosecutions, and improving training and coordination relevant to war crimes accountability.<sup>128</sup>
32. The Network's infrastructure has created space for increased dialogue between civil society and the Government. Its coordination has contributed to impactful atrocity prediction efforts, such as in Myanmar, where funding has improved intercommunal dialogue<sup>129</sup> and enhanced monitoring and reporting of atrocities.<sup>130</sup> However, such tangible and measurable impact is limited.
  33. Significant gaps in the UK's meaningful inclusion of CSOs in atrocity anticipation policy development persist. CSOs, including those in the Network, have found the UK's engagement with them to be severely inadequate in terms of guidance, coordination, and cooperation.<sup>131</sup> Further, the UK Civil Society Atrocity Prevention Working Group ("**Working Group**"), a national network enhancing British contributions to prevention efforts,<sup>132</sup> has identified a critical need to formally and systematically integrate civil society into the Government's early warning systems.
  34. The Working Group has urged the Government to streamline coordination between UK embassies and local civil society;<sup>133</sup> establish clear structures and parameters for joint analysis and information sharing between the Government and civil society; and allocate appropriate funds, and streamline access to them, to support these measures and meaningful coordination with civil society.<sup>134</sup> To this end, Recommendation 17 in the Bishop of Truro Review encourages the Government to take a proactive approach and "convene a working group of government departments and civil society actors", specifically as it relates to issues concerning freedom of religion or belief.<sup>135</sup> Recommendation 17 has not been implemented by the Government, to date.
  35. The Government's engagement with the Standing Group's findings in this report, which include written and oral evidence from civil society, provides a further important opportunity to put these measures into action.

#### UK MITIGATING EXISTENTIAL RISKS TO BOSNIA-HERZEGOVINA

The UK has improved upon its approach to atrocity prevention in the context of BiH. In 1995, the UK, among other European States, arguably failed to prevent genocide in Srebrenica, where there were repeated and serious early warning signs leading up to the genocide.<sup>136</sup> Thirty years later, some of these signs have been reappearing in BiH. Ethno-nationalist actors have been advancing the destabilisation of the country and secession of the Republika Srpska through the gradual erosion of the rule of law, namely in the form of genocide denialism, hate speech, gender-based violence, and repressing civil society engagement,<sup>137</sup> which are known precursors to atrocity crimes.<sup>138</sup>

While there is no imminent threat of violence or mass atrocities, the UK has been proactively addressing these early warning signs. In addition to the UK's longstanding commitment over the past 30 years to stabilise and reconstruct post-war BiH, such as through its significant role in NATO peacekeeping efforts and supporting democratic and judicial reforms,<sup>139</sup> the

UK has taken more concrete steps to support BiH in upholding the rule of law amidst growing ethno-nationalist rhetoric. In 2020, the UK established the Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations, through which it can impose sanctions to promote, *inter alia*, respect for the sovereignty, territorial integrity, international personality, constitutional order, and stability and security of BiH.<sup>140</sup> In 2022 and 2024, the UK imposed sanctions on individuals and entities that have enabled and profited from activities that threaten to “undermine the constitutional order and destabilise peace”.<sup>141</sup> In February 2025, the UK also increased its security cooperation by signing a Bilateral Defence Cooperation plan with BiH to improve the military training, security, and capabilities of the BiH Armed Forces.<sup>142</sup> It is not yet possible to discern the impact of these measures on the situation in BiH. However, if the UK continues to effectively operationalise its prevention tools, particularly in response to early warning signs of serious risks of atrocities in BiH, it is likely to play a meaningful role in the de-escalation or prevention of such events.

36. In addition to its ongoing proactive work with partners in BiH, the Government took steps<sup>143</sup> in support of the Standing Group’s October 2025 policy briefing on maintaining Bosnia’s sovereignty, peace, and security in the face of threats to the rule of law and fears of renewed conflict.<sup>144</sup>
37. In the briefing, the Standing Group reiterated, previously communicated, concrete and immediate steps the UK should take to reaffirm the rule of law and respect for human rights in BiH. Since then, the UK has announced a £4 million grant to help Bosnia counter Russian disinformation and cyberattacks,<sup>145</sup> reaffirmed its support for the mandates of EUFOR Althea and the Office of the High Representative – a long-standing request from several CSO interlocutors, and for Bosnia’s democratic Euro-Atlantic path.<sup>146</sup> The UK has also deployed the 1st Battalion, The Duke of Lancaster’s Regiment, to strengthen security and resilience on the ground,<sup>147</sup> which was a key request from the Standing Group, as well as a recurrent ask from several military experts.
38. Furthermore, in response to the Standing Group’s December 2025 urgent briefing on Sudan, the Foreign Secretary incorporated several of the recommendations into her January 2026 statement.<sup>148</sup> Members of the Standing Group continue to have regular meetings with FCDO Ministers, the Mass Atrocity Prevention Hub, and the Attorney General to discuss the implementation of the recommendations, including on justice and accountability.
39. In addition to these welcome commitments, the Standing Group urges the UK to continue supporting peacebuilding initiatives by proactively implementing its recommendations on improving the approach to atrocity anticipation and prevention.
40. Further, while the UK already integrates AI and machine learning into its monitoring and early warning efforts, the Standing Group urges the Government to prioritise technical innovation and evolving best practices.<sup>149</sup> These priorities must include international cooperation and policy frameworks that invest in rights-respecting detection technologies to, for instance, halt disinformation campaigns before they spread.<sup>150</sup> Organisations like the Coalition for Content Provenance and Authenticity are developing standards to ensure this work maintains its integrity.<sup>151</sup>
41. This initiative is critical to countering how these same technologies are weaponised to perpetrate atrocities. Generative AI is increasingly used to fuel propaganda and

disinformation in conflict, growing cheaper, easier to produce at scale, and highly precise.<sup>152</sup> As the use of AI in warfare expands, the Government must ensure that its expertise in these technologies is robust enough to provide critical and actionable early warnings.<sup>153</sup>

## RECOMMENDATIONS FOR ATROCITY PREDICTION

### 42. **Recommendation 1: Institute clear guidance, strategy, or policy on when and how to address risks of genocide, and other atrocity crimes, in the United Kingdom’s early warning infrastructure, giving full effect to the “constructive knowledge standard”.**

- Commentary: The UK has accepted in principle that its duty to prevent genocide is triggered when it learns, or should normally have learned, of a serious risk of genocide. Yet, there is a persistent gap between that position and practice, including the apparent application of a higher threshold tied to proof of specific intent, with a focus on actual commission as opposed to risk of genocide. Bringing policy and guidance into line with the ICJ standard would improve atrocity prediction, as a precursor to prevention, by helping to ensure earlier identification of risk, clearer internal escalation, and, in turn, more timely preventive action. The fact that there is no independent mechanism, parliamentary or judicial, to scrutinise government decisions as to serious risk is deeply problematic. This is also relevant to other atrocity crimes, such as crimes against humanity.

### 43. **Recommendation 2: Establish a reliable, equitable, comprehensive, and transparent framework for deciding which situations require assessment, what triggers those assessments, and how atrocity-specific risks are escalated and acted upon within JACS and related processes. Transparency of such processes is key, as married with accountability for the implementation.**

- Commentary: The current approach to assessment appears inconsistent and opaque: some crises were assessed late, some were not updated when violence escalated, and others were apparently never assessed at all. A clearer framework would reduce selectivity, improve consistency across cases, and make the Government’s early warning systems more credible and effective. It would also help distinguish atrocity-specific risks from broader conflict analysis and ensure that warning signs trigger appropriate action, making meaningful and timely accountability more likely. This process needs to be transparent, as recommended in the Genocide (Prevention and Response) Bill, modelled on the Elie Wiesel Act in the US. Such transparency will help with implementation and accountability for inaction.

### 44. **Recommendation 3: Separate atrocity prevention and response workstreams from the conflict prevention workstream, both conceptually and operationally, including by establishing a national, cross-government mass atrocity prevention strategy alongside its conflict prevention strategy.**

- Commentary: The UK conflates atrocity prevention with conflict prevention, even though the two require different analysis, tools, and policy responses. Atrocities can occur without armed conflict and often involve different drivers, perpetrators, and warning signs. Conflict prevention, by contrast, is usually aimed at reducing wider violence and securing compromise between parties. Treating the two as the same, therefore, blurs atrocity-specific risks, weakens early warning, and can lead to the wrong response. This conflation leaves atrocity work siloed within existing

structures and, too often, secondary to other priorities, limiting cross-government coordination and practical action. Current tools, including JACS, remain primarily conflict-focused and do not clearly operationalise atrocity-specific warning and response. The case for a distinct, cross-government atrocity prevention and response strategy is, therefore, compelling: it would sharpen analysis, improve coordination, and better equip the UK to meet its legal and policy obligations.

45. **Recommendation 4: Strengthen operational capacity across government and overseas posts by embedding atrocity prevention more explicitly into guidance, training, staffing, and in-country analytical capability.**

- Commentary: Even where institutional structures exist, they will be ineffective without the practical capability to recognise, analyse, communicate, and respond to warning signs. The Standing Group, therefore, supports a more operational approach: clearer atrocity-specific guidance in assessment tools, specialist training for officials and country teams, designated in-country coordination roles, and stronger analytical capacity. These measures would make early warning more usable in practice and improve the quality of policy advice reaching Ministers.

[END]

## B. STATE PREVENTION OF INTERNATIONAL CRIMES

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*Summary Headnote: Giving domestic effect, through legislation, to international obligations on States to prevent international crimes, including genocide, torture and the crime of aggression as well as violations of other peremptory norms of international law; Having in place specific policies to tackle the drivers of atrocities, such as climate change, technology, social media, hate speech, nationalism, undermining of the rule of law, and inequality/discrimination; Preventing or mitigating the proliferation of weapons and arms sales, which further international wrongs; Tackling the rise of non-State actors in conflicts; Reform of the UNSC veto; Criminalising the crime of aggression and the prohibition on the use of force and harmonising the Rome Statute in relation to the crime; Empowering civil society actors as agents of change.*

### Introduction

1. As a matter of international law, war crimes, crimes against humanity, genocide, and aggression give rise to both individual and State responsibility. As the most serious crimes of international concern, States are under an exacting obligation under both treaty and customary international law to ensure that such crimes are not committed against individuals within their territory or otherwise subject to their jurisdiction.<sup>154</sup> In respect of certain crimes, such as genocide, there is an additional extra-territorial obligation to prevent such crimes where there is a capacity on the part of a State to influence a particular situation of concern.<sup>155</sup>
2. These crimes, together with fundamental principles of human rights, constitute “peremptory norms” and include aggression, war crimes, genocide, crimes against humanity, torture, slavery, apartheid and racial discrimination. These generally give rise to binding obligations *erga omnes*, owed to the international community as a whole, under both treaty and customary international law.<sup>156</sup> A breach of these obligations is an internationally wrongful act, which gives rise to State responsibility.
3. The Rome Statute of the ICC (“**Rome Statute**”) codifies the prohibition against aggression, genocide, crimes against humanity, and war crimes, and provides a basis for the Court’s jurisdiction in respect of crimes committed on the territory of the currently 125 States Parties, or committed by a national of a State Party, or otherwise based on a referral by the UNSC, acting under Chapter VII of the UN Charter.<sup>157</sup> Commission of these crimes results in individual criminal responsibility.
4. Extra-territorial obligations to *prevent* international crimes are expressed in the Genocide Convention.<sup>158</sup> Other treaties, such as the Convention on the Suppression and Punishment of the Crime of Apartheid (“**Apartheid Convention**”), contain more limited obligations to adopt measures necessary to suppress and prevent “any encouragement” of segregationist policies.<sup>159</sup> Otherwise, more narrow but still exacting obligations exist under the Geneva Conventions of 1949, to “respect and to ensure respect” for international humanitarian law,<sup>160</sup> or under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“**Torture Convention**”), to take necessary “measures to prevent acts of torture in any territory under its jurisdiction”.<sup>161</sup> There are also positive duties on States, under international human rights law, to take preventive operational measures to protect individuals, over whom they exercise governmental control, against the risk of their fundamental human rights being violated.<sup>162</sup>
5. The commitments by UN Member States in respect of the Responsibility to Protect (“**R2P**”)<sup>163</sup> and other commitments under the Women, Peace and Security (“**WPS**”) agenda, with respect to prevention of, and protection against, sexual violence in armed conflict,<sup>164</sup> are significant political undertakings that should at least inform the policy – if not the legal

obligations – of States that have exercised leadership in respect of, and expressed support for, certain emerging “soft law” norms. This applies, in particular, to the UK Government, at a time of unprecedented challenges to multilateralism and the international rule of law; and militates in favour of an undertaking to use best efforts, where possible, to contribute to the prevention of atrocity crimes. This is especially important with respect to WPS.<sup>165</sup> The UK is the penholder in the UNSC with respect to WPS resolutions,<sup>166</sup> and PSVI seeks to rally global action to end sexual violence in situations of armed conflict.<sup>167</sup>

6. In this respect, as set out in Part A, approaches to conflict prevention and atrocity prevention should be distinguished and disaggregated, where appropriate, because atrocity crimes have specific characteristics and are, in any event, not confined to armed conflict; they are often committed during peacetime or in post-conflict settings.<sup>168</sup>
7. Even in respect of the extant duty to prevent genocide, the UK has consistently failed to adopt implementing legislation that would give domestic effect to its strict legal obligations. As such, and leaving aside policy considerations, operationalising even these *existing* international obligations domestically is paramount.
8. Furthermore, at the time of writing, there are ongoing negotiations on the Draft Articles on Prevention and Punishment of Crimes Against Humanity (“**CAH Draft Articles**”)<sup>169</sup> to conclude a binding international instrument.<sup>170</sup> Without treaty obligations to prevent and punish crimes against humanity, there is a substantial *lacuna* in protection for victims/survivors against this broadly defined international crime, which – unlike the narrow scope of genocide – applies to any widespread or systematic attack directed against a civilian population, whether in times of war or peace.<sup>171</sup> Such a legal obligation would only be meaningful and credible if it is given domestic effect, with concurrent political commitments to ensure its implementation, as discussed further below.

### **Giving domestic effect to the duty to prevent**

9. As set out in Part A, atrocity crimes rarely, if ever, happen suddenly, without indicative precursors. They are typically preceded by discriminatory practices against a national, ethnic, racial, or religious group,<sup>172</sup> and patterns of human rights violations and abuses that include gender discrimination,<sup>173</sup> and violations of child rights.<sup>174</sup> Increasingly, such discriminatory practices are being shaped by new and emerging technologies, including AI:<sup>175</sup> mass surveillance programs based on AI-powered geospatial technology, biometric analysis, and cyber-surveillance are used to track and persecute citizens based on their (presumed) ethnic identity, religion, or gender.<sup>176</sup> Also, the spread of discriminatory and hateful information, already occurring at an unprecedented rate through social media platforms, is further exacerbated by deepfakes, which are realistic but fabricated audiovisual content. This can, in turn, incite violence and enable perpetrators to mobilise support for atrocities such as genocide more quickly.<sup>177</sup>
10. In relation to the crime of genocide, the instant a State learns, or should have learned, of a “serious risk that genocide will be committed”, it must use “all means reasonably available” to prevent a possible genocide, pursuant to Article I of the Genocide Convention.<sup>178</sup> If genocide is ongoing, the duty to prevent remains engaged. In addition, a State is required to: not aid or assist possible perpetrators; cooperate to bring to an end a situation in which genocide is occurring; and not recognise as lawful the situation created by the breach of the law relating to genocide.<sup>179</sup> The obligation, and consequent duty, are greater on a State that has a greater “capacity to influence effectively the action of persons likely to commit, or already committing”, genocide.<sup>180</sup> A State’s obligation to prevent genocide is of vital importance. This obligation is not “limited by territory” and applies “to a State wherever it

may be acting or may be able to act in ways appropriate to meeting” the obligation.<sup>181</sup> Note that Draft Article 3(2) of the CAH Draft Articles sets out the general obligation for States to “prevent and to punish crimes against humanity”, which was modelled after Article I of the Genocide Convention.<sup>182</sup>

11. The UK Government’s long-standing position is that genocide can only be determined by “competent” courts or tribunals, sometimes caveated by a reference to “international courts or tribunals”.<sup>183</sup> It is a position which is illogical and wrong in law. As Prof. William Schabas, Professor of International Law at Middlesex University, has stated: “[d]eterminations of genocide are not the monopoly of courts. Political bodies may also make determinations of genocide and of the ‘serious risk’ that it will take place”.<sup>184</sup> For example, the Dutch government recognised in 2017 that the Daesh atrocities against the Yazidis “most likely” amount to genocide, and that preventive duties under the Genocide Convention require only an indication of serious risk, not a formal determination –<sup>185</sup> a position prompted by a report of the Advisory Committee on Public International Law (“**CAVV**”) and the External Adviser on Public International Law.<sup>186</sup> The duty to prevent is an obligation which is engaged “the instant” there is a serious *risk* of genocide, i.e., before genocide occurs.<sup>187</sup> This risk, as Prof. Schabas argues, may be determined politically, where certain indicators of genocidal intent are present – such as the targeting of children, forced displacement, and gender-based violence – as highlighted in the UK’s intervention in *The Gambia v. Myanmar* before the ICJ.<sup>188</sup> As the UK Government is aware, there is no court or tribunal anywhere in the world which has jurisdiction to determine whether the duty to prevent has been breached by a State *until* genocide has occurred, to the extent that it can be fully proven. This, of course, is always too late, and, in some cases – given the time needed to legally prove it – can only occur some years after the genocide has concluded.
12. The determination, and consequent responsibility to act, is on the State to act and to do so immediately when the serious risk is known. The Government, therefore, gives itself a free pass by refusing to make a determination of whether there is a serious risk of genocide or whether genocide is occurring. It seeks to pass the matter to courts or tribunals which cannot be seized of jurisdiction, so as to evade entirely its immediate obligations to prevent. Sir Geoffrey Nice KC highlighted, in his evidence, that certain States, such as China or the United States, cannot be taken to adjudicatory bodies because of reservations to Conventions, which further compounds impunity.<sup>189</sup> The ICJ can only adjudicate with the consent of States, and even where it has adjudicated, or provided for provisional measures, enforcement of its decisions depends on political willingness, including that of the UNSC to act without veto.<sup>190</sup>
13. In relation to the crime of torture, States are obligated to prevent torture and related crimes through “effective legislative, administrative, judicial or other” measures as appropriate, limited to “any territory under its jurisdiction”.<sup>191</sup> While this obligation is narrower in extra-territorial scope than Article I of the Genocide Convention, it retains an extra-territorial element. The Committee against Torture has interpreted “any territory” in Article 2(1) of the Torture Convention to include “all areas where the State party exercises, directly or indirectly, in whole or in part, de jure or de facto, effective control, in accordance with international law”.<sup>192</sup> Note that Draft Article 4(a) of the CAH Draft Articles is modelled after Article 2(1) of the Torture Convention, and Draft Article 4(b) extends beyond by requiring States to prevent crimes against humanity by cooperating with other States, relevant intergovernmental organisations and, as appropriate, other organisations.<sup>193</sup> It goes without saying that there is no primary legislation in the UK giving effect to the obligation to prevent torture.<sup>194</sup>

14. Notably, the UK Government stated, in its Comments and Observations on the CAH Draft Articles in December 2023, that Draft Article 4, which obligates States to execute their duty to prevent through domestic measures,<sup>195</sup> is “of vital importance”.<sup>196</sup> To fully actualise both its political commitments, including to R2P, and legal commitments, including to the elaboration, adoption, ratification, and enforcement of a convention on crimes against humanity, the UK Government would need to ensure its domestic atrocity prevention and response framework is comprehensive, compatible and in compliance with these possible forthcoming commitments. This would require the UK to review its laws and policies in relation to the duty to prevent genocide, identify any shortcomings and rectify them accordingly.<sup>197</sup> Only then will any future commitments, to go further in relation to crimes against humanity, have any teeth. Practical enforcement could be strengthened by an independent body of experts, mandated to assess atrocity risks of international concern and advise Parliament and Government.
15. The Government also needs to account for the cross-cutting significance of new and emerging technologies, including AI, where the risks and opportunities remain insufficiently addressed at the international level.<sup>198</sup> As technology reshapes the political and social dynamics surrounding atrocity crimes, it must be incorporated into assessment and prevention frameworks in several respects.<sup>199</sup> First, the impact of AI on the commission and character of atrocity crimes requires scrutiny, particularly regarding underlying motives, patterns and technological biases.<sup>200</sup> This includes what has been termed “algorithmic mass atrocity”, as observed in Gaza, Xinjiang, Iran or Ukraine.<sup>201</sup> Second, this raises explicit implications for the Government’s obligations under the duty to prevent. These concern the use of AI/surveillance technology on UK soil or elsewhere in connection with atrocity crimes, and the Government’s role in the proliferation of such dual-use technology or AI-powered weapons, which may contribute to the commission of atrocities abroad. Third, it must be examined how AI technology can be harnessed to strengthen and accelerate prevention efforts, notably by reinforcing human rights monitoring and reporting activities, or addressing cyber-related atrocity risks through targeted measures.<sup>202</sup> In this light, the appointment of Kanishka Narayan as the UK’s first Minister of State for AI in July 2026 is a commendable step.<sup>203</sup>

### **Responsibility to Protect doctrine**

16. There is sometimes confusion between the binding legal obligation to prevent violations of peremptory norms, such as the prohibition of genocide and the prohibition of torture, and the political concept of R2P.<sup>204</sup>
17. All UN Member States, including the UK, have made the global commitment to R2P, including to: protect their populations from genocide, ethnic cleansing, crimes against humanity, and war crimes, through peaceful means; take collective action through the UNSC, when necessary, and in accordance with the UN Charter; and help other States build capacity to protect their populations from genocide, ethnic cleansing, crimes against humanity, and war crimes, to prevent crises and conflicts from arising.<sup>205</sup>
18. The UK has gone further, maintaining that it can use force, or “humanitarian intervention”, without UNSC authorisation when three conditions are met: (i) there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief; (ii) it is objectively clear that there is no practicable alternative to the use of force if lives are to be saved; and (iii) the proposed use of force is necessary and proportionate to the aim of relief of humanitarian need, and is strictly limited in time and scope to this aim (i.e. the minimum necessary to achieve that end, and for no other purpose).<sup>206</sup> This interpretation of R2P counters prevailing

doctrine and practice, which observes an absolute prohibition on the use of force in international relations on humanitarian grounds without UNSC authorisation.<sup>207</sup>

19. While R2P entails a commitment to prevent crimes against humanity, its non-binding political nature fails to effectively hold States accountable or compel compliance. For example, there are few concrete instances in which the UK has effectively operationalised its peaceful R2P commitment to prevent; it used its exceptional recourse to military force, as part of NATO, to arguably good effect in Kosovo, but its use – or rather abuse – in Libya in 2011, and claims by other States, such as Russia in Ukraine, have given the doctrine less political and other import. One instance is the UK’s policy to never use its veto power in the UNSC on a “credible draft resolution on preventing or ending a mass atrocity”.<sup>208</sup> However, this is another political commitment with limited impact, given the vetoes of other permanent members.
20. A treaty on crimes against humanity that places a legal obligation on States Parties to prevent, as well as punish, would likely reinforce the UK’s related political commitments. Significantly, the opportunity for States to mobilise and establish an enforceable, legally-binding treaty on crimes against humanity coincided with the 20<sup>th</sup> anniversary, in September 2025, of the establishment of the principle of R2P.<sup>209</sup> Against this backdrop, it was an opportune, but missed, moment for States, including the UK, to assess whether their substantive actions reflect their R2P commitment to proactively prevent and respond to atrocities, and to ensure this is the case through their engagement with the process laid out in Resolution 79/122.<sup>210</sup> The official FCDO statement, addressing the context of the UN Secretary-General’s 20th-anniversary report on R2P, focused on bridging the gap between identifying risk factors and taking meaningful action, but was somewhat ironic, given criticisms of the UK’s shortcomings, as noted elsewhere in this Review, in taking preventative action in relation to the situations in Sudan, Gaza, and Afghanistan.<sup>211</sup>

#### HOLISTIC APPROACH TO PREVENTING ATROCITIES

The means of preventing atrocities operate across multiple dimensions, combining military presence with diplomatic and institutional action. The 1993 deployment of a 1,000-strong UN preventive force to Macedonia – later known as the United Nations Preventive Deployment Force (“UNPREDEP”)<sup>212</sup> – demonstrates how even modest military contingents, when deployed with appropriate timing and clear legal mandates, can effectively stabilise volatile regions and prevent ethnic tensions from escalating into mass violence.<sup>213</sup> As the mission had no mandate or capacity for direct military defence,<sup>214</sup> the force’s value lay primarily in its symbolic presence, monitoring capabilities, and facilitation of dialogue between communities at risk.<sup>215</sup> Notably, this deployment occurred without explicit legal obligation on States to deploy troops, indicating that the political will and diplomatic initiative of affected States can be sufficient to trigger preventive action:<sup>216</sup> in this case, it was President Kiro Gligorov’s request to the UN in November 1992, prompted by Macedonia’s fragile sovereignty and regional instability.<sup>217</sup> Whilst the deployment occurred at Macedonia’s own request, once the decision was made to proceed, it required and swiftly received formal UNSC authorisation through the standard legal mechanisms, following the dispatch of an exploratory mission.<sup>218</sup> The mission’s mandate, initially confined to monitoring the borders with Serbia and Albania, was subsequently broadened to include internal security issues to prevent the outbreak of interethnic conflict.<sup>219</sup> UNPREDEP’s success – in preventing spillover

conflict from neighbouring Bosnia and later Kosovo and the escalation of internal ethnic tensions – highlights a crucial principle: timely, credible international presence, combined with mediation, human rights monitoring, and support for local dialogue, can interrupt trajectories towards large-scale violence, making prevention not only a humanitarian imperative, but an economically and strategically rational investment.<sup>220</sup> Moreover, case studies such as Macedonia illustrate how sufficient political will among leaders, together with a UNSC consensus, can give prompt effect to conflict prevention mechanisms, bridging the gap between identifying risk factors and meaningful reaction.<sup>221</sup>

### Best global practices for atrocity prevention

21. The United States was recognised as having the most sophisticated atrocity prevention architecture worldwide, albeit with shortcomings, until the mechanisms were effectively dismantled – or, as described by Jeffrey Sizemore, former Senior Advisor on Atrocity Prevention, US Department of State, “wholesale eliminated” – throughout 2025.<sup>222</sup> In recent years, the United States’ approach centred on the pioneering Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (“**2018 Act**”), which mandated a whole-of-government framework, annual reporting, inter-agency coordination, and deployment of trained Foreign Service Officers to at-risk countries, but also the building of long-term institutional memory within the civil service for atrocity prevention work.<sup>223</sup> The Atrocities Prevention Board – later the Atrocity Prevention Task Force – was designed to coordinate global monitoring of atrocity risks, develop policy recommendations, and engage civil society for capacity building.<sup>224</sup> It was a White House inter-agency committee within the National Security Council.<sup>225</sup> It required a clear strategy for atrocity prevention and had to operate government-wide to ensure consistency.<sup>226</sup> Its authority, however, remained advisory rather than binding, significantly limiting its influence.<sup>227</sup> The Task Force also lacked an overarching strategy to coordinate atrocity prevention work of different government entities due to inadequate staffing and insufficient political commitment.<sup>228</sup>
22. The United States’ 2022 Strategy to Anticipate, Prevent and Respond to Atrocities (“**2022 Strategy**”) strengthened inter-agency responsibilities and introduced early warning and priority country planning tools for the executive branch.<sup>229</sup> The system, however, continued to suffer from insufficient political prioritisation, contradictory positions (even within the same administration),<sup>230</sup> weak resourcing, and internal resistance from other foreign policy actors.<sup>231</sup> The lack of political prioritisation was apparent in politically sensitive situations involving US allies, such as the conflict in Israel and Palestine or the risk of atrocity crimes against Muslims in India,<sup>232</sup> and in advocacy for measures with long-term impact or for interventions where atrocity crimes were not imminent.<sup>233</sup>
23. In practice, atrocity prevention in the United States is considered to be a soft foreign policy objective;<sup>234</sup> USAID and State regional offices, as well as embassy staff, often resisted policy and programming efforts focused on atrocity risks, prioritising diplomatic relationships necessary for short-term objectives over the difficult conversations needed for long-term stability and resilience to identified risks.<sup>235</sup> Commitment to long-term measures was contingent upon the individuals in charge; but where there was sufficient buy-in and safe spaces for discussion, this resulted in a preventative, action-oriented, rather than reactionary, behavioural mindset.<sup>236</sup> Therefore, the introduction of a new ambassador, section chief, or desk officer for a specific country could have far-reaching consequences.<sup>237</sup> Further, towards the end of the Biden administration, steps were taken to classify all Task Force meetings, thereby creating a stumbling block to sharing information with like-minded governments and multilaterals who could have collaborated with the United States to build capacity to

address atrocity risks.<sup>238</sup> Jeffrey Sizemore highlighted the consequences of eliminating atrocity prevention work in the United States:

*“This is in no way to say that the United States government had it perfect or that we in the government atrocity prevention enterprise were always successful... There is no shortage of examples where we got it wrong, but I took solace in our continued attempts to get it right and the fact that we as a government were willing to put time, energy, resources, and personnel into atrocity prevention as an enterprise. The reductions in force and ending of foreign assistance effectively remove the atrocity prevention enterprise from the United States federal government for the foreseeable future. The effects of losing this enterprise on atrocity prevention globally, on vulnerable populations, on international development, on non-governmental organizations, and on civil society actors will be felt for years going forward.”*<sup>239</sup>

24. A very different, civil society oriented, approach is seen in the African Great Lakes Region (Kenya, Uganda, Tanzania, South Sudan and the DRC), where States have been developing their atrocity prevention frameworks through “National Mechanisms” adopted following the 2006 Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination (“**ICGLR Protocol**”).<sup>240</sup> These frameworks are at various stages of maturity.<sup>241</sup> Here, States have committed to integrating atrocity prevention approaches into government structures, conduct risk assessments, develop policies, deliver training, and build partnerships with civil society.<sup>242</sup> These mechanisms bring together government, civil society, and experts, allowing for community-based, localised approaches and improved early warning.<sup>243</sup> A positive feature of the mechanisms is their integration of civil society, enabling easy access to valuable insights and knowledge and creating a direct link with local communities.<sup>244</sup> However, they remain outside formal government frameworks, lack binding authority, and depend heavily on political goodwill and external funding.<sup>245</sup> Some countries, such as Uganda, have unsuccessfully attempted to institutionalise their National Mechanism by seeking to pass domestic legislation that would formally integrate it into their government structures.<sup>246</sup>
25. The frameworks of Australia and the EU fall between the whole-of-government approach taken in the United States and the grassroots approach taken in the African Great Lakes Region.<sup>247</sup>
26. The EU’s atrocity prevention work is spread across multiple institutions, chiefly the EEAS, and is guided by tools such as the Atrocity Prevention Toolkit,<sup>248</sup> early warning systems, human rights conditionality clauses, sanctions, and support for investigations through EUROJUST and the Genocide Network.<sup>249</sup> Despite notable diplomatic engagement and norm setting, atrocity prevention is inconsistently prioritised in EU policy documents, often conflated with conflict prevention or R2P, and constrained by the requirement of consensus among Member States – especially for preventative sanctions.<sup>250</sup>

#### **EU ENFORCEMENT OF ATROCITY PREVENTION**

In Myanmar, the threat of atrocity was highest in Rakhine state, where the Rohingya people were primarily based. Nevertheless, EU conflict prevention aid was concentrated in the states of Kachin, Shan and Kayin, where armed conflict was ongoing, for two reasons: (a) distribution of aid was subject to Myanmar’s approval; and (b) the EU approach relied perversely on existing conflict prevention practices, meaning Rakhine State was not in focus because the Rohingya were unable to escalate their situation to an armed conflict.<sup>251</sup> Generally, EU enforcement of atrocity prevention policies is highly limited and selective: conditionality clauses are rarely

executed,<sup>252</sup> sanctions are preferred but of limited effectiveness, and internal weaknesses in information management, staffing, and reporting reduce institutional coherence.<sup>253</sup>

27. Australia's atrocity prevention efforts are largely framed through R2P, rather than a distinct atrocity prevention policy.<sup>254</sup> Its work is led by a small team within the Department of Foreign Affairs and Trade with limited capacity, relying on diplomatic coordination, context-driven assessments, and partnerships with civil society and academic networks.<sup>255</sup> Australia has historically been a strong advocate for R2P internationally,<sup>256</sup> but lacks a dedicated framework for assessing atrocity risks and typically responds reactively and selectively on a case-by-case basis.<sup>257</sup> There is, however, a degree of coordination between different government departments regarding the strategy for R2P, involving detailed discussions of crisis responses to streamline the government's official position on the ground.<sup>258</sup> While praised for interventions in Timor-Leste and the Solomon Islands, albeit without R2P as a frame of reference,<sup>259</sup> Australia has been criticised for insufficient responses to the situations in Myanmar, Tigray, and Xinjiang, reflecting inconsistent prioritisation, selectivity bias, and a decline in regional leadership.<sup>260</sup>
28. In many other countries, atrocity prevention as a foreign policy objective co-exists with other competing foreign policy concerns. Indeed, several experts, Yasmine Ahmed, Senior Director, Regional Human Rights Impact, Amnesty International, Sir Geoffrey Nice KC, Jeffrey Sizemore and Elisabeth Pramendorfer, condemned selectivity and bias, with the latter cautioning about its consequences. As Elisabeth Pramendorfer emphasised, "If the rules designed to protect [populations at risk of atrocity crimes] are not upheld consistently, then protection itself becomes contingent and unreliable. This is why insisting on the universal and consistent application of international law is a core component of effective atrocity prevention."<sup>261</sup>
29. Across all cases of comparative approaches outside the UK, there are recurring shortcomings: insufficient political prioritisation; under-resourcing; weak institutionalisation (or deliberately deprioritised institutionalisation); inadequate coordination; conflation of atrocity prevention with conflict prevention or other foreign policy agendas; and cuts to foreign aid that impact CSOs – institutions which act as bulwarks to the breakdown of the rule of law and permissive environments in which atrocities thrive. These critiques mirror those provided by experts before the Standing Group in their criticisms of the UK Government's current approach.<sup>262</sup> As evidence suggests, the UK's engagement in Sudan illustrates this: while the Government's strong multilateral engagement helped establish the UN HRC fact-finding mission – finding that the Rapid Support Forces ("RSF") had committed crimes against humanity, war crimes and genocide against non-Arab communities in and around El Fasher – the UK failed to translate this into substantive policy decisions, preventive measures or action to address the underlying drivers of the conflict,<sup>263</sup> also reflecting a lack of political will to confront the United Arab Emirates ("UAE") over its alleged role in enabling the RSF's atrocities.<sup>264</sup>
30. The key lessons and consequential recommendations arising relate to: embedding atrocity prevention as a core domestic and foreign policy objective; establishing permanent inter-agency bodies on a legislative footing, with clear, independent and impartial mandates; appointing Ministers; establishing a cross-government mass atrocity prevention strategy;<sup>265</sup> ensuring transparency through annual reporting; ensuring political accountability; providing sustained training for officials; allocating dedicated resources; employing proactive early warning and risk-analysis frameworks; and strengthening partnerships with civil society (each of which are further explored in this Review in Parts A and D).

31. The approach taken by governments around the world towards atrocity prevention is short-sighted, failing to recognise the positive long-term impact that enforceable atrocity prevention mechanisms can have on foreign and domestic policy. The measures set out in this Review aim to create a culture in which atrocity prevention is consistent, coherent, and resilient to political change.

#### UK DETERMINATIONS OF GENOCIDE IN PRACTICE

On 9 September 2025, the Government made ambiguous, if not contradictory, pronouncements from three separate Offices of State in relation to allegations that the Israeli State was committing genocide in the Occupied Palestinian Territories. The Health Secretary opined that Israel “needs to answer” allegations of genocide, following apparent consideration of violations by his office.<sup>266</sup> At roughly the same time, the Government released a letter that the Foreign Secretary, David Lammy, as he was then, had sent to the IDC a week before, stating that the Government had undertaken an assessment as to allegations of genocide and that “[t]he Government has not concluded that Israel is acting with that intent.”<sup>267</sup> FCDO staff, responding to questions from reporters, contemporaneously stated that they were required to make an assessment of the “serious risk of genocide” under the Genocide Convention,<sup>268</sup> and that such an assessment was “required under its arms exports licensing criteria and reflected a one-off judgement based on the information at the time”, which in any event they found in this case to have been negative. This was even though credible institutions, including the UN and ICJ, had repeatedly identified the serious risk of violations of rights under the Genocide Convention.<sup>269</sup> Shortly after, on the same day, the Prime Minister’s Office made a statement that the Government had not in fact undertaken any analysis and so it could not “come to any conclusion as to whether genocide has or has not been committed in Gaza”, and re-asserted its long-standing position that it was for “international courts to make these determinations”.<sup>270</sup> A UN Commission of Inquiry on the Occupied Palestinian Territories found reasonable grounds to conclude that Israel was committing genocide just days later, on 16 September 2025.<sup>271</sup> This episode, on and around 9 September 2025, should be considered in light of the judgment in the *Al-Haq* case, promulgated by the High Court some two months earlier, in June 2025, with Government disclosures that accepted that the Government had undertaken continuous assessments to determine the serious risk of genocide and/or genocide, in line with its international obligations, through the Export Control Joint Unit (“ECJU”), a cross-departmental team responsible for the UK’s system of export controls and licensing, which began a review of all extant licences under which military or dual use items could be exported to Israel.<sup>272</sup> The ECJU found Israel “was not harbouring genocide intent”, but it did decide, at a later date, to halt certain arms exports to Israel, on the basis that its government was then carrying out “serious violations of international humanitarian law”.<sup>273</sup> The *Al-Haq* disclosures, as noted by several experts (Yasmine Ahmed, Sir Geoffrey Nice KC and Elisabeth Pramendorfer), confirm that the Government does in fact conduct assessments and determine the risk of genocide, but that it has to date not been willing to be transparent or open about such assessments, and therefore evades any and all parliamentary or public scrutiny of meeting its obligations.<sup>274</sup>

### Legislation to operationalise the duty to prevent

32. In recent years, there have been growing and credible claims in the public domain that the UK Government and/or non-State actors, including individuals and businesses in the UK, have continued to engage in economic, military or other forms of trade or cooperation with alleged perpetrators in regions of States where international crimes, including genocide, slavery and/or crimes against humanity, are ongoing.<sup>275</sup> The international obligations on the UK Government, as set out above, include an obligation to act with due diligence to prevent actors within its own territory and/or jurisdiction from using its resources (e.g. arms, financing) to commit violations of peremptory norms, such as genocide or war crimes, elsewhere.<sup>276</sup> While the due diligence obligation does not stipulate specific preventive action, it requires States to take measures appropriate to the circumstances and their capacity.<sup>277</sup> This obligation appears to have only partly been fulfilled in the UK's response to the risk of Chinese surveillance of Uyghurs or other presumed dissidents on British soil. HikVision and Dahua, Chinese firms whose technology is used in internment camps throughout Xinjiang, also supplied surveillance technology for facial recognition operating across the UK.<sup>278</sup> While the government-mandated removal from sensitive sites was completed by November 2025,<sup>279</sup> cameras apparently remain in use in the wider public sector.<sup>280</sup> Also, British universities remain closely tied to Chinese state-linked entities, maintaining partnerships with Chinese state-owned defence conglomerates as well as companies such as Huawei and BGI Genomics, despite their documented roles in data sharing with the Chinese Army and mass surveillance in Xinjiang.<sup>281</sup>
33. A neglect to act with due diligence is also evident in the UK's failure to prevent forced labour in supply chains linked to Xinjiang: in 2025, an estimated £800 million worth of goods were imported from the region into the UK, and evidence states that products across multiple sectors, including the critical mineral industry, solar energy, cotton and textiles, and food products, are linked to forced labour there.<sup>282</sup> Furthermore, pre-existing UK laws, including the transparency in supply chains provision under Section 54 of the Modern Slavery Act 2015 (“**MSA 2015**”), have failed to prevent such cooperation and are insufficiently robust, adequate or inclusive,<sup>283</sup> as is further discussed in [Part C](#).
34. If conduct by the Government, or UK legal persons, in any way aids, assists or otherwise furthers the commission of prohibited acts of genocide, then such procurement would be in stark violation of the Genocide Convention and/or customary international law. The same would be true of violations of other peremptory norms.
35. The Genocide Determination Bill was a precursor to similar PMBs and/or amendments to major pieces of primary legislation; all laid with strong cross-party support since 2016.<sup>284</sup> The Bills/amendments were designed to challenge the UK Government to alter its unlawful policy of not making (or disclosing) executive determinations of genocide, so as to avoid engaging international obligations and insisting that determinations are solely a matter for courts/tribunals.<sup>285</sup> The Bills would either empower the UK courts to make preliminary determinations where asked by victims/survivors, thereby engaging the UK Government's legal obligation to prevent, or create mechanisms where the executive would be required to act to prevent genocide or otherwise face scrutiny by the UK courts, as a backstop. The Genocide Determination Bill is complemented by the Genocide (Prevention and Response) Bill, as discussed in [Part A](#).
36. A version of the Genocide Determination Bill, if passed, would bring the UK a small step closer to developing an independent, comprehensive and impartial framework for assessing and responding to credible allegations of genocide, and other serious violations of

international law, and meaningfully engaging with and enforcing its obligations to prohibit, prevent and punish (perpetrators of) genocide. It would do so by placing victims/survivors at the centre, without placing a fetter on executive decision-making or curtailing the ultimate discretion of the Secretary of State. PMBs, however, rarely become law as they are given very little Parliamentary time.<sup>286</sup>

37. A full and proper assessment by the Government, which should include due diligence and risk assessments, would also ensure that legal persons in the UK are not criminally responsible when engaging with actors overseas, including when procuring goods/services. Sir Geoffrey Nice KC highlighted that, in the case of the PRC, in the absence of any available formal court or tribunal with jurisdiction, two People's Tribunals had comprehensively found the ongoing commission of crimes against humanity/genocide relating to several protected groups.<sup>287</sup> Those findings changed the narrative in the public domain and in parliaments on crimes against the Falun Gong and the Uyghurs, yet the UK Government, among others, failed to grapple with their commitments under international law to prevent, including in relation to UK private actors' possible complicity in alleged international crimes.<sup>288</sup> The FCDO maintained that "any determination of genocide is a matter for a competent court or tribunal", despite knowing that no court or tribunal was available for determining either genocide or crimes against humanity in relation to allegations against the PRC.<sup>289</sup>
38. To date, the Government has failed to establish any framework to comprehensively discharge its obligations in respect of peremptory norms (including under the Genocide Convention). Passing versions of the two complementary Bills – the Genocide (Prevention and Response) Bill, as set out in Part A, and the Genocide Determination Bill – would represent an important step towards a comprehensive framework for addressing allegations of genocide and other violations of peremptory norms; but with legal checks to ensure genuine compliance.

### Alignment of the crime of aggression with other atrocity crimes

39. Since Nuremberg, the crime of aggression has been considered by jurists as the "supreme international crime", given that it acts as a gateway to the commission of other international crimes in the context of international armed conflicts arising from the unlawful use of force.<sup>290</sup> Yet, the crime continues to be subject to exceptional jurisdictional hurdles, supported by the UK Government, in contrast with the approach to other atrocity crimes.
40. There is no statutory crime of aggression in the UK. The International Criminal Court Act 2001 ("ICCA 2001") domesticates the Rome Statute by criminalising genocide, crimes against humanity, and war crimes, but notably omits the crime of aggression (reflecting the UK's non-ratification of the aggression amendment to the Rome Statute).<sup>291</sup> In *Jones (Margaret)*, the House of Lords, playing a judicial function at the time, later replaced by the Supreme Court, confirmed that the customary international law crime of aggression could not constitute a non-statutory crime under domestic law.<sup>292</sup> This is because the correct way to give domestic effect to international laws is to legislate.
41. The UK is a State Party to the Rome Statute. The crime of aggression is one of the four core crimes within the jurisdiction of the ICC. However, the ICC's jurisdiction over the crime of aggression is very limited compared to that over the other core crimes.
42. As things stand, the ICC can only seize jurisdiction over a matter commenced by a State referral or a *proprio motu* investigation by the Prosecutor, if both the aggressor and victim State have ratified the provisions in the Rome Statute relating to the crime of aggression,<sup>293</sup> or the aggressor State accepts the jurisdiction of the ICC using the Article 12(3)

mechanism.<sup>294</sup> Alternatively, the matter must be the subject of a referral by the UNSC under Chapter VII.<sup>295</sup>

43. When the Rome Statute was adopted, the ICC was prevented from exercising jurisdiction over the crime of aggression until a provision was agreed defining the crime and the conditions under which the ICC shall exercise its jurisdiction.<sup>296</sup> On 11 June 2010, at a Review Conference of the Rome Statute (“**Kampala Conference**”), the Assembly of States Parties (“**ASP**”) amended the Rome Statute to include a definition of the crime of aggression,<sup>297</sup> a definition of an act of aggression,<sup>298</sup> and providing distinct jurisdictional criteria over the crime (together the “**Kampala Amendments**”).
44. The definition of aggression adopted in the Kampala Amendments requires that the relevant act must, by “its character, gravity and scale, [constitute] a manifest violation of the Charter of the United Nations”.<sup>299</sup> This operates as a threshold requirement. A key ambiguity concerned the crime’s jurisdictional reach, i.e. whether it would apply to all States Parties or only to those who have ratified the Amendments, a question extensively debated in the years following Kampala. The UK, which has not ratified any amendments to the Rome Statute, adopted the “restrictive” position.<sup>300</sup> This issue was resolved in December 2017, with the adoption of ICC-ASP/16/Res.5, which confirmed that the ICC can only exercise jurisdiction over ratifying Member States (apart from where UNSC referrals are concerned).<sup>301</sup> A review of the Kampala Amendments, held from 7 to 9 July 2025 (“**Review Session**”), sought to determine whether the ICC’s jurisdiction over the crime of aggression could be aligned with the other principal crimes. A group of States submitted an amendment proposal with amendments to Article 15*bis* which would align it with Article 12 and permit the ICC to exercise jurisdiction over crimes committed in the territory of or by nationals of State Parties that have ratified the Kampala Amendments (“**Amendment Proposal**”).<sup>302</sup> This, as Prof. Claus Kieß, Professor of International Law and Criminal Law at the University of Cologne, argues, would be a crucial step to address the current accountability asymmetry and the jurisdiction gap over the crime of aggression – which itself gives rise to selective prosecution and questions of legitimacy.<sup>303</sup>
45. As in previous ASP sessions, the UK opposed extending the ICC’s jurisdiction and circulated a draft resolution which reiterated the limited scope of Article 15*bis* investigations and the need for further discussion before additional changes were made.<sup>304</sup> On 9 July 2025, the ASP adopted ICC-ASP/S-1/Res.1, which reflected this position.<sup>305</sup> The resolution made no changes to the court’s jurisdiction over the crime of aggression, and instead recorded the ASP’s decision to convene a Special Session in 2029 to discuss the Amendment Proposal.<sup>306</sup> The UK has justified its position on the basis that the UNSC should be the *only* body responsible for determining when an act of aggression has occurred.<sup>307</sup> The UNSC has never made a formal finding that aggression, in the sense of a violation of Article 39 of the UN Charter, has occurred.<sup>308</sup> In effect, this leaves the ICC unable to make its own legal determinations independently of the UNSC.<sup>309</sup> As identified by Prof. Claus Kieß, it also places the permanent members of the UNSC beyond the reach of the crime of aggression, which is particularly troubling given the unlawful use of force and threats to use them by permanent members. This ought to be seen in the context of Iran, Venezuela, Ukraine, Greenland and several other recent situations which could have violated the prohibition on the use of force and possibly the prohibition on aggression.<sup>310</sup>

### Use of the UNSC veto and prevention

46. The R2P doctrine, as noted above, is founded on three pillars: (i) States bear the primary responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity; (ii) the international community should assist States in fulfilling those

responsibilities; and – crucially – (iii) where a State manifestly fails to protect its population, the international community must take collective action through the UN.<sup>311</sup> The third pillar is inextricably linked to the veto powers of the permanent members of the UNSC (“**P5**”)<sup>312</sup> and there are numerous examples of the P5 using the veto to block action in situations engaging the R2P doctrine.<sup>313</sup> This includes the UK- and Sierra Leone-drafted resolution on Sudan of November 2024, which called for a ceasefire, stronger civilian protection, and improved humanitarian access, but was vetoed by Russia despite near-unanimous support.<sup>314</sup>

47. The UK has long adhered to a policy of restraint in the use of the veto in the UNSC, having last exercised its veto in 1989,<sup>315</sup> and remains a strong supporter of UNSC reform,<sup>316</sup> including reform of the use of the veto.<sup>317</sup> In 2015, the UK endorsed the Accountability, Coherence and Transparency Code of Conduct,<sup>318</sup> which calls on UNSC members not to vote against credible draft resolutions aimed at preventing or responding to atrocity crimes (although the inclusion of the qualifier “credible” apparently reflected the UK’s insistence during negotiations).<sup>319</sup> However, evidence suggests that the UK, at times, refrained from raising Myanmar and Sudan at the UNSC out of caution that either China or Russia would veto discussion of the conflicts.<sup>320</sup> In 2022, the UK supported the UN General Assembly’s “Veto Initiative”, under which the General Assembly convenes formally within 10 working days of a veto being cast by one or more permanent members of the UNSC, in order to debate the situation in question.<sup>321</sup> In 2025, the UK further supported the “Pact for the Future”, which includes a commitment to revive the use of Article 27(3) of the UN Charter.<sup>322</sup> Article 27(3), originally included in the Charter at the UK’s insistence during the drafting process,<sup>323</sup> requires UNSC members that are parties to a dispute to abstain from voting on related decisions. The UK should continue to support initiatives aimed at curtailing the use of the veto in cases involving atrocity crimes and advocate for renewed adherence to Article 27(3) of the Charter.

### **Rights-respecting weapons and military systems policy**

48. The UK Government has described itself as being committed to a robust and transparent export control regime for military, dual-use and other sensitive goods and technologies.<sup>324</sup> Developing such a regime is critical to ensuring compliance with the international legal obligations and political commitments outlined above, considering the influence an arms exporting State may have on the ability of the end-user to commit international crimes.<sup>325</sup> An effective export control regime is also mandated by the Arms Trade Treaty, which has been signed and ratified by the UK and requires each State Party to establish and maintain a national control system for conventional arms transfers.<sup>326</sup>
49. The UK Government has sought to implement its international obligations in respect of weapons transfers through the Strategic Export Licensing Criteria (“**SELC**”).<sup>327</sup> In the UK, any company wanting to export military or dual-use goods must apply for a Government licence.<sup>328</sup> The Government’s Export Control Joint Unit (“**ECJU**”), which sits within the Department for Business and Trade, assesses licence applications against the SELC.<sup>329</sup> This Review is primarily concerned with Criterion Two of the SELC, which stipulates that the Government will not grant a licence if it determines there to be a clear risk that the items in question might be used to commit or facilitate internal repression or a serious violation of international humanitarian law.<sup>330</sup>
50. Notwithstanding the UK Government’s development of the SELC, its arms export control regime suffers from two significant shortcomings. First, there is little publicly available information regarding the decision-making processes of the ECJU when assessing licence applications by reference to the SELC. Unlike the EU Common Position on Arms Exports (with which the UK previously aligned its own export licensing criteria),<sup>331</sup> the SELC are not

supplemented by any publicly available best practice guidelines or directions. Yet, past practice indicates that formal working methods for assessing Criterion Two are necessary: in 2019, the Court of Appeal found it “irrational” for the Government not to have considered, as part of its decision to grant arms export licences to Saudi Arabia, whether Saudi Arabia had engaged in historic patterns of breaches of international humanitarian law.<sup>332</sup>

51. Second, although the UK Government has indicated that extant licences will be revoked if found no longer consistent with the SELC,<sup>333</sup> it is unclear how the ECJU monitors existing licences and exactly what would trigger the reassessment of a licence’s compatibility with the SELC. The Government has referred to an internal policy process requiring the ECJU to assess extant licences following a “significant change in circumstances”, but has only made a short indicative list of triggering events publicly available.<sup>334</sup> The lack of clarity around the Government’s monitoring and reassessment process is particularly concerning amid reports that the UAE, one of the UK’s biggest arms customers, has been a “known hub for arms diversion for years” and is alleged to be a significant supplier of arms to the RSF.<sup>335</sup> Both Yasmine Ahmed and Elisabeth Pramendorfer expressed concern in their evidence regarding UK Government inaction in relation to the supply of weapons by the UAE to Sudan.<sup>336</sup>
52. The overall lack of transparency in the ECJU’s decision-making and review processes inhibits Parliament and civil society actors from scrutinising the Government’s compliance with its international obligations – a situation exacerbated by the overall scope of parliamentary oversight in this area being reduced in recent years.<sup>337</sup> Dr Kate Ferguson highlighted that “[w]ithout internal accountability processes or transparent thresholds of risk, there is no consequence for failing to respond to warnings of atrocity crimes”.<sup>338</sup> Where obligations of due diligence are concerned, it is imperative that the Government discloses the means by which it undertakes a process of informed decision-making.<sup>339</sup>
53. More broadly, the UK Government is encouraged to leverage its diplomatic influence to prevent the development of weapons systems which fail to respect international law and risk the commission of international crimes.<sup>340</sup> In particular, and as emphasised by the AI in Weapon Systems Committee, the Government ought to be at the forefront of efforts to develop an effective international framework governing lethal autonomous weapons systems.<sup>341</sup> While the technological development of weapons and military systems may be accommodated in large part by existing international legal rules,<sup>342</sup> the Government is urged not to disregard the possibility of a legally binding instrument being developed specifically to regulate automated practices within military systems.<sup>343</sup>

## RECOMMENDATIONS FOR ATROCITY PREVENTION

54. **Recommendation 1: Give meaningful domestic effect to binding legal obligations to prevent atrocity crimes where they exist and have extra-territorial effect with the prioritisation of the obligations under the Genocide Convention.**

**Sub-Recommendation A.** Ministerial commitment to convene a special drafting unit, without prejudice, jointly with relevant experts of the Standing Group, with an intention of passing agreed versions of the Genocide (Prevention and Response) Bill and the Genocide Determination Bill as Government Bills, which will become primary legislation; Or

**Sub-Recommendation B.** Give sufficient parliamentary time for the PMBs, or introduce them as Government legislation, and permit a free vote to MPs and Peers on the passage of an agreed version of the Genocide (Prevention and Response)

Bill and the Genocide Determination Bill as primary legislation when the opportunity arises.

- Commentary: This core recommendation for prevention merely gives effect to existing international obligations in relation to genocide, and the Government is asked to permit a vote on them in both Houses, given the extensive scrutiny these Bills have received to date. The Standing Group also recommends that the Government takes the lead in considering going further to also operationalise an extra-territorial duty to prevent crimes against humanity in a reasonably practicable manner and play a proactive role in negotiating a positive and tangible obligation to prevent during negotiations on the CAH Draft Articles.

**55. Recommendation 2: Permit the harmonisation of the Rome Statute so that the crime of aggression is treated at the ICC in the same way as the crime of genocide, crimes against humanity and war crimes and, thereafter, give domestic effect to the prohibition on the use of force and proscribe the crime of aggression.**

- Commentary: The UK has consistently opposed the harmonisation of the Rome Statute by providing exceptional procedural hurdles to prevent the ICC having jurisdiction over the crime of aggression. This is indefensible given recent use of manifestly unlawful force and the alleged commission of aggression against Ukraine, Iran and other States. The UK championed the creation of the Special Tribunal on the Crime of Aggression against Ukraine which appears inconsistent with how it treats the crime at the ICC and in domestic legislation. The UK does not criminalise the “supreme international crime” domestically, even though incidents of this crime are on the rise and open the gateway for other core international crimes. Neither a senior leader in the UK, nor a senior foreign leader could be prosecuted for the commission of this crime, and nor would the ICC have jurisdiction if the UK failed to do so. The crime of aggression could be proscribed with simple amendments to the ICCA 2001. To ensure that the legislation is effective, further changes to the ICCA 2001 will be needed, as discussed in Part C, concerning the principle of universal jurisdiction.

**56. Recommendation 3: Embed atrocity prevention as a core domestic and foreign policy objective and national security priority, with a ministerial mandate and formal reporting to Parliament bi-annually, as recommended in an iteration of the Genocide (Prevention and Response) Bill.**

- Commentary: Comparative practice demonstrates that atrocity prevention frameworks are least effective where prevention is not treated as a clear political priority, embedded institutionally, adequately resourced, and coordinated across government. The examples examined by the Standing Group reveal recurring weaknesses, including under-resourcing, weak institutionalisation, inadequate coordination, and the persistent conflation of atrocity prevention with broader conflict prevention or foreign policy agendas. The UK faces similar risks. Its existing commitments, including under the R2P, remain largely political and have not been operationalised with sufficient consistency, while recent practice has exposed inconsistency and limited transparency in the assessment of atrocity risks across government. Embedding atrocity prevention, as the UK originally did with PSVI, as a core domestic and foreign policy objective, supported by a formal ministerial mandate and bi-annual reporting to Parliament, would assist in securing sustained political attention, improving cross-government coherence, and establishing a clearer framework for accountability, implementation, and scrutiny.

57. **Recommendation 4: Reinforce the United Kingdom’s political commitment to the Responsibility to Protect (“R2P”) by giving practical effect to its peaceful and preventive dimensions through a coherent national framework for atrocity risk assessment and prevention, early warning, inter-agency coordination, capacity building, partnerships with civil society, and voluntary restraint in the use of the UNSC veto in situations of mass atrocity.**

**Sub-Recommendation A.** Adopt and publish a clear cross-government policy on the peaceful and preventive implementation of R2P, distinguishing it from binding legal duties and from any claimed doctrine of unilateral humanitarian intervention.

**Sub-Recommendation B:** Assess the impact of AI on the risk and commission of atrocity crimes and incorporate the use of AI tools for their prevention, including by monitoring online hate speech and radicalisation, or identifying patterns of human rights violations and risks to civilian populations/infrastructure.

**Sub-Recommendation C.** Strengthen the UK’s peaceful prevention architecture by resourcing the Mass Atrocity Prevention Hub, embedding atrocity risk assessment and early warning functions across relevant departments, and formalising coordination with civil society and other expert partners.

**Sub-Recommendation D.** Support voluntary restraint on the use of the UNSC veto in situations involving credible risks of genocide, crimes against humanity, war crimes, and/or ethnic cleansing, pushing strongly for mandatory abstention from voting by alleged violators of international law in the UNSC, and use the United Kingdom’s diplomatic position to strengthen collective capacity for timely preventive action through the United Nations.

- Commentary: Responsibility to Protect remains an important political commitment accepted by the UK, but its non-binding nature means that it has too often lacked consistent operational effect. As the analysis by the Standing Group shows, there are few concrete examples of the UK having systematically implemented the peaceful and preventive dimensions of R2P, while existing initiatives have been under-resourced or folded into broader conflict prevention work. The Government should, therefore, give practical effect to R2P through lawful, preventive, and institutionally coherent measures, including atrocity risk assessment, early warning, capacity-building, partnerships with civil society, and a clear policy of veto restraint in situations involving mass atrocity crimes.

58. **Recommendation 5: Increase transparency over the United Kingdom’s arms export control regime by publishing guidance specifically addressing how the Strategic Export Licensing Criteria, including Criterion Two, ought to be interpreted and applied by the Export Control Joint Unit.**

- Commentary: The publication of guidance supplementing the SELC would bring UK practice in line with that of other jurisdictions with developed arms control regimes. It would also facilitate external engagement with – and the scrutiny of – the ECJU’s decision-making process. The guidance should, at a minimum, identify: (i) key questions to be asked by the ECJU when assessing arms transfers from a humanitarian and human rights perspective; (ii) indicators to be taken into account in any such risk assessment; and (iii) triggering events requiring the ECJU to reassess licences where there has been a change in circumstances. In devising the guidance, the Government is encouraged to refer to the User’s Guide to the Council Common Position 2008/944/CFSP and the Practical Guide of the International Committee

of the Red Cross on applying international humanitarian and human rights law criteria to arms transfer decisions.

**[END]**

## C. STATE RESPONSES TO INTERNATIONAL CRIMES

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*Summary Headnote: Utilising atrocity impact assessments to determine policy in a given situation of international concern; Ensuring the prosecution of alleged perpetrators of international crimes; Not recognising as lawful violations of peremptory norms; Ensuring non-complicity in international crimes; Using lawful countermeasures to respond to wrongful acts; Upholding guarantees of cessation and non-repetition; Providing holistic and transformative reparations; Instituting truth and reconciliation, where possible; Reform of universal jurisdiction legislation in the UK; Reform of modern slavery and business supply chain legislation in the UK; Reform of sanctions legislation relating to serious human rights violations, and repurposing frozen assets in the UK, where consistent with international law.*

### Introduction

1. Legal responses to international crimes, in the form of justice and accountability, have several facets, especially for victims/survivors. They include criminal justice responses, but not exclusively.
2. In 2025, Yazda, a non-governmental organisation, surveyed 601 victims/survivors of the Yazidi genocide, which found criminal justice responses were among their top ten demands, but behind the search for missing persons, exhumation and identification of mass graves, improved security conditions, reconstruction of hometowns, and reparations.<sup>344</sup> In another study, experts working with victims/survivors of the Daesh atrocities noted the different understandings of justice among the different groups affected by atrocities. For example, for the Yazidis, international protection against further harm came first, before fair trials of the perpetrators.<sup>345</sup> The responses, however, varied among the different ethno-religious communities subjected to the atrocities,<sup>346</sup> and also among the targeted communities of other atrocity crimes.<sup>347</sup> Members of the Rohingya community from Myanmar, for example, when asked about their understanding of justice, identified citizenship, compensation, and protection (non-repetition of violence) ahead of punishment.<sup>348</sup>
3. The findings of such studies make it clear that State responses must be informed by the wishes of the victims/survivors affected by the atrocities and should go beyond accountability through criminal prosecution, reflecting instead a wider array of legal (and non-legal) responses. This includes giving effect to existing legal obligations requiring the cessation of internationally wrongful acts,<sup>349</sup> guarantees of non-repetition<sup>350</sup> and the provision of reparations to victims/survivors.<sup>351</sup> There are also broad duties on States not to recognise as lawful a situation created by the serious breach of a peremptory norm,<sup>352</sup> not to aid or assist in the commission of an internationally wrongful act,<sup>353</sup> and to cooperate to bring a situation created by the serious breach of a peremptory norm to an end,<sup>354</sup> among other duties under customary international law and treaty law. Central to such responses, first and foremost, are protection responses, discussed in [Parts A and B](#).
4. Despite having a punitive aspect, criminal justice, if done right, may also have a deterrent effect and help to prevent future atrocities.<sup>355</sup> The duty to punish is, in this way, intertwined with (although distinct from) the duty to prevent discussed in [Part B](#). Prevention is also continually relevant in responses, as it is a continuing obligation where crimes are ongoing.<sup>356</sup>
5. The Review focuses on four main aspects of legal responses, requiring urgent attention and reform, to give effect to the UK's international obligations. First, it focuses on the principle of universal jurisdiction, to ensure that victims/survivors have an effective avenue for the adjudication and punishment of those committing international crimes, especially where such options are not possible locally. Second, it examines whether the UK has all necessary

laws and policies to ensure products tainted by modern-day slavery, which is a form of atrocity crime, do not reach the UK. Third, it considers laws and policies that aim to diminish the ability of perpetrators to continue their crimes by way of targeted sanctions. It explores where assets frozen pursuant to Magnitsky-style sanctions could be repurposed to support victims/survivors and provide them with reparations. In relation to these three areas, this Part of the Review explains the current legislation, any shortfalls that require attention, and proposed legislative/policy changes, given that they continue to be the most called for responses by victims/survivors, CSOs and experts. Fourth, this Part identifies what else the UK could be doing to support legal efforts globally.

### Universal jurisdiction

6. States have several obligations when it comes to investigating and prosecuting international crimes.<sup>357</sup> The majority of atrocity crimes, however, are committed outside the UK, often in countries where the conduct is attributable to the State, which ultimately determines whether and how the crimes will be addressed. In States where officials, militaries, or other State bodies are involved in the commission of international crimes, it is safe to assume that the crimes will not be met with any, or any adequate, responses. Some recent examples include the alleged atrocities against the Rohingya in Myanmar and against the Uyghurs in Xinjiang (China), among others. In other cases, even after political change, different challenges may impede a State's ability to effectively respond to international crimes committed on its territory, such as a lack of relevant legislation, a weak judiciary and/or ongoing instability.
7. Over the years, third States have invoked the principles of extra-territorial jurisdiction, including universal jurisdiction, to enable the investigation and prosecution of international crimes – even if perpetrated abroad – before their domestic courts. It gives effect to the idea that egregious crimes concern the international community as a whole and require comprehensive responses from the international community and States.
8. The legal basis for universal jurisdiction lies in customary international law and treaty law.<sup>358</sup> The Geneva Conventions and the Torture Convention contain provisions requiring Contracting States to either prosecute or extradite individuals for crimes committed in violation of the treaties.<sup>359</sup> The ICC relies on States Parties to the Rome Statute to either investigate and prosecute core international crimes within their own national courts, or surrender the alleged perpetrators to the ICC.<sup>360</sup> The duty to punish genocide, provided for in the Genocide Convention, requires Contracting Parties to either prosecute alleged perpetrators or cooperate with competent international criminal tribunals.<sup>361</sup> Although the Genocide Convention only obliges Contracting Parties to exercise their *territorial* jurisdiction in prosecuting the crime of genocide, the ICJ has confirmed that States are not precluded from conferring jurisdiction on their criminal courts based on criteria other than where the crime was committed, such as the nationality of the accused.<sup>362</sup>
9. As States have been codifying the principle of universal jurisdiction, they have added some conditions which ultimately limit its operation.<sup>363</sup> This domestication has resulted in very diverse approaches taken globally. Some countries, such as Germany and Argentina, have adopted broad legislation accommodating what has been referred to as “pure” universal jurisdiction, allowing for the prosecution of perpetrators irrespective of their nationality or their presence in the State's territory.<sup>364</sup> Other countries have added some form of conditionality to jurisdiction, such as citizenship, residency, or presence (among others), which will ultimately determine whether international crimes can, in practice, be prosecuted in the country.

Article 118 of the Argentine Constitution enshrines the principle of “pure” universal jurisdiction.<sup>365</sup> The provision is to be interpreted in conjunction with Article 75(22) of the Constitution, which incorporates international treaties into Argentine law. Law 26.200/06 grants federal courts criminal jurisdiction over crimes covered by the Rome Statute.<sup>366</sup> Argentine courts are currently examining several cases involving situations which may amount to genocide, including a case concerning atrocities allegedly committed against the Rohingya in Myanmar. The military in Myanmar has been accused of perpetrating a litany of crimes against the Rohingya, an ethno-religious numeric minority community in the country, between 2016 and 2017, including extrajudicial executions or other killings; enforced disappearance and arbitrary detention; rape, including gang rape, and other forms of sexual violence; physical assault, including beatings; torture, cruel, inhuman or degrading treatment or punishment; looting and occupation of property, among others. In March 2022, US Secretary of State Antony J. Blinken formally recognised the atrocities against the Rohingya as constituting genocide and crimes against humanity.<sup>367</sup> In November 2019, the Burmese Rohingya Organisation UK (“BROUK”) filed a complaint with an Argentine court in relation to the Rohingya genocide. Initially, the request was rejected. However, in 2021, the appeals court overturned a lower court ruling, opening the door for further action.<sup>368</sup> In February 2025, a federal criminal court in Buenos Aires ordered arrest warrants against 25 Myanmar military leaders and officials for their involvement in the crime of genocide and crimes against humanity committed against the Rohingya community.<sup>369</sup>

10. The UK has two different regimes when it comes to the domestic prosecution of international crimes. Under the Geneva Conventions Act 1957 (in relation to grave breaches of the Geneva Conventions) and Section 134 of the Criminal Justice Act 1988 (in relation to torture),<sup>370</sup> UK courts may try individuals for such violations, no matter where they are perpetrated or by whom. The situation, however, is different when it comes to international crimes such as war crimes (other than those falling within scope of the 1957 Act), crimes against humanity and genocide as defined in the Rome Statute. The Rome Statute is domesticated in the UK via ICCA 2001,<sup>371</sup> which applies to England and Wales and Northern Ireland, and the International Criminal Court Act (Scotland) 2001 (“**ICCA (Scotland) 2001**”), which applies to Scotland.<sup>372</sup> The ICCA 2001 and ICCA (Scotland) 2001 are restrictive,<sup>373</sup> and incorporate what can only be described as “active personality” extra-territorial jurisdiction,<sup>374</sup> rather than universal jurisdiction. This means that if the three international crimes were committed outside of the UK, they could only be prosecuted by UK domestic courts if they were perpetrated by UK nationals, UK residents, or individuals subject to service personnel laws.<sup>375</sup> In effect, under these Acts, UK courts cannot prosecute non-nationals or non-residents for the three crimes even if the victims are British, or the perpetrators pass through or travel to the UK.<sup>376</sup>
11. In recent years, several prominent experts and CSOs, including the Burma Campaign, REDRESS, the Clooney Foundation for Justice,<sup>377</sup> and the International Bar Association’s Human Rights Institute,<sup>378</sup> have proposed reforms, highlighting inconsistencies in the two regimes which create an impunity gap in the UK’s legal responses to international crimes. Among others, in 2009, Ken MacDonald (now Lord MacDonald KC), in his capacity as the Director of Public Prosecutions, testified before the Joint Committee on Human Rights (“**JCHR**”),<sup>379</sup> that the current approach of there being different regimes for different offences is inconsistent and leads to injustices. However, until 2025, no reform proposals have advanced beyond early legislative stages for lack of Government support.<sup>380</sup>

## GERMANY PROSECUTING DAESH FIGHTERS FOR THE GENOCIDE AGAINST THE YAZIDIS

The issue of an impunity gap is exemplified by the case of the atrocities committed by Daesh in Iraq and Syria, which have not been prosecuted domestically as international crimes. In the early 2010s, Daesh unleashed atrocities against the Yazidis and other ethno-religious minorities in Iraq, including mass murder, torture, inhuman and degrading treatment or punishment, abductions, enslavement, sexual and/or reproductive violence and abuse, among others.<sup>381</sup> Several international bodies and courts have now recognised these atrocities as genocide, crimes against humanity and war crimes.<sup>382</sup> Despite the clear recognition, to this day, in Iraq, the crimes of Daesh have been investigated and prosecuted as terror-related offences only. Iraq still does not have laws criminalising genocide, crimes against humanity and war crimes and, therefore, the crimes cannot be investigated/prosecuted as such crimes locally.<sup>383</sup> A new Bill on international crimes is being considered in 2026.<sup>384</sup> Germany, one of the countries with a pure model of universal jurisdiction, investigated and prosecuted several Daesh members for their involvement in the Yazidi genocide. Among them was Taha al-Jumailly, an Iraqi national,<sup>385</sup> who was convicted in 2021 of genocide, crimes against humanity, war crimes and human trafficking.<sup>386</sup> The case represents a landmark step under the principle of universal jurisdiction, as it concerned a crime committed in Iraq by an Iraqi national who was extradited to Germany from Greece.<sup>387</sup> It was the first time a criminal court recognised the crimes committed against the Yazidi community as genocide.<sup>388</sup> The conviction was later upheld on appeal.<sup>389</sup> German courts have convicted several other Daesh members for crimes against humanity and war crimes, many of whom were German citizens and, as such, fell within the purview of active personality jurisdiction (Sarah O., Nurten J., Omaila A., Romiena S.). Another woman, Leonora M., was convicted of membership in a terrorist organisation.<sup>390</sup>

12. In 2025, two JCHR reports, which passed unanimously, proposed small but meaningful changes to the UK's exercise of jurisdiction over international crimes – to remove the citizenship and residency requirements from the ICCA 2001.<sup>391</sup> A similar reform was proposed by the IDC.<sup>392</sup> The Crown Prosecution Service (“**CPS**”), the principal public agency responsible for conducting criminal prosecutions in England and Wales, testified before the JCHR that they were content with the extent of powers they had to prosecute, but that they would support the recommendation “to remove the nationality and residence requirements, which would streamline things and make it a lot easier for prosecutors to provide advice on jurisdiction”.<sup>393</sup>
13. The Government rejected the proposed changes, with the principal claim that “the UK's policy on Universal Jurisdiction is based on the principle that investigations and prosecutions should take place close to where crimes occur, allowing for better access to robust evidence and witnesses”.<sup>394</sup> This response fails to recognise that, in the majority of cases, local investigations and prosecutions are not possible.
14. The Government further claimed that the issue of universal jurisdiction could be addressed collaboratively between States through treaties.<sup>395</sup> This fails to address the issue that such treaties take significant time to negotiate and may involve political decisions which abrogate or diminish responsibility for international crimes and therefore prevent victims/survivors from being able to seek justice.

15. The Government's additional suggestion that the ICC is best placed to prosecute international crimes<sup>396</sup> fails to take into consideration that the jurisdiction of the ICC is generally restricted to the territory and nationals of the (currently) 125 States Parties to the Rome Statute,<sup>397</sup> with limited exceptions.<sup>398</sup> Moreover, the Office of the Prosecutor prioritises investigations against high- to mid-level perpetrators and usually issues only a handful of arrest warrants against those most responsible for any set of international crimes.<sup>399</sup> As such, where the ICC has jurisdiction to act, this does not replace the need for the principle of universal jurisdiction.
16. Despite the Government's objections, several members of the House of Lords sought to give effect to the JCHR's recommendations in the form of two amendments to the Crime and Policing Bill 2025. The amendments were introduced by Lord Alton of Liverpool and were supported by Baroness Kennedy of the Shaws LT KC, Baroness Hodgson of Abinger CBE<sup>400</sup> and Lord Anderson of Ipswich KBE KC.<sup>401</sup> The proposed reform was further supported by several Peers across the political spectrum,<sup>402</sup> over 30 CSOs, and more than 30 legal experts, including professors and leading King's Counsel.<sup>403</sup> The first amendments were ultimately withdrawn during the Committee stage of the Bill to enable the interested parties to further discuss them,<sup>404</sup> including during meetings with the Attorney General and Ministers.
17. Another and separate proposal was submitted by Lord Wigley for the purposes of the House of Lords PMBs ballot 2026. Lord Wigley's proposal aimed to ensure that Sections 51 and 58 of the ICCA 2001 allowed for "passive personality" jurisdiction, which would enable British victims/survivors of international crimes to seek justice before UK domestic courts. When presenting his proposal, Lord Wigley raised the case of Ryan Evans, a British citizen working for Reuters who was killed in a Russian attack on a hotel in Ukraine – an attack targeting journalists and other media personnel.<sup>405</sup> Laws accommodating passive personality jurisdiction for international crimes exist globally. Prof. Diane Marie Amann, expressed surprise that the ICCA 2001 does not allow for passive personality jurisdiction and identified it as an area requiring reform.<sup>406</sup>
18. While the amendments and the PMB, which were put before the House of Lords in 2025/2026, were responding to one issue only, proposing a small change, there are other limitations to the UK's existing international crimes regime that require attention. These are noted below, as they may constitute a basis for further legislative and policy proposals.
19. Important questions need to be asked about whether Counter Terrorism Policing's War Crimes Team has all the powers, capacity and resources it needs to be able to effectively conduct its work. In England and Wales, investigations of international crimes are within the remit of the Counter Terrorism Command ("SO15").<sup>407</sup> Within SO15, the War Crimes Team runs such investigations, while also liaising with other departments, for example the CPS and the Home Office Special Cases Unit.
20. During its annual meeting with CSOs in May 2026, the War Crimes Team identified that in 2025, it received some 200 referrals of alleged international crimes. This many referrals means that, without substantial support, they may not be given adequate attention, or their consideration may be delayed.
21. At the time of writing, at least four structural investigations are apparently being conducted, with this practice being rather new.<sup>408</sup> A structural investigation is a form of investigation which does not target particular suspects, but aims to gather evidence of the suspected crimes and identify the structures behind them, such as the chain of command, in order to identify alleged perpetrators.<sup>409</sup> It is unclear how decisions are made in relation to the

opening, conducting and closing of structural investigations. Furthermore, clarity in relation to how evidence is gathered and analysed, including in cooperation with other domestic and international actors, is key.<sup>410</sup>

22. The War Crimes Team is funded directly by Counter Terrorism Policing.<sup>411</sup> The team does not have an allocated or ring-fenced budget. Allocating and ring-fencing the budget for the War Crimes Team could help to ensure that the resources are protected and the team can continue the work. In order to support investigations, whether structural or individual, investment is key – to ensure that the War Crimes Team has the human resources, technical knowledge and technology to be able to carry out their work. This also requires regular briefings and training, especially in relation to developing threats and methods of perpetrating crimes (e.g., cyber-enabled atrocity crimes,<sup>412</sup> among others).

#### UK INVESTIGATING WAR CRIMES IN UKRAINE

Having undertaken significant work to collect evidence of Russia's alleged crimes in Ukraine, including from Ukrainian refugees coming to the UK, there has been only one case opened for war crimes committed in Ukraine under active personality jurisdiction: that of Graham Phillips. Phillips is sanctioned by the UK and is subject to an investigation by SO15 over claims that he filmed pigs eating the remains of Ukrainian soldiers. He is also accused of mistreating Aiden Aslin, a UK citizen who was held as a prisoner of war by Russia for five months in 2022. The investigation was opened in 2022, although no charges have been announced.<sup>413</sup>

23. The Attorney General, whose consent is required for proceedings involving international crimes to be instituted,<sup>414</sup> has discretion to allow a case to proceed by reference to the principles of evidential sufficiency and public interest.<sup>415</sup> He or she “may consult relevant Government Ministers and seek their representations on matters relevant to the public interest as part of the decision-making process”.<sup>416</sup>
24. As the Attorney General is a political appointee, concerns have been raised regarding the risk of his or her decision-making process being politicised.<sup>417</sup> It is critical to explore how to make the process independent. The Government may consider allowing senior judges to grant consent to institute proceedings, to make the process less political and more transparent.
25. Each piece of UK legislation pertaining to some form of extra-territorial jurisdiction is governed by different temporal regimes. This approach leaves significant gaps and makes it challenging to charge certain crimes. To tackle the issue, one option would be to amend the ICCA 2001 to ensure that UK courts have jurisdiction over all crimes covered by the Rome Statute from at least 1991, and to specify which crimes could be prosecuted prior to 1991 under customary international law.<sup>418</sup>
26. Furthermore, the way in which special mission immunity is granted in the UK adds to the impunity gap. By granting special mission immunity to some foreign government officials in an *ad hoc* manner and without legislative basis,<sup>419</sup> the UK is further undermining efforts towards justice and accountability for international crimes. The UK ought to codify scenarios when such special mission immunity can be granted and when it cannot – for example, where there are reasonable grounds to believe that the individual has been involved in international crimes and has been identified as a suspect by authoritative bodies, such as the ICC, the UK authorities, or a UN investigative mechanism, among others.<sup>420</sup>
27. Lastly, as set out in Part B, the crime of aggression is not criminalised in the UK and so falls outside the scope of UK courts' jurisdictional remit. This could be rectified by the UK

ratifying the Kampala Amendments to the Rome Statute and subsequently amending the ICCA 2001. This will be meaningful if accompanied by the above discussed reforms.

### Corporate accountability for international crimes

28. Many of the atrocities perpetrated today would not have occurred, or at least not to the same extent, without corporate actors providing funding and/or military equipment and technology (including AI) that enable perpetrators to continue or accelerate the commission of their crimes. Such complicity of corporate actors requires legal accountability and redress.
29. Corporate accountability for international crimes is partly recognised in domestic legislation which accepts, in certain cases, that legal persons can be held accountable under civil law, administrative law and/or criminal law provisions, but direct corporate criminal accountability for international crimes is lacking.<sup>421</sup> Until June 2026, corporate criminal liability arising from the attribution of a senior manager's conduct was limited to a defined list of economic offences.<sup>422</sup> However, Section 250 of the Crime and Policing Act 2026 has extended this to include any criminal offence committed by a senior manager acting within their actual or apparent authority<sup>423</sup> – in practice, this is confined to offences punishable by a fine.<sup>424</sup> Consequently, companies can now be prosecuted, for example, for offences under the MSA 2015, such as human trafficking or forced labour.<sup>425</sup> While *any* criminal offence is nominally included, it is unclear whether Section 250 opens an avenue to (partially) encompass international crimes under the ICCA 2001, as, in light of the Rome Statute's legislative history, the ICCA 2001 only concerns natural persons.<sup>426</sup>
30. International law developments in this area have been slow, even if some important steps are being taken. A lost opportunity was the lack of codification of corporate accountability in the Rome Statute, which was included in early drafts but failed to receive broad State support. Nonetheless, it remains a vivid topic of expert discussion given an ever-growing acceptance of corporate liability in domestic criminal law.<sup>427</sup>
31. The CAH Draft Articles currently include a clause – Draft Article 6(8) – requiring States, subject to the provisions of their national laws, to take measures to establish the liability of legal persons.<sup>428</sup> Similarly, corporate liability for core international crimes is recognised in Article 15 of the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes (“**Ljubljana-The Hague Convention**”).<sup>429</sup> Furthermore, Article 46C of the African Union's Malabo Protocol equips the African Court of Justice and Human and Peoples' Rights with jurisdiction over legal persons and, as such, recognises corporate criminal liability.<sup>430</sup>
32. In recent years, prosecutors in several countries, including France and the US, have taken legal steps (both civil and criminal) to hold corporations accountable for their involvement in international crimes, with experts suggesting that this is a growing trend.<sup>431</sup>

### CORPORATE ACCOUNTABILITY FOR THE YAZIDI GENOCIDE

In the case of the Yazidi genocide, Lafarge, one of the world's largest cement and construction materials manufacturers, became complicit when, in order to continue their operations in the Middle East at the height of the Daesh atrocities, they made deals with Daesh leaders by paying them a significant amount in sale proceeds.<sup>432</sup> The money was then used by Daesh to consolidate its reign in the region and finance weapons purchases which were used to perpetrate atrocity crimes. In 2022, Lafarge and its Syrian subsidiary pleaded guilty to a one-count charge of conspiring to provide material support and resources to Daesh in Northern Syria from 2013 to

2014. Following the guilty pleas, US District Judge William F. Kuntz II sentenced the defendants to terms of probation and ordered them to pay financial penalties, including criminal fines and forfeiture of \$777.78 million.<sup>433</sup> Following this development, in December 2023, some 400 Yazidis filed a lawsuit against Lafarge for conspiring to provide material support to a campaign of terrorism conducted by Daesh against the Yazidi population.<sup>434</sup> The lawsuit, filed in federal court in the Eastern District of New York under the civil provisions of the Anti-Terrorism Act, seeks to hold Lafarge accountable for its conspiracy with Daesh and to obtain justice for the Yazidi people. Similar proceedings were initiated in France.<sup>435</sup> There, in April 2026, Lafarge and eight ex-Lafarge employees were found guilty of financing terrorism. Former CEO Bruno Lafont was jailed for six years.

33. As it stands, the UK does not have relevant laws that would enable it to follow the steps taken against corporations in France and the US. In response, in 2026, Baroness Kennedy of the Shaws LT KC proposed a new PMB, the Corporate Accountability (Genocide, Crimes Against Humanity and War Crimes) Bill. This Bill provides an avenue for victims/survivors of international crimes, genocide, crimes against humanity or war crimes, or their representatives in the UK, to pursue legal action against corporations in the UK involved in those crimes. The PMB did not come out in the 2026 ballot but engagement with relevant Ministers continues, including how the Bill could be adopted by the Government as its own.
34. In the absence of a mechanism by which UK corporations may be held directly responsible for international crimes, it is important to recognise the possibility of corporate *executives* being held individually liable under the ICCA 2001 and ICCA (Scotland) 2001 for supplying funds, military goods or other equipment used in the commission or attempted commission of international crimes.<sup>436</sup> In so far as the provision of military or dual-use supplies is concerned, it is also possible to seek (indirect) accountability via prosecutions of corporations and individuals under the Export Control Order 2008.<sup>437</sup> While these legal avenues are not a substitute for direct corporate liability for international crimes, they ought to be diligently pursued and enforced as a means of minimising the existing corporate accountability gap in international criminal law.

#### CORPORATE ACCOUNTABILITY FOR THE DARFUR GENOCIDE

In October 2025, in a case concerning complicity in the Darfur genocide, a New York federal jury found BNP Paribas, the largest bank in France, liable for more than \$20.5 million in damages for its role in providing banking services to Sudanese leaders as they were committing international crimes (including genocide) in the country between 2002 and 2008.<sup>438</sup> The \$20.5 million in damages is to be paid to three Sudanese plaintiffs, who now reside in the US, who testified about atrocities perpetrated under former President Omar al-Bashir's rule.<sup>439</sup>

#### Modern slavery and business supply chain legislation

35. Modern slavery and forced labour are among the most serious violations of international law and may constitute atrocity crimes in their own right. Slavery is expressly recognised as a crime against humanity under international law and can amount to a war crime when committed in connection with an armed conflict.<sup>440</sup> The prohibition of slavery has also attained *jus cogens* status<sup>441</sup> and is recognised in numerous international instruments.<sup>442</sup> Contemporary examples of slavery include the systemic use of Uyghur forced labour in China<sup>443</sup> and the use of forced and child labour to mine cobalt in the DRC.<sup>444</sup>
36. The UK is under international obligations not only to prevent, investigate and punish slavery

and related forms of exploitation, but also to ensure respect for international law.<sup>445</sup> These obligations extend beyond the UK's own conduct in cases where there has been a serious breach of the prohibition of slavery as a peremptory norm, giving rise to a duty to cooperate to bring such a breach to an end and entitling it to adopt lawful countermeasures.<sup>446</sup> Additionally, as mentioned above, they include an obligation not to recognise as lawful, aid or assist in the maintenance of serious breaches of international law.<sup>447</sup> This provides a basis under international law for measures designed to prevent UK markets and supply chains from contributing to, or benefiting from, products tainted by modern slavery and forced labour, including import bans. The ICJ's July 2024 Advisory Opinion regarding the Occupied Palestinian Territory,<sup>448</sup> further reflects a developing understanding that, as part of these duties of cooperation, States must exercise oversight over both public and private actors. Despite the existence of such jurisprudence and international norms, which are directly relevant to the issues of modern slavery and forced labour, there is no corresponding domestic legislation giving effect to them in the UK.

37. Such rights violations/crimes require comprehensive responses, which are not limited to investigations and prosecutions, but also to ensure that products tainted by forced labour/slavery do not enter UK markets.
38. The UK currently has a patchwork of legislation and instruments aiming to prevent forced labour in the supply chains of UK businesses. This framework lags behind the measures taken in other western States and is not fit for purpose.<sup>449</sup> Indeed, there is compelling evidence that goods produced using forced labour continue to enter the UK, including products from Xinjiang.<sup>450</sup> Most notably, there is no import ban on forced labour goods; any due diligence and transparency requirements are insufficiently enforceable; companies are not held accountable; and victims/survivors remain without redress.<sup>451</sup>

### **Import bans and restrictions**

39. Import bans or restrictions would seek to prevent or limit goods linked to forced labour from entering the UK, or to limit the extent to which they enter. Import bans play a particularly important role in combatting State-imposed forced labour, where it is not feasible to alter a supplier's practices through engagement.<sup>452</sup>
40. The only UK legislation on import bans, the Foreign Prison-Made Goods Act 1897, is outdated and unable to prevent the high volume of goods (worth over \$26 billion) being imported in sectors which are at high risk of forced labour.<sup>453</sup> The Act, which prohibits the importation of goods "made or produced wholly or in part in any foreign prison, gaol, house of correction, or penitentiary",<sup>454</sup> provides for several exceptions, making the legislation extremely weak and inadequate to address the challenges noted above.<sup>455</sup>
41. In comparison, in the US, the Uyghur Forced Labour Prevention Act ("UFLPA"), in force since 2021, introduces a rebuttable presumption that any products from the Xinjiang region are the product of forced labour and, therefore, banned from being imported.<sup>456</sup> The UFLPA's rebuttable presumption allows the US to act swiftly and forces businesses to transparently map out their supply chains.<sup>457</sup> The EU introduced the Forced Labour Regulation in 2024, which enters into force on 14 December 2027 and prohibits the import/export of forced labour products and requires Member States to enact penalties for non-compliance.<sup>458</sup> The advantage of the EU Regulation, as compared to the UFLPA, is that it prevents the export, as well as import, of goods linked to forced labour, so that such goods cannot be sold on to countries with lower standards.<sup>459</sup> Another advantage of the EU Regulation is that it is not geographically restricted and therefore cannot be circumvented by relocating forced labourers (as is reportedly happening in China).<sup>460</sup>

42. With the EU Regulation due to take effect in December 2027, there is a narrowing window for the UK to strengthen its own framework to ensure that domestic responses to forced labour are sufficiently comprehensive. After December 2027, lower standards in the UK may mean that EU Member States are prohibited from importing products from the UK, and that the UK may become a “dumping ground” for products rejected or likely to be rejected under the Forced Labour Regulation.<sup>461</sup> The UK should, therefore, urgently and before December 2027, enact legislation banning forced labour products, with clear provisions on how a forced labour risk will be identified, who is responsible for identifying products and preventing importation, and what procedures apply when forced labour goods are identified.<sup>462</sup> Legislative reforms of this nature have been recommended by Lord Alton of Liverpool and the APPG on International Law, Justice and Accountability, and have been discussed in Parliament. Introducing a rebuttable presumption is strongly recommended to ensure effectiveness, and the new legislation should enable cooperation and the exchange of information between authorities to make its effective implementation possible.

### Modern slavery prevention

43. Once world-leading in combating modern slavery, the MSA 2015 introduced Section 54, which requires large businesses to report regularly on how they prevent modern slavery in their operations/supply chains.<sup>463</sup> A decade later, Section 54 needs legislative reform to give it teeth and to provide for *mandatory* reporting with effective enforcement, as in Canada or France.<sup>464</sup> The voluntary reporting requirements currently do not apply to companies with a turnover of £36 million or less, nor to any public bodies.<sup>465</sup> Of those companies subject to Section 54, about 40% do not file any reports at all, and the Act does not foresee a punitive mechanism to address non-compliance or false statements.<sup>466</sup> Under Section 54(4)(b), companies are even allowed to file a statement declaring that they have taken no steps to combat modern slavery.<sup>467</sup> The Government’s recent guidance for businesses on the content of Section 54 statements and the potential consequences for failing to comply is a commendable first step.<sup>468</sup> However, it fails to provide a mandatory reporting and enforcement framework, which can only effectively be achieved through legislative action.<sup>469</sup>
44. The Immigration and Asylum Bill [2026-2027], introduced in the House of Commons on 30 June 2026 and given its second reading on 13 July, partly addresses these gaps.<sup>470</sup> In particular, it would amend Section 54 MSA 2015 by removing Section 54(4)(b) and introducing mandatory disclosure requirements concerning the organisation’s policies, due diligence and staff training on slavery and human trafficking.<sup>471</sup> It would also extend the reporting duty to certain public authorities and introduce a financial penalty of up to the higher of £1 million or 1% of turnover (or budget for public authorities) for failing to comply with the duties without reasonable excuse.<sup>472</sup> However, significant shortcomings remain: Firstly, a comprehensive accountability and enforcement regime is needed, including provisions for false statements, as set out by the Modern Slavery (Amendment) Bill – a PMB introduced in the House of Lords in 2021,<sup>473</sup> but which was not given parliamentary time.<sup>474</sup> Secondly, mandatory due diligence duties are required to align the framework with international standards and address human rights violations in supply chains effectively.<sup>475</sup> This is proposed by the Commercial Organisations and Public Authorities Duty (Human Rights and Environment) Bill, a PMB reintroduced by Baroness Young of Hornsey in the House of Lords on 17 June 2026.<sup>476</sup>
45. Additionally, with mandatory due diligence requirements, businesses would be required to take reasonable but not exhaustive steps to detect risk and prevent forced labour. Currently, due diligence is voluntary, and introducing mandatory supply chain standards would level the playing field for businesses.<sup>477</sup> Creating clearer guidance for businesses in this respect

would greatly assist in allowing them to meet their obligations. Enforcement could take the form of fines and/or directors' disqualifications for MSA 2015 breaches by amending the Company Directors Disqualification Act 1986.<sup>478</sup>

46. Further, forced labour is a significant risk in public procurement. In the Procurement Act 2023, Parliament sought to address this issue by creating a central debarment list, a Procurement Review Unit ("**PRU**"), and powers for procurement officers to exclude suppliers on this basis.<sup>479</sup> However, there is concern that local authorities do not have the means or know-how to apply their powers to exclude consistently.<sup>480</sup> No companies have been added to the central debarment list yet, and the threshold for mandatory exclusion is very high.<sup>481</sup> The Government should ensure procurement officers are adequately supported, and the effectiveness of the PRU and debarment list is monitored. The recent NHS Regulations<sup>482</sup> and Great British Energy Act 2025,<sup>483</sup> which impose stricter rules to eradicate forced labour in supply chains for specific sectors, are steps in the right direction, but the fragmentation of these different regimes across sectors creates confusion and complexity.<sup>484</sup> Legislation should be enacted to require mandatory due diligence for private and public sector actors alike.<sup>485</sup>

### **Use of criminal and civil litigation**

47. Litigation and enforcement mechanisms aimed at ensuring compliance with modern slavery obligations, and with the UK's broader obligations to prevent slavery and forced labour, remain underutilised. The Proceeds of Crime Act 2002 ("**POCA**"), for example, could be used by the National Crime Agency ("**NCA**") to prosecute persons trading forced labour goods in certain circumstances,<sup>486</sup> or to seize forced labour goods.<sup>487</sup> However, the NCA and the Border Force have taken the position that, although it may in principle be possible to confiscate goods linked to forced labour under POCA, they do not at present have a clear mandate to act in this way.<sup>488</sup> The Government, in turn, has stated that it cannot direct how POCA powers are used.<sup>489</sup> Clear guidance is needed to remove this perceived barrier.
48. Further, at present, the costs and complexity of civil litigation mean that forced labour victims/survivors lack access to justice and that companies trading forced labour goods are not held accountable.<sup>490</sup> This could be addressed by introducing a civil cause of action for failure to prevent forced labour, where the burden is on the relevant company to demonstrate that they have adequate preventative procedures in place.<sup>491</sup> A similar duty to prevent features in the Bribery Act 2010 and the Criminal Finances Act 2017.<sup>492</sup>

### **Sanctions legislation and repurposing frozen assets**

49. Sanctions are non-permanent restrictive measures imposed by governments and international organisations, often in response to internationally wrongful acts, which limit or prohibit certain forms of economic or financial engagement with targeted countries, entities, or individuals.<sup>493</sup>
50. As instruments of foreign policy, sanctions are designed to induce changes in the target's behaviour, for example by restricting trade in certain goods or prohibiting business dealings with designated actors. Increasingly, sanctions have shifted from broad embargoes affecting entire economies to more precise, "targeted" measures focused on specific individuals, companies or vessels. This evolution reflects an effort to align sanctions with international legal obligations, including minimising unintended humanitarian consequences, while enhancing accountability.<sup>494</sup> Although States rarely invoke an express basis in international law when imposing unilateral targeted sanctions (i.e. measures not adopted pursuant to a UNSC resolution),<sup>495</sup> they are sometimes justified in legal scholarship as falling within the doctrine of countermeasures.<sup>496</sup>

51. One form of targeted sanctions is a Magnitsky-style sanction, which has become a prominent feature in foreign policy toolkits in recent years, used to deter and hold individuals accountable for serious human rights violations and corruption. First introduced by the US through the Global Magnitsky Human Rights Accountability Act 2016, similar regimes have since been adopted by the UK, EU, Canada and Australia. The Act is named after Sergei Magnitsky, a Russian tax adviser who was killed in a Russian prison in 2009 after exposing large-scale official corruption.<sup>497</sup> Magnitsky-style sanctions are designed to target individual perpetrators without punishing the civilian populations of the affected country.
52. The UK established its Magnitsky-style sanctions framework through the Global Human Rights Sanctions Regulations 2020 (“**GHRS**”) and the Global Anti-Corruption Sanctions Regulations 2021 (“**GACS**”), both issued pursuant to the Sanctions and Anti-Money Laundering Act 2018 (“**SAMLA**”).<sup>498</sup> These regimes permit asset freezes and travel bans on individuals/entities involved in serious human rights violations<sup>499</sup> or corruption,<sup>500</sup> regardless of location, and criminalise financial dealings with designated persons.
53. Magnitsky-style sanctions may target not only direct perpetrators but also those who facilitate, oversee, promote, incite, support or benefit from such conduct, capturing a wide range of State and non-State actors.<sup>501</sup> Actors may be designated for concealing evidence of violations or failing to investigate and/or prosecute violations when they have the responsibility to do so.
54. Under the GHRS, “serious human rights violations” are narrowly defined as violations of the right to life, the prohibition of torture or cruel, inhuman or degrading treatment or punishment, and the prohibition of slavery, servitude or forced labour.<sup>502</sup> The exhaustive nature of the definitions contained within the GHRS means that many atrocity crimes fall outside the scope of sanctionable activities – a serious shortcoming which requires reform.
55. Although subject to legal safeguards, including a requirement that there must be reasonable grounds to suspect involvement in the relevant conduct,<sup>503</sup> the decision by the Foreign Secretary to impose sanctions remains discretionary and informed by wider foreign policy considerations, leading to much critique regarding double standards and bias.<sup>504</sup>
56. Atrocity crimes should have the potential to fall within the scope of the GHRS, as they represent some of the most serious human rights violations. Their deterrence and accountability, therefore, align directly with the purposes of the GHRS. However, the narrow definition of the term “serious human rights violations” contained within the GHRS means that many crimes which could amount to a crime against humanity, for example large-scale deportation or forcible transfer, may not amount to sanctionable conduct for the purposes of the regulations.<sup>505</sup> Likewise, some serious human rights abuses against religious or belief minorities, including religious persecution, systematic discrimination and other forms of religious oppression,<sup>506</sup> may not automatically be captured by the GHRS.
57. UK sanctions policy is grounded in a logic of deterrence, disruption and signalling. As reflected in the Government’s 2024 Sanctions Strategy, targeted sanctions are intended to deter abuses by raising their costs, disrupt perpetrators by limiting their access to resources, and demonstrate a clear condemnation of violations of international norms.<sup>507</sup>
58. In practice, Magnitsky-style sanctions can thus contribute to atrocity prevention through material, political and signalling effects. Financial measures, such as asset freezes, can constrain access to funds, arms and logistical support. Although not Magnitsky-style sanctions, the potential impact of sanctions as a tool can be seen in Libya in 2011, where UN sanctions restricted the Gaddafi regime’s ability to withdraw cash and pay mercenary forces,<sup>508</sup> and in Eritrea, where sanctions contributed to a portion of troop withdrawals from

- the Djibouti border.<sup>509</sup> Travel bans can disrupt efforts to mobilise external backing or sustain conflict, while the threat or imposition of sanctions can incentivise negotiations: in Libya, such pressure contributed to actors engaging in UN-brokered talks that led to the 2015 Political Agreement.<sup>510</sup> Public listings also increase scrutiny and reinforce international norms, as illustrated by US sanctions against senior officials in the DRC in 2016-2017, which, following a violent crackdown on protests,<sup>511</sup> helped pressure President Joseph Kabila to allow elections, contributing to his eventual resignation in 2018 and a largely peaceful transition.<sup>512</sup>
59. Despite this potential, the effectiveness of Magnitsky-style sanctions in preventing atrocities is undermined by persistent gaps. They are often imposed too late to deter quickly escalating conflicts, applied to an overly narrow set of actors, and have at times failed to respond to some of the most heinous atrocity crimes. For instance, no UK sanctions have yet been imposed in response to widespread conflict-related sexual violence in Tigray, in spite of recommendations by the IDC.<sup>513</sup> Sanctions also tend to focus on a limited number of responsible individuals rather than targeting broader command structures or enabling networks, as illustrated by Sudan, where UK sanctions have targeted members of the RSF but not their external backers, including the UAE.<sup>514</sup> In other cases, the failure to designate central figures further weakens the impact of sanctions: for example, when imposing sanctions against Chinese officials in Xinjiang for their involvement in atrocities against the Uyghurs, the Government did not include Chen Quanguo, the former Party Secretary of Xinjiang from 2016 to 2021, widely regarded as the principal architect of the repression.<sup>515</sup>
  60. Finally, enforcement of sanctions remains weak: to date, no fines have been imposed for breaches of Magnitsky-style sanctions in the UK and limited parliamentary<sup>516</sup> and judicial oversight<sup>517</sup> over sanctions decision-making, combined with unclear delisting pathways, reduces both accountability and incentives for behavioural change.
  61. To address these gaps, an effective approach to atrocity prevention should better integrate Magnitsky-style sanctions within a broader policy framework. This includes recognising their preventative as well as punitive function and deploying them in a more consistent and comprehensive manner, targeting not only direct perpetrators, but also senior decision makers and those who enable or finance abuses. A more comprehensive strategy should also include measures to protect the ICC from the impact of unilateral sanctions working with allied jurisdictions, including using blocking statutes or similar protective mechanisms.
  62. UK authorities should also think more creatively about the use of sanctions enforcement as an atrocity-prevention strategy. In particular, the enforcement of sanctions regimes can provide an indirect but effective means of targeting individuals and entities that profit from, facilitate and maintain commercial relationships with sanctioned perpetrators of atrocities. In many cases, establishing a breach of sanctions obligations may be more straightforward than proving participation in – or complicity with – an international crime, but nevertheless has the effect of disrupting economic networks that sustain human rights abuses.
  63. Greater coordination across Government departments and with international partners is further essential to maximise impact, alongside ensuring that sanctions are applied on the basis of the gravity of violations rather than diplomatic or economic considerations.
  64. Legislative reform is also needed to strengthen parliamentary oversight: at a minimum, the periodic review provisions previously contained in Section 24 of SAMLA and removed in 2022 should be reinstated. Consideration should further be given to establishing an independent oversight body, with a mandate to review the operation of sanctions, report annually to Parliament and issue recommendations. A similar approach was proposed in the

Bishop of Truro's 2019 review, which recommended that the Prime Minister's Special Envoy for Freedom of Religion or Belief ("FoRB"), supported by the FCDO's FoRB team, advises the Foreign Secretary on the use of sanctions in response to religious persecution and other serious human rights violations.<sup>518</sup>

65. Finally, improving resourcing, transparency, and institutional capacity for the FCDO Sanctions Unit and responsible UK enforcement agencies will be necessary to support timely implementation and more robust enforcement.

### **The confiscation of assets frozen under sanctions**

66. This section examines, first, the legal bases and challenges associated with the confiscation of private assets, whether pursued on the basis of sanctions designations or through proceeds-of-crime frameworks, before turning to the distinct question of sovereign asset confiscation and its status under public international law.
67. Freezing and confiscating assets are distinct legal processes, each requiring a separate legal basis. In the UK, targeted or Magnitsky-style sanctions give the executive the power to freeze assets, but sanctions legislation alone does not provide a lawful basis to permanently confiscate the assets of those designated. As the law currently stands, the UK cannot use its sanctions regimes to make use of the underlying frozen asset. Where frozen assets belong to private persons, permanent confiscation without a prior conviction, or judicial finding linking those assets to criminal conduct, raises concerns around the rule of law, due process and property rights.<sup>519</sup> The Supreme Court case of *Shvidler* identifies the limited degree of judicial scrutiny applied to UK sanctions designations, which are executive rather than judicial decisions.<sup>520</sup>
68. Given that the confiscation of private assets is a permanent, irreversible step and therefore goes further than freezing, which is reversible, it is doubtful whether executive decisions alone could, or indeed should, ever lawfully serve as a basis for confiscation.<sup>521</sup> While exceptional circumstances could arguably justify an initial executive decision to confiscate, any such deprivation would, at a minimum, require robust and effective judicial oversight, including the possibility of meaningful review, to satisfy principles of due process and the rule of law.
69. Some jurisdictions, however, have adopted legislation which would allow for the confiscation of frozen assets linked to atrocity crimes. For example, in June 2022, Canada amended its sanctions legislation to allow for a judge, on the application of the Minister of Foreign Affairs, to order the forfeiture of property situated in Canada that is owned, held, or controlled by a person sanctioned in connection with grave breaches of international peace and security and/or gross and systematic human rights violations committed in a foreign State.<sup>522</sup> There does not need to be a link between the property itself and the underlying sanctionable conduct. The proceeds of such forfeiture are earmarked to compensate victims or support the reconstruction of affected States.<sup>523</sup> There is the opportunity for the owner of the assets to make representations and engage in an administrative and judicial process to challenge the designation and confiscation.<sup>524</sup>
70. In May 2024, Estonia introduced a legislative amendment which empowered its Ministry of Foreign Affairs to confiscate funds or other assets of sanctioned persons and redirect the proceeds as "advanced compensation" for damage caused by violations of Article 2(4) of the UN Charter relating to the prohibition on the use of force.<sup>525</sup> The amendment enables the use of assets of individuals/companies that have contributed to Russia's wrongful acts in Ukraine, which have been frozen under sanctions, as an advance payment for damages owed by Russia to Ukraine.<sup>526</sup> The measure can be applied to persons of a foreign State

whose “connection to the commission of an unlawful act or aiding such act has been identified and proven sufficiently”.<sup>527</sup> The procedure is an administrative, one managed by the Ministry of Foreign Affairs, which must be satisfied that there are no exceptional circumstances due to which the interests of the person would outweigh the need to implement the measure. The models of Canada and Estonia represent a departure from the current UK approach, insofar as they decouple confiscation from proof that the property itself derives from unlawful conduct.

71. As stated above, being designated under sanctions legislation does not form a lawful basis for any asset confiscation proceedings in the UK, either judicial or administrative. In the UK, there is presently only a very limited legal basis on which private assets linked to atrocity crimes can be confiscated, and this is governed by POCA, which operates as a fully judicial process. This framework is grounded in the well-established principle that property may only be deprived where it is shown to derive from unlawful conduct, such that it was never legitimately owned. It, therefore, represents a doctrinally coherent and legally robust basis for deprivation, one that has been tested against the requirements of the European Convention on Human Rights and found to be compatible with fundamental rights protections.<sup>528</sup>
72. That said, while POCA provides a sound legal foundation for asset confiscation, aspects of its operation are ill-suited to the challenges posed by atrocity crimes. The case for reform, therefore, lies not in departing from its underlying principles, but refining its mechanisms to ensure they remain effective in addressing assets connected to serious international crimes, while maintaining compliance with due process and the rule of law.
73. POCA provides both criminal and civil routes to confiscation. Under Part 2 of POCA, courts may impose confiscation orders following conviction where a defendant has benefited from criminal conduct. Part 5 of POCA enables civil recovery of property obtained through “unlawful conduct” without a prior conviction. However, where the relevant conduct has occurred abroad, it is only “unlawful” if it constitutes an offence under both English law and the law of the relevant overseas jurisdiction.<sup>529</sup> This “double criminality” requirement presents a barrier in atrocity contexts, where such conduct may not be effectively criminalised locally.
74. POCA provides for a limited exception under Section 241(2A), which allows recovery of property linked to a “gross human rights abuse or violation” without satisfying double criminality. However, the term “gross human rights abuse or violation” is narrowly defined in the legislation, applying only where a human rights defender or whistleblower has been subjected to torture or inhuman or degrading treatment by, or with the involvement of, a public official.<sup>530</sup> As a result, it captures only a small subset of conduct that would qualify as atrocity crimes, significantly limiting its practical reach. In addition, confiscation proceedings under POCA are inherently complex, resource-intensive and often protracted, particularly where crimes occurred abroad, requiring coordinated legal and institutional actions across multiple jurisdictions.

### **Channelling confiscated assets towards atrocity response**

75. Even where assets linked to human rights violations are recovered under POCA, there is no clear legal mechanism requiring recovered assets to be directed towards reparation under English law.<sup>531</sup> Victims of international human rights and humanitarian law violations have the right to effective reparations for the suffering inflicted on them.<sup>532</sup> Importantly, effective reparations can serve as an atrocity prevention measure, restoring peace and stability and preventing further conflict. Instead, recovered funds are distributed through the Asset

- Recovery Incentivisation Scheme (“**ARIS**”), which allocates proceeds on a 50/50 basis between the Home Office and operational partners. In practice, the majority of funds are reinvested in law enforcement activities. This model has been criticised in terms of “policing for profit”.<sup>533</sup> As a result, in 2016, the Home Affairs Committee recommended the return or donation of at least 10% of criminal assets to the communities affected, for example, through charities.<sup>534</sup> However, this recommendation was never adopted by the Government.<sup>535</sup>
76. To better harness the role of asset recovery in atrocity prevention, targeted reforms are required. First, the scope of recoverable conduct under POCA should be expanded, including by broadening the definition of “gross human rights abuse or violation” to better reflect international law and by removing barriers created by double criminality in atrocity contexts. Second, a clear legal framework should be established to enable the repurposing of confiscated assets towards victim reparations, including in cases involving victims located abroad or where harm is widespread and not easily attributable to identifiable individuals. Such proposals have been put forward by CSOs and parliamentarians in the past, but as of yet have failed to gain the political will needed for implementation.
  77. For example, Lord Banner KC tabled amendments to the Crime and Policing Bill 2025 which would have allowed a portion of funds recovered for economic crime to be awarded as compensation for public interest purposes.<sup>536</sup> The amendments were introduced for the Committee stage in the House of Lords by Lord Banner KC and were supported by several Peers across parties, including Lord Alton of Liverpool, Baroness Goudie, Baroness D’Souza, Lord Clement-Jones, Lord Kemsell, Lord Garnier, and Lord Cameron. The amendments sought to strengthen UK law by empowering courts to award compensation orders for public interest or social purposes (a “Public Interest Compensation Order” or “PICO”) in circumstances where they are considering whether to make either a compensation order under the Sentencing Act 2020 (for criminal cases) or a forfeiture order under POCA (for civil enforcement cases), provided in each case that the underlying criminal conduct is an offence under UK sanctions law. This would have enabled judges to order compensation payments from criminal assets to reach those most affected by sanctions breaches, even though they may not necessarily be direct victims of the sanctions breach (in the narrow sense), and the precise loss or damage that they have sustained may not be easy for the court to identify or quantify. However, the Government declined to accept these amendments on the basis that it already provides support for victims of human rights and sanctions violations, through compensation orders or otherwise.<sup>537</sup>
  78. Third, consideration should be given to revising ARIS to ensure that a meaningful portion of recovered funds is directed towards affected communities, rather than primarily reinvested in enforcement activity. Such proposals have been pushed for by CSOs such as REDRESS.<sup>538</sup> However, no such framework has yet been adopted in the UK.
  79. Alongside the extensive freezing of private assets following Russia’s invasion of Ukraine, sanctions by the G7 and allied States have immobilised an estimated \$300 billion in Russian Central Bank sovereign assets.<sup>539</sup> The prospective confiscation of these assets has attracted significant political interest, while giving rise to complex challenges under international law, particularly regarding State sovereignty and immunity. These sums represent a significant share of Ukraine’s estimated recovery needs, put at \$588 billion over the next ten years as of February 2026.<sup>540</sup> Accordingly, many have since contended that these sovereign assets should ultimately be confiscated and redirected to address the harm caused by Russia.
  80. Some countries, such as the US and Canada, have taken a strong stance and introduced legislation to enable the seizing of frozen sovereign assets.<sup>541</sup> As noted above, in 2022,

Canada amended its sanctions legislation to equip the Minister of Foreign Affairs with powers to apply for a court order for frozen assets to be forfeited in cases of gross and systematic human rights violations.<sup>542</sup> In 2024, the US passed the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act (“**REPO Act**”), which authorised the seizure and repurposing of frozen Russian sovereign assets via a dedicated Ukraine Support Fund in order to provide compensation/assistance to Ukraine, to support Ukraine’s reconstruction and/or to provide economic and humanitarian assistance to the people of Ukraine.<sup>543</sup> Pursuant to the REPO Act, the Department of the Treasury’s Office of Foreign Assets Control published a notice in the Federal Register regarding new reporting requirements under the Act.<sup>544</sup>

81. However, these avenues have yet to result in the transfer of frozen Russian assets to Ukraine, with the sovereign immunity of assets remaining a central legal obstacle to confiscation and/or measures pursuant to proceedings before foreign domestic courts. States are immune from the enforcement jurisdiction of domestic courts, which means that measures of constraint may not be taken against their property, including, for example, Russian Central Bank assets, unless the State has consented to the measure or a limited exception applies. While sanctions law permits States to freeze or immobilise foreign sovereign property, international law has ordinarily protected such assets from confiscation, liquidation or transfer or enforcement in foreign courts. Russia’s unlawful aggression could justify the disapplication of immunity, particularly through the doctrine of third-party countermeasures, which necessarily require measures to be temporary, reversible and proportionate, and applied to induce the offending State into compliance with international law.<sup>545</sup>

### Supporting international efforts on justice and accountability

82. The above sections focus on domestic avenues for justice and accountability, broadly defined. In addition, the UK must show true leadership on the international level. In the last few decades, several States have led and supported important initiatives on international justice and accountability, from the establishment of *ad hoc* tribunals, the only permanent criminal tribunal – the ICC – and quasi-judicial mechanisms to assist in the investigation and prosecution of senior perpetrators,<sup>546</sup> among others. Such mechanisms are a crucial element of legal responses to international crimes and have provided victims/survivors with avenues for justice which otherwise would not have been available. Recent years, however, have seen a different phenomenon, namely the slow dismantling of the international rules-based order, with the premature closures of UN mechanisms such as UNITAD and the International Commission of Human Rights Experts on Ethiopia, due to funding cuts, including to the UN, the reduction of foreign aid, the US withdrawal from international mechanisms, and sustained attacks on courts/tribunals such as the ICC. This will ultimately affect victims/survivors’ access to justice, whether domestically or internationally, and requires States to reexamine how they adjust their practical support in the face of these changes.
83. The UK has done important work to support international efforts to ensure justice and accountability for international crimes. UNITAD is only one such example. However, the support for UNITAD ceased after Iraq withdrew its support for the mechanism and the UK failed to show the leadership needed to ensure that UNITAD or a similar body could continue its work to seek justice for victims/survivors.<sup>547</sup> As the evidence continues to be stored in the UN archives in New York, it is key for the UK, including jointly with other states, to explore how the evidence may be used to ensure effective prosecutions of the alleged perpetrators.
84. To ensure justice and accountability for international crimes, the UK ought to reinforce

cooperation and collaboration with other States. There are several international treaties that touch upon mutual legal cooperation.<sup>548</sup> The Ljubljana-The Hague Convention is designed to help deliver justice to victims of international crimes by facilitating effective and efficient international cooperation in the domestic investigation and prosecution of such crimes, including in relation to matters such as information sharing, extradition, jurisdiction, and the definitions of international crimes. The treaty has been signed by some 40 States.<sup>549</sup> It will only enter into force once at least three States have ratified it.<sup>550</sup> Notably, on 28 August 2025, Latvia became the first country to ratify the Convention, marking an important step towards its implementation. The UK should swiftly ratify the treaty.

85. The UK's engagement on the international stage in relation to justice and accountability requires it to show leadership at the UNSC, which is addressed in [Part B](#) of the Review. Such actions include reproaching the exercise of veto power by a permanent member where the veto would block avenues for justice and accountability, such as resolutions referring a situation of atrocity crimes to the ICC. The UK also needs to show leadership at the UNSC by putting forward resolutions, even where there is a risk of other P5 members vetoing them, in line with the values of principled diplomacy.
86. The UK must continue supporting the ICC, not only with resources and capacity, but also to protect it from attacks that aim to paralyse it. This includes the UK exploring how to respond to targeted sanctions aimed at ICC prosecutors, judges and CSOs working with the ICC. While the Protection of Trading Interests Act 1980 provides protection from requirements, prohibitions and judgments imposed or given under the laws of countries outside the UK, that Act cannot currently be used in the case of the US sanctions against the ICC. The UK could amend the Act to ensure that it provides effective protection to sanctioned individuals, or it could introduce a self-standing blocking statute.
87. Finally, the UK should support international efforts to regulate the use of AI in military applications, strengthening oversight and accountability mechanisms throughout its development and use, while preserving human responsibility for the use of force.<sup>551</sup> Current wars and the commission of atrocities are increasingly shaped by the integration of AI into warfare, to varying degrees of autonomy, ranging from assisting in the collection and analysis of data, to identifying potential targets and performing critical functions such as selecting and engaging them.<sup>552</sup>
88. Although international humanitarian law applies to AI systems, and the existing legal framework allows internationally wrongful acts committed through them to be attributed to states,<sup>553</sup> the growing reliance on AI programmes, including in Gaza or Iran, raises urgent concerns about adequate human oversight and sufficient legal and technical safeguards.<sup>554</sup> For example, Israel's use of AI-generated targeting lists has reportedly enabled thousands of presumed suspects to be classified simultaneously, reducing the time needed to identify targets from months to minutes.<sup>555</sup> Strikes were carried out after operators approved within seconds, leading to an unprecedented pace of attacks, large-scale civilian deaths and grave atrocities, linked to imperfect data and limited human oversight.<sup>556</sup> Although there is growing international consensus on the need to regulate so-called lethal autonomous weapons,<sup>557</sup> the UK has opposed the idea of a legally binding treaty to ban them.<sup>558</sup> While the Government has emphasised the need for "context-appropriate human involvement",<sup>559</sup> it has recently stated that this could be achieved not only through real-time human supervision, but also by setting operational parameters.<sup>560</sup> This raises doubts about meaningful control and emerging accountability gaps, as it potentially allows AI to perform critical functions without substantial real-time human oversight.<sup>561</sup>

## RECOMMENDATIONS ON LEGAL RESPONSES

**89. Recommendation 1: By way of Government amendments to the ICCA 2001, equip the United Kingdom's courts with powers to prosecute atrocity crimes independently of the nationality or residency of the alleged perpetrators.**

- Commentary: The scope of the ICCA 2001 is too narrow to ensure effective avenues for justice and accountability for victims/survivors of international crimes. The recommended reforms should remove the requirements of British citizenship and residency from Sections 51 and 58 of the Act. Further changes could include amendments to the Act's temporal limitations by providing for jurisdiction over all crimes covered by the Rome Statute from at least 1991 and specifying which crimes could be prosecuted prior to 1991 under customary international law.

**90. Recommendation 2: Introduce clear guidelines in relation to structural investigations of international crimes; and ensure that SO15 is equipped with the human and technical support needed to conduct its work effectively and efficiently, with a dedicated and ringfenced fund for the SO15 War Crimes Team.**

- Commentary: The current approach to structural investigations is not defined, which leaves victims/survivors unclear about the processes it involves, including in relation to the opening, conducting and closing of such investigations. The recommended guidelines should prescribe parameters for initiating structural investigations, their conduct and closure, and also parameters for SO15, CPS and the Attorney General's considerations of vertical and horizontal complementarity. Separately, the War Crimes Team, responsible for investigating international crimes and helping to build cases to ensure effective prosecutions, requires funding that will not only enable its continuation, but also the expansion of the team to meet the needs of such cases and the number of referrals.

**91. Recommendation 3: Introduce legislation to enable the United Kingdom's courts to directly prosecute corporations for their involvement in atrocity crimes.**

- Commentary: Currently, UK law does not allow for investigations and prosecutions of corporations for their involvement in international crimes, lagging behind other countries such as the US and France. Such effective legislation could help to ensure that UK-based businesses are not complicit in international crimes, and, at the same time, help to prevent or de-escalate conflicts and situations of atrocity crimes by way of cutting the supply of provisions and funding.

**92. Recommendation 4: Strengthen existing legislation pertaining to modern-day slavery in the supply chain including through import bans and ensuring mandatory and enforceable due diligence and transparency requirements.**

- Commentary: The UK's current legislation and instruments aiming to prevent forced labour in the supply chain are patchy and not fit for purpose, enabling the UK to become a dumping ground for products tainted by slavery. The UK must introduce effective legislation, including an import ban on forced labour goods, and laws ensuring enforceable due diligence and transparency requirements, among others.

**93. Recommendation 5: Ensure steps are taken to strengthen the Government's leadership over the global sanctions regime as a response to ongoing atrocity crimes, including through operationalising non-recognition of, and non-complicity in, internationally wrongful acts, and putting in place concrete measures to induce**

**States to comply with peremptory norms of international law.**

- Commentary: As it stands, Magnitsky-style sanctions are underutilised in the UK and by the UK. Magnitsky-style sanctions can be effectively used to stop ongoing atrocities and deter further atrocities by cutting off the perpetrators' ability to commit crimes through the freezing of assets, the imposition of travel bans, or the restriction of access to essential resources. In order to do so, the UK would need to – at a minimum – expand the definition of sanctionable activities under the GHRS and enhance enforcement of UK sanctions by increasing the capacity of enforcement agencies in the UK and its Overseas Territories, with a particular focus on strengthening regulation and policing sanctions evasion. The UK can also grapple with the way lawful countermeasures can be used to further induce compliance with international law where there are ongoing violations of peremptory norms.

**94. Recommendation 6: Introduce relevant laws enabling the United Kingdom to repurpose sovereign assets, as countermeasures, in the case of atrocity crimes.**

- Commentary: Currently, UK law does not allow for the repurposing of frozen sovereign assets. By introducing legislation enabling the UK to repurpose frozen sovereign assets, the Government could ensure that victims/survivors of international crimes are provided with reparations and compensation enabling them to rebuild their lives, where there are violations of peremptory norms, and where international law permits disapplication of sovereign immunity including through the doctrine of countermeasures. The UK could model such legislation on US and Canadian approaches in the context of the unlawful aggression against Ukraine.

**95. Recommendation 7: Augment and reinforce the Government's support of the international rule of law in relevant international fora and position the United Kingdom as a leader in responding to atrocity crimes pursuant to existing international legal obligations.**

- Commentary: As the international rules-based order is facing fragmentation and significant challenges, it is key that the UK uses its global position to lead and support efforts to secure justice and accountability for international crimes. This includes supporting mechanisms for collecting and preserving evidence of international crimes, cooperating with other States to ensure effective investigations and prosecutions through mutual legal assistance (including by ratifying the Ljubljana-The Hague Convention) and standing against UNSC vetoes on resolutions aiming to respond to international crimes.

**[END]**

## D. FUNDING, RESOURCING AND ALLOCATION

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*Summary Headnote: Identifying the relevance of aid programming and cross-departmental planning to atrocity prevention; Developing budgetary proposals within Government for ring-fenced atrocity prevention funding; Recruiting experienced staffers to develop and maintain a future comprehensive strategy; Making atrocity prevention work sustainable through cross-departmental and cross-party buy-in; Monitoring and evaluating any work that has an impact on atrocity prevention and response, and transparent reporting on the same.*

### Introduction

1. The current state of funding, staffing, and resources allocated to atrocity prediction, prevention, and response across the UK Government is a critical aspect of any future comprehensive framework or strategy.
2. The UK currently lacks a single defined budget or any formal strategy for atrocity prediction, prevention or response – consequently, funding and projects are largely decentralised, existing across a range of programmes and policy areas.<sup>562</sup> This lack of explicit signalling as to what programmes do and do not address presents challenges for public scrutiny.
3. As noted in Parts A and B of the Review – and in frequent commentary made by experts from civil society, Parliament, academia, and law over the past several years – the key challenge for the Government’s atrocity prevention and response work remains its conflating of atrocity prevention with conflict prevention and subsequent lack of a distinct strategy.
4. The IDC’s 2022 report on atrocity prevention prominently criticised this approach, with particular reference to the lack of transparency and disclosure of key atrocity and conflict prevention funding within Government, raising additional barriers to scrutiny and understanding.<sup>563</sup> On this basis, the primary recommendation for the Government is to accept longstanding calls to develop a distinct, cross-departmental strategy for atrocity prediction, prevention, and response.<sup>564</sup>
5. The lack of information shared with Parliament and the public, and the absence of a core coordinating principle or mechanism for atrocity prevention within Government has resulted in a lack of direction, prioritisation, and political support for atrocity prediction, prevention and response.

### Cuts to official development assistance on UK atrocity prevention efforts

6. There have been notable cuts by the Government which have impacted UK aid spending. In February 2025, the Prime Minister announced an increase in the UK’s defence spending, funded by the reduction of UK aid spending from 0.5% of gross national income (“GNI”) to 0.3% in 2027.<sup>565</sup> As noted in the Executive Summary accompanying this Review some sources place the real-term number at 0.1% of GNI. This comes as a second cut in the last five years alone, with the Johnson Government having reduced the target from 0.7% to 0.5%.<sup>566</sup>
7. The cuts are already having tangible impacts on the UK’s atrocity prevention capability, evidenced by the concerning restructuring of the FCDO’s International Humanitarian Law (“IHL”) Unit and the end of funding for the Conflict and Security Monitoring Project, which was responsible for tracking violations of IHL by Israel in Gaza and Lebanon.<sup>567</sup>

**FOREIGN OFFICE FUNDING CUTS LEAD TO CONTESTED  
RESTRUCTURING OF CRUCIAL ATROCITY CRIME MONITORING**

## PROJECT

On 23 April 2026, The Guardian reported the FCDO's decision to close its IHL Unit and end funding for the Conflict and Security Monitoring Project run by the Centre for Information Resilience.<sup>568</sup> The centre had been running the world's largest open-source monitoring of incidents across Israel, Occupied Palestinian Territories and Lebanon for the FCDO – the only programme in the UK that collects, verifies and analyses human rights and conflict incidents in Israel and the Occupied Palestinian Territories. The data was used by the FCDO to (among other things) decide whether arms export control licences to Israel should remain suspended. In response to The Guardian's report and MPs' concerns about the reported closure, the Government labelled the media reports as "misleading" and stated that the IHL Unit "has moved, not closed",<sup>569</sup> assuring that "we will, of course, continue to monitor international humanitarian law in Gaza and elsewhere."<sup>570</sup> The unit was reportedly moved to the export licensing team and has "very much been retained".<sup>571</sup> Regarding the discontinuation of the contract providing open-source analysis, the Government claimed that "we are not reliant on a third-party contract for officials to give Ministers proper advice against the legal tests we worry about".<sup>572</sup> At the time of writing, crucial questions remain unanswered, such as the current size, structure and remit of the IHL Unit, and whether the recent restructure has reduced the Department's ability to provide meaningful legal analysis.<sup>573</sup>

8. In the wake of the cuts, the Government has sharpened its Official Development Assistance ("ODA") spending focus to three priorities: (i) humanitarian; (ii) health; and (iii) climate. It defines its humanitarian work as "supporting those in crisis – from Ukraine to Gaza and Sudan, while building resilience to future shocks".<sup>574</sup> This commitment to humanitarian work was further reiterated in March 2026, when the FCDO announced that "70% of UK geographic support would be allocated to the most fragile and conflict-affected states by 2028 to 2029".<sup>575</sup>
9. Education and standalone gender programmes have been identified as areas where funding will be most reduced,<sup>576</sup> with the Development Minister calling for gender specifically to be mainstreamed into other work: "The mainstreaming approach must also happen with development generally. There is no getting away from the fact that you must prioritise if you cut 40% of your budget, otherwise you just end up doing loads of things very badly ... We just could not afford to carry on doing all the things that we were doing before, so we must make sure that gender is accounted for in a different way."<sup>577</sup>

## UK AID REDUCTIONS WITHDRAW EDUCATION AND PROTECTION SUPPORT FOR GIRLS IN THE DRC

In March 2023, the FCDO launched the *Accès et Égalité pour l'Éducation des Filles* (AXE-Filles) programme in Kasai, with up to £28 million of UK funding being used to support 60,000 children, 60% of whom would be girls. The programme was designed to improve access to, and the quality of, education, provide scholarships, and address barriers to girls remaining in school, such as sexual and gender-based violence.<sup>578</sup> The Government subsequently confirmed that the programme would close in 2026 to 2027.<sup>579</sup> Its March 2026 equality impact assessment also stated that indicative planning assumptions suggested that some equalities-targeted programmes in the DRC may close because of reductions.<sup>580</sup> The AXE-Filles programme performs a protection function as well as an educational one. Its closure will

withdraw targeted support intended to keep girls in school and reduce their exposure to exclusion and violence-related barriers in a fragile and conflict-affected country.<sup>581</sup>

10. Alongside these sharpened priorities, it is clear that Ministers have sought to drive a cultural shift in the FCDO and beyond, with an aim to move from “donor to investor”, from “grants to expertise”, and from “international intervention to local leadership”.<sup>582</sup> Such a shift may be appropriate for areas such as climate and health, but if the Government wishes to meet its ambition of being a humanitarian leader, it should recognise that clear strategies for prevention and/or intervention in atrocity contexts are necessary.
11. There is also a rhetorical shift occurring in how the Government presents its international development work, with a much greater emphasis on the use of ODA and international development work to tackle the causes of displacement and irregular migration. For example, the OCSM has been renamed “Migration and Conflict”,<sup>583</sup> and the UK’s regular pledge to the World Bank’s International Development Association was announced as a “new UK investment to unlock billions to tackle root causes of irregular migration”.<sup>584</sup> If this is to be a new core priority of the Government’s ODA work, then it is important to recognise the connection between atrocity prevention and reducing forced displacement.<sup>585</sup> Indeed, eight of nine countries identified by the Norwegian Refugee Council as being those from which the highest number of people have fled are reported to be in a “current crisis” mass atrocity situation.<sup>586</sup> At present, the Government does not explicitly link atrocity prevention work to efforts to prevent the forced displacement of people, representing a missed opportunity to fully realise the Government’s new international development priorities.
12. Despite the UK’s apparent prioritisation of Sudan in its international development work,<sup>587</sup> several reports have surfaced suggesting that the UK has taken a much more muted response than it could have. An October 2025 report from the Independent Commission for Aid Impact (“ICAI”) detailed how a 2024 internal FCDO paper outlined four measures for scaling up protection of civilians in Sudan: (i) establishing an international protection mechanism; (ii) locally led protection interventions; (iii) supporting accountability and engagement with armed actors; and (iv) increasing humanitarian support. Of the four options presented, the FCDO opted for (iv), the least ambitious option, which ICAI claims to have “constrained the UK’s ability to support stronger protection results within Sudan – including for women and girls”.<sup>588</sup> This would suggest that the ODA reductions are limiting the UK’s policy capability and ambition in responding to atrocity situations.
13. ICAI has proposed the UK could take a number of measures to strengthen its approach in Sudan, including “stronger public messaging, more visible support for accountability mechanisms, and integrating atrocity prevention in conflict analysis and programming decisions”.<sup>589</sup> Further, it concluded that “the UK has had limited ambition on protection programming inside Sudan, which has constrained its ability to influence and support atrocity prevention and survivor-led accountability efforts within the country”.<sup>590</sup>
14. It is important to note that, despite this criticism, responding to the situation in Sudan is a clear priority for the Government, with tangible policy interventions – such as the recent announcement of £146m in new humanitarian funding this year,<sup>591</sup> the establishment of the UK-led Coalition for Atrocity Prevention,<sup>592</sup> and regular statements, conferences, and social media content aiming to raise awareness about Sudan – pointing to the UK’s ongoing commitment to the situation. Additionally, the Government has accepted a number of the Standing Group’s key recommendations on Sudan, although concerns remain regarding their implementation (particularly those relating to domestic and international accountability efforts).<sup>593</sup>

15. There is clear ministerial and governmental interest in the UK maintaining a prominent role in responding to atrocity crimes, despite the reduction in ODA spending. Sudan has been identified as a priority by successive Ministers, including by a former Foreign Secretary of the current Labour Government.<sup>594</sup> Preventing violence against women and girls was also identified as a priority for the former Foreign Secretary,<sup>595</sup> even though the Government had drastically reduced funding for gender programmes in the context of the ODA cuts.<sup>596</sup> Additionally, despite Ministers' rhetorical support for PSVI, a recent report from the IDC concluded that the FCDO had been having difficulties upholding its commitments in this area, noting that it was "unclear how a smaller organisation with fewer resources and reduced capacity [would] be better able to deliver on commitments".<sup>597</sup>

#### **UK AID REDUCTIONS CONTRACT ESSENTIAL SUPPORT FOR WOMEN AND GIRLS IN AFGHANISTAN**

UK aid to Afghanistan fell from £246 million in 2022-23 to £113.5 million in 2023-24. Over the same period, UK funding for the Afghanistan Humanitarian Fund fell from £50 million to £5 million, while funding for the World Food Programme fell from £95 million to £38.7 million. The FCDO stated that it had reduced funding to both channels, which delivered food, health, education, protection and other basic services, with a particular focus on women and girls. Wider direct contributions to the World Food Programme's Afghanistan operation fell by 64% in 2023, leading to reduced emergency food assistance for ten million people and a reduction in rations from 75% to 50% of the recommended calorific intake. The wider contraction reflected reductions by several donors, while Taliban restrictions continued independently to limit women's movement, employment and access to services. The UK's reductions nevertheless affected major channels through which women and girls obtained essential assistance and compounded the effects of an already exclusionary environment.<sup>598</sup>

16. When the ODA cuts were announced, think tanks such as the Institute for Government recommended that the Government introduce "a strategic vision and set of objectives that staff understand, get behind, and can articulate to partners".<sup>599</sup> An atrocity prevention strategy, focused in part on helping prevent the outbreak of humanitarian crises and addressing the root causes of displacement, could provide a strong organising principle for these priorities, directly building the UK's capability to meet its international obligations and providing clarity for officials and international partners. It would also help meet other requirements, such as the need to accommodate the "interconnectedness of development challenges", as articulated by the IDC.<sup>600</sup> It is widely argued that predicting and preventing emergency situations is less expensive than responding after the fact.<sup>601</sup>

#### **PLANNED UK AID REDUCTIONS NARROW HEALTH AND PROTECTION SUPPORT IN ETHIOPIA, INCLUDING TIGRAY**

The FCDO's Ethiopia country allocation fell from £214.9 million in 2024-25 to £161.7 million in its plans for 2025-26.<sup>602</sup> The corresponding equality impact assessment identified reductions in spending on women's health, health systems strengthening and health emergency response in Ethiopia, and stated that reductions in health spending risked increased disease burdens and deaths, particularly among women and children.<sup>603</sup> Further reductions will affect the Women's Integrated Sexual Health ("WISH") programme across Africa. A 30% reduction will require a phased withdrawal from last-mile delivery in some settings and will reduce the programme's

projected contribution to preventing maternal deaths, unsafe abortions and unintended pregnancies.<sup>604</sup> The UK has separately funded specialised gender-based violence services in Tigray, including one-stop centres, psychosocial support and work with local partners. It, therefore, seems that reduction in support for the WISH programme may not result in a complete closure of the Tigray programme.<sup>605</sup> However, the cuts to funding nonetheless demonstrate how reduced allocations can narrow the availability and expected effect of health and protection services during recovery from conflict.

### **Recruiting experienced staffers to develop and maintain a future comprehensive strategy**

17. Despite the growing need for a strongly resourced FCDO to respond to global atrocity crimes and an increasingly unstable world, the FCDO's staffing levels continue on a sharp, downward trajectory. By the admission of its most senior officials, the FCDO has experienced years of lost staffing capacity, a trend which appears poised to continue. Since the 2020 FCO-Department for International Development merger, the FCDO has lost a substantial number of senior staff, with department officials estimating around 20% of professional capability being lost shortly after the merger.<sup>606</sup> This decrease in capacity looks set to continue. In July 2025, then FCDO Permanent Under-Secretary, Sir Oliver Robbins, estimated that the total headcount for the FCDO would be cut by 15-25% by 2029.<sup>607</sup> The specific areas of the FCDO that will be cut were not specified, although the international development sector body, Bond, expressed concerns that "development staff within the FCDO will face the brunt of these cuts".<sup>608</sup>
18. This noted, there have been some positive developments that reflect growing capability in some areas. In July 2025, then-Foreign Secretary David Lammy told the IDC that the FCDO was recruiting 200 more development staff;<sup>609</sup> in December 2025, Sir Oliver Robbins reported to the Committee that "about 160 of those 200 posts have now been filled through external recruitment".<sup>610</sup> This was in addition to a reported 200 new FCDO staff that had been "built internally" – that is, staff brought into new roles from within the Civil Service.<sup>611</sup> It is unclear to the Standing Group how many of these staff would have roles relevant to atrocity prevention. There has also been reprioritisation of staff to atrocity-facing roles – Baroness Chapman confirmed that the FCDO had "substantially" increased its team of staff working on Sudan, reflecting the FCDOs prioritisation of humanitarian issues in the ODA cuts.<sup>612</sup> It remains unclear, however, how many of those have been temporarily re-staffed and how many are specialised and entirely focused on atrocity work (and with what authority or powers).
19. Interlocutors to the Standing Group, familiar with the staffing processes of the FCDO, expressed several concerns regarding staffing related to conflict and atrocity prevention within the FCDO.<sup>613</sup> Concerns included short (three-year long) posts, staff being reassigned and/or let go, and that relevant teams and divisions would consequently lose high amounts of experience and expertise, which, in the briefers' opinion, is the strongest asset in such areas.
20. The Standing Group recommends that FCDO staffing is prioritised, including staff with specific atrocity prevention roles lasting a minimum of five years, in order to maintain institutional knowledge.

### **Training and capability**

21. Evidence provided to the Standing Group emphasises the importance of training on atrocity

- prevention, which: (i) demonstrates the value of atrocity prevention work; and (ii) provides relevant stakeholders with the language and knowledge required to recognise risk early and communicate that risk.<sup>614</sup> Jeffrey Sizemore emphasised the importance of providing atrocity prevention training to the Ministry of Defence and foreign service officers working at embassies, but also of expanding that training to include civil service personnel and locally employed staff, “recognising that many of these individuals are the long-term institutional memory as embassy foreign service staff come and go”.<sup>615</sup> Elisabeth Pramendorfer echoed the importance of incorporating local knowledge into programming and policy decisions.<sup>616</sup>
22. The available evidence suggests that the FCDO has taken some steps to build atrocity prevention capability. In 2023, the Government expressed its intention to carry out a “learning needs analysis” to see how atrocity prevention training could be expanded.<sup>617</sup> The Government also stated that FCDO staff were engaged in atrocity prevention training delivered by US State Department staff; it is unclear whether such training is still being provided, given the numerous, widespread programme and office closures within the State Department. According to the Government, 250 people were trained in atrocity prevention in 2025, out of a total of 16,000 to 17,000 UK- and country-based staff.<sup>618</sup> However, these steps fall short of a systematic or assured training model. The FCDO has stated that its International Academy offers training in sanctions and conflict prevention, including a dedicated atrocity module, and that – at least as of 2021 – guidance had been circulated across the department.<sup>619</sup> Yet concerns have been raised regarding the scope of the FCDO’s in-house training programme: evidence before the IDC suggests that existing modules are weighted more towards response and accountability than prevention, with no or limited training on the identification of risk factors, early warning indicators, and policy and programming options available before violence escalates.<sup>620</sup>
  23. In addition, the IDC reported limited engagement with the atrocity-focused module, no collated data on the grade or role of learners, and no clear picture of uptake across the overseas network.<sup>621</sup> The same evidence indicates that training has generally remained voluntary, including for staff serving in at-risk contexts, and that – as of October 2022 – UK missions in more than 90% of countries and territories overseas had not appeared to have recently accessed training on atrocity prevention.<sup>622</sup> This matters because it underscores that, even where training is available, its effectiveness depends on whether officials are required, enabled and expected to complete it before crises intensify. This concern is reinforced by evidence that senior staff may struggle to prioritise learning once already in post and under pressure.<sup>623</sup> By contrast, other UK frameworks demonstrate that mandatory models are possible where Government judges an issue to be operationally important: the UK’s 2020 protection of civilians’ framework stated that the Armed Forces receive compulsory annual training on IHL, alongside further training prior to deployment.<sup>624</sup>
  24. The foregoing suggests that atrocity prevention training is not yet embedded as a core professional expectation across the parts of Government most likely to encounter warning signs. The Standing Group, therefore, recommends that the Government move from its existing voluntary model to an assured model of training and refresher training for relevant officials and Ministers, especially Heads of Mission and staff in posts assessed to be at elevated risk. This would be consistent with the Foreign Affairs Committee’s (“**FAC**”) recommendation of mandatory periodic refresher training, and with broader international practice emphasising the importance of training State officials as part of effective prevention architecture.<sup>625</sup>

### **Mainstreaming knowledge and tools within Government**

25. The evidence also points to a broader problem of mainstreaming. Even where training or

guidance exists, atrocity prevention appears not to be sufficiently embedded in routine country analysis, political reporting and policy development across Government.

26. The FAC has argued for atrocity prevention to be mainstreamed throughout Government, and for officials to be equipped with a practical toolkit covering risk assessment, warning signs, and available response options, including the use of early warning instruments, such as JACS (discussed further in [Part A](#)). [Dr Kate Ferguson](#) recommends ensuring monitoring and analytical capacity across Government departments and embassies to identify and respond to risks, including by introducing thresholds to determine when there is sufficient evidence for action, which in turn trigger policy options for the Government when met.<sup>626</sup>
27. The FCDO has stated that JACS guidance has been updated to include analysis of atrocity risk, and has pointed to related human rights and cross-government specialist training.<sup>627</sup> However, the current evidence still suggests uncertainty as to whether these tools are being applied consistently, by whom, and with what degree of institutional follow-through.<sup>628</sup> Evidence from [Jeffrey Sizemore](#) highlighted the criticality of substantive atrocity prevention expertise within government structures to ensure strong institutional memory and specialist knowledge, and called on the FCDO to strengthen intelligence and risk analysis capability, as well as its consultation with external experts.<sup>629</sup> [Elisabeth Pramendorfer](#) emphasised the importance of going a step further to ensure that expertise is translated into policy decisions and preventive measures.<sup>630</sup>
28. This is significant because the weakness identified by the evidence is not simply one of knowledge, but of institutional design. Lesson-learning from past crises, including Myanmar, has repeatedly been framed in terms of creating a system that can recognise signs earlier, elevate atrocity prevention in political and diplomatic conversations, and connect warning to action.<sup>631</sup> Related frameworks under the WPS agenda also show that the Government is capable of providing more structured support through induction, pre-deployment training, gateway resources and thematic helpdesks.<sup>632</sup> At present, atrocity prevention does not appear to benefit from an equally visible and routinised support architecture.<sup>633</sup>
29. The Standing Group, therefore, considers that the Government should develop a practical atrocity prevention and response toolkit, supported by a clearly identified central function, able to track uptake, provide specialist advice and ensure that embassy posts in priority countries receive enhanced support. Furthermore, those with specialist and institutional knowledge ought to be designated as “critical or key talent” and be sufficiently protected so that there is memory within departments of what works and what does not. Without this degree of mainstreaming, atrocity prevention risks remaining dependent on individual initiative and local enthusiasm, rather than embedded institutional capability. In the absence of specialist core experts empowered with political decision-making capabilities, any mainstreaming will be rudderless and ineffective when action is critically necessary.

### **Early warning, reporting and internal communication**

30. A further issue concerns the routes by which warnings travel through the Government. The IDC has recommended a simple tool for urgent warnings from missions and a clear communication protocol between London, the responsible central unit, and the relevant embassy/consular post, so that rapidly escalating risks can be brought quickly to Ministers’ attention.<sup>634</sup> That recommendation appears to be well founded. In written evidence, the FCDO stated that one of the principal lessons from the Rohingya crisis in Myanmar was that reporting from the ground did not reach decision-makers quickly enough, and referred to subsequent efforts to improve information flows, including the creation of an atrocity risk tracker.<sup>635</sup> Oral evidence has also described work on a new conflict and early warning system,

intended to systematise information across the organisation.<sup>636</sup>

31. The wider research reinforces the importance of this point. External experts have argued for clear internal protocols on when and how to raise concerns, how risks should be escalated, and how real-time patterns of exclusion, marginalisation and violence can be captured before they culminate in mass atrocity crimes. For example, Dr Kate Ferguson recommends a dedicated Atrocity Risk Reporting Channel, which could contain various options, such as requests to escalate internal concern or analytical thresholds.<sup>637</sup> Comparable work by the United States Holocaust Memorial Museum's Simon-Skjodt Center also underlines the importance of context-specific, real-time data collection and of safe reporting channels, including in closed environments where local actors or anonymous reporters may be among the few available sources of timely information.<sup>638</sup>
32. The Standing Group believes that the evidence points to the need for a streamlined, non-burdensome reporting mechanism that can be used quickly by embassy/consular posts when a risk becomes imminent or rapidly escalates, with the possibility of anonymised reporting where appropriate and clear guidance on escalation to senior decision-makers. The issue is not merely technical. Unless reporting channels are simple, trusted and linked to an agreed process for action, early warnings will continue to depend too heavily on informal networks, individual judgement and goodwill, rather than formal policy or official mandates.

### **Engagement with survivors, civil society and experts**

33. The evidence further suggests that the UK's approach would be strengthened by a more systematic method of engaging victims/survivors, CSOs and external experts in atrocity prevention and early warning analysis. The IDC has emphasised that local organisations, diaspora communities, victims' groups and other affected populations are often among the first to identify deteriorating conditions, and that country teams need sufficient time and resources to work with, listen to and learn from them.<sup>639</sup> The IDC has, therefore, recommended that any new atrocity prevention strategy should be developed in consultation with civil society and relevant experts, and that the Government should formalise relationships with local CSOs so that they have a more consistent role within early warning systems.<sup>640</sup> One way in which this may be achieved is by forming links with pre-existing civil society networks, such as the UK Civil Society Atrocity Prevention Working Group, as noted in Part A.<sup>641</sup>
34. It is important to note that this is not only a question of consultation in principle, but of whether the Government has created the structures and incentives necessary for meaningful participation. As explained in Part A of this Review, community-centred engagement requires processes that empower local actors and focus on what affected communities themselves need in order to feel protected. Other sources point to the existence of mistrust between local peacebuilders and policymakers, and to the fact that durable cooperation requires time, diplomacy and sustained relationships rather than one-off engagement.<sup>642</sup> However, there are some positive examples in existing UK practice. The FCDO has relied on close collaboration with civil society in Myanmar in monitoring atrocity risks and shaping responses, while the UK's WPS and PSVI frameworks both contain stronger language on participation and survivor-centred practice than is yet evident in atrocity prevention structures more broadly.<sup>643</sup>
35. The current position, therefore, appears to be one of partial pathways rather than settled practice. There is clear recognition across the evidence that survivor-centred and community-centred approaches improve both the legitimacy and the quality of prevention work, but less evidence of a routine mechanism within Government that ensures such

perspectives consistently inform risk analysis, escalation and policy design. The Standing Group recommends that the Government move from *ad hoc* engagement towards predictable and formalised interfaces between officials, external experts, and affected communities, supported by funding arrangements that make local participation feasible, rather than optional. Such an approach would respond to broader calls for regular consultation with survivors, victim groups, and civil society actors with country expertise, and would help ensure that early warning is informed by those closest to the risks in question.<sup>644</sup>

### **An independent body of experts with an exclusive atrocity-prevention mandate**

36. In addition to strengthening internal capability and external engagement, a permanent body of external experts with an independent statutory mandate should be established to comprehensively assess atrocity crimes in situations of international concern. This body would provide independent advice to Government and/or Parliament upon request. Such a small body, convened *ad hoc* and staffed with remunerated experts, would have a significant preventative impact by urging the Government to meet its international obligations, and would come at little cost.
37. This proposal is supported by the evidence received. John Cubbon recommends that such a body be independent in the way that ICAI or the National Audit Office are, but that it be provided with access to key internal atrocity risk assessment and analysis tools (such as JACS) so as to be able to deliver informed opinions.<sup>645</sup> Dr Ian Hanson, Senior Research Fellow, International Forensic Investigations, Bournemouth University, similarly suggests “[c]ombining response into a single organisational structure, overseen by one Minister”, which would “increase efficiency, [minimise] administration and decision-making layers, and [prevent] siloing of information”.<sup>646</sup>
38. Judge Theodor Meron, former President of the ICTY and the International Residual Mechanism for Criminal Tribunals, also emphasised the importance of the membership of the independent advisory body being “elevated to more senior officials”, with “presidents of committees [potentially being] of ministerial or at least of ambassadorial rank”.<sup>647</sup>

### **Stronger coordination**

39. There is also evidence of the need for a stronger coordinating mechanism. Dr Ian Hanson informed the Standing Group of the numerous processes that must be combined for effective atrocity prevention, noting that the lack of resources devoted to prevention, investigation and accounting for the missing allows revisionism and undermines efforts to prevent recurrence. According to Dr Hanson, effectively countering narratives that justify atrocities, division and ethnic conflict requires adequate resource allocation. He suggests that improving access to geospatial imagery assets would be the most impactful way to remotely and rapidly expand the response.<sup>648</sup>
40. Recommendations for stronger coordination are also proposed in the Genocide (Prevention and Response) Bill. The Bill includes provisions for a genocide monitoring team, the appointment of a Minister to lead initiatives on atrocity crimes, and regular training for FCDO staff (as discussed in Part A). Similarly, Yasmine Ahmed noted recommendations for “improved coordination”:

*“In my two years advocating with the UK government on Sudan and Gaza, I have seen several failures of coordination between different stakeholders within government.*

*One is that the political and humanitarian areas of government are not coordinated efficiently. This results in the UK simultaneously funding humanitarian assistance*

*while enabling the conditions that endanger the lives of the recipients of that aid and that cost aid workers their lives.*

*A related problem is the disconnect between policy ambitions and legal positions. Policymakers sometimes wish to act but are constrained by legal advisors holding a line without full awareness of the context, while those same policymakers may not fully understand the legal obstacles to the outcomes they are seeking.*

*The UK must improve coordination between civil servants, legal advisors, and ministers so that policy ambition, legal obligation, and humanitarian reality are aligned from the outset”.<sup>649</sup>*

### **Political leadership on atrocity prevention: The case for a ministerial mandate**

41. The issue of a lack of political leadership on atrocity prevention has been a longstanding source of criticism. Ministers in the Government, at the time of writing, have carried over previous administrations’ refusal to develop a national strategy on atrocity prevention.<sup>650</sup>
42. In its 2021 report, *Never Again: The UK’s Responsibility to Act on Atrocities in Xinjiang and Beyond*, the FAC recommended the appointment of a Special Envoy on Atrocity Prevention to provide political leadership on the issue in Parliament. The Government of the day responded:

*“We do not currently have plans to appoint a Special Envoy on Atrocity Prevention. Lord Ahmad of Wimbledon has oversight of Government policy on atrocity prevention. He is FCDO Minister with responsibility for human rights policy and matters relating to the United Nations, and is the Prime Minister’s Special Representative on Preventing Sexual Violence in Conflict. Lord Ahmad is therefore well placed to oversee the Government’s work in this area.”<sup>651</sup>*

43. While the previous Conservative Government did not have a specific, named position for leading on atrocity prevention, the above response makes clear that Lord Ahmad of Wimbledon, then-Minister for South and Central Asia, North Africa, United Nations and the Commonwealth and a Special Representative on PSVI, acted as a *de facto* atrocity prevention Minister, as his portfolio covered multiple broad themes with clear relevance to the issue.
44. This has changed, however, under the previous and current Government. Aside from the Foreign Secretary, who holds overall departmental responsibility, atrocity prevention-relevant portfolios have been split drastically between different Ministers. At the time of writing, Kirsty McNeill MP, Minister for International Development, is responsible for development and humanitarian, Africa, international finance and climate and energy security. Uma Kumaran MP, Parliamentary Under-Secretary of State (Overseas Territories, Caribbean), is responsible for violence against women and girls and global tech and AI. Stephen Doughty MP, Minister of State (Middle East, North Africa, Afghanistan and Pakistan), is responsible for sanctions, devolution, consular and crisis. Chris Elmore MP, Parliamentary Under Secretary of State (Multilateral, Human Rights, Latin America and the Caribbean), is responsible for the themes of the United Nations, multilateral, human rights and the Commonwealth.<sup>652</sup> Lord Wood of Anfield, Parliamentary Under-Secretary of State (Europe, Eastern Europe, Central Asia), is responsible for defence and international security, national and economic security. Baroness Winterton, Parliamentary Under-Secretary of State (Indo-Pacific, Small Island Developing States), is responsible for migration, legal and treaties. Kanishka Narayan MP was appointed Minister of State (Minister for AI) jointly in the Cabinet Office and the Department for Business, Innovation, Science and Trade. This

split means that there is no Minister (except, arguably, the Foreign Secretary) with overall oversight/accountability for the Government's atrocity prevention efforts, contributing to (and evidencing) a lack of focus and prioritisation of the issue. These issues and inconsistent responses from Ministers in relation to alleged atrocities was addressed in [Part B](#).

45. We have seen a lack of willingness from current and previous Ministers to respond to clear questions about the Government's atrocity prevention work. In January 2026, Anneliese Dodds MP tabled a series of written parliamentary questions asking about staffing, budget, and overall progress in the UK's approach to preventing mass atrocities.<sup>653</sup> In response to each, the answering Minister gave reference to the following statement by Baroness Chapman of Darlington, Minister of State (Development) at the Foreign, Commonwealth and Development Office:

*'The UK's work on conflict and atrocity prevention is vital and valued around the world. Created in 2022, the Mass Atrocity Hub was integrated into the Conflict and Atrocity Prevention Department in 2024. It provides analytical and advisory support in a range of the Foreign, Commonwealth and Development Office's atrocity prevention and response workstreams. We will continue to adapt to the challenges of the future and remain focused on this area of work.'*<sup>654</sup>

46. The relative lack of ministerial focus on atrocity prevention has arguably manifested in a lack of accountability to Parliament, making it challenging for Parliament (and the public) to understand the Government's atrocity prevention work and thus scrutinise it. This absence of political focus has likely contributed to policy failings in the UK's response to Sudan (as noted above), despite Sudan being a stated development priority; and in Ministers' evasion of parliamentary questions relating to the funding, resourcing, and impact of atrocity prevention initiatives across Government.
47. The Standing Group recommends, therefore, the establishment of a clear ministerial mandate for atrocity prevention, which would allow for coordination within and across Government departments to effectively convene cross-government atrocity prevention work. Atrocity prevention offices, mechanisms, and funds should be placed on a statutory footing – for example, as laid out by the Genocide (Prevention and Response) Bill<sup>655</sup> – to ensure that atrocity prevention work is insulated from changing political agendas and priorities. In the alternative, the Standing Group recommends the appointment of an Independent Special Adviser for Atrocity Prevention, who reports directly to the Foreign Secretary and National Security Adviser. Such an approach could bring coherence to the UK's approach to atrocity prevention.<sup>656</sup>

## RECOMMENDATIONS FOR ATROCITY-RELATED RESOURCING

48. **Recommendation 1: Adopt a distinct, cross-government strategy for atrocity prediction, prevention and response, supported by a clearly identified funding envelope and transparent public reporting on relevant programmes and expenditure.**
- Commentary: The Government continues to lack a distinct strategy for atrocity-related work. Relevant activity remains dispersed across conflict, humanitarian, development, sanctions, accountability and human rights frameworks, without a single organising principle or a transparent account of what is being funded, by whom, and to what end. This weakens scrutiny and risks atrocity-related work being subsumed within broader conflict or migration priorities. A dedicated strategy, paired with a clearly identified funding envelope and regular public reporting on atrocity-relevant expenditure, would provide coherence across departments,

strengthen accountability, and help ensure that prediction, prevention and response are treated as connected but distinct functions.

49. **Recommendation 2: Establish a clear ministerial mandate for atrocity prediction, prevention, and response, together with a durable central coordinating function in Government with authority to convene departments, align policy and preserve specialist institutional knowledge. This could be achieved by granting a current Minister specific responsibility for oversight of all atrocity prevention and response work across Government.**

- Commentary: Political ownership of atrocity-related work is currently too diffuse. Relevant responsibilities are split across ministerial portfolios and departmental structures, while the institutional locus and resourcing of relevant FCDO functions have shifted over time. This weakens strategic direction, reduces clarity for officials and external partners, and makes scrutiny more difficult. A defined ministerial mandate, supported by a central coordinating function with sufficient authority and continuity, would reduce siloing, create a focal point for cross-governmental action, and help ensure that expertise is not repeatedly lost through restructuring or reprioritisation. In the alternative, the Standing Group recommends the appointment of an Independent Special Adviser for Atrocity Prevention, who reports directly to the Foreign Secretary and National Security Adviser.

50. **Recommendation 3: Protect and build specialist atrocity-related capability across Government by hiring FCDO staff with specific atrocity prevention roles lasting a minimum of five years, ring-fencing key expert roles, introducing assured training and refresher training for relevant officials and Ministers, and providing a practical toolkit for use by posts and departments working in at-risk contexts.**

- Commentary: The evidence points to a dual capability problem. Specialist knowledge is vulnerable to staff churn and restructuring, while atrocity-related training is not yet embedded as a routine professional expectation across the system. Although some guidance and training exist, uptake appears inconsistent, training has often remained voluntary, and posts most likely to encounter warning signs may not be receiving systematic support. The Government should, therefore, combine mainstreaming with protected expertise: retaining specialist staff as key institutional assets, requiring relevant personnel to complete training before and during postings, and equipping teams with practical guidance on risk factors, warning indicators, escalation routes and available policy tools.

51. **Recommendation 4: Establish a small interagency body, convened ad hoc, with an independent and impartial statutory mandate to comprehensively assess atrocity crimes in situations of international concern and provide independent advice to Parliament and/or the Government on request.**

- Commentary: The Standing Group – a group of recognised, leading international lawyers and concerned policymakers and parliamentarians – provides an independent, impartial and international perspective on atrocity crimes, with the authority and legitimacy to identify situations of concern relating to mass atrocities, and to ask the Government to meet its international obligations in doing something about them. Institutionalising an independent outlet of this kind for assessing and recommending anticipatory, preventative or remedial actions on atrocity crimes would be a critically important outcome and an immense legacy left by the Government to the future. The Government may help institutionalise and set up

this body and provide a Secretariat as part of the executive. The interagency body, however, should have a formal right to petition, and the Government should neither lead nor interfere in the operational or legal mandate of an institution, whether created under the auspices of the Standing Group or outside of it. A small body, convened only when needed, staffed with experts, remunerated *ad hoc* at Government panel rates, would have little to no cost consequences, but huge preventative impact.

**52. Recommendation 5: Introduce a simple, trusted and non-burdensome early warning and escalation mechanism so that embassy and consular posts, relevant departments and specialist teams can rapidly raise atrocity concerns to the attention of senior decision-makers, with clear protocols for onward action.**

- Commentary: One persistent weakness in past crises has been the difficulty of moving early warnings from country teams and specialist analysts to those with authority to act. The evidence suggests that reporting lines have not always been clear, that information may not reach senior decision makers quickly enough, and that early warning may still depend on informal relationships rather than settled institutional processes. A streamlined reporting and escalation mechanism would help ensure that urgent concerns can be raised quickly, safely and consistently, including where reporting conditions are difficult or politically sensitive. The key requirement is not simply to collect warning information, but to link it to an agreed route for consideration, decision and follow-through.

**53. Recommendation 6: Create a more sustainable atrocity-prevention ecosystem by expanding dedicated funding, supporting research and policy integration, and formalising Government engagement with victims/survivors, CSOs and external experts. Strengthen accountability by requiring regular reporting to Parliament on atrocity-related activity, capability, training uptake and implementation progress.**

- Commentary: There are two related gaps: atrocity prevention is under-resourced, and civil society expertise is not yet integrated in a sufficiently systematic way. Expanding dedicated funding, including the creation of a dedicated Atrocity Prevention and Response Fund, which would help sustain both Government action and the wider ecosystem of partners that monitor risks and support prevention on the ground. The evidence suggests that atrocity-related policy would be strengthened by more predictable engagement with those closest to the risks in question, including survivors, affected communities, local civil society and independent experts. These actors often identify deteriorating conditions earlier than formal institutions and can improve both the legitimacy and quality of policy responses. At the same time, patchy public information and uncertain implementation of earlier recommendations point to the need for stronger parliamentary scrutiny. Regular reporting would make the Government's approach more transparent, create incentives for follow-through, and allow Parliament to assess whether commitments on resourcing, capability and coordination are being delivered in practice.

[END]

## **Annex A: Expert Evidence**

*List of all persons and institutions who have given evidence to the Standing Group, in alphabetical order, at hearings in the UK Parliament on 23 April 2026, 8 June 2026, and 9 June 2026 with the APPG on International Law, Justice and Accountability. To avoid repeating an expert's full title and institution throughout the text and footnotes, the short form "[First name] [Surname], [relevant affiliation]" is used on first mention; thereafter, the expert is referred to by name. The full entry can be found here.*

| <b>Name</b>                    | <b>Affiliation</b>                                                                                                                                                                                                                                                                       | <b>Oral Evidence</b> | <b>Written Evidence</b> |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|
| <b>Yasmine Ahmed</b>           | Senior Director, Regional Human Rights Impact, Amnesty International; former UK Director, Human Rights Watch                                                                                                                                                                             | 23 April 2026        | 23 April 2026           |
| <b>Prof. Diane Marie Amann</b> | Departmental Lecturer in Public International Law, University of Oxford; Visiting Professor, London School of Economics and Political Science Law School; Regents' Professor Emerita and Emily & Ernest Woodruff Chair in International Law Emerita, University of Georgia School of Law | 9 June 2026          | 25 May 2026             |
| <b>Kristina Arriaga</b>        | Former Vice Chair, U.S. Commission on International Religious Freedom; CEO Intrinsic; Trustee, Meta's Oversight Board                                                                                                                                                                    | 9 June 2026          | 28 July 2026            |
| <b>Dr Kate Ferguson</b>        | Co-Executive Director, Protection Approaches                                                                                                                                                                                                                                             | 8 June 2026          | 6 June 2026             |
| <b>Prof. Claus Kreß</b>        | Professor of International Law and Criminal Law at the University of Cologne; Special Adviser to the Prosecutor of the ICC on the Crime of Aggression (since 2021); Judge ad hoc at the ICJ in The Gambia v Myanmar (since 2019)                                                         | 8 June 2026          | 8 June 2026             |
| <b>Judge Theodor Meron</b>     | Visiting Professor of Law, University of Oxford and Honorary Fellow, Trinity College; Charles L. Denison Professor of Law Emeritus and Judicial Fellow, New York                                                                                                                         | 8 June 2026          | 6 June 2026             |

THE ATROCITY CRIMES REVIEW

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |               |               |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|
|                                   | University School of Law;<br>Former President, ICTY and<br>IRMCT                                                                                                                                                                                                                                                                                                                                                                                                             |               |               |
| <b>Natia Navrouzov</b>            | Executive Director, Yazda                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 9 June 2026   | 5 June 2026   |
| <b>Sir Geoffrey Nice<br/>KC</b>   | Barrister at Temple Garden<br>Chambers; lead prosecutor for<br>the Trial of Slobodan Milošević<br>at the International Criminal<br>Tribunal for the former<br>Yugoslavia; Chair of the China<br>Tribunal; Chair of the Uyghur<br>Tribunal; Emeritus Professor<br>of Law Gresham College<br>London                                                                                                                                                                            | 23 April 2026 | 22 April 2026 |
| <b>Elisabeth<br/>Pramendorfer</b> | Geneva Director, Global<br>Centre for the Responsibility to<br>Protect                                                                                                                                                                                                                                                                                                                                                                                                       | 23 April 2026 | 2 April 2026  |
| <b>Prof. William<br/>Schabas</b>  | Professor of International Law<br>at Middlesex University;<br>Emeritus Professor, Leiden<br>University and University of<br>Galway                                                                                                                                                                                                                                                                                                                                           | 8 June 2026   | 1 April 2026  |
| <b>Jeffrey Sizemore</b>           | Mary Wing-Ming Lee Senior<br>Human Rights Research Fellow<br>2026, University of Queensland<br>School of Political Science and<br>International Studies; Visiting<br>Professor Jimmy and Rosalynn<br>Carter School for Peace and<br>Conflict Resolution at George<br>Mason; Former Deputy<br>Director, Office of Security and<br>Human Rights and Senior<br>Advisor on Atrocity<br>Prevention, Bureau of<br>Democracy, Human Rights,<br>and Labor, US Department of<br>State | 23 April 2026 | 14 April 2026 |

## **Annex B: Call Evidence**

*Written Evidence received in reply to the Call for Submission by the Standing Group is listed below, in alphabetical order. Some of those who submitted evidence wished to remain anonymous. Call evidence is independent of the work of the Standing Group and does not reflect the views of the Group or its members unless otherwise stated.*

| <b>Author / Affiliation</b>                                                                     | <b>Title</b>                                                                                                                   | <b>Date</b>      |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Anonymised</b>                                                                               | <i>Related to: Prevention of Atrocity Crimes and Accountability Strategies for a Specific Country</i>                          | 5 February 2026  |
| <b>Children and Crimes Against Humanity Coalition</b>                                           | <i>Justice for Children in the Future Convention on the Prevention and Punishment of Crimes Against Humanity</i>               | 5 January 2026   |
| <b>Coalition to End Forced Labour in the Uyghur Region</b>                                      | <i>Submission to the Standing Group on Atrocity Crimes. UK framework to address atrocity-related issues</i>                    | 17 December 2025 |
| <b>John Cubbon, Barrister at Outline Chambers</b>                                               | <i>Institutional Reform to Improve the UK's Efforts to Prevent Atrocities</i>                                                  | 31 December 2025 |
| <b>Economic Security Council of Ukraine</b>                                                     | <i>The Silent Front: Russian Cyber Aggression in Ukraine and the Urgent Need for Global Reform</i>                             | 25 March 2026    |
| <b>Dr Ian Hanson, Senior Research Fellow, School of Law and Society, Bournemouth University</b> | <i>Response to Call for Written Submissions – Standing Group on Atrocity Crimes</i>                                            | 3 January 2026   |
| <b>Mass Grave Protection, Investigation &amp; Engagement (MaGPIE)</b>                           | <i>Mass grave evidence for atrocity crimes preparedness, response and resolution</i>                                           | 11 December 2025 |
| <b>Emily Prey, New Lines Institute</b>                                                          | <i>How Understanding Gender Can Improve Atrocity Prediction, Prevention, and Response</i>                                      | 2 January 2026   |
| <b>René Cassin</b>                                                                              | <i>Submission to the Standing Group on Atrocity Crimes on Incorporating the 1951 Refugee Convention into Atrocity Response</i> | 2 January 2026   |
| <b>Stop Uyghur Genocide</b>                                                                     | <i>Submission to the Standing Group on Atrocity Crimes – UK framework to address</i>                                           | 3 January 2026   |

# THE ATROCITY CRIMES REVIEW

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|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------|
|                                                                                     | <i>atrocities/related issues</i>                                                          |                |
| <b>Anna Sayko, Ukraine Justice Centre; Daniil Ukhorskiy, Legal Action Worldwide</b> | <i>Submission to the Standing Group on Atrocity Crimes</i>                                | 3 January 2026 |
| <b>Yuliya Ziskina, Razom for Ukraine</b>                                            | <i>How Repurposing Immobilised Assets Can Strengthen Atrocity Prevention and Response</i> | 2 January 2026 |

## List of Abbreviations

| Abbreviation                    | Full Description                                                                                                                                                                                      |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ACE</b>                      | Atrocity Crime Events Database                                                                                                                                                                        |
| <b>AI</b>                       | Artificial Intelligence                                                                                                                                                                               |
| <b>Apartheid Convention</b>     | Convention on the Suppression and Punishment of the Crime of Apartheid                                                                                                                                |
| <b>APPG</b>                     | All-Party Parliamentary Group                                                                                                                                                                         |
| <b>ARIS</b>                     | Asset Recovery Incentivisation Scheme                                                                                                                                                                 |
| <b>ASP</b>                      | Assembly of States Parties                                                                                                                                                                            |
| <b>ATT</b>                      | Arms Trade Treaty                                                                                                                                                                                     |
| <b>BEISC</b>                    | Business, Energy and Industrial Strategy Committee                                                                                                                                                    |
| <b>BHRC</b>                     | Bar Human Rights Committee                                                                                                                                                                            |
| <b>BiH</b>                      | Bosnia and Herzegovina                                                                                                                                                                                |
| <b>CAH Draft Articles</b>       | Draft Articles on Prevention and Punishment of Crimes against Humanity                                                                                                                                |
| <b>CAVV</b>                     | Advisory Committee on Public International Law                                                                                                                                                        |
| <b>CPS</b>                      | Crown Prosecution Service                                                                                                                                                                             |
| <b>CSO</b>                      | Civil Society Organisation                                                                                                                                                                            |
| <b>CRI</b>                      | Countries at Risk of Instability process                                                                                                                                                              |
| <b>ECtHR</b>                    | European Court of Human Rights                                                                                                                                                                        |
| <b>EEAS</b>                     | European External Action Service                                                                                                                                                                      |
| <b>ECJU</b>                     | Export Control Joint Unit                                                                                                                                                                             |
| <b>EU</b>                       | European Union                                                                                                                                                                                        |
| <b>EU Toolkit</b>               | EU Responsibility to Protect – Atrocity Prevention Toolkit                                                                                                                                            |
| <b>FAC</b>                      | Foreign Affairs Committee                                                                                                                                                                             |
| <b>FoRB</b>                     | UK Special Envoy for Freedom of Religion or Belief                                                                                                                                                    |
| <b>Forced Labour Regulation</b> | Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937 |
| <b>GACS</b>                     | Global Anti-Corruption Sanctions Regulations 2021                                                                                                                                                     |
| <b>GCR2P</b>                    | Global Centre for the Responsibility to Protect                                                                                                                                                       |
| <b>Genocide Convention</b>      | Convention on the Prevention and Punishment of the Crime of Genocide                                                                                                                                  |
| <b>GHRS</b>                     | Global Human Rights Sanctions Regulations 2020                                                                                                                                                        |

|                                       |                                                                                                                                                                                               |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ICAI</b>                           | Independent Commission for Aid Impact                                                                                                                                                         |
| <b>ICC</b>                            | International Criminal Court                                                                                                                                                                  |
| <b>ICCA 2001</b>                      | International Criminal Court Act 2001                                                                                                                                                         |
| <b>ICCA (SCOTLAND) 2001</b>           | International Criminal Court Act (Scotland) 2001                                                                                                                                              |
| <b>ICJ</b>                            | International Court of Justice                                                                                                                                                                |
| <b>ICTY</b>                           | International Criminal Tribunal for the former Yugoslavia                                                                                                                                     |
| <b>ICRC</b>                           | International Committee of the Red Cross                                                                                                                                                      |
| <b>IDC</b>                            | International Development Committee                                                                                                                                                           |
| <b>IHL</b>                            | International Humanitarian Law                                                                                                                                                                |
| <b>IIIM</b>                           | International, Impartial and Independent Mechanism for Syria                                                                                                                                  |
| <b>ILC</b>                            | International Law Commission                                                                                                                                                                  |
| <b>JCHR</b>                           | Joint Committee on Human Rights                                                                                                                                                               |
| <b>Kampala Conference</b>             | 2010 Review Conference of the Rome Statute in Kampala                                                                                                                                         |
| <b>Kampala Amendments</b>             | Amendments to the Rome Statute on the crime of aggression                                                                                                                                     |
| <b>Ljubljana-The Hague Convention</b> | Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes |
| <b>MSA 2015</b>                       | Modern Slavery Act 2015                                                                                                                                                                       |
| <b>NCA</b>                            | National Crime Agency                                                                                                                                                                         |
| <b>NSS</b>                            | National Security Strategy                                                                                                                                                                    |
| <b>OCSM</b>                           | Office for Conflict, Stabilisation and Mediation                                                                                                                                              |
| <b>ODA</b>                            | Official Development Assistance                                                                                                                                                               |
| <b>OHCHR</b>                          | Office of the High Commissioner for Human Rights                                                                                                                                              |
| <b>PMB</b>                            | Private Member's Bill                                                                                                                                                                         |
| <b>POCA</b>                           | Proceeds of Crime Act 2002                                                                                                                                                                    |
| <b>PRC</b>                            | People's Republic of China                                                                                                                                                                    |
| <b>PRU</b>                            | Procurement Review Unit                                                                                                                                                                       |
| <b>PSVI</b>                           | Preventing Sexual Violence in Conflict Initiative                                                                                                                                             |
| <b>REPO Act</b>                       | Rebuilding Economic Prosperity and Opportunity for Ukrainians Act                                                                                                                             |
| <b>Rome Statute</b>                   | Rome Statute of the International Criminal Court                                                                                                                                              |
| <b>RSF</b>                            | Rapid Support Forces                                                                                                                                                                          |

|                           |                                                                                                |
|---------------------------|------------------------------------------------------------------------------------------------|
| <b>R2P</b>                | Responsibility to Protect                                                                      |
| <b>SAMLA</b>              | Sanctions and Anti-Money Laundering Act 2018                                                   |
| <b>SELC</b>               | Strategic Export Licensing Criteria                                                            |
| <b>SDR</b>                | Strategic Defence Review                                                                       |
| <b>SO15</b>               | Counter Terrorism Command                                                                      |
| <b>Torture Convention</b> | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment       |
| <b>UAE</b>                | United Arab Emirates                                                                           |
| <b>UFLPA</b>              | Uyghur Forced Labour Prevention Act                                                            |
| <b>UN</b>                 | United Nations                                                                                 |
| <b>UN Framework</b>       | UN Framework for Analysis of Atrocity Crimes                                                   |
| <b>UN HRC</b>             | UN Human Rights Council                                                                        |
| <b>UNITAD</b>             | United Nations Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL |
| <b>UNPREDEP</b>           | United Nations Preventive Deployment Force                                                     |
| <b>UNSC</b>               | United Nations Security Council                                                                |
| <b>WISH</b>               | Women's Integrated Sexual Health programme                                                     |
| <b>Working Group</b>      | UK Civil Society Atrocity Prevention Working Group                                             |
| <b>WPS</b>                | Women, Peace and Security agenda                                                               |
| <b>2018 Act</b>           | Elie Wiesel Genocide and Atrocities Prevention Act of 2018                                     |
| <b>2022 Strategy</b>      | The United States' 2022 Strategy to Anticipate, Prevent and Respond to Atrocities              |

## ABOUT THE STANDING GROUP

The [Standing Group on Atrocity Crimes](#) (“**Standing Group**”) is an independent initiative dedicated to strengthening the United Kingdom’s approach to atrocity prevention and response. It comprises leading international lawyers, cross-party parliamentarians, and policy advisers.

The Standing Group, under its reviewable two-year mandate, has sought to make timely, impactful, and expert recommendations to government officials, policymakers, and civil society to bring the UK Government closer to creating a comprehensive and cohesive framework to prevent and respond to international crimes. The Secretariat of the Standing Group is led jointly by Accountability Unit, the IBA’s Human Rights Institute (IBAHRI) and the Coalition for Genocide Response. The overriding objective is to seek the creation of a single cohesive, comprehensive, and complementary atrocity prediction, prevention and response programme in the UK, of which this *Atrocity Crimes Review* is a fundamental part.

The Standing Group undertakes its work through: (i) harnessing the expertise of leading international practitioners, acting *pro bono*, as an Executive Committee; (ii) securing cross-party political support through an Advisory Board of prominent parliamentarians and policymakers; and (iii) utilising an *ad hoc* Consultative Committee of international experts to assist where urgent action is exceptionally needed in pressing situations of international concern and where certain overriding criteria are met.

The Standing Group is designed to realise its recommendations to relevant stakeholders and disband when its overriding objective has been met. The Group will review whether to continue its mandate in July 2027, two years from when it was formed.

The Standing Group, at creation, noted it sought to work with all stakeholders, including the UK Government, Parliament and other bodies, but remains fully independent from any State institutions or political affiliations. Ordinarily, the Standing Group does not focus on specific situations or countries, subject to when an *ad hoc* Consultative Committee is approved.

The Chair of the Executive Committee is Baroness Helena Kennedy LT KC. The Advisory Board has a rotating Chair. At the time of inception, in July 2025, the Executive Committee comprised (*alphabetically by surname*): Aarif Abraham, Prof. Payam Akhavan, Prof. Christine Chinkin, Federica D’Alessandra, Prof. Fernand de Varennes, Alistair Fernie, Andrew Gilmour CMG, Wayne Jordash KC, Baroness Helena Kennedy LT KC, Oleksandra Matviichuk, Jason McCue, Dr. Ewelina Ochab, Rupert Skilbeck, Amb. Dr Beth Van Schaack. At the time of inception, in July 2025, the Advisory Board comprised (*alphabetically by surname*): Lord David Alton KCSG, Lord Alfred Dubs, Richard Foord MP, Baroness Arminka Helić, Baroness Fiona Hodgson CBE, James Jennion, Blair McDougall MP, Brendan O’Hara MP, Baroness Liz Sugg CBE, David Taylor MP, Melanie Ward MP, Luke De Pulford. Due to judicial or political commitments, some members had to withdraw their membership during the drafting of the *Atrocity Crimes Review*. The Co-Conveners of the Standing Group are Aarif Abraham and Dr Ewelina Ochab.

## ENDNOTES

- <sup>1</sup> UN Secretary-General, *Responsibility to protect: the commitment to prevent and protect populations from atrocity crimes*, Report to General Assembly and Security Council, UN Doc. A/78/901-S/2024/434, 3 June 2024, available at <https://docs.un.org/en/a/78/901> (accessed 1 January 2026); Cabinet Office, *Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy*, CP403, March 2021, p. 29, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/975077/global\\_britain\\_in\\_a\\_competitive\\_age\\_the\\_integrated\\_review\\_of\\_security\\_defence\\_development\\_and\\_foreign\\_policy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975077/global_britain_in_a_competitive_age_the_integrated_review_of_security_defence_development_and_foreign_policy.pdf) (accessed 1 October 2025).
- <sup>2</sup> Institute for Economics & Peace, *Global Peace Index 2025: Identifying and Measuring the Factors that Drive Peace*, June 2025, p. 11, available at <https://www.economicsandpeace.org/wp-content/uploads/2025/06/gpi-2025-web.pdf> (accessed 9 January 2026).
- <sup>3</sup> At least 30 countries had documented patterns of atrocity crimes (war crimes, crimes against humanity, and genocide) in 2024–2025 and of those approximately 10–15 were said to be taking place in non-conflict settings as identified by aggregating data from Amnesty International, Human Rights Watch, the Global Centre for the Responsibility to Protect (“GCR2P”) and the Office of the High Commissioner for Human Rights (“OHCHR”) country reports. See further GCR2P, *Updated Country Analysis, Populations at Risk*, 15 July 2025, available at <https://www.globalr2p.org/publications/populations-at-risk-july-2025/> (accessed 12 January 2026).
- <sup>4</sup> House of Commons International Development Committee (“IDC”), *From Srebrenica to a safer tomorrow: Preventing future mass atrocities around the world*, Third Report of Session 2022–23 (HC 149), 17 October 2022, para. 10, available at <https://committees.parliament.uk/publications/30270/documents/175201/default/> (accessed 30 September 2025).
- <sup>5</sup> UN Secretary-General, *Responsibility to protect: the commitment to prevent and protect populations from atrocity crimes*, Report to General Assembly and Security Council, UN Doc. A/78/901-S/2024/434, 3 June 2024, available at <https://docs.un.org/en/a/78/901> (accessed 1 January 2026).
- <sup>6</sup> UN, *Framework of Analysis for Atrocity Crimes: A tool for prevention*, 2014, available at <https://digitallibrary.un.org/record/4015233?ln=en&v=pdf> (accessed 9 September 2025); US Department of State, *U.S. Atrocity Risk Assessment Framework*, 21 December 2022, available at <https://2021-2025.state.gov/u-s-atrocity-risk-assessment-framework/> (accessed 9 September 2025).
- <sup>7</sup> Addressed in [Part A](#) of the Review.
- <sup>8</sup> States have further obligations when there are violations of peremptory norms. They must not aid or assist internationally wrongful acts; should lawfully cooperate to bring to an end a situation in which serious breaches are occurring; and should not recognise as lawful the situation created by the breach of the law relating to genocide. The obligation, and consequent duty, are greater on a State that has a greater capacity to "effectively influence" a situation. See further arts. 16, 40–41, International Law Commission, *Draft articles on Responsibility of States for Internationally Wrongful Acts*, with commentaries, November 2001, Supplement No. 10 (A/56/10), chp.IV.E.1.
- <sup>9</sup> *The Economist*, *Where democracy is most at risk*, 14 February 2024, available at <https://www.economist.com/graphic-detail/2024/02/14/four-lessons-from-the-2023-democracy-index> (accessed 1 December 2025).
- <sup>10</sup> Freedom House, *Freedom in the World 2024: The Mounting Damage of Flawed Elections and Armed Conflict*, 29 February 2024, available at [www.freedomhouse.org/sites/default/files/2024-02/fiw\\_2024\\_digitalbooklet.pdf](https://www.freedomhouse.org/sites/default/files/2024-02/fiw_2024_digitalbooklet.pdf) (accessed 1 December 2025).
- <sup>11</sup> For instance, the Foreign Secretary on 2 December 2025 highlighted that the global cost of failing to prevent violence against women and girls - often a component of mass atrocities - is estimated at \$1.5 trillion annually, impacting global economic resilience including the UK’s. FCDO, *Foreign Secretary speech on violence against women and girls*, 2 December 2025, available at <https://www.gov.uk/government/speeches/foreign-secretary-speech-on-violence-against-women-and-girls> (accessed 19 December 2025).
- <sup>12</sup> Foreign Secretary, Ed Miliband, described reopening the Strait of Hormuz as “essential”, emphasising that securing a lasting ceasefire in the Iran war would be the “single biggest thing we can do” in helping to ease the cost-of-living crisis in the UK. J. McKiernan, *Miliband says reopening Strait of Hormuz “essential” as he meets Rubio*, *BBC*, 6 August 2026, available at <https://www.bbc.com/news/articles/c1e14zn0pxeo> (accessed 6 August 2026). Similarly, Chancellor John Healey framed the Iran war as a threat to national and economic security that increases inflation and hinders growth. S. Butler, *Healey’s profiteering warning on food and fuel risks row with retailers*, *The Guardian*, 3 August 2026, available at <https://www.theguardian.com/business/2026/aug/02/john-healey-profiteering-warning-retailers-backlash> (accessed 4 August 2026).

- 13 In January 2026, Baroness Chapman, Minister of State for the FCDO, clarified the Government’s commitment, stating it would be “strengthening our ability to identify risks at the earliest stage possible, deploying our global network of diplomatic and technical expertise and supporting efforts to save lives, uphold international law and break the cycle of violence that drives displacement and instability in the long term”. UK Parliament (House of Lords), Atrocity Crimes, Debate, 20 January 2026, available at <https://hansard.parliament.uk/lords/2026-01-20/debates/dd600182-3781-4e33-919c-7cf5f21fefa9/atrocitycrimes> (accessed 15 May 2026).
- 14 House of Commons IDC, From Srebrenica to a safer tomorrow: Preventing future mass atrocities around the world, Third Report of Session 2022–23 (HC 149), 17 October 2022, available at <https://committees.parliament.uk/publications/30270/documents/175201/default/> (accessed 30 September 2025).
- 15 Private discussions with senior stakeholders in the previous Labour Government.
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- 21 See, for instance, questions by MPs Sarah Champion and Fleur Anderson on how staff reduction will impact “smaller departments such as conflict prevention”, which policy areas will be deprioritised, which staff and programmes will be affected, and whether the cuts match ministerial priorities that have gone unanswered. UK Parliament (House of Commons), Topical Questions, 28 October 2025, available at <https://hansard.parliament.uk/commons/2025-10-28/debates/7b7254c8-9380-4aaf-9076-1adee20a352b/topicalquestions>; 20 January 2026, available at <https://hansard.parliament.uk/commons/2026-01-20/debates/d1c0f2a5-5e3c-4ec8-a772-05435dd14b41/topicalquestions>; 4 March 2026, available at <https://hansard.parliament.uk/commons/2026-03-04/debates/8c008aeb-0f64-4a12-a157-368ea0118c0a/foreigncommonwealthanddevelopmentoffice> (all accessed 3 August 2026). Similarly, questions on the restructuring of the International Humanitarian Law Unit – whether an equality, legal or risk assessment was carried out beforehand, and how many full-time staff were assigned before and after – were met only with reference to misleading media reports and the assurance that the Unit continues to operate from within a different team, with no specifics given on actual changes to staff or resources. UK Parliament (House of Commons), Written Question for FCDO, 29 April 2026, available at <https://questions-statements.parliament.uk/written-questions/detail/2026-04-24/129694>; 7 July 2026, available at <https://questions-statements.parliament.uk/written-questions/detail/2026-06-30/14365> (all accessed 3 August 2026). See also P. Wintour, Foreign Office cuts will weaken oversight of international law, MPs warn, *The Guardian*, 1 May 2026, available at <https://www.theguardian.com/politics/2026/may/01/mps-foreign-office-cuts-international-law> (accessed 30 July 2026).
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- 171 However, as the Children and Crimes Against Humanity Coalition argues, the scope of the draft articles should be strengthened to, e.g., include age as an explicit ground of persecution and recognise forced marriage as a separately enumerated crime against humanity: Written Evidence from the Children and Crimes Against Humanity Coalition, 5 January 2026, pp 6-7. Similarly, the Working Group on Discrimination against Women and Girls recommends including gender apartheid as a crime distinct from gender persecution: UN Human Rights Council (“HRC”), *Draft articles on prevention and punishment of crimes against humanity, Recommendations from the Working Group on discrimination against women and girls*, UN Doc. A/HRC/WG.11/40/1, 15 February 2024, para. 9, available at <https://docs.un.org/en/a/hrc/wg.11/40/1> (accessed 12 August 2026).
- 172 UN, Framework of Analysis for Atrocity Crimes: A tool for prevention, 2014, available at <https://digitallibrary.un.org/record/4015233?ln=en&v=pdf> (accessed 25 June 2026).
- 173 There is a significant body of work on gender discrimination intersecting with these other vectors of oppression, with changes in the intensity and form of gender-based violence identified as an early warning sign of further atrocities. Gender equality levels thus constitute, as Emily Prey argues, “both a key predictor and key preventative mechanism of international crimes”. Written Evidence from E. Prey, 2 January 2026, p. 1; See further UN Committee on the Elimination of Discrimination against Women, *Addendum to general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations in relation to the women and peace and security agenda*, UN Doc. CEDAW/C/GC/30/Add.1, 2 March 2026, available at [https://digitallibrary.un.org/record/4107182/files/cedaw\\_c\\_gc\\_30.add.1-en.pdf](https://digitallibrary.un.org/record/4107182/files/cedaw_c_gc_30.add.1-en.pdf) (accessed 15 May 2026). Gender discrimination includes discrimination against gay, lesbian, transgender, and non-binary people, who have been targeted by atrocities in recent armed conflicts.
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- 180 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, p. 221, para. 430 available at [https://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf). See also M. Milanović, State Responsibility for Genocide: A Follow-Up, *European Journal of International Law*, 18 (4), 2007, 669-694, p. 686, available at <https://www.ejil.org/pdfs/18/4/242.pdf> (accessed 15 May 2025).
- 181 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, p. 120, para. 183, cited by B. Nanyunja and V. Todeschini, The 'Obligation to Prevent' in a Future Crimes Against Humanity Convention, *Just Security*, 27 September 2024, available at <https://www.justsecurity.org/100036/crimes-against-humanity-obligation-prevent/> (accessed 15 May 2025).
- 182 ILC, Draft Articles on Prevention and Punishment of Crimes Against Humanity, with commentaries, 2019, pp 47, 49, available at <https://www.refworld.org/reference/research/ilc/2019/en/148740> (accessed 20 June 2026); Genocide Convention, art. I.
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- 184 Oral Evidence of W. Schabas, 8 June 2026.
- 185 H. Zijlstra, Minister van Buitenlandse Zaken, Kabinetsreactie op het gezamenlijke advies van de Commissie van advies inzake volkenrechtelijke vraagstukken (CAVV) en de Extern Volkenrechtelijk Adviseur (EVA) over het gebruik door politici van de term "genocide" [Government Response to the Joint Advice of the Advisory Committee on Issues of Public International Law and the External Advisor on International Law on the Use of the Term "Genocide" by Politicians], 22 December 2017, pp 4-5, available at <https://www.adviescommissievolkenrecht.nl/documenten/2017/03/03/het-gebruik-door-politici-van-de-term-genocide> (accessed 28 July 2026).
- 186 The CAVV is a standing, independent body of experts that advises the government on questions of international law, on its own initiative or upon request. Where a report is requested, the government must respond within three months. The CAVV concluded that it is for states, particularly governments, to determine that genocide has been or is being committed. See CAVV and External Adviser on Public International Law, Advisory report on the scope for and the significance and desirability of the use of the term "genocide" by politicians, March 2017, pp 7, 16, available at <https://www.adviescommissievolkenrecht.nl/documenten/2017/03/03/advisory-report-28> (accessed 28 July 2026).
- 187 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, p. 222, para. 431.
- 188 Oral Evidence of W. Schabas, 8 June 2026; ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Written Observations of Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland, 3 March 2025, available at <https://www.icj-cij.org/sites/default/files/case-related/178/178-20250303-wri-01-00-en.pdf> (accessed 8 July 2026).
- 189 Oral Evidence of G. Nice, 23 April 2026.
- 190 In *Sudan v. United Arab Emirates*, the ICJ rejected Sudan's request for the indication of provisional measures, finding that it lacked jurisdiction due to the UAE's reservation to Article IX of the Genocide Convention. See ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in Sudan (Sudan v. United Arab Emirates)*, Order on the Request for Provisional Measures, 5 May 2025, paras. 29-32.

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- <sup>192</sup> UN Committee against Torture, *General Comment No. 2: Implementation of Article 2 by States Parties*, UN Doc. CAT/C/GC/2, 24 January 2008, para. 16, available at <https://www.refworld.org/legal/general/cat/2008/en/53514> (accessed 15 May 2025).
- <sup>193</sup> ILC, Draft Articles on Prevention and Punishment of Crimes Against Humanity, with commentaries, 2019, pp 57-58, para. 7 and p. 61, paras. 13-14, available at <https://www.refworld.org/reference/research/ilc/2019/en/148740> (accessed 15 May 2025).
- <sup>194</sup> Countries which have given legislative effect to the obligation to prevent torture include, for example, New Zealand: Crimes of Torture Act 1989, Part 2; Argentina: Article 75(22) of the Constitution of the Argentine Nation, 1 May 1853 (as amended, 22 August 1994); Ley 26.827 (2012).
- <sup>195</sup> ILC, Draft Articles on Prevention and Punishment of Crimes Against Humanity, with commentaries, 2019, art. 4, available at <https://www.refworld.org/reference/research/ilc/2019/en/148740> (accessed 29 April 2026).
- <sup>196</sup> UK Mission to the UN, Comments and Observations of the United Kingdom of Great Britain and Northern Ireland on the Draft Articles on Prevention and Punishment of Crimes Against Humanity Adopted by the International Law Commission at its 71st Session, 1 December 2023, paras. 18-20, available at [https://www.un.org/en/ga/sixth/78/cah/uk\\_e.pdf](https://www.un.org/en/ga/sixth/78/cah/uk_e.pdf) (accessed 29 April 2026).
- <sup>197</sup> Dr Kate Ferguson makes the following recommendations: “[e]nsure monitoring and analytical capacity across government departments and embassies to identify and respond to risks are matched with clear and transparent thresholds to threat; ceilings of when sufficient evidence for action has been met; and policy options for HMG are available and triggered. Without this, the UK will simply become more effective at watching atrocities unfold rather than halting, mitigating or preventing their trajectory.” Oral Evidence of K. Ferguson, 8 June 2026.
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authorities when investigating and prosecuting genocide, crimes against humanity, and war crimes. EU Member  
States are represented through national "Contact Points" that consist of specialised and dedicated prosecutors,  
investigators, and officers. Other members include Eurojust, which has Observer Status, Europol, and the ICC  
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- 268 B. Wheeler and J. Landale, Starmer to meet Israel's president in Downing Street, *BBC News*, 9 September 2025, available at <https://www.bbc.co.uk/news/articles/cl9jgmqqe8o> (accessed 9 September 2025).
- 269 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order for Provisional Measures, 24 May 2024. See also the Orders for Provisional Measures of 26 January 2024 and 28 March 2024, and UN General Assembly, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, UN Doc. A/79/363, 20 September 2024, available at <https://docs.un.org/en/a/79/363> (accessed 22 June 2026). The UN Special Procedures, separately, repeatedly raised the alarm over the risk of genocide from late 2023 onwards, and statements are available at <https://www.ohchr.org/en/special-procedures/sr-palestine> (accessed 3 April 2026).
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- 272 *Al-Haq v. Secretary of State for Business and Trade*, [2025] EWHC 1615 (Admin), 30 June 2025, paras. 26-36, available at <https://www.judiciary.uk/wp-content/uploads/2025/06/al-haq-v-secretary-of-state-for-business-and-trade.pdf> (accessed 19 December 2025).
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- 274 Oral Evidence of Y. Ahmed, 23 April 2026; Oral Evidence of G. Nice, 23 April 2026; Oral Evidence of E. Pramendorfer, 23 April 2026.
- 275 For a snapshot of examples, see Oral Evidence of Y. Ahmed, 23 April 2026; Oral Evidence of E. Pramendorfer, 23 April 2026, in relation to Sudan; Oral Evidence of G. Nice, 23 April 2026, in relation to the People's Republic of China. See for further examples the following: JCHR, *Forced Labour in the UK's Supply Chains*, Sixth Report of Session 2024-25 (HC 633/HL Paper 159), 24 July 2025, available at <https://publications.parliament.uk/pa/jt5901/jtselect/jtrights/633/report.html> (accessed 10 April 2026); Bar Human Rights Committee ("**BHRC**"), Briefing Paper: Responsibility of States under International Law to Uyghurs and other Turkic Muslims in Xinjiang, China, July 2020, available at <https://barhumanrights.org.uk/wp-content/uploads/2024/11/2020-responsibility-of-states-to-uyghurs.pdf> (accessed 7 May 2026); British Medical Association, *Labour rights abuse in global supply chains for PPE through COVID-19 – issues and solutions*, July 2021, available at <https://www.bma.org.uk/media/4288/ppe-labour-rights-abuse-in-global-chains-for-ppe-through-covid-july-2021.pdf> (accessed 21 June 2026); P. Pattison, UK sourced PPE from factories secretly using North Korean slave labour, *The Guardian*, 20 November 2020, available at <https://www.theguardian.com/global-development/2020/nov/20/uk-sourced-ppe-from-factories-secretly-using-north-korean-slave-labour> (accessed 5 May 2026). Despite the continuing risk of governmental mass atrocities including genocide against Muslim minorities in India, the UK-India Free Trade

- Agreement contains no enforceable human rights clause, and no measures under section 3 of the Trade Act 2021 have been triggered to discharge the UK Government's due diligence obligations. See S. Biserko, M. Darusman and S. Rapp, Report of the Panel of Independent International Experts to Examine Information About Alleged Violations of International Law Committed Against Muslims in Assam and Uttar Pradesh, India, 2022-25, March 2026, pp 6-7, available at [https://piieindia.org/wp-content/uploads/2026/03/piie\\_2026.pdf](https://piieindia.org/wp-content/uploads/2026/03/piie_2026.pdf) (accessed 28 July 2026); UK Parliament (House of Commons), UK-India Free Trade Agreement, Debate, 9 February 2026, available at <https://hansard.parliament.uk/commons/2026-02-09/debates/fdbb7333-073d-4e4e-8093-6e8f845b1823/uk-indiafreetradeagreement> (accessed 28 July 2026).
- 276 This principle of customary international law obliges every State “not to allow knowingly its territory to be used for acts contrary to the rights of other States”: ICJ, *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)*, Judgment (Merits), 9 April 1949, p. 22. This obligation extends to public and private actors within a State: ICJ, *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, 20 April 2010, paras. 100-101. In international humanitarian law, this principle is derived from Common Article 1 of the Geneva Conventions, which requires “[t]he High Contracting Parties [to] undertake to respect and to ensure respect for the present Convention in all circumstances”. The States Parties are thus obligated to respect the Conventions with respect to their own armed forces, but also to “ensure respect” for them by other actors. This is further extended by Common Article 3 for non-international armed conflicts and, in any event, under custom. See further T. Koivurova and K. Singh, Due Diligence, Max Planck Encyclopedia of Public International Law, August 2022, available at <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e10342prd=mpil> (accessed 14 April 2026). In relation to genocide, Article I of the Genocide Convention arguably also applies to a State's capacity to influence its own legal persons, thereby creating obligations to prevent read together with Article V to give domestic effect to the provisions of the Convention, as highlighted in ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, p. 221, para. 430.
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- 282 Written Evidence from Stop Uyghur Genocide, 3 January 2026, pp 3-4.
- 283 House of Commons Business, Energy and Industrial Strategy Committee (“BEISC”), Uyghur forced labour in Xinjiang and UK value chains, Fifth Report of Session 2019-21 (HC 1272), 17 March 2021, available at <https://committees.parliament.uk/publications/5095/documents/52855/default/> (accessed 1 April 2026); BHRG, Briefing Paper: Responsibility of States under International Law to Uyghurs and other Turkic Muslims in Xinjiang, China, July 2020, available at <https://barhumanrights.org.uk/wp-content/uploads/2024/11/2020-responsibility-of-states-to-uyghurs.pdf> (accessed 7 May 2026); JCHR, Forced Labour in the UK's Supply Chains, Sixth Report of Session 2024-25 (HC 633/HL Paper 159), 24 July 2025, available at <https://publications.parliament.uk/pa/jt5901/jtselect/jtrights/633/report.html> (accessed 10 April 2026). See also Written Evidence from Stop Uyghur Genocide, 3 January 2026, para. 4.4: “[w]hile the Modern Slavery Act relies on corporate transparency, it lacks effective enforcement mechanisms and does not impose meaningful consequences for non-compliance.”
- 284 The first version of the Genocide Determination Bill was laid in the House of Lords in June 2016 (Session 2016-17), available at <https://bills.parliament.uk/bills/1826> (accessed 1 April 2026).
- 285 The Genocide Determination Bill [2026-2027] provides victims/survivors a recourse to the UK courts for preliminary determinations of genocide, in an attempt to compel a Secretary of State to act by utilising relevant international fora or adjudicatory mechanisms. See UK Parliament (House of Lords), Genocide Determination Bill [HL Bill 13], PMB, 4 June 2026, available at <https://bills.parliament.uk/bills/4137> (accessed 28 July 2026). One earlier iteration of the Bill articulated a slightly different approach, by permitting a preliminary determination

- by UK courts and/or referral, following a response of the Secretary of State to findings of a responsible committee, of either House of Parliament, stating that there is a serious risk of genocide, or that genocide is being, or has been, committed outside the UK (with the inherent limitation that entails). It sought to require the UK Government (as the executive) to identify situations of genocide, or the serious risk of genocide, in order to take reasonable steps to bring such situations to an end or otherwise face a judicial review resulting in a preliminary determination (and the parliamentary scrutiny it would entail). See UK Parliament (House of Lords), Genocide Determination Bill [HL Bill 23], PMB, 8 June 2022, available at <https://bills.parliament.uk/bills/3179> (accessed 28 July 2026). See further A. Abraham, Legal Briefing: Genocide Determination Bill 2023-24, Briefing Series No. 0424, Accountability Unit, 17 April 2024, available at <https://accountabilityunit.org/s/au-legal-briefing-genocide-determination-bill-2023-24.pdf> (accessed 28 July 2026).
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- Uyghur Tribunal, Judgment, 9 December 2021, pp 56-57, paras. 180-182, 189-190; The Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China (China Tribunal), Judgment, 1 March 2020, p. 156, paras. 479-481.
- Oral Evidence of G. Nice, 23 April 2026.
- Oral Evidence of G. Nice, 23 April 2026.
- Charter of the United Nations, 1945, art. 39. See also International Military Tribunal (Nuremberg), Judgment of 1 October 1946 para. 421: “[t]o initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.”
- International Criminal Court Act 2001, s. 51.
- R v. Jones (Margaret) and Others*, [2006] UKHL 16, 29 March 2006, para. 28. This was determined before the “activation” of the ICC’s jurisdiction over the crime of aggression, albeit this does not impact the reasoning of the Court.
- Rome Statute, art. 15*bis*. Articles 15*bis*(6)-(9) set out the preconditions that the Prosecutor must meet before commencing an Article 15*bis* investigation, which include establishing whether the UNSC has made a determination of an act of aggression and notifying the UN Secretary-General of the situation before the Court. The Prosecutor can proceed without such a determination, but not if the UNSC has decided otherwise.
- Rome Statute, art. 15*bis*.
- Rome Statute, art. 15*ter*.
- Rome Statute, art. 5(2), deleted in accordance with Resolution RC/Res.6: see Review Conference Res. RC/Res.6 (2010), 11 June 2010, annex I.
- Rome Statute, art. 8*bis*(1).
- Rome Statute, art. 8*bis*(2).
- Rome Statute, art. 8*bis*(1).
- Written Evidence from C. Kreß, 8 June 2026, para. 14: “In the negotiations following the adoption of the ICC Statute in July 1998...Britain took a restrictive position. Together with a small group of essentially Western States Parties to the ICC Statute, including France and Canada, it argued for a UNSC monopoly over proceedings before the ICC for the crime of aggression. Failing that, it supported an otherwise distinct and decidedly narrow set of conditions for the exercise of jurisdiction over that crime.”
- ASP, Res. ICC-ASP/16/Res.5 (2017), 14 December 2017, para. 2.
- Costa Rica, Germany, Sierra Leone, Slovenia and Vanuatu, Proposal of Amendment, 4 April 2025, available at <https://treaties.un.org/doc/publication/cn/2025/cn.162.2025-eng.pdf> (accessed 28 July 2026).
- Oral Evidence of C. Kreß, 8 June 2026.
- Working Group on Amendments, Report of the Working Group on Amendments regarding its work on the review of the Kampala Amendments concerning the exercise of jurisdiction with regard to the crime of aggression, ICC-ASP/S-1/2, 4 July 2025, p. 7 and Annex II, available at [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/icc-asp-s-1-2-eng.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/icc-asp-s-1-2-eng.pdf) (accessed 22 June 2026).
- Written Evidence from C. Kreß, 8 June 2026, para. 14: “In July 2025, Britain has reprised this role by opposing, again together with a small minority of State Parties, including France and Canada in particular, the adoption of the proposal...to harmonise the ICC’s jurisdiction over the crime of aggression with that governing genocide, crimes against humanity and war crimes.”
- ASP, Res. ICC-ASP/S-1/Res.1 (2025), 9 July 2025, para. 2.
- UK Parliament (House of Commons), Written Question for FCO, 8 June 2018, available at <https://questions-statements.parliament.uk/written-questions/detail/2018-05-24/147826> (accessed 13 March 2026).
- Y. Dinstein, Aggression, Max Planck Encyclopedia of Public International Law, para. 9, available at <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e236> (accessed 30 July 2026).

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- 310 Oral Evidence of E. Pramendorfer, 23 April 2026; C. Krefß, The Crime of Aggression before the First Review of the ICC Statute, *Leiden Journal of International Law*, 20 (4), 2007, 851-865, available at [https://www.elac.ox.ac.uk/wp-content/uploads/2024/06/kress\\_crime\\_of\\_aggression.pdf](https://www.elac.ox.ac.uk/wp-content/uploads/2024/06/kress_crime_of_aggression.pdf) (accessed 22 June 2026).
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- 312 R. Illingworth, Responsible Veto Restraint: a Transitional Cosmopolitan Reform Measure for the Responsibility to Protect, *Global Responsibility to Protect*, 12 (4), 2020, 385-414, p. 386, available at <https://eprints.gla.ac.uk/328183/1/328183.pdf> (accessed 22 June 2026).
- 313 See, for example, draft resolution S/2007/14 on the situation in Myanmar, vetoed by China and Russia. See also draft resolution S/2012/538, setting out a plan to facilitate a Syrian-led political transition process and to impose measures under Article 41 of the UN Charter in the case of non-compliance, which was also vetoed by China and Russia.
- 314 UNSC draft resolution S/2024/826; Oral Evidence of E. Pramendorfer, 23 April 2026. Similarly, between 2011 and 2023, Russia vetoed 18 UNSC resolutions on Syria. Security Council Report, The Security Council Veto, available at [https://www.securitycouncilreport.org/atf/cf/%7b6b5bfc9b-6d27-4e9c-8cd3-cf6e4ff96ff9%7d/working\\_methods\\_theveto-7.pdf](https://www.securitycouncilreport.org/atf/cf/%7b6b5bfc9b-6d27-4e9c-8cd3-cf6e4ff96ff9%7d/working_methods_theveto-7.pdf) (accessed 2 September 2026).
- 315 See UNSC, Overview of all vetoes cast by the five permanent members of the Security Council since 1946, available at <https://main.un.org/securitycouncil/en/content/vetoes-since-1946> (accessed 22 June 2026).
- 316 This includes advocating for the expansion of the UNSC's membership and including permanent African representation and permanent seats for Brazil, Germany, India, and Japan. See FCDO, Speech, The UK remains a strong supporter of UNSC reform: UK Statement in the UN General Assembly, 11 November 2024, available at <https://www.gov.uk/government/speeches/the-uk-remains-a-strong-supporter-of-un-security-council-reform-uk-statement-in-the-un-general-assembly> (accessed 7 May 2026). See also FCDO, Speech, The UN's founding purposes and principles are as essential today as they were 80 years ago: UK statement at the UNSC, 24 October 2025, available at <https://www.gov.uk/government/speeches/the-uns-founding-purposes-and-principles-are-as-essential-today-as-they-were-80-years-ago-uk-statement-at-the-un-security-council> (accessed 7 May 2026).
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- 319 J. Trahan, Questioning Unlimited Veto Use in Face of Atrocity Crimes, *Case Western Reserve Journal of International Law*, 52 (1), 2020, 73-100, p. 89, available at <https://scholarlycommons.law.case.edu/jil/vol52/iss1/7/> (accessed 22 June 2026).
- 320 FAC, The write to protect: Britain's pen on the world stage, Second Report of Session 2024-26 (HC 930), 21 September 2025, available at <https://committees.parliament.uk/publications/49593/documents/264116/default/> (accessed 30 July 2026).
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- 322 UN General Assembly Res. 79/1 (2024), 22 September 2024, UN Doc. A/RES/79/1; UK Mission to the United Nations, Speech regarding the UK's commitment to implementing the Pact for the Future, available at [https://www.linkedin.com/posts/uk-mission-to-the-united-nations\\_the-uk-is-committed-to-implementing-the-pact-activity-7261886717178036226-lwhf/](https://www.linkedin.com/posts/uk-mission-to-the-united-nations_the-uk-is-committed-to-implementing-the-pact-activity-7261886717178036226-lwhf/) (accessed 30 June 2026).
- 323 A. Kato, Revitalizing the obligatory abstention rule in the UNSC: an interpretation of the proviso in Article 27 (3) of the UN Charter, *Journal of Conflict & Security Law*, 30 (1), 2025, 3-22, p. 4, available at <https://academic.oup.com/jcsl/article/30/1/3/8093644> (accessed 22 June 2026).

- 324 UK Parliament (House of Commons), Secretary of State for International Trade, Trade Policy Update, Statement by Anne-Marie Trevelyan, 8 December 2021, available at <https://questions-statements.parliament.uk/written-statements/detail/2021-12-08/hcws449> (accessed 10 July 2026).
- 325 Cf. ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, p. 221, para. 430; see also ICRC, Arms transfers to parties to armed conflict: what the law says, What rules related to IHL govern the supply of weapons to a party to armed conflict?, 3 June 2024, available at <https://www.icrc.org/en/document/arms-transfers-parties-armed-conflict-what-law-says> (accessed 10 July 2026).
- 326 Article 5 of the Arms Trade Treaty, 2013, 3013 UNTS 269 (entered into force 24 December 2014) (“ATT”). Article 6 of the ATT prohibits arms transfers by a State Party with knowledge that the arms would be used in the commission of genocide, crimes against humanity, or war crimes. Article 7 of the ATT requires States Parties to assess the potential that exports not prohibited under Article 6 could be used to commit or facilitate serious violations of international human rights law or international humanitarian law.
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- 329 ECJU, About us, available at <https://www.gov.uk/government/organisations/export-control-joint-unit/about> (accessed 20 July 2026).
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- 331 Council of the EU, User’s Guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment, 14 April 2025, available at <https://data.consilium.europa.eu/doc/document/st-6881-2025-init/en/pdf> (accessed 10 July 2026) (see in particular pp 34-47 on Criterion Two). See also practical guidance provided by the ICRC: ICRC, Arms Transfer Decisions: Applying International Humanitarian Law and International Human Rights Law Criteria – a Practical Guide, 12 September 2017, available at <https://www.icrc.org/en/publication/0916-arms-transfer-decisions-applying-international-humanitarian-law-criteria> (accessed 10 July 2026).
- 332 *R (on the application of Campaign Against Arms Trade) v Secretary of State for International Trade* [2019] EWCA Civ 1020, paras. 132-145.
- 333 UK Parliament (House of Commons), Written Question for FCDO, 29 September 2022, available at <https://questions-statements.parliament.uk/written-questions/detail/2022-09-20/51982> (accessed 10 July 2026). Article 7(7) of the ATT encourages States Parties to reassess their authorisation of the export of conventional arms if they become aware of new, relevant information.
- 334 ECJU and Department for Business and Trade, UK strategic export controls annual report 2024, 18 July 2025, pp 37, 51, available at <https://www.gov.uk/government/publications/uk-strategic-export-controls-annual-report-2024> (accessed 10 July 2026).
- 335 Amnesty International, Sudan: three years on, UK government urged to halt “shameful” arms sales, 15 April 2026, available at <https://www.amnesty.org.uk/latest/sudan-three-years-on-uk-government-urged-to-halt-shameful-arms-sales/> (accessed 10 July 2026); Campaign Against Arms Trade, Country Profiles, United Arab Emirates, 28 April 2026, available at <https://caat.org.uk/data/countries/united-arab-emirates/> (accessed 10 July 2026).
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STANDING GROUP ON  
ATROCITY CRIMES

“Let this be the moment when the United Kingdom changes course. Let us retire the politics of surprise and end the fiction that atrocities are unpredictable, unpreventable or too distant to matter. Let us give meaning again to “Never Again” by making it not a lament after failure, but a discipline of government before catastrophe.”

- Rt. Hon. Gordon Brown CH PC

“Despite many past efforts, the UK currently lacks a cohesive atrocity prevention and response strategy. With changing foreign policy priorities globally, however, the UK is in a prime position to take on greater leadership internationally on this issue. The goal of the Standing Group is to provide a practical and clear route through for the Government to properly address atrocity crimes past, present, and future, in a consistent and principled manner.”

- Baroness Helena Kennedy LT KC (Chair)

“The horrific crimes of the Second World War led us to the development of international criminal law and humanitarian law so that those atrocities would not be repeated. We have repeatedly failed in the promise of ‘never again’ and so we must now ensure that international criminal and humanitarian law is robustly enforced before we reach the point of no return.”

- Lord Alfred Dubs

The Standing Group on Atrocity Crimes (Standing Group) comprises leading global practitioners on atrocity crimes and cross-party politicians dedicated to strengthening the UK Government’s approach to atrocity prediction, prevention and response through practical legislative reform and policy change.

The *Atrocity Crimes Review* offers a practical blueprint for UK leadership on atrocity prediction, prevention and response. At a time of rising conflict, international crimes, and impunity, it calls for a coherent, lawful and victim-centred strategy to prevent mass atrocities, uphold international law and deliver meaningful accountability.

This is not simply a report, but a call to action — a route map for turning legal obligation, political commitment and moral urgency into measurable prevention, protection and accountability.

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THE ATROCITY CRIMES REVIEW IS A PRODUCT OF CLOSE COOPERATION BETWEEN: SELECT STANDING GROUP MEMBERS, SPECIALISED DRAFTING LAWYERS, AND REVIEWERS. THE REVIEW WAS INFORMED BY INFORMATION RECEIVED FROM: A PUBLIC CALL FOR EVIDENCE, AND EXPERT HEARINGS CONVENED IN THE UK PARLIAMENT WITH THE APPG ON INTERNATIONAL LAW, JUSTICE & ACCOUNTABILITY. ACKNOWLEDGMENTS ARE WITHIN.

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