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Argentina: Human rights organisations ask court to reject immunity for crimes against humanity

A coalition of seven human rights organisations has submitted an amicus curiae brief to Argentina's Federal Court of Criminal Cassation, calling on the Court to reject the use of official immunity as a bar to investigating and prosecuting foreign State officials for alleged crimes against humanity.

The brief was submitted by [REDRESS](#), [Legal Action Worldwide \(LAW\)](#), [Partners in Justice International](#), the [Center for Justice and International Law](#), the [Due Process of Law Foundation](#), [Alerta Venezuela](#), and the [International Federation for Human Rights \(FIDH\)](#).

The submission followed a landmark hearing that took place yesterday, on Wednesday 7 October, before Argentina's Federal Court of Criminal Cassation, in which the parties discussed whether survivors of alleged crimes against humanity in Venezuela can continue to seek justice in Argentina, with consequences for universal jurisdiction cases worldwide. The proceedings raise questions about whether immunities recognised under international law can prevent national courts from investigating and prosecuting foreign public officials accused of international crimes.

The organisations argue that the military positions held by the officials concerned are not entitled to personal immunity, which applies only to a narrow category of serving senior officials: Heads of State, Heads of Government, and Ministers for Foreign Affairs.

Any claim of immunity arising from acts carried out in an official capacity therefore concerns functional immunity. The amicus brief highlights a growing body of State practice and decisions by national courts confirming that functional immunity does not apply to genocide, crimes against humanity, or war crimes. Courts in France, Germany, the Netherlands, Poland, Spain, Sweden and other jurisdictions have investigated, prosecuted, or convicted foreign officials for international crimes. In July 2025, France's highest court concluded that there was significant State practice supporting the exclusion of functional immunity in cases involving international crimes.

Argentina has an important opportunity to affirm that immunities must not be used to shield State officials from accountability for crimes against humanity. Argentina has obligations under international law to investigate serious international crimes and to ensure victims' access to justice and an effective remedy. Any immunity that may apply to a particular individual or measure should not prevent the broader investigation into the alleged crimes from proceeding.

Argentina has played a significant role in advancing accountability through universal jurisdiction. In February 2025, an Argentinian judge issued arrest warrants for more than 20 Myanmar military and civilian officials for alleged genocide and other international crimes against the Rohingya, in a case filed on behalf of the victims by LAW.

"Universal jurisdiction gives survivors a chance to be heard when every other door has been closed," said Antonia Mulvey, LAW's Founder and Executive Director. *"Argentina has become a global leader in the fight against impunity. We have seen what access to its courts means for our*

Rohingya clients, who testified in a separate universal-jurisdiction investigation. The decision from this hearing will send a powerful message about whether survivors can continue to look to its courts for justice.”

The amicus brief urges the competent Argentine authorities to conclude that neither functional nor personal immunity prevents the continuation of the criminal proceedings.

Ends

Notes to editors

- **Universal jurisdiction** allows national authorities to investigate and prosecute certain serious international crimes regardless of where they were committed or the nationality of the victims or alleged perpetrators.
- **Personal immunity** applies temporarily to a narrow category of serving senior officials and ends when they leave office.
- **Functional immunity** concerns acts carried out in an official capacity. The amici submit that it does not apply to crimes under international law, including crimes against humanity.
- The brief was submitted to Chamber II of Argentina’s Federal Court of Criminal Cassation in *Case No. 2001/2023, Incident No. 13 – Complainants: R.O.S., K.M.F. and others; Accused: Noguera Pietri, Justo José and another.*
- The submission forms part of the [Global Initiative Against Impunity \(GIAI\)](#)’s multi-year **strategy to challenge immunities as a barrier to accountability for core international crimes**.
- The GIAI is a **Consortium** of eight international NGOs (FIDH, CRD, ECCHR, Impunity Watch, REDRESS, PGA, TRIAL International, and Women’s Initiatives for Gender Justice) and the Coalition for the ICC. It is co-funded by the European Union.
- The submission also builds on **REDRESS’s wider work challenging the use of official immunities as a barrier to investigations of international crimes**, including its intervention challenging the refusal to open a criminal investigation against Israeli State officials in Poland based on immunities.

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