

JUSTICE AND ACCOUNTABILITY



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NEWSLETTER

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Welcome to the inaugural issue of *Justice and Accountability*. As the year begins, the global landscape reveals a familiar pattern : meaningful progress alongside persistent, and in some cases deepening, resistance for accountability.

This opening issue offers a roundabout of the most significant legal and human rights developments from late 2025 through January 2026. It highlights the concrete advances that strengthen justice and the obstacles still in place, with a particular focus on what these global trends can mean for advocates, practitioners and communities in Tunisia.

IN THIS ISSUE:

- *Justice and accountability in practice: Selected developments*
 - *Blueprints for change: Emerging rules for a shifting landscape*
 - *Reading the room: Key takeaways*
 - *Zooming in: From global practice to local leverage*
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JUSTICE AND ACCOUNTABILITY IN PRACTICE

Selected developments

Wins, setbacks and warning signs

New tools emerging as old abuses persist: five 2025-2026 developments that capture the struggle.

Building the case: Afghanistan

In October 2025, the UN Human Rights Council adopted a resolution addressing the deteriorating human rights situation in Afghanistan (See: [A/HRC/60/L.9](#)). Without a vote, the Council established an ongoing independent investigative mechanism mandated to **“collect, consolidate, preserve and analyze evidence of international crimes and the most serious violations of international law”**, including those targeting women and girls. Adopting victim-centered procedures, the mechanism is tasked with preparing case files to facilitate future criminal proceedings before national, regional or international courts with jurisdiction.

The resolution also renewed the mandate of the country-specific Special Rapporteur for one year, requested a dedicated report on the situation of women and girls, and called for “unhindered access” and protection from reprisals for victims and civil society engaging with UN mechanisms.

Crimes against Humanity : A dedicated Convention in the making

Preparatory negotiations toward a Convention on Crimes against Humanity opened between 19–30 January 2026, bringing together all UN Member States, specialized agencies, observers, and 117 NGOs in consultative status with ECOSOC, spanning human rights networks across Africa, Asia, Europe, the Americas and the Middle East. During its first session, the Preparatory Committee elected a ten-member Bureau and convened a Working Group to review draft articles and facilitate consultations, while exploring mechanisms for **broad stakeholder participation** from civil society, academia, and the private sector.

The negotiations follow the UN General Assembly’s December 2024 Resolution ([A/RES/79/122](#)) launching the process, which specified the starting point for talks: the International Law Commission’s 2019 Draft Articles on Prevention and Punishment of Crimes against Humanity, together with state proposals due by April 30, 2026.

Next steps : States are invited to submit amendments to the draft articles by April 30, 2026, ahead of the second Preparatory Committee session (12–15 April 2027), which will finalize the compiled text for consideration by the Diplomatic Conference.

Rescuing victims at scale : Operation Liberterra III

On January 26, 2026, [INTERPOL](#) announced the results of [Operation Liberterra III](#) (10-21 November 2025), a coordinated enforcement action against human trafficking and migrant smuggling networks.

14,000

OFFICERS

119

COUNTRIES

3,744

ARRESTS

4,414

POTENTIAL VICTIMS

Four coordination units in Algeria, El Salvador, Lao PDR, and the UK enabled real-time intelligence sharing and database checks, while regional bodies (AFRIPOL, ASEANAPOL, Europol, Frontex) and UN agencies (IOM, UNODC) supported victim protection efforts. The operation revealed shifting trafficking dynamics, including pyramid-style recruitment schemes in Central and West Africa leading to over 200 rescues, and trafficking-fueled scam operations in Asia prompting the repatriation of hundreds of victims. Authorities opened more than 720 investigations, underscoring the entanglement of trafficking with document fraud, money laundering, and drug trafficking.

Criminalizing dissent: Jimmy Lai's conviction

On December 15, 2025, the Hong Kong Court of First Instance found Lai Chee-ying (also known as Jimmy Lai), founder of the now-defunct pro-democracy *Apple Daily* newspaper, and three associated companies guilty of all charges : two counts of "conspiring to collude with foreign forces" under China's National Security Law, and one count of "conspiring to publish seditious material" under older local laws.



The conviction drew international condemnation as politically motivated and a severe blow to press freedom. [Amnesty International](#) called it the "death knell for press freedom in Hong Kong", while [UN experts](#) expressed dismay at the decline in freedoms and judicial independence since 2019, calling for release given Lai's age (78) and health. In response, the Hong Kong Government strongly rejected criticisms, describing them as "despicable political manipulations that smear and attack Hong Kong using Lai Chee-ying's case". The [Secretary for Security](#) also wrote to *The Wall Street Journal* to refute what it called distortions of the facts and interference in the judicial process.

Responding to repression : Iran



On January 15, 2026, the [UN Security Council convened in an emergency session](#) to address the situation in Iran following weeks of nationwide protest that erupted in December 2025. Amid reports of significant loss of life, mass arrests, and an extensive communications shutdown, the Secretary General called for maximum restraint to prevent further deaths and regional escalation.

Two weeks later, on January 29, the [EU Council adopted sanctions including asset freezes and travel bans](#) against 15 individuals and 6 entities. Those listed include Iran's Interior Minister, the Prosecutor General, judges, and police leadership implicated in arbitrary arrests and use of force. Sanctions also targeted the Iranian Audio-Visual Media Regulatory Authority, cyber enforcement bodies and software companies for censorship, disinformation, and surveillance. These measures bring the total under the Iran human rights sanctions regime to 247 individuals and 50 entities.

Courts advancing new frontiers of justice

Through a series of landmark rulings, international and national courts have converged on a clear message : climate inaction is no longer a policy failure, but a justiciable human rights violation.



On July 23, 2025, the International Court of Justice issued a unanimous **Advisory Opinion** clarifying states' obligations to protect the climate system from greenhouse gas emissions. Drawing on input from 96 states and 11 international organizations, the ICJ affirmed that states have binding duties under both treaty and customary international law to reduce emissions and protect human rights threatened by climate harms. The Opinion establishes a clear link between environmental degradation and violations of fundamental human rights, and that failure to act constitutes an internationally wrongful act engaging state responsibility.

Earlier that month, on July 3, the Inter-American Court of Human Rights made public its **Advisory opinion AO-32/25** on the climate emergency and human rights (adopted on May 29, 2025), following a process involving 263 briefs from 613 actors and public hearings across the Caribbean and Latin America. Recognizing climate change as an emergency affecting human dignity, the Court affirmed the right to a healthy climate, emphasised intergenerational equity, and heightened due diligence obligations, particularly toward vulnerable groups.



At the national level, on January 28, 2026, a **Dutch court** found the Netherlands responsible for violating the rights of residents of Bonaire, a Caribbean island particularly exposed to climate change impacts. The Hague District Court held that the state's long-standing failure to adopt timely and adequate climate adaptation measures, combined with the unequal treatment of Bonaire compared to the country's European mainland, amounted to discrimination under the European Convention on Human Rights. Consequently, it ordered the Netherlands to meet UN climate adaptation targets by 2030, including developing a comprehensive national adaptation plan covering Bonaire.

Together, these rulings advance global jurisprudence on accountability while providing legal tools for communities on the frontlines of the climate crisis.
The era of legally consequence-free climate inaction is coming to an end.

BLUEPRINTS FOR CHANGE

Emerging rules for a shifting landscape

Governing artificial intelligence and the digital sphere

In a landmark step toward coordinated global oversight of artificial intelligence, the UN General Assembly adopted **Resolution A/RES/79/325** by consensus in August 2025, establishing two interconnected mechanisms : the Independent International Scientific Panel on Artificial Intelligence (IISP-AI) and the Global Dialogue on AI Governance.

- The **Panel** will issue annual evidence-based assessments on AI's opportunities, risks, and impacts, functioning as an early warning system for emerging threats (analogous to the IPCC for climate).
- The **Global Dialogue** provides the first universal UN platform open to all Member States alongside civil society, industry and technical communities to discuss AI safety, capacity building, equity, and governance alignment. Formally launched on 25 September 2025, the first session is scheduled for July 2026.

By prioritizing science-driven assessments and multistakeholder participation over immediate binding rules, these mechanisms represent a shift toward bridging digital divides and inclusive governance.

Defending those who defend rights

The UN Special Rapporteur on peaceful assembly and association, alongside regional human rights bodies - including the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights - issued a **Joint Declaration on Protecting the rights to freedom of peaceful assembly and of association from criminalization amid intensified existential threats** (September 2025), sounding the alarm on a global wave of repression targeting activists and civil society.

The Declaration **condemns** the weaponization of anti-terrorism, "foreign agent", and national security laws to criminalize peaceful activism, and calls out states for stigmatizing defenders as "enemies" or "traitors" to justify arrest, surveillance, and transnational repression.

Key requirements : End the misuse of anti-money laundering and anti-terrorism frameworks to silence dissent; ban mass surveillance targeting activists; and guarantee accountability for unlawful arrests.

READING THE ROOM

Key Takeaways

Accountability is expanding

Global trends and practice confirm a shift away from accountability solely understood as criminal prosecution. Sanctions, advisory opinions, treaty processes, and rights-based litigation now operate as parallel, and sometimes more accessible, mechanisms for addressing serious violations.

Implication : States can no longer rely on stalled prosecutions to evade responsibility.

Courts are both instruments and constraints of power

Judicial systems are increasingly polarized spaces. While some courts are used to legitimize repression and political control, others are advancing rights-based interpretations in areas such as climate justice.

Implication : Courts remain central to accountability struggles, but outcomes depend on political context, institutional independence, and sustained advocacy.

Climate inaction amounts to a rights violation

International and domestic rulings have consolidated the legal link between environmental harm and human rights violations, entailing state responsibility for failure to act.

Implication : Climate justice has moved from policy debate to legal obligation, opening new pathways for rights-based advocacy.

International norms continue to advance

Even amid resistance and authoritarian pushback, new standards on crimes against humanity, civic space, and digital governance are emerging and consolidating.

Implication : Norm-building remains incremental but cumulative, shaping future accountability threshold.

Civil society influence remains decisive

The breadth of civil society participation in advisory opinions, UN consultations, and treaty processes demonstrates its continued capacity to shape legal outcomes and accountability frameworks.

Implication : Sustained engagement is not symbolic, it affects how international law evolves and is applied.

ZOOMING IN

From global practice to local leverage



Tunisia and the broader MENA region face ongoing challenges in judicial independence, accountability, and rights protections. Global developments highlight tools and approaches Tunisia could draw on.

While the developments outlined above will not mechanically transform Tunisia's accountability landscape, they reshape the environment in which justice claims are advanced, contested, or kept alive. Their relevance lies less in the immediate legal transpositions than in the strategic openings they create for civil society, lawyers, and victims.

Realistic impact on Tunisia :

Accountability without trials

As domestic accountability pathways narrow, global practice confirms that criminal prosecutions are no longer the sole route to accountability. For Tunisia, this matters in three ways :

- It counters the narrative that stalled prosecutions equal legal closure.
- It legitimizes advocacy strategies grounded in international responsibility, not domestic discretion.
- It strengthens the role of documentation, reporting, and strategic litigation aimed at external mechanisms when courts are constrained.

Courts as battlegrounds

Recent global developments underscore a dual trend : courts can be instruments of repression or engines of rights-based innovation. Cases such as Jimmy Lai's conviction demonstrate how legal systems are used to entrench political control. Conversely, climate and human rights rulings show courts advancing progressive interpretations. For Tunisia, this duality has concrete implications :

- Judicial independence cannot be assumed and must be defended.
- Progressive jurisprudence offers interpretive strategies that Tunisian lawyers can invoke, particularly rights-based reasoning anchored in international law, even when outcomes remain uncertain.

Climate justice as a rights entry point

The recognition of climate inaction as a justiciable human rights violation marks a turning point with particular relevance for regions long treated as peripheral. For Tunisia, and specifically contexts such as the **environmental crisis in Gabès**, these precedents do not create immediate remedies. However, they offer something equally important: a translatable rights framework that can be mobilized in several ways.

They enable advocates to:

- **Reframe environmental harm as a rights violation**, linking industrial pollution, environmental degradation, and socio-economic marginalization to concrete state obligations, rather than treating them as matters of development policy or technical regulation.
 - **Provide legal language adaptable across advocacy spaces** on pollution, neglect, and structural inequality, and supporting the inclusion of environmental claims in international reporting, donor engagement, and strategic litigation.
 - **Reinforce victim-centered narratives** that foreground lived harm, dignity, and inequality affecting specific communities, rather than abstract policy failure.
- Fundamental rights are being violated in Gabès:*** the right to a healthy environment, to health, and to remedies. Residents shouldn't have to choose between their homes and their health or livelihood, yet pollution is forcing internal displacement, while many young people from the region increasingly see no future in Gabès and attempt dangerous migration routes to Europe. This represents a profound injustice: communities are being uprooted, not by choice, but by environmental degradation they did not cause and cannot control.

The impact is indirect but cumulative: it equips local actors with a language of rights that resonates beyond national borders.

Bottom line : No automatic change, but real leverage

Global justice and accountability developments do not substitute for blocked domestic pathways. But they expand the toolbox for human rights defenders and civil society, sharpen advocacy, and make accountability harder to ignore when justice is deliberately constrained.

In closed systems, leverage matters, and these developments provide it.

