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Editorial

Welcome to the fifth edition of the Facts and Norms Newsletter for 2024. This month, we continue our commitment to providing analysis and updates on significant developments in international law and human rights.

In this issue, we highlight the International Court of Justice's indication of additional provisional measures in the Gaza case, where it ordered Israel to halt its military offensive in Rafah, keep the Rafah crossing open for humanitarian assistance, and ensure unimpeded access to Gaza for UN-mandated investigative bodies.

Additionally, the International Criminal Court Prosecutor has applied for arrest warrants for leaders of Hamas and Israeli officials, including Prime Minister Benjamin Netanyahu, for alleged war crimes and crimes against humanity in Israel and the Gaza Strip.

We further delve into the ongoing activities of the International Tribunal for the Law of the Sea. In its recent Advisory Opinion on Climate Change and International Law, the Tribunal concluded that greenhouse gas emissions constitute marine pollution under UN Convention on the Law of the Sea and called for global and regional cooperation to combat climate change and ocean acidification.

Our coverage extends to significant regional court rulings. The Inter-American Court of Human Rights has held El Salvador accountable for forced disappearances during its armed conflict in the case of Sandoval and others and highlighted judicial guarantees in the case of Aguirre Magaña. Meanwhile, the European Court of Human Rights has issued key decisions on topics ranging from freedom of expression and the right to private and family life to issues involving state security and procedural safeguards, and many others!

We also bring you updates from the African Commission on Human and Peoples' Rights, including its condemnation of the attempted coup in the Democratic Republic of Congo and the Commission's work on the impacts of artificial intelligence on human rights.

Echoing news from the United Nations, we further delve into pressing international issues, such as the escalating violence in Myanmar, Brazil's commendable refugee response, and the dire situation of Bahá'í detainees in Yemen.

As always, our academic and professional opportunities section connects readers with the best content for career advancement! This includes calls for papers, scholarships, internships, and positions at various levels in academia, civil society, and international organizations. Third-party opportunities are provided for informational purposes. We encourage our readers to independently verify their details.

Finally, we are proud to share updates from the Facts and Norms Institute, including our recent report to the United Nations on violence against women and children in sports. The Institute's contribution aims to shed light on the multifaceted nature of violence in sports and advocate for a human rights-based approach to prevention and intervention.

As you explore this edition, we invite you to engage with the content, reflect on the role of international legal institutions, and join us in our efforts for education, international justice, and human dignity.

Enjoy the read!

Professor [Henrique Napoleão Alves](#), Chief Editor



- **ICJ INDICATES ADDITIONAL PROVISIONAL MEASURES IN GAZA CASE (24 May 2024)**

On [10 May 2024](#), South Africa filed an urgent request with the International Court of Justice (ICJ) for additional provisional measures and the modification of previous measures in the case concerning the application of the Genocide Convention in the Gaza Strip (South Africa v. Israel).

South Africa argued that the previous measures are insufficient to address new circumstances, specifically the Israeli assault on Rafah, which poses extreme risks to humanitarian supplies, medical services, and the survival of Palestinians in Gaza.

On [24 May 2024](#), the Court reaffirmed the provisional measures indicated in its Orders of 26 January 2024 and 28 March 2024, which are to be immediately and effectively implemented. The Court also indicated new measures:

- Israel must immediately halt its military offensive in Rafah to prevent conditions that could lead to the physical destruction of the Palestinian group in Gaza.
- Israel must keep the Rafah crossing open to ensure the unhindered provision of basic services and humanitarian assistance.
- Israel must ensure unimpeded access to the Gaza Strip for any UN-mandated investigative bodies.

The Court also ordered Israel to submit a report on the measures taken to comply with this Order within one month. The Court emphasized the grave humanitarian situation in Gaza, which has deteriorated further since its previous orders, and noted the immense risks associated with the ongoing military offensive in Rafah.

- **ICJ DENIES MEXICO REQUEST FOR PROVISIONAL MEASURES IN EMBASSY CASE (23 May 2024)**

After concluding its hearings about Mexico's request for provisional measures in the case concerning the Embassy of Mexico in Quito (Mexico v. Ecuador) ([1 May 2024](#)), on 23 May the Court denied the request. The Court relied on Ecuador's assurances, both written and verbal, to conclude there is no real and imminent risk of irreparable prejudice to Mexico's claimed rights, and therefore, provisional measures were not necessary.

- **ITLOS ISSUES LANDMARK ADVISORY OPINION ON CLIMATE CHANGE AND INTERNATIONAL LAW (21 May 2024)**

The International Tribunal for the Law of the Sea (ITLOS) delivered its Advisory Opinion on the request submitted by the Commission of Small Island States on Climate Change and International Law.

The Tribunal unanimously decided that it has jurisdiction to give the advisory opinion requested by the Commission and provided detailed responses to the questions posed. It concluded that:

- Anthropogenic greenhouse gas emissions into the atmosphere constitute pollution of the marine environment under the United Nations Convention on the Law of the Sea (UNCLOS).
- States Parties are obligated under Article 194 to take all necessary measures to prevent, reduce, and control marine pollution from such emissions with due diligence, considering the best available science and international standards.
- Specific measures include adopting laws and regulations to control pollution from land-based sources, vessels, and atmospheric emissions, and ensuring compliance through enforcement.
- States Parties must cooperate globally and regionally, provide technical assistance to developing countries, and monitor and assess environmental impacts.

The Tribunal emphasized the high standard of due diligence required due to the serious and irreversible harm posed by climate change impacts and ocean acidification, and the need for States to adopt precautionary and ecosystem approaches in their conservation efforts.

- **ICC PROSECUTOR APPLIES FOR ARREST WARRANTS IN THE SITUATION IN THE STATE OF PALESTINE (20 May 2024)**

Mr. Karim Asad Ahmad Khan KC, Prosecutor of the International Criminal Court, filed applications for warrants of arrest before the Court with regards to the Situation in the State of Palestine.

The applications target Yahya Sinwar, Mohammed Diab Ibrahim Al-Masri (Deif), and Ismail Haniyeh, leaders of Hamas, for alleged war crimes and crimes against humanity committed on the territory of Israel and the Gaza Strip since 7 October 2023. These crimes include extermination, murder, taking hostages, rape, torture and other crimes in the context of captivity.

Additionally, applications were filed against Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant for alleged war crimes and crimes against humanity committed in the Gaza Strip since 8 October 2023. These include the starvation of civilians as a method of warfare, persecution, extermination, and intentional attacks against civilians.

- **LIBYA FILES DECLARATION OF INTERVENTION IN GAZA CASE (10 May 2024)**
 Libya has filed a declaration of intervention with the ICJ in the case concerning the application of the Genocide Convention in the Gaza Strip (South Africa v. Israel).
 Libya claims that Israel's actions in Gaza constitute acts of genocide with the intent to destroy Palestinians as a national, racial, and ethnic group. Libya's intervention focuses on the proper interpretation of the Genocide Convention's provisions, including the duties to prevent and punish genocide.
 South Africa and Israel have been invited to submit their written observations on Libya's declaration.
- **ICJ AUTHORIZES THE OACPS TO PARTICIPATE IN THE PROCEEDINGS CONCERNING THE RIGHT TO STRIKE (6 May 2024)**
 The ICJ authorized the Organization of African, Caribbean and Pacific States to participate in the proceedings concerning the Right to Strike under ILO Convention No. 87.
 Pursuant to Article 66 of its Statute, the Court decided that the OACPS is likely to be able to furnish information on the question put to the Court by the International Labor Organization.
- **ICJ DENIES NICARAGUA'S REQUEST FOR PROVISIONAL MEASURES IN PALESTINE CASE (30 April 2024)**
 The ICJ delivered its Order on Nicaragua's request for provisional measures in the case concerning Alleged Breaches of International Obligations in the Occupied Palestinian Territory (Nicaragua v. Germany). The Court found that the circumstances do not require the exercise of its power to indicate provisional measures. The ICJ recalled its previous orders expressing concern about the Gaza situation and reminded States of their international obligations related to arms transfers to conflict parties, stressing these obligations apply to Germany in its arms supply to Israel.
- **"WORLD NEWS IN BRIEF": MYANMAR VIOLENCE, BRAZIL'S REFUGEE RESPONSE, BAHÁ'Í DETAINEES IN YEMEN (20 May 2024)**
 - *Myanmar Violence Intensifies*: The UN is closely monitoring the escalating violence in Myanmar's Rakhine state, particularly in Buthidaung and Maungdaw townships, where renewed tensions stoked by the military have displaced tens of thousands of civilians, mostly Rohingya. Reports indicate food shortages, soaring prices, water scarcity, and the spread of diseases in

Sittwe. UN High Commissioner Volker Türk and other officials call for a pause in fighting and protection for civilians.

- *Praise for Brazil's Refugee Response*: Brazil's inclusive refugee policies, focusing on protection and integration, received commendation from UNHCR's Assistant High Commissioner for Operations, Raouf Mazou, during his visit. He highlighted innovative projects in São Paulo and Manaus and discussed the Cartagena+40 Process in Brasilia. Concurrently, severe floods in Rio Grande do Sul have affected over two million people, including 43,000 refugees. UNHCR is providing aid and technical assistance.

- *Call for Release of Bahá'í Detainees in Yemen*: Rights experts urged the immediate release of five Bahá'í individuals detained by the Houthi authorities in Yemen, who are at risk of torture. The experts, including Special Rapporteur Nazila Ghanea, condemned the persecution and hate speech against religious minorities, emphasizing the dire situation for Bahá'í believers in the region.

- **“WORLD NEWS IN BRIEF”: CHILDREN IN EASTERN DR CONGO, IRAN DEATH SENTENCE, SUPPORT FOR HAITI (13 May 2024)**

- *Children in Eastern DR Congo*: UNICEF Deputy Director Ted Chaiban called for urgent action to address the escalating conflict in eastern Democratic Republic of the Congo (DRC), where fighting has created the worst humanitarian crisis since 2003. With 7.2 million internally displaced persons, children face grave violations, including being killed, maimed, and recruited by armed groups. Chaiban emphasized the need for diplomatic efforts to resolve the conflict and protect civilians.

- *Iran Death Sentence*: UN human rights experts urged Iran to revoke the death sentence against anti-corruption activist Mahmoud Mehrabi, convicted of corruption and other charges related to his online activism. The experts highlighted Iran's harsh punishments for freedom of expression, noting that at least five people were sentenced to death following protests against the death of the young female activist Mahsa Amini. They called for amendments to Iran's Constitution and penal code to prohibit executions.

- *Support for Haitians*: Humanitarian organizations continue to provide aid to thousands in Port-au-Prince, Haiti, amid ongoing gang violence. The UN Office for the Coordination of Humanitarian Affairs reported attacks in Gressier and displacement of residents. Currently, 362,000 people are displaced in Haiti, with 160,000 in the capital area. Since March, the World Food Programme has assisted over 800,000 people nationwide, including distributing meals to 95,000 displaced individuals in Port-au-Prince.

Regional News

- **IACtHR FINDS EL SALVADOR RESPONSIBLE FOR FORCED DISAPPEARANCES DURING ARMED CONFLICT IN THE CASE OF SANDOVAL AND OTHERS (16 May 2024)**

The Inter-American Court of Human Rights (IACtHR) found El Salvador responsible for the forced disappearances of Patricia Emilie Cuéllar Sandoval, Mauricio Cuéllar Cuéllar, and Julia Orbelina Pérez during the armed conflict. The Court also concluded that Patricia Emilie Cuéllar Sandoval's disappearance violated the right to defend human rights, and the State was held responsible for the impact on the victims' families.
- **EL SALVADOR VIOLATED JUDICIAL GUARANTEES IN THE CASE OF AGUIRRE MAGAÑA, IACtHR FINDS (16 May 2024)**

In the case of Aguirre Magaña vs. El Salvador, the IACtHR declared El Salvador responsible for violating judicial guarantees and protection rights due to lack of due diligence and a reasonable timeframe. The Court noted that Miguel Ángel Aguirre Magaña did not have an effective remedy to guarantee his rights.
- **IACtHR PRESENTS 2023 ANNUAL REPORT (10 May 2024)**

Judge Nancy Hernández López presented the 2023 Annual Report of the Inter-American Court of Human Rights to the OAS Committee on Juridical and Political Affairs. The report highlights the Court's activities, including 34 new cases, 24 public hearings, and 33 judgments issued. The Court also emphasized rulings on equality, non-discrimination, and the impact of corruption on democracy. The full report (in Spanish) is available [here](#).
- **IACtHR TO VISIT BRAZIL FOR CLIMATE EMERGENCY DIALOGUE (10 May 2024)**

The IACtHR will visit Brazil from May 20-30 for its 167th Regular Session, focusing on the “Climate Emergency and Human Rights” advisory opinion. The session includes public hearings in Brasília and Manaus, involving 116 delegations, and aims to address the diverse impacts of climate emergencies in the region.
- **IACtHR CONCLUDES 166TH REGULAR SESSION WITH THE DELIBERATION OF KEY CASES (10 May 2024)**

The IACtHR concluded its 166th Regular Session, held in Barbados *in situ* and remotely.

During the session, the Court deliberated on several significant cases. In the case of *Poggioli vs. Venezuela*, the Court examined allegations of arbitrary detention and violations of judicial guarantees and protections concerning Ovidio Jesús Poggioli Pérez. Another critical case, *Communities Quilombolas de Alcântara vs. Brazil*, addressed the alleged violations of collective property rights of 152 Quilombola communities in Maranhão, including issues related to land titling, the establishment of an aerospace base without proper consultation, expropriation of lands, and lack of judicial remedies.

The Court also focused on the supervision of compliance with its judgments. It issued resolutions in several cases, including *Brítez Arce vs. Argentina*, *Aroca Palma vs. Ecuador*, *El Mozote Massacres vs. El Salvador*, *Girón vs. Guatemala*, *Miskito Divers (Lemoth Morris and Others) vs. Honduras*, and *Azul Rojas Marín vs. Peru*.

- **IACtHR CONCLUDES HISTORICAL CLIMATE EMERGENCY DIALOGUE IN BARBADOS (30 April 2024)**

The IACtHR concluded a historic dialogue on “Climate Emergency and Human Rights” in Barbados. The session featured presentations from states, international organizations, and civil society, emphasizing the significant global interest in addressing climate change impacts on human rights. The dialogue is set to continue in Brazil during the Court’s next session between 20 and 30 May 2024.

- **ACHPR CONDEMNS ATTEMPTED COUP IN THE DEMOCRATIC REPUBLIC OF CONGO (20 May 2024)**

The African Commission on Human and Peoples’ Rights (ACHPR) condemned the attempted coup in the Democratic Republic of Congo, emphasizing the importance of democracy and constitutional power transitions. The Commission urged all actors to safeguard human rights in the aftermath.

- **ACHPR SET TO HOLD ITS 79TH ORDINARY SESSION (9 May 2024)**

The ACHPR will hold its 79th Ordinary Session from 14 May to 3 June 2024 in a hybrid format. The session will address human rights issues in Africa, review reports, and consider applications for observer status.

- **ACHPR EXPRESSES CONCERN OVER FLOODS IN KENYA (3 May 2024)**

The ACHPR expressed concern over the devastating floods in Kenya, which have caused 200 deaths and displaced 150,000 people. The Commission urged the Kenyan government to provide emergency relief and develop disaster-resilient infrastructure.

- **ACHPR COMMEMORATES PRESS FREEDOM DAY (3 May 2024)**
The ACHPR commemorated World Press Freedom Day, emphasizing the crucial role of journalism in addressing the environmental crisis. The Commission called for maximum disclosure of information and protection of journalists.
- **ACHPR CONVENES WORKSHOP ON AI & HUMAN RIGHTS IN NAIROBI (2 May 2024)**
The ACHPR is hosting an Experts' Validation Meeting in Nairobi to review a study on AI, robotics, and new technologies' impact on human rights. The meeting aims to develop guidelines addressing these emerging issues.
- **#DISCOVERYMYAFRICA: CELEBRATING AFRICAN LIFE (2 May 2024)**
The African Union and Google Africa launched the #DiscoverMyAfrica Shorts Challenge, inviting YouTube creators to share videos showcasing African life. This campaign, part of Africa Month celebrations, aims to promote cultural exchange and highlight Africa's creative potential.
- **ACHPR INAUGURATES JOINT FORUM OF SPECIAL MECHANISMS (30 April 2024)**
The ACHPR held its inaugural Joint Forum of Special Mechanisms, focusing on advancing human rights on the continent. Participants discussed the state of human rights, ratification of instruments, and fostering partnerships to bridge gaps between aspirations and realities.
- **ACHPR LAMENTS THE DEATHS OF 38 MIGRANTS IN DJIBOUTI (26 April 2024)**
The ACHPR expressed deep sorrow over the deaths of 38 migrants, including children, in a boat capsizing off the coast of Djibouti. The Commission called for safer migration routes and adherence to human rights obligations to prevent such tragedies.
- **AFRICAN AND ECOWAS COURTS REINFORCE PARTNERSHIP (25 April 2024)**

The African Court on Human and Peoples' Rights is conducting a week-long exchange visit to the ECOWAS Court of Justice in Abuja, Nigeria, to share best practices and strengthen cooperation. This visit follows the renewal of their Memorandum of Understanding in June 2023, aimed at enhancing the delivery of human rights justice in Africa.

- **ECHR: DOMENJOURD V. FRANCE (16 May 2024)**

The applicants, Cédric Domenjoud and Joël Domenjoud, were preemptively assigned to residence by French authorities during the state of emergency declared after the November 2015 Paris terrorist attacks.

The European Court of Human Rights (ECHR) evaluated whether the measures imposed on the brothers constituted a deprivation or restriction of liberty under Article 5 of the European Convention on Human Rights and the legality and proportionality of these measures under Article 2 of Protocol No. 4.

The ECHR found that residence assignments did not preclude the ability to maintain social life and external contacts. Given the measure's duration and implementation, the Court considered it a restriction, not deprivation, of liberty, thus finding the claim under Article 5 incompatible with the Convention. Regarding the alleged violation of Article 2 of Protocol No. 4, the Court noted the requirement for measures to be lawful, serve a legitimate aim, and balance public and individual interests.

For Cédric Domenjoud, the Court found no violation, determining that the residence assignment, despite being restrictive, was justified by the aim of ensuring public order and security during COP 21. The measure was proportional to the legitimate aim pursued, taking into account the threat of violent protests and previous violent actions involving the applicant.

However, for Joël Domenjoud, the Court found a violation, citing insufficient procedural safeguards. The administrative courts had inadequately evaluated the concrete risk posed by Joël's actions, failing to substantiate the need for restrictive measures based on his behavior or plans. The Court noted the disproportionate nature of the restriction, especially given the lack of detailed justifications in the administrative records.

Judge Mourou-Vikström dissented. She argued that both brothers were involved in similar activities and had participated in the same meetings and actions related to the COP 21 protests. She found no compelling reason to differentiate between the two brothers in terms of the risk they posed or the necessity of the measures taken against them.

- **ECHR: LUTGEN V. LUXEMBOURG (16 May 2024)**

The case involved Mr. André Lutgen, a lawyer who was fined for allegedly insulting a judge in an email sent to relevant authorities to report a situation he found unacceptable. Mr. Lutgen, representing ArcelorMittal, had emailed the judge, expressing concerns that a delay in lifting seals on an electrical installation after a fatal accident could lead to economic repercussions. Following no response, he escalated the issue to the Ministers of Justice and Economy and the State Prosecutor, describing the situation as "absolutely unacceptable" and referencing past incidents with the judge.

The ECHR found that Mr. Lutgen's remarks were value judgments based on a sufficient factual basis and were not made public. The statements, although critical and inappropriate, did not constitute gratuitous insults or personal attacks. The Court recognized that Mr. Lutgen was defending his client's interests in an urgent situation and deemed the criminal penalties unjustified. The domestic authorities' reasoning for the sanctions was insufficient and not relevant. The ECHR ruled unanimously that the penal condemnation was disproportionate and violated Mr. Lutgen's freedom of expression under Article 10 of the European Convention on Human Rights.

- **ECHR: MIRZOYAN V. CZECH REPUBLIC (16 May 2024)**

The applicant, Mr. Artur Mirzoyan, a Russian national, challenged the Czech authorities' refusal to extend his long-term residence permit for business purposes and their denial of his application for a long-term residence permit for family purposes. The refusals were based on classified documents indicating he was considered a threat to national security and public order. These documents were partly accessible to his lawyer but not disclosed to Mr. Mirzoyan himself.

The ECHR held that, while the refusals interfered with Mr. Mirzoyan's right to respect for his family life under Article 8 of the European Convention on Human Rights, this interference was justified. The Court found that the Czech authorities and courts had provided sufficient procedural safeguards and that the applicant had been given adequate opportunity to challenge the decisions. The domestic courts had access to the classified information and had reviewed its credibility and reliability, thus ensuring that the limitation on Mr. Mirzoyan's procedural rights was counterbalanced by appropriate safeguards.

The Court also determined that the Czech authorities had adequately considered Mr. Mirzoyan's family ties and the best interests of his children. Despite the applicant's claims, the Court found that he had not provided sufficient information about his family situation and that the authorities had appropriately weighed the national security interests against his right to family life. Consequently, the Court concluded that the Czech authorities

had not overstepped their margin of appreciation in denying the residence permits. Therefore, the ECHR found no violation of Article 8 of the Convention.

- **ECHR: SOMOGYI V. HUNGARY (16 May 2024)**

The case involved Ms. Mária Somogyi, who was ordered to pay compensation for an infringement of a municipality's personality rights after sharing a third party's Facebook post. The post criticized the management of municipality-owned property and the use of public funds.

The ECHR found that the civil defamation proceedings against Ms. Somogyi, which sought to protect the municipality's reputation, did not pursue any legitimate aim under Article 10 § 2 of the European Convention on Human Rights. The Court highlighted that public bodies do not have fundamental rights and that the case did not concern the exercise of public power but rather property rights. It also noted that the municipality, being a public entity funded by taxpayers, did not warrant the same legal protection as private competitive actors.

The ECHR ruled unanimously that the interference with Ms. Somogyi's freedom of expression was not justified and violated Article 10 of the Convention. The Court awarded her compensation for pecuniary and non-pecuniary damages, as well as costs and expenses.

- **ECHR: MITRESKA V. NORTH MACEDONIA (14 May 2024)**

The applicant, Ms. Mirjana Mitrevska, a citizen of North Macedonia, faced difficulties in accessing information about her biological origins and health information about her biological parents due to her status as an adopted child. Under North Macedonian law, information concerning completed adoptions is considered an official secret and could not be disclosed, leaving the applicant unable to obtain the desired information.

The ECHR evaluated whether the measures imposed constituted a violation of Ms. Mitrevska's right to respect for her private and family life under Article 8 of the European Convention on Human Rights. The case centered on the balance between the State's interest in maintaining the confidentiality of adoption records and the individual's right to know about their origins and health history.

The Court found that the domestic authorities had failed to strike a balance between these competing interests. The lack of provision for access to non-identifying information about an adopted person's origins and the absence of exceptions for

medical reasons were significant shortcomings. The authorities' blanket application of secrecy laws without considering the specific needs and arguments of the applicant, particularly regarding her health concerns, was deemed inadequate. In conclusion, the ECHR ruled that North Macedonia had overstepped its margin of appreciation, resulting in a violation of Article 8 of the Convention.

- **ECHR: BALAN V. MOLDOVA (14 May 2024)**

Mr. Oleg Balan, a former Minister of the Interior, lodged a defamation action against Mr. Renato Usatîi, the leader of an opposition political party, for statements made in a document published on Mr. Usatîi's personal Facebook page. The document alleged serious misconduct by Mr. Balan, including corruption and inept leadership. Mr. Balan argued that the domestic courts failed to protect his right to reputation adequately, in violation of Article 8 of the European Convention on Human Rights.

The ECHR assessed whether the domestic courts had struck a fair balance between the competing rights under Articles 8 and 10 of the Convention. The Supreme Court of Justice had treated Mr. Usatîi as an investigative journalist, applying a presumption of good faith, but failed to carefully analyze the protection of Mr. Balan's reputation.

The ECHR found that the Supreme Court did not properly weigh the elements of the case, such as the authenticity of the Note, the efforts to verify its content, and the manner in which it was presented to the public. The failure to strike a fair balance resulted in a violation of Mr. Balan's rights under Article 8.

- **ECHR: A.K. v. RUSSIA (7 May 2024)**

The applicant, Ms. A.K., a music teacher at a state educational facility in St. Petersburg, was dismissed from her position due to photos posted on her private social media profile. The photos showed her displaying affection to intimate partners and included a middle finger gesture. The applicant claimed that her dismissal was discriminatory and based on her sexual orientation, violating her rights under Article 8 (right to private life) and Article 14 (right to non-discrimination) of the European Convention on Human Rights.

The ECHR assessed whether the dismissal constituted a disproportionate interference with her right to private life under Article 8 and whether it was discriminatory under Article 14. The Court found that the photos were not obscene or sexually explicit and did not qualify as immoral acts. The dismissal, being the most restrictive sanction, was deemed disproportionate, especially since other disciplinary measures were not considered.

The ECHR ruled that the dismissal was based solely on considerations of sexual orientation without particularly convincing and weighty reasons, thus constituting discrimination. Consequently, the Court found violations of both Articles 8 (right to private life) and Article 14 (right to non-discrimination) in conjunction with Article 8.

- **ECHR: BIBA V. ALBANIA (7 May 2024)**

Mr. Tonin Biba lodged a complaint against Albania following a serious injury sustained by his son, D.B., at a private school. The injury occurred when another pupil used a rubber catapult to shoot a projectile, causing D.B. a 90% loss of vision in his right eye.

The ECHR evaluated whether the State fulfilled its positive obligations under Article 8 of the European Convention on Human Rights (right to respect for private and family life) and the adequacy of the civil proceedings concerning compensation for the injury.

The ECHR examined whether the domestic courts provided sufficient protection for D.B.'s physical integrity and addressed Mr. Biba's claims adequately. The Court emphasized that educational institutions have an obligation to supervise pupils during their time at school, including breaks between classes. It highlighted the importance of preventing the use of dangerous objects on school premises and ensuring immediate and effective measures in case of incidents.

The Court found that the domestic courts failed to address crucial aspects of the case. They did not adequately consider the applicant's claims about the presence of catapults at the school or the school's lack of prompt action following the incident.

Furthermore, the civil remedy available did not provide sufficient protection against the attack on D.B.'s physical integrity. The Court concluded that the domestic legal mechanisms were applied in a defective manner, failing to meet the State's positive obligations under Article 8 of the Convention.

Regarding Article 6 § 1 (right to a fair trial), the Court found that Mr. Biba was deprived of access to a court due to the dismissal of his constitutional complaint as being lodged outside the four-month time limit. The Court ruled that the time limit should have been calculated from the date the Supreme Court's decision was served on the applicant, not from the date it was delivered.

The ECHR found a violation of Article 8 and Article 6 § 1 of the Convention, emphasizing the need for effective protection and timely judicial review in cases involving the physical integrity of children.

Judges Pastor Vilanova, Schukking, and Roosma expressed a dissenting opinion, arguing that the domestic courts had applied the relevant legal provisions reasonably and that the incident did

not warrant holding the State liable for the negligence of a private entity.

- **ECHR: A. D. AND OTHERS V. SWEDEN (7 May 2024)**

The applicants, a family of five Albanian nationals (A.D., M.D., and their three children), were facing removal to Albania following the rejection of their asylum request by Swedish authorities. They claimed that their return would expose them to a risk of ill-treatment by non-State actors and that the Albanian authorities were unable to offer them appropriate protection.

The ECHR evaluated whether the applicants' removal would constitute a violation of Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment.

The ECHR found that the domestic proceedings in Sweden provided effective guarantees to protect the applicants against arbitrary refoulement and were not flawed. The Court noted that the applicants had opportunities to present their case and were assisted by legal counsel. The Swedish Migration Agency and Migration Court had thoroughly assessed the applicants' claims and provided relevant reasons for their decisions.

Regarding the risk of ill-treatment, the ECHR acknowledged the applicants' claims of threats and attacks in Albania but found no evidence that the Albanian authorities had refused to act on their reports or that reporting the crimes had aggravated their situation. The Court recognized that Albania has a largely functioning judicial system and has made efforts to combat corruption and improve law enforcement. The ECHR concluded that the Albanian authorities were not unable or unwilling to provide appropriate protection to the applicants.

The Court ruled unanimously that the applicants' removal to Albania would not violate Article 3 of the Convention. It decided to maintain the interim measure indicating that the applicants should not be expelled until the judgment becomes final.

- **ECHR: THOMAIDIS V. GREECE (7 May 2024)**

Kyriakos Thomaidis, a journalist, faced civil liability and was ordered to pay damages for broadcasting materials related to alleged match-fixing in Greek football on his live television program. The materials included a witness statement from a criminal investigation file and unlawfully intercepted conversations.

The ECHR evaluated whether these broadcasts overstepped the boundaries of responsible journalism under Article 10 of the European Convention on Human Rights (freedom of expression). The Court considered whether the domestic courts had provided relevant and sufficient reasons for their decisions and whether they had adhered to the principles of Article 10.

The ECHR found that the dissemination of the witness statement and intercepted conversations was unlawful and that the content of the broadcasts was intentionally defamatory towards V.M., a football club chairman involved in the match-fixing allegations. The Court noted that the information disclosed was already known to the public and did not contribute to the public debate on match-fixing. Instead, the broadcasts were aimed at sensationalism and tarnishing V.M.'s reputation.

The ECHR concluded that the domestic courts had appropriately balanced the right to freedom of expression with the protection of reputation and the confidentiality of judicial investigations. The Court ruled that the interference with Thomaidis' journalistic freedom was necessary in a democratic society and within the margin of appreciation afforded to the domestic authorities. Therefore, the ECHR found no violation of Article 10 of the Convention.

- **ECHR: TSAAVA AND OTHERS V. GEORGIA (7 May 2024)**

The applicants are 26 Georgian nationals involved in a protest on 20-21 June 2019, in front of the Parliament building in Tbilisi. The protest was triggered by a member of the Russian Duma delivering a speech in Russian from the Speaker's chair in the Georgian Parliament during a session of the Interparliamentary Assembly on Orthodoxy. The applicants were either participants in the demonstration or journalists covering the event. They allege excessive use of force by the authorities resulting in their injuries, a lack of an effective investigation, and violations of their rights under Articles 3 (prohibition of inhuman or degrading treatment), 10 (freedom of expression), 11 (freedom of assembly), and 13 (right to an effective remedy) of the European Convention on Human Rights. Some applicants also claim that the government failed in its duty to inform the Court of relevant developments under Article 38 (examination of the case).

The ECHR noted that the Georgian authorities had promptly launched an official investigation into the events, taking significant measures to collect evidence and ensure public scrutiny. However, the investigation had not concluded after more than four years, failing to make sufficient progress in several key areas.

For applicants alleging physical ill-treatment, the authorities did open a criminal investigation and took swift initial measures, but their efforts to identify suspects and clarify the circumstances of

the injuries were insufficient. The Court noted that video recordings from the Parliament yard were not obtained, and no conclusions were drawn regarding the conduct of identified officers. Given these deficiencies, the Court concluded that the ongoing criminal investigation had fallen short of the requirement of effectiveness, thus violating the procedural aspect of Article 3 of the Convention.

The Court acknowledged the chaotic and violent nature of the events but emphasized that any use of force by law enforcement must be necessary and proportionate. Given the deficiencies in the investigation and the ongoing nature of the domestic proceedings, the Court refrained from deciding on the merits of the substantive aspect of Article 3.

The Court decided to refrain from examining the complaints under Articles 10 and 11, linking them to the unresolved substantive complaints under Article 3.

In conclusion, the Court found that the Government complied with Article 38 obligations, as the Amnesty Act was public knowledge, and the redacted documents did not prevent a proper assessment of the case.

- **ECHR: THE J. PAUL GETTY TRUST AND OTHERS V. ITALY (2 May 2024)**

The case involved the J. Paul Getty Trust and its trustees, who challenged an Italian confiscation order for the "Victorious Youth," a bronze statue dating back to ancient Greece. The statue, currently housed at the Getty Villa Museum in Malibu, was allegedly purchased illegally by the Trust.

The ECHR ruled that there was no violation of Article 1 of Protocol No. 1 (right to property). The Court upheld the Italian confiscation order, emphasizing the importance of protecting cultural heritage and the need for due diligence when acquiring cultural objects.

The Court recognized the protection of cultural heritage as a legitimate aim, supported by international instruments like the UNESCO Convention. It emphasized the importance of public access to cultural goods. Moreover, the confiscation order had a clear legal basis in Italian law, which the applicants should have been aware of. The lack of a time limit for recovering stolen cultural objects, while noted, was not deemed a violation.

While not explicitly ruling on ownership, the Court found the Italian authorities' assertion that the statue was part of their cultural heritage reasonable. It highlighted the Getty Trust's negligence in purchasing the statue despite knowing about the Italian claims and ongoing recovery efforts. The Court emphasized the high level of diligence required when purchasing cultural objects.

Finally, the Court considered the State's margin of appreciation in protecting cultural heritage and the lack of applicable international instruments at the time of purchase. It found the confiscation order proportionate due to the Getty Trust's negligence and the importance of returning the statue to its country of origin.

In a Partly Dissenting Opinion, Judge Wojtyczek, while agreeing with the importance of protecting cultural heritage, disagreed with the majority on the admissibility of the application. He argued that the Getty Trust's possession without a valid title did not constitute a "proprietary interest" protected by Article 1 of Protocol No. 1. He believed the Italian courts' findings on the statue's ownership should be upheld, making the application manifestly ill-founded. He also criticized the Court's reliance on cases concerning land ownership when addressing the issue of cultural objects.

Academic & Professional Opportunities

- **CALL FOR PAPERS: MALDIVES AND INTERNATIONAL LAW**
The Faculty of Shariah and Law, Villa College, invites [submissions for an edited volume exploring the intricate relationship between the Maldives and international law](#). Contributions should analyze various aspects of the Maldives' engagement with international law, including treaty practice, judicial invocation, maritime delimitation, climate change, international trade, sovereignty issues, human rights, and participation in international bodies. Submit a 250-300 word abstract by 15 June 2024. Full chapters (6,000-8,000 words) are due by 30 September 2024. For inquiries, contact Mohd Imran at mohd.imran@villacollege.edu.mv or +9609842004.
- **CALL FOR PAPERS: AI ADVANCEMENT IN AFRICA**
The University of Pretoria, along with other universities, invites 300-word [abstracts on AI, legal, human rights, and ethical issues in Africa](#). Accepted papers will undergo a double-blind peer review. Abstract deadline: 30 May 2024. Draft chapters due by 20 December 2024.
- **CALL FOR PAPERS: INTERNATIONAL ENVIRONMENTAL LAW ENFORCEMENT**
Contributions are invited for a conference exploring the [enforcement of international environmental law](#). Interdisciplinary and co-authored papers are welcomed. Submit abstracts to ielconference@uoc.edu or paolo.farah@glawcal.org.uk by 01 July 2024.

- **CALL FOR PAPERS: EUROPEAN YEARBOOK OF CONSTITUTIONAL LAW (EYCL), VOLUME 7 (2025)**
 The European Yearbook of Constitutional Law invites [submissions for its 2025 volume on 'Fundamental Rights in Times of Crisis.'](#) Proposals (350-500 words) should address the intersection of fundamental rights and crises, such as the Covid-19 pandemic or climate crisis. Submit proposals to eycl@uvt.nl by June 1, 2024. Successful applicants will be notified by July 1, 2024, and full papers (up to 10,000 words) are due by December 1, 2024.
- **CALL FOR CHAPTERS: GENDER-BASED VIOLENCE AND RELIGION**
[Submissions are invited for chapters on the interplay between gender-based violence and religion.](#) Topics include religious status and family laws, reproductive rights, violence in religious institutions, and feminist critiques of international legal frameworks. Full papers (5,000 – 7,000 words) due by June 15, 2024. Submit to academicwork2024@gmail.com.
- **CALL FOR CHAPTER PROPOSALS: EMPIRICAL RESEARCH APPROACHES TO BUSINESS, HUMAN RIGHTS, AND THE ENVIRONMENT**
 Researchers are invited to submit abstracts for [chapters on methodological challenges in empirical research on business, human rights, and the environment.](#) Abstracts (600 words) due by September 30, 2024. Submit to beyondboundariesbhre@gmail.com. Full chapters due by February 28, 2025.
- **CALL FOR ABSTRACTS: DISTRIBUTIVE JUSTICE IN INTERNATIONAL LAW**
[LUISS Guido Carli, University of Cambridge, and the European University Institute invite abstracts for a conference on "Distributive Justice in International Law" on October 3-4, 2024,](#) in Rome. Abstracts should address dimensions of distributive justice in international law and be limited to 500 words, accompanied by a 200-word biography. Submit abstracts to distributivejusticeconference@luiss.it by June 30, 2024. Selected applicants will be notified by July 15, 2024, and asked to submit a manuscript or concept paper by September 10, 2024.
- **ASIL GLOBAL HEALTH LAW STUDENT WRITING COMPETITION**
 The American Society of International Law (ASIL) announces its annual [Student Writing Competition in Global Health Law](#). The competition is open to unpublished papers between 5,000 and 8,000 words, in English, double-spaced, following an academic

citation style. The winning author(s) will receive a prize for outstanding contributions. Submit by 1 July 2024.

- **HAGUE ACADEMY SUMMER COURSES**

The Hague Academy of International Law is organizing its traditional [Summer Courses on Public International Law](#) (from 8 to 26 July 2024) and Private International Law (from 29 July to 16 August 2024). Registration for the online version is open until 30 June 2024.

- **TRAINING PROGRAMME ON DISARMAMENT AND NON-PROLIFERATION OF WMD 2024, T.M.C. ASSER INSTITUTE**

The Asser Institute and OPCW are offering a [training programme on disarmament and non-proliferation of weapons of mass destruction](#) from September 30 to October 4, 2024, in The Hague. The programme covers international non-proliferation and disarmament frameworks and includes field visits and networking opportunities. The fee is €1,695, with scholarships available from the Netherlands Ministry of Foreign Affairs and OPCW. Applications for MFA scholarships are due by June 23, 2024, and for OPCW scholarships by July 23, 2024. Register through the Asser Institute's website.

- **MASTER IN HUMAN RIGHTS AND CONFLICT MANAGEMENT, SCUOLA SUPERIORE SANT'ANNA**

The [Master in Human Rights and Conflict Management](#) at Scuola Superiore Sant'Anna, Italy, offers a deep understanding of the linkages between human rights and conflict management theory and practice. The program runs from January 8, 2025, to May 31, 2026, and includes 450 hours of classroom lectures and a 480-hour internship starting from August/September 2025. Tuition is €6,500 for the first round of selection. Applications are due by July 4, 2024, for the first round, and by September 12, 2024, for the second round. Scholarships may be available for non-OECD country citizens. Apply through the official website.

- **POSTDOCTORAL AND DOCTORAL RESEARCHER IN LAW, UNIVERSITY OF HELSINKI**

The Faculty of Law invites applications for [two postdoctoral](#) and one [doctoral researcher](#) positions, linked to the REBOUND project for a resilient and just Arctic future. Postdocs will teach approximately 40 hours and doctoral researchers about 20 hours annually. Salaries range from €29,500 to €46,000 annually. Apply by 27 May 2024.

- **NEGATIVE EMISSIONS FELLOW, COLUMBIA UNIVERSITY**

The Sabin Center seeks a [Postdoctoral Research Scholar](#) to contribute to its initiative on carbon management and negative

emissions technologies. Responsibilities include conducting independent research, publishing white papers and articles, evaluating legal frameworks, developing presentations, and organizing events. This one-year position offers a salary range of \$78,000-\$85,000, with the possibility of renewal contingent on funding. Applicants must have a J.D., J.D. equivalent, or LL.M., and 0-3 years of professional legal experience. Apply by submitting a cover letter and CV to negativeemissionsfellow@gmail.com by 30 May 2024.

- **ASSISTANT PROFESSOR OF INTERNATIONAL LAW, UNIVERSITY OF AMSTERDAM**

The University of Amsterdam Law School seeks an [Assistant Professor of International Law](#). Responsibilities include teaching in the Bachelor Programme in Law (in Dutch) and the LL.M. track Public International Law (in English), supervising moot court teams, and conducting independent research. Candidates must have a PhD in Public International Law or a related field, and command of both Dutch and English. The position offers a salary of €4,332 to €5,929 per month for a 38-hour week. Apply by June 2, 2024.

- **ASSOCIATE FIELD PROGRAMME OFFICER (P-2), ICC**

The International Criminal Court's Trust Fund for Victims seeks an [Associate Field Programme Officer](#) based in Kampala, Uganda. Duties include operational oversight of projects, quality and performance monitoring, managing the victim beneficiary database, and participating in the selection of implementing partners. Applicants need an advanced university degree in a relevant field and a minimum of two years (four years with a first level university degree) of progressively responsible field-based work experience. The position offers a minimum net annual salary of \$65,356. Proficiency in French or English is required. Apply by 08 June 2024.

- **EXPERT MEMBERS OF THE WORKING GROUP ON THE RIGHTS OF OLDER PERSONS AND PEOPLE WITH DISABILITIES IN AFRICA**

The African Commission on Human and Peoples' Rights invites [applications for Independent Expert Members of the Working Group on the Rights of Older Persons and People with Disabilities in Africa](#). Candidates must be nationals of African Union Member States with proven human rights expertise. The term is two years. Submit a covering letter, detailed CV, and relevant documents to au-banjul@africa-union.org and africancommission@yahoo.com by June 13, 2024.

- **LEARNING & DEVELOPMENT PROJECT ASSISTANT, UNICEF**

UNICEF Denmark seeks a [Learning & Development Project Assistant](#) for a 12-month assignment starting June 17, 2024, in Copenhagen. Responsibilities include capacity and career development project management, stakeholder engagement, and impact measurement. Candidates must have three years of relevant experience and a bachelor's degree. Fluency in English is required; French and Spanish are desirable. The monthly living allowance is DKK 24,474.08. Apply by May 28, 2024. For more details, visit the UNICEF website.

- **INTERNSHIP PROGRAM, OAS**
Applications are open for the 2024 Fall Session (Washington D.C.) and Session III (Country Offices) [internships](#), either onsite or remote. The internships run from Sep 05 to Nov 29, 2024. Apply by June 7, 2024.
- **LEGAL COOPERATION CONSULTANT, OAS**
The Department of Legal Cooperation (DLC) within the Secretariat for Legal Affairs (SLA) of the Organization of American States (OAS) seeks a [Legal Cooperation Consultant](#). Responsibilities include supporting MESICIC and REMJA initiatives, preparing various documents and reports, and coordinating meetings and workshops. This 6-month position, based in Washington D.C., offers a consulting fee of \$5000, with the possibility of renewal. Apply by May 31, 2024.
- **JR. PROJECT OFFICER (P01), OAS DEPARTMENT OF SUSTAINABLE DEMOCRACY AND SPECIAL MISSIONS**
The OAS Department of Sustainable Democracy and Special Missions seeks a [Jr. Project Officer](#) to support democracy and governance projects. Responsibilities include organizing meetings and events, conducting research, drafting reports, and assisting in project execution. This 6-month position, based in Washington D.C., offers an annual salary of US\$ 39,401 plus a post adjustment of US\$ 27,660. Apply by May 30, 2024.
- **PROJECT OFFICER (P02), OAS DEPARTMENT AGAINST TRANSNATIONAL ORGANIZED CRIME**
The Department against Transnational Organized Crime in Washington D.C. is seeking a [Project Officer](#) to support the DTOC Director and Technical Specialist in coordinating and implementing programs related to combating transnational organized crime (TOC) and anti-money laundering (AML). Duties include research, project development, monitoring execution, and supporting department initiatives. Applicants must have a Bachelor's degree and 4 years of experience or a Master's degree and 2 years of experience. The annual basic salary is US\$ 50,377 with an additional post adjustment of US\$ 35,365. Apply by May 29, 2024.

- **TECHNICAL OFFICER (P04), OAS DEPARTMENT AGAINST TRANSNATIONAL ORGANIZED CRIME**
 The Department against Transnational Organized Crime in Washington D.C. is hiring a [Technical Officer](#) to lead and coordinate department-specific activities, provide technical assistance, and manage project budgets. The role requires a Bachelor's degree and 11 years of experience, a Master's degree and 7 years of experience, or a Doctorate and 4 years of experience. The annual basic salary is US\$ 77,326 with an additional post adjustment of US\$ 54,283. Apply by May 29, 2024.
- **LEGAL EXPERT, ENVIRONMENT AND LAND COURT, NAIROBI, KENYA**
 The Environment and Land Court in Nairobi is seeking a [Legal Expert](#) to develop an online course on enforcing environmental and climate rights and a pro-se litigant's manual. Candidates must have a Bachelor's degree in law or related fields and 12 years of experience in environmental and climate justice. Apply by May 30, 2024.
- **PROGRAMME SPECIALIST, UNDP, BRASILIA, BRAZIL**
 UNDP in Brasilia is seeking a [Programme Specialist](#) to manage the Governance and Justice for Development Unit. Responsibilities include strategic planning, project management, policy advisory, and partnership development. Candidates must have a Master's degree and 5 years of experience or a Bachelor's degree and 7 years of experience. Fluency in English, Spanish, and Portuguese is required. Apply by May 29, 2024.
- **TECHNICAL ASSOCIATE, UNDP, BRASILIA, BRAZIL**
 UNDP is hiring a [Technical Associate](#) for the socio-educational system project in Brasilia. The role involves supporting the implementation and monitoring of project actions. Candidates must have a High School diploma and 7 years of experience or a Bachelor's degree and 4 years of experience in relevant fields. Proficiency in Portuguese is required. Apply by May 31, 2024.
- **LEGAL OFFICER P2 - ROME, ITALY, WORLD FOOD PROGRAMME**
 WFP is seeking to fill [two Legal Officer P2 positions](#) in its LEGC and LEGM branches. The roles involve legal research, drafting documents, and providing legal advice on governance and supply chain operations. Advanced law degree required. Fluency in English and another UN language preferred. Annual salary includes basic and post adjustment. Apply by June 5, 2024.

News from the Institute

- **FNI CONTRIBUTES REPORT ON VIOLENCE AGAINST WOMEN AND CHILDREN IN SPORT TO THE UNITED NATIONS**



The Facts and Norms Institute (FNI) has submitted a comprehensive [report titled "Violence Against Women and Children in Sport" to the United Nations Special Rapporteur on Violence Against Women and Girls.](#)

The report provides conceptual analysis of the physical, psychological, economic, and digital violence in sports. It highlights the heightened risks and vulnerabilities that women and children encounter, particularly those from marginalized and intersectional backgrounds.



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