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Editorial

Welcome to the fourth edition of our newsletter for 2024. In this issue, we cover the intense new developments in the work of the International Court of Justice (ICJ) with regards to climate change, the right to strike, the inviolability of embassies, racial discrimination, and allegations of genocide in the Gaza Strip.

Our coverage of the ICJ's recent activities is complemented by a comprehensive summary of the latest decisions from the European Court of Human Rights (ECHR), including the most anticipated first rulings of the Court on the subject of climate change. New ECHR decisions also include questions of freedom of expression, expulsions and deportations, judicial independence, involuntary psychiatric treatment, interstate disputes, and more.

We further turn our focus to the Inter-American and African Human Rights Systems, examining rulings and initiatives that address on issues such as freedom of speech, corruption, the rights of whistleblowers, climate change, arbitrary dismissals, transitional justice, children abduction, and the protection of vulnerable populations from arbitrary state actions.

Our academic and professional opportunities section aims to connect our readers with the latest openings and events that cater to a wide range of interests within the fields of international law, human rights, and beyond. These third-party opportunities are provided for informational purposes only. We encourage our readers to independently verify their details.

As you peruse our content, we encourage you to reflect on the impact of legal institutions in shaping a just world and the continuous need for vigilance and advocacy to uphold the principles of international law, human rights, and peace.

Enjoy the read!

Henrique Napoleão Alves, Chief Editor



Universal and Regional News

- **ICJ AUTHORIZED THE WORLD HEALTH ORGANIZATION TO PARTICIPATE IN THE PROCEEDING ABOUT CLIMATE CHANGE (26 March 2024)**

The International Court of Justice (ICJ) allowed the World Health Organization to participate in the advisory proceedings on the Obligations of States in respect of Climate Change, authorizing the organization to comment on any written statements made by States or other organizations by 24 June 2024.

- **ICJ: ADDITIONAL MEASURES REGARDING THE GAZA STRIP (SOUTH AFRICA V. ISRAEL) (28 March 2024)**

Responding to South Africa's request and in view of the deterioration of the living conditions of Palestinians, the Court indicated additional provisional measures in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel).

The Court ordered Israel, *inter alia*, to “take all necessary and effective measures to ensure, without delay, in full cooperation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza”.

- **ICJ: COLOMBIA FILES A DECLARATION OF INTERVENTION IN THE GAZA STRIP CASE (SOUTH AFRICA V. ISRAEL)**

On 5 April 2024, Colombia filed a declaration of intervention in the case of alleged genocide in the Gaza Strip. Colombia availed itself of the right of intervention conferred by Article 63 of the Court’s Statute (“Article 63. 1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith. 2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.”). The full document with 75 pages is available in the [Court’s website](#).

- **ICJ CONCLUDES PUBLIC HEARINGS IN THE CASE OF NICARAGUA v. GERMANY CONCERNING PALESTINE AND THE GAZA STRIP**

The public hearings on the Request for the indication of provisional measures submitted by Nicaragua against Germany concerning Palestine and the Gaza Strip concluded on 9 April 2024.

Nicaragua requested the Court to indicate provisional measures as a matter of extreme urgency with respect to Germany’s participation in the ongoing plausible genocide occurring in the Gaza Strip. Germany requested the Court to reject the request for provisional measures and to remove the case from the general list.

- **ICJ AUTHORIZES THE UNITED STATES TO INTERVENE IN THE PROCEEDINGS ON THE RIGHT TO STRIKE**

On 10 April 2024, the Court has authorized the United States of America to participate in the advisory proceedings concerning the Right to Strike under ILO Convention No. 87.

The Court has decided that, as a member of the International Labor Organization (ILO), the United States is likely to be able to furnish information on the question put to the Court by the ILO’s Governing Body, i.e., “Is the right to strike of workers and their organizations protected under the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)?”.

- **ICJ: MEXICO SUES ECUADOR OVER POLICE OPERATION INSIDE AN EMBASSY**

[On 11 April 2024](#), Mexico filed an Application against Ecuador regarding the inviolability of a diplomatic mission.

Mexico reports that on 5 April 2024, “*around 15 special operations agents*” from Ecuador entered the Mexican Embassy in Quito “*by forcible means and without authorization*”.

Mexico requests the Court the indication of provisional measures to protect and secure diplomatic premises, their property, and archives, preventing any form of intrusion against them.

ICJ: NEW RECORD OF WRITTEN STATEMENTS ON THE ADVISORY PROCEEDINGS REGARDING CLIMATE CHANGE

[On 12 April 2024](#), the Court made public that 91 written statements have been filed in advisory proceedings regarding Climate Change, the highest number of written statements ever to have been filed in advisory proceedings before the Court.

- **ICJ: PUBLIC HEARINGS IN THE CASE OF AZERBAIJAN V. ARMENIA REGARDING THE UN CONVENTION ON RACIAL DISCRIMINATION**

[From 22 to 26 April 2024](#), the Court will hold public hearings regarding the preliminary objections and the admissibility of the Application regarding the case [Azerbaijan v. Armenia](#). The hearings will be streamed live and on demand on the [Court’s website](#) and [UN Web TV](#). High-resolution video clips and still photos produced by the Registry during the hearings will be available free of charge and free of copyright for editorial, non-commercial use, on the [Multimedia page](#) on the Court’s website.

- **“WORLD NEWS IN BRIEF”: SEX TRAFFICKING, MIGRATION, CHILDREN RIGHTS (22 March 2024)**

- Independent UN human rights experts expressed alarm over increased reports of sexual slavery and trafficking in Sudan, especially of women and girls, mostly in areas controlled by the Rapid Support Forces (RSF), a Sudanese paramilitary group.
- A mass grave has been found in southwest Libya containing at least 65 migrants who are believed to have died while being smuggled through the desert. According to the UN migration agency (IOM), increasing numbers of people are dying on dangerous routes to northern Africa and beyond. Without legal pathways for migrants, “such tragedies will continue to be a feature along this route,” the agency warned.

- A major upsurge in violence in eastern Democratic Republic of the Congo that has displaced at least 400,000 people in North Kivu since the beginning of the year is exposing children to unacceptable levels of violence, said the UNICEF. In the latest incident, an explosion in the town of Minova maimed four children who were returning home from school.

- **“UN PAYS TRIBUTE TO VICTIMS OF THE TRANSATLANTIC SLAVE TRADE”** ([25 March 2024](#))

On Monday, 25 March 2024, top UN officials paid tribute to the millions of men, women and children who suffered on the transatlantic slave trade.

The UN General Assembly’s President, Mr. Dennis Francis, paid a special tribute to revolutionary figures such as Samuel Sharpe, Sojourner Truth and Gaspar Yanga, who bravely fought for freedom, paving the way for abolitionist movements and inspiring generations to challenge injustice.

Mr. Francis emphasized the ongoing impact of slavery’s legacy, calling for accountability and reparations as essential components of pursuing true justice.

- **“HAITI: GANGS HAVE MORE FIREPOWER THAN THE POLICE”** ([4 April 2024](#))

UN independent experts warn of the existence of criminal groups in Haiti with more firepower than the national police. An estimated 150 to 200 armed groups now operate across Haiti. The reason for this phenomenon is the enrichment of the groups through arms trafficking. The consequences have plunged the Caribbean nation into an ongoing political and humanitarian crisis, with more than 362,000 displaced persons.

- **IACtHR CONDEMNS ECUADOR IN A CASE ABOUT WHISTLEBLOWERS AND FREEDOM OF SPEECH**

[On 22 March 2024](#), the Inter-American Court of Human Rights (IACtHR) condemned Ecuador for the arrest and penalization of Mr. Julio Rogelio Viteri Ungaretti following his reports of alleged corruption within the Armed Forces. The Court underscored the crucial role of democratic states in shielding individuals from threats related to their efforts to prevent and combat corruption. It highlighted that the alleged corrupt acts are of considerable public interest, stressing the public's right to be informed about potential misconduct.

The Court affirmed that, in matters of public interest, public officials not only have the right but also the duty to report corruption when they reasonably believe it has occurred. Accordingly, the State is obligated to provide robust internal and

external mechanisms that both facilitate and encourage the reporting of corruption while protecting whistleblowers by safeguarding their identity and the confidentiality of their complaints and preventing unjust sanctions or dismissals. The full sentence is available [at the Court's website](#).

- **IACtHR: RECORD NUMBER OF WRITTEN OBSERVATIONS ON THE ADVISORY PROCEEDINGS REGARDING HUMAN RIGHTS AND CLIMATE CHANGE**

[On 22 February 2024](#), the IACtHR acknowledged a record number of written observations from third parties on the Court's advisory proceedings about Human Rights and Climate Change.

The [Facts and Norms Institute \(Instituto Fatos e Normas\)](#) is among the academic institutions textually acknowledged by the Court.

- **IACtHR INVITES FOR THE 166th PERIOD OF SESSIONS**

The IACtHR is pleased to announce its [166th Regular Session](#), to be held from April 22 to May 03, 2024. This session will take place at the University of the West Indies, Cave Hill, in the country of Barbados.

The Session includes a seminar on International Human Rights Law and the public hearings of the Court's advisory proceedings on Climate Change and Human Rights. Both events are *in situ*, online and open to public viewing on the [Court's YouTube channel](#).

- **IACtHR RULES AGAINST HONDURAS FOR THE ARBITRAL DISMISSAL OF CONSTITUTIONAL CHAMBER'S MAGISTRATES**

[On 1 April 2024](#), the IACtHR held Honduras internationally responsible for the arbitrary dismissal of judges in the case of Gutiérrez Navas and Others Vs. Honduras.

From 2009 to 2016, the victims were named to serve as judges of the Supreme Court of Justice of Honduras. In 2012, then-President Porfirio Lobo publicly criticized three of their rulings. On December 10, 2012, the National Congress formed a special commission to review the judges' administrative conduct. Two days later, this commission recommended their dismissal, which Congress approved amid military and police presence. The judges were not notified about the proceedings or the decision and watched the events unfold on television. Their subsequent legal appeals, including an amparo appeal, were all denied.

The Court declared that Honduras violated the victims' judicial guarantees, legality, and judicial independence, as well as political rights, judicial protection, employment stability, and personal integrity.

- **ARGENTINA FULFILLS IACtHR'S ORDERS IN ALMEIDA CASE**
 On [10 April 2024](#), the IACtHR confirmed that Argentina has fully complied with all reparation measures mandated in the [Judgment of 17 November 2020](#) regarding the case of Rufino Jorge Almeida. The Court concluded that the State addressed the human rights violations suffered by Mr. Almeida during the Argentinean dictatorship.
 Complied reparations included compensation for time spent under de facto house arrest, publication of the judgment, administrative reviews for similar cases, and payments for material and immaterial damages, leading to the formal closure of the case.
- **AfCHPR PROMOTES TRAINING IN COLLABORATION WITH THE RED CROSS**
 On [28 March 2024](#), the African Court on Human and Peoples' Rights (AfCHPR), in collaboration with the International Committee of the Red Cross, conducted a specialized training session in Moshi, Tanzania. This three-day program focused on the interplay between International Humanitarian Law and International Human Rights Law. The aim was to equip legal officers with the necessary expertise to effectively address the legal complexities of human rights cases that arise in situations of armed conflict.
- **ACHPR EXPRESSES CONCERN OVER CHILDREN ABDUCTION IN NIGERIA ([12 March 2024](#))**
 The African Commission on Human and Peoples' Rights (ACHPR) has been alerted to the abduction of 280 schoolchildren and teachers from two schools, followed by another incident involving the abduction of 15 children in Northern Nigeria. The Commission condemned these acts as grave violations of the African Charter, and emphasized the urgent need for the Nigerian government to search for the missing individuals and to investigate and sanction those responsible.
- **ACHPR REPORTS THE DISCOVERY OF A MASS GRAVE CONTAINING MIGRANT BODIES IN LIBYA ([27 March 2024](#))**
 The ACHPR is deeply alarmed by the discovery, in south-west Libya, of a mass grave containing at least 65 bodies of migrants, whose nationalities, gender and circumstances of death have not yet been identified. According to information received by the Commission, the migrants died during their clandestine crossing of the Libyan desert.

The Commission calls on the Government of Libya to shed light on this tragedy by conducting a swift, impartial, and effective enquiry to establish who was responsible, and to facilitate, with due respect for human dignity, the recovery of the bodies of the deceased migrants, their identification, and the provision of information to their families as soon as possible.

- **ACHPR CONDEMNS GOVERNMENTAL BAN ON DEMONSTRATIONS IN TOGO (14 April 2024)**

The ACHPR is closely monitoring the overall human rights situation in the Togolese Republic.

The National Assembly recently approved a constitutional revision to transition Togo from a presidential to a parliamentary system. Demonstrations planned for April to protest this revision have been banned by the government. The Commission has condemned the ban as an illegitimate restriction of the rights to freedom of association and assembly.

- **ACHPR IS CONCERNED WITH THE SOCIO-POLITICAL SITUATION IN MALI (14 April 2024)**

The ACHPR is deeply concerned about the current socio-political situation in the Republic of Mali.

The Malian authorities have indefinitely suspended the activities of political parties and associations. Additionally, the High Authority for Communication has directed all media to halt the broadcast and publication of content related to political parties and politically oriented associations. Furthermore, several political parties and associations have been dissolved due to their political stances.

The Commission is alarmed by these measures and urges the Malian authorities to ensure the protection of rights to freedom of expression and access to information, freedom of association and assembly, and the right to participate in public affairs.

- **ACHPR'S FIRST JOINT FORUM OF SPECIAL MECHANISMS (15 April 2024)**

The ACHPR unveils the upcoming inaugural Joint Forum of Special Mechanisms of the ACHPR, scheduled to take place from 25 to 27 April 2024 in Dakar, Senegal.

The pioneering event will be hosted under the theme "Advancing the protection and promotion of human rights in Africa: Strengthening commitments, overcoming challenges, and reinforcing opportunities."

The Forum will serve as a platform for stakeholders to engage in joint initiatives and transversal activities addressing cross-cutting issues that underscore the interdependence of all human rights.

- **THE ECHR ISSUES SEVERAL NEW JUDGMENTS ON CLIMATE CHANGE, INTERSTATE DISPUTES, FREEDOM OF EXPRESSION, INVOLUNTARY PSYCHIATRIC TREATMENT, AND MORE.**

On 21 March 2024, the European Court of Human Rights (ECHR) issued a chamber judgment in *Sieć Obywatelska Watchdog Polska v. Poland*.

An NGO sought access to the Constitutional Court judges' meeting diaries and the visitor logbook, citing concerns about the judges' potential meetings with a politician involved in ongoing criminal proceedings adjudicated by the same court.

The ECHR ruled by a six-to-one majority that denying access to the diaries violated freedom of expression, as the request was in the public interest amid debates about the court's impartiality. The denial, based primarily on the diaries' non-public status, was insufficiently justified.

Conversely, the court unanimously found no violation regarding access to the visitor logbook, as the Constitutional Court was neither maintaining nor required to maintain such records under domestic law.

On 26 March 2024, the Court issued two new chamber judgments. In the case of *Kartal v. Turkey*, Mr. Adem Kartal, a Turkish judge and vice-president of the Inspection Board of the High Council of Judges and Prosecutors, challenged the premature termination of his term following legislative changes in February 2014. Mr. Kartal argued that his dismissal was arbitrary and that he lacked an effective legal remedy to contest it, claiming this violated his right to a fair trial.

The ECHR stressed that access to a court is a fundamental procedural right essential for protecting members of the judiciary. The Court pointed out that Mr. Kartal should have been able to directly challenge the legality of his dismissal in a court. While abstract constitutional review could serve as a supplementary guarantee, it cannot replace the individual's right to pursue personal legal actions. The ECHR found that the lack of direct judicial review in Mr. Kartal's case constituted a violation of his right to a fair trial regarding access to a court.

The case of *V.I. v. the Republic of Moldova* concerned the involuntary placement of an orphan, perceived to have a mild intellectual disability, in a psychiatric hospital. Initially intended for a three-week stay, V.I. was left for an additional four months without visits, during which he received treatment with neuroleptics and antipsychotics. V.I. alleged that his prolonged placement, the treatment administered, the hospital's conditions, and the behavior of the medical staff and other patients constituted ill-treatment. He also criticized the ineffective

investigation into his complaints, attributing this to societal stigma, discrimination against individuals with psychosocial disabilities, and a lack of alternative care options.

The ECHR identified significant investigative oversights by the authorities, including the failure to verify if legal protections for involuntary placement and psychiatric treatment were observed, and whether there was any valid basis for V.I.'s initial in-patient treatment. The investigation also neglected to evaluate the appropriateness and impact of the neuroleptic and antipsychotic treatments and overlooked V.I.'s vulnerability, age, and disability-specific issues.

The Court unanimously found violations of Articles 3 (prohibition of inhuman or degrading treatment), 13 (right to an effective remedy), and 14 (prohibition of discrimination) of the European Convention on Human Rights.

The Court noted that the Moldovan legal framework inadequately protected intellectually disabled individuals, particularly children without parental care, thus falling short of the State's positive obligations. Highlighting systemic problems, the Court mandated Moldova to take measures to prevent future violations.

On 28 March 2024, the ECHR issued a chamber judgment in *Verhoven v. France*.

The case involved a French national who, after moving to Japan and having a child there with her Japanese husband, returned to France and sought a divorce. Following her departure, the child's father requested the child's return to Japan under the *Hague Convention on the Civil Aspects of International Child Abduction*. Examining the decision-making process applied by the judicial authorities, the ECHR observed that French courts did not automatically mandate the return but instead conducted a thorough review of the circumstances. They considered the applicant's arguments through fair and adversarial proceedings and provided well-reasoned decisions aimed at prioritizing the child's best interests. The French courts also dismissed any significant risk of harm or disruption of the child's relationship with the applicant.

Consequently, the ECHR concluded that the French courts' decision to return the child to Japan did not violate Article 8 (right to respect for family life).

On 2 April 2024, the ECHR issued a chamber judgment in the case of *Nikolay Kostadinov v. Bulgaria*.

Nikolay Kostadinov, a Bulgarian national residing in Versailles, France, was involved in a legal case concerning the fraudulent takeover of his Sofia-based company, Vandom OOD. Following the European Court of Human Rights' ruling on 8 November 2022, which found the criminal investigation into the fraud ineffective and identified a violation of Article 1 of Protocol No. 1 (protection

of property) of the European Convention, the matter of just satisfaction under Article 41 of the Convention was deferred. On 2 April 2024, the Court awarded Kostadinov just satisfaction for the damages incurred.

On 4 April 2024, the Court issued three new chamber judgments. In the case of *Zöldi v. Hungary*, the investigative journalist Blanka Zöldi sought to access financial information from two foundations established by the Hungarian National Bank. Specifically, she requested the names of individuals who had received grants from these foundations. Her request was denied, and the refusal was subsequently upheld by the courts due to the absence of a legal provision authorizing the release of such personal data at the time. The Bank's foundations and their financing was a topic of significant public debate. Ms. Zöldi has contested this denial of information, invoking the right to freedom of expression. The ECHR confirmed that the denial of information to Blanka Zöldi was an interference with her freedom of expression. Such interference could only be justified if it was lawful, pursued legitimate aims, and was necessary in a democratic society. Legally, the refusal to disclose the names of the grant recipients was grounded in the Data Protection Act. Thus, the interference was considered lawful. The government argued that this refusal protected the personal data rights of the grant recipients, aligning with a legitimate aim.

The ECHR scrutinized whether the restriction was necessary in a democratic society. It emphasized that restrictions on freedom of expression must convincingly meet a pressing social need and be proportionate to the legitimate aim pursued. The Court assessed the necessity of withholding the grant recipients' names, considering their relevance as public money recipients and the public interest in the transparency of fund allocation.

The Court considered that the interests protected by the restriction were not compelling enough to outweigh the public interest in transparency or to engage the protections of privacy and family. Furthermore, the Court found that the domestic authorities failed to justify the necessity of the interference adequately, particularly as the legal framework at the time precluded any balancing of the competing interests of privacy and freedom of information.

Ultimately, the ECHR concluded that there was no proportional justification for the interference, resulting in a violation of Article 10 of the Convention (freedom of expression).

In the case of *Sherov and Others v. Poland*, four Tajik nationals were repeatedly denied entry at a Polish-Ukrainian border crossing, despite asserting their need for asylum due to political persecution in Tajikistan. Each refusal was documented by border guards in a summary note that the applicants neither read nor

signed, and they were sent back to Ukraine — a country they claimed was unsafe due to the risk of deportation to Tajikistan. The ECHR determined that the Polish authorities had not adequately initiated procedures for considering the applicants' asylum applications nor assessed whether Ukraine was a safe third country. This oversight led to a procedural violation of Article 3, as the applicants were at risk of chain refoulement and ill-treatment. The Court also ruled that the Polish policy of not accepting asylum applications at the border and sending applicants back to Ukraine amounted to collective expulsion, in violation of Article 4 of Protocol No. 4.

The ECHR further criticized the lack of an effective remedy with automatic suspensive effect, which would have allowed the applicants to stay in Poland while their appeals were being processed, in breach of article 13 of the Convention (right to an effective remedy).

The case of *Tamazount And Others v. France* revolved around the treatment and conditions of the Harkis and their families in France following the 1954-1962 Algerian War of Independence. The Harkis, Algerian auxiliaries who had supported French troops, faced significant challenges during and post-conflict, both in Algeria and France. After the war, they were housed under poor conditions in reception centers such as the Bias camp, which were meant to be temporary but often became long-term.

The case highlighted the inadequate living conditions marked by overcrowding, poor housing, and limited access to essential services. Despite various French legal measures over the years to address these injustices, including financial compensation and recognition of military service, issues persisted. In 2022, a law acknowledging the state's responsibility for these "indignities" was passed, offering a reparations framework.

The ECHR found violations of Article 3 (prohibition of inhuman or degrading treatment), Article 8 (right to respect for private and family life), and Article 1 of Protocol No. 1 (protection of property) of the European Convention on Human Rights, relating to the treatment of the Harkis in the reception centers from 1974 onwards. The court emphasized the severe nature of the treatment and the French state's failure to provide adequate redress at the national level. Reparations included orders for France to pay additional compensation for both material and moral damages, recognizing the enduring impact of the conditions experienced by the Harkis.

On 9 April 2024, the ECHR issued ten new chamber judgments. Among these judgments, the Court delivered its first three rulings regarding climate change and human rights.

In the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, four women and a Swiss association representing

older women complained about the consequences of global warming on their living conditions and health.

The Court found that Article 8 of the Convention encompasses a right to effective protection by the State authorities from the serious adverse effects of climate change on lives, health, well-being and quality of life. However, it held that the four individual applicants did not fulfil the victim-status criteria under Article 34 and declared their complaints inadmissible.

The applicant association, in contrast, had the right to bring a complaint. The Court held that there had been a violation of the right to respect for private and family life of the Convention and that there had been a violation of the right to access to the court. The Court found that Switzerland had failed to comply with its positive obligations under the Convention concerning climate change.

In the case of *Carême v. France*, a former inhabitant and mayor of the municipality of Grande-Synthe argued that France has taken insufficient steps to prevent global warming, thus violating the right to life and the right to respect for private and family life. The Court declared inadmissible the application, on the ground that the applicant did not have victim status within the meaning of Article 34 of the Convention.

In the case of *Duarte Agostinho and Others v. Portugal and 32 Others*, six young Portuguese nationals complained of the existing, and serious future, impacts of climate change on their lives, well-being, mental health, and the peaceful enjoyment of their homes. In the applicants' view, Portugal and the 32 other respondent States bore responsibility for the situation in issue. As concerned the extraterritorial jurisdiction of the respondent States other than Portugal, the Court found that there were no grounds in the Convention for the extension, by way of judicial interpretation, of their extraterritorial jurisdiction in the manner requested by the applicants.

Having regard to the fact that the applicants had not pursued any legal avenue in Portugal concerning their complaints, the applicants' complaint against Portugal was also inadmissible for non-exhaustion of domestic remedies. The Court declared the applications inadmissible.

In the case of *E.L. v. Lithuania*, Mr. E.L., a Lithuanian national, alleged that he was sexually ill-treated at a foster home during his childhood. He contended that the domestic authorities had not conducted an effective investigation into his claims, highlighting the failure to order a forensic psychiatric and psychological examination despite his arguments for its necessity.

The ECHR found that the Lithuanian authorities had not adequately responded to E.L.'s claims. The Court noted that while initial steps in the investigation were prompt and included some specialist assessments, they were insufficient. The Court criticized

the domestic prosecutors and courts for not addressing the necessity of a forensic examination, which was crucial given the psychological assessment indicating potential sexual violence. The Court ruled that this omission, coupled with the authorities' over-reliance on the alleged perpetrators' denials, constituted a procedural violation of Article 3 of the Convention (prohibition of inhuman or degrading treatment).

In *Georgia v. Russia (IV)*, Georgia filed against Russia claiming multiple human rights violations related to the "borderization" between the Georgian government-controlled territory and the breakaway regions of Abkhazia and South Ossetia.

The ECHR found violations of article 2 (right to life) in both substantive (unlawful use of lethal force against civilians) and procedural aspects (failure to conduct effective investigations into deaths and mistreatment). The Court also found violations of article 3 (Prohibition of Torture) with regards to inhumane treatment and torture of detainees, as well as the lack of effective investigations into such treatments.

Moreover, the ECHR identified unlawful arrests and detentions of ethnic Georgians by de facto authorities as violations of article 5 (Right to Liberty and Security). The Court also determined that restrictions on movement severely impacted ethnic Georgians' access to their properties and family relations, constituting violations of article 8 and article 1 of Protocol No. 1 (right to respect for private and family life and property).

Furthermore, the Court considered that the denial of education in the Georgian language in the breakaway regions was in violation of article 2 of Protocol No. 1 (right to education), with the "borderization" exacerbating these issues by restricting movement. In conclusion, with respect to other articles (including article 14 on discrimination and article 18 on limitation on use of restrictions), the Court found it unnecessary to examine these separately as the primary issues were covered under other violated articles.

The case of *Lazăr v. Romania* concerned the extradition of Romanian national, Marius Lazăr, to the United States. Lazăr, a member of Hells Angels Romania, faced charges in the U.S. related to racketeering, drug trafficking, and money laundering. His detention periods in Romania, aimed at facilitating his extradition, were divided into two phases: from his initial arrest on 19 November 2020 to his release under judicial supervision on 8 June 2021, and from his rearrest on 28 December 2022 to his extradition on 16 January 2023.

The Court found that the first period of detention was lawful, not excessive, and carried out in good faith, with procedural safeguards in place, such as judicial review of the detention's lawfulness. The second period, following a change in Romanian

law and the lifting of a Court-imposed interim measure, was also deemed lawful. The Court determined that the rearrest and detention procedure was prescribed by law and was not arbitrary, being necessary for Lazăr's extradition, which was ultimately carried out effectively.

Additionally, Lazăr argued that his extradition would subject him to a potential life sentence in the U.S. without parole, claiming a violation of Article 3 of the Convention. However, the Court found no real risk of such a sentence being imposed without consideration of mitigating factors, thereby rejecting this complaint as manifestly ill-founded. The complaints concerning the lawfulness of detention under Romanian and U.S. law and the adequacy of medical care provided during his extradition were also dismissed.

The case of *Matthews and Johnson v. Romania* concerned the applicants' extradition to the United States and their detention during the extradition process. Murray Michael Matthews and Marc Patrick Johnson, associated with the Hells Angels motorcycle gang, were arrested in Romania on charges from the US, including racketeering and drug trafficking.

The ECHR found that the applicants' extradition and subsequent detention in Romania were lawful. It held that there was no real risk of them receiving life sentences without parole, thus not violating Article 3 (prohibition of inhuman or degrading treatment). The Court also determined that their detention periods, both before and after the extradition decision, were lawful and not excessively long, adhering to procedural safeguards necessary in extradition contexts, thus not violating Article 5 § 1 (right to liberty and security).

Furthermore, the court considered the applicants' detention under the provisions of force majeure due to an interim measure preventing their surrender to the US authorities. The Romanian courts periodically reviewed the lawfulness of their detention, and the ECHR found no violation of Article 5 § 4 (right to a speedy decision on the lawfulness of detention).

In the case of *Sözen v. Turkey*, the applicant, a former member judge of the State Council, claims that he was unlawfully prevented from judicially challenging the termination of his mandate by a law (Law No. 6723). He also lacked any recourse to contest the decision not to appoint him in the new composition of the State Council following the premature termination of the existing members' terms.

The ECHR determined that the applicant did not have access to a court regarding the premature termination of his mandate. The Government argued that such exclusion from judicial review was justified based on the need for judicial reform — specifically, the implementation of a new system with regional appellate courts

aimed at reducing the workload of the higher judiciary. However, the Court found that alternative measures could have been taken that respected the principles of judicial independence and the rule of law without abruptly ending the mandates of current members. Ultimately, the Court ruled that the situation violated Article 6 § 1 (right to a fair trial).

In the case of *Nguyen v. Denmark*, Ms. Thi Kim Oanh Nguyen, a Vietnamese national and settled migrant in Denmark, faced a twelve-year re-entry ban following her conviction for drug offenses and theft. Despite her substantial ties to Denmark, where she had resided lawfully for over twenty-nine years, and her role as the principal caregiver for her disabled daughter, the Danish courts decided on her expulsion.

The ECHR found that the Danish courts failed to sufficiently consider Nguyen's minor and disabled daughters' best interests and her role as their primary caregiver, alongside not addressing her subordinate role in the offenses. The Court ruled that the expulsion combined with a twelve-year re-entry ban constituted a disproportionate interference with her right to respect for private and family life under Article 8 of the European Convention on Human Rights.

In the case of *Sarac v. Denmark*, Mr. Safet Sarac, a Bosnian national who had been residing in Denmark since childhood, was deported following convictions for serious drug and weapons offenses.

The ECHR focused on whether this expulsion and the accompanying lifelong re-entry ban violated his right to respect for private life under Article 8 of the Convention. The Danish courts had argued that Mr. Sarac posed a serious threat to public order, justifying the expulsion despite his long residence and strong ties to Denmark. The ECHR, however, found the lifelong ban disproportionate, especially given the nature of his past offenses and the fact that he had not been warned about the possibility of deportation. As such, the ECHR ruled that there was a violation of Article 8.

In the case of *Wangthan v. Denmark*, Ms. Karnchana Wangthan, a Thai national who had been residing in Denmark, was ordered to be expelled following her conviction for serious offenses, including attempted aggravated violence against her spouse and repeated violence against her son. The Danish courts sentenced her to six months' imprisonment and imposed a six-year re-entry ban, considering her actions and the severity of the crimes.

Ms. Wangthan appealed, arguing that the expulsion and re-entry ban interfered with her right to private and family life under Article 8 of the European Convention on Human Rights. The Danish courts conducted a thorough review, assessing the proportionality of the expulsion in light of her criminal activities,

her relatively short stay in Denmark, her stronger ties to Thailand compared to Denmark, and the interests of her children.

The ECHR found that the Danish courts had sufficiently justified the expulsion by considering all relevant factors, including the nature of the offenses, the applicant's ties with Denmark and Thailand, and the potential impact on her children. The Court concluded that there had been no violation of Article 8, as the expulsion order was deemed necessary and proportionate to the aims pursued, particularly in preventing disorder and crime.

In the case of *Tzioumaka v. Greece*, Ms. Chrysovalanto Tzioumaka complained about the Greek authorities' failure to enforce domestic court decisions granting her custody of her two minor children and ordering their father to return them. Despite judicial decisions favoring the applicant, the father did not comply, and the authorities failed to take effective enforcement measures. This failure allowed the children to integrate further into their father's care, contributing to a de facto situation that impeded the applicant's right to family life under Article 8 of the European Convention on Human Rights. The ECHR unanimously found a violation of Article 8, noting the lack of effective actions by the authorities to enforce the custody decision, which decisively favored the children's integration into their new environment.

Selected Academic & Professional Opportunities

- **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.
- **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.

- **ASSISTANT PROFESSOR IN CLIMATE JUST TRANSITIONS AND DEVELOPMENT, UTRECHT UNIVERSITY**
Utrecht University, Netherlands, seeks an [Assistant Professor in Climate Just Transitions and Development](#) within the Faculty of Geosciences. Candidates should have expertise in land and climate investments, social and climate justice. The role includes 60% teaching and 40% research. Fluency in Dutch and English is required. The position offers a gross monthly salary between €4,332 and €5,929 for a 38-hour week. Apply by 15 May 2024.
- **ASSISTANT PROFESSOR OF INTERNATIONAL CRIMINAL LAW, UNIVERSITEIT VAN AMSTERDAM**
The University is hiring an [Assistant Professor](#) to join the International Criminal Law team within the Criminal Law Section. The role involves leading the selective master's program in ICL. Candidates must be proficient in English. The position offers a salary range of €4,332 to €5,929 per month based on a 38-hour week. Apply by 17 May 2024.
- **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.
- **LEGAL FELLOWSHIPS, JUSTICE.ORG.UK**
[Two six-month fellowships](#) available in London, with optional in-person attendance. Fellows will assist with legal research, draft legislation commentary, and law reform projects. Annual salary: £36,528 (pro rata). Apply by 19 May 2024.
- **TRAINEESHIPS, ICRC LEGAL DIVISION**
The ICRC in Geneva offers a [12-month paid traineeship](#) starting 15 February 2025. Candidates should be fluent in English, with a good understanding of French or Spanish. Monthly salary: 3,840 CHF. Apply by 17 May 2024.
- **LEGAL INTERNSHIP PROGRAM, WORLD BANK**
The World Bank offers a [legal internship for students](#) currently enrolled in an academic program. The internship spans 10-12 weeks during the fall cycle, typically between September and November. Applicants must have valid student visa documents

sponsored by their educational institutions. Apply by 30 April 2024.

- **HUMAN RIGHTS RESEARCHER / WRITER, ILGA**
The International Lesbian, Gay, Bisexual, Trans & Intersex Association (ILGA) is looking for a [human rights researcher and writer](#) for its European and Central Asian region. Candidates should submit a current CV and examples of relevant writing. Apply by 3 May 2024.
- **ENTERPRISE OPERATIONS AND GOVERNANCE OFFICER, ORGANIZATION OF AMERICAN STATES (OAS)**
OAS seeks an [Officer](#) in Washington D.C. Candidates must be proficient in at least two OAS official languages and skilled in Microsoft Office. Annual salary: US\$ 131,609. Apply by 14 May 2024.
- **LEGAL OFFICER, UNITED NATIONS OFFICE OF ADMINISTRATION OF JUSTICE, GENEVA**
This position requires a minimum of five years of [experience in law, including legal analysis, research, and writing](#). Fluency in English is mandatory, and knowledge of French is preferred. Apply by 26 April 2024.
- **SENIOR COORDINATION OFFICER, UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP), ISLAMABAD**
Applicants should have a minimum of ten years of experience in [environment management](#) related to climate change and ecosystems, with at least five years at the international policy-making level. Fluency in English is required, and additional language skills are desirable. Apply by 28 April 2024.
- **EXECUTIVE DIRECTOR, INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA (IHRDA)**
Based in Banjul, Gambia, IHRDA requires an [Executive Director](#) with strategic litigation experience and familiarity with the African human rights system. Applicants must have over 15 years of legal experience. Annual salary: US\$ 65,000. Apply by 08 May 2024.
- **SENIOR SPECIAL ASSISTANT TO THE REGISTRAR, INTERNATIONAL CRIMINAL COURT (ICC)**
Located in The Hague, Netherlands, this role supports the [Registrar in management, judicial services, and external relations](#). Fluency in French or English required. Annual salary: €110,408. Apply by 22 May 2024.

- **REGIONAL COORDINATOR FOR LATIN AMERICA AND THE CARIBBEAN, UNICEF**

Giga, a joint initiative between UNICEF and ITU, seeks a [Regional Coordinator](#) for a 12-month consultancy. Role involves travel to Geneva and Latin America. Requires at least 5 years of relevant experience. Apply by 08 May 2024.

News from the Facts and Norms Institute

- **FNI SUBMITS AMICUS CURIAE BRIEFING ABOUT CLIMATE CHANGE TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS**

Following the successful [inauguration of its Inter-American Human Rights Observatory](#), the Facts and Norms Institute (FNI) submitted its second Amicus Curiae Memorial to the Inter-American Court of Human Rights. Authored by Monique Salerno, Julia Muinhos de Paula, and Gabriela Cavalieri Maia, the Memorial addresses the intricate connections between human rights and the climate emergency.

The document argues the necessity for States to adopt proactive measures in preventing and mitigating the effects of climate change, in alignment with the obligations set forth by the Inter-American Convention and the global mandate as articulated in the Paris Agreement. By examining Brazil's legal and policy responses to climate change, the Memorial critiques gaps and suggests improvements, highlighting the critical role of national frameworks in advancing climate action and human rights protection. It also delves into the environmental and human rights jurisprudence of the Inter-American Court of Human Rights, advocating for stronger enforcement mechanisms and accountability for states.

<https://www.factsandnorms.com/post/new-submission-addresses-human-rights-and-the-climate-emergency>



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