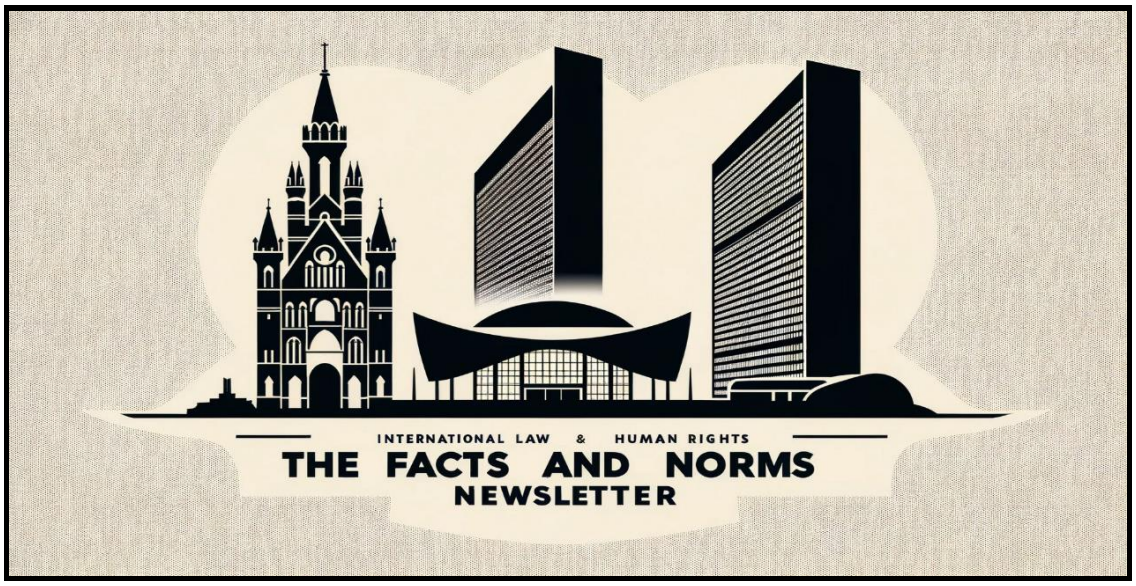


ISSN 2965-8780

12 December 2024 | **Nº. 11/12**

***Editorial Staff**: Henrique Napoleão Alves, Sarah Ebram Alvarenga, João Fernando Martins Posso, Felipe Martins Anawate, Bruno José Fonseca, Thiago Fernandes C. de Castro*[*]

Editorial

Welcome to this special combined edition of the Facts and Norms Newsletter, encompassing both issues 11 and 12! We have combined the two issues so that our dedicated editorial staff can take a well-deserved break and recharge for 2025.

With this final combined issue, we mark the successful publication of twelve newsletters, one for each month of the year. This achievement would not have been possible without the dedication, and unwavering commitment of our eeditorial team.

I extend my deepest appreciation to Sarah Ebram Alvarenga, João Fernando Martins Posso, Felipe Martins Anawate, Bruno José Fonseca, and Thiago Fernandes C. de Castro. It has been a privilege to work alongside such a committed group of individuals.

[*] Attributions: research and data gathering: SEA, TFCC, JFMP, BJF; preliminary edition: SEA; research supervision, writing, final edition: HNA; Portuguese edition: FMA, HNA.

We continue to track the International Court of Justice's ongoing work with updates on the cases concerning climate change, the Application of CERD between Azerbaijan and Armenia, and Slovenia's declaration of intervention in The Gambia's genocide case against Myanmar.

Beyond the ICJ, you will find reports on the escalating violence in Haiti, the restrictions on Afghan women's education, the growing civilian death toll in Ukraine, and the concerning situation in Syria, where a fragile and uncertain transition is taking place, among other subjects of concern.

On the regional front, we have detailed coverage of the Inter-American Court of Human Rights' work, with recent judgments against Chile, Brazil, Venezuela, Colombia, Nicaragua, and Peru. These decisions cover a spectrum of human rights issues, from accountability for past dictatorships to indigenous rights and the right to collective bargaining.

We also bring you the latest decisions from the African Court on Human and Peoples' Rights, which delivered ten new judgements in multiple cases during its 75th Ordinary Session. Our coverage extends to news and updates from ECOWAS, the African Union and the African Commission on Human and Peoples' Rights.

This issue also features an array of recent judgments from the European Court of Human Rights, ranging from concerns about diplomatic immunity to complex issues of expulsion orders, fair trial rights, discrimination, property rights, and much more.

As always, our academic and professional opportunities' section provides numerous possibilities to assist the development of our readers' career paths. Furthermore, this issue celebrates the Facts and Norms Institute's first academic book publication, "Sanctions vs. Human Rights?" by Leonel Lisboa. Additionally, we are proud to share that the Inter-American Court of Human Rights recently cited the FNI in their judgment condemning Brazil for the Acari Massacre, demonstrating the practical impact of our work.

We wish you all a peaceful holiday season and a prosperous new year, and hope that you continue to read us in 2025! It has been a pleasure serving you and your interest in peace, human rights, and international justice.

Professor Henrique Napoleão Alves,
Chief Editor

CLICK AND SUBSCRIBE

Universal News

- **SLOVENIA FILES DECLARATION OF INTERVENTION IN GAMBIA'S GENOCIDE CASE AGAINST MYANMAR (**4 December 2024**)**
  Slovenia has filed a declaration of intervention under Article 63 of the ICJ Statute in the case concerning the Gambia's allegations of genocide against Myanmar. Slovenia, as a party to the Genocide Convention, asserts its interest in the interpretation of Articles I, II, III, IV, V, and VI. The Gambia and Myanmar have been invited to submit written observations on Slovenia's intervention. The full text of the declaration is available on the Court's website.

- **OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE: REVISED SCHEDULE FOR PUBLIC HEARINGS (**2 December 2024**)**
  The ICJ has released a revised schedule for the public hearings on the request for an Advisory Opinion concerning the Obligations of States in respect of Climate Change. The hearings will still take place from 2 to 13 December 2024 at the Peace Palace in The Hague. Ninety-eight states and twelve international organizations are expected to be part of the hearings. The full, revised schedule is available within the press release.

- **OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE: ICJ MEETS WITH IPCC SCIENTISTS (**26 November 2024**)**
  The ICJ met with a group of current and former IPCC report authors to discuss key scientific findings regarding climate change. The meeting aimed to inform the Court's deliberations on the request for an advisory opinion on states' obligations related to climate change, pursuant to UN General Assembly resolution 77/276. The IPCC delegation, led by Chair Jim Skea, included experts involved in various aspects of climate science, impacts, and mitigation. Previous press releases on these proceedings are available on the Court's website.

- **APPLICATION OF THE CERD (*AZERBAIJAN V. ARMENIA*): ICJ DELIVERS JUDGMENT ON JURISDICTION (**12 November 2024**)**
  On November 12, 2024, the International Court of Justice (ICJ) delivered its judgment on preliminary objections raised by Armenia in a case brought by Azerbaijan concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Azerbaijan had initiated proceedings on September 23, 2021, invoking Article 22 of CERD as the basis for the Court's jurisdiction. Armenia

subsequently raised three preliminary objections, which were addressed in public hearings from April 22 to 26, 2024. The Court upheld Armenia's first and third objections, but rejected the second.
The first objection concerned the Court's jurisdiction over claims related to events between July 23, 1993, and September 15, 1996, a period when Armenia, but not Azerbaijan, was a party to CERD. The Court agreed it lacked temporal jurisdiction over these claims.
The Court rejected Armenia's second objection, which challenged the Court's jurisdiction over Azerbaijan's claims regarding the alleged placement of landmines and booby traps, finding the objection to be without object as Azerbaijan did not assert that the act of laying mines itself constituted a breach of CERD.
However, the Court upheld Armenia's third objection, which contested the Court's jurisdiction over claims related to alleged environmental harm. The Court ruled that such acts, even if proven and attributable to Armenia, did not fall within the scope of CERD as they did not constitute differential treatment based on prohibited grounds under the Convention. Ultimately, the Court found that it has jurisdiction, based on Article 22 of CERD, to entertain Azerbaijan's application, subject to the limitations outlined in its rulings on the first and third objections. The judgment is final and binding on both parties.

- **WORLD NEWS IN BRIEF: HAITI GANG MASSACRE, TALIBAN CRACKDOWN CONTINUES, UKRAINE'S CIVILIAN DEATH TOLL RISES (**9 December 2024**)**
  - At least 184 people, including 127 elderly men and women, were killed in Haiti's Wharf Jérémie neighborhood of Cité Soleil over the weekend, prompting strong condemnation from Secretary-General António Guterres.
  - Independent UN human rights experts have condemned the Taliban's recent step to tighten the already draconian ban on education for women and girls in Afghanistan by barring female students from education at medical institutions. Afghanistan already suffers from one of the highest maternal mortality rates in the world. This latest restriction threatens to create a devastating healthcare consequence for future generations of Afghan women and children.
  - Dozens of civilians, including several children have been killed or wounded in attacks across Ukraine's front-line regions of Donetsk, Kherson and Zaporizhzhia. This is happening as humanitarian conditions deteriorate amid dropping winter temperatures. "Local authorities are telling us that attacks have killed or injured dozens of civilians including several children," UN Spokesperson Stephane Dujarric told reporters.

- **SYRIA CRISIS: NOTHING MUST STOP PEACEFUL TRANSITION, SAYS UN SPECIAL ENVOY (**10 December 2024**)**
  Barely 48 hours since opposition forces including Hayat Tahrir al-Sham (HTS) swept into Damascus and forced out President Bashar al-Assad, the top UN negotiator tasked with helping the Syrian people to create a peaceful and democratic future insisted that nothing could be taken for granted.
  "The conflict in the northeast is not over; there has been clashes between the Syrian National Army, the opposition groups and the [Syrian Democratic Forces]. We are calling obviously for calm also in this area," the UN Special Envoy said. Turning to numerous reports of Israeli troop movements into the Occupied Golan Heights and bombardments of targets inside Syria, Mr. Pedersen insisted: "This needs to stop."

- **WORLD NEWS IN BRIEF: HUMAN RIGHTS IN UKRAINE, CIVIL AVIATION PRAISED, ENFORCED DISAPPEARANCES IN COLOMBIA (**5 December 2024**)**
  - Addressing the conference in Kyiv on reclaiming human rights and preserving dignity, High Commissioner Volker Türk once again voiced his "full solidarity" with the Ukrainian people and concern over the latest wave of attacks on energy facilities as temperatures plummet. "Children, older people and those with disabilities will suffer most," he added.
  - UN Secretary-General António Guterres marked the 80th anniversary of the signing of the convention that opened the way to mass civilian air travel, by praising the International Civil Aviation Organization (ICAO) as a testament to global cooperation. "Across the decades, your organization, which the Convention established, has expanded dramatically, from 54 nations gathered in Chicago in 1944 to a membership of 193 today," he noted.
  - Enforced disappearances remain a daily occurrence in Colombia, according to findings by the UN Committee on Enforced Disappearances (CED). With estimates ranging from 98,000 to 200,000 missing persons, the exact scope of the crisis remains unclear due to fragmented record-keeping and institutional inefficiencies. The findings painted a grim picture of disappearances including children, journalists, social leaders, and migrants.

- **"MYANMAR'S CHILDREN CANNOT AFFORD TO WAIT," WARNS UNICEF (**21 November 2024**)**
  Children in Myanmar are increasingly caught in the crossfire of intensifying conflict, climate disasters and a collapsing humanitarian system, the UN Children's Fund (UNICEF) reported.

Since the February 2021 military coup, Myanmar has plunged into a deepening crisis. This year alone, at least 650 children have been killed or maimed according to UNICEF.

- **CHILDREN FACE UNPRECEDENTED CHALLENGES BY 2050, UNICEF REPORT WARNS (**20 November 2024**)**
  The future of childhood 'hangs in the balance' as three major global forces reshape children's lives, according to UN Children's Fund UNICEF's flagship report released on World Children's Day.
  "The State of the World's Children 2024: The Future of Childhood in a Changing World", explores three megatrends young people face including climate disasters, demographic shifts and technological disparities that will dramatically reshape childhood by 2050.
  "It is shocking that in the 21st century, any child still goes hungry, uneducated, or without even the most basic healthcare," UN Secretary António Guterres said in his World Children's Day message. "It is a stain on humanity's conscience when children's lives are caught in the grinding wheels of poverty or upended by disasters".

- **RIGHTS EXPERTS CALL FOR IMMEDIATE END TO POST-ELECTION VIOLENCE IN MOZAMBIQUE (**15 November 2024**)**
  UN independent human rights experts called on Mozambican authorities to prevent and end ongoing violence and repression of demonstrators in the wake of contentious elections last month.
  Weeks of violent protests have marked the outcome of the disputed 9 October presidential elections, which saw ruling party Frelimo candidate emerge the winner amid widespread allegations of fraud. Frelimo has been in power since 1975.
  News reports indicate that violent and repressive measures were used by security forces against protesters who were taking part in peaceful demonstrations which continued until 7 November, causing at least 30 deaths – including a child – and injuring a further 200. At least 300 protesters have also been arrested in connection with these demonstrations.

- **SUDAN'S DISPLACED HAVE ENDURED "UNIMAGINABLE SUFFERING, BRUTAL ATROCITIES" (**8 November 2024**)**
  Nineteen months since conflict erupted between rival militaries the Sudanese Armed Forces and the Rapid Support Forces (RSF) over the transfer of power to civilian rule, the UN refugee agency expressed deep concern that more than three million people have now been forced to flee the country in search of safety.
  "It's been over a year and a half of unimaginable suffering, brutal atrocities and widespread human rights violations," said

Dominique Hyde, UNHCR Director of External Relations. “Every day of every minute, thousands of lives are shattered by war and violence away from the world's attention.” Speaking in Geneva after visiting displaced communities sheltering in neighboring Chad, Ms. Hyde described Chad as “a sanctuary, a lifeline” for 700,000 war refugees.

- **HISTORIC DEVELOPMENT IN THAILAND AS IT MOVES TO END STATELESSNESS FOR NEARLY 500,000 PEOPLE (**8 November 2024**)**
  Thailand’s cabinet has approved an accelerated pathway to permanent residency and nationality for nearly half a million stateless people, marking one of the region’s most significant citizenship initiatives. The decision will benefit 335,000 longtime residents and members of officially recognized minority ethnic groups, along with approximately 142,000 of their children born in Thailand. “This is a historic development,” said Ms. Hai Kyung Jun, UN refugee agency Bureau Director for Asia and the Pacific. The measure is expected to dramatically reduce statelessness, addressing the situation of the majority of nearly 600,000 people currently registered as stateless in the country.

Regional News

- **IACtHR FINDS CHILE INTERNATIONALLY RESPONSIBLE FOR NOT CONSIDERING THE SUSPENSION OR INTERRUPTION OF THE STATUTE OF LIMITATIONS FOR AN ACTION RELATED TO EVENTS THAT OCCURRED DURING THE MILITARY DICTATORSHIP (**5 December 2024**)**
  The Inter-American Court of Human Rights (IACtHR) found the Republic of Chile internationally responsible for violating the rights to judicial guarantees and judicial protection in the case of *Galetovic Sapunar and Others v. Chile*. The Court concluded that Chile's Supreme Court failed to consider the suspension or interruption of the statute of limitations regarding a compensation claim for the expropriation of the radio station "La Voz del Sur" during the military dictatorship. The radio station was seized in 1973, and the owners were subsequently detained. While the Supreme Court later recognized the illegal nature of the expropriation decrees, it dismissed the compensation claim based on the statute of limitations. The IACtHR determined that given the context of the military dictatorship and the victims' inability

to seek redress during that period, the Chilean court should have analyzed the possibility of suspending or interrupting the statute of limitations. As a measure of reparation, the Court ordered Chile to: i) publish the judgment and its summary; ii) hold a public act of acknowledgment of international responsibility; iii) exercise *ex officio* control of conventionality between domestic laws and the American Convention when applying rules on the statute of limitations for reparatory actions in cases of human rights violations; and iv) pay the amounts established in the judgment for material and moral damages, as well as costs and expenses.

- **IACtHR FINDS BRAZIL RESPONSIBLE FOR THE FORCED DISAPPEARANCE OF 11 AFRO-DESCENDENT YOUTHS FROM THE ACARI FAVELA IN RIO DE JANEIRO (**04 December 2024**)**
  The Inter-American Court of Human Rights found the Federative Republic of Brazil internationally responsible for the enforced disappearance of 11 Afro-descendent youths from the Acari Favela in Rio de Janeiro on July 26, 1990, in the case of Leite de Souza et al. v. Brazil. The Court also found Brazil responsible for serious flaws in the investigations following the disappearances and the homicides of two family members who pursued investigations into the case. The Court accepted Brazil's partial acknowledgment of responsibility, but considered it limited in scope. The case concerns the abduction of 11 young people by a group believed to be part of "Cavalos Corredores," a death squad operating in Acari and composed of military police officers. The abductions followed an earlier incident involving police extortion. Despite investigations, the whereabouts of the victims remain unknown. The Court found that the State failed to conduct a serious, objective, and effective investigation aimed at determining the truth and achieving justice. Further, the Court found that the victims' families, particularly the "Mothers of Acari," suffered discrimination in their pursuit of justice. As reparation, the Court ordered Brazil to: i) continue the investigation into the enforced disappearances; ii) conduct a rigorous search for the disappeared youths; iii) hold a public act of acknowledgment of international responsibility; iv) create a memorial space in the Acari neighborhood; and v) conduct a diagnostic study on the current activities of militias and death squads in Rio de Janeiro.

- **IACtHR FINDS VENEZUELA RESPONSIBLE FOR VIOLATING POLITICAL RIGHTS AND JUDICIAL PROTECTION OF HENRIQUE CAPRILES RADONSKI DURING THE 2013 ELECTIONS (**02 December 2024**)**
  The Inter-American Court of Human Rights found the Bolivarian Republic of Venezuela responsible for violating the political

rights, freedom of expression, equality before the law, judicial guarantees, and judicial protection of Henrique Capriles Radonski during the 2013 presidential election. The Court found that the electoral process was marred by an abuse of state power, including: i) a Supreme Court decision favoring Nicolás Maduro's candidacy; ii) the use of state resources and proselytizing by public officials to support Maduro's campaign; iii) disproportionate and biased coverage by public media favoring Maduro; iv) lack of impartiality by the National Electoral Council (CNE), demonstrated by its failure to address Capriles' complaints of irregularities; and v) refusal to conduct a full audit of the election. Furthermore, the Court found that Capriles' right to judicial protection was violated when the Supreme Court arbitrarily dismissed his electoral challenge and fined him for his expressions in the filing, actions the Court deemed an abuse of power intended to silence legitimate challenges. The Court ordered Venezuela to implement measures guaranteeing minimum standards for electoral integrity, transparency in electoral processes, access to public media, and the independence and impartiality of the CNE and the Supreme Court.

- **IACtHR FINDS COLOMBIA RESPONSIBLE FOR VIOLATING THE RIGHT TO APPEAL AND JUDICIAL PROTECTION IN CASE AGAINST HIGH-RANKING OFFICIAL (**22 November 2024**)**
  The Inter-American Court of Human Rights found the Republic of Colombia responsible for violating the rights to appeal a conviction and to judicial protection of Saulo Arboleda Gómez. The violation occurred when the Supreme Court of Justice issued a conviction in a single instance for the crime of illicit interest in the execution of contracts in 2000. Mr. Arboleda Gómez, then Minister of Communications, was convicted without the opportunity to appeal to a higher court. The Court held that Article 8.2.h of the American Convention, guaranteeing the right to appeal, does not allow for exceptions even for high-ranking officials ("aforados constitucionales"). The lack of an appeal mechanism also violated Mr. Arboleda Gómez's right to judicial protection under Article 25.1 of the Convention. While acknowledging Colombia's subsequent efforts to address this issue, the Court concluded that at the time of the events, Colombia had not adopted the necessary measures to implement its conventional obligations, specifically, the right to appeal for high-ranking officials. The Court ordered Colombia to take the necessary measures to guarantee Mr. Arboleda Gómez the right to appeal his conviction.

- **IACtHR FINDS CHILE INTERNATIONALLY RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS AGAINST MAPUCHE PEOPLE DURING PROTESTS (**21 November 2024**)**
  The Inter-American Court of Human Rights found the Republic of Chile responsible for violating the human rights of 135 Mapuche people in the context of criminal proceedings related to peaceful land protests between 1989 and 1992. The Court acknowledged and valued Chile's partial acceptance of responsibility. The Court found that the judge overseeing the case demonstrated bias and prejudice, prejudging the Mapuche organization, Consejo de Todas las Tierras. Numerous judicial guarantees were also violated during the proceedings, including restrictions on disseminating information about the case, denial of translation for a defendant, failure to address the legal situation of all accused individuals, conviction of individuals not included in the indictment, application of vaguely defined criminal charges, use of a law presuming guilt based on possession of allegedly stolen goods, and inadequate reasoning in the conviction. The Court concluded that the criminal proceedings effectively criminalized peaceful protest by the Mapuche people in their pursuit of land rights. The Court ordered Chile to, among other measures: i) take necessary steps to nullify the convictions if requested by the victims or their families and expunge related criminal records; ii) reform Article 454 of the Penal Code, which presumes guilt in theft cases based on possession; and iii) continue implementing training programs to eradicate discriminatory use of criminal law based on ethnicity.

- **IACtHR FINDS NICARAGUA RESPONSIBLE FOR VIOLATING RIGHTS OF RAMA AND KRIOL PEOPLES AND THE CREOLE COMMUNITY OF BLUEFIELDS (**18 November 2024**)**
  The Inter-American Court of Human Rights found the Republic of Nicaragua responsible for violating the rights of the Rama and Kriol peoples and the Creole Indigenous Black Community of Bluefields. The Court found that Nicaragua: i) interfered with the appointment of communal and territorial authorities and representatives; ii) violated the communities' territorial rights; iii) failed to adequately respond to legal actions; iv) failed to prevent environmental damage caused by settlers; and v) approved and granted a concession for the Grand Interoceanic Canal project without prior, free, and informed consultation or a timely environmental and social impact assessment. Specifically, the Court determined that Nicaragua issued a flawed land title to the Creole community after an unduly delayed process, failed to complete the process of titling the Rama and Kriol territories, and did not adequately consult with the communities regarding the canal project.

The Court ordered Nicaragua, among other measures, to: i) replace the flawed land title and conduct delimitation, demarcation, and titling processes; ii) protect the communities' collective property; iii) complete the titling process for Rama and Kriol territories and adopt measures to ensure peaceful coexistence within the territory; iv) ensure any measures related to an interoceanic canal are preceded by free, prior, and informed consultation; and v) establish a fund to finance projects for the affected communities.

- **IACtHR FINDS PERU RESPONSIBLE FOR DELAY IN ENFORCING A JUDGMENT PROTECTING THE RIGHT TO COLLECTIVE BARGAINING (**15 November 2024**)**
  The Inter-American Court of Human Rights found the Republic of Peru responsible for violating the rights to judicial guarantees, judicial protection, freedom of association, participation in public affairs, and collective bargaining of the members of the Single Union of ECASA Workers (SUTECASA). The case concerns a 28-year delay in enforcing a 1996 judicial decision that favored the union in a collective bargaining dispute. The Court found this delay unreasonable and rendered the judicial remedy ineffective. The Court also highlighted the structural problem of non-compliance with judicial decisions in Peru, particularly regarding the enforcement of amparo judgments. This failure to adopt effective measures to address the problem constituted a violation of Peru's obligation to implement domestic legal provisions that give effect to Convention rights. Furthermore, the delay undermined the right to collective bargaining by creating uncertainty regarding the enforceability of agreements.
  The Court ordered Peru to: i) establish a verified union roster to identify victims for reparations; ii) publish the judgment and its summary; iii) hold a discussion within the judiciary to address the structural problem identified; iv) design and implement mandatory training for judges on this issue; and v) pay the amounts set forth in the judgment for material and moral damages, costs, and expenses.

- **IACtHR FINDS GUATEMALA RESPONSIBLE FOR THE FORCED DISAPPEARANCE OF FOUR HUMAN RIGHTS DEFENDERS (**14 November 2024**)**
  The Inter-American Court of Human Rights found the Republic of Guatemala responsible for the forced disappearance of Agapito Pérez Lucas, Nicolás Mateo, Macario Pú Chivalán, and Luis Ruiz Luis, and for violations of the rights of their families.
  The Court determined that in 1989, during Guatemala's internal armed conflict, the four men were threatened and persecuted by state security forces for their human rights work, forcing them to flee their homes. They were subsequently forcibly disappeared by

members of the Guatemalan Army. The Court also found that Guatemalan authorities failed to diligently investigate, prosecute, and punish those responsible, or to effectively search for the disappeared. The Court recognized the anguish and suffering inflicted upon the victims' families, including children.
The Court ordered Guatemala, among other measures, to: i) immediately remove all obstacles to justice in this case and conduct a diligent search for the disappeared; ii) design and implement a national strategy for searching for victims of forced disappearance, including those who disappeared during the internal armed conflict; and iii) design and implement a public policy for the proper management, declassification, preservation, and accessibility of security force archives relevant to clarifying events during the internal armed conflict.

- **ECOWAS TASK FORCE REVIEWS TRADE LIBERALISATION SCHEME IMPLEMENTATION (**3 December 2024**)**
  The ECOWAS Task Force on the ECOWAS Trade Liberalisation Scheme (ETS) reviewed the implementation of the Cotonou Declaration on obstacles to trade. While progress has been made on deploying the Goods Management Interconnection System (SIGMAT) and launching the electronic Certificate of Origin, member states face challenges in implementing the declaration. The Task Force recommends reducing checkpoints, removing technical barriers, utilizing the certificate of origin as specified, raising awareness of the ETS, and strengthening cooperation between focal points. The Commission is urged to continue modernizing transit, strengthen National Committees' capacities, and ensure funding for their proper functioning. The Task Force will present these recommendations to regional authorities in December 2024.

- **ECOWAS REFINES HUMAN SECURITY INDEX TO TACKLE WEST AFRICAN CHALLENGES (**2 December 2024**)**
  The ECOWAS Directorate of Early Warning convened a working session in Abuja, Nigeria, to review and endorse the ECOWAS Human Security Index (EHSI). The EHSI aims to monitor vulnerabilities and resilience across crime, health, environment, security, and governance. By leveraging the EHSI, ECOWAS seeks to understand the drivers of insecurity, assess vulnerabilities, and support data-driven forecasting for effective response planning. Discussions focused on refining the index to reflect West African realities and aligning it with the ECOWARN system for coordinated early warning efforts.

- **ECOWAS MEMBER STATES REVIEW CHILD POLICY IMPLEMENTATION AND DATA SYSTEM (**28 November 2024**)**
  Directors of Child Rights from ECOWAS member states met in Lagos, Nigeria to review the implementation of the ECOWAS Child Policy and the first ECOWAS Child Rights Information Management System (ECRIMS) report. The meeting aimed to assess progress, identify challenges, share best practices, and strengthen national child protection systems. UNICEF, IOM, ILO, and ISS-WA also participated.

- **WEST AFRICAN EXPERTS FINALIZE REGIONAL RESILIENCE STRATEGY (**27 November 2024**)**
  Experts from ECOWAS member states convened in Abidjan to finalize the Regional Resilience Strategy (2024-2050). Supported by UNDP, Sweden, and Denmark, the strategy aims to address West Africa's vulnerabilities to crises through six pillars: governance, economic stability, livelihoods, social protection, gender inclusion, and climate resilience. The strategy will be presented to ministers for adoption, where they will review technical recommendations and provide their endorsement.

- **ECOWAS PARTICIPATES IN COP29, ADVANCING CLIMATE ACTION IN WEST AFRICA (**19 November 2024**)**
  The ECOWAS Commission participated in COP29 in Baku, Azerbaijan, advocating for stronger climate action and highlighting member states' efforts to meet Paris Agreement commitments. The delegation engaged in high-level discussions, bilateral meetings with partners like the Spanish Cooperation and UNCDF, and organized side events showcasing West African carbon market initiatives and green project portfolios.

- **AU AND ECOWAS OBSERVATION MISSIONS MONITOR SENEGAL'S LEGISLATIVE ELECTIONS (**18 November 2024**)**
  The African Union (AU) and Economic Community of West African States (ECOWAS) deployed a joint election observation mission to Senegal for the legislative elections held on 17 November 2024. The mission heads met with observers, government officials, and electoral bodies to assess preparations and ensure the elections adhered to international standards. Initial assessments noted a calm and peaceful atmosphere. A preliminary statement will be released on 19 November 2024.

- **AfCHPR DISMISSES REQUEST FOR INTERIM MEASURES IN *KONE AND DIARRA V. MALI* CASE (**20 November 2024**)**
  The African Court of Human and Peoples' Rights (AfCHPR) has dismissed a request for interim measures in the case of *Cheick Mohamed Cherif Kone and Dramane Diarra against the Republic of Mali* (Application No. 004/2024). The Court determined that the Applicants did not sufficiently demonstrate the urgency, extreme gravity, and irreparable harm required to justify the requested measures. The Court emphasized that this Order is provisional and does not prejudice any future decisions regarding jurisdiction, admissibility, or the merits of the case. The decision was reached by a majority vote, with two dissenting judges.

- **AfCHPR GIVES KENYA THREE MONTHS TO REPORT ON *OGIEK* JUDGMENT COMPLIANCE (**14 November 2024**)**
  The African Court on Human and Peoples' Rights has given Kenya a three-month deadline to report on its compliance with the 2017 judgment in the case regarding the land rights of the Ogiek community (Application No. 006/2012). The Court held a Compliance Hearing and granted Kenya's request for an adjournment to file a report, while reserving decisions on alleged continued evictions and costs.

- **AfCHPR DELIVERS JUDGMENTS IN MULTIPLE CASES DURING 75TH ORDINARY SESSION (**13 November 2024**)**
  The African Court on Human and Peoples' Rights delivered ten new judgments during its 75th Ordinary Session in Arusha, Tanzania.

  In the case of *Misozi Charles Chanthunya v. Republic of Malawi*, the Applicant, a Malawian national, alleged violations of his right to a fair trial. The Court found that the Respondent State had not violated the Applicant's right to a fair trial, as the domestic proceedings were conducted in accordance with international human rights standards. Consequently, the Court dismissed the Applicant's claims and did not order reparations, ruling that each party should bear its own costs.

  The case of *Rashidi Romani Nyerere v. United Republic of Tanzania* involved a Tanzanian national who alleged violations of his rights to a fair trial and dignity. While the Court dismissed the allegations of torture and unfair trial proceedings, it found that the mandatory imposition of the death penalty and the method of execution by hanging violated the Applicant's rights to life and dignity. The Court awarded the Applicant 300,000 Tanzanian Shillings for moral prejudice and ordered the Respondent State to

remove the mandatory death penalty and hanging as a method of execution from its laws within six months. Additionally, the Respondent State was ordered to rehear the Applicant's case on sentencing, allowing for judicial discretion, and to report on the implementation of the judgment within six months.

In *Edison Simon Mwombeki v. United Republic of Tanzania*, the Applicant, a Tanzanian national incarcerated for rape, alleged violations of his rights during national court proceedings. The Respondent State objected to the Court's material jurisdiction, arguing it lacked appellate authority to release the Applicant. The Court clarified that while it does not act as an appellate court, it can assess domestic proceedings against international human rights standards and has the power to order release as a form of reparation if a violation necessitates it. After finding it had jurisdiction and the Application was admissible, the Court examined the merits and concluded that the Respondent State did not violate the Applicant's right to have his cause heard, nor his rights to equal protection and dignity. Consequently, the Court dismissed the Applicant's prayers for reparations and ordered each party to bear its own costs.

In the matter of *Lameck Bazil v. United Republic of Tanzania*, the Applicant, a death row inmate convicted of murder, alleged violations of his right to a fair trial. The Court delivered a default judgment due to the Respondent State's failure to file a Response. While the Court found no violation of te right to a fair trial, it determined, based on its established jurisprudence, that the mandatory death penalty violated the Applicant's right to life and that execution by hanging violated his right to dignity. Consequently, the Court ordered Tanzania to remove the mandatory death penalty and hanging as a method of execution from its laws within specified timeframes. It also ordered the Respondent State to vacate the Applicant's death sentence and rehear his case on sentencing, allowing for judicial discretion.

In the case of *Gerald Koroso Kalonge v. United Republic of Tanzania*, the Applicant, a death row inmate convicted of murder, alleged multiple violations of his rights under the African Charter on Human and Peoples' Rights. The Court reiterated its position that it does not serve as an appellate court over national courts but assesses the compliance of domestic proceedings with international human rights standards. While finding no violations regarding the Applicant's right to equality, a fair trial, family life, and free movement, the Court determined that the mandatory death penalty violated his right to life and that execution by hanging constituted a violation of his right to dignity. As a result, the Court ordered Tanzania to pay the Applicant 300,000 Tanzanian Shillings in compensation for moral anguish, remove

the mandatory death penalty and hanging from its laws, and rehear the Applicant's case on sentencing, allowing for judicial discretion.

In the case of *Kija Nestory v. United Republic of Tanzania*, the Applicant, a death row inmate, alleged a violation of his right to a fair trial due to his conviction being based on weak circumstantial evidence. The Court rendered a default judgment as the Respondent State failed to file a defense. While the Court found no violation of the right to a fair trial, it concluded, based on its own jurisprudence, that the mandatory death penalty violated the right to life and execution by hanging violated his right to dignity. Consequently, the Court awarded the Applicant 300,000 Tanzanian Shillings for moral damages and ordered the Respondent State to revoke the death sentence, remove the mandatory death penalty and hanging from its laws, and rehear the Applicant's case on sentencing with judicial discretion.

In *Glory Cyriaque Hossou v. Republic of Benin*, the Applicant challenged Article 6(1)(3) and (4) of Benin's Law of 24 August 2004 on the Personal and Family Code, alleging it violated the principle of equality between men and women by granting only the father the right to give his surname to a child. The Respondent State argued that the Court lacked material jurisdiction, as its Constitutional Court had already deemed the provisions constitutional. The Court dismissed this objection, asserting its authority to assess the compatibility of national laws with international human rights instruments. However, the Court found the Application moot due to a 2021 amendment to the law, which now allows both parents to choose the child's surname. Consequently, the Court did not order reparations and decided each party should bear its own costs. A Partial Dissenting Opinion was appended to the judgment.

In *Harouna Dicko and Others v. Burkina Faso*, the Applicants alleged the violation of the Burkinabe people's right to participate in elections, as protected by Article 13(1) of the African Charter on Human and Peoples' Rights, Article 4(2) of the African Charter on Democracy, Elections and Governance (ACDEG), Article 25 of the International Covenant on Civil and Political Rights (ICCPR), and Article 2(1) of the ECOWAS Protocol on Democracy and Good Governance. The Applicants challenged the amendment of the Electoral Code in 2020, arguing it was made without proper consultation and during a period of insecurity that displaced many voters. However, the Court found that the Applicants had not exhausted domestic remedies, as they failed to challenge the law before the Constitutional Council prior to its promulgation or to raise the issue of unconstitutionality before ordinary courts.

Consequently, the Court declared the Application inadmissible and ordered the Applicants to bear their own procedural costs.

In *Doumbia Moussa v. Republic of Côte d'Ivoire*, the Applicant alleged a violation of his right to a fair trial. He sought various forms of reparation, including a presidential pardon and commutation of his 20-year prison sentence. The Respondent State argued that the Application was inadmissible due to the Applicant's failure to exhaust domestic remedies and for being filed outside a reasonable timeframe. The Court upheld the objection regarding the exhaustion of domestic remedies, noting that the Applicant had not filed an appeal in cassation against the Court of Appeal's decision, despite this being an available and effective remedy within the Ivorian judicial system. Consequently, the Court declared the Application inadmissible without examining the other admissibility conditions and ordered each party to bear its own procedural costs.

In *Samia Zorgati v. Republic of Tunisia*, the Applicant alleged violations of the right of peoples to self-determination and to freely dispose of their wealth and natural resources, as well as the obligation to guarantee the independence of the courts, protected under Articles 20 and 26 of the African Charter on Human and Peoples' Rights, respectively. The Applicant challenged the adoption of a new Constitution in 2014 without a referendum, arguing it was done without the people's consent. She also criticized the suspension of the Assembly of People's Representatives and the dissolution of the Constitutional Court and the Superior Council of the Judiciary. While the Court found that the absence of a referendum did not violate the right to self-determination in this case, as the 2014 Constitution was drafted by an elected Constituent Assembly, it held that the suspension and dissolution of the Assembly of People's Representatives violated the principle of separation of powers. Additionally, the Court found that the removal of the Superior Council of the Judiciary and the failure to establish the Constitutional Court violated Article 26 of the Charter. The Court ordered the Respondent State to take necessary measures to establish the Constitutional Court and restore the Superior Council of the Judiciary. The request to reinstate the 1959 Constitution was deemed moot due to the adoption of a new Constitution in 2022.

- **ACHPR MOURNS DEATH OF MIGRANTS OFF COMOROS COAST (**12 November 2024**)**
  The African Commission on Human and Peoples' Rights (ACHPR) expressed deep sorrow over the deaths of nearly 25 migrants, including women and children, in a shipwreck between the Comoros and Mayotte. The Commission highlighted the dangers

of this migration route and the alleged involvement of traffickers. The Commission also urged states to address the root causes of migration, establish legal pathways, and uphold the human rights of all migrants, referencing the *African Guiding Principles* and the *Global Compact for Migration*.

- **AfCHPR DECLINES TO REOPEN PLEADINGS IN MISOZI CHARLES *CHANTHUNYA V. MALAWI* CASE (**11 November 2024**)**
  The African Court on Human and Peoples' Rights has declined to reopen pleadings in the case of *Misozi Charles Chanthunya v. Republic of Malawi* (Application No. 001/2022). Mr. Chanthunya, extradited from South Africa to Malawi, faces charges related to the murder of Ms. Linda Gaza. The Court dismissed Malawi's request for an extension to file pleadings, citing insufficient justification.

- **ACHPR CONCERNED OVER INHUMAN TREATMENT OF DETAINEES, INCLUDING CHILDREN, IN NIGERIA (**8 November 2024**)**
  The African Commission on Human and Peoples' Rights (ACHPR) expresses deep concern over reports of the detention and mistreatment of individuals, including children, facing treason charges for participating in August 2024 protests in Nigeria. The Commission is alarmed by reports of inhumane detention conditions, including for minors, and the potential for the death penalty. The ACHPR urges Nigeria to improve detention conditions, investigate allegations of mistreatment, ensure due process, and guarantee that law enforcement actions align with human rights standards.

- **AfCHPR ORDERS MALI TO SUSPEND WARRANTS AND PROVIDE MEDICAL TREATMENT FOR DETAINEES (**29 October 2024**)**
  The African Court on Human and Peoples' Rights has ordered Mali to suspend warrants and provide medical treatment for *Moulaye Baba Haïdara and others* (Application No. 009/2024). The applicants allege torture, including flogging, scarification, and electrocution, while detained by the National Agency for State Security. Mali must suspend the warrants until the completion of necessary medical treatment and report back to the Court within 15 days on the measures taken.

- **AfCHPR REOPENS PROCEEDINGS IN *TEMBO HUSSEIN V. TANZANIA* CASE (**28 October 2024**)**
  The African Court on Human and Peoples' Rights has reopened proceedings in the case of *Tembo Hussein v. United Republic of Tanzania* (Application No. 001/2018). Mr. Hussein, convicted of

murder and sentenced to death, alleges human rights violations during his trial. The Court has accepted Tanzania's response and given Mr. Hussein 30 days to reply. The case raises important legal questions regarding due process rights.

- **NORTH MACEDONIA FAILED TO ADDRESS DIPLOMATIC IMMUNITY CLAIM IN CRIMINAL PROCEEDINGS, RULES ECtHR** (5 November 2024)
  The European Court of Human Rights (Second Section), in *Zahariev v. North Macedonia,* (Application no. 26760/22), has found North Macedonia in violation of Article 6 §1 of the European Convention on Human Rights (right to a fair trial). The Court's judgment concerns the domestic courts' handling of Bulgarian national Borislav Zahariev's claim of diplomatic immunity from criminal prosecution.
  The case involved the conviction of Mr. Zahariev, a financial director in North Macedonia, for abuse of office in 2019. His wife held a position at the Bulgarian Cultural and Information Centre attached to the Bulgarian embassy in Skopje during this period. Throughout the proceedings, Mr. Zahariev consistently argued that he enjoyed immunity from criminal jurisdiction under Article 37 of the 1961 Vienna Convention on Diplomatic Relations, based on his wife's status. He maintained that this immunity was only waivable explicitly by the sending state (Bulgaria) and that the domestic courts had failed to properly address his arguments.
  While acknowledging that the national courts are primarily responsible for interpreting and applying domestic law, including international agreements, the Court determined that the domestic courts' reasoning fell short of the standards required by Article 6 §1 of the Convention. Specifically, the ECtHR found that the courts failed to adequately address Mr. Zahariev's key argument: that Article 42 of the Vienna Convention (prohibiting diplomatic agents from engaging in professional or commercial activities for personal profit), which the domestic courts cited as grounds for terminating his immunity, did not explicitly provide for the termination of immunity in the event of such a breach. The Court noted that the applicant's consistent invocation of immunity, starting from the initial stages of the proceedings in 2013, was not sufficiently addressed.
  The Court concluded that the North Macedonian courts' failure to provide sufficient reasoning and engagement with Mr. Zahariev's central arguments regarding his diplomatic immunity resulted in a violation of his right to a fair trial. The ECtHR held that the finding of this violation itself constitutes sufficient satisfaction and dismissed the applicant's claim for additional compensation.

- **ROMANIA'S INEFFECTIVE INVESTIGATION INTO FIRE-RELATED DEATHS VIOLATED RIGHT TO LIFE, RULES ECtHR** (5 November 2024)
  The European Court of Human Rights (Fourth Section), in *Ioniță v. Romania* (Application no. 51309/20), found Romania in violation of the procedural aspect of Article 2 (right to life) of the European Convention on Human Rights. The applicant, Roxana-Mihaela Ioniță, alleged that the investigation into the deaths of her parents in a building fire was inadequate.
  The case concerned the death of the applicant's parents as a result of the fire, one immediately following the event, the other a month later. While acknowledging that a criminal investigation was launched, including witness statements, on-site inspections, and autopsies confirming a link between the fire and the deaths, the ECtHR identified critical flaws that undermined the investigation's effectiveness.
  The ECtHR found that Romania's failure to secure evidence and its subsequent failure to conduct an expert examination, prevented a complete clarification of the circumstances of the deaths. The Court held that this constituted a violation of the procedural aspect of Article 2. Consequently, Romania was ordered to pay €20,000 in non-pecuniary damages for moral harm, plus interest. The applicant's claim for material damages was dismissed due to insufficient evidence demonstrating a direct causal link to the identified procedural failings.

- **DENMARK'S BLOOD TRANSFUSION TO UNCONSCIOUS JEHOVAH'S WITNESS DID NOT VIOLATE CONVENTION RIGHTS, RULES ECtHR** (5 November 2024)
  The European Court of Human Rights (Fourth Section), in *Lindholm and the Estate after Leif Lindholm v. Denmark* (Application no. 25636/22), found no violation of Articles 8 and 9 of the European Convention on Human Rights (right to respect for private and family life, and freedom of thought, conscience and religion) in relation to a blood transfusion administered to Leif Lindholm, a Jehovah's Witness.
  The case concerned the administration of a blood transfusion to Leif Lindholm while he was unconscious following a serious fall. Mr. Lindholm had previously executed an advanced medical directive refusing blood transfusions under any circumstances. The applicant, Mr. Lindholm's wife, argued that the transfusion violated his rights to religious freedom and bodily autonomy.
  The Court found that Denmark's legal framework, which allows life-saving treatment for unconscious patients lacking capacity to consent, even if such treatment contradicts prior directives, was in line with the Convention. The Court found that the Danish legal provisions, specifically sections 19 and 24 of the Health Act, met the requirements of accessibility and foreseeability and were

applied by the domestic courts in a manner that was neither arbitrary nor manifestly unreasonable.
The ECtHR emphasized that Danish law requires informed refusal of treatment “in the context of the current course of illness” for it to be legally binding. Since Mr. Lindholm was unconscious and unable to express his wishes regarding the immediate medical situation, the condition was not fulfilled. While acknowledging that the advance directive should be considered, the Court found that the domestic authorities' actions were proportionate to the legitimate aim of protecting Mr. Lindholm's life and health and fell within their margin of appreciation. The Court noted that attempts were made to avoid the transfusion until it became necessary to preserve his life. Therefore, the Court found no violation of the Convention. The application concerning Article 14 (prohibition of discrimination) was found inadmissible.

- **ROMANIA'S USE OF INDIRECT TESTIMONY IN CRIMINAL PROCEEDINGS DID NOT VIOLATE RIGHT TO FAIR TRIAL, RULES ECtHR** (5 November 2024)
  The European Court of Human Rights (Fourth Section), in *Miron v. Romania* (Application no. 37324/16), ruled that Romania did not violate Article 6 § 1 of the European Convention on Human Rights (right to a fair trial) in the applicant’s criminal proceedings.
  Adriana-Laura Miron, a Romanian national, was convicted of forgery and abuse of office. She argued that the trial was unfair because the judges did not directly hear all witnesses and co-defendants, thereby violating the principle of immediacy.
  While the first-instance judge and the court of appeal did not directly hear all witnesses, the ECtHR emphasized that the courts considered all available evidence, including extensive written documentation. The Court highlighted the significant weight given to the direct testimony of a key co-defendant and the minimal impact of the indirect testimonies on the overall judgment.
  The Court also noted that Ms. Miron, despite the ample opportunity, did not effectively challenge the credibility of the witnesses whose testimonies were presented indirectly.
  Furthermore, the Court deemed the additional measures taken by both the trial court and the appeal court – including the direct hearing of certain co-defendants and a crucial witness – sufficient to address any potential prejudice. The availability of audio recordings of the other testimonies further mitigated the impact of the indirect evidence.
  The ECtHR concluded that the Romanian courts' approach, within the context of the specific circumstances and the evidence presented, did not infringe upon Ms. Miron's right to a fair trial.

- **ECtHR REVISES JUDGMENT FOLLOWING DEATH OF APPLICANT IN FRENCH DETENTION CONDITIONS CASE** (7 November 2024)
  The European Court of Human Rights (Fifth Section), in *Leroy and others v. France* (revision of the judgment of 18 April 2024), revised its previous judgment following the death of one of the applicants, Mr. Leroy. The original judgment found France in violation of Article 3 of the European Convention on Human Rights (prohibition of inhuman or degrading treatment) concerning the detention conditions experienced by Mr. Leroy and another applicant during a prison protest.
  Following Mr. Leroy's death, his heirs—his partner and daughter—requested a revision of the judgment under Article 80 of the Court's Rules. The Court granted the revision, acknowledging that Mr. Leroy's death was a previously unknown fact that had a decisive influence on the case's outcome. The Court then awarded the €2,000 previously allocated to Mr. Leroy for moral damages jointly to his heirs, Ms. Adeline Billotet and Ms. Kessy Leroy.

- **ITALY VIOLATED RIGHTS OF PSYCHIATRIC PATIENT THROUGH EXCESSIVE MECHANICAL RESTRAINT, RULES ECtHR** (7 November 2024)
  The European Court of Human Rights (First Section), in *Lavorgna v. Italy* (Application no. 8436/21), found Italy in violation of Article 3 of the European Convention on Human Rights (prohibition of torture and inhuman or degrading treatment), both substantively and procedurally.
  The case concerned Italian national Matteo Lavorgna, who was subjected to nearly eight days of continuous mechanical restraint while involuntarily hospitalized in a psychiatric ward.
  The Court acknowledged that the initial application of restraints might have been necessary to prevent imminent harm following an episode of aggression by Mr. Lavorgna. However, it also found that the continued use of restraints for such an extended period was unjustified and constituted inhuman and degrading treatment.
  The ECtHR's judgment highlighted significant deficiencies in the domestic authorities' justification for the prolonged restraint. The Court criticized the lack of regular and thorough assessments of the ongoing necessity for the restraints, pointing to substantial gaps in the medical records and a failure to explore less restrictive alternatives. The Court found that the domestic investigation failed to adequately address the applicant's arguments and that the authorities' reliance on generalized assessments of risk, rather than concrete evidence of imminent harm, was insufficient to meet the standards of Article 3.
  The Court also noted the lack of consideration given to the applicant's young age and vulnerability in the application of the restraints. The judgment further emphasized the inadequacy of

the investigation into Mr. Lavorgna's complaints, highlighting the delays and the absence of a thorough examination of the circumstances surrounding the use of the restraint. Consequently, the Court awarded Mr. Lavorgna €41,600 in non-pecuniary damages for the violation of the substantive limb of Article 3 and €8,000 for costs related to the procedural violation. The Court did not consider it necessary to address the applicant's additional claims concerning his pharmacological sedation.

- **GEORGIA'S HIGH COUNCIL OF JUSTICE FAILED TO PROVIDE SUFFICIENT JUDICIAL REVIEW AGAINST ALLEGATIONS OF DISCRIMINATION, RULES ECtHR** (7 November 2024)
  The European Court of Human Rights (Fifth Section), in *Bakradze v. Georgia* (Application no. 20592/21), found Georgia in violation of Article 14 of the European Convention on Human Rights (prohibition of discrimination) taken in conjunction with Articles 10 (freedom of expression) and 11 (freedom of association).
  The case concerned the alleged discrimination stemmed from Ms. Bakradze's prominent role as founder and president of the NGO "The Unity of Judges of Georgia," an organization known for its vocal criticism of the HCJ and the Georgian judiciary, and her publicly expressed critical views of the judicial system.
  The Court highlighted that a significant portion of her interviews with the HCJ focused on her NGO's activities and her critical views, rather than on assessing her professional competence and integrity. The Court determined that the interview questions, coupled with the lack of transparency in the HCJ's decision-making process (including the absence of reasoned decisions and secret voting), created a reasonable perception of bias. The Court emphasized that the questions went beyond a legitimate inquiry into Ms. Bakradze's suitability, and instead appeared aimed at punishing her for her outspoken views and her role in the NGO.
  The ECtHR criticized the Georgian courts for failing to adequately address Ms. Bakradze's discrimination claims. They did not sufficiently scrutinize the HCJ's interview process to ascertain whether uniform evaluation standards had been applied and failed to shift the burden of proof to the HCJ to justify any difference in treatment.
  The courts' rejection of Ms. Bakradze's requests for additional evidence, including interview transcripts from other candidates, further hindered a proper assessment of the allegations. The Court determined that this insufficient judicial review failed to provide Ms. Bakradze with effective protection against discrimination. The Court awarded Ms. Bakradze €4,500 in non-pecuniary damages.

- **CZECH REPUBLIC'S ANNULMENT OF PRIVATIZATION TITLES DID NOT VIOLATE PROPERTY RIGHTS, RULES ECtHR** (7 November 2024)
  The European Court of Human Rights (Fifth Section), in *Rybářství Třeboň a.s. and Rybářství Třeboň Hld. a.s. v. the Czech Republic* (Applications nos. 18037/19 and 33175/22), ruled that the Czech Republic did not violate the property rights of the applicants, who challenged the annulment of their ownership titles to privatized fishponds and land, acquired in 1992, without receiving compensation. Their claims were assessed under Article 1 of Protocol No. 1 (peaceful enjoyment of possessions) and Article 6 § 1 (right to a fair trial).
  In the cases, the land in question had originally belonged to Roman Catholic parishes before being unjustly seized during the communist era. The 1992 privatization, part of a larger transfer of state-owned assets, was later found to be illegal following a 1994 audit which revealed that the state entity lacked the authority to sell the land. This illegality was confirmed by Czech courts under the 2012 Church Property Settlement Act, which facilitated the restitution of unjustly confiscated church property.
  The ECtHR determined that the applicants lacked a legitimate expectation of continued ownership, as the 1992 privatization was void *ab initio* due to the lack of legal authority and the presence of bad faith. The Court found the domestic court decisions to be neither arbitrary nor manifestly unreasonable, giving due consideration to the Czech Republic's wide margin of appreciation in addressing complex property matters stemming from its transition from a communist system. The ECtHR considered the applicants' prolonged enjoyment of the property (over two decades), alongside the absence of substantial investment beyond routine maintenance, when determining that they did not suffer a disproportionate burden.
  The Court held that the annulment of the privatization, achieved through the application of the Church Property Settlement Act, served the legitimate public interest of restoring justice and upholding the rule of law. Consequently, the ECtHR found no violation of Article 1 of Protocol No. 1 or Article 6 § 1. The complaints under Article 6 § 1 were deemed implicitly addressed within the assessment of Article 1 of Protocol No. 1.

- **CZECH REPUBLIC'S FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS FOR AUTISTIC CHILD DID NOT CONSTITUTE DISCRIMINATION, RULES ECtHR** (7 November 2024)
  The European Court of Human Rights (Fifth Section), in *S. v. Czech Republic* (Application no. 37614/22), ruled that the Czech Republic did not violate the rights of an autistic child. The applicants, a mother and son, alleged discrimination under Article

14 of the Convention (prohibition of discrimination) and Article 2 of Protocol No. 1 (right to education), arguing that the child's school failed to provide reasonable accommodation during his first school year (2011-2012).
The case concerned specific complaints that included insufficient support measures, delays in establishing an Individual Education Program (IEP), the use of what the applicants characterized as inappropriate and humiliating disciplinary actions (warnings, classroom exclusions, time-outs), and eventual exclusion from after-school care due to a new, discriminatory rule. The mother also claimed that her subsequent economic dismissal was causally linked to the difficulties experienced with her son's schooling.
The Court considered conflicting accounts regarding when the school became aware of the child's autism diagnosis. While acknowledging delays in implementing a final IEP (completed in May 2012), the Court noted that these were partly attributable to the parents' initial refusal to sign a draft IEP and the arrival of a new teacher. The Court found that the disciplinary measures, while potentially inappropriate in retrospect given the child's condition, were presented in the domestic proceedings as justified reactions to specific disruptive behaviors, aiming to maintain classroom order and the safety of other students. Furthermore, the after-school care exclusion was irrelevant as the child had left the school before the discriminatory rule took effect.
The Court ruled that the measures taken by the school, although not optimal, did not constitute a violation of the child's right to education and were proportionate to the resources available at the time. The claim concerning the mother's dismissal was deemed inadmissible due to insufficient evidence establishing a causal link to the son's school experience. Therefore, the ECtHR found no violation of Article 14 in conjunction with Article 2 of Protocol No. 1.

- **DENMARK'S EXPULSION ORDER AGAINST SYRIAN NATIONAL DID NOT VIOLATE RIGHT TO PRIVATE AND FAMILY LIFE, RULES ECtHR** (12 November 2024)
  The European Court of Human Rights (Fourth Section), in *Winther v. Denmark* (Application no. 9588/21), ruled that Denmark did not violate the applicant's right to respect for private and family life (Article 8 of the Convention) by ordering his expulsion with a six-year re-entry ban.
  The case involved a Syrian national who had resided in Denmark since 2014 and was convicted of serious crimes including aggravated assault, blackmail, and attempted duress, committed in 2018. He was sentenced to eight months' imprisonment and ordered to be expelled. The expulsion order, which included a six-year re-entry ban, was upheld by the Danish courts despite the applicant's argument that it disproportionately impacted his

private and family life. He had formed a relationship with a Danish woman, with whom he had twin children, born in 2019, before his incarceration. He also cited his enrollment in an educational program, employment, and the establishment of social ties in Denmark.
The applicant argued that the Danish courts failed to adequately consider his family circumstances, specifically the presence of his young children and their Danish nationality. The ECtHR examined whether the expulsion order was "necessary in a democratic society" under Article 8 § 2, carefully reviewing the domestic courts' proportionality assessment.
The ECtHR recognized the weight given by the domestic courts to the seriousness of the offenses and the applicant's relatively short period of residence in Denmark. The Court further considered that the six-year ban was not permanent and left open the possibility of future family reunification. The ECtHR emphasized the deference afforded to domestic courts that have conducted thorough proportionality assessments, particularly in cases where the application of national law is consistent with the Convention. Finding no strong reasons to overturn the Danish courts' judgment, the ECtHR concluded that the expulsion order did not represent a disproportionate interference with the applicant's right to respect for his private and family life. Consequently, the Court found no violation of Article 8.

- **SWITZERLAND'S FAILURE TO ADEQUATELY ASSESS ASYLUM SEEKER'S RISK OF ILL-TREATMENT IN IRAN VIOLATES ARTICLE 3, RULES ECtHR** (12 November 2024)
The European Court of Human Rights (Third Section), in *M.I. v. Switzerland* (Application no. 56390/21), found that Switzerland violated Article 3 of the Convention (prohibition of torture and inhuman or degrading treatment) by failing to adequately assess a homosexual Iranian asylum seeker's risk of ill-treatment upon return.
The applicant, a man who had fled Iran after a violent confrontation with his family who discovered his homosexuality, had his asylum claim rejected. The Swiss authorities deemed his risk of persecution upon return to Iran negligible, provided he remained discreet about his sexual orientation. This decision was upheld by the Federal Administrative Court (FAC), which emphasized that while homosexuality is criminalized in Iran, open persecution wasn't widespread, and that discretion would limit the applicant's risk. The applicant argued that the FAC's assessment failed to consider the substantial risk of ill-treatment from both state and non-state actors, including his family, and insufficiently addressed the lack of state protection afforded to homosexuals in Iran.

The ECtHR examined whether Switzerland had adequately assessed the applicant's risk of ill-treatment, highlighting that the applicant had not yet been returned to Iran, necessitating an *ex nunc* assessment of the risk based on current circumstances. The Court criticized the Swiss authorities for not fully considering the applicant's account of past persecution by his family and the inherent risk of his sexual orientation being discovered regardless of his efforts at discretion. The ECtHR also considered the significant evidence provided by the United Nations High Commissioner for Refugees (UNHCR) and other NGOs regarding the precarious situation of LGBT individuals in Iran, noting that the domestic assessment had relied on outdated information.
The Court held that the Swiss authorities' failure to thoroughly investigate the risk of ill-treatment and to assess the availability of state protection against non-state actors represented a breach of Switzerland's obligations under Article 3. The Court awarded the applicant €7,000 in costs and expenses. Claims for pecuniary and additional non-pecuniary damages were dismissed. The Court also ordered Switzerland not to deport the applicant pending finalization of the ruling.

- **DENMARK'S EXPULSION OF LONG-TERM RESIDENT DID NOT VIOLATE RIGHT TO PRIVATE LIFE, RULES ECtHR** (12 November 2024)
  The European Court of Human Rights (Fourth Section), in *Savuran v. Denmark* (Application no. 3645/23), found no violation of Article 8 (right to respect for private life) in the expulsion of a Turkish national, Mr. Ilhan Savuran (now Savran), despite his 30-year residency in Denmark.
  The applicant, born in Denmark, was expelled following a conviction for serious drug trafficking offenses involving the sale of 350 grams of cocaine, resulting in a two-year and three-month prison sentence and a six-year re-entry ban.
  The courts deemed the expulsion proportionate to the severity of the crimes and the need to protect public order. The six-year re-entry ban was considered a mitigating factor, offering a prospect of future return. The Court noted the extensive evidence presented showing a pattern of drug trafficking and found this to be a compelling reason for upholding the expulsion.
  The Court gave considerable weight to the seriousness of the offenses, which were viewed as planned criminal actions that posed a substantial threat to public order. The possibility of eventual re-entry after six years, even if not guaranteed, was a determining factor in the Court's finding of proportionality. The Court reiterated its established principle of subsidiarity, emphasizing its reluctance to substitute its own judgment for that of the domestic courts, which had carefully considered the relevant factors and conducted a thorough proportionality

assessment. Ultimately, the ECtHR found no violation of Article 8. The Court also considered the submission of a third-party intervener, the European Centre for Law and Justice (ECLJ), which added to the overall analysis of the expulsion of long-term residents, but did not change the outcome.

- **DENMARK'S TWELVE-YEAR RE-ENTRY BAN FOLLOWING EXPULSION DID NOT VIOLATE RIGHT TO PRIVATE AND FAMILY LIFE, RULES ECtHR** (12 November 2024)
  The European Court of Human Rights (Fourth Section), in *Al-Habeeb v. Denmark* (Application no. 14171/23), found no violation of Article 8 (right to respect for private and family life) concerning the expulsion of an Iraqi national, Mr. Hamza Azeem Thamer Al-Habeeb, with a twelve-year re-entry ban.
  The case concerned an applicant that arrived in Denmark at age seven and had resided there for over 21 years, obtaining permanent residency in 2002. He was convicted of a serious assault involving stabbing the victim multiple times, alongside masked accomplices, resulting in a two-year and three-month prison sentence. Although Danish law mandated a permanent re-entry ban for such offenses, the domestic courts reduced it to twelve years, citing the applicant's long residency and strong ties to Denmark as mitigating factors.
  The ECtHR assessed whether the expulsion with the twelve-year re-entry ban was “necessary in a democratic society” under Article 8 §2, considering the seriousness of the offense, the length of the applicant's stay in Denmark, and the strength of his family and social ties in Denmark and Iraq. The Court noted the domestic courts’ detailed consideration of the applicant's long residency in Denmark, his strong ties to Danish society, his family situation, and his limited connection to Iraq. However, the Court also gave significant weight to the severity of the crime and his prior criminal record, which included previous violent offenses. While acknowledging the substantial interference with the applicant's private and family life, the Court found the domestic courts' proportionality assessment thorough and reasoned. The Court highlighted that the Danish courts explicitly considered the length of the re-entry ban as a crucial factor, reducing it from a life ban to twelve years, precisely to avoid an Article 8 violation.
  The Court further analyzed the applicant's prospects for future re-entry, focusing on the possibility of family reunification after the twelve-year period. The Court considered this possibility not purely theoretical given statistics showing that individuals in similar circumstances have been granted residency permits under family reunification provisions. Considering the domestic courts' meticulous weighing of the competing interests and the time-limited nature of the re-entry ban, the ECtHR found no violation of Article 8. The Court also considered arguments made by the

European Centre for Law and Justice (ECLJ), a third-party intervener, but did not find them sufficient to change its conclusions.

- **UK'S COSTS RECOVERY SYSTEM IN DEFAMATION CASES DISPROPORTIONATELY AFFECTED MEDIA FREEDOM, RULES ECtHR** (12 November 2024)
  The European Court of Human Rights (Fourth Section), in *Associated Newspapers Limited v. the United Kingdom* (Application no. 37398/21), found that the UK's system for recovering success fees in defamation cases disproportionately infringed on freedom of expression (Article 10 of the Convention).
  The case concerned two separate defamation actions against Associated Newspapers Limited, publisher of *The Daily Mail* and *MailOnline*. In the first, brought by A.S., a Libyan businessman whose name was published in an article following his brief detention in the aftermath of the Manchester Arena bombing, the court ordered Associated Newspapers to pay 90% of A.S.'s costs, including a substantial success fee (75% of total costs) and an After the Event (ATE) insurance premium, under a Conditional Fee Agreement (CFA). In the second, brought by E.H., a clinical psychologist wrongly implicated in the Operation Midland child sex abuse investigation, the publisher settled the case and also paid costs, including ATE insurance premiums. In both cases, the costs, including additional liabilities for success fees and ATE insurance premiums, significantly exceeded the damages awarded.
  The ECtHR, referencing its previous judgment in *MGN Limited v. the United Kingdom*, acknowledged that while the UK enjoys a broad margin of appreciation in regulating costs, the specific system at issue in this case, whereby the losing party was required to pay success fees and ATE insurance premiums, had inherent flaws that disproportionately burdened media defendants.
  The Court found that requiring Associated Newspapers to pay the success fees in the A.S. case exceeded the acceptable margin of appreciation, significantly impacting journalistic freedom. The Court, however, did not find the recoverability of ATE insurance premiums in either case to be disproportionate, differentiating these premiums from success fees and noting their potential to benefit successful defendants by allowing for cost recovery. The Court declared the application admissible and awarded Associated Newspapers €15,000 in costs and expenses. Further proceedings were required to determine the amount of pecuniary damages related to the success fees.

- **DENMARK'S EXPULSION OF LONG-TERM IRAQI RESIDENT WITH SIX-YEAR RE-ENTRY BAN VIOLATED RIGHT TO PRIVATE LIFE, RULES ECtHR** (12 November 2024)
  The European Court of Human Rights (Fourth Section), in Sharafane v. Denmark (Application no. 5199/23), found that Denmark violated Article 8 of the Convention (right to respect for private life) by expelling Mr. Zana Sharafane, an Iraqi national, with a six-year re-entry ban.
  The applicant, born in 1997, had lived in Denmark his entire life, arriving at birth. He had no prior criminal record. In 2021, he was convicted of serious drug trafficking offenses, receiving a two-and-a-half-year prison sentence. Despite his long residency, the Danish courts ordered his expulsion with a six-year re-entry ban, a decision the applicant argued was disproportionate under Article 8. The courts reduced the re-entry ban from a life ban, the standard penalty for his crime under section 32(4)(vii) of the Aliens Act, to six years because a longer ban would likely violate Denmark's international obligations under Article 8.
  The ECtHR examined whether Denmark had struck a fair balance between the legitimate aim of preventing crime (Article 8 §2) and the applicant's right to respect for private life. The Court focused on the crucial aspect of the applicant's extremely limited prospects of ever returning to Denmark after the six-year ban. This was because of his nationality (placing him in Visa Group 5, subject to very restrictive visa rules), absence of family ties in Denmark, and the practical near impossibility of obtaining a Danish visa or residency permit given the extremely limited exceptions and the lack of realistic alternative options.
  The Court found the Danish courts' assessment to be insufficient, as the possibility of re-entry after the six-year period was deemed purely theoretical and thus failed to represent a significant mitigating factor in the proportionality assessment. The Court emphasized that the limited duration of the re-entry ban, granted under section 32(5)(i) of the Aliens Act, only holds weight if there’s a realistic chance of re-entry, a possibility which was not met in this case. The ECtHR therefore found a violation of Article 8, concluding that the expulsion with the six-year re-entry ban was disproportionate. The Court held that the finding of a violation itself constituted sufficient just satisfaction for any non-pecuniary damage. The claim for costs and expenses was dismissed. The Court noted the arguments of the European Centre for Law and Justice (ECLJ), a third-party intervener, but found them insufficient to alter its conclusions.

- **MOLDOVA'S LEGAL INCAPACITY SYSTEM VIOLATED AUTONOMY AND COURT ACCESS RIGHTS, RULES ECtHR** (12 November 2024)
  The European Court of Human Rights (Second Section), in *E.T. v. the Republic of Moldova* (Application no. 25373/16), found Moldova in violation of Articles 6 §1 (right to a fair trial) and 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life). The applicant, a woman diagnosed with chronic paranoid schizophrenia, was declared totally incapacitated in 2002, a decision she was unable to challenge directly under Moldovan law at the time.
  This legal incapacity prevented her from initiating any court proceedings, including those aimed at restoring her legal capacity. The Court found this inability to directly challenge her legal status a disproportionate limitation on her right to access to court (Article 6 §1), particularly given the absence of mechanisms for periodic review of her capacity. The applicant's case also highlighted the complete lack of alternative measures, only permitting the declaration of full incapacity without considering varying degrees of disability or the imposition of less restrictive protective measures.
  The ECtHR also determined that the system of declaring legal incapacity was discriminatory (Article 14 in conjunction with Article 8), as it disproportionately affected individuals with intellectual disabilities. While acknowledging the state's legitimate aim of protecting vulnerable individuals, the Court found that the Moldovan system, in its application to the applicant, was disproportionate.
  The ECtHR emphasized the international consensus on the need to replace substitute decision-making models with supported decision-making models that respect individual autonomy. Moldova's failure to provide for such a system, combined with its rigid approach to declaring total incapacity, resulted in the discrimination found by the court. The Court awarded the applicant €5,000 in non-pecuniary damages. The Court dismissed the Government's preliminary objection alleging abuse of the right of individual application.

- **GERMANY'S REFUSAL TO RECOGNIZE SECOND MOTHER IN SAME-SEX PARENTHOOD DID NOT VIOLATE ARTICLE 8, RULES ECtHR** (12 November 2024)
  The European Court of Human Rights (Fourth Section), in *R.F and others v. Germany* (Application no. 46808/16), found no violation of Article 8 (right to respect for private and family life) regarding the German courts' refusal to recognize the genetic mother as a legal parent of a child born through cross-border assisted reproduction.

Two women, in a registered partnership, had a child conceived using the genetic material of one and carried by the other. German law, prohibiting anonymous egg donation and aiming to avoid disputes over parentage, only recognizes the birth mother as the legal parent. The applicants argued that this rigid application of Article 1591 of the German Civil Code violated their right to private and family life and discriminated against same-sex couples compared to heterosexual couples. The German government maintained that the refusal did not significantly impact the family's daily life, pointing to the fact that the genetic mother was afforded significant parental rights by virtue of the registered partnership, and that the adoption procedure was ultimately successful.
The ECtHR acknowledged that the case raised complex issues related to parental rights, same-sex relationships, and assisted reproduction, with no clear European consensus on legal frameworks. It recognized the applicants' desire to have both women legally recognized as parents from the child's birth. However, The Court emphasized the state's margin of appreciation in this sensitive area and found that the German legal framework did not violate Article 8. The Court noted that the family was able to function without undue difficulty and that the subsequent adoption procedure provided a means for both women to fully participate in the child's life. The Court dismissed the claim of discrimination under Article 14 in conjunction with Article 8.

- **POLAND VIOLATED RIGHT TO FAIR TRIAL BY INCREASING PRISON SENTENCE AFTER PAROLE RELEASE, RULES ECtHR** (14 November 2024)
  The European Court of Human Rights (First Section), in *Zakrzewski v. Poland* (Application no. 63277/19), ruled that Poland violated the right to a fair trial (Article 6 § 1 of the Convention) of a Polish national, Mr. Łukasz Zakrzewski. The Court found that increasing his prison sentence after he had already served more than half of it and been released on parole constituted a violation. This decision followed a cassation appeal lodged by the Minister of Justice/Prosecutor General.
  The case stemmed from Mr. Zakrzewski's 2017 conviction for unlawful possession of over five kilograms of marijuana. Initially sentenced to two years' imprisonment with extraordinary mitigation, the Opole Regional Court considered that a harsher sentence would be disproportionate given his lack of prior criminal record and the absence of evidence suggesting drug distribution.
  However, the Prosecutor General appealed this relatively lenient sentence to the Supreme Court, arguing it was unduly mitigated. Crucially, this appeal was filed after Mr. Zakrzewski had already

been released on parole by the Opole Regional Court in February 2019, based on his good behavior and low risk of recidivism. Despite being aware of his parole, the Supreme Court quashed the previous judgment in March 2019, citing insufficient justification for the extraordinary mitigation. The case was remitted to the Wrocław Court of Appeal for re-examination.
The Wrocław Court of Appeal, in May 2019, increased Mr. Zakrzewski's sentence to three years' imprisonment and a fine, crediting his time already served. The ECtHR found this action problematic, as the Supreme Court's decision lacked justification for the reversal and failed to account for Mr. Zakrzewski's parole status. The Court highlighted the absence of any assessment of fundamental defects in the original proceedings or consideration of the impact on the applicant's situation after his release. The ECtHR deemed this a failure to strike a fair balance between Mr. Zakrzewski's individual interests and the need for effective justice, thus breaching Article 6 § 1. The Court rejected Mr. Zakrzewski's claim for pecuniary damages due to lack of a causal link but awarded him €6,000 for non-pecuniary damages and €1,650 in costs and expenses.

- **AZERBAIJAN VIOLATED LAWYER'S FREEDOM OF EXPRESSION THROUGH DISBARMENT, RULES ECtHR** (14 November 2024)
The European Court of Human Rights (First Section), in *Afgan Mammadov v. Azerbaijan* (Application no. 43327/14), ruled that Azerbaijan violated lawyer Afgan Mammadov's freedom of expression (Article 10). His disbarment was deemed unlawful and disproportionate, stemming from actions considered incompatible with advocacy and legal ethics.
The case arose from Mr. Mammadov's complaint against his legal consultancy's director for alleged corruption involving the sale of state-appointed lawyer warrants. Domestic courts failed to adequately investigate the serious allegations of corruption, instead focusing on whether Mr. Mammadov's complaint contained false information. The ECtHR found Azerbaijani laws vaguely worded, offering insufficient protection against arbitrary interference. Domestic courts did not independently assess the allegations, relying on the Azerbaijani Bar Association's (ABA) findings and ignoring concerns about the ABA's leadership legitimacy.
The ECtHR criticized the lack of investigation into the corruption allegations, noting the courts' failure to verify information or balance the accused's reputation against the public interest. The Court deemed the disbarment—the harshest sanction—disproportionate and unnecessary in a democratic society, violating Article 10. Mr. Mammadov was awarded €5,000 in non-pecuniary damages and €1,000 for costs. The Committee of

Ministers will supervise measures to restore his professional activities.

- **GREECE VIOLATED RIGHT TO COURT ACCESS BY DISMISSING APPEAL DUE TO EXCESSIVE FORMALISM, RULES ECtHR** (19 November 2024)
  The European Court of Human Rights (Third Section), in *Tsiolis v. Greece* (Application no. 51774/17), found Greece violated Ioannis Tsiolis' right to court access (Article 6 §1) by dismissing his appeal due to non-compliance with overly strict admissibility requirements. The Supreme Administrative Court rejected Tsiolis' appeal concerning a compensation claim for property deprivation, without adequately addressing his key arguments.
  The case involved a lengthy legal battle regarding restrictions placed on Tsiolis' property for environmental reasons. The applicant argued that the appellate court's decision was based on incorrect interpretations of law and lacked sufficient reasoning. Specifically, he challenged the determination of the limitation period for his compensation claim, arguing that the relevant legal framework was unclear and lacked necessary precision. The Court noted the lack of a publicly accessible, comprehensive database of case law, creating practical obstacles for Tsiolis to comply with the Supreme Administrative Court's admissibility requirements.
  The ECtHR found that the Supreme Administrative Court's excessively formalistic approach in rejecting Tsiolis' appeal, combined with the lack of access to case law and insufficient reasoning, undermined the essence of his right to court access. The Court determined that this was disproportionate and violated Article 6 §1. While rejecting his claim for pecuniary damages, the Court awarded Tsiolis €6,000 in non-pecuniary damages.

- **MOLDOVA VIOLATED RIGHTS OF INTELLECTUALLY DISABLED PATIENTS THROUGH INHUMANE CONDITIONS AND DISCRIMINATORY TREATMENT, RULES ECtHR** (19 November 2024)
  The European Court of Human Rights (Second Section), in *Clipea and Grosu v. the Republic of Moldova* (Application no. 39468/17), found Moldova in violation of the human rights of Eugeniu Clipea and Virginia Grosu, two Moldovan nationals with intellectual disabilities. The Court ruled that Moldova violated Article 3 (inhuman and degrading treatment) due to the substandard conditions they experienced at the Chișinău Clinical Psychiatric Hospital (Codru Hospital) and Article 14 (discrimination) due to discriminatory treatment based on their disability.
  The applicants, who had voluntarily sought treatment at Codru Hospital multiple times, described inhumane conditions, including a lack of access to fresh air, poor hygiene in bathrooms and

toilets, and a generally insalubrious environment. The Court noted that while their initial hospitalizations were voluntary, coercive elements within the hospital environment, such as restrictions on movement and the use of sedatives, rendered their treatment effectively involuntary. The first applicant, Mr. Clipea, also alleged instances of physical abuse by other patients and inadequate response from staff.
Moldovan authorities relied heavily on the applicants' diagnoses to dismiss their claims, failing to conduct a thorough investigation into the allegations of abuse, neglect, and the overall inadequate conditions. The Court found that the investigation was insufficient, unduly focusing on discrediting the applicants' testimonies due to their intellectual disabilities instead of actively seeking and evaluating corroborating evidence. The Court determined that the flawed investigation and the dismissal of the complaints based on the applicants' disability constituted discriminatory treatment under Article 14, in conjunction with Article 3. The ECtHR awarded each applicant €7,500 in non-pecuniary damages.

- **MOLDOVA FAILED TO PROTECT WOMAN FROM DOMESTIC VIOLENCE, VIOLATING HER RIGHTS, RULES ECtHR** (19 November 2024)
  The European Court of Human Rights (Second Section), in *Vieru v. the Republic of Moldova* (Application no. 17106/18), found Moldova violated the rights of Viorel Vieru's deceased sister, T., by failing to protect her from domestic violence and to conduct an effective investigation into her death. The Court found violations of Articles 2 (right to life) and 3 (inhuman or degrading treatment), and Article 14 (discrimination).
  For over two years before her death, T. was subjected to repeated episodes of domestic violence by her husband, I.C., despite numerous protection orders and police reports documenting physical and psychological abuse. Despite multiple complaints and police interventions, I.C. faced minimal consequences. While several protection orders were issued, they were repeatedly breached with little to no effective enforcement. Criminal proceedings were initiated but ultimately discontinued due to procedural issues and the application of overly lenient laws. The legal framework at the time, and its inconsistent application, failed to adequately address the pattern of low-intensity, long-term violence.
  The investigation into T.'s death, which followed a fall from her apartment building, was similarly flawed. The investigation focused narrowly on the possibility of suicide or accidental death, failing to adequately consider the context of years of unchecked domestic violence. The ECtHR criticized the lack of thoroughness, noting inconsistencies in the evidence used and a failure to fully

investigate the circumstances of the incident, including the possibility of a gender-motivated crime. This failure to conduct effective investigations violated the procedural aspects of Articles 2 and 3. The Court also found a violation of Article 14, concluding that Moldova's failure to protect T. from domestic violence and its ineffective response to her plight constituted discrimination based on her gender. Mr. Vieru, as his sister's legal heir, was awarded €20,000 in non-pecuniary damages.

- **FRANCE VIOLATED RIGHT TO COURT ACCESS DUE TO EXCESSIVE FORMALISM IN DISMISSING APPEAL, RULES ECtHR** (21 November 2024)
  The European Court of Human Rights (Fifth Section), in *Justine v. France* (Application no. 78664/17), ruled that France violated Suzette Justine's right of access to a court (Article 6 § 1 of the Convention). Her appeal to the Cour de cassation (Court of Cassation) was declared inadmissible due to the late submission of a document—a simple error made by her lawyer—which was quickly rectified.
  The case centered on a dispute over unpaid rent from her brother, who occupied her property. The Cour de cassation dismissed Justine's appeal based on Article 979 of the Code of Civil Procedure, citing the late submission of the initial court ruling that was being appealed. Although Justine's lawyer promptly corrected the error after being notified by the court, the Cour de cassation applied the procedural rules rigidly, disregarding the subsequent submission.
  The ECtHR determined that this excessively formalistic application of the procedural rule, despite the minor and quickly corrected nature of the error and the lack of prejudice to the Court's proceedings, disproportionately infringed Justine's right of access to a court. The Court found that the excessively strict application of the rule was not necessary for the proper administration of justice or legal certainty. The Court awarded Justine €3,000 for non-pecuniary damages and €1,980 for legal costs, highlighting the importance of proportionality in applying procedural rules and avoiding excessive formalism that prevents access to justice.

- **SWITZERLAND'S EXPULSION OF LONG-TERM RESIDENT FOR BENEFIT FRAUD DID NOT VIOLATE FAMILY LIFE RIGHTS, RULES ECtHR** (26 November 2024)
  The European Court of Human Rights (Third Section), in *I.B.A. v. Switzerland* (Application no. 28995/20), found no violation of Article 8 (right to respect for family life) as it upheld Switzerland's five-year expulsion order against a Tunisian national residing in

Switzerland for twenty years following a conviction for social benefit fraud.
I.B.A. argued that the expulsion, despite his long residency and family ties in Switzerland (including three children born there), was disproportionate. He contended that the Swiss courts had inadequately considered his level of integration and the negative impact on his children, particularly his eldest daughter who has ADHD and required specialized care unavailable in Tunisia. The Swiss authorities countered that the seriousness of the fraud, committed over twelve years, and the applicant's limited social integration outweighed his private interests, noting his wife also faced expulsion and arrangements were in place for the children's care in Switzerland with their mother, his ex-wife.
The Court noted that I.B.A.'s claim of strong integration was challenged by evidence indicating he had only held temporary jobs and that his social connections within Switzerland were limited. The ECtHR held that the Swiss courts had adequately assessed the proportionality of the expulsion order, considering all relevant factors, including the children's best interests. The Court found the domestic courts' reasoning sufficient and that the expulsion did not represent a disproportionate interference with I.B.A.'s right to family life, given the nature and duration of his crime.

- **RUSSIA VIOLATED RIGHTS OF PROTESTER THROUGH UNJUST CONVICTIONS AND ILLEGAL ACTIONS, RULES ECtHR** (26 November 2024)
  The European Court of Human Rights (Third Section), in *Kotov v. Russia* (Applications nos. 49282/19 and 50346/19), found multiple violations of the European Convention on Human Rights. The Court's decision centered on Kotov's administrative and criminal convictions for participating in and calling for unauthorized public events, alongside a series of related procedural failings concerning his detention and the unlawful search for his home, severely restricting his fundamental rights.
  Kotov faced repeated administrative convictions under the Code of Administrative Offences (CAO) for participating in unauthorized but peaceful protests and for posting online calls encouraging participation in such events. The ECtHR criticized the domestic courts' failure to provide adequate justifications for these convictions, finding the restrictions on his freedom of expression (Article 10) and peaceful assembly (Article 11) disproportionate and “not necessary in a democratic society." This assessment drew upon established ECtHR jurisprudence concerning similar cases where restrictions on the rights of protestors were deemed excessive.
  Furthermore, Kotov's criminal conviction for repeatedly violating procedures for organizing public events was also deemed a

violation of Article 11. The Court highlighted that the domestic courts failed to adequately assess the peaceful nature of the events, the proportionality of the criminal sanction (a prison sentence), and the lack of sufficient reasons for the prosecution. The judgment also found violations of Article 5 (right to liberty and security), citing unlawful deprivation of liberty, excessive pre-trial detention, and deficiencies in the review of his detention's lawfulness. The unlawful search of Kotov's home, lacking adequate safeguards and justification, breached Article 8 (right to respect for private and family life) and Article 1 of Protocol No. 1 (protection of property). The absence of a prosecuting party in the administrative offence proceedings was also deemed a breach of Article 6 (right to a fair trial). Additional violations related to restrictions on Kotov's right to examine witnesses further emphasized the shortcomings of the Russian legal processes in this instance. The Court awarded Kotov €9,750 in non-pecuniary damages and €18,500 for costs and expenses.

- **NORTH MACEDONIA VIOLATED RIGHT TO FAIR TRIAL IN INTERNATIONAL ARBITRATION AWARD RECOGNITION CASE, RULES ECtHR** (26 November 2024)
  The European Court of Human Rights (Second Section), in *NDI SOPOT S.A. v. North Macedonia* (Application no. 6035/17), ruled that North Macedonia violated Article 6 §1 (right to a fair trial) of the Convention as it found the domestic courts' refusal to recognize a final arbitration award issued by the International Chamber of Commerce (ICC) in favor of the applicant company, NDI SOPOT S.A., constituted a violation of the applicant's right to a fair hearing before an impartial tribunal.
  The case concerned a dispute between NDI SOPOT S.A., a Polish construction company, and a North Macedonian company over a joint venture agreement for a motorway project in Poland. Following a partial award by the ICC Tribunal in favor of NDI SOPOT S.A., the North Macedonian courts refused to recognize the award. The applicant company argued that the refusal was based on flawed reasoning and a biased appellate court, citing concerns about the impartiality of the presiding judge due to her husband's employment with the respondent company. The ECtHR found these concerns to be objectively justified and determined that the appellate court's composition did not guarantee impartiality. The Court also criticized the domestic courts for failing to adequately respond to the applicant company's key arguments and for providing insufficient reasoning in their decisions. The Court further noted the domestic courts' failure to properly apply the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, instead prioritizing domestic legislation which did not apply to the case.

The ECtHR found that the North Macedonian courts' handling of the case violated the applicant company's right to a fair trial, as the proceedings lacked procedural fairness and impartiality. While the Court dismissed the applicant's claim for pecuniary damages due to a lack of causal link between the violation and financial losses, it awarded €3,600 in non-pecuniary damages and €15,000 for costs and expenses.

- **ECtHR FINDS NO VIOLATION IN CYPRUS CASE RELYING ON ACCOMPLICE TESTIMONY, DENIAL OF DISCOVERY** (26 November 2024)
  The European Court of Human Rights (Third Section), in *Souroullas Kay and Zannettos v. Cyprus* (Application no. 1618/18), ruled that Cyprus did not violate the rights of Gregoris Souroullas Kay and Venizelos Zannettos in their respective convictions for money laundering and extortion. The Court examined the applicants' complaints under Article 6 §1 (right to a fair trial) and Article 6 §§ 1 and 3(b) (right to adequate facilities for the preparation of a defence). The convictions were primarily based on the testimony of an accomplice, N.L., who was granted immunity from prosecution.
  The applicants argued that reliance on N.L.'s testimony, without sufficient corroboration, rendered their trials unfair. They also claimed a violation due to the domestic courts' refusal to grant the defence access to the prosecution's disk image containing forensic evidence, alleging this prevented a full exploration of potential collusion between N.L. and the investigators.
  The ECtHR acknowledged the inherent risks in relying on accomplice testimony but found that, in this specific case, the overall fairness of the proceedings was not compromised. The Court noted that N.L.'s testimony was not the sole basis for the convictions. The trial court considered other supporting evidence and meticulously assessed N.L.'s credibility, acknowledging the need for caution but finding his testimony convincing and consistent under extensive cross-examination. The ECtHR also determined that the denial of access to the disk image did not violate the applicants' rights, as the defense had access to the relevant documents and granting access at that stage might have compromised the integrity of the evidence. The Court held that the applicants failed to demonstrate how the requested material would be crucial in proving alleged collusion, deeming their arguments hypothetical. The Court therefore found no violation of Articles 6 §1 or 6 §§ 1 and 3(b).

- **AUSTRIAN AUTHORITIES' HANDLING OF CONSCRIPT'S DEATH DURING HEAT MARCH DID NOT VIOLATE RIGHT TO LIFE, RULES ECtHR** (26 November 2024)
  The European Court of Human Rights (Fourth Section), in *A.P. v. Austria* (Application no. 1718/21), ruled that Austria did not violate the right to life (Article 2 of the Convention) of A.P., the mother of a conscript who died during a military exercise. The Court examined both the procedural and substantive aspects of the Article 2 claim, focusing on the adequacy of the investigation into the conscript's death and whether the State's actions or omissions contributed to it.
  The applicant alleged that her son, T.P., died during a 15km “heat march” due to the authorities’ negligence. She argued that the decision to proceed with the march despite high temperatures, the delayed summoning of medical assistance, and the failure to provide immediate medical intervention at the scene, all violated Austria’s positive obligations under Article 2. The ECtHR acknowledged several procedural shortcomings. These included a delay in performing the autopsy, inconsistencies in witness testimony regarding the provision of shade to T.P. after his collapse, and disagreements between expert medical reports concerning the precise cause of death. Despite the applicant's argument that the investigation was inadequate due to these inconsistencies and the non-pursuit of certain charges, the Court ultimately determined that the investigation met the minimum standards required under Article 2.
  The Court addressed the substantive limb of Article 2, considering whether the authorities' actions or omissions were responsible for T.P.'s death. Even accepting the applicant's assertions regarding the late response to T.P.’s condition and the decision to proceed with the march, the Court found insufficient evidence to establish that the authorities' failure to take reasonable measures had a real prospect of altering the outcome or mitigating the harm. The Court noted that even with prompt medical intervention, experts were unable to determine with sufficient certainty that T.P.’s death would have been prevented. The Court concluded that, while the chain of events leading to T.P.’s death highlighted areas for improvement in military training procedures and emergency response protocols, Austria did not breach its positive obligations under Article 2. The application was dismissed.

- **ECtHR REJECTS AGE DISCRIMINATION CLAIM IN SPANISH POLICE RECRUITMENT CASE** (26 November 2024)
  The European Court of Human Rights (Third Section), in *Ferrero Quintana v. Spain* (Application no. 2669/19), dismissed an age discrimination claim against Spain. The applicant, Asier Ferrero Quintana, challenged a 35-year-old age limit for entry-level police officer positions in the Basque Country's Ertzaintza police force.

The Court examined the case under Article 1 of Protocol No. 12 (general prohibition of discrimination). Mr. Ferrero Quintana, having passed all the tests despite exceeding the age limit, argued that the age restriction constituted unlawful discrimination.
The Court acknowledged that the age limit created a difference in treatment based on age but considered whether this difference was objectively and reasonably justified. Spain argued that the age limit was necessary to maintain the operational effectiveness of the police force, citing the physically demanding nature of the job and the need to ensure officers maintain physical fitness throughout their careers. The Court considered that the Ertzaintza's operational duties required a high level of physical fitness, and that this capacity was linked to age, noting that officers over 55 faced limitations in performing key tasks. Furthermore, the Court recognized the legitimate aim of maintaining an appropriate age balance within the force.
The Court noted the Court of Justice of the European Union's (CJEU) judgment in a similar case concerning the Ertzaintza, where the CJEU upheld a similar age limit as proportionate and necessary to maintain operational effectiveness. Referring to this CJEU case law and the data provided by the Spanish authorities on the aging workforce of the Ertzaintza, the Court found that Spain had provided pertinent and sufficient reasons justifying the age restriction. The Court therefore concluded that the age limit was proportionate to the legitimate aim of maintaining the operational capacity and effective functioning of the police force and did not exceed what was necessary. The application was dismissed as there was no violation of Article 1 of Protocol No. 12.

- **HUNGARY VIOLATED JOURNALIST'S RIGHTS TO PRIVACY AND FREEDOM OF EXPRESSION THROUGH LACK OF SAFEGUARDS IN SURVEILLANCE CASE, RULES ECtHR** (28 November 2024)
The European Court of Human Rights (First Section), in *Klaudia Csikós v. Hungary* (Application no. 31091/16), found Hungary violated Articles 8 (right to respect for private and family life) and 10 (freedom of expression) of the Convention. The applicant, a journalist, alleged that Hungarian authorities unlawfully intercepted her phone calls to identify her sources. The Court focused on the lack of adequate procedural safeguards to challenge the surveillance and the insufficient protection afforded to her journalistic sources.
The applicant argued that the interception aimed to reveal her sources within the police, which she believed was evidenced by the subsequent disciplinary actions against her contacts. While acknowledging a legal basis for surveillance under Hungarian law, the Court found critical flaws in its application. The Court highlighted that Hungarian law lacked a requirement for notifying individuals of surveillance, even after its conclusion, significantly

hindering the ability to challenge the action. Further, the available domestic remedies were deemed ineffective, failing to provide an independent assessment of the proportionality between the investigative needs and the protection of journalistic sources before the disclosure of information.
The ECtHR found that Hungary failed to provide adequate procedural safeguards allowing the applicant to challenge the alleged surveillance and protect her journalistic sources. The Court held that there had been a violation of both Articles 8 and 10 and awarded €6,500 in non-pecuniary damages and €7,000 for costs and expenses.

- **ECtHR FINDS NO VIOLATION OF FAIR TRIAL OR PRESUMPTION OF INNOCENCE IN PORTUGUESE BANKING CASE** (3 December 2024)
  The European Court of Human Rights (Fourth Section), in *Espírito Santo Silva Salgado v. Portugal* (Application no. 30970/19), rejected claims of violations of Articles 6 §§ 1 and 2 (right to a fair trial and presumption of innocence). The applicant, Ricardo Espírito Santo Silva Salgado, a former bank executive, challenged an administrative procedure initiated by the Bank of Portugal (BdP) following public statements made by the BdP governor, C.C. Mr. Salgado argued that C.C.'s public statements, made both before and during the administrative proceedings, prejudiced his right to a fair trial and violated the presumption of innocence. He contended that these statements, which alluded to fraudulent activities and non-compliance with BdP instructions, pre-judged his guilt and compromised the impartiality of the BdP. The Court found that the administrative procedure against Mr. Salgado, while involving significant financial penalties and restrictions, did not meet the Engel criteria for a "criminal charge" under Article 6 §1. Although the sanctions were substantial, the Court emphasized that the procedure remained administrative, and the imposition of significant financial penalties was not sufficient to characterize the proceedings as criminal.
  Concerning the presumption of innocence (Article 6 §2), the Court considered the context of C.C.'s statements. While acknowledging that some comments exceeded what was strictly necessary, the Court found that they did not directly impute guilt to Mr. Salgado. The Court noted that the statements were made largely before the formal administrative proceedings were initiated against the applicant, mostly in the context of informing the public of a major banking crisis and the necessary resolution measure. The Court also highlighted the subsequent judicial review by the Tribunal da Concorrência, da Regulação e da Supervisão (TCRS) and the Court of Appeal, which provided sufficient procedural guarantees. The Court ultimately found no violation of Mr. Salgado's rights under Article 6 §§ 1 and 2. The application was dismissed.

- **TURKEY VIOLATED RIGHT TO PROPERTY DUE TO EXCESSIVE DELAY IN COMPENSATION FOR URGENT EXPROPRIATION, RULES ECtHR** (3 December 2024)
  The European Court of Human Rights (Second Section), in *Çatak and others v. Türkiye* (Application no. 33189/21), ruled that Turkey violated Article 1 of Protocol No. 1 (protection of property). The applicants, owners of land containing a cement factory, challenged the six-year delay in receiving full compensation after the Turkish authorities expropriated part of their property for a road construction project.
  The Turkish authorities used an urgent expropriation procedure, taking possession of the land in 2016 after securing a court order based on a provisional compensation payment. Despite subsequent court judgments confirming the final compensation amount, the authorities failed to make the full payment for over six years. The applicants argued that the domestic legal framework did not offer sufficient protection against such arbitrary actions and that the delay constituted a violation of their rights to the peaceful enjoyment of their possessions. While the Turkish government argued that the applicants could have pursued a separate "expropriation in fact" claim, the Court found that this remedy was insufficient to address the fundamental issue of the prolonged delay in payment.
  The Court considered that an "expropriation in fact" claim did not adequately protect against the government's ability to delay payment indefinitely, even after court judgments determining the final compensation. The ECtHR held that the six-year delay in receiving full compensation, coupled with the inadequacies of the domestic legal framework in preventing such delays, constituted a violation of Article 1 of Protocol No. 1. The Court awarded the applicants €10,962 in material damages, €4,160 in non-pecuniary damages, and €115 in costs and expenses.

- **ROMANIA FAILED TO PROTECT WOMAN FROM ONLINE HARASSMENT, RULES ECtHR** (3 December 2024)
  The European Court of Human Rights (Fourth Section), in in *M.Ş.D. v. Romania* (Application no. 28935/21), found Romania violated Article 8 (right to respect for private life) of the Convention. The applicant, a young woman, alleged that her former partner, V.C.A., non-consensually disseminated intimate photographs of her online, constituting online harassment. She further claimed that the authorities' response was inadequate, both in terms of the legal framework and the investigation conducted.
  The Court noted that at the relevant time, Romanian law did not effectively criminalize "revenge pornography" where intimate images, obtained consensually, were subsequently shared without

consent. While a subsequent Court of Cassation judgment and later legislative amendments clarified the legal framework, these changes came after the events in the applicant's case and thus did not remedy the initial inadequacy of the legal protection afforded. The Court emphasized that the lack of a clear and effective legal framework, combined with the deficiencies in the investigation, created a climate of impunity that failed to protect the applicant's right to respect for her private life.
The Court highlighted numerous failings in the investigation, including significant delays, a lack of proactive measures to secure evidence, and an apparent bias against the applicant in the prosecutor's reasoning for closing the case. The prosecutor's justification for not pursuing the case was deemed inappropriate and based on a misinterpretation of the law. The Court found that the investigation was insufficient to meet Romania's positive obligations under Article 8 to protect the applicant from online harassment and to provide an effective remedy. Consequently, the Court awarded the applicant €700 in pecuniary damages, €7,500 in non-pecuniary damages, and €125 in costs and expenses.

- **GREECE DID NOT VIOLATE RIGHT TO RESPECT FOR FAMILY LIFE BY DECLINING JURISDICTION IN INTERNATIONAL CUSTODY DISPUTE, RULES ECtHR** (3 December 2024)
The European Court of Human Rights (Third Section), in *Giannakopoulos v. Greece* (Application no. 20503/20), ruled that Greece did not violate Article 8 (right to respect for family life) of the Convention. The applicant, Georgios Giannakopoulos, challenged the Greek courts' decisions dismissing his application for custody of his two children, who had been moved to Germany by their mother, E.B., a German national. The Greek courts declined jurisdiction, finding the children habitually resident in Germany, as per the Brussels II bis Regulation.
The applicant argued that the Greek courts erred in their jurisdictional assessment. He contended that the children's relocation to Germany was unlawful, citing a prior Greek court order granting him interim custody, E.B.'s alleged misrepresentation of her intent to remain in Greece, and the subsequent German courts' refusal to invalidate the Greek order. He further argued that the short duration of the children's residence in Germany (one year) did not establish habitual residence, that the Greek courts should have retained jurisdiction under Article 10 of the Brussels II bis Regulation (jurisdiction in cases of child abduction), and that the courts failed to adequately consider the children's best interests.
The Court acknowledged that the Greek courts' decision constituted an interference with the applicant's right to respect for family life. However, it examined whether this interference was justified under Article 8 §2, considering the principles of the

Brussels II bis Regulation and the best interests of the child. The Court found that the Greek courts thoroughly examined the issue of jurisdiction, considering the children's established life in Germany (school attendance, social integration, language acquisition), the mother's permanent residence there, and the lack of unequivocal acceptance of Greek jurisdiction by the mother. The Court emphasized that the CJEU's case law interpreting "habitual residence" requires a holistic assessment of all relevant factors, and the Greek courts' determination of habitual residence in Germany was neither arbitrary nor manifestly unreasonable. The Court also held that the applicant's arguments regarding the alleged unlawful removal and the applicability of Articles 10 and 11 §7 of the Brussels II bis Regulation were not persuasive given the mother's custody rights under a prior Greek court order and the absence of a wrongful removal or retention. Therefore, finding the interference justified under Article 8§2, the Court concluded that there was no violation of Article 8. The application was dismissed.

- **TURKEY VIOLATED RIGHT TO LIFE DUE TO INADEQUATE SAFETY MEASURES AND INEFFECTIVE INVESTIGATION FOLLOWING MILITARY EXERCISE, RULES ECtHR** (3 December 2024)
  The European Court of Human Rights (Second Section), in in *Ceyhan v. Türkiye* (Application no. 5576/19), found Turkey violated Article 2 (right to life) – both substantively and procedurally. The applicant, Kadri Ceyhan, lost his hand in an explosion caused by an unexploded ordnance left behind after a military exercise near his village.
  The Court found that Turkey had a positive obligation to take reasonable measures to prevent the risk of harm from unexploded ordnance following military exercises, particularly in areas accessible to civilians. The Court criticized the lack of sufficient safety measures, including the absence of clear warnings or physical barriers preventing access to the exercise area. The inadequate information provided to villagers, relayed informally through the village headman, failed to adequately convey the danger posed by unexploded ordnance and left minors particularly vulnerable.
  The Court also found serious deficiencies in the criminal investigation. While an initial investigation led to the conviction of two officers for negligence, this conviction was overturned, and the case eventually became time-barred, with the precise circumstances of the incident remaining unclear. The Court criticized the lengthy and ultimately unsuccessful investigation, highlighting the failure to thoroughly investigate inconsistencies in expert reports and the lack of diligent pursuit of potential culpability.

This ineffective investigation, coupled with the inadequate safety measures, led the Court to conclude that Turkey failed to fulfill its positive obligations under Article 2. The Court reserved the question of just satisfaction, given the ongoing administrative proceedings to determine financial compensation, stating that any eventual compensation from those proceedings would be considered when determining just satisfaction.

- **TURKEY DID NOT VIOLATE ARTICLE 3 IN SHOOTING INCIDENT INVOLVING GENDARMERIE OFFICERS AND VILLAGERS, RULES ECtHR (**3 December 2024**)**
  The European Court of Human Rights (Second Section), in *Kasım Özdemir and Mehmet Özdemir v. Türkiye* (Application no. 18980/20), found no violation of Article 3 (prohibition of inhuman or degrading treatment. The applicants, a father and son, were shot and injured by a gendarmerie officer during a confrontation in their village. They alleged that the use of force was arbitrary and that the subsequent investigation was ineffective, violating Article 3 both substantively and procedurally.
  The Court first determined that the applicants' claims did not fall under Article 2 (right to life) because the injuries, while serious, were not life-threatening and the use of force was not intended to kill. The Court therefore proceeded to examine the applicants' claims under Article 3. Regarding the procedural aspect, the Court found the investigation to be sufficiently effective. Despite some discrepancies in witness accounts and the public prosecutor's decision not to prosecute the gendarmerie officer, the investigation involved prompt collection of evidence (scene-of-incident reports, witness statements, medical reports, ballistic analysis), and the applicants were able to challenge the decision not to prosecute. The Court considered that the available evidence was sufficient to allow the public prosecutor to assess whether the use of force was justified as self-defense.
  Concerning the substantive aspect of the Article 3 claim, the Court examined whether the use of force was indispensable and proportionate. Considering the evidence (including intercepted phone calls indicating the villagers' intention to prevent the gendarmerie from seizing smuggled goods and a subsequent violent confrontation involving the throwing of stones and an attempt to disarm the officers), the Court accepted the gendarmerie officer's claim that he acted in self-defense to protect himself and his colleagues from an imminent and serious threat. The Court found that the use of force was not disproportionate given the circumstances. The Court therefore concluded that there was no violation of Article 3, either procedurally or substantively. The application was dismissed.

- **RUSSIA FAILED TO PROTECT LGBTI ACTIVISTS FROM HOMOPHOBIC VIOLENCE, RULES ECtHR** (3 December 2024)
  The European Court of Human Rights (Third Section), in *Yevstifeyev and others v. Russia* (Applications nos. 226/18 and 3 others), found Russia violated Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private life) when three LGBTI activists were subjected to homophobic verbal abuse and threats from a politician at a rally. The Court examined four applications: one concerning a homophobic video created by a comedian and three relating to a verbal homophobic assault by a politician. The Court found that the video, while potentially offensive and provocative, did not reach the threshold of severity required to engage Article 8, and the applicant in this case lacked victim status under Article 34. However, regarding the three other applications, the Court found that the politician's homophobic statements, including threats of violence, were sufficiently serious to affect the applicants' private lives and constituted discrimination on the grounds of sexual orientation.
  The ECtHR criticized the Russian authorities' failure to adequately investigate the incident and provide effective redress. They dismissed the applicants' criminal complaints with inadequate reasoning and failed to acknowledge the conflict between the right to freedom of expression and the right to protection from homophobic violence. The Court held that Russia violated its positive obligation to protect the applicants from homophobic violence and ensure a fair balance between freedom of expression and the protection of private life. The Court awarded each of the three applicants €7,500 in non-pecuniary damages.

- **CROATIA FAILED TO PROTECT CHILD'S RIGHT TO LIFE DUE TO INEFFECTIVE POLICE RESPONSE TO KNOWN THREAT, RULES ECtHR** (3 December 2024)
  The European Court of Human Rights (Second Section), in *Svrtan v. Croatia* (Application no. 57507/19), found Croatia violated Article 2 (right to life) of the Convention. The applicants, Željko and Biljana Svrtan, complained about the death of their 12-year-old son, M.S., who was accidentally shot by S.K., a person with a known history of violence, alcohol abuse, and illegal firearm possession.
  The Court acknowledged that Croatian law prohibited the possession of automatic weapons, but found that the authorities' response to credible warnings about S.K.'s illegal firearm possession and violent behavior was insufficient. Prior to the shooting, the police received multiple reports indicating S.K.'s possession of illegal weapons, his violent tendencies, and specific

threats to his family. Despite a prior search of S.K.'s home, the police failed to locate the weapon used in the shooting, despite evidence suggesting it was hidden in plain sight, The Court criticized the superficial nature of the search and the failure to take further action despite subsequent warnings about the immediate threat S.K. represented.
The Court considered the broader context of widespread illegal weapons ownership in post-war Croatia, noting that the authorities had a heightened duty of diligence in such a situation. The Court determined that the authorities' inaction in the face of credible and specific threats demonstrated a failure to take reasonable preventive measures, resulting in the violation of M.S.'s right to life. While the Court acknowledged that it is not possible to say with certainty that a more diligent search would have prevented the shooting, the failure of the authorities to take sufficient action in response to known and serious threats was enough to establish a breach of the State's obligation. The Court awarded the applicants €30,000 in non-pecuniary damages and €830 in costs related to their constitutional complaint.

- **ECtHR FINDS NO VIOLATION OF FREEDOM OF EXPRESSION IN FRENCH MAGAZINE'S DEFAMATION CASE** (5 December 2024)
The European Court of Human Rights (Fifth Section), in *Giesbert and Others v. France (No. 2)* (Application no. 835/20), found no violation of Article 10 (freedom of expression). The applicants – the editor and two journalists of the French weekly magazine *Le Point* – were convicted of defamation for an article criticizing the politician Jean-François Copé's alleged links to the Bygmalion scandal.
The applicants argued that their article contributed to a debate of public interest concerning the financing of political parties and that their investigation was thorough and well-documented. They challenged the French courts' assessment of their "good faith", arguing it was too strict and that the sanctions, including fines and the mandatory publication of a press release, were disproportionate. The Court acknowledged that the convictions constituted an interference with the applicants' freedom of expression. It also accepted that the article concerned matters of public interest, relating to allegations of financial misconduct within a major political party. However, the Court considered the French courts' assessment of the evidence and their finding that the article lacked sufficient factual basis for the serious allegations made against Mr. Copé.
The Court noted the French courts' meticulous review of the evidence and their finding that the article lacked "prudence and measure" in its expression, particularly in the choice of its title and subheadings. Considering the gravity of the accusations, the Court found that the French courts did not erred in their

assessment of the applicants' good faith. The Court also deemed the fines imposed, considering the applicants' prior convictions for similar offenses, to be proportionate. The Court concluded that the French courts did not exceed their margin of appreciation in balancing freedom of expression with the protection of reputation and that the interference was therefore necessary in a democratic society. The application was dismissed.

- **FRANCE'S USE OF PREVENTATIVE MEASURES AGAINST SUSPECTED TERRORIST DID NOT VIOLATE RIGHT TO FREEDOM OF MOVEMENT, RULES ECtHR** (5 December 2024)
  The European Court of Human Rights (Fifth Section), in *M.B. v. France* (Application no. 31913/21), found no violation of Article 2 of Protocol No. 4 (freedom of movement). The applicant, a Tunisian national residing in Canada, challenged a French administrative measure restricting his movement following the discovery of jihadist propaganda and other incriminating material on his electronic devices.
  The applicant argued that the legal basis for the measure lacked clarity and predictability, and that the measure itself was excessive and disproportionate. He claimed that the French authorities failed to provide him with clear reasons for the measure, relying on vaguely worded administrative orders. He also argued that the measure, implemented without a hearing, violated his right to a fair trial and an effective remedy. The Court considered the relevant legal framework governing such preventative measures in the context of counterterrorism, which the Court found to be sufficiently clear and accessible to satisfy the requirements of the Convention.
  The ECtHR held that while the measure restricted his freedom of movement, this restriction was in accordance with the law and pursued the legitimate aims of national security and public safety, considering the serious nature of the evidence gathered. Further, the Court considered that the duration and conditions of the measure were appropriate given the potential threat. The Court also noted the availability of judicial review, both through urgent proceedings and appeals, and held that these procedural safeguards satisfied the standards required under the Convention. Although the Court acknowledged concerns raised by human rights institutions regarding the potentially broad interpretation of "serious reasons" under French law, it concluded that the measure in this specific case was proportionate to the legitimate aims pursued. Therefore, the Court found no violation of Article 2 of Protocol No. 4. The application was dismissed.

- **BELGIUM'S REVOCATION OF NATURALIZED CITIZENSHIP FROM TERRORISM CONVICTS DID NOT VIOLATE RIGHT TO PRIVACY, RULES ECtHR** (5 December 2024)
  The European Court of Human Rights (First Section), in *El Aroud and Soughir v. Belgium* (Applications nos. 25491/18 and 27629/18), found no violation of Article 8 (right to respect for private life). The Court examined the applicants' challenges to the revocation of their Belgian citizenship following convictions for terrorism-related offenses. The Court assessed whether the revocations, carried out under Article 23 §1 of the Belgian Nationality Code, were proportionate to the legitimate aims of national security and the prevention of crime, while considering the impact on the applicants' private lives.
  The applicants, a Moroccan and a Tunisian national, both naturalized as Belgian citizens, argued that the revocations were disproportionate and arbitrary, violating their right to respect for private and family life. They highlighted their long-term residence in Belgium, family ties, and the lack of consideration given to these factors by the Belgian courts. They also argued that the procedures lacked sufficient clarity and procedural safeguards and violated their right to a fair trial (Article 6) and were potentially in breach of Article 7 and Article 2 of Protocol No. 7.
  The Court acknowledged that the revocation of citizenship constituted an interference with the applicants' right to private life. However, it found that the interference was "in accordance with the law" and pursued the legitimate aims of national security and crime prevention. The Court emphasized that the Belgian courts had conducted a thorough examination of the facts, considering the seriousness of the applicants' convictions for terrorism-related offenses, and that the Belgian legal framework provided sufficient procedural safeguards against arbitrariness.
  Further, the Court noted that the revocations did not lead to statelessness and did not automatically result in deportation. The Court held that the Belgian authorities did not exceed their margin of appreciation in balancing the protection of national security with the applicants' right to respect for private life. The Court ultimately found no violation of Article 8 and dismissed the applications.

- **GEORGIAN SUPREME COURT'S IMPARTIALITY QUESTIONED, LEADING TO ECtHR FINDING OF FAIR TRIAL VIOLATION** (5 December 2024)
  The European Court of Human Rights (former Fifth Section), in *Kezerashvili v. Georgia* (Application no. 11027/22), found that Georgia violated Article 6 §1 (right to a fair trial) of the Convention. The applicant, David Kezerashvili, a former government official and businessman, challenged his conviction for embezzlement by the Georgian Supreme Court, arguing that

the court lacked impartiality and that the proceedings were unfair.
The ECtHR focused on the composition of the Supreme Court panel that heard Kezerashvili's appeal. The panel included Sh.T., who had recently served as Prosecutor General during the period the appeal was pending. The Court acknowledged that the mere prior service of a judge as a prosecutor does not automatically establish bias, but in this case, the high-profile and politically sensitive nature of the case, combined with the Prosecutor General's significant power and influence within the prosecutorial system, raised concerns about the Supreme Court's objectivity. The Court considered that this created a reasonable perception of bias, sufficient to constitute a violation of the right to an impartial tribunal.
The Court examined the applicant's other complaints, concerning the lack of an oral hearing before the Supreme Court, the sufficiency of the reasoning in the judgment, and the alleged existence of an ulterior political motive behind his prosecution. The Court rejected these claims, finding that the written procedure before the Supreme Court was adequate in the context of an appeal on points of law, that the Supreme Court's judgment provided sufficient reasons for its decision, and that there was insufficient evidence to support claims of political motivation for the prosecution and conviction. The Court dismissed these aspects of the application.
The ECtHR concluded that the presence of the former Prosecutor General on the Supreme Court bench violated the applicant's right to an impartial tribunal, thus breaching Article 6 §1. No damages were awarded; the Court considered the finding of a violation sufficient just satisfaction.

Academic & Professional Opportunities

- **HUMAN RIGHTS OFFICER, MONITORING AND STAKEHOLDER ENGAGEMENT (MIGRANTS' RIGHTS), ETHIOPIAN HUMAN RIGHTS COMMISSION (EHRC)**
  The EHRC seeks a Human Rights Officer to conduct monitoring activities related to the rights of refugees, IDPs, and migrants, with a particular focus on migrants' rights. Responsibilities include contributing to strategy design and implementation, conducting monitoring visits, investigating human rights abuses, drafting reports, collaborating with stakeholders, and providing technical support. An LLM in a relevant field with two years of experience or an LLB with four years of experience is required. Expertise in forced displacement and migration law, strong

analytical and communication skills, and proficiency in Amharic and English are essential. The position is based in Addis Ababa, offering a one-year contract (with possible extension) and a salary range of ETB 20,400.00 - ETB 23,683.00 gross per month, plus housing and transport allowances. Send a cover letter and CV to HRM@ehrc.org with the position and location in the subject line. Apply by: December 16, 2024.

- **SENIOR PROGRAMME MANAGER [HUMAN RIGHTS ADVISOR] - RETAINER, MULTIPLE POSITIONS, UNOPS**
  UNOPS seeks multiple Senior Programme Managers (Human Rights Advisors) to support the EU-UN Global Terrorism Threats Facility project, implemented in partnership with the United Nations Office for Counter Terrorism (UNOCT). This role involves drafting human rights risk assessments, providing guidance on integrating human rights into counter-terrorism efforts, reviewing legal frameworks, mentoring member states, and preparing reports. An advanced university degree (Master's or equivalent) with 10 years of experience or a first-level university degree (Bachelor's) with 12 years of experience is required. Experience with the UN Human Rights Due Diligence Policy (HRDDP) and promoting human rights in counter-terrorism contexts is essential. Fluency in English is required; French, Arabic, or Russian is highly desirable. This is a retainer contract until December 2025 (with possible extension), home-based with possible field deployments. Apply by: December 17, 2024.

- **SENIOR PROGRAMME ASSISTANT - LIVELIHOODS AND SOCIOECONOMIC INTEGRATION, WORLD FOOD PROGRAMME (WFP)**
  WFP seeks a Senior Programme Assistant based in Cali, Colombia, to support the implementation of livelihood and socioeconomic integration projects. Responsibilities include providing technical support, coordinating project activities, ensuring timely execution, building capacity of partners, and incorporating gender and protection analysis. A secondary school diploma is required, with a university degree in a related field preferred. Five years of relevant professional experience, including at least two years in livelihood strengthening or socioeconomic integration projects, is essential. Fluency in Spanish is required, and intermediate English is desirable. This is a six-month Special Service Agreement (SSA) with a possibility of extension. Apply by: December 19, 2024 (23:59 Colombia Standard Time).

- **LAWYER (FULL-TIME), ADITUS FOUNDATION**
  The aditus foundation, a Maltese human rights NGO, seeks a Lawyer to lead its Legal Unit. The Lawyer will provide legal services (including litigation) primarily to asylum-seekers, refugees, and other migrants, and contribute to the organization's advocacy, research, and capacity-building activities. A law degree covering international refugee and human rights law is required, along with a minimum of three years of relevant litigation experience. A warrant to practice in Malta is preferred but not required. Excellent communication skills in English are essential; Maltese or other languages are a plus. The position is full-time, starting January 1, 2025, for one year (with possible extension), with a salary of €24,000-€26,000 gross per year. Apply by: December 20, 2024.

- **EXPERT IN INDIGENOUS PEOPLE, LOCAL COMMUNITIES, AND NATURAL RESOURCE MANAGEMENT, UNEP**
  UNEP seeks a consultant to prepare a storytelling report on the role of Indigenous peoples and local communities (IPLCs) in sustainable coral reef management. The consultant will conduct research, gather case studies, analyze policy frameworks, and develop recommendations for increased IPLC recognition in coral reef science and management. The report will be launched at UNEA 2025. A Master's degree or equivalent in a relevant field, along with a minimum of ten years of experience in community-based research on ecosystem conservation and sustainable development, is required. Experience working with IPLCs and preparing storytelling reports is essential. Fluency in English is required. This is a 12-month, home-based consultancy. Apply by: December 26, 2024.

- **EVENTS OFFICER (PART-TIME, BRUSSELS), FONDAZIONE L'ALBERO DELLA VITA (FADV)**
  FADV, an Italian NGO working in various fields including protection, migration, and child protection, seeks a Brussels-based Events Officer (November 2024 - February 2025) to manage two European project-related events. Responsibilities include designing event agendas, inviting participants, managing logistics (online and in-person), organizing complementary activities, and managing budgets. At least two years of event management experience and full command of English are required, along with knowledge of the European Commission environment in Brussels. The position is a part-time consultancy, with a salary of €1,700-€2,000 gross per month. Send CV and optional motivation letter to annuncio.lavoro@alberodellavita.org with the subject line "Events Officer". Apply by: December 31, 2024.

- **HUMAN RIGHTS SPECIALIST, ABENA**
  ABENA, a member of the UN Global Compact, seeks a Human Rights Specialist to champion human rights compliance and ethical practices throughout its value chain. This role will manage the Supplier Code of Conduct, oversee human rights risk management and audits, ensure compliance with CSRD and CSDDD regulations, collaborate across departments, establish performance metrics, and communicate with stakeholders. A Bachelor's or Master's degree in a relevant field and 3+ years of experience in human rights, ethics, or sustainability are required, along with expertise in human rights frameworks and strong stakeholder management skills. Proficiency in English is required; Danish is a plus. Apply by: January 1st, 2025.

- **RESEARCH ANALYST, EQUALITY AND HUMAN RIGHTS COMMISSION (UK)**
  The Equality and Human Rights Commission (UK) seeks a Research Analyst to contribute to research and analysis supporting the Commission's strategic objectives. Responsibilities include designing and conducting research projects, literature reviews, providing methodological advice, and collaborating with internal and external partners. The position offers a competitive salary (up to £34,219 per annum, pro-rata), 30 days annual leave plus bank holidays (FTE), and access to the Civil Service Pension Scheme. Hybrid working arrangements are available, with locations in Manchester, Cardiff, and Glasgow. For inquiries or to request reasonable adjustments, contact Becky Roberts at Becky.Roberts@equalityhumanrights.com or 0161 829 8100. Apply by: January 5, 2025.

- **LEGAL INTERN, JUSTICE**
  JUSTICE seeks UK law graduates for paid winter (February 2025 start) and spring (April 2025 start) internships. Interns will conduct legal research, comment on legislation, assist with interventions, and support research projects. A law degree, GDL, SQE 1 completion, or CILEX graduate status is required by the internship start date. An interest in justice system challenges and understanding of the UK's constitutional and human rights framework are essential. The internships are full-time for three months, with part-time options (minimum three days/week) possible. Hybrid working arrangements are available, with the office located in central London. Salary is £25,207 per annum, pro rata. Interviews will be held via Zoom the week of January 20, 2025. Apply by: January 5, 2025 (11 pm).

- **MIGRATION AND PEACE PROGRAMME OFFICER (PART-TIME), QUAKER COUNCIL FOR EUROPEAN AFFAIRS (QCEA)**
  QCEA seeks a part-time (3 days/week, 6-month contract) Migration and Peace Programme Officer based in Brussels. The primary focus is the launch, promotion, and dissemination of a Migration & Peace handbook. Responsibilities include organizing handbook launch events, building relationships with stakeholders, disseminating the handbook to EU institutions, and collaborating with the QCEA team. Experience working on migration issues and knowledge of EU institutions are required, along with strong communication and event organization skills. Fluency (or near fluency) in English is essential. The salary is approximately €1980 gross per month, plus benefits. Apply by: January 6, 2025.

- **CLIMATE LAW FELLOW, SABIN CENTER FOR CLIMATE CHANGE LAW, COLUMBIA UNIVERSITY**
  The Sabin Center for Climate Change Law at Columbia Law School seeks a Climate Law Fellow (postdoctoral research scholar level) to conduct research, publish materials, contribute to advocacy strategies, and manage web resources related to climate change law and regulation. A J.D., J.D. equivalent, or LLM is required, along with a demonstrated interest in climate justice and/or environmental law/policy. The one-year fellowship (starting September 2025) offers a salary range of $77,500-$85,000, with the possibility of a second year. Submit cover letter and CV to climatelawfellow@law.columbia.edu. Apply by January 15, 2025 (rolling review).

- **CALL FOR PROPOSALS: RESEARCH AND ANALYSIS OF JURISPRUDENCE ON INTERNATIONAL PROTECTION AND REGISTRATION IN THE EUAA CASE LAW DATABASE**
  The EUAA is seeking proposals to enrich its Case Law Database with asylum jurisprudence from national, European, and UN appeals bodies. The project aims to improve access to case law related to the Common European Asylum System (CEAS) and UN instruments, raising awareness among stakeholders about jurisprudential developments and asylum appeal systems in EU+ countries. The estimated budget is €50,000, and one project is expected to be funded. An information webinar recording and presentation are available. Apply by: January 16, 2025 (17:00 Brussels time).

- **HEALTH LAW INTERNSHIP PROGRAM, O'NEILL INSTITUTE**
  The O'Neill Institute offers eight-week, full-time paid summer internships for current J.D., LL.B., or equivalent law students interested in health law. Interns work with experts on topics such

as health and human rights, noncommunicable and infectious diseases, and comparative health law and policy. Tasks include legal research, report preparation, and attending meetings and symposia. Strong research and communication skills, proficiency in English, and Microsoft Office/Google Suite skills are required. Applicants must submit a resume, cover letter, and writing sample (max 10 pages). Apply by: Rolling

- **LEGAL NETWORK MANAGER: SABIN CENTER FOR CLIMATE CHANGE LAW AT COLUMBIA LAW SCHOOL**
  The Sabin Center for Climate Change Law at Columbia Law School seeks a Legal Network Manager to build and coordinate a legal assistance network focused on renewable energy. The Network Manager will conduct outreach, deepen connections with relevant stakeholders, organize convenings, contribute to research, and engage in regulatory proceedings. A Bachelor's degree is required, and a Master's or JD is preferred. The salary range is $80,000-$85,000. The position is located at Columbia University's Morningside campus. Apply by: until filled.

News from the Facts and Norms Institute

- ***"SANCTIONS VS. HUMAN RIGHTS"*: FNI'S FIRST ACADEMIC BOOK TACKLES THE COMPLEX NEXUS BETWEEN SANCTIONS AND HUMAN RIGHTS**

  The Facts and Norms Institute (FNI) is proud to announce the release of *"Sanctions vs. Human Rights? The Impact of Sanctions on Humanitarian Action and Human Rights Protection"*, by researcher Leonel Lisboa.

  This marks the inaugural academic publication from the Institute's newly established editorial branch. The book has also been submitted to the United Nations Sanctions Research Platform for inclusion in their resources.

  Lisboa, a seasoned contributor to FNI's engagement with the UN on sanctions, has played a significant role in shaping the international discourse on this critical issue.

  His previous work for the Institute includes providing feedback on the UN's Draft Monitoring & Impact Assessment Tool for sanctions, participating in UN consultations on guiding principles for unilateral sanctions and over-compliance, and submitting a

study to the UN Working Group on Business and Human Rights on the impact of transition minerals projects.

"Sanctions vs. Human Rights?" examines the historical trajectory of restrictive measures, examining their evolution from the late 20th century to the present day. The book explores the mechanisms and consequences of sanctions, posing fundamental questions about their nature, functionality, and intended severity.

It refers to the often-devastating consequences of sanctions, ranging from loss of life and infrastructure collapse to the obstruction of humanitarian aid. It also critically examines the effectiveness and limitations of recent transversal humanitarian exemptions in mitigating these negative impacts.

The author offers a crucial perspective from the Global South, highlighting the disproportionate burden often borne by developing nations. As Lisboa writes, "Coercive measures are especially more burdensome the more fragile and less dynamic the economy of the sanctioned State."

The author further argues that the unilateral nature of many sanctions raises concerns about legitimacy and potential for abuse:

> *"A State which resorts to countermeasures based on its unilateral assessment of the situation does so at its own risk."*

Lisboa also engages with philosophical debates, contrasting “international society” and “international community” to explore how the framing of sanctions shapes their legitimacy under international law. The reader will benefit from these and other reflections by the author:

> *"Sanctions are, in a glance, measures that cost very little for those who impose them... However, their effects can [amount to] catastrophic.*

> *This harm can be so intense that it may cause loss of life, famine, destruction of infrastructure, school evasion, etc."*

Lisboa's publication also analyzes the complexities of secondary sanctions and over-compliance, revealing how these mechanisms can amplify the negative impacts of sanctions far beyond their intended targets. The case of the Iranian prisoners’ deal, where

humanitarian funds were effectively held hostage, serves as an example of these challenges.

The book is available for free download, in line with FNI's mission to promote open-access research and facilitate global engagement with critical human rights issues. Readers can access the full text here.

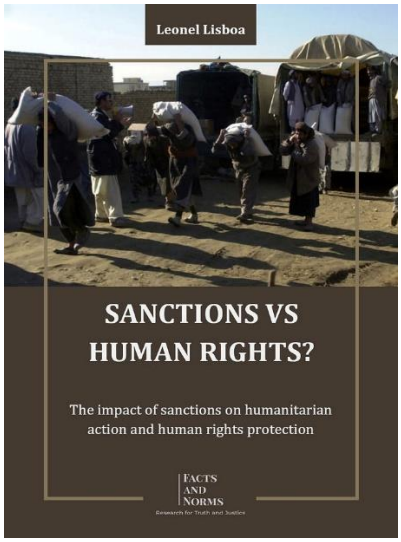
Recognition by the UN Sanctions Research Platform

Adding to its international impact, *Sanctions Vs. Human Rights* has been submitted by Leonel Lisboa to the United Nations Sanctions Research Platform, contributing to a growing body of knowledge on the unintended consequences of sanctions and the need for reforms. The platform serves as a hub for research and policy recommendations.

FNI Director Henrique Napoleão Alves expressed his pride in this first publication:

> *"This inaugural publication from our editorial branch reflects not* only *the importance of tackling sanctions from a human rights perspective but also the depth of Leonel Lisboa's scholarship.*

> *We are* proud *to have such a committed researcher as part of our team, whose work will certainly resonate with scholars, policymakers and students alike."*



Through this publication, FNI reaffirms its commitment to amplifying voices from the Global South and advancing a human rights-centered approach in international policymaking.

- **INTER-AMERICAN COURT CONDEMNS BRAZIL FOR THE ACARI MASSACRE AND CITES THE FACTS AND NORMS INSTITUTE**

The Inter-American Court of Human Rights (IACtHR) has condemned Brazil for the forced disappearance of 11 young people from the Favela de Acari, in Rio de Janeiro, in 1990.

The IACtHR's decision takes into account the context of police violence and the actions of death squads and militias in Rio de Janeiro, especially in communities living in poverty, where a scenario of structural racism and discrimination against people of African descent prevails, as pointed out by the **amicus curiae** brief presented by the Facts and Norms Institute (FNI), prepared by Professor Roberta Cerqueira Reis and lawyer Sofia Viegas Duarte.

The FNI's brief, which focused on police violence, the limits of transitional justice, and the dehumanization of poor and Afro-descendant populations, was cited in the judgment as support for understanding the context in which the disappearances occurred. The IACtHR highlighted the importance of the document in demonstrating that the violence committed by state agents is a structural and persistent problem in Brazil.

In the brief, the FNI argued that *"the violence committed by state agents denounced in the Case of Leite de Souza et al. is a present issue"* and that *"[t]here are continuities between lethal police action during the 1964-1985 dictatorship and during democratic times," in addition to "a system that guarantees impunity for these violations."* The brief also highlighted that there is "an unequal distribution of deaths caused by police officers – these are concentrated in poor suburbs and favelas."

The IACtHR's judgment reflected this analysis, stating that *"[a]t least since the 1960s, the actions of militias, death squads, or extermination groups [...] composed of police officers involved in criminal activities*

have been observed." The judgment also recognized that "*the violence of the militias is directed mainly against people of African descent, young people, and individuals in situations of poverty and socioeconomic vulnerability.*"

The FNI's brief also highlighted how "*[e]xtrajudicial executions and forced disappearances represent the denial of the human condition of the victims; their legal personality is taken away.*" This aspect is also present in the IACtHR's judgment when it recognizes that "*conduct related to the forced disappearance of persons generates the violation of the rights to recognition of legal personality,*" among others.

The judgment also incorporated several recommendations from the FNI's brief, including the need to adopt structural measures to combat police violence and impunity. Among these measures are conducting a diagnosis of the actions of death squads and militias in Rio de Janeiro and strengthening investigative capacities according to human rights criteria.

The Court's decision takes into account the arguments presented by the FNI, demonstrating the relevance of the work of academic organizations in the defense of human rights and the promotion of justice. The judgment represents a victory for the victims and their families, and an important step towards building a more just and egalitarian Brazil, where human rights are respected and protected, regardless of social origin, race, or place of residence.

https://www.factsandnorms.com/post/inter-american-court-condemns-brazil-for-the-acari-massacre-and-cites-the-facts-and-norms-institute