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Editorial

Welcome to the latest edition of the [Facts and Norms Institute's](#) Newsletter, where we continue our journey of educating and informing our audience on pivotal developments in international law, human rights, and the promotion of international peace.

In this edition, we delve into significant rulings and proceedings from the International Court of Justice (ICJ), including the court's jurisdiction over Ukraine's genocide allegations against Russia, its urgent call for Israel to comply with provisional measures in Gaza, and the public hearings on Israel's policies in the occupied Palestinian territory. These developments underscore the ICJ's pivotal role in addressing allegations of genocide and the legality of state actions on the international stage.

*Our coverage extends to the latest from the United Nations, where recent attacks in Ukraine and challenges in Gaza highlight the continuous struggle for humanitarian aid and the protection of human rights amidst conflict. We also report on the significant outcomes from the 164th Ordinary Session of the Inter-American Court of Human Rights and the Court's judgment on the *Cajahuanca Vásquez vs. Peru* case.*

This issue also covers recent developments of the human rights jurisprudence by the African Court on Human and Peoples' Rights and the European Court of Human Rights. These include significant rulings on the death penalty, fair trial rights, and the delicate balance between the right to privacy and public interest.

We are excited to announce calls for abstracts for upcoming colloquiums and conferences focusing on the environment and the intersection of social media, artificial intelligence, and disability rights. These platforms offer invaluable opportunities for scholars and practitioners to contribute to the evolving discourse on these pressing issues.

In this issue, we also spotlight career opportunities and consultancies within prestigious human rights organizations and institutions. These positions represent a chance for professionals to engage with and contribute to the field of human rights in meaningful ways. These third-party opportunities are provided for informational purposes only. We encourage our readers to independently verify their details.

Lastly, we share updates from our own institute, highlighting our recent contributions to the United Nations on topics of extreme poverty, sustainable development, digital education, and online protection for young people. These reports embody our commitment to fostering a more just and equitable world.

As we present this array of articles, reports, and announcements, we invite you to explore the nuances of international law, engage with the critical human rights issues of our time, and join us in our mission to bridge the gap between facts and norms.

Enjoy the read!

[Henrique Napoleão Alves](#), Chief Editor



Universal and Regional Highlights

- **ICJ: ALLEGATIONS OF GENOCIDE (UKRAINE V. RUSSIA).** [On 2 February 2024](#), the International Court of Justice (ICJ) ruled that it has jurisdiction to entertain Ukraine’s request for a declaration that it did not breach its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and that this request is admissible.
- **ICJ: ALLEGATIONS OF GENOCIDE IN THE GAZA STRIP (SOUTH AFRICA V. ISRAEL).** [On 16 February 2024](#), the Court addressed the application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), responding to South Africa's request for additional provisional measures following recent escalations in Gaza, particularly in Rafah. The Court highlighted the urgent need for Israel to comply with the provisional measures previously indicated on 26 January 2024, emphasizing the importance of ensuring the safety and security of Palestinians in the Gaza Strip. The Court also noted that the most recent developments in the Gaza Strip, and in Rafah in particular, “would exponentially increase what is already a humanitarian nightmare with untold regional consequences”, as stated by the United Nations (UN) Secretary-General.
- **ICJ: PUBLIC HEARINGS ON THE LEGALITY OF THE POLICIES AND PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN TERRITORY.** [From 19 to 26 February 2024](#), the ICJ held public hearings regarding the Request for Advisory Opinion. During the hearings, [the State of Palestine, 49 Member States of the United Nations and three international organizations presented oral statements](#). The verbatim records of the hearings, including the lists of participating delegations, are available [on the case page](#) on the Court’s website. High-resolution video clips and still photos produced by the Registry during the hearings are available free of charge and free of copyright for editorial, non-commercial use, on the [Multimedia page](#) on the Court’s website.

- **WORLD NEWS IN BRIEF (UN NEWS) (23 February 2024).** In Ukraine, the UN has condemned new Russian attacks in Odesa and Dnipro, marking the escalation of the conflict into its third year. Denise Brown, the UN Humanitarian Coordinator for Ukraine, criticized these actions as violations of international humanitarian law, highlighting damage to civilian infrastructure including grain stocks and a power plant. The healthcare system in Gaza faces dire challenges with only seven out of 23 UNRWA health centers operational, severely impacting medical services amidst the crisis. Despite these limitations, UNRWA staff managed to provide over 11,000 medical consultations in one day. Additionally, the UNFPA is supporting pregnant and breastfeeding women in Gaza. In the Democratic Republic of the Congo, Government forces are battling M23 rebels and other armed groups. The UN and humanitarian partners have launched a \$2.6 billion appeal to address the crisis, which has displaced nearly seven million people.
- **INTER-AM. COURT CONCLUDES ITS 164 PERIOD OF SESSIONS.** Between January 24 and February 9, 2024, the Inter-American Court of Human Rights (Inter-Am. Court) held its 164th Ordinary Session. The Court deliberated on the case *Casa Asociación Memoria Activa Vs. Argentina*. The Court also held public hearings on the *Ubaté and Bogotá Vs. Colombia*, *Reyes Mantilla and others Vs. Ecuador*, *Aguirre Magaña Vs. El Salvador*, *Capriles Vs. Venezuela*, *Galetovic Sepunar and others Vs. Chile*, *Da Silva and others Vs. Brazil*, and *Muniz Da Silva Vs. Brazil*. Recordings of the public hearings are available on the [Court's YouTube page](#).
- **INTER-AM. COURT FINDS NO VIOLATION IN A CASE ABOUT DUE PROCESS AND DISCIPLINARY PROCEEDINGS.** In the judgment of the *Cajahuanca Vásquez Vs. Peru*, the Inter-Am. Court declared that the State of Peru is not responsible for violating the rights to judicial guarantees, principle of legality and non-retroactivity, political rights, and the right to judicial protection of Mr. Humberto Cajahuanca Vásquez, a Peruvian judge who was fired through a disciplinary process. The official summary and the full text of the Judgment [can be consulted here](#).

- **ACHR'S NEW JUDGMENTS.** On 13 February 2024, the African Court of Human Rights (ACHR) issued [four new judgments](#).

In *Deogratius Nicolaus Jeshi v. Tanzania, Crosperry Gabriel & another v. Tanzania* and *Romward William v. Tanzania*, Tanzanian nationals were convicted and sentenced to death. The Court dismissed their claims that Tanzania violated their rights to due process, non-discrimination, and equality before the law. However, the Court found violations of their right to life and dignity due to the mandatory imposition of the death penalty and the method of execution by hanging. The Court ordered Tanzania to take necessary measures to remove the mandatory death penalty from its laws, ensure a rehearing on sentencing without the mandatory death penalty, remove "hanging" as a method of execution, and publish the judgment.

In *John Mwita v. Tanzania*, a Tanzanian national serving a 30-year sentence for armed robbery alleged violations of his rights to a fair trial, specifically highlighting issues of legal representation, equality before the law, equal protection of the law, and the right to bail. The Court found that Tanzania violated Mwita's rights by denying him the possibility of bail for the offense of armed robbery and not providing him with free legal assistance during his trial and appeals, despite the seriousness of the charges. However, the Court dismissed Mwita's claims that his right to be heard and his rights to non-discrimination and equality before the law were violated. The Court ordered Tanzania to pay Mwita TZS 300,000 for moral damages and to amend its laws to allow judicial discretion in granting bail. Tanzania was also ordered to publish the judgment and report on the implementation of these orders.

- **ECHR'S NEW CHAMBER JUDGMENTS.** On 30 January 2024, the European Court of Human Rights (ECHR) issued three chamber judgments.

- In *Bernotas v. Lithuania (application no. 59065/21)*, Jurgis Bernotas, a Lithuanian national, accidentally injured someone in and was convicted, paying compensation. He challenges the courts' decisions since 2011 requiring him to reimburse social-security payments to the victim due to loss earnings, arguing it violates his property rights. The court found no violation of his rights.

In *Akhmednabiyev and Kamalov v. Russia*, relatives of two murdered journalists claim Russia failed to protect their lives and conduct effective investigations. Akhmednabiyev was killed in 2013 and Kamalov in 2011, both after receiving death threats. The investigation into Akhmednabiyev's death is still ongoing, while four were convicted for Kamalov's murder in 2022. The court found violations regarding the investigation for both cases, and for the right to life *per se vis-à-vis* Akhmednabiyev's case. Just satisfaction awarded was €26,000 and €20,000 for non-pecuniary damages to the first and second applicants, respectively.

In *Cherrier v. France*, the ECHR ruled that France did not violate the right to respect for private and family life by refusing to disclose the identity of the biological mother to a person who was adopted after being born to anonymous parents. The applicant was adopted in 1952, a few months after her birth, and only learned of that fact upon the death of her second adoptive parent in 2008. The Court found the French system, which allows for the confidentiality of a mother's identity unless she consents to its disclosure, effectively balances the right of an individual to know their origins with the mother's right to remain anonymous. Despite the interference with the applicant's private life, the Court deemed it proportional and in line with the law, aiming to protect the mother's rights. This decision reaffirms the Court's stance from the 2003 *Odièvre v. France* judgment.

On 22 February 2024, the ECHR issued four chamber judgments. In *M.H. and S.B v. Hungary*, Afghan and Pakistani nationals detained as minors in Hungary for asylum reasons claimed their detention violated their rights under the right to liberty and security, leading to a finding of violation and awards for non-pecuniary damages and costs.

The case of *Vlahović v. Montenegro* involved non-enforcement of judgments in a property dispute, resulting in violations of the right to a fair trial and the right to property, with compensation awarded for non-pecuniary damage and costs.

In *Kaczmarek v. Poland*, the victim contested the disclosure and retention of her private phone conversations recorded during an investigation, leading to a violation of the right to respect for private and family life/correspondence and a just satisfaction award.

The case of *Dolenc v. Slovenia* involved the recognition of Israeli court judgments in Slovenia, with the court finding a violation of the right to a fair hearing concerning the fairness of the trial in Israel, with the judgment focusing on just satisfaction related to pecuniary damage from the violation.

Selected Academic & Professional Opportunities

- **CALL FOR ABSTRACTS: THE ENVIRONMENT BEFORE INTERNATIONAL COURTS AND TRIBUNALS.** The 5th *UFMG International Law Colloquium: The Environment before International Courts and Tribunals: new challenges for international regulation* will take place on April 11-13, 2024, at the Federal University of Minas Gerais Law School in Belo Horizonte, Brazil. The University invites the submission of abstracts on the subject until February 29th, 2024. Abstracts should be sent to styluscuriarum@gmail.com. Deadline: 29 February 2024.
- **CALL FOR ABSTRACTS: SOCIAL MEDIA, ARTIFICIAL INTELLIGENCE, AND DISABILITY IN THE GLOBAL SOUTH.** The Pan African Network of People with Psychosocial Disabilities [invites authors to submit an extended abstract \(250-300 words\) on the theme of Social Media, Artificial Intelligence, and Disability in the Global South](#). Deadline: 30 April 2024.
- **COLUMBIA SEEKS A LEGAL FELLOW.** [The Columbia Law School Human Rights Institute and Clinic are seeking a full time Legal Fellow](#) (to be hired at the Postdoctoral Research Scholar level) to assist in implementing the TrialWatch Project, Columbia Law School's collaboration with the Clooney Foundation for Justice. The duration of the appointment is for a period of two years, which may be renewable for a third year based on performance and funding. Base salary is \$70,000 to \$80,000 a year. Deadline: 1 March 2024.
- **IACHR SEEKS A HUMAN RIGHTS CONSULTANT.** The Inter-American Commission on Human Rights (IACHR) [invites dedicated professionals to apply for a unique consultancy role within the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights](#). This position offers the chance to work remotely on critical human rights issues. The consultancy duration is for at least 3 months, with a consulting fee tailored to place of residence, education, and experience. Deadline: 6 March 2024.

- **IACHR SEEKS A PLANNING AND PROJECT MONITORING CONSULTANT.** The IACHR is currently on the lookout for a dynamic and skilled individual to join the Executive Secretariat as a Consultant in Planning and Project Monitoring. This consultancy role is a good opportunity for professionals passionate about making a significant impact in human rights across the Americas. The position is based in Washington, DC, offering a competitive consulting fee of \$7,600/month, starting from April 1st, 2024, with a duration of 6 months and a possibility of extension depending on the availability of funds. Deadline: 6 March 2024.

News from the Institute

- **FNI CONCLUDES TWO NEW REPORTS TO THE UNITED NATIONS.**

In January-February 2024, the Facts and Norms Institute [concluded and submitted a brief report to the United Nations Special Rapporteur on Extreme Poverty and Human Rights](#), Mr. Olivier de Schutter, focusing on Brazil's progress toward the Sustainable Development Goals (SDGs). Prepared by Professor Henrique Napoleão Alves, the report offers insight about the importance of economic growth for human rights and the nuanced challenges of relying solely on GDP as a measure of progress.

In February 2024, the Facts and Norms Institute [submitted a detailed report to the United Nations High Commissioner for Human Rights, Mr. Volker Türk](#), offering a comprehensive analysis of the state of digital education and the online protection of young people in Bangladesh. Authored by Priya Ahsan Chowdhury and Henrique Napoleão Alves, this document aims to contribute to the global discourse on youth empowerment through digital literacy and safe online environments.

