



**IECLO**

**International & European  
Criminal Law Observatory**

ON CULTURAL ISSUES, HUMAN RIGHTS AND SECURITY

## MONTHLY WRAP AUGUST 2023

### UNITED NATIONS GENERAL ASSEMBLY

#### [A/RES/77/325 Tackling illicit trafficking in wildlife](#)

Taking note of the World Wildlife Crime Report: Trafficking in Protected Species, prepared by the United Nations Office on Drugs and Crime in 2020

Noting that wildlife trafficking is a lucrative form of transnational organized crime and can be linked to other forms of transnational organized crime, and noting with concern the role that corruption can play in facilitating illicit trafficking in wildlife and wildlife products,

Urges Member States to take decisive steps at the national level to prevent, combat and eradicate the illegal trade in wildlife, on the supply, transit and demand sides, including by strengthening their legislation and regulations necessary for the prevention, investigation, prosecution, and appropriate punishment of such illegal trade, as well as by strengthening enforcement and criminal justice responses and to increase the exchange of information and knowledge among national authorities, as well as among Member States and international crime authorities, in accordance with national legislation and international law, acknowledging that the International Consortium on Combating Wildlife Crime can provide valuable technical assistance in this regard, including through supporting Member States in the implementation of the Wildlife and Forest Crime Analytic Toolkit, which is aimed at strengthening, where appropriate, the capacity of relevant law enforcement authorities and judiciaries in investigating, prosecuting and adjudicating wildlife-related offences;

Urges Member States that have not yet done so to consider taking measures to ratify or accede to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, and calls upon parties to take appropriate measures to ensure the effective implementation of their obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and other relevant multilateral agreements, including by applying the international guidelines adopted by the Conference of the Parties to the latter Convention for the storage, stockpiling and disposal of illicit wildlife products and contraband, as well as to consider ways to share information with one another on best practices to tackle illicit trafficking in wildlife in line with those instruments.

### UNITED NATIONS HUMAN RIGHTS OFFICE (OHCHR)



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## [Hundreds of thousands trafficked into online criminality across SE Asia](#)

The UN rights office (OHCHR) said criminal gangs in southeast Asia are using torture and abuse to force hundreds of thousands of people into an online scam operation which generates billions of dollars per year.

OHCHR said that at least 120,000 people across Myanmar and another 100,000 in Cambodia may be held in situations where they are forced to execute lucrative online scams - from illegal gambling to crypto fraud.

Other States including Lao PDR, the Philippines and Thailand have also been identified as main countries of destination or transit. The latest OHCHR report sheds new light on cybercrime scams that have become a major issue in Asia, with many workers trapped and forced to participate in scams targeting people over the internet.

The report notes workers face a range of serious human rights violations, and many have been subjected to abuses such as torture, arbitrary detention, sexual violence and forced labour.

According OHCHR, these victims come from across the ASEAN region as well as mainland China, Hong Kong and Taiwan, South Asia and even further afield from Africa and Latin America.

Although there are several regional legal frameworks to prosecute such crimes, OHCHR said there is a lack of implementation by States and often forced criminality is not seen as a legal violation.

## **INTERNATIONAL CRIMINAL COURT**

### [The Presidency of the Assembly of States Parties reiterates its unwavering support for the International Criminal Court, its elected officials, and its personnel.](#)

The Presidency of the Assembly of the States Parties to the Rome Statute expresses its deep concern over the reported issuance of an additional arrest warrant by the Russian Federation authorities against a Judge of the International Criminal Court.

The International Criminal Court represents the commitment of its States Parties to ensure accountability for the most serious crimes of concern to the international community as a whole.

### [ICC concludes confirmation of charges hearing in Mokom case](#)

On 24 August 2023, the confirmation of charges hearing in the case *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka* concluded before Pre-Trial Chamber II of the International Criminal Court (ICC). The purpose of the confirmation of charges hearing is for the judges to determine whether or not there is sufficient evidence to establish substantial grounds to believe that the suspect



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committed each of the crimes charged. If the charges are confirmed, the case will be transferred to a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial. The Defence, Prosecutor and the Legal representatives of victims will have until 14 September 2023 to complete their presentations by way of written submissions, while the Defence may reply by 2 October 2023. Within 60 days from the receipt of the Defence's reply on 2 October 2023, the judges will issue their decision. *(For more info on the process background read the previous wraps)*

## INTERNATIONAL CRIMES

### [Kosovo Ex-Guerrilla Arrested for Revealing Witness Names: He's a Lawyer](#)

An Albanian lawyer representing Kosovo ex-guerrilla Dritan Goxhaj, who was arrested on Monday in Tirana, told BIRN that he has been charged over an article he wrote for a media outlet exposing the names of some of the potential protected witnesses in a war crimes trial of another guerrilla in The Hague. Albanian media reported that in the article that Goxhaj wrote, which was published by a Kosovo outlet, he mentioned five names of "protected and hidden witnesses" that he said he had "decided to expose". Goxhaj is currently awaiting extradition to the Kosovo Specialist Chambers in The Hague to face the charges.

### [Syrian man accused over 2013 massacre arrested in Germany](#)

A Syrian man accused of leading a pro-government militia in Tadamon, a Damascus neighbourhood that was the site of a massacre of civilians in 2013 filmed by its perpetrators and revealed by the Guardian last year, has been arrested in northern Germany.

The suspect, identified as Ahmad H in line with German privacy rules, is the first person to be detained in connection with crimes in Tadamon, where militia and soldiers loyal to the Syrian president, Bashar al-Assad, brutalised the local population – recording some of their acts – in the early years of the country's civil war. He is accused of crimes against humanity and war crimes including torture and enslavement.

### [Indictment issued for War Crimes near Foca](#)

A team of prosecutors from the Special Department for War Crimes of Bosnia and Herzegovina brought an indictment against 13 persons, former commanders and members of the Army of the Republic of Bosnia and Herzegovina, who are accused of war crimes against victims of Serbian nationality in the town of Jošanica near Foča in December 1992, in which 56 civilians of Serbian



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nationality were killed, around 10 victims were wounded, and houses, property, agricultural and ancillary facilities were set on fire and destroyed.

The prosecution will prove the accusations by calling more than 400 witnesses and submitting more than 1,200 pieces of evidence.

The defendants are charged with criminal acts: war crimes against the civilian population, violations of laws or customs of war, organizing a group of people and inciting the commission of crimes of genocide, crimes against humanity, and war crimes.

### [Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide \(Ukraine v. Russian Federation: 32 States intervening\)](#)

The International Court of Justice will hold public hearings on the preliminary objections raised by the Russian Federation in the case concerning Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*) from Monday 18 to Wednesday 27 September 2023, in which 32 States will intervene.

### [Dutch Supreme Court Confirms Immunity of Former Israeli Officers Over Deadly 2014 Gaza Airstrike](#)

The Dutch Supreme Court on Friday upheld a ruling that a Palestinian man cannot sue Israel's former defense minister and another former senior military officer over their roles in a deadly 2014 Gaza airstrike. The highest Dutch court confirmed findings by judges in two lower courts that Benny Gantz and former Air Force Commander Amir Eshel are protected from civil proceedings in the Netherlands because they have "functional immunity."

The long-running case was brought by Ismail Ziada, who lost six members of his family in the airstrike that lawyers for the two Israelis argued was part of an Israeli military operation during the 2014 Gaza conflict.

### [Former Algerian minister of defence indicted in Switzerland on war crime charges](#)

Victims of the 1991-2002 Algerian civil war have been given hope that they will finally receive justice after the highly unusual announcement by Swiss authorities that a former Algerian minister of defence is to stand trial in Switzerland on charges of war crimes and crimes against humanity.

Khaled Nezzar is set to be the highest-ranking military official ever tried for war crimes under the principle of universal jurisdiction, which allows states to investigate and prosecute people suspected



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of having committed international crimes regardless of where they were committed, their nationality, or the nationality of the victims.

Nezzar, who was minister of defence in Algeria between 1990 and 1993 and member of the High Council of State (*Haut Comité d'État* – HCE) from 1992 to 1994, stands accused between 1992 and 1994 of violating the laws of armed conflicts, as set out in the Geneva Conventions.

## OSCE

### [OSCE enhances capacity of Tajik prosecutors and investigators on terrorism- and violent extremism-related cases](#)

The Programme Office in Dushanbe (Office), in close co-operation with the Prosecutor General's Office and the Institute for the Study of Law, Order, Crime and Professional Development of Prosecutors, organized three-day capacity-building workshops on 'Pre-investigative aspects of cases related to terrorism, violent extremism and terrorist financing'. These training seminars are part of the Office's continuous support to Tajikistan in countering terrorism, as well as preventing and countering violent extremism radicalisation leading to terrorism (VERLT), in line with the National Strategy and Action Plan on Countering Extremism and Terrorism for 2021-2021. 2025'. They aim to improve participants' theoretical knowledge and practical skills on the specific features of the preliminary investigations of criminal cases related to extremism, terrorism, terrorist financing and money laundering as well as to provide specific techniques and methods of conducting investigations and arrest processes for these types of crimes, ensuring respect for human rights and fundamental freedoms.

## EUROPOL

### [19 arrests for smuggling migrants within the EU](#)

In June 2022, the Spanish authorities launched an investigation involving the German Federal Police (*Bundespolizei*) and supported by Europol (through which operational coordination and analytical support was provided) that led to the dismantling of an organised criminal group facilitating the secondary movement of irregular migrants from Spain to Germany and Norway. The criminal network is suspected of having organised more than 68 illegal transfers and the subsequent trafficking of more than 550 Syrian migrants into the EU. This operation led to the arrest of 19 individuals, 16 Syrian and 3 Moroccan nationals, and the seizures



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of 5 vehicles, mobile and storage devices, approximately 10,000 euro in cash and various documents. The criminal group was closely connected to other migrant smuggling cells facilitating smuggling from Asia and Africa towards Europe. This interconnection, revealed over the course of the investigation, illustrates the international scale of an intercontinental migrant smuggling network active across Asia, Africa and Europe.

## INTERPOL

### [Operation Narsil disrupts network of child abuse websites designed to generate profits from advertising](#)

INTERPOL has concluded a global operation to bring to justice criminals operating networks of child sexual abuse websites designed to generate profits from advertising. Over two years, INTERPOL member countries worked together using INTERPOL's Worst of List (IWOL), sharing targeted information, identifying suspects and coordinating arrests of the people running the websites. Operation Narsil, which took place from December 2021 to July 2023, is one of the first INTERPOL operations to focus on identifying, tracking and arresting individuals who receive advertising revenue from website visitors interested in viewing the website's child sexual abuse content.

INTERPOL has been monitoring websites disseminating child sexual abuse imagery for years and, in cooperation with law enforcement partners across the world, has seized more than 20,000 domains. Operation Narsil involved investigations triggered by law enforcement agencies in Austria, Argentina, Belarus, Bulgaria, Canada, Cyprus, Estonia, France, Germany, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Moldova, the Netherlands, New Zealand, Norway, Poland, Romania, Russia, Singapore, Spain, Switzerland, Thailand, the United Kingdom and the United States.

### [Notorious phishing platform shut down, arrests in international police operation](#)

A notorious 'phishing-as-a-service' (PaaS) platform known as '16shop' has been shut down in a global investigation coordinated by INTERPOL with Indonesian authorities arresting its operator and one of its facilitators, while another was arrested in Japan.

The PaaS platform sold 'phishing kits' to hackers trying to defraud Internet users through e-mail scams.

The PaaS platform was flagged by analysts from INTERPOL's cybercrime division during an ongoing cyberthreat research project in the ASEAN region, the INTERPOL team was soon able to determine the identity and likely location of the platform's administrator, who was based in Indonesia.

The INTERPOL team compiled and sent a criminal intelligence report to the cybercrime directorate of the Indonesian national police, which enabled national law enforcement to arrest the administrator,



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and with the sharing of further information between Japan's National Police agency and the Indonesian National Police, the identification and arrest of the two facilitators was possible.

## EUROPEAN COMMISSION

### [EU activates new Humanitarian Air Bridge to Goma, Democratic Republic of the Congo](#)

The EU has launched a new humanitarian operation on an air bridge to the eastern part of the Democratic Republic of the Congo, transporting essential supplies to the city of Goma. They will be used to strengthen the humanitarian response in the eastern part of the country, where the already disastrous situation continues to worsen. To mitigate this situation, the EU has transported a total of over 180 tonnes of materials, including health and nutritional supplies. The first two flights arrived in Goma on 22 August 2023, with a total of eight flights scheduled by the end of August 2023. This humanitarian air bridge operation was organised in cooperation with France and EU humanitarian partners. Humanitarian needs in the Democratic Republic of the Congo are among the highest in the world. Currently in the DRC there are over 6.2 million displaced people, the highest number in Africa. More than 1 million Congolese refugees live in neighbouring countries. The rapid deterioration of the security situation in the east of the country has led to the displacement of more than 1.1 million civilians since March 2022. The number of internally displaced continues to increase as populations flee new combat areas. The lack of protection for civilian populations is the overall key problem in areas affected by the conflict. Several armed actors involved in the conflict are perpetrating human rights and WAD violations, including gender-based violence, sexual exploitation and abuse, child recruitment, physical violence, murder, kidnapping, torture, attacks on schools, sanitary facilities and frequent looting.

## EUROPEAN ANTI-FRAUD OFFICE

### [Ministry of Finance helps Ukraine to improve the EU's financial interest protection system](#)

From 7 to 11 August, AFCOS Latvia hosted colleagues from the Economic Security Office of Ukraine to share experiences on the protection of the EU's financial interests and measures to combat fraud. The visit helped to strengthen the capacity of the Economic Security Office of Ukraine, bringing Ukraine closer to the conditions of the association agreement between the EU and Ukraine. During the visit, Latvian experts explained the system of protection of the EU's financial interests established in Latvia and the measures introduced to combat fraud. Together with representatives of Ukraine, an analysis of Ukrainian laws and regulations on the prevention, fight, investigation and prosecution of fraud was carried out. As a result, areas where improvements are needed were identified and experts



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agreed on further project activities. The visit is organised as part of the project "Support to strengthen the capacity of the Office for Economic Security of Ukraine in the field of the protection of the financial interests of the European Union". The aim is to promote the establishment and implementation of the system of protection of the European Union's financial interests and to strengthen the capacity of the Economic Security Office of Ukraine. The project received development cooperation funding from the Ministry of Foreign Affairs of the Republic of Latvia in 2023.

## EUROPEAN PUBLIC PROSECUTOR OFFICE

### [Italy: €1 million seized in investigation into sustainable tourism project in Sardinia](#)

On 22 August 2023, at the request of the European Public Prosecutor's Office (EPPO) in Rome, the Italian *Guardia di Finanza* seized EUR 1 million, as part of an investigation into an NGO suspected of misappropriating European funds for tourism. Between September 2017 and November 2018, the NGO, active in the field of market research and opinion polls, had successfully requested 1 million euros of EU funding through the Autonomous Region of Sardinia. This funding has been allocated to training and information activities for the development of sustainable tourism in the Mediterranean. It is assumed, however, that the head of the NGO has transferred part of the funding received to his personal bank account and that he has used the other part of the funding for purchases not in accordance with the intended purposes. The survey was conducted mainly by the *Guardia di Finanza* Public Expenditure Protection Group (Nucleus of Economic-Financial Police of Rome).

### [Romania: EPPO probes public institutions in investigation into €1.6 million fraud involving employment funds](#)

The European Public Prosecutor's Office (EPPO) in Cluj-Napoca and Iași (Romania) carried out searches in 17 locations, including public institutions, as part of an investigation into a €1.6 million fraud involving the EU and national funds to promote employment. The searches were carried out in the homes of public officials and in six public institutions, four of which were located in Bacău County and two in Neamț County. Eleven people were taken to the EPPO Iasi office for questioning. It is believed that public officials supported an organised criminal group under investigation, accepting the submission of falsified documents, issuing forged documents and coordinating the formal preparation of requests, in order to justify payments with EU funds. According to the investigation, the organised criminal group had set up seven fictitious companies to fraudulently obtain EU and national subsidies to help the unemployed improve their skills and job prospects. It is believed that the suspects hired 197 people with forgery, thus defrauding the national and EU budgets



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for a total of 1.67 million euros (85% belonging to the EU budget and 15% to the national budget of Romania).

## **EUROPEAN COURT OF HUMAN RIGHTS**

[Russia v. Ukraine](#) (Application no. 36958/21)

The European Court of Human Rights has unanimously decided to strike the application of the case *Russia v. Ukraine* out of its lists of cases, as it concluded that the Russian Federation Government has no longer interest in pursuing the application, as they had repeatedly failed to reply to the correspondence. The case concerned the Russian Government's allegation of a pattern of violation of the Convention by the Ukraine since 2014. Moreover, the Court found no grounds relating to respect for human rights, as there are almost 8,500 individual applications ongoing concerning the events since 2014 in various parts of Ukraine, including the Autonomous Republic of Crimea and the City of Sevastopol.

[Verzilov and Others v. Russia](#) (Application no. 25276/15)

In the Chamber judgement in the case of *Verzilov and Others v. Russia*, the European Court of Human Rights held unanimously that there had been violations of Article 3 (prohibition of inhuman or degrading treatment) and Article 10 (freedom of expression) of the Convention. The case concerned the "Pussy Riot" band's complaint on the attacks sustained from the Cossacks, a group financed and controlled by the State involved in maintaining the public order, while performing a song in Sochi during the 2014 Winter Olympics. The Court found the State responsible for the Cossacks' use of force, including the spraying of pepper gas in the faces, ill treatments concluding to injuries and humiliations, which had not been justified in any way and which had just prevented the band from performing their protest song and from peacefully exercising their freedom of expression.

[C. v. Italy](#) (Application no. 47196/21)

The European Court of Human Rights held, by majority, that there had been a violation of Article 8 (right to respect for private and family life) of the European Convention of Human Rights, regarding the establishment of a legal parent-child relationship between the applicant and her biological father. The case concerned the Italian authorities' refusal to recognise the legal parent-child relationship established by a Ukrainian birth certificate between C., a child born through a gestational surrogacy arrangement abroad, and her biological father and intended mother. The Court found that, as it had



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fund in previous cases (leading cases *Mennesson v. France* and *Labassee v. France*), under the Article 8 of the Convention domestic law had to provide a possibility of recognition of legal relationship between a child born through a surrogacy arrangement abroad and the intended father, where he was the biological father. The Court noted that the Italian domestic courts had been unable to take a decision to protect the applicant's interests in having her legal relationship with her biological father established: the applicant, now aged four, had been kept since birth in a state of protracted uncertainty as to her personal identity and, as she had no legally established parentage, she was considered a stateless person in Italy. The Italian authorities had failed to fulfil their positive obligation to ensure the applicant's right to respect for her private life under the Convention.



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