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**International & European
Criminal Law Observatory**

ON CULTURAL ISSUES, HUMAN RIGHTS AND SECURITY

MONTHLY WRAP OCTOBER 2023

UNITED NATIONS SECURITY COUNCIL

[S/RES/2700 \(2023\)](#)

In its resolution 2700 of 19 October 2023 the Security Council (SC) express grave concern about the extremely high levels of gang violence and other criminal activities, including kidnappings, trafficking in persons and the smuggling of migrants, and homicides, and sexual and gender-based violence, including rape and sexual slavery, as well as ongoing impunity for perpetrators, corruption and recruitment of children by gangs and the implications of Haiti's situation for the region.

Also express deep concern that illicit trafficking and diversion of small arms, light weapons, and ammunition to armed gangs in Haiti, that engage in persistent and destabilizing criminal activities, contributes to undermining the rule of law and respect for human rights, can impede the provision of humanitarian assistance, and can have wide ranging negative humanitarian and socioeconomic consequences. In particular, the SC, "demands an immediate cessation of violence, criminal activities, and human rights abuses which undermine the peace, stability and security of Haiti"; "Urges all political actors to constructively engage in meaningful negotiations to overcome the current political stalemate" and finally encourage necessary measures to prevent the direct or indirect supply, sale, or transfer to Haiti, from or through their territories or by their nationals, or using their flag vessels or aircraft, of small arms, light weapons, and ammunition.

UNITED NATIONS GENERAL ASSEMBLY

[A/ES-10/L.25](#)

On 26 October 2023 the General Assembly adopted a resolution (with 120 votes in favour, 14 against and 45 abstentions) on "Protection of civilians and upholding legal and humanitarian obligations" on the ongoing Gaza crisis. The General Assembly reaffirming the obligation to respect and ensure respect for international humanitarian law in all circumstances in accordance with article 1 of the Geneva Conventions of 12 August 1949 and condemn all acts of violence aimed at Palestinian and Israeli civilians, including all acts of terrorism and indiscriminate attacks, as well as all acts of provocation, incitement and destruction". Also, "demands that all parties immediately and fully comply with their obligations under international law, including international humanitarian law and



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international human rights law” and “calls for the immediate and unconditional release of all civilians who are being illegally held captive, demanding their safety, well-being and humane treatment in compliance with international law.” Finally, “reaffirms that a just and lasting solution to the Israeli-Palestinian conflict can only be achieved by peaceful means, based on the relevant United Nations resolutions and in accordance with international law, and on the basis of the two-State solution.”

UNITED NATIONS HUMAN RIGHTS COUNCIL

[Commission of Inquiry finds further evidence of war crimes in Ukraine](#)

A new UN report has found continued evidence of war crimes and human rights violations committed by Russian authorities in Ukraine, including torture, rape and the deportation of children.

The [report by the Independent International Commission of Inquiry on Ukraine](#), published on 20 October documents additional indiscriminate attacks with explosive weapons, resulting in deaths, injuries and the destruction and damage of civilian objects.

Their investigations also confirmed previous findings that Russian authorities used torture in a widespread and systematic way in various types of detention facilities.

Their report also contains three cases where investigations showed that Ukrainian authorities committed violations of human rights against persons accused of collaboration with Russia.

The UN Human Rights Council established the Independent Commission of Inquiry on Ukraine in March 2022, shortly after the start of the full-scale Russian invasion. The mandate was extended in April for an additional year.

INTERNATIONAL CRIMINAL COURT

[Opening Statement and presentation of evidence by the Defence in the *Abd-Al-Rahman* case: Practical information](#)

Mr Abd-Al-Rahman is accused of 31 counts of war crimes and crimes against humanity allegedly committed in Darfur, Sudan, between August 2003 and at least April 2004. The trial in the case *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ("Ali Kushayb") opened before Trial Chamber I on 5 April 2022. 56 witnesses appeared in the courtroom during the presentation of the Prosecution's case and the Prosecution has finished presenting its evidence.

On 19 October 2023 at 9:30 (Hague time), the Defence for Mr Ali Muhammad Ali Abd-Al-Rahman will make their opening statement before Trial Chamber I of the International Criminal Court (ICC). Dr Cyril Laucci, Lead Counsel, and Mr Iain Edwards, Associate Counsel, will make their statement in open session and will have up to 9 hours to do so.



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The Presidency of the Assembly of States Parties rejects the criminal proceedings initiated against high officials of the Court

The Presidency of the Assembly of States Parties of the Rome Statute of the International Criminal Court reiterates its deep concern about the criminal proceedings initiated against the Prosecutor and the Pre-trial Judges involved in the Ukraine situation, which now have been expanded to include arrest warrants against the President, the First Vice-President, and a Trial Judge of the Court.

The President stated that these unacceptable acts were intended to hinder the Court's independent mandate to investigate and prosecute the perpetrators of the most serious crimes affecting the international community as a whole. This attack on the institution, through attempts at personal intimidation of its highest officials, is a serious affront to the quest for accountability and the rule of law.

Prosecutor withdraws charges against Maxime Mokom in the situation in the Central African Republic

On 16 October 2023, the Prosecutor of the International Criminal Court, Karim A. A. Khan KC notified the Pre-Trial Chamber II of the withdrawal of all the charges against Mr Maxime Jeoffroy Eli Mokom Gawaka pursuant to article 61(4) of the Rome Statute. The Prosecutor took this decision based on his objective assessment of the evidence and guided by the interests of fairness and justice and, his overarching responsibilities as an officer of the Court.

Prosecutor Khan recalled that his decision to withdraw the charges against Mr. Mokom is without prejudice to the power of the Office to request a new arrest warrant in the event that further evidence is available in relation to crimes within the jurisdiction of the Court in the situation in the Central African Republic.

ICC proceedings in Mokom case terminated after the Office of the Prosecutor withdraws all charges

On Tuesday, 17 October 2023, Pre-Trial Chamber II of the International Criminal Court (ICC) terminated the proceedings in the case of *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, and ordered his immediate release. Mr. Mokom was released from the ICC detention on the same day. The Chamber acted on the basis of the Prosecution's notice of withdrawal of the charges against Mr Mokom, dated 16 October 2023. Therefore, the Prosecution considers that, even if the charges would be confirmed by Pre-Trial Chamber II, there is no reasonable prospect for a conviction at trial.

At the time of the Prosecution's notice, the confirmation of charges hearing had not yet been concluded. In order to withdraw the charges, the Prosecution only had to inform Pre-Trial Chamber



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II. Therefore, the Chamber took note of the withdrawal of the charges by the Prosecution and ordered Mr Mokom's immediate release.

INTERNATIONAL CRIMINAL CRIMES

[Rwandan genocide suspect arrested in the Netherlands](#)

On 3 October 2023 a former Rwandan military official who is suspected of having played a key role in the 1994 Rwandan genocide was arrested in the Netherlands on Tuesday, Dutch prosecutors said. Pierre-Claver Karangwa, was detained in a Dutch investigation into his role in the genocide, which prosecutors started after the Dutch Supreme Court in June this year said he could not be extradited to Rwanda out of fear of an unfair trial. Rwanda has accused Karangwa of playing a key role in the massacre of nearly 30,000 Tutsis in Mugina parish near the Rwandan capital Kigali in April 1994 and had asked for his extradition in 2012.

[Bosnian Tries Serb 'White Eagles' Fighter for Raping Prisoners](#)

On Thursday, Borislav Gligorevic was tried at the Bosnian State Court in Sarajevo, accused of raping three women from 25 May to 2 June 1992, who were being held as prisoners together with about 400 other civilians by Bosnian Serb forces in the houses of the village of Liplje. The prosecution claims that Gligorevic raped a victim in the house where she was imprisoned, and when she begged him not to, he told her not to resist because she was forced to do so anyway. It is also alleged that another victim was raped by a soldier, and then Gligorevic raped her too, while she was crying and begging him to let her go to her children.

He is also accused of raping a third woman who was repeatedly taken to nearby homes and sexually abused by other soldiers.

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

[ECCC and ICRC sign MoU for the organization of the International Humanitarian Law Moot Court Competition](#)

The Extraordinary Chambers in the Courts of Cambodia (ECCC) signed a Memorandum of Understanding (MoU) with the International Committee of the Red Cross (ICRC) on October 23, 2023, to organize the International Humanitarian Law (IHL) Moot Court Competition in Cambodia. The purpose of this initiative is to enhance awareness of international humanitarian law among students, academics, and other relevant stakeholders.



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S.E. Tony Kranh, Administrative Director of the ECCC, expressed, "It is a great privilege to sign this memorandum of understanding with the ICRC. We believe that this collaboration will advance learning in international humanitarian law, a significant area in jurisprudence to which the ECCC has notably contributed through various investigations and trials. To fulfill the objectives of the memorandum, the ECCC will host the annual IHL Moot Court Competition at its new premises, share its established network of legal professionals, and promote information and awareness about the IHL Moot Court Competition during the ECCC's residual phase."

Barnabe Reaud, Deputy Coordinator for Protection at the ICRC, stated, "The ICRC is highly appreciative of the ECCC's ongoing support in taking on the organization of the International Moot Court Competition. The platform can be an excellent opportunity for law students to enrich their curriculum and understanding of international humanitarian law and related branches of international law. Our legal team will continue to support the implementation and promotion of the humanitarian law moot court competition. We firmly believe that this year's competition will provide an exceptional experience for law students, allowing them to present their legal arguments before the ECCC's jury." As per the MoU, the ICRC will provide legal materials and contact details of academic partners and stakeholders, while the ECCC will oversee the competition's organization, including managing national stages. Both the ECCC and the ICRC will support the winning team's participation in regional or global international humanitarian law competitions, such as the IHL Moot Court in Hong Kong.

COUNCIL OF EUROPE

[Deputy Secretary General at IGF: "We must harness the benefits of AI without sacrificing our values"](#)

The Council of Europe is participating in the 18th United Nations Internet Governance Forum (IGF), hosted by the Government of Japan from 8 to 12 October in Kyoto and organised under the theme 'The Internet we want: empowering everyone'. [Deputy Secretary-General](#) Bjørn Berge took part in the event focusing on the challenges to human rights and democratic values posed by the increasing use of artificial intelligence technologies, praising the inclusive approach taken by the IGF in addressing Internet governance challenges.

OSCE

[Artificial intelligence poses risks but can also contribute to more open and inclusive societies, say participants at ODIHR event](#)

On 5 October 2023, an event organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) took place in Warsaw, bringing together experts in the field of technology, tolerance



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and non-discrimination, government officials and civil society representatives from across the OSCE region to discuss measures to counter online hate and its impact in the real world. During the event, participants discussed the use of artificial intelligence, a transformative technology that offers opportunities for societies across the OSCE region, but without effective regulation can also undermine human rights, in particular the impact of artificial intelligence in generating and spreading online hatred, its corrosive effects on societies and its potential to inspire real-life hate attacks were highlighted.

[Strengthening cyber resilience in focus of the Chairpersonship's conference on cyber/ICT security](#)

From 23 to 24 October, the 2023 OSCE Chairmanship of North Macedonia in Skopje hosted the Cybersecurity/TIC Conference where delegates from government institutions, the private sector, academia, civil society and international organisations discussed the impact of cyber operations in modern conflicts and exchanged best practices for addressing cybersecurity challenges in line with the Chairmanship's priorities. Cyber security was placed among the top priorities as it is an integral part of the OSCE's overall security concept.

[On EU Anti-Trafficking Day: New OSCE report helps identify victims of human trafficking on sexual service websites](#)

The Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings launched a new report mapping the online landscape of trafficking risks on sexual services websites across the OSCE to highlight the EU's anti-trafficking efforts. The report maps nearly 2,900 sexual services websites in the OSCE region containing more than 3 million advertisements and found that platforms facilitating possible sexual exploitation are a common feature in the vast majority of them. It also identified some of the key indicators, or warning signs, that can be used to identify whether advertisements for sexual services might feature an exploited person as advertisements for unconventional sexual acts, physical attributes such as tattoos or 'marks' or photos of victims in dehumanising positions or with blurred faces.

EUROPOL

[Europol and TikTok collaborate to bolster efforts against terrorist content](#)

On 28 September, Europol's European Counter Terrorism Centre (ECTC) in cooperation with the video-sharing platform TikTok and investigators from participating countries performed an exercise to detect material glorifying past terrorist attacks or terrorist perpetrators.



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This Referral Action Day is part of an ongoing public-private partnership between TikTok, law enforcement agencies and Europol that aims to address terrorists' abuse of the internet, prevent online radicalisation and safeguard fundamental rights. As part of the joint exercise, some 2,145 of content was assessed and reported to TikTok and among them were articles related to jihadism, violent right-wing extremism and terrorism, such as videos and memes

[Europol participates in joint investigation team into alleged core international crimes in Ukraine](#)

Europol became a member of the Joint Investigation Team (JIT) on the alleged core international crimes committed in Ukraine. Europol will support the collection and analysis of legally obtained data from open sources such as social media, TV or radio broadcasts, the so-called Open Source Intelligence (OSINT) and will also provide its expertise and experience in the field of war crimes, crimes against humanity and other international crimes through the Analytical Project on Major International Crimes (AP CIC). In line with its mandate, Europol will provide analytical and forensic support to members of the SCI and other national authorities investigating alleged core international crimes committed in Ukraine.

INTERPOL

[INTERPOL Dialogue: Moving towards a global data-sharing model](#)

In Abu Dhabi, United Arab Emirates, Representatives from regional law enforcement and security organizations have taken the first of a series of actions to establish a global data-sharing model for law enforcement. Dialogue members agreed to work with their member countries towards the goal of establishing a global model - to identify communication channels, establish data sharing standards and promote cooperation to ensure global security. They also agreed that the effective implementation of INTERPOL's Global Policing Goals, which reflect global law enforcement priorities in line with the UN 2030 Agenda for Sustainable Development, will be the focus of efforts over the coming year, through the identification and monitoring of individual and joint efforts.

[Targeted: human traffickers luring victims online](#)

The 2023 Hackathon took place from 18 to 22 September in Apeldoorn in the Netherlands. It involved 85 experts including law enforcement officers from 26 countries (22 EU Member States and 4 non-EU countries) as well as representatives of the European Labour Authority, CEPOL, INTERPOL, the OSCE and the International Justice Mission. The operational activity was organised within the framework of the European Multidisciplinary Platform against Criminal Threats (EMPACT) and



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focused on identifying online platforms and social media hubs used to recruit victims of sexual and labour exploitation, the most frequently reported forms of human trafficking. Human trafficking organisations have become increasingly digital and the Internet has become an important facilitator of criminal activities in this area. Europol supported the coordination of operational activities, facilitated the exchange of information and provided analytical support. During the day of action, Europol sent two experts to the coordination centre to facilitate real-time information exchange and compare operational information with Europol databases. This provided participating officers from national law enforcement authorities with additional investigative leads.

EUROPEAN PUBLIC PROSECUTOR OFFICE

[Italy: EPPO seizes €160 000 in investigation into agricultural funding fraud](#)

On 2 October 2023, at the request of the European Public Prosecutor's Office (EPPO) in Palermo (Italy), the Italian Financial Police (*Guardia di Finanza*) of Messina have executed a seizure order against a farm suspected of agricultural funding fraud, with an estimated damage of €160 000. The suspect under investigation is an agricultural company located in the municipality of Tortorici (province of Messina). According to the evidence, the company declared that it was in possession of agricultural land parcels, allegedly resorting to false lease contracts – when the land in fact belonged to third parties, who were unaware of the fraud. In some cases, the plots were public property. At the request of the EPPO, the judge for preliminary investigations in Messina ordered the preventive seizure of assets for the sums unduly received.

[Belgium: EU consultant found guilty of attempted fraud in first verdict in Belgian courts](#)

A consultant working for the EU institutions has been found guilty of attempted fraud, in the first verdict in a Belgian court of a case investigated and prosecuted by the European Public Prosecutor's Office (EPPO) in Brussels. The facts took place in December 2021 and January 2022, when a consultant working for the EU institutions as an IT software developer filled out duplicate time sheets for the same working days. In so doing, he attempted to obtain double payment from the European Commission and the European External Action Service (EEAS). The case was initiated due to a report from the European Anti-Fraud Office (OLAF), and the investigation was entrusted to the Belgian Federal Police's Central Unit for Economic Crime (CDGEFID/OCDEFO), under the direction of the EPPO. The judgment was rendered on 6 October 2023 by the Correctional Chamber of the Dutch-speaking Tribunal of First Instance in Brussels (*Nederlandstalige correctionele rechtbank*). The defendant was sentenced to six months' imprisonment, suspended for three years,



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and a fine of €8 000. The parties have 30 days to lodge an appeal, after which the decision becomes final.

EUROPEAN ANTI-FRAUD OFFICE

[Operation NOXIA: OLAF leads operation against dangerous substances](#)

Operation NOXIA: Over 1221 tonnes of illicit waste, 27,469 litres and 5 tonnes of illicit pesticides as well as over 67 million cigarettes and 10 tonnes of tobacco have been seized as a result of the OLAF-led ASEM Joint Customs Operation. The operation took place in spring 2023 and targeted deep-sea containers in EU and Asian ports in a bid to prevent dangerous substances from being smuggled. Joint Customs Operations aim at placing shipments under surveillance for a limited time in order to detect sensitive, prohibited or dangerous goods – in this case pesticides and cigarettes headed from Asia to Europe as well as waste shipments from Europe to Asia. In addition to these goods, customs authorities in close cooperation with other fellow national authorities also detained several shipments of illicit products containing over 1,600,000 batteries, 5 127 pieces of clothing, 100 game consoles and 14.5 tonnes of fertilisers – either found to be counterfeit or intended to be smuggled. Operation NOXIA – code-named in a reference to the English word “noxious” which means harmful, poisonous due to its focus on dangerous substances – was conducted as a part of the joint efforts of OLAF and the participating countries in the fight against dangerous substances. OLAF coordinated the operation from the planning phase to the analysis of results, provided a safe communication IT environment for information sharing, analysed intelligence and brought together the responsible liaison officers. Operation NOXIA was supported by EUROPOL and the World Customs Organization (WCO).

EUROJUST

[Europol participates in joint investigation team into alleged core international crimes in Ukraine](#)

The European Union Agency for Law Enforcement Cooperation, Europol, has become a participant in the joint investigation team (JIT) on alleged core international crimes committed in Ukraine. The Prosecutors General of the JIT-partner countries involved and Ms Catherine De Bolle, Executive Director of Europol, signed the relevant documentation on 5 October 2023 during the 17th Meeting of the Consultative Forum of Prosecutors General at Eurojust. The JIT was set up on 25 March 2022 by Lithuania, Poland and Ukraine with Eurojust’s support. On 31 May 2022, Estonia, Latvia and



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Slovakia became members, followed by Romania on 13 October 2022. On 3 March 2023, the JIT's seven national authorities signed a Memorandum of Understanding with the United States Department of Justice. Europol joins Eurojust and the Office of the Prosecutor of the International Criminal Court (ICC) as participants in the JIT. In line with its mandate, Europol will provide analytical and forensic support to the members of the JIT. In addition, Europol will support the collection and analysis of data legally obtained from open sources such as social media, broadcast television and radio, known collectively as open-source intelligence (OSINT). Europol will also make available its expertise and experience in the field of war crimes, crimes against humanity and other international crimes via the Analysis Project on Core International Crimes (AP CIC). Eurojust provides legal, logistical, financial and analytical support to the JIT. Since March 2022, the Agency has hosted 19 coordination meetings of the JIT and other national authorities that are investigating alleged core international crimes committed in Ukraine.

Prosecutors General discuss stepping up judicial role in major operations against organised crime using EMPACT platform

The Prosecutors General and Directors of Public Prosecutions of EU Member States have extensively discussed how to enhance the role of judicial authorities in joint operations against major organised crime via the EMPACT platform. This would mean involving public prosecutors at an earlier stage in the planning and coordination of operational actions. During their 17th Consultative Forum they were also given an update on the state of play of the judicial response to the war in Ukraine and debated the challenges of protecting the environment through criminal law. The Forum highlighted the necessity to improve awareness of EMPACT among judicial authorities. The 17th Consultative Forum of Prosecutors General and Directors of Public Prosecutions of EU Member States was organised together with the Swedish and Spanish authorities, in view of the Presidency of the Council of the European Union of both countries in 2023. The European Multidisciplinary Platform Against Criminal Threats (EMPACT) is a security initiative driven by EU Member States and operates in four-year cycles. For each cycle, Operational Action Plans (OAPs) are prepared to combat major crime in specific areas. Higher and earlier involvement of the judiciary in the entire process and planning will enable a more effective and coordinated approach to tackling major organised crime. This would maximise investigations into serious and complex crimes, such as drug trafficking, money laundering and migrant smuggling.

EUROPEAN PARLIAMENT



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[Human Trafficking: The EU's Fight Against Exploitation](#)

In recent years, human trafficking has adapted to online platforms, and the Russian invasion of Ukraine has led to a significant displacement of women and children, providing new opportunities for criminal organizations. To address this, on December 19, 2022, the European Commission proposed bolstering EU regulations to combat human trafficking. These measures include criminalizing forced marriage and illegal adoption, incorporating offenses related to human trafficking facilitated through modern technologies, implementing sanctions for offenders, establishing national referral mechanisms, and collecting annual EU-wide human trafficking data.

The European Parliament's stance aims to prioritize enhanced protection for human trafficking victims. Their position underscores the importance of safeguarding victims needing international protection, ensuring they aren't penalized for coerced criminal acts, and providing support through a gender-sensitive and child-centered approach. Additionally, Parliament suggests integrating anti-trafficking measures into emergency response plans and considering the coercion of women into surrogate motherhood as a criminal offense.

This stance, [adopted by the Parliament](#) in October 2023, serves as the foundational framework for negotiations with EU member states.

EUROPEAN COMMISSION

[EU coordinating 6 new humanitarian aid flights for Gaza](#)

A new EU aid flight has departed, on 27 October, from Copenhagen, carrying 51 tonnes of medicines, medical items, and education supplies on behalf of Unicef to Egypt for people in need in Gaza. The flight is part of 6 upcoming flights of the EU humanitarian air bridge operation transporting essential supplies provided by partners for fast deployment to the field. The EU is funding the total cost of all flights and supporting the coordination of operations under the European Humanitarian Response Capacity. The upcoming flights are scheduled to be rolled out over the next two weeks. Besides UNICEF, among the partners providing the humanitarian cargo there are the World Health Organisation (WHO), the World Food Program (WFP), the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA) and the International Committee of the Red Cross (ICRC). The delivered aid items will be used to scale-up the humanitarian response for the recent violence escalation affecting people in Gaza, where the already dire situation keeps deteriorating.

EUROPEAN COURT OF HUMAN RIGHTS



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[Ghazaryan and Bayramyan v. Azerbaijan](#) (Application no. 33050/18)

The applicants are two Armenian nationals, who live in an Armenian village a few kilometres away from the border with Azerbaijan. The case concerns the applicants' son, who was apprehended in Azerbaijan in 2018, not far from his village. The Azerbaijani court convicted him of conspiracy to carry out a sabotage and terrorism attack and sentenced to 20 years of imprisonment; he was returned to Armenia in 2020 as part of an exchange of prisoners. The Court found a violation of Article 3 (prohibition of inhuman or degrading treatment) and Article 5 § 1 and 3 (right to security and liberty) of the European Convention of Human Rights relating to the applicants' son capture, detention and trial by the Azerbaijani authorities.

[Shahzad v. Hungary](#) (Application no. 37967/18)

The applicant is a Pakistan national, an asylum-seeker who crossed into Hungary from Serbia in August 2016 by cutting the border fence. The case concerns his allegation of ill-treatment by the Hungarian border police when being escorted back to Serbia. The Court found a violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention as the applicant was punched, kicked and beaten with batons and a metal rod during his forced removal. In particular, the violation is due to an ineffective investigation carried out by the Hungarian authorities into Mr Shahzad criminal complaint, in particular because the authorities failed to interview him at any point or to re-interview the police officers involved who had made contradictory statements.

[Total S.A. and Vitol S.A. v. France](#) (Applications nos. 34634/18 and 43546/16)

In the Chamber judgement, the Court found that there had not been no violation of Article 7 (no punishment without law) of the European Convention of Human Rights. The case concerned the applicants' conviction for the offence of bribing foreign public officials: the applicant companies were found guilty of bribing foreign public officials in contravention of the UN "oil-for-food" programme and sentenced under the Article 435-3 of the French Criminal Code. After the 1990 Iraqi invasion of Kuwait, the United Nations imposed a series of measures that resulted in an international embargo on all Iraqi foreign trade: this embargo precipitated a food and health crisis among the Iraqi population, which led the UN Security Council to introduce the "oil-for-food" programme. Under this programme, international oil companies, approved by their national governments and subject to UN approval, could purchase Iraqi crude oil from an Iraqi State company, at a price suggested by the Iraqi government and approved by the UN. Following the military intervention carried out by the international coalition against Saddam Hussein's regime, research in the Iraqi's State archives brought



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to light shortcomings in this programme. In addition, the French national financial intelligence unit received several reports of suspicious movement emanating from large French firms: amongst the 248 oil companies that received UN approval were the Total Group subsidiaries Total International Limited France and Total Oil Trading S.A. The French trial began in 2011 and ended in 2018, finding that the constituent elements of the offence of bribing foreign public officials were made out in respect of the two applicant companies. The European Court noted that the Paris Court of Appeal had found that the applicant companies had deliberately agreed to and arranged for the payment of secret commissions to Iraqi leaders, who had solicited them to bypass the scheme set by the UN programme. The Court also found that the applicable law at the time of the transactions had been accessible and sufficiently foreseeable for the applicant companies to have known that, by paying secret commissions, they were likely to incur in a criminal liability, taken both in conjunction and separately with the rules of international law the applicable.

[*S.S. and Others v. Hungary*](#) (Applications nos. 56417/19 and 44245/20)

The applicants are seven Yemeni nationals, who live in Vienna, and three Afghan nationals, who live in Amburg. The case concerns the applicants' alleged collective expulsion from Hungary to Serbia without an individualised assessment of their situation. Relying on Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) of the Convention and Article 3 (prohibition of inhuman and degrading treatment) of the European Convention of Human Rights, the applicants complain that they were part of a collective expulsion, and they were expelled to Serbia, which did not have an adequate asylum procedure. The Court found a violation of both Article 4 of Protocol No. 4 and Article 3 of the Convention.

[*Locascia and Others v. Italy*](#) (Application no. 35648/10)

The case concerned the crisis over refuse collection, treatment and disposal in the Campania region and pollution from a landfill site: the application was brought by 19 residents who live in Caserta and San Nicola la Strada. In the Chamber judgement, the Court found a violation of Article 8 (right to respect for private life and home) of the European Convention of Human Rights. The Court found, in particular, that the pollution from waste had adversely impacted the applicants' life during the waste crisis from 1994 and 2009 and that the situation had continued as concerned the landfill site, which the Italian authorities to date have still not secured or cleaned up.

[*A.M.A. v. the Netherlands*](#) (Application no. 23048/19)



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The case concerned the applicant's removal to Bahrain in 2018, following a risk assessment made in the context of his last-minute asylum application: he alleged that the Dutch authorities had not sufficiently assessed the risks of his being ill-treated upon his return to Bahrain and that they had not given him the possibility to effectively challenge their findings. The Court held that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention. The Court rejected the Government's argument that the applicant had not used all legal avenues available at the national level: it could not accept that the remedies mentioned by the Government to challenge the decision had been available to the applicant in practice. The authorities had not apparently enabled him to contact and consult a lawyer or offered any other form of legal assistance. The Court had also found that the Dutch authorities had excluded last-minute evidence submitted by the applicant in support of his claim of being wanted by the Bahraini prosecuting authorities, without assessing its potential relevance in their risk assessment.



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