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**International & European
Criminal Law Observatory**

ON CULTURAL ISSUES, HUMAN RIGHTS AND SECURITY

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INTERNATIONAL CRIMINAL COURT

ICC Prosecutor Karim A.A. Khan KC appoints new Special Advisers, provides update on portfolios

The Prosecutor of the International Criminal Court ("ICC" or the "Court"), Mr Karim A.A. Khan KC, is pleased to announce the appointment of new Special Advisers pursuant to article 42.9 of the Rome Statute:

- Prof. Rene Fernando Urueña Hernandez – Special Adviser on Complementarity;
- Prof. Valerie Oosterveld – Special Adviser on Crimes Against Humanity; and
- Prof. Tan Sri Dr Jemilah Mahmood – Special Adviser Without Portfolio.

The selection of the new Special Advisers is intended to create a network of experts representing different regions of the world with cultural, linguistic, and gender diversity. Their specific expertise reinforces the Office of the Prosecutor's (OTP) capabilities to effectively and efficiently discharge its mandate under the Statute, and to strengthen specialisation on a wide range of issues and priority areas identified by the Prosecutor.

Armenia joins the ICC Rome Statute

On 14 November 2023, the Republic of Armenia formally deposited the instrument of ratification of the Rome Statute of the International Criminal Court (ICC). The Statute will enter into force for Armenia on 1 February 2024. Armenia will become the 124th State Party to join the Statute, and the 19th State from the Eastern European group to do so.

Minister Mirzoyan furthermore indicated that, by virtue of the law adopted by the Parliament, the Republic of Armenia retroactively accepts the ICC's jurisdiction since 10 May 2021. The declaration is lodged under article 12 of the Rome Statute and the Minister's communication highlights that "the Republic of Armenia commits to cooperate with the Court fully and without delay."

ICC terminates proceedings against Vincent Otti following his passing

Background: The Warrant of Arrest for Vincent Otti was issued under seal on 8 July 2005 and unsealed on 13 October 2005. He was suspected of eleven counts of crimes against humanity (murder, sexual enslavement, inhumane acts of inflicting serious bodily injury and suffering) and twenty-one counts of war crimes (rape, intentionally directing an attack against a civilian population, forced enlistment of children, cruel treatment of civilians, pillaging, and murder) allegedly committed in northern Uganda after 1 July 2002.

In its decision, the Chamber found that the only reasonable conclusion is that Mr Otti is no longer alive. The Chamber recalled that the Court cannot exercise jurisdiction over a deceased person. The death of the suspect



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therefore required to terminate the proceedings against Mr Otti, further to which all relevant documents, including any warrants of arrest, are rendered without effect.

Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties

On 17 November 2023, the President's Office received a referral of the situation in the State of Palestine from the following five States Parties: South Africa, Bangladesh, Bolivia (Multinational State of), Comoros and Djibouti. In accordance with the Rome Statute of the International Criminal Court, a State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed, asking the Prosecutor to investigate the situation in order to determine whether one or more particular persons should be charged with the commission of such offences.

In receiving the referral, my Office confirms that it is currently conducting an investigation into the situation in the State of Palestine. This investigation, launched on 3 March 2021, includes allegations that could constitute crimes under the Rome Statute committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem.

ICC judges issue a preliminary decision on holding confirmation of charges hearing in the absence of Joseph Kony

Background: He is suspected of 12 counts of crimes against humanity (murder, enslavement, sexual enslavement, rape, inhumane acts of inflicting serious bodily injury and suffering) and 21 counts of war crimes (murder, cruel treatment of civilians, intentionally directing an attack against a civilian population, pillaging, inducing rape, and forced enlistment of children) allegedly committed in 2003 and 2004 in northern Uganda. On 6 February 2015, Pre-Trial Chamber II severed the proceedings against Dominic Ongwen from the *Kony et al.* case following his surrender to the ICC custody on 16 January 2015.

On 23 November 2023, Pre-Trial Chamber II of the International Criminal Court (ICC) issued [a preliminary decision](#) on the Prosecution's request to hold a confirmation of charges hearing against Mr Joseph Kony in his absence.

The legal framework required the Chamber to assess whether cause exists to proceed with a confirmation of charges hearing *in absentia* for Mr Kony. The Chamber found that such cause potentially exists. As part of its assessment, it recalled that holding a confirmation hearing *in absentia* is exceptional.

Statement of ICC Deputy Prosecutor, Nazhat Shameem Khan, announcing her decision to conclude the investigation phase of the Situation in the Republic of Kenya

On 31 March 2010, Pre-Trial Chamber II granted the request of the Office of the Prosecutor to open an investigation *proprio motu* in the Situation in the Republic of Kenya ("Situation in Kenya"), in relation to alleged crimes against humanity committed in the context of post-election violence in



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Kenya in 2007 and 2008. The Office's investigation led to [charges against six suspects in two separate cases](#). All charges against these six suspects were either not confirmed or withdrawn or terminated without prejudice.

INTERNATIONAL CRIMES

[Alleged Gambian death squad member to stand trial in the USA](#)

Former Gambian president Yahya Jammeh ruled the country with an iron fist between 1994 and 2016. During these years, the Gambian population suffered widespread human rights violations, including torture, enforced disappearances, extrajudicial killings, and sexual violence. Defendant Michael Correa is alleged to be a member of the "Junglers" death squad, a paramilitary unit set up by Jammeh. Correa allegedly participated in the torture of several individuals in March and April 2006. He is scheduled to stand trial in Denver, Colorado, starting September 16, 2024. Correa faces charges of torture and conspiracy to commit torture. The historic trial is a major step towards truth and justice for Gambian victims and the first ever trial in the United States based on the principle of universal jurisdiction.

[Next trial for a Congolese warlord in France: a historic step towards justice](#)

On Monday, November 6, the investigating judges of the Crimes against Humanity Unit issued an indictment order against the former Congolese warlord Roger Lumbala Tshitenga for complicity in crimes against humanity, including in particular murders, torture, rape, looting and enslavement, including sexual slavery, committed in the Democratic Republic of the Congo (DRC) between 2002 and 2003. The order also establishes a conspiracy to commit crimes against humanity against Roger Lumbala. This accusation is a step towards justice for survivors of mass atrocities in the DRC, according to the Clooney Foundation for Justice (CFJ), Justice Plus, Minority Rights Group (MRG) and TRIAL International (TRIAL).

[France issues arrest warrant for Syria's Bashar al-Assad](#)

France has issued an international arrest warrant for Syrian President Bashar al-Assad, accused of complicity in crimes against humanity chemical attacks in 2013, a judicial source and plaintiffs in the case said on Wednesday, November 15. The judicial source told Agence France-Presse (AFP) that Assad was also suspected of complicity in war crimes for the attacks, blamed by the opposition on the regime, that killed more than 1,400 people near Damascus in August 2013.

[War crimes in syria: trial of a former salafist rebel confirmed in France](#)



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The Paris Court of Appeal has confirmed the referral to a criminal court of a former spokesman for a Syrian rebel group for complicity in war crimes committed in Syria between 2013 and 2016. Majdi Nema, a 35-year-old Syrian, will also be tried for complicity in the recruitment of minors in an armed group and participation in a criminal association aimed at preparing war crimes.

Mr Nema has always claimed to have been only an "unaffected" spokesman for this armed group of the Salafist movement, contrary to the regime of Bashar Al-Assad and which took control of the Eastern Ghouta in 2011, an enclave located north-east of Damascus.

The group is suspected of the kidnapping on 9 December 2013 of four human rights activists, including Syrian lawyer and journalist Razan Zeitouneh, who were never found.

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

[ECCC and GIZ-CPS Sign MoU for Deployment of Peace Building Advisors for the Support of Implementing Victim and Centred Outreach Activities](#)

Phnom Penh, Cambodia - The Extraordinary Chambers in the Courts of Cambodia (ECCC) has recently formalized a partnership by signing a Memorandum of Understanding (MoU) with *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) GmbH's Civil Peace Service (GIZ-CPS) programme. According to the MoU, GIZ-CPS will deploy up to two peace-building advisors to enhance capacities for supporting victim-centered outreach activities.

H.E. Tony Kranh, Acting Director of Administration of the ECCC, expressed appreciation, stating that by signing this MoU with GIZ-CPS is indeed a great privilege. The Victims Support Section (VSS) serves as the central contact point between the ECCC, victims, and their representatives. The aim is to bolster the ECCC/VSS in creating a comprehensive framework and detailed work plan through the deployment of peace-building advisors, in order to facilitate support for victims and survivors of the Khmer Rouge regime during a residual phase.

Mr. Martin Hennings, Program Coordinator of GIZ-CSP Cambodia, conveyed his enthusiasm by saying that the GIZ-Civil Peace Service Cambodia Program is excited and proud to continue its longstanding and fruitful relationship with the ECCC. The main objective is to strengthen the legacy of the tribunal, ensuring that its lessons and impact are woven into Cambodian society for generations to come. The focus on survivors and the younger generations lays the groundwork for addressing past experiences in an inclusive and holistic manner.

COUNCIL OF EUROPE



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[The Netherlands should do more to combat human trafficking for labour exploitation, say Council of Europe experts](#)

In its [third report](#) on the Netherlands, the Group of Experts on Action against Trafficking in Human Beings (GRETA) called on the authorities to take specific measures to combat trafficking for labor exploitation and to protect child victims of trafficking.

The report highlights a number of positive developments since GRETA's last assessment of the Netherlands in 2018, however, GRETA also expresses concern about the decrease in the number of investigations, prosecutions and convictions for human trafficking, particularly for labor exploitation, and the length of criminal proceedings in trafficking cases.

This is why Dutch authorities are urged in the report to step up their efforts to prevent and combat human trafficking and to strengthen their efforts to investigate and prosecute such cases.

OSCE

[Human rights compliance essential in cybercrime investigations: new OSCE training guide](#)

As part of the extra-budgetary project "[Capacity Building on Combating Cybercrime in Central Asia](#)", the OSCE Transnational Threats Department has launched a new training guide on respecting human rights in cybercrime investigations, which aims to strengthen the capacity of participating states to address emerging criminal threats, including those posed by new technologies that may have implications for human rights such as the right to privacy, freedom of expression, and protection of property.

The guide raises awareness of this fact among criminal justice practitioners and helps them advocate for human rights in their daily investigative work.

[OSCE Concludes Cybersecurity Fair: Focus on Collaboration and Effective Solutions to Contemporary Challenges](#)

On 23 November 2023, the OSCE Mission to Bosnia and Herzegovina hosted a Cybersecurity/TICS fair in Sarajevo, the main objective of which was to raise awareness and networking opportunities among stakeholders from Bosnia and Herzegovina and the surrounding region, including the public sector, business, academia, women, and youth.

The event emphasized the urgent need for a collaborative effort to address cybersecurity concerns. In addition, a platform was provided for participants to explore opportunities for cooperation, share insights and develop relationships that would help safeguard a more secure digital landscape.

Critical to these efforts is support for the development of a comprehensive cybersecurity framework strategy for Bosnia and Herzegovina, as well as the creation of cyber emergency response teams.



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[Protection of soft targets from terrorist attacks: government officials from Tajikistan conclude OSCE-led study visit to France](#)

The OSCE Programme Office in Dushanbe, the OSCE Transnational Threats Department, and the Permanent Representation of France to the OSCE organized a study visit to Paris for government officials from Tajikistan. From 20 and 22 November 2023, Tajikistan officials met with representatives from the city of Paris and the national government to discuss threat analysis procedures, evolving legislative frameworks on terrorism prevention, human rights-friendly approaches to the protection of public spaces, and public engagement. This meeting which was held within the framework of the OSCE Programme Office in Dushanbe's unified budget project "Supporting Tajikistan's National Strategy and Action Plan on Countering Terrorism and Violent Extremism for 2021-2025"; and will serve as a basis for further strengthening OSCE capacity and technical support to Tajikistan on the protection of strategic objectives, with a focus on the prevention of terrorist threats and respect for human rights and fundamental freedoms.

[Conference of Participants of the Register of Damage for Ukraine elects its Board](#)

The Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine came together for its 3rd meeting on 16 November and elected the seven members of the Register's Board.

The Council is one of the main organs of the Registry, fundamental to its functioning; in fact, it will propose the rules and regulations governing the work of the Registry. The Council will meet for the first time in The Hague, Netherlands, in December.

EUROPEAN COUNCIL

[EU Global Human Rights Sanctions Regime: restrictive measures prolonged](#)

On December 4, 2023, the Council extended the EU's global human rights sanctions regime by three years, until December 8, 2026. This regime targets individuals and entities responsible for serious violations and abuses of human rights worldwide. The existing restrictive measures (sanctions) will continue to be reviewed annually.

Currently, the sanctions apply to 67 individuals and entities, including 20 entities. Those subject to restrictive measures face a travel ban to the EU and asset freezes. Additionally, EU persons and entities are prohibited from making funds available to those individuals and entities listed.



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Today's decision reaffirms the EU's commitment to condemning human rights violations and abuses wherever they occur, utilizing all tools while emphasizing that human rights are universal, indivisible, interdependent, and interconnected.

The EU's global human rights sanctions regime, established on December 7, 2020, allows the EU to target individuals, entities, and bodies, including state and non-state actors, responsible, involved, or associated with serious violations and abuses of human rights worldwide.

The EU closely monitors developments in this area and ensures that the lists are continually reviewed.

EUROPEAN COURT OF HUMAN RIGHTS

[*Duraj and Others v. Albania*](#) (Applications nos. 63543/09, 46707/13, 46714/13 and 12720/14)

In the Chamber judgement, the Court held unanimously that there had been a violation of the Article 2 (right to life) of the European Convention of Human Rights. The case concerned an explosion at a military facility for dismantling obsolete weapons, machinery, and equipment of armed forces: in total, 26 people died and over 300 were injured. The Court found that the applicants had been deprived of the possibility to participate effectively in the criminal trial. While the criminal proceedings against the former Minister of Defence are still pending, he has been elected as Prime Minister: the national prosecuting authorities had provided no convincing explanations for their failure to resume the investigation immediately after Prime Minister's election.

[*Lang v. Ukraine*](#) (Application no. 49134/20)

The applicant, Craig Austin Lang, is a United States national who had previously served in the U.S. Army and fought in various Ukrainian armed formations between 2015 and 2019. The case concerns the possible extradition of the applicant to the United States, where he's wanted in the States of Florida, North Carolina and Arizona for a number of offences, including use of a firearm during and in relation to a crime of violence resulting in a murder, conspiracy to kill, kidnap. The Court states that there will be no violation of the Article 3 of the Convention (prohibition of inhuman and degrading treatment) if the applicant will be extradited to the United States, where he alleges the risk of receiving a sentence of life imprisonment without possibility of parole.

[Changes to the procedure for interim measures](#)

In the context of wider procedural reforms, the Plenary Court has adopted several decisions clarifying and codifying its existing practice relating interim measures under Article 39 of the Rules of the



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Court. Interim measures are applied in exceptional circumstances, and they play a vital role in avoiding irreversible situations that would prevent national courts and the Court from properly examining Convention complaints and securing to the applicant the practical and effective benefit to the Convention rights asserted. The Plenary Court has decided:

- Disclosure of the identity of the judges who render the decision on interim measure;
- Maintaining the practice of providing reasons for Rule 39 decisions;
- Issuing formal judicial decisions to be sent to the parties;
- Maintaining the practice adjourning the examination of the request for interim measures and requesting the parties to submit information in those circumstances where the situation is not extremely urgent and the information submitted by the applicant was insufficient to examine request.

[*A.E and T.B. v. Italy; W.A. and Others v. Italy*](#) (Applications nos. 18911/17, 18941/17, 18959/17 and 18787/17)

The cases concerned nine Sudanese nationals who arrived in Italy in summer of 2016 and attempted or actual removal of them from Italy by the authorities.

In the first case, the Court unanimously declared inadmissible all but one of the nine applicants' complaints under Article 3 of the Convention (prohibition of inhuman or degrading treatment): the four applicants were not longer at risk of deportation. There had been a violation of Article 3 as concerned the absence of sufficient compelling reason to justify the applicants being left naked together with many other migrants, with no privacy while guarded by the police and the condition of their subsequent transfer to and from a hotspot. A violation of Article 5 §§ 1, 2 and 4 (right to liberty and security) has been found concerning three of the four applicants in regard to their arbitrary arrest, transportation and detention.

In the second case, while four out of five applicants had not sufficiently substantiated their complaints, the Court held that there had not been a violation of Article 3: unlike other applicants who had been granted international protection on the basis of their personal history, W.A. had only argued that he belonged to a tribe prosecuted by the Sudanese Government only after lodging his application with the Court.

[*Tadic v. Croatia*](#) (Application no. 25551/18)

In the Chamber judgement, the Court found no violation of Article 6 §§ 1 and 2 (right to fair trial) of the European Convention of Human Right. The case concerned criminal proceedings in which Mr.



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Tadic had been found guilty of conspiring to influence the Croatian Supreme Court to give a decision favourable to a well-known politician who was being tried for a war crime. The Court found that the Supreme Court President's involvement in the trial against Mr. Tadic had not harmed the objective impartiality of the court, given his little real influence to impose his will to other judges. The Court found furthermore that the appellate judgement had not been influenced by the media publications.

[Krachunova v. Bulgaria](#) (Application no. 18269/18)

The Court found a violation of Article 4 (prohibition of slavery and forced labour) of the European Convention. The case concerned Ms. Krachunova's attempts to obtain compensation for the earnings from sex work that her trafficker had taken from her: the Bulgarian courts had refused compensation, stating that she had been engaged in prostitution and returning her the earnings from that would be contrary to "good morals". The Court held that the States had an obligation to enable victims of trafficking to claim compensation for lost earnings from traffickers and that the Bulgarian authorities had failed to balance Ms Krachunova's right under Article 4 to make such claim with the interests of the community.

EUROPEAN PARLIAMENT

[Fighting child sexual abuse online: what EU measures exist?](#)

The proliferation of online materials depicting children engaged in or appearing to engage in sexual acts is on the rise, particularly materials depicting younger children. [In 2022, there were over 32 million reports of suspected online sexual abuse of minors](#), marking a historic high.

The EU has adopted [a strategy to combat child sexual abuse](#). As part of this commitment, the European Commission intends to update existing rules starting from 2011. In November 2023, the Civil Liberties Committee of the Parliament adopted a report on the proposed regulation aimed at preventing and combating child sexual abuse.

EUROPOL

[Europol and the APPF step up their cooperation to strengthen the EU democratic resilience](#)

On 7 November 2023, the European Union Agency for Law Enforcement Cooperation (Europol) and the Authority for European Political Parties and European Political Foundations (APPF: an independent body of the Union which has its seat in the European Parliament, which provides registration and verification



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procedures in relation to European political parties and political foundations) signed a memorandum of understanding to strengthen their cooperation, regarding the illegal use of personal data, such as data theft, data leakage or deepfakes.

The agreement aims for Europol and the APPF to take advantage of each other's networks and exchange strategic information that falls under their respective mandates.

[Five right-wing terrorists arrested throughout Europe with the support of Eurojust and Europol](#)

Eurojust and Europol supported competent authorities from Belgium, Croatia, Germany, Lithuania, Romania, and Italy in an international operation against right-wing terrorism. The case was opened by Eurojust in July 2023 at the request of Belgian authorities, and Europol has been supporting the case since July 2023.

They brought together the investigators involved across Europe to establish a common strategy and supported the organization of a coordination center on 9 November day of action to enable real-time coordination of actions. During a day of joint action, 5 suspects were arrested and 7 others interrogated in different countries. In addition, data carriers and weapons were seized. The suspects allegedly belong to a right-wing organization that uses an online platform for terrorism-related activities, including spreading violent extremist propaganda, actively recruiting new members, and sharing 3D printed weapons manuals.

[Eleven arrested for smuggling migrants from Greece to Northern Europe](#)

A Greek-Belgian investigation supported by Europol and Eurojust has led to the dismantling of a criminal network smuggling migrants.

The criminal network, composed mainly of Egyptian and Syrian nationals, has been operating since January 2022, facilitating illegal secondary movements of migrants from Greece to Northern Europe through legitimate travel agencies, while having connections with forgers to provide migrants with fake travel IDs.

In May 2023, Eurojust established a joint investigation team between Belgium, Greece, and Europol to facilitate judicial cooperation.

[Europol and Eurojust support Czech and Ukrainian police in taking down multi-million euro voice phishing gang](#)

The Czech and Ukrainian police have disrupted, with the support of Europol and Eurojust, a prolific phishing gang believed to have defrauded victims across Europe of tens of millions of euros.

The case was opened at Eurojust in November 2021 at the request of the Czech authorities, and a Joint Investigation Team (JIT) was established in June 2022 between the Czech and Ukrainian authorities with the support of Eurojust, Europol has been supporting the case since December 2021 by facilitating the exchange of information, hosting operational meetings, and providing digital forensic support on seized devices.



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As a result of this investigation, in April this year six suspects were arrested in Ukraine and four in the Czech Republic. The criminal group operated from call centers located in Ukraine and carried out phishing attacks, targeting mainly Czech victims.

The scammers asked them to transfer funds from their "compromised" bank accounts to "safe" bank accounts controlled by the criminals.

[Europol sets up OSINT taskforce to support investigations into war crimes committed in Ukraine](#)

A new Operational Taskforce (OTF) has been set up by Europol to assist the ongoing investigation of major international crimes committed in Ukraine following the invasion of the country by Russian armed forces in February 2022. This aims to help identify suspects and their involvement in war crimes, crimes against humanity or crimes of genocide committed in Ukraine through the collection and analysis of open source intelligence (OSINT).

To date, 14 countries including Italy, Spain, Norway, the United Kingdom, and the United States of America have agreed to assign a dedicated OSINT capability to the task force to support priority requests from Ukraine, other countries, and the International Criminal Court.

In addition, The OTF may also appeal on the support and cooperation of non-OTF members, EU agencies, NGOs or private companies.

[International collaboration leads to dismantlement of ransomware group in Ukraine amidst ongoing war](#)

In an unprecedented effort, law enforcement and judicial authorities from seven countries have joined forces with Europol and Eurojust to dismantle and arrest in Ukraine the key figures behind major ransomware operations that are wreaking havoc around the world.

On 21 November, thanks to more than 20 investigators from Norway, France, Germany, and the United States sent to Kiev to assist the Ukrainian National Police in its investigative measures, 30 properties in the Kiev, Cherkasy, Rivne and Vinnytsia regions were searched.

This led to the arrest of the ringleader, and four of the ringleader's most active accomplices.

The suspects are believed to be part of a network responsible for a series of high-profile ransomware attacks against organizations in 71 countries, and they had different roles in this criminal organization: some of them were involved in compromising their targets' computer networks, while others are suspected of being responsible for laundering cryptocurrency payments made by victims to decrypt their files.

These cyber-actors are known to specifically target large companies, effectively blocking their operations. They have used the LockerGoga, MegaCortex, HIVE and Dharma ransomware, among others, to launch their attacks.

[566 arrests in week of coordinated actions in Southern Europe](#)



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Between 13 and 18 November 2023, law enforcement authorities across Europe joined forces to target firearms trafficking, drug trafficking, migrant smuggling and trafficking in human beings, and high-risk criminal networks during coordinated EMPACT Joint Action Days South East Europe (EMPACT JAD SEE).

These days of action, planned on the basis of an intelligence-led approach that brought together police, customs, immigration and border control agencies, included intensified checks at the EU's external borders and special operations in the countries involved.

In total, 26 countries across Europe, supported by Europol, Eurojust, Frontex, INTERPOL and a range of international structures, took part in these large-scale coordinated operational activities.

The exchange of information, coordinated by Europol, led to the opening of 121 new cases against criminal networks.

EUROPEAN PUBLIC PROSECUTOR OFFICE

[Italy: 56 people and two companies indicted for criminal association aimed at systemic agricultural funding fraud and corruption](#)

The European Public Prosecutor's Office (EPPO) in Palermo (Italy) has been conducting an investigation into organised criminal association, corruption and fraud involving agricultural funds in Sicily, which has now led to an indictment of 56 individuals and two companies. In June 2022, the Italian Financial Police (*Guardia di Finanza*) in Palermo uncovered evidence of a web of organized criminal activities involving high-level public officials and industry professionals. This gave rise to serious suspicions of the existence of an organized criminal group, capable of steering decisions in order to allow private companies operating in the surroundings of Palermo to receive agricultural funding from EU and national sources, within the context of the EU's European Regional Development Fund (ERDF). As part of the investigation, 12 suspects were placed under house arrest, and 10 additional suspects were obliged to appear before the judicial police. Money and assets worth approximately €2.5 million were preventively seized, as previously reported. Since then, the investigation has yielded crucial findings, strongly indicating the existence of an alleged criminal association involving a public official and members of a technical office in Marineo (Sicily, Italy). It is understood that this group exerted undue influence over the decision-making process of public officials from the Provincial Agriculture Inspectorate (IPA) of the Sicilian region, ensuring that their clients were granted a disproportionately high percentage of funding applications, resulting in significant financial gain for the members of the group. According to the investigation, public officials from the IPA, which was responsible for evaluating the eligibility of funding requests, systematically favoured additional technical offices, including those of agronomists and engineers, during the



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processing and administrative phases of funding applications. This preference appears to have been cultivated through long-standing relationships. The investigative materials suggest over 20 unlawfully granted funding applications, and two instances of alleged corruption involving public officials and private entrepreneurs. In addition, a range of offences against public order such as criminal association and against public administration, including abuse of office, disclosure of official secrets, material/ideological forgery in public documents, suppression, concealment, and destruction of public records, are alleged to have been committed by the public officials of the IPA in Palermo and the other members of the group in various role. These allegations, supported by the decisions of the Palermo Court of Review, have been accepted by the Judge of the Preliminary Hearing in Termini Imerese, resulting in the indictment of all individuals suspected of involvement, in various capacities, in the illicit receipt of public contributions. The trial is scheduled to commence before the Collegiate Court of Termini Imerese on 7 February 2024.

Italy: Coercive measures decreed for suspected €900 000 agricultural fraud

At the request of the European Public Prosecutor's Office (EPPO) in Palermo (Italy), on 15 November, coercive measures were decreed against seven suspects, in an investigation into agricultural funding fraud, with estimated damage of over €900 000. According to the evidence, the suspects own agricultural companies affected by anti-mafia prohibitory measures issued by the prefecture of Syracuse. They are understood to have, since 2017, falsified statements and declared ownership and possession of land that they did not own, in order to illegally obtain €916 000 in agricultural funds from the European Union. The coercive measures, ordered by the judge for preliminary investigations in Syracuse, were executed by the Anti-Mafia Investigation Directorate (*Direzione Investigativa Antimafia*) and the Carabinieri Agri-food Protection Department (*Comando Carabinieri per la Tutela Agroalimentare*) of Messina. The judge ordered mandatory presentation to the police for six suspects, and the requirement to stay in the municipality of residence for another. Besides the seven individuals, 16 further suspects are being investigated for 13 counts of fraud and related crimes of money laundering and forgery.

Eight newly appointed European Prosecutors take oath before Court of Justice of the EU

On 30 November 2023, at the Court of Justice of the European Union in Luxembourg, eight European Prosecutors gave the solemn undertaking to comply with the obligations arising from their duties. They were recently appointed to the European Public Prosecutor's Office (EPPO) by the Council of the EU, and replace – for a non-renewable mandate of six years – the eight European Prosecutors



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who finished their three-year mandates at the end of July 2023. The solemn undertaking was given by (in alphabetical order): Mr José António Lopes Ranito (Portugal), Mr Ignacio de Lucas (Spain), Ms Miranda De Meijer (Netherlands), Mr Gedgaudas Norkūnas (Lithuania), Ms Anne Pantazi Lamprou (Cyprus), Mr Nikolaos Paschalis (Greece), Ms Ursula Schmudermayer (Austria) and Mr Andrea Venegoni (Italy). In an address that followed the solemn undertaking, European Chief Prosecutor Laura Kövesi said: “Standing here today, we reaffirm the uniquely human ability to distinguish right from wrong and true from false. This oath is to act in the interest of the European Union as a whole, regardless of whether we are praised or criticised. It is to defend the independence of the European Public Prosecutor’s Office. We are not representing national interests in an inter-governmental organisation. It is a fundamental principle of the rule of law: only an independent judiciary can enforce the law equally for everybody. We are here to make it a reality.’ The EPPO is the independent public prosecution office of the European Union. It is responsible for investigating, prosecuting and bringing to judgment crimes against the financial interests of the EU”.

EUROPEAN ANTI-FRAUD OFFICE – OLAF

[BELENOS: €18 million of illicit cash flows uncovered across Europe in two weeks](#)

A major customs operation has uncovered illicit movements of €18 million of cash potentially linked to money laundering, transnational criminal activities and terrorism financing. Operation BELENOS, led by the French Customs authorities, was carried out in 25 EU Member States. Operation BELENOS resulted in the detection of around 400 cases of illicit accompanied and unaccompanied cash flows, mostly in air traffic (77,6%), road transport (18%), sea transport (3%) and postal shipments (0,6%). In particular, customs authorities discovered at least 64 cases of potential linkages with money laundering for around €3 million, and 20 cases of potential linkages with sanctions against Russia for its aggression against Ukraine for around €180,000. In addition, 34 cases of amounts below €10,000 were suspected to be related to criminal activity. In total, almost 420 natural persons were involved. Other violations that customs authorities found were 6.5 kilograms of ecstasy, 4 kilograms of methamphetamine and €25,500 of counterfeit money. More than 330 administrative or judicial investigations were launched based on the results achieved during operation BELENOS. Further enquiries into the matter are ongoing. The European Anti-Fraud Office (OLAF) played a key role in this joint customs operation, providing financial, analytical, technical and logistical support, including the use of the secured Virtual Operations Coordination Unit (VOCU) application to enable the secure exchange of information during the operation. The European Commission's Directorate-



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General for Taxation and Customs Union (DG TAXUD) shared its expertise on the implementation of Regulation (EU) 2018/1672 of 23 October 2018 on controls on cash entering or leaving the Union. Europol performed crosschecks in its databases, allowing the identification of potential criminal links. Moreover, operation BELENOS led to increased cooperation between customs authorities, Financial Intelligence Units (FIUs), tax and police authorities, and prosecutors.

EUROPEAN COMMISSION

[Enlargement: Commission recommends starting accession negotiations with Ukraine, Moldova, Bosnia and Herzegovina, and candidate status for Georgia](#)

The European Commission has adopted the 2023 enlargement reports. These reports take a close look at the progress made by the countries who want to become members of the European Union. Highlights include the Commission's recommendation to open accession negotiations with Ukraine and Moldova. A similar recommendation has been made for Bosnia and Herzegovina on the condition that the country meet certain criteria. Georgia, on the other hand, should be granted candidate status. Ukraine, Moldova and Georgia are included in the assessment for the first time. The reports focus on their progress in implementing the fundamental reforms needed to qualify for EU membership. They also provide advice for upcoming reform priorities.

COURT OF JUSTICE OF THE EUROPEAN UNION (CJEU)

[Asylum procedures: the delivery of the common informational leaflet and the conduct of a personal interview are mandatory for all Member States; the risk of indirect refoulement is not, in principle, examined by the second Member State where the application is submitted.](#)

Various individuals, particularly from Afghanistan, Iraq, and Pakistan, have sought asylum in Italy. Previously, they had submitted similar asylum applications in other Member States (Slovenia, Sweden, Germany, and Finland). Since these other Member States have agreed, in accordance with the Dublin III Regulation, to take back these applicants, Italy has made transfer decisions accordingly. Indeed, in principle, it is the responsibility of the first Member State where the application was submitted to assess whether international protection should be granted.

The applicants have objected to the transfer. Italian judges dealing with these disputes wonder whether an applicant who has submitted a second asylum application should, like in the case of their first application, receive the "common leaflet" (uniform throughout the Union) providing information



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on the procedure and their rights and obligations, and also benefit from a personal interview. Furthermore, they have doubts about the possibility of considering, in the context of the transfer decision, the risk associated with the applicant's return to their country of origin. These judges have therefore turned to the Court of Justice for clarification.

The Court declares that the delivery of the common leaflet and the conduct of a personal interview are necessary both in the context of a first asylum application and in the context of a subsequent application.



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