



**IECLO**

International & European  
Criminal Law Observatory

ON CULTURAL ISSUES, HUMAN RIGHTS AND SECURITY

## MONTHLY WRAP JANUARY 2024

### UN SECURITY COUNCIL

#### [Security Council strongly condemns Houthi attacks on Red Sea shipping](#)

The UN Security Council on 10 January passed a resolution (S/RES/2722) condemning “*in the strongest terms*” the multiple attacks by Houthi rebels off the coast of Yemen which have disrupted global trade and raised fears of further spillover from the war in Gaza. The draft resolution condemns the attacks on merchant and commercial vessels since 19 November, demanding that the group immediately cease all such attacks, as well as release the *Galaxy Leader* and its crew. The text calls for respect for the exercise of navigational rights and freedoms by merchant and commercial vessels in line with international law. It further “*takes note of the right of Member States*”, in accordance with international law, to defend their vessels from attacks, including those that undermine navigational rights and freedoms. The text encourages Member States to “*support capacity building efforts*” of the Yemeni coastguard to protect the sovereignty and integrity of the country. It also emphasizes the needs to “*address the root causes*” of the attack that are contributing to regional tensions, to ensure a “*prompt, efficient and effective response*”. The resolution condemns the provision of any arms to the Houthis and “*urges caution and restraint to avoid further escalation of the situation in the Red Sea and the broader region*”. It urges continued support for the UN-led peace process to end Yemen’s long-running civil conflict.

#### [Gaza: South Africa levels accusations of ‘genocidal conduct’ against Israel at world Court](#)

South Africa addressed the UN’s highest court on 11 January in a bid to end the mass killing of civilians in Gaza, accusing Israel of carrying out genocide against Palestinians there. The development came amid the ongoing and massive Israeli bombardment across the Gaza Strip in response to Hamas-led terror attacks on 7 October that left some 1,200 Israeli and foreign nationals dead in southern Israel and some 250 taken hostage. Laying out their case, the South African legal team told the International Court of Justice (ICJ) in The Hague that Israel had demonstrated a “*pattern of genocidal conduct*” since launching its full-scale war in Gaza, the 365 square kilometer strip of land it has occupied since 1967. “*They are killed in their homes, in places where they seek shelter, in hospitals, in schools, in mosques, in churches, and as they tried to find food and water for their*



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families. They have been killed if they have failed to evacuate the places to which they have fled and even if they attempted to flee along Israeli-declared safe routes”, said Adila Hassim (member of the South African legal team). It was because of these actions that Israel had contravened the Genocide Convention, the ICJ judges later heard, in reference to the global treaty inked by members of the United Nations after the Second World War to prevent crimes against humanity.

### [Africa now ‘global epicenter’ of terrorism: UN chief](#)

In just a matter of years, Africa has become the “*global epicenter of terrorism*”, with groups such as Da’esh, Al-Qaida and their affiliates exploiting local conflicts and fragilities to serve their own ends, the UN Secretary-General said on 24 January, calling for violent extremism to be rooted out.

Speaking at a meeting in New York on counter-terrorism initiatives across the continent, António Guterres said terror groups were “*shredding the social fabric of entire countries with the blades of violence, mistrust and fear*”. “Community by community, terrorist groups are extending their reach,” he said, adding that networks are widening, adding fighters and resources, and making common cause with transnational organized crime. “*In every case, civilians are paying the highest price and, in the end, all of humanity pays.*” Addressing an audience of counter-terrorism experts, government officials and civil society and private sector representatives, Mr. Guterres said the crisis must be tackled head on before it spins out of control. He highlighted initiatives such as the multinational task force in the Lake Chad Basin countering Boko Haram as well as the African Union (AU) Transition Mission in Somalia in addition to Security Council resolution 2719 on financing AU-led peace support operations.

## INTERNATIONAL COURT OF JUSTICE

### [Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip \(South Africa v. Israel\)](#)

The International Court of Justice has delivered its Order on the request for provisional measures submitted by South Africa. South Africa filed in application against Israel concerning alleged violation of the Convention on the Prevention and Punishment of the Crime of Genocide in relation to Palestinian people in the Gaza Strip. After the preliminary public hearings, the Court indicates, with binding effects, the following provisional measures:

- Israel shall take all measures within its power to prevent the commission of all acts within the scope of Article 2 of the Convention (killing or seriously harming members of the group;



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deliberately inflicting on the group conditions of life to bring to physical destruction in whole or in part and imposing measures intended to prevent births within the group).

- Israel shall ensure with immediate effect that its military does not commit any acts as described in the Article 2 of the Convention.
- Israel shall take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip.
- Israel shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the condition of life faced by Palestinians in the Gaza Strip.
- Israel shall take effective measures to prevent and ensure the preservation of evidence related to allegations of acts within the scope of Article 2 and 3 of the Convention.
- Israel shall submit a report to the Court on all measures taken to give effect to the Order within a month from its publication.

To the Order is attached the Dissenting Opinion of Judge Sebitunde, stating against all the Provisional Measures adopted by the Court. In the opinion of the Judge, the dispute between the State of Israel and the people of Palestine is essentially political and calling for diplomatic and negotiated settlement. Furthermore, some of the preconditions for the indication of provisional measures have not been met, as South Africa has not demonstrated that the acts allegedly committed by Israel were committed with the necessary genocidal intent.

[Israel strongly rejected accusations](#) by South Africa of genocidal intent against Palestinians: the legal team insisted that the twin military objectives were to eradicate the existential threat posed by Hamas militants and to free some 136 hostages still held in the war-shattered enclave. Rejecting South Africa's "*profoundly distorted*" description of the war in Gaza, Israel's legal team accused that country's legal team of attempting to "*weaponize*" the term genocide, which it insisted was a better description of Hamas's "*annihilationist language*" about "*cleansing*" Palestine of Jews.

## INTERNATIONAL CRIMINAL COURT

### [Al Hassan case: Trial Chamber X postpones delivery of judgment](#)

Mr Al Hassan is accused of crimes against humanity and war crimes allegedly committed in Timbuktu (Mali). The trial in this case [opened on 14-15 July 2020](#).



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On 15 January 2024, due to the Presiding Judge's current health situation, Trial Chamber X of the International Criminal Court (ICC) decided to postpone the delivery of its judgment on conviction or acquittal pursuant to article 74 of the Rome Statute. The delivery of the judgment had been initially scheduled for 18 January 2024.

The judges will either acquit or convict the accused. The accused before the ICC is presumed innocent. While the Prosecution must prove the guilt of the accused, the Trial Chamber will convict the accused only if it is satisfied that the charges have been proven beyond reasonable doubt.

### [The Office of the Prosecutor launches public principles to advance understanding of the crime of gender persecution](#)

The Prosecutor of the International Criminal Court, Mr Karim A.A. Khan KC, is pleased to announce a new initiative to advance accountability for the crime against humanity of persecution on the grounds of gender. Complementing and building on the [2022 Policy on the Crime of Gender Persecution](#), this new initiative will help to further promote accountability, transparency and predictability in the work of the Office in this crucial area and serve as broader guidance internationally.

In highlighting the importance of the policy and stakeholder consultation, Prosecutor Khan stated: *“Sexual and gender-based crimes are among the gravest under the Rome Statute.”*

### [International Criminal Court Marks Opening of the Judicial Year 2024](#)

On 19 January 2024, the International Criminal Court ("ICC" or "Court") held a solemn hearing for the opening of its judicial year, featuring speeches of this year's keynote speaker, Honourable Lady Justice Stella Isibhakhomen Anukam, Judge of the African Court on Human and Peoples' Rights, ICC Principals, and the President of the ICC Bar Association. ICC judges as well as the Vice-President of the Assembly of States Parties (ASP), Ambassador Margareta Kassangana, Representatives from national jurisdictions, regional or international courts, the diplomatic corps, civil society and international organisations.

The President of the ICC, Judge Piotr Hofmański, stated: *“2023 was an extremely intense year for the ICC, both as regards judicial proceedings as well as investigations and reparations. This heavy workload will continue in 2024. What we would hope to see, of course, is more suspects in custody. We need States to step up their efforts to execute the outstanding arrest warrants.”*

### [Statement by ICC Prosecutor Karim A.A. Khan KC on conference addressing cyber-enabled crimes through the Rome Statute system](#)



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On January 22, the office had the honour of hosting an innovative conference that addresses cybercrime through the Rome Statute system. Bringing together more than 100 participants, including 12 technology and cybersecurity companies at the International Criminal Court (ICC) of The Hague, this dialogue marks a further important and concrete step in the exploration of the less known territories of cybercrimes in the context of international crime. law. Cybercrimes may fall within the jurisdiction of the ICC if the requirements of the Rome Statute are met, and the Office may investigate or prosecute such conduct. As a first step, the conference examined the practical implications of the misuse of cyberspace to commit or facilitate serious crimes under the Rome Statute, such as war crimes and crimes against humanity. Cyber-attacks, such as those against civilian infrastructure, can have a profound impact on human lives.

## [Statement of ICC Prosecutor, Karim A. A. Khan KC, to the United Nations Security Council on the Situation in Darfur, pursuant to Resolution 1593 \(2005\)](#)

The prosecutor has had the burden and the duty to show once again what is happening in this territory. He stressed that the situation is disastrous in every respect. One in three people in the affected areas of Chad are refugees from Sudan. That's a huge number. One in three of the population of Chad in these affected areas is made up of refugees. They enter this country on many occasions with injuries, which means that death rates are unacceptably high by any standard.

And again, he shows the many other consequences of the events in Darfur: that the vegetation of Chad is rapidly disappearing in the affected areas; weapons from Darfur that seem to circulate in Chad proliferate; and rice supplies are decreasing; the resources are limited. And many of the countries surrounding Chad, surrounding Sudan, are fragile. And so he is forced to conclude and report that, in his view, he is fast approaching a breaking point and that the conflict in Sudan requires more attention now than ever.

## **INTERNATIONAL CRIMES**

### [Ousman Sonko: former Gambian minister tried in Switzerland for murder](#)

Sonko, 54, was arrested after NGOs presented evidence of his alleged involvement in murder, rape and torture. Ousman Sonko fled there in 2016, just before Gambian President Yahya Jammeh, accused of leading a repressive regime, lost power. Switzerland is dealing with the case under the principle of universal jurisdiction, which allows countries to prosecute people on their territory, even if events



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may have taken place elsewhere. Sonko is the highest government official ever prosecuted under this principle in Europe.

## COUNCIL OF EUROPE

### [Council of Europe body regrets Russia's withdrawal from the national minorities' convention: millions left without protection](#)

Following the official notification of the Russian Federation's denunciation of the Framework Convention for the Protection of National Minorities ( [FCNM](#) ), the FCNM Advisory Committee issued a [statement](#) expressing its deep regret at the decision, which "*deprives more than 25 million people belonging to the many national minorities of the Russian Federation from the protection offered by this unique international treaty.*" The Committee's main concern sticks to the complaints received from representatives of Ukrainian national minorities living in Crimea and other territories temporarily controlled or occupied by the Russian Federation, they are indeed exposed to human rights violations and assimilation policies by the occupying forces. It is for this very reason that the Committee remains available for dialogue with representatives of national minorities and indigenous peoples in the Russian Federation and expresses its full solidarity with them in their continued struggle for their rights.

### [Annual Report 2023: Commissioner Mijatović calls for determined and collective efforts to regain lost ground and advance human rights](#)

The 2023 annual report to the PACE, the last in Commissioner Mijatović's term, paints a troubling picture of Europe. It emphasizes the human rights situation in conflict zones. She focused on the crucial issues of the human rights situation of children relocated to Russia or Russian-occupied Ukrainian territories and the human rights of Crimean Tatars in Russian-occupied Crimea. Painting an increasingly complex and challenging human rights landscape, however, the Commissioner stressed that there are many sources of hope and examples of resilience, such as the reconfirmation by heads of state and government of their commitment to the Council of Europe's norms and principles at the Reykjavik Summit, the collective response to the war in Ukraine, and the unwavering commitment of NGOs, journalists, human rights defenders, national human rights institutions, and human rights activists.

### [PACE resolves not to ratify the credentials of Azerbaijan's parliamentary delegation, citing a failure to fulfil 'major commitments'](#)



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The Parliamentary Assembly of the Council of Europe has resolved not to ratify the credentials of the Azerbaijani delegation, which were challenged on the opening day of the session, concluding that the country has “*not fulfilled major commitments*” stemming from its joining the Council of Europe 20 years ago. The resolution was adopted today with 76 votes in favor, 10 against and 4 abstentions.

The Assembly referred to the situation in Nagorno-Karabakh, noting that Azerbaijan's leadership “*has failed to recognize the very serious humanitarian and human rights consequences*” resulting from the lack of free and safe access through the Lachin corridor, and recalling its condemnation of the September 2023 military operation “*that led to the flight of the entire Armenian population in Nagorno-Karabkh to Armenia and accusations of ethnic cleansing.*” In addition, the resolution cites a number of examples of “*lack of cooperation*” with the Assembly, including that its monitoring rapporteurs were not allowed to meet with people detained on allegedly political charges, that it was not invited to observe the upcoming presidential elections, and that other PACE rapporteurs were refused visits to the country. “*The delegation of Azerbaijan will be able to resume its activities in the Assembly when the conditions laid down in the Rules of Procedure are met,*” the parliamentarians said.

### [Situation of Ukrainian children: PACE calls for urgent measures and international co-operation](#)

The PACE unanimously adopted a resolution based on the report by Olena Khomenko (Ukraine, EC/DA) stressing the urgent need to address the situation and fate of Ukrainian children forcibly relocated and deported to the temporarily occupied territories of Ukraine, the Russian Federation and Belarus. To date, the Ukrainian government's Children of War platform has collected information on more than 19,546 children reported as deported or forcibly relocated from various locations, of whom only 388 have returned home. The adopted text reiterates that “*all Ukrainian children have the right to enjoy the rights and freedoms enshrined in the relevant international human rights instruments*” and stresses that “*the best interests of the child must prevail in all decision-making processes affecting the child,*” reinforcing the principle that children should never be used as “*instruments of pressure or as trophies of war.*” Therefore, the Assembly called on national parliaments to adopt resolutions recognizing these crimes as genocide and on the international community to work with Ukraine to trace and repatriate missing children, that is, “*identify, locate and return them to Ukraine.*”

In addition, the PACE reaffirmed its commitment to continue to play the role of facilitator to support Ukrainian authorities and various international organizations, such as the ICRC, in “*determining the most expeditious means to identify and facilitate an effective search for the children*” with access to as much information as possible about their identity and the conditions of their deportation or forcible transfer by the Russian Federation.

## OSCE



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## [OSCE Mission to BiH reaction to hate- and bias-motivated incidents](#)

The OSCE Mission in Bosnia and Herzegovina (Mission) condemns all actions and speech driven by prejudice or hatred and notes with growing concern the recent spate of such incidents in some locations in *Republika Srpska* in conjunction with Serbian Orthodox Christmas and Day of *Republika Srpska*, as well as in the Federation of Bosnia and Herzegovina.

The so-called "Day of *Republika Srpska*" constitutes an act of discrimination according to the November 26, 2015 ruling of the Constitutional Court of Bosnia and Herzegovina.

According to the Constitutional Court's ruling, the designation of January 9 as "*Day of Republika Srpska*" violates the Constitution of Bosnia and Herzegovina by privileging one ethnic group and discriminating against others, such a practice violates the protections of equality and non-discrimination provided by the Constitution of *Republika Srpska*.

In the same ruling, the Constitutional Court also found that the official and institutional designation of January 9 as the day of the Serbian Orthodox patron saint of *Republika Srpska* prioritizes the cultural heritage, traditions, and customs of one ethnic group while neglecting others and is therefore discriminatory. The period around Serbian Orthodox Christmas and January 9, 2024 again witnessed threats and harassment against non-Serb communities in parts of *Republika Srpska*, including vehicle convoys and public gatherings where participants carried firearms, chanted ethnic slurs, and glorified war and criminals. Such displays of intimidation and aggression incite fear and divide communities trying to move forward and rebuild trust. The recurrence of such incidents points to an environment of impunity in which institutional responses to date have done little to diminish or prevent the recurrence of similar acts. The Mission welcomes the condemnation of these incidents and urges the relevant prosecutor's offices to conduct thorough investigations into potential criminal charges and motives, in compliance with both domestic criminal legislation and the binding jurisprudence of the European Court of Human Rights. All other legally mandated authorities should respond to these and any similar incidents in a timely and appropriate manner, including by providing support and protection to victims and their communities.

## [Nearly 30 years following the end of the war in Bosnia and Herzegovina, war victims remain neglected](#)

The devastation of the 1992-1995 war continues to affect Bosnia and Herzegovina (BiH) in numerous ways. Almost 30 years after the conflict, in fact, victims in BiH still lack essential institutional assistance, including reparations. In addition to the serious effects on both individuals and communities, these failures also hinder BiH's progress toward lasting reconciliation.

As the Council of Europe Commissioner for Human Rights recently noted, addressing the grave human rights violations of the past is critical to achieving long-term peace and security in cohesive, pluralistic democratic societies. Although some progress has been made to ensure the recognition and



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rights of civilian victims of war, such as the implementation of the new FBiH Law on the Protection of Civilian Victims of War (FBiH Law) effective January 1, 2024, this is still not enough to address these issues. A unified framework should be established at the level of Bosnia and Herzegovina to replace the existing patchwork of laws and ensure the provision of easily accessible and sufficiently funded institutional and legal support to victims. Decisions taken by international mechanisms affirming the right of civilian victims of war to effective forms of reparations, including reparations, remain unimplemented. Moreover, despite the availability of formal mechanisms that allow victims to seek reparations through criminal proceedings, judicial authorities throughout Bosnia and Herzegovina have not ensured that victims are able to exercise this right. In fact, according to the OSCE's comprehensive trial monitoring program, reparations have been awarded in only 19 of the nearly 700 cases tried for war crimes. This situation creates serious obstacles to genuine reconciliation. One of the key priorities determining BiH's path to the EU requires concrete steps to foster an environment conducive to reconciliation and overcome the legacies of war. In this regard, BiH should implement the received and accepted recommendations related to justice and reparation for victims of war, including conflict-related sexual violence, before its fourth Universal Periodic Review in January 2025. Bosnia and Herzegovina authorities at all relevant levels must take meaningful and timely action to improve the plight of victims who remain vulnerable and marginalized nearly three decades after the war.

Furthermore, the Mission reiterates its condemnation of any violation of the principles of inclusiveness, pluralism and democracy, the very principles that form the foundation of Bosnia and Herzegovina.

## EUROPEAN COURT OF HUMAN RIGHTS

[Al-Hawsawi v. Lithuania](#) (Application no. 6383/17)

The case concerned a national of Saudi Arabia who is currently on trial before a US military commission on suspicion of being a facilitator and financial manager of al-Qaeda. Before the European Court of Human Rights, Mr. al-Hawsawi raised multiple complaints of torture, ill-treatment and unacknowledged detention in a secret facility in Lithuania, run by the US Central Intelligence Agency (CIA). The Court held unanimously that there had been: violations of Article 3 (prohibition of inhuman or degrading treatment) of the Convention, because of Lithuania's failure to effectively investigate Mr. al-Hawsawi's allegations and because of the complicity in the CIA secret detainee programme; violations of Article 6 § 1 (right to a fair trial within a reasonable time) and Article 2 (right to life) taken together with Article 1 of Protocol no. 6 (abolition of death penalty), because Lithuania had assisted in Mr. al-Hawsawi's transfer from its territory in spite of a real risk that he



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could face a denial of justice; violations of Article 5 (right to liberty and security), Article 8 (right to respect for private life) and Article 13 (right to an effective remedy).

The Court established the facts from public sources, including the 2014 declassified executive summary of the US Senate report on CIA torture, which detailed the activities of the CIA in the secret detainee programme; it also relied on testimony of experts heard by the Court in other relevant cases, such as *Husayn v. Poland*, *Al Nashiri v. Poland* and *Abu Zubaydah v. Lithuania*.

[Alkhatib and Others v. Greece](#) (Application no. 3566/16)

The case concerned a serious of gunshot wound sustained by a member of the applicant's family in 2014 near the island of Pserimos, when a vessel was intercepted transporting people illegally to Greece. The Court found a violation of Article 2 (right to life) of the Convention under its procedural head and a violation under its substantial head.

Under the procedural aspect, the Court noted that there had been a series of shortcomings taken by the Greek authorities, leading to the loss of evidence, and affecting the adequacy of the investigation. This determined the impossibility to determine whether the use of potentially lethal force was justified by the case or not.

Under the substantive aspect, the Court noted that Greece had not complied with its obligation to introduce an adequate legislative framework on the use of lethal force in the area of maritime surveillance operations. The Court, then, considered that the Coastguard, who could have presumed that the vessel being monitored was transporting passengers, had not exercised the necessary vigilance in minimising any risk to life: the coastguards had used excessive force in the context of unclear regulations on the use of the firearms.

[Ireland v. United Kingdom](#) (Inter-State Application no. 1859/24)

The Government of Ireland lodged a new inter-State application against the United Kingdom under the Article 33 of the European Convention of Human Rights. The application concerns the Legacy and Reconciliation Act 2023 about the "Northern Ireland Troubles": the Government of Ireland argue that certain provisions of the Act are not compatible with the European Convention of Human Rights, as immunity from prosecution for Troubles-related offences. This is the second inter-State case between the States following *Ireland v. the United Kingdom*, in which the Court ruled against the United Kingdom.

[O.R. v. Greece](#) (Application no. 24650/19)



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In the Chamber judgment, the Court held, unanimously, that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention of Human Rights. The case concerned the applicant's living conditions in Greece, in a period of time when he was an unaccompanied minor and asylum-seeker: the applicant alleged that he remained homeless for nearly six months, without access to basic essentials and without an officially designated legal guardian. The Court found that, during the relevant time, Greek authorities had left the applicant to fend for himself in an environment that was entirely unsuitable for minors and in unacceptably precarious circumstances, given his status as asylum-seeker and unaccompanied minor.

## **COUNCIL OF THE EUROPEAN UNION**

### [Fight against human trafficking: Council and European Parliament strike deal to strengthen rules](#)

On January 23, 2024 the Belgian presidency of the Council and representatives of the European Parliament reached a provisional agreement to add forced marriage, illegal adoption and surrogacy as types of exploitation covered by the EU's anti-trafficking law. The update to the directive on preventing and combating trafficking in human beings will now mandate that EU countries ensure individuals who knowingly use services provided by trafficking victims can be penalized. Additionally, other amendments focus on enhancing support and assistance for victims, along with implementing prevention measures. Council and European Parliament negotiators have agreed to explicitly state in the directive that the exploitation of surrogacy, forced marriage, and illegal adoption are considered types of exploitation falling within the definition of trafficking. Specifically targeting the trafficking for the exploitation of surrogacy, where women are coerced or deceived into acting as surrogate mothers, is a key focus. This inclusion in the EU anti-trafficking law acknowledges the prevalence and significance of these forms of exploitation. As is the case in the current directive, the new types of exploitation (forced marriage, illegal adoption and surrogacy) will be punishable by a maximum penalty of at least five years of imprisonment, or of at least ten years of imprisonment in case of aggravated offences. The Council and EU Parliament have also decided to include a new aggravating circumstance in the law to take into account the amplifying effect that information and communication technologies (ICT) can have as regards trafficking. This includes the fact that the perpetrator facilitated or committed the dissemination, by means of ICT, of images, videos or similar material of a sexual nature involving the victim. Sanctions on legal entities, such as companies, found responsible for trafficking offenses will be strengthened. This will now include measures such as exclusion from accessing public funding, including tender processes, grants, concessions, and



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licenses, as well as the withdrawal of permits and authorizations for activities associated with committing the offense. The agreement between Council and European Parliament foresees that member states must make it a criminal offence if a person who uses the service provided by a trafficking victim knows that the person is a victim of trafficking. Under the current law member states should only consider making the use of services of persons exploited by human traffickers a criminal offence. In 2011, the EU adopted a directive aimed at preventing and combating trafficking in human beings and safeguarding the victims of this crime. This directive serves as a crucial tool in the fight against human trafficking, establishing minimum rules for defining criminal offenses and sanctions at the national level. Additionally, it includes EU-wide regulations to enhance prevention efforts and the protection of victims. According to data from the European Commission, sexual and labor exploitation are the primary purposes of human trafficking. However, begging or organ removal – explicitly mentioned in the 2011 directive—along with forced marriage and illegal adoption – previously not explicitly mentioned—now constitute 11% of all victims in the EU as of 2020.

[For background informations.](#)

## EUROPEAN PUBLIC PROSECUTOR'S OFFICE

### [EPPO signs an operational agreement with the French Treasury and the Interministerial Anti-Fraud Coordination Mission](#)

On 17 January 2024, a working agreement was signed between the European Public Prosecutor's Office (EPPO) and the French Treasury Ministry and its inter-ministerial anti-fraud coordination mission (MICAF – *Mission interministérielle de adjustment anti-fraude*). The purpose of this agreement is to facilitate the detection of fraud involving the Resilience and Recovery Facility (RRF), under the European Union recovery plan, which amounts to 750 billion euros. It establishes a framework for enhanced cooperation between the European Public Prosecutor's Office and the French authorities responsible for managing these funds. The signatories are for the EPPO, the European Prosecutor Frédéric Baab, representing the European Chief Prosecutor Laura Kövesi; for the French Treasury, its Deputy Director-General, Ms Muriel Lacoue-Labarthe; for the MICAF, the Head of Mission, Mr Eric Belfayol.

### [Italy: EPPO freezes up to €730 000 in investigation into fraud involving research projects](#)

At the request of the European Public Prosecutor's Office (EPPO) in Bologna (Italy), a freezing order was executed on 15 January 2024 against technology companies suspected of aggravated fraud on



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research projects, with an estimated damage of € 730,000. In the radar of the European Public Prosecutor's Office there are technology companies that have fraudulently obtained EU funds for scientific research and innovation projects, under the Horizon 2020 programme. The EPPO has launched investigations following a report by the European Court of Auditors concerning a company and a project. The survey was then extended to another company and other projects funded under the same programme. The seizure order, issued at the request of the EPPO by the judge for the preliminary investigations of the court of Florence, was executed by the EPPO Section of the Investigative Department of *Carabinieri* of Bologna.

## EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION

### [Eurojust and Panama sign a working agreement to intensify cooperation against organised crime](#)

Eurojust and the Prosecutor General of the Republic of Panama, Javier E. Caraballo Salazar, signed on 12 January a working agreement to allow structured and closer cooperation in the fight against organised crime. The agreement formalises the existing Eurojust contact points in Panama and ensures closer communication to accelerate the execution of judicial cooperation requests by both parties. Panama is the first Latin American country to sign a working agreement with the Agency. As the main link between North and South America, Panama remains a very important partner in the fight against serious cross-border crime, with a focus on areas such as money laundering, human trafficking and drug trafficking. The working agreement includes provisions for the exchange of strategic information and communication with the contact point, as well as provisions on data protection.

### [Support for Dutch action against violation of export sanctions to Russia: three arrests](#)

Eurojust and europol supported coordinated action by the Dutch, German, Latvian, Lithuanian and Canadian authorities against the alleged violation of the sanctions on exports to Russia. During a day of joint action, three suspects were arrested and 14 locations searched as part of investigations into the illegal export of technological and laboratory equipment that could be used for military purposes. Such exports are illegal because of the European sanctions imposed after the outbreak of war in Ukraine.

## INTERPOL



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## [Grooming, radicalization and cyber-attacks: INTERPOL warns of 'Metacrime'](#)

On 18 January 2024, INTERPOL released its new White Paper, providing a comprehensive analysis of the main challenges, threats and harms of the Metaverse from a law enforcement perspective. Launched at the World Economic Forum's Global Collaboration Village as part of the 'Next Generation Technologies and Global Security' session, the paper was developed with input from INTERPOL's Metaverse Expert Group of representatives from law enforcement, government, the private sector, academia, and international organizations. It identifies current and potential meta-crimes, such as grooming, radicalization and cyber-physical attacks against critical infrastructure, as well as 3D virtual/cultural property theft, home invasion in virtual private spaces and robbery from an avatar, while also highlighting the opportunities that the Metaverse offers for law enforcement, ranging from advanced simulation and virtual crime scene preservation to immersive training. Interpol's goal is to help its member countries understand both the challenges and opportunities offered by new and emerging technologies, and to ensure that law enforcement agencies have the tools and training to mount an effective response to this evolving crime landscape.

## EUROPOL

### [Three arrested for exporting military goods to Russia](#)

In January 2024, Dutch, German, Latvian and Lithuanian authorities organized a day of action against criminals suspected of evading EU sanctions against Russia. Europol and Eurojust supported the investigation, which led to the arrest of three suspects residing in the Netherlands. The investigation revealed that a Dutch company was ordering dual-use goods from Germany and then shipping them directly to Latvia and Lithuania; from there the goods would cross the border into Russia. The export of these goods circumventing the export ban to Russia could be classified as a violation of the sanctions imposed by the EU against Russia in response to Russia's war of aggression against Ukraine.

## COSTITUTIONAL COURT

### [Declaration of constitutional illegitimacy of art. 18 of Law no. 354 of 26 July](#)

With order no. 5 of 2023, the Supervisory Magistrate of Spoleto raised, with reference to art. 2, 3, 13, first and fourth paragraphs, 27, third paragraph, 29, 30, 31, 32 and 117, first paragraph of the Constitution, the latter in relation to art. 3 and 8 of the ECHR, questions of constitutional legitimacy of art. 18 Penitentiary Law, *«in so far as it does not provide that the detained person shall be*



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*permitted, when no security reasons preclude it, to carry out intimate conversations, including of a sexual nature, with the non-detained cohabiting person, without the imposition of visual supervision by the custodial staff*». The order states that the main proceedings concern the complaint filed by the detainee E. R. against the refusal by the management of the Terni Prison – where he is confined in execution of his sentence until April 2026 – regarding the conduct of intimate and confidential interviews with his partner and young daughter. In view of the fact that the complainant will probably not be able to benefit from bonus leave, the referring court complains that the detainee would thus be precluded from cultivating the emotional relationship with his partner in conditions of intimacy, precluding the requirement of visual monitoring by the custodial staff, which is mandatory as a method of conducting the interviews, implying *«a real prohibition on exercising affectivity in a reserved dimension, and in particular sexuality»*.

Therefore, with a judgment of 26 January 2024, the Constitutional Court declared the constitutional illegitimacy of art. Article 18 of Law no. 354 of 26 July 1975, in so far as it does not provide that the detained person may be admitted to interviews with his or her spouse, the party in the civil union or the person permanently living with him/her, without the visual supervision of the custodial staff, where, taking into account the conduct of the person detained in prison, are not precluded by reasons of security or the need to maintain order and discipline, nor, in the case of the accused, by judicial reasons.



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