



**IECLO**

**International & European  
Criminal Law Observatory**

ON CULTURAL ISSUES, HUMAN RIGHTS AND SECURITY

## MONTHLY WRAP MARCH 2024

### UNITED NATIONS ORGANIZATION

#### [Drugs online: UN-backed body offers solutions to counter narcotics surge](#)

Drug dealers continue to use cutting-edge digital technology, social media platforms and disinformation to sell their illegal produce, fueling narcotics consumption globally, a UN-backed report has shown. The International Narcotics Control Board (INCB) study recommends responding with the same methods, running counter-narcotics campaigns offering advice that can be trusted on popular online platforms. Criminal gangs take advantage of the chance to reach large global audiences on social media channels by turning them into marketplaces and posting inappropriate, misleading and algorithm-targeted content that is widely accessible to children and adolescents, the board noted. Other trends linked to drug dealing today include the use of encryption methods in communications and transactions, anonymous browsing on the darknet and payments in hard-to trace cryptocurrencies, which increase challenges for prosecutors. The INCB report also highlighted how criminals relocate their operations to regions with less stringent law enforcement or lighter sanctions, often choosing countries where extradition can be evaded. Another area of concern is telemedicine and online pharmacies. While such services have the potential to enhance healthcare access and simplify the prescription and delivery of lifesaving medicines, illegal internet outlets that sell drugs without a prescription directly to consumers are a very real health risk. To combat the online threat, the report's authors insist that internet platforms should be used to raise awareness about drug misuse and support public health campaigns, especially targeting young people. Given the global nature of the challenge, countries should cooperate to identify and respond to new threats, said INCB, whose 13 members are elected by the UN's Economic and Social Council (ECOSOC).

#### [Gaza: World court issues fresh measures for Israel as crisis deepens](#)

The International Court of Justice (ICJ) on 28 March 2024 issued new provisional measures for Israel as the humanitarian situation in bombarded and besieged Gaza continues to deteriorate. The Court issued the new order in response to a recent request made by South Africa, which submitted a case in December accusing Israel of genocide in Gaza, based on its continuing offensive following Hamas-led attacks in southern Israel which left almost 1,200 dead and more than 240 taken hostage. The ICJ



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provisional measures state that Israel, “*in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation*”, shall take “*all necessary and effective measures to ensure, without delay, in full cooperation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance to Palestinians throughout Gaza*”. The measures outline that the required aid includes food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care. The fresh ICJ order also calls on Israel, as a signatory to the Genocide Convention, to undertake those measures, “*including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary*”.

Additional measures call for Israel to ensure “*with immediate effect that its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group*” under the Genocide Convention. This includes “*by preventing, through any action, the delivery of urgently needed humanitarian assistance*”, according to the ICJ. The Court also decided that Israel shall submit a report to the ICJ within one month on all measures taken so far.

## SECURITY COUNCIL

### [S/RES/2728 \(2024\)](#)

On 25 March 2024 the Security Council adopted a Resolution on the situation in the Middle East, including the Palestinian question. Through the text, the Security council recalled all of its relevant resolutions on the situation in the Middle East, including the Palestinian question and reiterated its demand that all parties comply with their obligations under international law, including international humanitarian law and international human rights law. By the terms of the resolution, the Council requested “*an immediate ceasefire for the month of Ramadan respected by all parties leading to a lasting sustainable ceasefire*”, and demanded “*the immediate and unconditional release of all hostages, as well as ensuring humanitarian access to address their medical and other humanitarian needs*” respecting under international law in relation to all persons they detain. Also emphasized “*the urgent need to expand the flow of humanitarian assistance to and reinforce the protection of civilians in the entire Gaza Strip and reiterated its demand for the lifting of all barriers to the provision of humanitarian assistance at scale, in line with international humanitarian law as well as resolutions 2712 (2023) and 2720 (2023)*”.



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## [S/RES/2727 \(2024\)](#)

On 15 March 2024 the Security Council adopted a resolution on the situation of Afghanistan. Through the text, the Security Council, recalled its previous resolutions on Afghanistan, in particular its resolution 2626 (2022) setting the current mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) and affirmed its continued support for the people of Afghanistan. By the terms of resolutions, the Council expressed *“its appreciation for the United Nations’ long-term commitment to support the people of Afghanistan and reiterates its full support to the work of UNAMA”*. Also, the Council affirmed the extension of the mandate of UNAMA and stressed *“the critical importance of a continued presence of UNAMA and other United Nations Agencies, Funds and Programmes across Afghanistan”*. Finally, requested *“that the Secretary-General reports to the Council every three months on the situation in Afghanistan and the implementation of UNAMA’s mandate, including at the subnational level”*.

## OHCHR

### [UN rights chief urges comprehensive action against religious hatred and discrimination](#)

The UN High Commissioner for Human Rights on Friday outlined a comprehensive set of measures to counter religious hatred, emphasizing the urgent need for concerted action to address the rising levels of discrimination and violence. Volker Türk underscored the importance of strengthening social cohesion and increasing respect, with a particular focus on the role of social media. He noted that his office, OHCHR, is collaborating with several companies to intensify efforts in meeting their human rights responsibilities under the UN Guiding Principles on Business and Human Rights. In addition to promoting social cohesion, Mr. Türk urged countries to adopt comprehensive anti-discrimination legislation, providing legal tools to deliver justice and empower minority communities for fuller participation in society. *“States also have an obligation to combat discrimination – including on religious grounds – and I also urge such cases to be brought before courts”*, he emphasized, pointing out the need for proper training of police forces to record and act on incidents



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of incitement to discrimination, hostility, and violence, particularly those based on religious intolerance.

[World News in Brief: Sex trafficking and child recruitment in Sudan, new mass grave in Libya, children at risk in DR Congo](#)

Independent UN human rights experts on Friday expressed alarm over increased reports of sexual slavery and trafficking in Sudan, especially of women and girls. This is being compounded by an increase in child and forced marriage, and the recruitment of boys by combatants in the continuing war between rival generals that erupted nearly a year ago. All this is happening against the backdrop of the deteriorating humanitarian crisis in the country that has caused an unprecedented mass displacement of over nine million people. Young women and girls, including internally displaced persons, are reportedly being trafficked, they said. Special Rapporteurs and other independent experts are not UN staff and are independent of any government or organization. They serve in their individual capacity and receive no salary for their work. A mass grave has been found in southwest Libya containing at least 65 migrants who are believed to have died while being smuggled through the desert. According to the UN migration agency (IOM), which sounded the alarm on Friday, increasing numbers of people are dying on dangerous routes to northern Africa and beyond. Without legal pathways for migrants, “such tragedies will continue to be a feature along this route,” the agency warned. The circumstances are not clear surrounding the deaths of those found in the mass grave and their nationalities are also unknown.

[Rampant abuse of counter-terrorism laws threaten human rights globally, warns UN expert](#)

Over two decades of prolific global efforts to counter terrorism have not been matched by an equally robust commitment to human rights, warned the recently appointed UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Saul. In his first report to the Human Rights Council, the Special Rapporteur painted a counter-terrorism landscape strewn with human rights violations, including unlawful killings, arbitrary detention, torture, unfair trials, privacy infringements from mass surveillance, and the criminalisation of freedoms of expression, assembly, association and political participation. He condemned the rampant weaponisation of overly-broad



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terrorism offences against civil society, including political opponents, activists, human rights defenders, journalists, minorities, and students. Unjustified and protracted states of emergency continue to undermine human rights, the expert warned. “Cross-border military violence is increasingly used by states even when it is not justified under the international law of self-defence.” “Many states have also failed to address the root causes of terrorism, including state violations of human rights – while impunity for those violations is endemic,” he said. “Human rights in counter-terrorism are at increased risk because of rising authoritarianism, surging domestic polarisation and extremism, geopolitical competition, dysfunction in the Security Council and new tools, including social media, for fuelling dehumanisation, vilification, incitement and misinformation,” the Special Rapporteur warned.

## INTERNATIONAL CRIMINAL COURT

### [Venezuela I situation: ICC Appeals Chamber confirms the decision authorising the resumption of the investigation](#)

On 1<sup>st</sup> of March 2024, the Appeals Chamber of the International Criminal Court delivered its judgment in the appeal of the Bolivarian Republic of Venezuela against Pre-Trial Chamber I’s [decision](#) of 27 June 2023. The Appeals Chamber, by unanimity, rejected the appeal and confirmed the “*Decision authorising the resumption of the investigation*”.

Judge Perrin de Brichambaut read a summary of the Judgment in an open court hearing. He indicated that the Appeals Chamber rejected all six grounds of appeal submitted by Venezuela. In examining the grounds of appeal, the Appeals Chamber, among other conclusions, recalled its recent ruling, in [the Philippines Judgment](#), that “*the burden of providing information relevant to the pre-trial chamber’s determination under article 18(2) of the Statute remains on the State seeking deferral*”.

### [Situation in Ukraine: ICC judges issue arrest warrants against Sergei Ivanovich Kobylash and Viktor Nikolayevich Sokolov](#)

On 5 March 2024, Pre-Trial Chamber II of the International Criminal Court, composed of Judge Rosario Salvatore Aitala, Presiding, Judge Tomoko Akane and Judge Sergio Gerardo Ugalde Godinez issued warrants of arrest for two individuals, Mr Sergei Ivanovich Kobylash and Mr Viktor Nikolayevich Sokolov, in the context of the situation in Ukraine for alleged crimes committed from at least 10 October 2022 until at least 9 March 2023. The two warrants of arrest were issued following applications filed by the Prosecution. Pre-Trial Chamber II considered that there are reasonable grounds to believe that the two suspects bear responsibility for missile strikes carried out by the forces



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under their command against the Ukrainian electric infrastructure from at least 10 October 2022 until at least 9 March 2023. During this time-frame, there was an alleged campaign of strikes against numerous electric power plants and sub-stations, which were carried out by the Russian armed forces in multiple locations in Ukraine.

### [New ICC Presidency elected for 2024-2027](#)

On 11 March 2024, the judges of the International Criminal Court (ICC), in a plenary session, elected [Judge Tomoko Akane](#) as President of the Court. [Judge Rosario Salvatore Aitala](#) was elected First Vice-President and [Judge Reine Alapini-Gansou](#) Second Vice-President. The members of the Presidency are elected for a three-year term with immediate effect.

The Presidency – consisting of the President and the two Vice-Presidents – plays a key role in providing strategic leadership to the ICC as a whole. The Presidency coordinates with the other organs and seeks the concurrence of the Prosecutor on matters of mutual concern. In accordance with the Rome Statute, the ICC's governing treaty, the Presidency is responsible for the proper administration of the Court, with the exception of the Office of the Prosecutor.

## INTERNATIONAL CRIMES

### [Roger Lumbala Tshitenga will be tried in France for his alleged complicity in crimes against humanity](#)

The Paris Court of Appeal upheld the charge of warlord Roger Lumbala Tshitenga for complicity in crimes against humanity. He is accused of committing crimes including murder, torture, rape, looting and enslavement, including sexual slavery, in the Democratic Republic of Congo (DRC) between 2002 and 2003. This decision is a further step towards justice for survivors of mass atrocities in the DRC.

### [The alleged supporter of ISIS Ronneby is accused of serious war crimes in Syria](#)

A man in his 50s is now being charged with serious war crimes. The man must have belonged to ISIS in northern Syria when the crimes were committed in 2015.

He is also accused of war crime for seriously desecrated in public a deceased person protected by the laws of war. The accusation concerns very serious crimes committed during the war in Syria. The investigation was conducted by the police and prosecutors in both Sweden and Belgium, in close cooperation with Germany and also with the help of Turkey. But, he will be tried in Sweden.

The man denies any charge.



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## [Former Syrian Vice-President Rifaat al-Assad to be tried in Switzerland on charges of war crimes and crimes against humanity](#)

Former Syrian Vice-President Rifaat al-Assad will stand trial in Switzerland for war crimes and crimes against humanity. The Office of the Attorney General (OAG) has just charged him with ordering homicides, acts of torture, cruel treatments and illegal detentions perpetrated in the course of the February 1982 massacre in the city of Hama, Syria. With today's indictment, the victims can finally look forward to justice being done. Rifaat al-Assad, the uncle of current Syrian President Bashar al-Assad, will be one of the highest-ranking government officials ever to be tried for international crimes based on the principle of universal jurisdiction

## [French court sentenced to 30 years a shorter sentence for the liberian rebel](#)

On 27 March a French court sentenced former Liberian rebel commander Kunti Kamara to 30 years in prison for violence against civilians and complicity in crimes against humanity during Liberia's first civil war. Kamara, now 49, was sentenced to life imprisonment during a first trial in Paris in 2022. The Paris Criminal Court, after a three-week appeal process, confirmed the guilty verdict against Kamara for "acts of torture and inhuman barbarity" against civilians between 1993 and 1994, including a teacher whose heart would eat.

## **COUNCIL OF EUROPE**

### [GRECO: Czechia must improve the effectiveness of its system to promote integrity and prevent corruption in government and the police](#)

The Council of Europe's Group of States against Corruption (GRECO), in a new report, calls for resolute measures to prevent corruption in the Czech Republic against high-level executives. In its evaluation report, GRECO notes that the Czech Republic has a solid legal framework for combating corruption against high-level executives, but that there is too little attention paid to guidance and training, as well as supervision and enforcement of anti-corruption rules.

### [Republic of Moldova: GRECO calls for improvements in preventing corruption in the central government and the police](#)



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GRECO's Fifth Round Evaluation Report on the Republic of Moldova assesses the effectiveness of measures taken to prevent and combat corruption in high-level executive functions. The Council of Europe's Group of States against Corruption (GRECO) recognises the progress made by the Republic of Moldova in establishing an institutional and legal integrity framework to promote integrity and prevent corruption in the high-level executive functions of the central government and its law enforcement agencies. A new law on access to information of public interest came into force in January 2024, and a law on the protection of whistleblowers in October 2023.

## **EUROPEAN COURT OF HUMAN RIGHTS**

[\*K.J. and Others v. Russia\*](#) (applications nos. 27584/20 and 39768/20)

The case concerns the detention and removal to Democratic Republic of North Korea of three North Korean citizens by the Russian authorities. In the Chamber judgement, the European Court of Human Rights found a violation of Articles 2 (right to life), 3 (prohibition of torture), 4 (right to have lawfulness of detention decided speedily by a court) and 5 § 1 (right to liberty and security) of the Convention by the Russian Federation.

K. J. and C. C. were captured in Russian territorial waters and convicted to two years' imprisonment for illegal fishing.

S. K., after studying for a year at the Far Eastern Federal University in Vladivostok, decided to apply for asylum, contacting the UNHCR office for aid: since then, he has been contacted and harassed by North Korean officials. He was then taken by Russian Federal Security Service agents and handed over to North Korea consular staff: the same day, the European Court had indicated an interim measure to the Russian Government, not allowing the applicant to be expelled. The Court found that by handing the applicant to North Korea's authorities, the Russian authorities have put him at real risk of torture and death: this situation was confirmed by report by independent international organizations.

[\*Almeida Arroja v. Portugal\*](#) (application no. 47238/19)

In the Chamber decision, the Court held unanimously there had been a violation of Article 10 (freedom of speech) of the European Convention of Human Rights.

The case concerned Mr. Almeida Arroja's criminal conviction for aggravated defamation, as he had implied, during a television broadcast, that a legal opinion provided to a public hospital by a law firm,



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whose director was a well-known politician and member of the European Parliament, had been motivated by political interests. The Court found that the statement had been part of a broad critique on links between politics and public administration and, as such, had not been statement of facts. Both the conviction and the penalties imposed had a “chilling effect” on freedom of expression, being manifestly disproportionate.

[\*V. I. v. the Republic of Moldova\*](#) (application no. 38963/18)

The case concerned the placement of an orphan, who was perceived to have mild intellectual disability, in a psychiatric hospital against his will. Under the care of the State at the time, he was being treated with neuroleptics and anti-psychotics. In the chamber judgement, the Court found a violation of Articles 3 (prohibition of inhuman or degrading treatment), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the Convention.

Under Article 3, the Court noted that the authorities had failed to investigate the circumstances in which the applicant was placed in the psychiatric facility and whether the legal safeguards relating to involuntary placement and treatment had been respected. Moreover, the treatment with neuroleptics and anti-psychotics had been considered lawful in the absence of any intent to harm, humiliate or debase the applicant. However, there had been no attempt to clarify the impact of the treatment on him. The facts that led to violation of Article 14 were found under the complaint that Moldovan authorities had failed an effective investigation due to stereotypes and discriminatory ideas towards people with psychological disabilities.

## EUROPEAN COUNCIL

[Environmental crime: Council clears new EU law with tougher sanctions and extended list of offences](#)

On 26 March 2024 the Council formally adopted a directive on the protection of the environment through criminal law. The law will improve the investigation and prosecution of environmental crime offences. The directive establishes EU-wide minimum rules on the definition of criminal offences and penalties. It replaces the previous law which dates back to 2008.

The law will only apply to offences committed within the EU. However, Member States are able to choose to extend their jurisdiction to offences that have been committed outside their territory.



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The number of conducts that will constitute a criminal offence will increase from 9 to 20. New offences include timber trafficking, the illegal recycling of polluting components of ships and serious breaches of legislation on chemicals. Intentional offences which cause the death of a person will be punishable with a maximum prison sentence of at least ten years (member states may decide to provide for even tougher penalties in their national legislation). Other offences will result in imprisonment of up to five years. The maximum prison sentence for qualified offences will be at least eight years.

## **EUROPEAN PARLIAMENT**

### [First green light to new bill on firms' impact on human rights and environment](#)

MEPs on the Legal Affairs Committee adopted with 20 votes for, 4 against and no abstentions new, so-called “due diligence” rules, obliging firms to alleviate the adverse impact their activities have on human rights and the environment, including slavery, child labour, labour exploitation, biodiversity loss, pollution and destruction of natural heritage. The requirement to prevent, end or mitigate their negative effects also concerns companies' upstream partners working in design, manufacture, transport and supply, and downstream partners, including those dealing with distribution, transport and storage. The rules will apply to EU and non-EU companies and parent companies with over 1000 employees and with a turnover of more than 450 million euro and to franchises with a turnover of more than 80 million euro if at least 22.5 million was generated by royalties. Companies will also have to integrate due diligence into their policies and risk management systems, and adopt and put into effect a transition plan making their business model compatible with the global warming limit of 1.5°C under the Paris Agreement. The transition plan should include the company's time-bound climate change targets, key actions on how to reach them and an explanation, including figures, of what investments are necessary to implement the plan.

### [Human rights breaches in Afghanistan and Venezuela](#)

The repressive environment in Afghanistan, including public executions and violence against women MEPs are gravely concerned by the humanitarian and human rights crisis in Afghanistan. The Taliban have, they say, dismantled the judicial system, ordered judges to fully implement Sharia law and have virtually eliminated women and girls from public life. This amounts to gender persecution and gender



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apartheid, according to MEPs, who call on the Taliban to immediately restore the full and equal participation of women and girls in public life, particularly access to education and work.

Parliament urges the de-facto Afghan authorities to abolish capital punishment and to immediately halt public executions and the barbarous persecution and discriminatory policies in particular against women, LGBTIQ+, ethnic and religious minorities.

MEPs insist that any EU engagement with the Taliban can be maintained only under strict conditions set by the Council and in accordance with the UN Special Rapporteur's recommendations.

Parliament supports Afghan civil society's call to hold the de-facto authorities accountable for their crimes, particularly via the International Criminal Court investigation by establishing an UN Independent Investigative Mechanism, and by expanding EU restrictive measures.

## EUROPEAN PUBLIC PROSECUTOR'S OFFICE

### [Annual Report 2023: EPPO warns that serious organised crime continues to feast on EU revenue](#)

The latest Annual Report of the European Public Prosecutor's Office (EPPO) shows that at the end of 2023, it had a total of 1 927 active investigations, with an overall estimated damage to the EU budget of €19.2 billion – 59% of which (€11.5 billion, corresponding to 339 investigations) was linked to serious, cross-border VAT fraud. This type of fraud often involves sophisticated criminal organisations, and is nearly impossible to uncover from a purely national perspective. New sources of EU funding are also being targeted by fraudsters. By the end of 2023, the EPPO had 206 active investigations relating to the first NextGenerationEU funding projects, with an estimated damage of over €1.8 billion. This represents approximately 15% of all cases of expenditure fraud involving EU funds handled by the EPPO during the reporting period, but in terms of estimated damage, it corresponds to almost 25%. This number can only increase, in the context of the accelerated implementation of NextGenerationEU funding. In 2023, the EPPO also began to identify organised crime groups involved in this type of fraudulent activity. In 2023, the EPPO received and processed 4,187 crime reports, which is 26% more than in 2022. This increase has been driven mainly by reports from private parties (2,494 – 29% more than in 2022), as well as from national authorities (1,562 – 24% more than in 2022). This evolution proves that the level of detection of fraud affecting the financial interests of the EU in the participating Member States has further improved. Last year, was opened 1,371 investigations, which is 58% more than in 2022 – corresponding to damage estimated at €12.28 billion. This is mostly the result of the combination of improved cooperation between the



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EPPO and the relevant national authorities, and the EPPO's determination to target criminal organisations particularly active in subsidy fraud (non-procurement expenditure fraud) and revenue fraud (VAT and customs). In 2023, with 139 indictments filed (over 50% more than in 2022), the EPPO started to bring more perpetrators of EU fraud to judgment in front of national courts. In line with its objective to focus on damage recovery, judges granted European Delegated Prosecutors freezing orders worth €1.5 billion, which is over four times more than in 2022.

### [Investigation Huracán: Five indicted for €53 million VAT fraud](#)

The European Public Prosecutor's Office (EPPO) in Cologne (Germany) has brought charges against five members of an organised crime group, suspected of a large-scale VAT fraud scheme concerning the international trade of more than 10 000 cars. This is the first indictment in the investigation, code-named 'Huracán', transmitted to the Regional Court in Düsseldorf. The five were arrested on 14 June 2023 during an intervention involving more than 450 searches in seven countries (Belgium, Germany, Hungary, Italy, the Netherlands, Portugal and Spain). Two of the five suspects currently remain in detention. Four of the five suspects have already admitted to most of the offences. It is estimated that more than 10,000 cars were sold using their fraudulent scheme and in total, more than 60 people are suspected of participating in the organised group or supporting the main suspects, who have now been indicted. Between 2017 and June 2023, they managed to generate a total fraudulent turnover of more than €190 million and created VAT losses of €53.7 million. Around 90 of the 130 cars that were confiscated in June 2023 have already been sold, with a view to recovering the financial damage. Other seized goods include real estate and €2 million in cash. If convicted, they each risk sentences of several years of imprisonment.

### [Lithuania: EPPO investigates former MEP assistant on suspicion of fraud involving more than half a million euros](#)

The European Public Prosecutor's Office (EPPO) in Vilnius (Lithuania) in cooperation with the Financial Crime Investigation Service (Finansinių nusikaltimų tyrimo tarnyba - FNTT) is conducting a pre-trial investigation into a suspected fraud involving a former assistant of a Lithuanian Member of the European Parliament. The investigation, that started after a report from the European Anti-Fraud Office (OLAF), is looking into the suspected non-performance or imitation of the actual functions of a parliamentary assistant, with the aim of fraudulently obtaining remuneration from 2014-2019 and unemployment benefits from 2019-2020. The potential damage to the financial



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interests of the European Union exceeds half a million euros. In the past few days, from 26 until 28 March 2024, the EPPO in Vilnius and the FNTT have been conducting active evidence-collecting activities, after having received additional information from EU institutions in early 2024. Intensive searches were carried out at the residences of individuals and at the former workplace of the suspect (the headquarters of the Labour Party of the Republic of Lithuania), together with a series of forensic actions. The suspect was questioned and witnesses were heard. At this stage of the pre-trial investigation, suspicions have been raised against one individual for suspected large-scale fraud and document forgery. Yesterday, at the request of the EPPO, the Vilnius City District Court imposed to the suspect the coercive measure of wearing an electronic bracelet for two months.

### [Investigation 'Fuel family': EPPO busts criminal gang for €300 million VAT fraud](#)

A coordinated sting by the European Public Prosecutor's Office (EPPO) in Naples, Bologna and Rome (Italy) today dismantled a criminal gang alleged to have imported fuel to the Italian market while systematically evading VAT. The investigation, code-named 'Fuel family', has led to judicial measures against eight individuals, including the suspected ringleaders. A freezing order of approximately €300 million was also executed against 59 suspects and 13 companies, who are understood to be part of the fraudulent activity. At the heart of the criminal scheme, according to the investigation, is a criminal association formed of at least ten suspects, some of whom are linked by family ties, operating a massive VAT fraud in the fuel trading sector, with branches in Italy and abroad. Five of these suspects were placed under house arrest and three will have to report regularly to the police. They are suspected of the crimes of VAT fraud, criminal association and money laundering. According to the investigation, the fuel was imported from suppliers located in Croatia and Slovenia, as well as other countries, using a chain of more than 40 missing traders in Italy, which would vanish without fulfilling their tax obligations. At the top of the fraudulent commercial chain is a company located in Rovigo and a warehouse in Magenta. According to the investigation, the majority of the fuel was actually delivered to that warehouse and the rest to distributors. Based on the evidence, the fraudulent activities generated invoices for simulated transactions amounting to over €1 billion, causing an estimated damage of around €260 million in unpaid VAT. The criminal group is also suspected of laundering over €35 million of the illicit proceeds, using bank accounts of companies located in Hungary and Romania. This money would ultimately be handed over in cash to the perpetrators of the fraud, following systematic bank withdrawals. The VAT evasion also allowed



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the group to resell the fuel at extremely advantageous prices, distorting the principles of fair competition on the market.

## EUROJUST

### [Eight arrested in international operation against human trafficking supported by Eurojust](#)

With the support of Eurojust and Europol, authorities in Belgium and Hungary have taken action against an organised crime group involved in the trafficking of women for sexual exploitation. During a joint action, eight suspects were arrested in both countries. Several victims have been identified and brought to safety. Eurojust assisted the authorities in setting up and funding a joint investigation team (JIT) into the case. During an international operation, eight suspects were arrested: six in Belgium and two in Hungary. The police seized 15 luxury vehicles, around EUR 34,000 in cash and EUR 9,500 in gold and silver during the searches in Belgium. In Hungary, a luxury vehicle, EUR 6,000 in cash and four wristwatches were seized. The case was opened by Eurojust at the request of the Belgian authorities. A JIT was set up between the Belgian and Hungarian authorities with the support of Eurojust in May 2023. One coordination meeting was hosted by the Agency to facilitate judicial cooperation.

### [Eurojust and eu-LISA discuss closer cooperation to support digitalisation of justice across Europe](#)

Eurojust and eu-LISA will strengthen their coordination as EU Agencies to support the digitalisation of judicial cooperation across the European Union. During a visit to The Hague by eu-LISA Executive Director Ms Agnès Diallo, the discussions focused on the advantages of closer cooperation in support of the Digital Criminal Justice initiative. This cooperation could, for example, focus on ensuring the interoperability of EU-wide digital systems with those of national authorities, the implementation of the Joint Investigation Teams Collaboration Platform and the European Criminal Records Information System – Third Country Nationals (ECRIS-TCN), as well as the possible use of artificial intelligence (AI) in the field of judicial cooperation.

### [First Liaison Prosecutor for Iceland starts at Eurojust](#)



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Ms Kolbrún Benediktsdóttir on 12 March 2024 has started as the first Liaison Prosecutor for Iceland at Eurojust. The seconding of a Liaison Prosecutor is the direct result of a Cooperation Agreement signed by the Icelandic authorities and Eurojust in 2005. With the arrival of Ms Benediktsdóttir, twelve countries now have Liaison Prosecutors at Eurojust. Liaison Prosecutors of third countries can open requests for cross-border judicial cooperation with authorities of EU Member States and vice versa.

## EUROPEAN ANTI-FRAUD OFFICE

### [Ukraine formalises participation in the Union Anti-Fraud Programme](#)

The European Anti-Fraud Office (OLAF) welcomes the signature of the Association Agreement on the participation of Ukraine in the Union Anti-fraud Programme (2021-2027). The Association Agreement was signed by the Commissioner for Budget and Administration Johannes Hahn and Serhii Marchenko, Minister of Finance of Ukraine in Brussels on 20 March 2024. Ukraine is the first non-EU Member State that has formalised its participation in the Union Anti-Fraud Programme (UAFP). The programme, that is managed by OLAF, on behalf of the European Commission, provides financial support to the Member States and associated countries to implement anti-fraud measures in order to protect the Union's budget. Ukraine is the first candidate country to join the programme which can contribute to its ongoing efforts to upgrade its national anti-fraud operational capacity. The Ukraine can benefit mainly from the first component of the programme, which provides the Member States and associated countries with targeted assistance in achieving their obligations to protect the EU's financial interests. This component finances the purchase of specialised anti-fraud equipment and tools, specific trainings as well as targeted conferences and studies.

## EUROPEAN JUDICIAL NETWORK (EJN)

### [FRA publishes "European Arrest Warrant: Respecting rights across borders" report](#)

The EU Fundamental Rights Agency (FRA) publishes its report "European Arrest Warrant: Respecting rights across borders". The report presents the findings of the most recent project carried out by FRA on selected fundamental rights of persons subject to European Arrest Warrant (EAW) proceedings. The report deals with proportionality in the application of EAWs, fundamental rights-



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based grounds, for non-execution and the rights to access to a lawyer, to information and to translation and interpretation during EAW proceedings. The EJN Secretariat and EJN Contact Points contributed to this report and research by providing expertise and sharing best practices with regards to ensuring the respect for fundamental rights in EAW proceedings.

## INTERPOL

### [INTERPOL Financial Fraud assessment: A global threat boosted by technology](#)

The report launched by the Secretary General at the UK government's Financial Fraud Summit in London highlights how the increasing use of technology is enabling organised crime groups to better target victims around the world. The use of artificial intelligence (AI), large language models and cryptocurrencies combined with phishing and ransomware-as-a-service business models have led to more sophisticated and professional anti-fraud campaigns without the need for advanced technical skills and at relatively low cost. The most prevalent global trends are investment fraud, advance payment fraud, romantic fraud and corporate e-mail compromise. INTERPOL Secretary General Jürgen Stock stated that we are facing a financial fraud epidemic and with the development of artificial intelligence and cryptocurrencies, the situation will only get worse without urgent action. To effectively tackle this globally increasing crime and close crucial information gaps, one of the report's recommendations is the need to build multilateral public-private partnerships to trace and recover funds lost to financial fraud. Furthermore, it is important to encourage more reporting of financial crimes and to invest in capacity building and law enforcement training to develop a more effective and truly global response.

## EUROPOL

### [Europol and EMCDDA spotlight drug-related violence in latest market overview](#)

Extreme drug-related violence is straining local communities and society, and corruption facilitates drug trafficking and undermines the rule of law. These are some of the insights shared in [EU Drug Markets: Key insights for policy and practice](#), published on 7 March by Europol and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). The new report offers a high-level, strategic overview of the EU drug market, based on a solid understanding of the current drug landscape and emerging threats. The drug market in the EU also intersects with other criminal sectors, such as firearms trafficking and money laundering. Some EU Member States are currently experiencing unprecedented levels of drug market-related violence, including murder, torture, kidnapping and intimidation. Corruption is also a key threat in the EU, as criminal networks



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rely on it at all levels of the drug market to facilitate their activities and mitigate risks. Corruption has a corrosive effect on the social fabric, undermining governance, security and the rule of law. The report highlights the main areas for action at EU and Member State level to respond to the current threats from the illicit drug market. These include, among others, improving the monitoring and analysis of drug market violence, further prioritising operational activities that dismantle criminal networks, strengthening international cooperation, increasing human and financial resources dedicated to operational and strategic response, and strengthening political, public health and security responses.

### [13 victims of human trafficking safeguarded in Spain](#)

Europol supported the Spanish National Police (Policía Nacional) and the Polish Border Guard (Straż Graniczna) in an operation against a criminal organisation involved in human trafficking for sexual and labour exploitation in Spain. The investigation led to 17 arrests and the securing of 13 victims. The victims were lured via messaging apps and forced into prostitution in slave-like conditions. According to Spanish law enforcement, the victims lived in a slavery-like regime where they had to be available 24/7 and were under permanent surveillance by the criminal organisation. They could only keep half of the benefits acquired from their sexual services and could not refuse any clients. Europol supported operational activities, sent an expert to Palma during the day of action to cross-check operational information in real time, support investigators in the field and perform forensic examinations of the mobile phones used by the suspects. The investigation received funding from the European Multidisciplinary Platform against Criminal Threats (EMPACT).

### [42 arrested for smuggling migrants across the Danube](#)

A cross-border investigation carried out by the Romanian Border Police (Poliția de Frontieră), supported by Europol and involving the Bulgarian General Directorate for Combating Organised Crime (Главна Дрекция Борба с организираната престъпност) and the German Police (Bundespolizeiinspektion Waidhaus), has resulted in the dismantling of an organised crime group involved in migrant smuggling. The group, formed in early 2023, smuggled migrants to Western Europe. The suspects would pick up migrants from Bulgaria and transport them on boats across the Danube River. They were then taken in groups of 20-30 by freight to western Romania, where they were placed in clandestine accommodation for several days before crossing the Hungarian border into western Europe. Europol supported this investigation within the framework of the operational plan signed with Romania regarding the Ukrainian crisis and facilitated the exchange of information by providing operational coordination and analytical support.



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## COURT OF JUSTICE OF THE EUROPEAN UNION - CJEU

[The United Kingdom has infringed EU law on state aid as a result of a judgment of its Supreme Court](#) Infringement proceedings against the United Kingdom for possible breaches of EU law committed before the end of the transition period (31 December 2020) are possible in the four years following that date. On February 19, 2020, before the end of the transition period, the UK Supreme Court ruled in *Micula v Romania*, allowing the enforcement of an ICSID arbitral award against Romania, ordering compensation to Swedish investors. This decision contradicted the EU Commission's view that the compensation constituted incompatible state aid, which Romania was prohibited from paying pending EU legal proceedings. The Commission later sued the UK for failure to comply with EU law due to the Supreme Court's judgment. The Court of Justice declared the UK's failure to fulfill EU obligations, emphasizing its jurisdiction over such matters post-Brexit. It criticized the UK Supreme Court for erroneously excluding EU law's applicability, breaching sincere cooperation by ruling despite ongoing EU proceedings, and failing to refer questions of EU law interpretation to the Court of Justice. Additionally, the UK breached the prohibition on implementing state aid before the Commission's final decision.

Full text: <https://curia.europa.eu/juris/documents.jsf?num=C-516/22>

### Data processing: Europol and the Member State can be jointly and severally liable

The case concerns an appeal lodged by Marian Kočner to the Court of Justice of the European Union (CJUE) following the publication by the Slovak press of information obtained from her mobile phones, illegally processed by Europol. Kočner claimed compensation of EUR 100,000 for the non-material damage suffered. The Court of the European Union rejected its appeal in September 2021, arguing that it did not provide sufficient evidence of the causal link between the damage suffered and the conduct of Europol. However, Kočner appealed to CJUE.

CJUE has established that the European Union shall establish a system of joint and several liability between Europol and the Member State involved in the event of unlawful processing of data. These arrangements provide for a first stage in which the joint and several liability of Europol or the Member State can be assessed by the CJUE or the competent national court respectively. Thereafter, a second phase may involve the Management Board of Europol in order to determine final responsibility.

The CJUE annulled the decision of the General Court and ruled that, in the first stage, the natural person concerned must only prove that the unlawful processing of data took place during the



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cooperation between Europol and the Member State and that he suffered damage as a result of it, without the need to attribute the unlawful treatment to one of the two entities.

In addition, CJUE assessed the case directly, acknowledging that the unlawful processing of data violated Kočner's right to privacy and damaged his reputation. As a result, he awarded Kočner compensation of EUR 2,000 for the non-material damage suffered.

## ITALIAN CONSTITUTIONAL COURT

### [Conflict of powers between the powers of the State](#)

The Italian Constitutional Court, in its judgment No. 37/2024, decided on a case of conflict of attribution of State powers raised by the Court of Catania. The subject of the appeal is the resolution of 16 February 2022 (doc. IV-quarter, No. 4), with which the Senate of the Republic affirmed that what was published by Senator Mario Michele Giarrusso in the posts on his Facebook page on 30 October 2017 and 21 January 2018, was expressed in the exercise of parliamentary functions and, therefore, is attributable to the guarantee of incontestability pursuant to art. 68, para. 1 of the Constitution. The Constitutional Court, after highlighting the late constitution of the Senate, upheld the appeal, declaring the lack of competence of the parliamentary body and annulling its deliberation, not finding the existence of a functional link between the declarations made *extra moenia* by the senator and the performance of his duties.

### [Constitutional illegitimacy for the automatic rejection of a request for regularization from illegal migrants affected by a non-definitive decision of conviction](#)

The Italian Constitutional Court, in its judgment No. 43/2024, declared the constitutional illegitimacy of art. 103(10)(c) of Law Decree 34/2020, in so far as, in providing for "*drug-related offences*", it does not exclude the offence referred to in Art. 73, para. 5 of the Decree of the President of the Republic 309/1990. In the present case, the Piedmont Regional Administrative Court raised, with reference to Arts. 3 and 117, para. 1 of the Constitution (in relation to art. 8 ECHR), raised the doubt of constitutional legitimacy of art. 103, para. 10, let. c) of Law Decree 34/2020, as converted. Specifically, the query regarded the part where the Decree establishes the automatic rejection of the request for regularization from the foreign worker with a decision(s) of a conviction against him, even



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if not final, including those adopted following the application of the penalty on request, pursuant to art. 444 of the Code of Criminal Procedure for the offence provided for by art. 73, para. 5 of Presidential Decree 309/1990. The main issue was that the automatic rejection let the Public Administration refrain from ascertaining that the applicant represents a threat to public order or the security of the State or of one of the countries with which Italy has signed agreements for the abolition of internal border controls and the free movement of persons.



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