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ON CULTURAL ISSUES, HUMAN RIGHTS AND SECURITY

## MONTHLY WRAP JUNE 2024

### UNITED NATIONS SECURITY COUNCIL

#### [S/RES/2734\(2024\)](#)

Extending the mandates of the Ombudsperson and the Monitoring Team of the sanctions regime against Islamic State in Iraq and the Levant (ISIL), also known as Da'esh, and Al-Qaida, the Security Council updated the criteria for designating individuals, groups and entities on the regime's list to include the committing of acts of sexual and gender-based violence.

Acting under Chapter VII of the Charter of the United Nations, the 15-member organ extended the mandate of the Office of the Ombudsperson, established by resolution 1904 (2009), for a period of 36 months from its date of expiration in June 2024 and expressed its intention to review the mandate and take appropriate action regarding the further extension no later than 17 May 2027.

Further, the Ombudsperson shall continue to present to the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, observations and recommendations regarding the delisting of those individuals, groups, undertakings or entities that have requested removal from the Sanctions List. Also extended was the mandate of the current New York-based Monitoring Team and the Council directed the Team to report on relevant thematic and regional topics and developing trends and to identify, gather information on and keep the Committee informed of instances and common patterns of non-compliance with the measures imposed in this resolution.

Under listing criteria, the Council decided to recognize that planning, directing, or committing acts involving sexual and gender-based violence including rape, enslavement of persons, and cases of abduction and trafficking in persons may be eligible for designation in the ISIL (Da'esh) and Al-Qaida Sanctions List, when such acts are being used by ISIL, Al-Qaida and associated individuals, groups and entities as a tactic of terrorism. As in 2021, the resolution covers a wide range of measures, including asset freeze, travel ban and arms embargo. The travel ban calls on States to prevent the entry into or transit through their territories of these individuals, while the arms embargo prevents the direct or indirect supply, sale or transfer to listed individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and



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equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities.

#### [S/RES/2735\(2024\)](#)

After 247 days of war in Gaza, the Security Council on 10 June adopted a resolution proposing a comprehensive three-phase ceasefire deal to end the war in Gaza, urging both Israel and Hamas to implement it fully and without delay and condition.

By resolution 2735 (2024) (to be issued as document S/RES/2735(2024)), the Council noted that the implementation of this proposal would enable the following outcomes to spread over three phases, the first of which would include an immediate, full and complete ceasefire with the release of hostages; the return of the remains of some hostages who have been killed; the exchange of Palestinian prisoners; withdrawal of Israeli forces from the populated areas in Gaza; the return of Palestinian civilians to their homes; and the safe and effective distribution of humanitarian assistance at scale throughout Gaza.

Phase two would see a permanent end to hostilities in exchange for the release of all other hostages still in Gaza and a full withdrawal of Israeli forces from the area. Phase three would mark the start of a major multi-year reconstruction plan for Gaza and the return of the remains of any deceased hostages still in the Strip to their families.

Further by the text, the Council underlined that — if the negotiations take longer than six weeks for phase one — the ceasefire will continue as long as negotiations continue. The Council also rejected any attempt at demographic or territorial change in the Gaza Strip, including any actions that reduce the Strip's territory.

#### [S/RES/2736 \(2024\)](#)

Amid the alarming humanitarian situation in Sudan, on 13 June the Security Council adopted a resolution demanding that the Rapid Support Forces halt the siege of El Fasher and calling for an immediate halt to the fighting and de-escalation in and around the capital city of North Darfur State. The Council demanded that all parties to the conflict ensure civilians be protected, including by allowing those wishing to move within and out of El Fasher to safer areas to do so — and requested that the parties allow and facilitate the rapid, safe, unhindered and sustained passage of humanitarian relief for civilians in need, including by removing bureaucratic and other impediments.

The Council also asked the Secretary-General — in consultation with the Sudanese authorities and regional stakeholders — to make further recommendations for the protection of civilians in Sudan



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and encouraged the coordinated engagement of his Personal Envoy on Sudan, Ramtane Lamamra, with the African Union, the League of Arab States and other key regional actors to help advance peace in that country.

Detailing the text, she noted it calls on the Sudanese authorities to increase cooperation with UN agencies and help facilitate a significant scale-up of aid. It also shows that the Council remains committed to supporting peace efforts in the country, she said, stressing: “This brutal and unjust conflict needs to end”.

### [S/RES/2739\(2024\)](#)

Condemning continued attacks on merchant and commercial vessels from Houthi-controlled territories in Yemen, perpetuating an unstable and volatile situation in the Red Sea and surrounding waterways, on 27 June the Security Council adopted an updated resolution demanding that the Houthis immediately cease all such aggression.

Also by its provisions, the Council emphasized again the need to address the root causes, including the conflicts contributing to regional tensions and the disruption of maritime security. Further to the text, it urged caution and restraint to avoid further escalation of the situation in the Red Sea and the broader region and encouraged enhanced diplomatic efforts by all parties to that end, including continued support for dialogue and Yemen’s peace process under UN auspices.

The resolution, he recalled, extends the requirement for reporting by the Secretary-General to ensure that the Council has accurate and timely information, and reiterates the council's demand that the Houthis cease their unacceptable and increasingly sophisticated attacks. The text further reaffirms the importance of all Member States’ adherence to the arms embargo under resolution 2216 (2015). “Attacks on any vessels in the Red Sea regardless of origin or ownership are entirely unacceptable,” he stressed. “Arguing otherwise risks legitimizing clear violations of international law.”

## **INTERNATIONAL CRIMINAL COURT**

### [ICC Registrar concludes official visit to Poland and Ukraine](#)

From 3 to 7 June 2024, the Registrar of the International Criminal Court (“ICC” or “the Court”), Osvaldo Zavala Giler, paid an official visit to Poland and Ukraine, and met with national authorities, United Nations and European Union representatives, members of the diplomatic community, as well as with representatives of Ukrainian NGOs. During his visit to Poland, Registrar Zavala Giler met with the Minister of Justice of Poland, H.E. Adam Bodnar, discussing the ICC’s role as a pillar of



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international rule of law and the need to uphold the values underpinning it. In Ukraine, the ICC Registrar was joined by the Executive Director of the Trust Fund for Victims (TFV), Deborah Ruiz Verduzco. The Executive Director's mission follows the pledge by the TFV Board of Directors last November 2023 to initiate consultations on the feasibility of starting programmes in Ukraine. During a meeting with the Prosecutor General of Ukraine, discussed ICC's victim-centred approach and the TFV mandate of assistance and the opportunities in this regard with respect to Ukraine situation.

### Situation in Mali: ICC unseals arrest warrant against Iyad Ag Ghaly

On 21 June 2024, Pre-Trial Chamber I of the International Criminal Court ("ICC" or "the Court"), at the request of the Prosecutor, made public an arrest warrant against Iyad Ag Ghaly for war crimes and crimes against humanity allegedly committed in northern Mali between January 2012 and January 2013. The arrest warrant was initially issued under seal on 18 July 2017. Mr Ghaly is not detained by the ICC. Mr Ghaly, also known as "Abou Fadl", was born in the Kidal region, is of Malian nationality, of Tuareg ethnicity, and a member of the Ifoghas tribe. There are reasonable grounds to believe that he would be the undisputed leader of Ansar Eddine, which at the time had control of Timbuktu, Mali, jointly with Al Qaeda in the Islamic Maghreb ("AQIM").

Mr Ghaly is suspected of being responsible for the following crimes: war crimes and crimes against humanity.

### Situation in Ukraine: ICC judges issue arrest warrants against Sergei Kuzhugetovich Shoigu and Valery Vasilyevich Gerasimov

On 24 June 2024, Pre-Trial Chamber II of the International Criminal Court ("ICC" or "Court"), composed of Judge Rosario Salvatore Aitala, Presiding, Judge Sergio Gerardo Ugalde Godínez and Judge Haykel Ben Mahfoudh, issued warrants of arrest for two individuals, Mr Sergei Kuzhugetovich Shoigu and Mr Valery Vasilyevich Gerasimov, in the context of the situation in Ukraine for alleged international 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 Russian armed forces against the Ukrainian electric infrastructure from at least 10 October 2022 until at least 9 March 2023. During this time-frame, a large number of strikes against numerous electric power plants and sub-stations were carried out by the Russian armed forces in multiple locations in Ukraine.



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## [Situation in Mali: Mr Al Hassan convicted of war crimes and crimes against humanity committed in Timbuktu](#)

On 26 June 2024, Trial Chamber X of the International Criminal Court (ICC or “Court”), by majority, convicted Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud of some of the charges brought against him of war crimes and crimes against humanity committed between 2 April 2012 and 29 January 2013 in Timbuktu, northern Mali, controlled at that time by the armed groups Ansar Dine and Al-Qaida in Islamic Maghreb (AQIM). The Chamber noted that, after being recruited by senior leaders of AQIM, Mr Al Hassan became a senior member of the Islamic Police, where he took on a leadership role that included organizing police work. The Islamic Police played a pivotal role in the system Ansar Dine/AQIM put in place to commit the crimes. Mr Al Hassan was convicted, by majority, of directly committing the crimes himself, contributing to them with others or aiding and abetting the commission of the crimes by others, in relation to: the crimes against humanity of torture; and the war crimes of torture and outrages upon personal dignity; The Chamber found that certain crimes of sexual violence had taken place in Timbuktu during the material time. However, Mr Al Hassan was not found to bear responsibility for those crimes and was consequently acquitted of the following charges: the war crimes of rape and sexual slavery; the crimes against humanity of rape, sexual slavery and other inhumane acts in the form of forced marriage.

## **INTERNATIONAL CRIMES**

### [Former British-born Israeli government official accused of war crimes in Gaza](#)

The International Centre of Justice for Palestinians (ICJP) accused the individual of “abetting, inciting, and conspiring” with the Israeli government to commit grave crimes against Palestinian civilians in Gaza, including the use of starvation as a method of warfare. The ICJP filed extensive evidence of international crimes punishable under UK legislation. The document highlights the individual’s accessory liability for underlying crimes, which include serious breaches of the Geneva Conventions Act 1957 and the International Criminal Court Act 2001.

The allegations are supported by key principles of the Geneva Conventions and the Rome Statute of the International Criminal Court (ICC). The complaint asserts that the individual in question, in their capacity as an ex-government official, played a critical role in supporting and perpetuating a blockade that deprived Gaza of essential supplies like food, water, electricity, fuel and medical aid.

### [Chiquita financed a terrorist organization in Colombia: the banana giant condemned by a US court](#)



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A US federal court has held banana giant Chiquita Brands International responsible for funding a Colombian paramilitary group known for its abuse, a historic victory for the families of the victims. The jury of the Southern District of Florida sentenced Chiquita to compensate \$38.3 million (€35.5 million) to the families of eight people killed by the Colombian United Self-Defense Militias (AUC) by the United States on the list of terrorist organisations.

In 2007, Chiquita pleaded guilty before a federal court in the United States for paying money to the AUC for six years, claiming to have done so to avoid violence against her staff and facilities in Colombia.

### [BELGIUM: Nkunduwimye sentenced to 25 years in prison for genocide](#)

A court in Brussels on Monday sentenced a 65-year-old Belgian-Rwandan man to 25 years in prison for murder and rape committed during the 1994 Rwandan genocide.

Emmanuel Nkunduwimye has been found guilty of war crimes and genocide for a series of murders and the rape of a Tutsi woman. Nkunduwimye, arrested for the first time in Belgium in 2011, owned a garage in Kigali, the capital of Rwanda, in April 1994, when the genocide began.

The garage was part of a complex of buildings that was the scene of massacres perpetrated by Interahamwe militia. He was close to several militia leaders, including Georges Rutaganda, sentenced to life imprisonment by the International Criminal Court for Rwanda and died in 2010.

The jury of the Brussels trial considered that the accused had collaborated with the militia "with full knowledge of the facts".

### [Paris Tribunal confirms the validity of the French arrest warrant for Syrian President Bashar Assad](#)

The Paris Court of Appeal ruled on Wednesday that the international arrest warrant issued by France against Syrian President Bashar Assad for alleged complicity in war crimes during the Syrian civil war is valid and remains in force.

In May, the French anti-terrorist prosecutors asked the Paris Court of Appeal to rule on the lifting of the arrest warrant against Assad, stating that he enjoys absolute immunity as acting head of state.

"This is the first time that a national court has recognised that the personal immunity of a incumbent head of state is not absolute"

**OSCE**



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## OSCE supports exchange of practices on asset recovery and asset management among participating States

Members of the Balkan Asset Management Interagency Network (BAMIN, an informal network of 23 government asset management offices or departments, currently led by North Macedonia) and the French Agency for the Management and Recovery of Seized and Confiscated Assets met in Paris on 10 and 11 June 2024 to exchange experiences and best practices. The meeting was attended by the Head of the Anti-Corruption Centre of the Republic of Moldova, where the Agency for the Recovery and Management of Criminal Assets is based, and the Agency for the Management of Seized and Confiscated Assets of North Macedonia. The French Plate - *Forme D'Identification des Avoirs Criminels* (PIAC), the French law enforcement asset recovery office, also joined the meeting and discussed financial investigations for asset tracing, the importance of national interagency cooperation and the collection of statistics. The discussion highlighted the need to improve cooperation between investigators, prosecutors and asset managers to ensure that assets retain their value throughout the judicial process.

## OSCE holds fourth annual meeting of national cybersecurity points of contact in Vienna

From 10 to 12 June, the OSCE Transitional Threats Department gathered 86 policy and technical cybersecurity points of contact. This is the fourth annual meeting of national representatives who are part of the OSCE's Point of Contact network established in line with confidence-building measure number 8, one of the 16 cyber/ICT security confidence-building measures agreed upon by all OSCE participating States. Participants took part in an interactive discussion on how the OSCE network of contact points could be further developed. They stressed the important role of the OSCE Secretariat in maintaining the network and ensuring its proper functioning. The discussions also touched upon the broad recognition of such networks as a useful tool to support stability in cyberspace.

## **COUNCIL OF EUROPE**

### PACE sets out plans to try Russian leaders, strengthen sanctions and stop the 'erasure' of Ukrainian identity

In a series of three resolutions, adopted after a joint debate in Strasbourg, the PACE set out its proposals to try Vladimir Putin and his generals for the aggression against Ukraine, strengthen sanctions against Russia, and counter attempts to "erase" Ukrainian cultural identity. The Assembly said that a special tribunal, established by the agreement between the Council of Europe and Ukraine



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and supported by an expanded partial agreement open to non-member states and other international organisations, is now "the best viable option in terms of legal basis and political legitimacy" to try Russian political and military leaders for the crime of aggression. In addition, it again called for the confiscation and redesignation of Russian state assets with a view to their transfer to an international compensation fund for Ukraine and made proposals to eliminate 'loopholes and loopholes' in existing sanctions against Russia. Finally, the Assembly condemned Russia's systematic efforts to 'erase' Ukrainian cultural identity, such as the 'Russification' of children, the rewriting of history textbooks, the elimination of archives and the destruction of cultural heritage. These are 'war crimes and crimes against humanity', the MPs declared, stressing the need for full reparations at the appropriate time.

### [Budapest Convention reaches 75 Parties](#)

Benin, Fiji and Kiribati have acceded to the Convention on Cybercrime. With these new accessions, made in Strasbourg on 20 June in the presence of Deputy Secretary General Bjørn Berge, 75 States are now Parties, two have signed it and 18 have been invited to accede to the Convention.

### [Switzerland should improve identification of human trafficking victims and their access to justice and assistance](#)

While welcoming the progress made since the publication of its second evaluation report on Switzerland in 2019 regarding the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, in a new report, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) calls on Switzerland to take further measures against trafficking, in particular by improving the identification of victims and their access to compensation. According to the report, Switzerland is still predominantly a destination country for trafficking victims and sexual exploitation is still the main form of exploitation, although trafficking for forced crime (including forced begging) and labour exploitation are also on the rise.

### [GRETA: Finland should ensure access to compensation for human trafficking victims and effective sanctions for traffickers](#)

Since the publication of the previous GRETA evaluation report in 2019, Finland has made progress in several areas. In particular, changes have been made to the legislation on the procedure for identifying victims of trafficking and the role of national anti-trafficking coordinator has become permanent. In its new report published on 10 June, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) calls on Finland to strengthen the criminal justice



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response to trafficking in human beings and ensure that victims receive compensation and specialised assistance. The report indicates a significant increase in the number of people identified as victims of trafficking, rising from 229 in 2019 to 367 in 2022.

[GRETA: Germany should ensure effective sanctions for traffickers and access to assistance and compensation for human trafficking victims](#)

The Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) urged the German authorities to take further measures against human trafficking, in particular by offering victims specialised assistance and compensation and by imposing effective sanctions on human traffickers. In its latest report, GRETA welcomes the positive developments since the publication of its second evaluation report on Germany in 2019 regarding the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. These developments include the designation of the German Institute for Human Rights as the National Human Trafficking Reporting Mechanism and the expansion of the mandate of the Financial Control Unit for Undeclared Work (FKS) to cover human trafficking. However, GRETA again urges the German authorities to develop a comprehensive national action plan or strategy against human trafficking that addresses all forms of exploitation. The report shows that the number of identified victims of human trafficking and related crimes has increased from 589 in 2019 to 1,672 in 2022; and although it acknowledges an increase in the number of investigations, prosecutions and convictions for human trafficking and related crimes, it expresses concern about the significant number of suspended or partially suspended sentences, as well as the excessive length of court proceedings. In addition, the report emphasises the need for further efforts to prevent and combat human trafficking on several fronts and urges the German authorities to take further measures to provide victims of trafficking with greater protection.

## **EUROPEAN COURT OF HUMAN RIGHTS**

[Z v. the Czech Republic \(Application no. 37782/21\)](#)

In the case of *Z v. the Czech Republic* the Court held unanimously that there had been a violation of Articles 3 and 8 of the Convention. The applicant, a Czech national, that she had been subjected to non-consensual sexual acts by a priest from 2008 to 2009, complaining, more specifically, of the restrictive interpretation of the constituent elements of the offences of rape and sexual abuse under the Criminal Code then in force, of the fact that this legal framework was not adequate in its ensuring an effective punishment for the sexual offences allegedly perpetrated against her and of the lack of



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an effective investigation. The Court found that the approach used by the authorities' approach had been incapable of affording the applicant adequate protection. In consequence, the Court considered that the Czech State had failed to fulfil its positive obligations, which had required the effective application of a criminal-law system capable of punishing the non-consensual sexual relations alleged by the applicant. Moreover, the Court noted that the Czech authorities had considered that the suspect's actions might have constituted sexual coercion under the new Czech Criminal Code that had entered into force in 2010. The Court held that the Czech Republic was to pay the applicant a total of 26'000€ in non-pecuniary damage and in respect of costs and expenses.

### *Adrey Rylkov Foundation and Others v. Russia (application no. 37949/18 and 84 others)*

The case of Adrey Rylkov Foundation and Others v. Russia concerned the designation by the Russian Government of four applicant organisations as “undesirable” and the prosecution of individuals for engaging in activities with other “undesirable” organizations. The Court held unanimously that there had been a violation of Article 11 of the Convention in respect of the Free Russia Foundation, the Ukrainian World Congress, the Association of Schools of Political Studies, and Společnost svobody informance, z.s., and a violation of Article 10 and Article 11 in respect of all applicants who had been convicted for their involvement with “undesirable organizations”. The Court found that the legal provisions dealing with the designation of “undesirable organizations” had not met the “quality of law” requirement, as it had not been clear what otherwise legitimate actions on the part of the applicants would lead to either a designation as “undesirable” or to sanctions.

### *Spišák v. the Czech Republic (application no. 13968/22)*

In the case of Spišák v. the Czech Republic (application no. 13968/22) the Court held unanimously that there had been a violation of Article 14 taken in conjunction with Article 5 of the Convention. The case concerned the pre-trial detention of Mr Spišák for several serious crimes while a minor. He had been arrested while on probation, and, owing to the risk of reoffending, had been remanded from 23 November 2020 until 20 May 2021, when he had begun serving a prison sentence. His detention had been extended for six months at one point by the courts. He was not eligible for three-month automatic review of his detention. The Court found that the Government had failed to justify the difference in treatment of Mr Spišák from adult detainees, who had an automatic review of their detention within three months. This had amounted to discrimination based on his age. The Court held that the Czech Republic was to pay a total of 11'000€ in respect of non-pecuniary damages and of costs and expenses.



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## *Daniel Karsai v. Hungary (application no. 32312/23)*

In the case of *Daniel Karsai v. Hungary* (application no. 32312/23) the Court held that there had been no violation of Article 8 of the Convention and no violation of Article 14 in conjunction with Article 8 of the Convention. The case concerned the question of the asserted right to self-determined death of the applicant, who is a Hungarian national and has ALS. He would like to be able to decide when and how to die before his illness reaches a stage that he finds intolerable. He would need assistance, but anyone assisting him would risk prosecution, even if he died in a country which allowed physician-assisted dying. He complained of not being able to end his life with the help of others and of discrimination compared to terminally ill patients on life-sustaining treatment who are able to ask for their treatment to be withdrawn. The Court observed that there were potentially broad social implications and risks of error and abuse involved in the provision of physician-assisted dying. Despite a growing trend towards its legalisation, most of the member States of the Council of Europe continue to prohibit both medically assisted suicide and euthanasia. The State thus had wide discretion in this respect, and the Court found that the Hungarian authorities had not failed to strike a fair balance between the competing interests at stake and had not overstepped that discretion. Nevertheless, the Convention had to be interpreted and applied in the light of the present day. The need for appropriate legal measures should therefore be kept under review. The Court considered that high-quality palliative care, including access to effective pain management, was essential to ensuring a dignified end of life. According to the expert evidence heard by the Court, the available options in palliative care were generally able to provide relief to patients in the applicant's situation and allow them to die peacefully. Mr Karsai had not alleged that such care would be unavailable to him. As regards the alleged discrimination, the Court found that the refusal or withdrawal of treatment in end-of-life situations was intrinsically linked to the right to free and informed consent, rather than to a right to be helped to die and was widely recognised and endorsed by the medical profession, and also laid down in the Council of Europe's Oviedo Convention. Furthermore, refusal or withdrawal of life-support was allowed by most of the member States. The Court therefore considered that the alleged difference in treatment of the two categories was objectively and reasonably justified.

## *Suprun and Others v. Russia (application no. 58029/12)*

In the case of *Suprun and Others v. Russia* (application no. 58029/12) the Court held, unanimously, that there had been a violation of Article 10 of the Convention. The case concerned access to archival information regarding Soviet political repression. The Court found that the restrictions on access to and copying of archival material had not met a "pressing social need" (such as protecting the privacy



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rights of the individuals involved) and the Russian authorities had not provided “relevant and sufficient reasons” for their decisions. The Court held that Russia was to pay to the applicants a total of 15’000€ in respect of non-pecuniary damages.

*Ukraine v. Russia (re Crimea) (applications nos. 20958/14 and 38334/18)*

The case of *Ukraine v. Russia (re Crimea)* (applications nos. 20958/14 and 38334/18) concerned Ukraine’s allegations of a pattern (“administrative practice”) of violations of the Convention by the Russian Federation in Crimea beginning in February 2014. It also concerned allegations of a pattern of persecution of Ukrainians for their political stance and/or pro-Ukrainian activity (“Ukrainian political prisoners”) which had occurred predominantly in Crimea but also in other parts of Ukraine or in the Russian Federation since early 2014. The Ukrainian Government alleged that those human-rights violations had been part of a campaign of repression, which included in particular disappearances; ill-treatment; unlawful detention; impossibility to opt out of Russian citizenship; suppression of Ukrainian media and of the Ukrainian language in schools; pre-trial detention in overcrowded conditions; prosecution and conviction on fabricated charges without a fair trial in reprisal for any pro-Ukrainian stance; and, transfers from Crimea to prisons in Russia. The Court held, unanimously, that there had been violations of Articles 2, 3, 5, 6, 7, 8, 9, 10, 11, 14 and 18 of the Convention, and Article 1 of Protocol No. 1, Article 2 of Protocol No. 1 and Article 2 of Protocol No. 4 to the Convention. It also held, unanimously, that the Russian Federation had failed to comply with its obligations under Article 38 of the Convention. Lastly, the Court held, unanimously, under Article 46, that Russia had to take measures as soon as possible for the safe return of the relevant prisoners transferred from Crimea to penal facilities located on the territory of the Russian Federation. The Court considered that it had sufficient evidence – in particular intergovernmental and nongovernmental organisation reports, corroborated by witness testimony and other material – to conclude beyond reasonable doubt that the incidents had been sufficiently numerous and interconnected to amount to a pattern or system of violations. Moreover, the apparent lack of an effective investigation into the incidents and/or the general application of the measures to all people concerned, among other things, proved that such practices had been officially tolerated by the Russian authorities. It emphasised that such practices had taken place within the context of the full-scale application of Russian law in Crimea. That situation was in breach of international humanitarian law (IHL) which provided that there was an obligation to respect the laws already in force on occupied territory, which in this case would have been the pre-existing Ukrainian law. Confirming that IHL was to be considered in its assessment of the case, it found that Russia had extended the application of its law to Crimea in breach of the Convention. Lastly, it found that there had been a pattern of



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retaliatory prosecution and misuse of criminal law and a general crackdown on political opposition to Russian policies in Crimea, which had been developed and publicly promoted by prominent representatives of the Russian authorities. Lastly, the Court held that Russia had to take measures to ensure, as soon as possible, the safe return of the relevant prisoners transferred from Crimea to penal facilities located on the territory of the Russian Federation.

## INTERPOL

### [USD 257 million seized in global police crackdown against online scams](#)

Operation First Light 2024, which covered 61 countries, dealt a major financial blow to online fraud networks by freezing 6,745 bank accounts, seizing assets totalling \$257 million and dismantling the transnational organised crime networks involved, also led to the arrest of 3,950 suspects and identified a further 14,643 possible suspects across all continents. Upon request, INTERPOL Headquarters sent specialised officers to the field to support local police in coordinating the national phase of the global operation. Operation First Light was reinforced by the participation of four regional police bodies: AFRIPOL, ASEANAPOL, GCCPOL and Europol. Notable results of the operation include the dismantling of a sophisticated international scam network in the Namibian capital. In this operation, 88 local youths, who were forced to commit scams, were rescued. The authorities seized 163 computers and 350 mobile phones. The data contained in the portable devices seized during Operation First Light was handed over to the headquarters of the INTERPOL General Secretariat for analysis.

### [219 criminals arrested and 1,374 victims identified in action week against human trafficking](#)

Operation Global Chain (3-9 June 2024), led by Austria and coordinated by Romania, Europol, Frontex and INTERPOL, aimed to dismantle high-risk criminal networks, focusing on cases of sexual exploitation, forced crime and forced begging. The week of action was carried out under the auspices of the European Multidisciplinary Platform against Criminal Threats (EMPACT), with additional support from EU4FAST and INTERPOL's Turquesa and I-FORCE projects. The operation encouraged national authorities to conduct targeted activities in their respective countries to facilitate cross-border cooperation and raise public awareness. The approach involved police and border guards from different continents, focusing on the criminal networks behind human trafficking, with a special focus on cases involving child victims. This large-scale joint operation against human trafficking led to 219 arrests and the identification of 1,374 potential victims, including 153 children, in 39 countries.



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## EUROPOL

### [5 arrests for sexual exploitation of Ukrainian refugees in Spain](#)

Europol supported the Spanish National Police (Policía Nacional) in dismantling a criminal group involved in human trafficking for sexual exploitation. The suspects lured Ukrainian victims with the promise of providing them with refugee visas, financial support and jobs. The criminal group, active since 2020, recruited its victims online, mainly via social media platforms, presenting itself as a manager in a recruitment agency. Victims were lured with job offers for hostess and receptionist roles. The alleged traffickers then exploited the women, mainly Ukrainian but also Belarusian, in a prostitution club in El Ejido (Almería), Spain. Europol facilitated the exchange of information and provided continuous analytical support to the investigation. On the day of the action, Europol deployed an expert in the field to cross-check operational information in real time and provide experts with possible leads and technical support.

### [Human trafficking action week: 219 criminals arrested and 1 374 victims identified](#)

Between 3 and 9 June, 39 countries from all over the world participated in the EMPACT Joint Action Days against human trafficking. Similar to actions in previous years, this large-scale, jointly executed action aimed to encourage authorities to conduct targeted activities in their respective countries and collectively among themselves for one week. Aimed at dismantling high-risk criminal networks, the week of action focused on cases of sexual exploitation, forced crime and forced begging. Led by Austria and co-led by Romania, Europol, Frontex and INTERPOL, the massive operation code-named 'GLOBAL CHAIN' resulted in the arrest of 219 people and the identification of more than 1374 victims, including 153 children. In addition, 363 false documents were detected, 2,074 criminal assets such as cash or devices seized, and more than 276 new investigations were launched.

### [Major takedown of critical online infrastructure to disrupt terrorist communications and propaganda](#)

Law enforcement authorities across Europe and the United States dismantled critical online infrastructure in a large-scale operation to disrupt terrorist communications and propaganda platforms and websites. The servers supported multiple information channels linked to the Islamic State and were used to disseminate propaganda and messages worldwide inciting terrorism in at least thirty languages, including Spanish, Arabic, English, French, German, Danish, Turkish, Russian, Indonesian, and Pashtu. These servers were deactivated in Germany, the Netherlands, the United States and Iceland, with the Spanish authorities arresting nine radicalised individuals. To prepare



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these actions, Eurojust organised a dedicated coordination meeting and assisted in the execution of European investigation orders and mutual legal assistance requests. The agency also set up a coordination centre at its headquarters to support the authorities of all countries concerned in searching and removing servers. Europol's European Counter-Terrorism Centre made its full range of services and expertise available to the investigation. Since the start of the investigation, Europol has provided intelligence packages mapping the web infrastructure of targeted online resources through forensic analysis of servers. Europol's expertise in terrorist propaganda has been instrumental in informing prosecutions.

### Europol-coordinated operation tackles the threat of terrorist-operated websites

Ten countries joined forces with Europol to dismantle the online propaganda activities of religious and political terrorist organisations across the ideological spectrum through Operation HOPPER II, which targeted key assets in the online dissemination of terrorist propaganda, including those of the so-called Islamic State, al-Qaeda and its affiliates and Hay'at Tahrir al-Sham. The operation specifically targeted terrorist-run websites used to disseminate terrorist propaganda, thereby limiting the ability of terrorist organisations to recruit, radicalise and mobilise recruiters online. The TCO Regulation, which has been in force since June 2022, provides a legal framework to ensure that hosting service providers are obliged to remove terrorist content within one hour of receiving a removal order from member state authorities. The regulation applies to all hosting service providers offering services within the EU, including providers of social media, video, image and audio sharing services. Europol provides a single system that connects all EU Member States with hosting service providers. Known as PERCI, this platform is managed by the EU IRU and is used to issue and transmit takedown orders. Under HOPPER II, PERCI played a key role in centralising and coordinating the transmission of alerts to hosting service providers, thus enabling the alignment of investigative priorities. Europol reported a total of 13 websites disseminating terrorist propaganda to hosting service providers for removal. This follows the seizure of four servers in Romania, Ukraine and Iceland during the investigation and the removal of the associated websites. This operation was coordinated by the European Union Internet Referral Unit (EU IRU) within Europol's European Counter Terrorism Centre and involved law enforcement authorities from Albania, Bosnia and Herzegovina, Denmark, Germany, Iceland, Moldova, Romania, Slovakia, Ukraine and the United Kingdom. Operation HOPPER II ran in parallel with Operation ALMUASASA by the Spanish Guardia Civil, also supported by Europol, with the aim of intensifying the repression of the entire terrorist ideological spectrum.



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## Equilibrium between security and privacy: new report on encryption

On 10 June 2024, the EU Innovation Hub for Internal Security published a report on cryptography with contributions from several European agencies, including Europol, Eurojust and the EU Counter-Terrorism Coordinator. The report emphasises the importance of encryption for privacy, but also the challenges it poses in the fight against organised crime and terrorism. The aim is to strike a balance between privacy protection and public security. Five key conclusions of the report:

1. It is essential to introduce legal frameworks that guarantee legitimate access to encrypted data in judicial proceedings.
2. Further research is needed on technologies such as 5G, biometrics, DNS, blockchain and quantum computing to balance data access and privacy.
3. Collaboration with academia and private industry is essential to develop tools that support law enforcement investigations without compromising communications security.
4. Artificial intelligence solutions can both help and hinder law enforcement, requiring a collaborative approach.
5. Quantum computing poses a threat to current cryptography, necessitating a rapid transition to post-quantum cryptography.

Europol Executive Director Catherine De Bolle emphasised the importance of legal access to data to prevent and investigate serious crime and terrorism.

Operations on platforms such as EncroChat and SkyECC have revealed the criminal use of encrypted communications, leading to new legal provisions in several EU Member States. At a meeting in London, European police chiefs called for urgent measures to ensure public safety on social media platforms. Access to encrypted communications is essential for investigations and judicial proceedings. The recent EU electronic evidence package is a step forward for cross-border investigations. The EU Court of Justice has clarified the conditions for the use of intercepted data from encrypted communication channels as evidence in criminal proceedings. The report explores the impact of new technologies on criminal investigations. The EU Innovation Hub for Internal Security coordinates projects on internal security and promotes collaboration between various EU agencies. Europol's Innovation Lab develops innovative solutions to support law enforcement by monitoring technological developments and maintaining networks of experts. Europol's European Cybercrime Centre (EC3), established in 2013, strengthens the law enforcement response to cybercrime in the EU, focusing on crimes such as online fraud and child sexual exploitation. The EC3



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has contributed significantly to the fight against cybercrime, participating in numerous high-profile operations and operational support leading to hundreds of arrests.

## **EUROPEAN COUNCIL**

### [Belarus' involvement in Russia's war of aggression against Ukraine: new EU restrictive measures target trade, services, transport and anti-circumvention](#)

On 28<sup>th</sup> June 2024, the Council adopted restrictive measures targeting the Belarusian economy, in view of the regime's involvement in Russia's illegal, unprovoked and unjustified war of aggression against Ukraine. These comprehensive measures aim at mirroring several of the restrictive measures already in place against Russia, and thereby address the issue of circumvention stemming from the high degree of integration existing between the Russian and Belarusian economies.

The measures agreed will affect various sectors of the Belarusian economy: trade, services, transport, anti-circumvention, protection of EU operators.

the European Council condemned the continued military support for Russia's war of aggression provided by Belarus and stressed that Belarus must stop allowing Russian armed forces to use its territory, including for the deployment of tactical nuclear weapons.

### [Hamis and Palestinian Islamic Jihad: Council adds six individuals and three entities to the sanctions list](#)

On 28<sup>th</sup> June 2024, the Council decided to list six individuals and three entities responsible for participating in the financing of Hamas and the Palestinian Islamic Jihad (PIJ) or enabling their violent actions.

The Council is listing three companies - Zawayia Group for Development and Investment Co Ltd., Larrycom for Investment Ltd. and Al Zawayia Group for Development and Investment Sociedad limitada - owned and controlled by Sudan-based financier Abdelbasit Hamza Elhassan Mohamed Khair, who has been subject to EU restrictive measures since January 2024. All three entities have been linked to Hamas' investment portfolio, and served as front companies to facilitate Hamas financial streams. Individual listings include Jamil Yusuf Ahmad Aliyan, Ahmed Sharif Abdallah Odeh, Zuheir Shamlakh, Ismail Barhoum, Ali Morshed Shirazi, Maher Rebhi Obeid.

Those listed under the sanction's regime are subject to an asset freeze. The provision of funds or economic resources, directly or indirectly, to them is prohibited. Additionally, a travel ban to the EU applies to the natural persons listed.



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## **EUROPEAN CRIMINAL ACADEMIC NETWORK**

### Conference “Advancing Justice in the Digital Age: the Modernisation of Judicial Cooperation”

Every year in early July, the European Criminal Law Academic Network organises its Annual Summer School on the EU Area of Criminal Justice. This year’s edition focuses on judicial cooperation in criminal matters. Beyond the study of the existing EU instruments, including those on the collection of electronic evidence, we decided to devote the Evening Conference to the topic of the digitalisation of judicial cooperation.

The Evening Conference will feature the contributions of Alexander Ivantchev, Policy Officer at the European Commission (DG HOME, Unit Security in a Digital Age), Vincent Jamin, Administrative Director at Eurojust, and Prof. Vanessa Franssen from the University of Liège.

The choice of this topic follows the recent adoption of two EU legislative instruments, that notably seek to enhance the use of videoconferencing and other remote communication technologies in criminal proceedings and facilitate electronic communication in judicial cooperation.

## **EPPO**

### Statement by European Public Prosecutor Laura Kövesi on the proposal to amend the Austrian Criminal Procedure Code

The seizure, processing and analysis of electronic data is of fundamental importance for any investigation and prosecution. The European Chief Prosecutor duly noted that on 14 June 2024 the Ministry of Justice of the Republic of Austria proposed an amendment to the Criminal Procedure Code governing the seizure of data and data storage devices, following a judgment of the Austrian Constitutional Court of 14 December 2023. On the basis of a preliminary analysis of the draft law, the European Public Prosecutor is considering whether some of the proposed provisions would be contrary to the EPPO Regulation and could have a negative impact on independence, the effectiveness and speed of EPPO investigations in Austria, as well as cross-border investigations involving Austria. The main point of concern is that, under the EPPO Regulation, European delegated prosecutors must be able to undertake investigative measures themselves or to instruct the competent national authorities. If the seizure and analysis of data and data storage devices becomes the prerogative of the police, this will no longer be the case. According to the EPPO Regulation, Austria must ensure, for offences with a maximum penalty of at least four years' imprisonment, that European Delegated Prosecutors can order searches of computer systems themselves, as well as obtain the production of



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computer data stored in their original form or in another specified form, or request such investigative measures to the court. The European Public Prosecutor would like to point out once again that, since serious financial crime is transnational by nature, the work of the European delegated prosecutors in Austria is not limited to the cases that lead to court in Austria. Their work is crucial for many investigations conducted by the EPPO from other Member States. The EPPO operates as a single office in 22 Member States, which constitute the "EPPO area". The proposed amendments to the Criminal Procedure Code in Austria would therefore affect the whole EPPO area. In this context, the European Public Prosecutor welcomes the decision to allow sufficient time to analyse the draft law.

## EUROPEAN ANTI-FRAUD OFFICE (OLAF)

### [OLAF investigations uncover more than EUR 1.2 billion of fraud and irregularities](#)

In 2023, investigations by the European Anti-Fraud Office (OLAF) identified over EUR 1 billion of public money to be recovered from cases suspected of fraud and irregularities. The work of OLAF investigators has also prevented undue expenditure of an additional EUR 209 million. OLAF closed a total of 265 cases in 2023. The 2023 Annual Report is published on 18 June 2024, presenting the Office's results, examples, trends and operations last year. In addition to identifying EU funds in the wrong hands, OLAF has followed the trail of customs fraud, traffickers and counterfeiters, contributed to the implementation of European trade defence measures and EU sanctions in support of Ukraine, and continued to develop policies to prevent and combat fraud. OLAF also investigated cases of possible non-compliance with professional obligations by staff or members of the European institutions. In 2023, OLAF examined allegations of collusion, manipulation of procurement procedures, conflict of interest and inflated invoices. The trend of using digital tools to commit fraud and irregularities has been confirmed once again. Examples of OLAF investigations to protect EU taxpayers' money range from regional funding to agriculture and research in all areas of EU spending, and in all countries: OLAF has carried out investigations in all EU Member States and in third countries. Last year, OLAF also closed 44 investigations concerning irregular behaviour by staff or members of the EU institutions. These investigations ensure that everyone is responsible for their own actions and follows strict standards of professional conduct, as EU citizens rightly expect, and contribute to protecting the reputation of the EU as a whole. OLAF works closely with its partners in other EU organisations, with the national authorities of Member States and third countries, and with international organisations. Connecting the different elements is essential, because fraud and irregularities do not stop at borders or jurisdictions. OLAF's worldwide network of partners is



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growing every year: in 2023, new agreements were signed with the US and Ukrainian authorities and with the World Bank Group.

## EUROJUST

### [Dismantle critical infrastructure online to disrupt communications and terrorist propaganda](#)

Judicial and police authorities across Europe and the United States have dismantled critical online infrastructure in a large-scale operation to disrupt terrorist communication and propaganda platforms and websites. In an important action the servers were disabled in Germany, the Netherlands, the United States and Iceland, with the Spanish authorities arresting nine radicalised individuals. The servers supported multiple information channels linked to the Islamic State. They were used to spread propaganda and messages around the world that could incite terrorism in at least thirty languages. Eurojust and Europol coordinated and supported joint operations. Joint operations in June are part of ongoing efforts and ongoing vigilance to counter online terrorist propaganda and communications, including through social media. They targeted key tools and nodes to spread radical messages focused on the LAM Foundation, which created, operated or supported websites and other communication channels related to the terrorist organization of the Islamic State. Investigations and continuous monitoring of the online activities of terrorist organizations, led by the Spanish Civil Guard (*Guardia Civil*) in 2022, provided information on media communications related to the LAM Foundation. Traceability was complex, as they operated new and sophisticated technological infrastructures. The seizure of computer servers in Germany, the Netherlands, the United States and Iceland was initiated by the Spanish authorities and coordinated by Eurojust, which brought its expertise into this area. Eurojust organised a dedicated coordination meeting and assisted in the execution of European investigation orders and requests for mutual legal assistance. The Agency has also established a coordination centre at its headquarters to support the authorities of all the countries concerned in researching and eliminating servers.

## CORTE DI CASSAZIONE

### [European Investigation Order and transmission of the content of communications between crypto phones \(sent. 23755/24\)](#)

*Sezioni Unite* held that the acquisition, by the Italian prosecutors, of the content of communications between crypto phones via European Investigation Order does not require authorization by the judge,



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when the other-State authorities have already gained and decrypted the content. When the European Investigation Order aims to acquire information already in the availability of the proceeding foreign authorities, there's no need for a grant by the judge, as the situation is similar to the case of acquisition in the trial of proves already formed in other trial.

The national judge, however, has to exclude usability of the content of the communications in the trial, as source of prove, when the use of those information would result in a violation of fundamental rights.

## CORTE COSTITUZIONALE

[Sicilian Regional Law extending beach concessions is against the Bolkestein Directive \(sent. 109/2024\)](#)

*Corte Costituzionale* has declared against the Constitution (art. 117, comma 1) the Sicilian Regional Law n. 2/2023, which extended the beach concession. The Government took the matter to the Court, as the legislation did not respect the European Law: Directive n. 2006/123/CE “*Bolkestein*” require the States to tender expiring beach concessions, banning the use of automated renovation procedures. The Sicilian Law was against another National Law (*Legge n. 118/2022*) that repeals prorogations of beach concession to 30 April 2033 as well as several jurisdictional pronouncements, both National (*Ad. Plen. Consiglio di Stato n. 17 e 18 del 2022*) and European (*European Court of Justice*).



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