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Editorial

This edition of our newsletter encapsulates significant developments from international courts, regional bodies, and academic institutions that shape our understanding and practice of law on a global scale.

In the realm of Universal News, the International Court of Justice has been notably active. The advisory proceedings on the Right to Strike under ILO Convention No. 87 have garnered written comments from fifteen states and organizations, reflecting the global interest in labor rights. Additionally, interventions by the Maldives and Bolivia in the Gaza Genocide case underscore the international community's engagement with pressing human rights issues.

The Inter-American Court of Human Rights has issued new rulings holding countries like Peru, Venezuela, and Ecuador accountable for violations ranging from arbitrary detention to extrajudicial executions.

* Attributions: research and data gathering: SEA, JFMP, BJF; research supervision, writing, final edition: SEA, TFCC, HNA; Portuguese edition: FMA, HNA.

Meanwhile, the African Commission on Human and Peoples' Rights and ECOWAS have addressed critical issues such as political violence, human rights abuses, and the need for accountability in cases of sexual harassment and attempted assassinations.

The European Court of Human Rights has delivered significant judgments affecting various member states, from violations of property rights in Greece to upholding the right to freedom of expression in cases involving political speech in Armenia.

In our Academic & Professional Opportunities section, we feature numerous positions and fellowships that offer a chance to contribute meaningfully to the field of international law and human rights.

Finally, we are proud to announce the release of our first academic publication, "Sanctions vs. Human Rights? The Impact of Sanctions on Humanitarian Action and Human Rights Protection," by researcher Leonel Lisboa. This book addresses the complex relationship between sanctions and human rights, offering critical insights that are especially relevant given current global dynamics.

As always, we remain committed to fostering dialogue, education, and action in the pursuit of justice and human rights. We invite you to explore the contents of this newsletter, participate in upcoming events, and engage with the pressing issues of our time.

Thank you for your continued support and dedication to these crucial matters.

Warm regards,

Professor [Henrique Napoleão Alves](#), Chief Editor



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We particularly encourage our readers to learn more about the Facts and Norms Institute's [second Winter Course on Legal Theory, International Law and Human Rights](#). This exclusive educational opportunity for Portuguese speakers will take place in the vibrant city of Lisbon, Portugal, offering participants a chance to engage with renowned professors, explore critical legal issues, and experience the rich academic environment of the University of Lisbon. Don't miss this chance to expand your knowledge and connect with fellow scholars, professionals and academics. Details about the course can be found in the "News from the Institute" section [infra](#).

- **ICJ RECEIVES FIFTEEN WRITTEN COMMENTS IN RIGHT TO STRIKE ADVISORY PROCEEDINGS (1 October 2024)**

The ICJ has received fifteen written comments in the advisory proceedings concerning the Right to Strike under ILO Convention No. 87. These comments were submitted by various states and organizations following the Court's 16 November 2023 Order, which set a deadline of 16 September 2024 for comments on previously submitted written statements. The comments were received from (in order of receipt): International Trade Union Confederation; Japan; Mexico; International Cooperative Alliance; Tunisia; Organisation of African, Caribbean and Pacific States; South Africa; Switzerland; United States of America; International Organization of Employers; Business Africa; Australia; Bangladesh; the Netherlands; and Vanuatu. The Court will announce any decisions regarding further procedure in due course.

- **MALDIVES FILES DECLARATION OF INTERVENTION IN GAZA GENOCIDE CASE (2 October 2024)**

The Maldives has filed a declaration of intervention in the case concerning the Application of the Genocide Convention in the Gaza Strip (South Africa v. Israel). As a party to the Genocide Convention, the Maldives asserts its interest in the proper construction of the Convention's provisions, particularly those related to incitement to commit genocide and the duty to punish such incitement (Articles I, III, IV, and VI), as well as Articles II and IX. South Africa and Israel have been invited to submit written observations on the Maldives' intervention. The full text of the declaration is available on the [Court's website](#).

- **GABON/EQUATORIAL GUINEA MARITIME DELIMITATION CASE: PUBLIC HEARINGS CONCLUDE (4 October 2024)**

Public hearings in the case concerning Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea) concluded on October 4, 2024, at the ICJ. The hearings, which began on September 30, 2024, consisted of two rounds of oral arguments. The Court will now begin its deliberations and will announce the date of the public sitting for the delivery of its decision in due course. The final submissions of the parties are available on the [Court's website](#).

- **BOLIVIA FILES DECLARATION OF INTERVENTION IN GAZA GENOCIDE CASE (9 October 2024)**
 Bolivia has filed a declaration of intervention in the case concerning the Application of the Genocide Convention in the Gaza Strip (South Africa v. Israel). As a party to the Genocide Convention, Bolivia asserts its interest in the interpretation of Articles I, II, III, IV, V, VI, and IX of the Convention, providing its own construction of these provisions in its declaration. South Africa and Israel have been invited to submit written observations on Bolivia's intervention. The full text of the declaration is available on the [Court's website](#).
- **ICJ PRESIDENT ADDRESSES UN GENERAL ASSEMBLY (24 October 2024)**
 ICJ President addressed the UN General Assembly, presenting the Court's annual report for 2023-2024. During the reporting period, the Court held hearings in ten cases, delivered two judgments, one advisory opinion, and several orders on provisional measures and interventions. He emphasized the importance of continued donor support for the Court's Judicial Fellowship Programme and addressed the ongoing asbestos situation at the Peace Palace. Finally, he stressed the strain on the Court's budget due to increased workload and urged the approval of its 2025 budgetary request.
- **WORLD NEWS IN BRIEF: UKRAINE UNDER ATTACK, JUSTICE CONCERNS, FIFA PRESSURED (03 October 2024)**
 UN aid teams reported continued Russian shelling of civilian targets in Kharkiv, Ukraine, causing deaths, injuries, and widespread mental trauma. The UN's top aid coordinator in Ukraine expressed concern over the frequency of attacks. WFP signed an agreement with Zaporizhzhia city authorities to provide meals for students in underground schools.
 UN High Commissioner for Human Rights called for justice for people of African descent who have died in police custody, citing several emblematic cases and highlighting continuing racial discrimination globally.
 UN independent experts urged FIFA to demand respect for international law from Israeli football clubs, citing racist behavior and violations of Palestinian rights in occupied territories.
- **WORLD NEWS IN BRIEF: SOUTHERN AFRICA FACING FAMINE, HUMAN RIGHTS CONCERNS (15 October 2024)**
 UN humanitarians warned of a severe drought in southern Africa, impacting millions and pushing nearly six and a half million to the brink of starvation. WFP appealed for \$369 million in aid.

UN High Commissioner for Human Rights called on Tunisian authorities to uphold fundamental freedoms and protect the democratic process following a crackdown on opposition figures, activists, and journalists during the presidential campaign. OHCHR condemned the killing of 20 mineworkers in Pakistan and called for accountability. The office also voiced concern over the ban on the Pashtun Tahaffuz Movement.

- **WORLD NEWS IN BRIEF: SUDAN CRISIS DEEPENS, REFUGEE FLOW, WOMEN IN DEFENSE (17 October 2024)**

UN independent experts warned that millions of civilians in Sudan face starvation and famine due to ongoing conflict and obstruction of aid delivery by warring factions in “starvation tactics”.

UNHCR reported over 400,000 people fleeing from Lebanon into Syria due to the conflict, with many struggling to meet basic needs. UNFPA is providing dignity kits to women and girls at border crossing points.

A UN report highlighted the growing participation of women in the military but acknowledged a significant gender gap, particularly in leadership and combat roles.

UN independent rights experts warned that Palestinian olive farmers in the occupied West Bank face the “most dangerous season ever” due to escalating violence and restrictions.

- **WORLD NEWS IN BRIEF: SUDAN AID EFFORTS, JUSTICE & ACCOUNTABILITY, UN'S ROLE (24 October 2024)**

WFP reported on its efforts to address the deepening food crisis in Sudan, delivering aid to conflict-affected areas, particularly Darfur. Challenges remain due to flooding and ongoing conflict between rival militaries displacing millions.

UN human rights experts raised alarm over the impending expiration of the statute of limitations on the 2004 Tak Bai killings in Thailand, urging the government to ensure accountability for the deaths and uphold victims' rights.

UN Secretary-General António Guterres marked United Nations Day with a message emphasizing the UN's role as a central platform for solving global problems and promoting peace, prosperity, and a thriving planet.

Regional News

- **IACtHR FINDS PERU INTERNATIONALLY RESPONSIBLE IN THE CASE OF YANGALI IPARRAGUIRRE (01 October 2024)**

The Inter-American Court of Human Rights (IACtHR) found the Republic of Peru internationally responsible for violating the right to judicial guarantees and judicial protection in the case of Gino Ernesto Yangali Iparraguirre.

The Court concluded that Peru's lack of timely and adequate measures to fulfill a judicially ordered pecuniary obligation since 2018 violated Mr. Yangali's rights.

As a measure of reparation, the Court ordered the State to elaborate and present to the judicial body in charge of executing the pecuniary obligation, a schedule outlining payment dates and amounts. The official summary and the full text of the judgment can be consulted [here](#).

- **INTER-AMERICAN COURT FINDS VENEZUELA RESPONSIBLE FOR ARBITRARY DETENTION AND DUE PROCESS VIOLATIONS AGAINST RETIRED GENERAL (3 October 2024)**

IACtHR issued a landmark ruling today holding the Bolivarian Republic of Venezuela responsible for the arbitrary detention and multiple violations of due process rights of retired General Ovidio Jesús Poggioli Pérez. The case stemmed from events surrounding the social and political upheaval that gripped Venezuela between December 2001 and April 2002.

Mr. Poggioli, as a retired general, was illegally subjected to military jurisdiction. Furthermore, the Court found a violation of his right to be promptly informed of the charges against him, both during his initial 2002 detention and throughout the subsequent legal proceedings. The Court also condemned the lack of justification for his prolonged detention. Additionally, the Court concluded that the search of Mr. Poggioli's home in 2004, conducted without a warrant, violated his right to privacy.

In light of these egregious violations, the IACtHR ordered Venezuela to implement a series of reparations: Nullify the military proceedings; Public Acknowledgment of Responsibility; Publication of the Judgment; Legal Reform; and Monetary Reparations. The official summary and the full text of the judgment can be consulted [here](#).

- **INTER-AMERICAN COURT HOLDS 170TH REGULAR SESSION, ADDRESSES HUMAN RIGHTS VIOLATIONS IN SEVERAL COUNTRIES (24 October 2024)**

IACtHR in its 170th Regular Session deliberated six contentious cases concerning alleged human rights violations and an advisory opinion. The Key Cases and the advisory opinion are:

- *Dos Santos Nascimento et al. v. Brazil*: The Court considered Brazil's alleged responsibility for failing to address racial discrimination against two Afro-descendent women in a workplace context.
- *Galetovic Sapunar v. Chile*: The case focused on Chile's responsibility for failing to provide an effective legal remedy for the confiscation of a broadcasting company during the Pinochet dictatorship.
- *Capriles v. Venezuela*: This case examined Venezuela's alleged violations of political rights and freedom of expression against Henrique Capriles during the 2013 presidential elections.
- *Aguas Acosta v. Ecuador*: This case addressed the alleged torture and death of Aníbal Alonso Aguas Acosta in Ecuador in 1997 and the subsequent lack of justice.
- *Gadea Mantilla v. Nicaragua*: The case investigated alleged violations of political rights and judicial protection against Fabio Gadea Mantilla during Nicaragua's 2011 presidential elections.
- *Advisory Opinion submitted by Mexico*: Regarding the activities of private arms companies and their impact on human rights.

- **INTER-AMERICAN COURT OF HUMAN RIGHTS HOLDS TRAINING SESSION IN PANAMA (24 October 2024)**

IACtHR held a training session in Panama City on October 21st, 2024, focusing on the Court's work and its impact. The event, organized in collaboration with Panama's Procuraduría de la Administración, delved into crucial aspects of the IACtHR's jurisprudence, including the control of conventionality and economic, social, cultural, and environmental rights. This collaborative effort underscores the IACtHR's commitment to fostering a deeper understanding of human rights and its mechanisms across the region.

- **ECUADOR FOUND RESPONSIBLE FOR THE EXTRAJUDICIAL EXECUTION AND TORTURE OF GUSTAVO WASHINGTON HIDALGO (25 October 2024)**

IACtHR declared Ecuador responsible for violating the right to life, humane treatment, and judicial guarantees in the case of Gustavo Washington Hidalgo.

The Court determined that Mr. Hidalgo suffered torture and extrajudicial execution at the hands of state agents while in their

custody in December 1992, in Tosagua, and condemned the Ecuadorian government for failing to conduct a diligent and effective investigation into Mr. Hidalgo's death. IACtHR also recognized the suffering inflicted upon Mr. Hidalgo's family, who were denied justice and endured years of uncertainty. The Court ordered Ecuador to provide reparations, including financial compensation and guarantees of non-repetition.

- **ACHPR CONDEMNS ATTEMPTED ASSASSINATION OF COMOROS PRESIDENT (18 September 2024)**

The African Commission on Human and Peoples' Rights (ACHPR) strongly condemned the attempted assassination of President Azali Assoumani of the Union of the Comoros, which occurred on 13 September 2024. The ACHPR wished President Assoumani a speedy recovery and reiterated its firm stance against all forms of violence. Emphasizing the fundamental right to life and physical integrity, the ACHPR called for a thorough and impartial investigation into the attack and urged all parties to seek peaceful and legal avenues for resolving disputes.

- **ACHPR DEMANDS ACTION ON SEXUAL HARASSMENT ALLEGATIONS AT PAN-AFRICAN PARLIAMENT (20 September 2024)**

The ACHPR, through the Special Rapporteur on the Rights of Women in Africa, expresses deep concern and calls for a thorough investigation into allegations of sexual harassment against the Bilingual Secretary of the Pan-African Parliament (PAP) by the former PAP President. The Commission condemns the lack of investigation and protection for the victim despite reporting the harassment five years ago and urges the African Union to hold the perpetrator accountable, ensuring justice prevails and setting a precedent against harassment within the AU.

- **ECOWAS WORKS WITH GHANAIAN POLITICAL PARTIES TO STRENGTHEN DEMOCRATIC PROCESSES FOR 2024 ELECTIONS (20 September 2024)**

To ensure a peaceful and credible electoral process in Ghana's upcoming 2024 elections, the Economic Community of West African States (ECOWAS) is actively engaging with the country's political parties. The initiative focuses on reinforcing democratic values, electoral integrity, and campaign finance transparency. Representatives from major political parties, electoral management bodies, and civil society organizations are participating in the dialogue.

- **ECOWAS AND PARTNERS LAUNCH PROJECT TO PROTECT THE HEALTH OF YOUNG PEOPLE, PARTICULARLY GIRLS (23 September 2024)**

ECOWAS, through the West African Health Organization (WAHO), launches a project in Cabo Verde to improve the health of young people, especially girls, by increasing access to sexual and reproductive health services. The project, implemented with the Cabo Verdean Association for the Protection of the Family (VERDEFAM), will focus on providing family planning, STI prevention and treatment, and specialized medical consultations.

- **ACHPR CONDEMNS VIOLENCE IN DARFUR, CALLS FOR CIVILIAN PROTECTION (24 September 2024)**

ACHPR expresses grave concern over reports of indiscriminate violence in northern Darfur ongoing conflict. The Commission strongly condemns atrocities against civilians, urging warring parties to cease hostilities, respect International Humanitarian Law, and protect refugees. The ACHPR emphasizes the Sudanese people's right to peace and security.

- **ACHPR MOURNS DEATHS OF MIGRANTS IN SENEGAL BOAT TRAGEDY (30 September 2024)**

The ACHPR's Special Rapporteur on Migrants expresses deep sorrow over the discovery of approximately thirty bodies in a boat off the coast of Dakar, Senegal. The tragedy underscores the dangers of irregular migration. The Rapporteur urges States Parties to address the root causes of migration, including youth unemployment, armed conflicts, and climate change, while calling for the development of legal migration pathways and the protection of all migrants' human rights.

- **AfCHPR ISSUES RULING ON APPLICATION AGAINST TUNISIA IN HASNA BEN SLIMANE CASE (03 October 2024)**

The African Court on Human and Peoples' Rights (AfCHPR) has issued its ruling on the application made by Hasna Ben Slimane against the Republic of Tunisia. The Court found the request to order the Respondent State to publish the requirements for standing as a candidate in the presidential election moot and dismissed the other requests.

- **AfCHPR ISSUES RULING ON APPLICATION AGAINST TUNISIA IN MOADH KHERIJI GHANNOUCHI AND OTHERS CASE (03 October 2024)**

AfCHPR has issued its ruling on the application made by Moadh Kheriji Ghannouchi and Others against the Republic of Tunisia.

The Court dismissed the Third Applicant's request that his father should be released and dismissed the Third Applicant's request that all obstacles preventing his father from standing in elections, in particular in the 6 October 2024 presidential elections, are removed.

- **AFRICAN COURT ORDERS TUNISIA TO HALT IMPLEMENTATION OF DECREES UNDERMINING JUDICIAL INDEPENDENCE (03 October 2024)**

AfCHPR issued a unanimous ruling in the case of Hammadi Rahmani and Others against the Republic of Tunisia. The Court ordered Tunisia to stay the implementation of Decree Law No. 2022-35 and Presidential Decree No. 2022-516, which granted the President the authority to dismiss judges, thereby compromising judicial independence. The Court also demanded a report from Tunisia within 15 days detailing the measures taken to comply with the order.

- **ECOWAS RELEASES 2023 REPORT ON DRUG USE TRENDS IN WEST AFRICA (07 October 2024)**

ECOWAS officially launches the 2023 West African Epidemiology Network on Drug Use (WENDU) Report. The report highlights data and trends in drug use and illicit drug supply across the region, aiming to inform strategies to address challenges related to drug demand, trafficking, and the spread of illicit substances.

- **ACHPR REJECTS CLAIMS MADE IN NEWS ARTICLE REGARDING BIAFRA PETITION (08 October 2024)**

The ACHPR expresses concern and dismay over recent news articles and social media posts containing defamatory allegations against the Commission and its Executive Secretary. The ACHPR refutes claims of bias and interference in its handling of a petition related to Biafra, emphasizing its commitment to independence, impartiality, and confidentiality in its operations.

- **ACHPR CALLS FOR PROTECTION AND REPATRIATION OF AFRICAN MIGRANTS STRANDED IN LEBANON (28 October 2024)**

The Special Rapporteur on Refugees expresses concern for African migrants, especially domestic workers, stranded in Lebanon due to the ongoing conflict. Abandoned by employers and often lacking documentation, these migrants face dire circumstances and rely heavily on humanitarian aid. The Special Rapporteur calls upon African states to ensure the protection and dignified repatriation of their nationals and emphasizes the need for legal

frameworks that regulate labor migration and uphold migrant rights.

- **CYPRUS FAILED TO ENFORCE CUSTODY RIGHTS, VIOLATING RIGHT TO FAMILY LIFE, RULES ECHR (08 October 2024)**

The European Court of Human Rights (ECHR) (Third Section) ruled that Cyprus violated a mother's right to respect for her private and family life (Article 8 of the Convention) due to the authorities' failure to effectively enforce court orders granting her custody of her two children.

The case, *Zavridou v. Cyprus* (Application no. 17542/22), involved a mother's struggle to gain custody of her two young children following her separation from their father in 2018. Despite the Nicosia Family Court granting her custody and care in 2019, the father consistently obstructed the court orders, hindering the mother's contact with her children.

The Court found the efforts made by Cypriot authorities to be inadequate and untimely acknowledged and criticized the delay in providing psychological support for the children, who were demonstrably suffering from parental alienation. It also highlighted the authorities' continued reliance on meetings at the father's residence, despite his persistent non-compliance and hostile behavior.

The Court awarded the applicant €12,000 in non-pecuniary damages for the negative impact of the prolonged separation of the mother to her children.

- **FINLAND'S MAINTENANCE REQUIREMENT IN FAMILY REUNIFICATION CASE DID NOT VIOLATE RIGHT TO FAMILY LIFE, RULES ECHR (08 October 2024)**

The European Court of Human Rights (Second Section) has ruled that Finland did not violate an Eritrean refugee's right to respect for her family life (Article 8 of the Convention) by denying her husband's family reunification application due to her insufficient financial resources.

The case, *S.F. v. Finland* (Application no. 35276/20), involved an Eritrean woman residing in Finland with refugee status who sought to bring her husband, also a recognized refugee living in Uganda, to join her.

The Court emphasized the State's wide margin of appreciation in setting conditions for immigration, particularly regarding the economic well-being of the country, noting that S.F. hadn't taken sufficient steps toward financial independence, such as learning Finnish or seeking employment, before her youngest child entered daycare.

The Court upheld the domestic courts' findings that the couple's explanations for the delay were unconvincing and that the

applicant had received adequate information about the three-month time limit. Finally, the ECHR addressed the best interests of the children, a crucial element in family reunification cases, but noting that the children lived with their mother, maintained phone contact with their father, and were not deemed to be suffering from the separation.

Ultimately, The Court emphasized that the refusal was not irreversible and encouraged the applicant to reapply if her circumstances changed, prompting a reassessment by the Finnish authorities.

- **GREECE VIOLATES PROPERTY RIGHTS AND RIGHT TO A FAIR TRIAL BY FAILING TO LIFT BUILDING RESTRICTIONS, RULES ECHR (08 October 2024)**

The European Court of Human Rights (Third Section) has ruled that Greece violated three applicants' right to a fair trial (Article 6 § 1 of the Convention) and their right to an effective remedy (Article 13 of the Convention, in conjunction with Article 1 of Protocol No. 1) by failing to lift building restrictions on their land despite a court order to do so.

The case, *Micha and Others v. Greece* (Application no. 24869/21), involved three women who owned two plots of land in the municipality of Aghia Paraskevi. Since 2003, their land had been subject to successive expropriation orders and building restrictions due to a planned urban development project. Despite the Greek Council of State annulling a 2003 decision that classified their land as a green zone, the municipality failed to lift the restrictions, preventing the applicants from selling or developing their property.

The Court found that the applicants' right to access a court, guaranteed by Article 6 § 1, was rendered ineffective by the authorities' failure to comply with the Council of State's judgment. Furthermore, the Court found a violation of Article 13, in conjunction with Article 1 of Protocol No. 1, which guarantees the right to an effective remedy for violations of property rights. It stated that these judgments remained unenforced, leaving the applicants with no effective means to challenge the ongoing building restrictions.

The Court noted that the Greece new legislation, Law no. 4759/2020, that aimed at improving the expropriation process and addressing the issue of prolonged building restrictions, had not been applied to the applicants' case and that the situation remained unchanged.

The Court awarded each applicant €10,000 in non-pecuniary damages and €1,500 jointly for costs and expenses. It urged the Greek authorities to take steps to enforce the Council of State's judgment and to implement the new legislation effectively to prevent similar violations in the future.

- **NO VIOLATION OF RIGHT TO FAIR TRIAL IN ROMANIAN CORRUPTION CASE INVOLVING JOURNALIST STING, RULES ECHR (08 October 2024)**

The European Court of Human Rights (Fourth Section) has ruled that Romania did not violate the applicant's right to a fair trial (Article 6 §§ 1 and 3 (d) of the Convention). The application concerns the fairness of the criminal proceedings against the applicant, who is alleged to have committed acts of corruption while he was serving as a Member of the European Parliament (MEP).

The case, *Severin v. Romania* (Application no. 24868/21), involved a former MEP convicted of passive bribery and influence peddling related to a 2011 undercover investigation by two British journalists from The Sunday Times. Posing as lobbyists, the journalists offered the applicant money to support amendments to a European Union directive.

Therefore, the case was assessed based on general principles of evidence admissibility and fairness. The ECHR acknowledged that the Convention does not lay down rules on the admissibility of evidence, leaving that matter primarily to domestic law and courts. It emphasized that its role is to assess the overall fairness of the proceedings, including the manner in which evidence is obtained, used, and challenged.

The Court found that the Romanian courts had carefully considered the applicant's arguments about the legality and authenticity of the recordings. The applicant was given opportunities to challenge their content and request an expert examination, but his requests for an expert examination were rejected.

The Court concluded that the applicant had ample opportunities to challenge the evidence and that the use of recordings and video conferencing did not undermine the fairness of the proceedings. It highlighted that the recordings were not the sole basis for the conviction, as other evidence corroborated the journalists' accounts. The Court declared the application was admissible, but held that there has not been a violation of the right to a fair trial.

- **CYPRUS VIOLATED RIGHTS OF SYRIAN ASYLUM SEEKERS BY PUSHBACK AT SEA AND SUMMARY RETURN TO LEBANON, RULES ECHR (08 October 2024)**

The European Court of Human Rights (Third Section) ruled that Cyprus violated the rights of two Syrian asylum seekers, M.A. and Z.R., by summarily returning them to Lebanon without assessing their asylum claims or individual circumstances. The Court found violations of regulations involving the applicants' rights to be free from inhuman and degrading treatment, both procedural and

substantive (Article 3 of the Convention), and regulations related to the prohibition of collective expulsion (Article 4 of Protocol No. 4) and the absence of an effective remedy (Article 13 of the Convention).

The case, *M.A. and Z.R. v. Cyprus* (Application no. 39090/20), involved two Syrian cousins who fled the war in Syria and sought refuge in Lebanon in 2016. Due to deteriorating conditions and fears of refoulement to Syria, they attempted to reach Cyprus by boat in September 2020, where a relative had already sought asylum.

The ECHR determined that Cyprus failed to fulfill its procedural obligation under Article 3 to assess the risks the applicants faced if returned to Lebanon. The Court found credible evidence of shortcomings in Lebanon's asylum system, the risk of refoulement to Syria, and the difficult living conditions for Syrian refugees there. The Court also found a violation of Article 3 due to the conditions the applicants endured while being held on the boat for two days.

It also found a violation of Article 4 of Protocol No. 4 (Prohibition of collective expulsion of aliens), determining that the applicants' expulsion was collective in nature because they were not afforded a genuine and effective opportunity to present arguments against their removal. The Cypriot authorities failed to conduct individual assessments, provide written decisions, or offer access to legal advice.

The ECHR also found that Cyprus violated Article 13 by failing to provide the applicants with an effective domestic remedy to challenge their treatment and expulsion.

The Court awarded each applicant €22,000 in non-pecuniary damages and jointly awarded them €4,700 for legal expenses, held that there have been violations to the articles mentioned and that there was no need to examine the applicants' complaints under Article 5 §§ 1 and 4 of the Convention.

- **SERBIA VIOLATES RIGHT TO FAIR TRIAL DUE TO EXCESSIVE LENGTH OF DEFAMATION PROCEEDINGS, RULES ECHR (08 October 2024)**

The European Court of Human Rights (Fourth Section) ruled that Serbia violated a lawyer's right to a fair trial within a reasonable time (Article 6 § 1 of the Convention) in defamation proceedings she brought against a journalist. However, the Court found no violation of her right to respect for private life (Article 8).

The case, *Kajganić v. Serbia* (Application no. 61402/15), arose from an article published in 2004 in the Serbian weekly magazine *Vreme*. The article alleged that the applicant, a lawyer representing a defendant in the high-profile criminal trial concerning the assassination of the Serbian Prime Minister, had

used her political connections to secure her client favorable treatment in exchange for false testimony.

The applicant initiated civil proceedings against the journalist, seeking compensation for damage to her honor and reputation. While the first-instance court ruled partly in her favor, the Court of Appeal overturned this judgment, finding that the article addressed a matter of public interest and that the journalist had acted diligently in verifying the information.

The ECHR dismissed the applicant's complaint that the State had failed to protect her reputation under Article 8. It found that the domestic courts had adequately balanced her right to respect for private life with the journalist's right to freedom of expression (Article 10). The Court acknowledged the public interest in the subject matter of the article, which related to allegations of misconduct in a significant criminal case, also taking into account that she was not a purely private individual and had to accept a higher degree of scrutiny

Furthermore, the Court recognized the importance of protecting journalistic sources and accepted the domestic courts' findings that the journalist had taken reasonable steps to verify the information, despite relying on a confidential source. The Court also considered that the applicant had the opportunity to publicly deny the allegations in the same magazine. However, the ECHR found a violation of Article 6 § 1 due to the excessive length of the civil proceedings, which lasted over seven years and seven months.

The Court declared the complaints concerning the applicant's right to respect for her private life and the length of the proceedings admissible, and the remainder of the application inadmissible. However, it found no violation of Article 8 of the Convention, and due to the excessive length of the domestic proceedings, the Court awarded the applicant €2,100 in non-pecuniary damages for the violation of Article 6 § 1, but rejected her claims for pecuniary damages and costs.

- **NO VIOLATION OF NON-BIS IN IDEM PRINCIPLE IN PORTUGAL FINANCIAL MISCONDUCT CASE, RULES ECHR (08 October 2024)**

The European Court of Human Rights (Fourth Section) has ruled that Portugal did not violate a former bank executive's right not to be tried or punished twice for the same offense (Article 4 of Protocol No. 7 of the Convention) in a case involving parallel criminal and administrative proceedings for financial misconduct. Pinhal was prosecuted in separate proceedings: criminal, and administrative proceedings before the Portuguese Securities Market Commission (CMVM) and the Bank of Portugal (BdP), all related to financial irregularities.

The case, *Jesus Pinhal v. Portugal* (Applications nos. 48047/15 and 2276/20), concerned a former Vice-Chairman of the Board of

Directors of Banco Comercial Português (BCP), a private bank in Portugal. The applicant faced three sets of proceedings: a criminal trial for market manipulation and forgery, administrative proceedings before the Portuguese Securities Market Commission (CMVM) for providing false information to the market, and administrative proceedings before the Bank of Portugal (BdP) for providing false information to the BdP and accounting fraud. The applicant argued that the three proceedings violated the *non bis in idem* principle, as they were based on the same facts: his involvement in setting up and financing offshore companies used by BCP to manipulate its share price and conceal financial losses. He alleged that the parallel proceedings resulted in excessive and disproportionate penalties.

The Court rejected the applicant's argument, concluding that the three proceedings did not amount to prohibited duplication of prosecutions. It emphasized that Article 4 of Protocol No. 7 does not prevent legal systems from adopting an integrated approach to addressing wrongdoing, which can include conducting parallel proceedings by different authorities with distinct objectives. The Court determined that the three proceedings pursued complementary aims and focused on different aspects of the applicant's misconduct. It also noted that the authorities had effectively coordinated their efforts, sharing information and avoiding unnecessary repetition in evidence gathering.

Furthermore, the Court observed that the authorities had taken into account the penalties imposed in the earlier proceedings when determining the sanctions in the subsequent ones. The Court also rejected the applicant's complaint under Article 6 § 1 regarding the domestic courts' refusal to refer a question on the *non bis in idem* principle to the Court of Justice of the European Union (CJEU).

- **TURKEY VIOLATED ARTICLE 3 BY POLICE USE OF FORCE AND LACK OF EFFECTIVE INVESTIGATION, RULES ECHR (08 October 2024)**

The European Court of Human Rights (Second Section) has ruled that Turkey violated an applicant's right to be free from inhuman or degrading treatment (Article 3 of the Convention) both substantively and procedurally due to injuries he sustained during a police intervention and the subsequent inadequate investigation.

The case, *İşik v. Turkey* (Application no. 72539/15), involved a man who was injured when police used force to break up a fight between two groups in Van in 2014. The applicant, who maintained he was a bystander, was hit by projectiles fired from an FN 303 defense rifle, resulting in a head laceration and bruising.

The Court found that the use of force against the applicant was neither strictly necessary nor indispensable. While acknowledging the challenges faced by law enforcement in such situations, the ECHR stressed the need for robust safeguards and adherence to international principles regarding the use of force, which were not evident in this case. The Court also found the subsequent investigation into the incident to be ineffective.

It criticized the authorities' failure to promptly investigate the applicant's injuries, their inadequate efforts to secure CCTV footage, and their superficial examination of the necessity and proportionality of the force used. The ECHR concluded that the investigation did not meet the requirements of thoroughness and independence required by Article 3. Consequently, the Court awarded the applicant €12,500 in non-pecuniary damages and €1,000 for costs and expenses.

- **MOLDOVA VIOLATED PRESUMPTION OF INNOCENCE BY CONFISCATING MONEY DESPITE TIME-BARRED PROCEEDINGS, RULES ECHR, IN SPLIT DECISION (08 October 2024)**

The European Court of Human Rights (Second Section), in a split decision of four votes to three, ruled that Moldova have not violated an individual's right to be presumed innocent (Article 6 § 2 of the Convention) by confiscating a sum of money from him, despite the criminal proceedings being discontinued as time-barred.

The case, *Cosovan v. the Republic of Moldova (no. 2)* (Application no. 1772/13), involved a man who was investigated for operating an illegal car park in Chişinău between April and November 2006. In 2011, the applicant requested the discontinuance of the investigation due to the expiry of the limitation period. The prosecutor granted the request but simultaneously ordered the special confiscation of MDL 116,428, equivalent to the income generated from the alleged illegal car park. The applicant argued that the confiscation order, imposed without a court finding of guilt, violated his presumption of innocence.

The ECHR, in a 4-3 decision, found no violation of Article 6 § 2. The majority of the Court determined that the “special confiscation” was not formally classified as a penalty under Moldovan law, as it was a precautionary measure targeting property, not personal guilt. The Court acknowledged that domestic law allowed “special confiscation” in the absence of a conviction, particularly to combat money laundering and recover proceeds of crime.

In a dissenting opinion, Judges Yüksel, Krenc, and Derenčinović argued that the statements in the prosecutor's and investigating judge's decisions directly imputed criminal liability to the applicant, regardless of whether such a finding was necessary to order the confiscation. The dissenting judges emphasized that the

domestic authorities blurred the line between a "confirmation of suspicion" and a finding of guilt, thereby violating the applicant's right to be presumed innocent. They contended that the confiscation order, based on an assessment of the applicant's criminal guilt rather than simply the unlawful origin of the funds, effectively imposed a penalty without a fair trial.

- **ARMENIA VIOLATED FACTORY WORKER'S FREEDOM OF EXPRESSION BY UPHOLDING DISMISSAL FOR MEDIA INTERVIEW, RULES ECHR (08 October 2024)**

The European Court of Human Rights (Fourth Section) ruled that Armenia violated a former factory worker's right to freedom of expression (Article 10 of the European Convention on Human Rights) by upholding his dismissal for giving an interview to a newspaper about safety and workplace concerns.

The case, *Aghajanyan v. Armenia* (Application no. 40214/12), involved a senior researcher who worked at the Nairit chemical factory. Concerned about the factory's handling of hazardous chemical waste, the applicant had repeatedly reported the issue to management, proposing solutions that were initially ignored. Frustrated by the lack of action and what he perceived as a toxic work environment, he gave an interview to a local newspaper in 2010, discussing his concerns and criticizing the factory's management.

Following the publication of the article, the applicant was dismissed without notice. The factory justified the dismissal on grounds of loss of trust and gross violation of labor discipline, citing the applicant's disclosure of alleged commercial secrets and breach of confidentiality regarding employee salaries. The domestic courts upheld the dismissal.

The ECHR criticized the domestic courts' handling of the case, highlighting several deficiencies, as the domestic judgments lacked adequate reasoning, failing to address the applicant's arguments about his attempts to raise concerns internally and the public interest nature of the information disclosed. They also failed to establish whether the conditions for dismissal based on loss of trust were met under domestic law. The domestic courts also neglected to examine the veracity of the applicant's statements, his motives, the factory's alleged harm, and the proportionality of the sanction.

The ECHR concluded that the Armenian courts had failed to strike a fair balance between the competing interests at stake and failed to provide "relevant and sufficient" reasons for upholding the applicant's dismissal. Consequently, the Court found a violation of Article 10 of the Convention and awarded the applicant €4,500 in non-pecuniary damages and €1,600 in costs and expenses to be paid to the non-governmental organization that represented him.

- **JURISPRUDENCE REGARDING THE NON-ENFORCEMENT OF A DOMESTIC COURT JUDGMENT IN UKRAINE (10 October 2024)**

The European Court of Human Rights (Fifth Section) struck out an application concerning the non-enforcement of a domestic court judgment in Ukraine, deciding to transmit it to the Committee of Ministers of the Council of Europe for supervision under the framework of general measures established in the *Yuriy Nikolayevich Ivanov v. Ukraine* pilot judgment.

The case, *Ryaska v. Ukraine* (Application no. 47435/15), involved a former bulldozer operator seeking enforcement of a domestic judgment ordering a state entity, the Berehivskyi Interdistrict Department for Water Management, to conduct an investigation into the cause of his occupational illness and issue a certificate recognizing it. The applicant, who was diagnosed with level IV hearing loss, obtained a favorable judgment in 2009. Despite subsequent appeals that upheld the decision, the Water Management Department failed to comply with the court's order. The ECHR, acknowledging the applicant's right to a fair trial and enforcement of judgments under Article 6 § 1 of the European Convention on Human Rights, recognized the applicant's claim as admissible. However, the Court refrained from examining the merits of the case, citing its established jurisprudence on similar cases against Ukraine.

The Court, referencing its pilot judgment in *Yuriy Nikolayevich Ivanov v. Ukraine* (no. 40450/04, 15 October 2009) and the subsequent *Burmych and Others v. Ukraine* case, recognized the systemic issue of non-enforcement of domestic court judgments against the State in Ukraine.

The ECHR, emphasizing the principle of subsidiarity, underscored the responsibility of national authorities to implement effective remedies for correcting systemic deficiencies in their legal systems. It stated that once the Court identifies such defects, it becomes the State's responsibility, under the supervision of the Committee of Ministers, to undertake necessary redress measures. Consequently, the Court decided to strike out the application under Article 37 § 1 (c) of the Convention and transmit it to the Committee of Ministers. The Committee will supervise the case within the framework of general measures outlined in the *Ivanov* judgment, which includes providing redress for the non-enforcement of domestic judgments

- **DEATH IN SOCIAL CARE HOME CONSTITUTES VIOLATION OF RIGHT TO LIFE, RULES ECHR (10 October 2024)**

The European Court of Human Rights (First Section) has ruled that Hungary violated a woman's right to life (Article 2 of the Convention) both substantively and procedurally due to the

inadequate living conditions in a state-run social care home and the insufficient investigation into her death.

The case, *Validity Foundation on behalf of T.J. v. Hungary* (Application no. 38835/20), concerned a woman with a severe intellectual disability who died from pneumonia while residing at the Topház social care institution. The applicant, Validity Foundation, acting as T.J.'s representative, argued that the long-term neglect, inadequate care, and unlawful physical restraint at the institution contributed to her deteriorating health and ultimately led to her death.

The ECHR acknowledged the domestic authorities' awareness of the dire conditions at Topház, referencing reports from the Ministry of Human Resources, the Commissioner for Fundamental Rights, and Validity Foundation itself. These reports consistently highlighted inadequate care, understaffing, inappropriate living conditions, overuse of restraints, and a high number of deaths in the institution. The Court stressed that these were not isolated. Concerning T.J.'s individual circumstances, the Court noted the lack of appropriate care and consideration for her disability, including the absence of meaningful communication and the overuse of physical restraints. The Court emphasized that such restraints, especially for a person with disabilities, contradicted human dignity.

The ECHR found the government failed to fulfill its obligation to protect T.J.'s life, stating that the authorities failed to demonstrate that they provided the necessary standard of care to prevent the deterioration of her health and her death. Therefore, the Court declared a violation of the substantive limb of Article 2. The lack of a thorough examination of the systemic shortcomings and the potential accountability of the authorities led the ECHR to conclude that the investigation on T. J.'s death was not adequate and violated the procedural obligations under Article 2. Therefore, the ECHR found Hungary violated both the substantive and procedural limbs of Article 2 of the Convention and it awarded Validity Foundation EUR 10,000 in costs and expenses.

- **AZERBAIJAN VIOLATES RIGHT TO LIFE IN CASE OF MAN KILLED DURING ARREST (10 October 2024)**

The European Court of Human Rights (First Section) ruled that Azerbaijan violated both the procedural and substantive limbs of the right to life (Article 2 of the Convention) in a case involving the death of a man during an operation conducted by agents of the State Security Service (SSS).

The case, *Bagirova v. Azerbaijan* (Application no. 52974/19), concerned the death of the applicant's brother, A.B., who had been declared a wanted person and charged with various serious criminal offenses. A.B. was killed during an operation carried out by the SSS for the purpose of his arrest. The applicant alleged her

brother was deliberately killed and that the authorities failed to conduct an effective investigation into his death. The ECHR, dismissing the government's objection regarding the exhaustion of domestic remedies, found the application admissible and found significant shortcomings in the investigation carried out by the Azerbaijani authorities. Firstly, the Court criticized the lack of essential forensic examinations. Secondly, the ECHR condemned the failure to question any of the SSS agents who participated in the operation. The Court highlighted that this omission not only hindered the establishment of the truth but also created an appearance of collusion between the judicial authorities and the security forces, fostering a perception of impunity among the public. Thirdly, the Court criticized the investigative authorities for not adequately addressing the findings of the post-mortem examination, specifically the differing positions of A.B.'s body when he sustained the gunshot wounds. Fourthly, the ECHR expressed concern about the investigator's superficial conclusion that A.B. offered armed resistance based solely on the presence of a pistol in his hand. The investigator did not address crucial details like who fired first, the proportionality of force used, or the inconsistencies between witness statements and the official narrative. The Court highlighted the lack of a clear and reasoned explanation to support the investigator's conclusions. Lastly, the Court criticized the domestic courts for dismissing the applicant's complaints without addressing the failures in the investigation, indicating a lack of genuine judicial scrutiny. Due to these serious flaws, the ECHR deemed the domestic investigation manifestly inadequate, incapable of establishing the truth, and failing to fulfill the requirements of an effective investigation under Article 2. The Court awarded the applicant EUR 30,000 in non-pecuniary damages and EUR 2,000 for costs and expenses.

- **AZERBAIJAN FOUND IN VIOLATION OF ARTICLES 3, 5 § 3, AND 34 IN CASE OF FORMER PROSECUTOR GENERAL (10 October 2024)**

The European Court of Human Rights (First Section) ruled that Azerbaijan violated the prohibition of inhuman or degrading treatment (Article 3 of the Convention), the right to liberty and security (Article 5 § 3), and the right of individual application (Article 34) in a case involving the detention and medical treatment of a former Prosecutor General.

The case, *Eldar Hasanov v. Azerbaijan* (Application no. 48394/21), concerned the applicant's pre-trial detention and the alleged inadequate medical care he received while detained. The applicant, a former Prosecutor General who also served as an ambassador, was arrested in August 2020 and charged with

various financial crimes, including abuse of official authority, misuse of state funds, money laundering, forgery, and embezzlement.

The Court found a violation of Article 3 concerning the applicant's medical treatment during the initial period of his detention, from August 2020 to July 2021. While acknowledging the applicant suffered from several chronic health conditions requiring consistent medical attention, the ECHR found the medical care inadequate due to inconsistent attention, delayed specialist consultations, and unimplemented recommendations for necessary examinations and treatment.

The Court determined that there were communication issues and misunderstandings between the parties, and that the applicant was primarily insisting on inpatient treatment as recommended by the Court under Rule 39 interim measures. Therefore, it concluded that the applicant was subjected to prolonged physical and mental suffering due to the lack of adequate medical care, amounting to inhuman and degrading treatment.

The Court found a violation of Article 5 § 3 concerning the lack of sufficient reasons provided by the domestic courts for extending the applicant's pre-trial detention. The ECHR emphasized that while the initial detention order might have been justified, the subsequent extensions relied on repetitive and generic justifications without specifying the concrete facts and individual circumstances. The ECHR also found a violation of Article 34 regarding the government's failure to comply with the interim measures indicated by the Court under Rule 39. The Court highlighted the delays in transferring the applicant to a prison hospital for necessary medical examinations and treatment, despite two Rule 39 decisions requesting immediate action.

The ECHR awarded the applicant EUR 6,000 in non-pecuniary damages and EUR 3,234 in costs and expenses. It declared the complaints under Articles 3 and 5 § 3 admissible, while finding the complaints under Article 5 § 1 and Article 18 inadmissible.

- **UKRAINE'S LIFE SENTENCE REDUCTION SYSTEM FOUND COMPATIBLE WITH ARTICLE 3 AFTER LEGISLATIVE REFORM (10 October 2024)**

The European Court of Human Rights (Fifth Section) ruled that while Ukraine's previous system of life imprisonment violated the prohibition of inhuman or degrading treatment (Article 3 of the Convention) due to the lack of a possibility of sentence reduction and lack of a realistic prospect of release for life-sentenced prisoners.

The case, *Medvid v. Ukraine* (Application no. 53450/23), concerned the applicant's complaint about the irreducibility of his life sentence, imposed in 2003, and the compatibility of the newly introduced system for reviewing life sentences with the

requirements of Article 3. The ECHR, dismissing the Government's objections regarding admissibility, declared the application admissible.

The ECHR acknowledged that the previous system, lacking a practical and effective mechanism for early release of life prisoners, violated Article 3, as found in the *Petukhov v. Ukraine* (no. 2) case. However, the Court found that the new system, allowing for commutation of a life sentence to a fixed term of imprisonment after serving fifteen years of the original sentence, meets the requirements of Article 3.

The Court highlighted several aspects of the new system that contributed to its finding of compatibility, as it provides a clear timeframe for review and sets forth objective, pre-established criteria for assessing prisoners' eligibility for sentence reduction. The system encourages prisoners' rehabilitation by requiring them to develop individual reform and resocialisation plans. The progress made towards rehabilitation is a key factor considered during the review process.

The ECHR determined that the new system became fully operational on March 3, 2023, when the relevant implementing legislation and instructions to prison personnel entered into force. Therefore, the Court found a violation of Article 3 for the period between the applicant's sentencing in October 2003 and March 3, 2023, but no violation for the period after that date. The Court held that the finding of a violation constituted sufficient just satisfaction for any non-pecuniary damage suffered by the applicant. However, it awarded the applicant EUR 3,125 in costs and expenses for the proceedings before the Court.

- **ALPERIN'S PRE-TRIAL DETENTION AND BAIL CONDITIONS RAISED CONCERNS UNDER ARTICLE 5 OF THE ECHR (10 October 2024)**

The European Court of Human Rights (Fifth Section) found no violation of the right to protection of property (Article 1 of Protocol No. 1) while examining complaints regarding the applicant's arrest, pre-trial detention, bail conditions, and the partial forfeiture of bail.

The case, *Alperin v. Ukraine* (Application no. 41028/20) concerned the applicant's allegations of violations of his rights under Articles 5 §§ 1 and 3 of the Convention (right to liberty and security), Article 6 § 2 (presumption of innocence), Article 1 of Protocol No. 1 (protection of property) and Article 18 (limitation on use of restrictions on rights).

Alperin, accused of involvement in large-scale smuggling, corruption and abuse of power, was arrested without a warrant and subsequently placed in pre-trial detention. The court ultimately set bail at a substantial sum, imposing specific obligations on the applicant. Following Alperin's failure to

surrender his Israeli passport, which he claimed to have lost, the court ordered the forfeiture of half the bail amount.

The ECHR declared inadmissible Alperin's complaints concerning his arrest without a warrant and the initial setting of bail, finding them to be unsubstantiated. The Court found that the arrest was permissible under Ukrainian law, given the nature of the accusations and the potential risk of absconding. Furthermore, the ECHR considered the setting of the bail amount to be justified, as the applicant had not sufficiently demonstrated his financial situation to the domestic courts to allow for a lower sum.

While the ECHR found no violation of Article 1 of Protocol No. 1 regarding the partial forfeiture of bail, it did raise admissibility issues regarding the applicant's detention and the increase in the bail amount. The Court recognized the forfeiture as an interference with Alperin's property rights but deemed it justified, as it ensured the applicant's presence during the criminal proceedings.

However, the Court declared inadmissible the complaint concerning the lack of justification for Alperin's initial detention, as well as the complaint regarding the increase in the amount of bail, considering the gravity of the charges and the potential risk of the applicant absconding or obstructing justice.

Furthermore, the ECHR rejected Alperin's argument that his Convention rights had been violated due to the public statements made by the Ukrainian President in relation to his case. The Court concluded that the applicant had not exhausted domestic remedies regarding this complaint, as he did not initiate relevant proceedings within the prescribed time limit.

- **VARVARA'S PROPERTY RIGHTS VIOLATED: ECHR ORDERS RESTITUTION AND COMPENSATION (10 October 2024)**

The European Court of Human Rights (First Section) ordered Italy to return property confiscated from Vincenzo Varvara in violation of Article 7 of the Convention (no punishment without law) and Article 1 of Protocol No. 1 (protection of property).

In the case, *Varvara v. Italy* (Application no. 17475/09) concerned the unlawful confiscation of land and buildings owned by Mr.

Vincenzo Varvara, which were intended for a housing development. The ECHR found that the confiscation was contrary to the principle of legality, as the domestic courts' decisions did not adequately justify their findings of non-conformity with planning regulations. In its judgment, the Court reiterated that an unlawful confiscation of property constitutes a violation of Article 1 of Protocol No. 1 and necessitates appropriate redress. The Court stressed the importance of legal certainty and the need for national authorities to act within the framework of clearly established law, especially when interfering with individuals' property rights.

Although Mr. Varvara argued against restitution due to the alleged deterioration of the buildings, the ECHR deemed it the most appropriate form of redress to restore him to the position he would have been in had the violation not occurred. However, the Court acknowledged that restitution alone could not fully compensate for the applicant's losses, particularly considering the 18 years during which he was deprived of his property. Consequently, the ECHR awarded Mr. Varvara €100,000 in material damages, calculated based on the value of the land at the time of confiscation and the interest accrued during the period of deprivation.

- **CZECH REPUBLIC'S HANDLING OF COMPENSATION CASE VIOLATED PRESUMPTION OF INNOCENCE, RULES ECHR (10 October 2024)**

The European Court of Human Rights (Fifth Section) found that Czech Republic violated the presumption of innocence (Article 6 § 2) of Oldřich Machalický, considering that the language used by Czech civil courts during compensation proceedings unfairly treated the applicant as guilty of a crime, even though the criminal case against him had been dismissed due to statutory limitation.

The case, *Machalický v. the Czech Republic* (Application no. 42760/16) originated from fraud charges brought against Mr. Machalický in 2003, related to his time as a bank manager. Although the criminal court initially recognized that the facts suggested Mr. Machalický had committed mismanagement of property, it dismissed the case in 2010 as the statute of limitations had expired.

Mr. Machalický then sued the State for compensation, claiming his prosecution had been unlawful. Despite the dismissal, the civil courts, relying on the criminal court's assessment of the facts, concluded that Mr. Machalický had indeed committed the offense, denying his compensation claim.

The ECHR emphasized that while states are not obligated to compensate individuals for lawful prosecutions, the presumption of innocence must still be upheld even after a case is dismissed. The Court found that the Czech civil courts, by explicitly stating that Mr. Machalický had committed the offense despite the lack of a conviction, violated his right to be presumed innocent. It held that the civil courts overstepped their bounds by making a determination of guilt, which was not required to adjudicate the compensation claim.

The Court awarded Mr. Machalický €3,500 for costs and expenses but rejected his claims for pecuniary and non-pecuniary damages, considering the violation finding sufficient just satisfaction in this regard.

- **FRANCE ORDERED TO PAY COMPENSATION FOR PROCEDURAL OBLIGATIONS (10 October 2024)**

The European Court of Human Rights (Fifth Section) ruled that France violated Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property) as Legros's challenge to a property pre-emption decision was dismissed as untimely due to a retroactive change in procedural deadlines, while Koulla's claim regarding her illness was similarly hampered by procedural failings.

The case, *Legros and Koulla v. France* (Applications nos. 72173/17 and 31317/20), involved two separate applications concerning different situations where the applicants' cases were dismissed on appeal due to the retrospective application of a new shorter time limit for appeals. Mr. Legros sought to overturn a local government's decision to pre-empt his purchase of a building. While he initially won his case, it was later dismissed on appeal due to the new time limit rule. Mr. Legros argued he lost potential profits from renting or selling the building.

The ECHR, having already found a violation of Article 6 § 1 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property) in its main judgment, determined that Mr. Legros could only claim for a "loss of opportunity" due to the uncertain outcome of his original claim. However, the Court rejected his claims because he failed to provide sufficient evidence of his intended plans for the building or his financial ability to acquire it in the first place.

Ms. Koulla contested her employer's refusal to recognize her illness as work-related. She too won initially, but her case was later dismissed on appeal due to the new time limit rule. Ms. Koulla claimed financial losses resulting from reduced sick leave benefits and other missed payments.

While the ECHR acknowledged a loss of opportunity in Ms. Koulla's case, it found that she also failed to provide adequate documentation to support the full extent of her claims. The Court did find sufficient evidence to award €6,000 for a portion of her alleged lost salary and benefits. Legros's claim for material damages was dismissed due to insufficient evidence establishing a link between the violations and his alleged losses.

- **GREECE VIOLATED RIGHT TO LIBERTY AND SECURITY DUE TO DETENTION BASED ON MISTAKEN IDENTITY AND LACK OF EFFECTIVE REMEDY, RULES ECHR (15 October 2024)**

The European Court of Human Rights (Third Section) ruled that Greece violated an individual's right to liberty and security (Article 5 § 1 of the Convention) due to his detention based on mistaken identity. The Court also found a violation of his right to an

effective remedy (Article 5 § 5 of the Convention) for this unlawful detention.

The case, *Nsingi v. Greece* (application no. 27985/19), involved a Congolese national who was arrested in Athens in 2018. He was mistakenly identified as another individual with the same name who had been convicted of drug possession. This misidentification occurred because the applicant was found in possession of a residence permit application bearing the name of the convicted individual.

The ECHR found that although the authorities initially had grounds to believe Mr. Nsingi was the convicted individual, the Greek court failed to thoroughly examine a subsequent fingerprint report that clearly demonstrated he was not the person subject to the conviction. This lack of due diligence, especially after the fingerprint evidence emerged, rendered his continued detention arbitrary and in violation of Article 5 § 1, which guarantees the right to liberty and security.

The Court further found Greece in violation of Article 5 § 5, which guarantees the right to an effective remedy for violations of the right to liberty, due to the lack of an accessible avenue for Mr. Nsingi to seek redress for his unlawful detention. While the Greek Government suggested Article 105 of the Greek Civil Code as a potential remedy, the ECHR deemed it ineffective in this instance. The Court clarified that Article 105 predominantly pertains to state liability for actions of administrative bodies and, according to recent national case law, does not extend to misconduct by judicial authorities, such as the court that upheld Mr. Nsingi's detention despite the flawed identification. The Court awarded Nsingi €8,000 in non-pecuniary damages and €55.80 in costs.

- **DENMARK VIOLATED RIGHT TO EFFECTIVE PROSECUTION FOR RAPE DUE TO PROCEDURAL ERRORS, RULES ECHR (15 October 2024)**

The European Court of Human Rights (Fourth Section) ruled that Denmark violated an alleged rape victim's right to an effective investigation and prosecution, which falls under Article 3 (prohibition of inhuman or degrading treatment) and Article 8 of the Convention (right to respect for private life).

The case, *Daugaard Sorensen v. Denmark* (Application no. 25650/22), stemmed from the Danish Prosecution Service's failure to adhere to a statutory time limit when notifying a suspect of reinstated rape charges, leading to the dismissal of the case. The ECHR acknowledged that Denmark had appropriate criminal laws against rape but criticized the procedural errors in this specific case. While Danish law allows for charges to be reinstated after an initial decision to drop them, it mandates that the accused be notified within two months. In this case, a series of administrative errors, including an incorrect address and reliance

on a faulty database, prevented the timely notification of the accused. This failure to follow proper procedures resulted in the case's dismissal, denying the applicant access to justice. The Court found that the Danish Prosecution Service's mistakes, though acknowledged as unintentional, were significant enough to constitute a breach of Denmark's positive obligations under Articles 3 and 8. These articles obligate States not only to have laws against serious offenses like rape but also to enforce them effectively and promptly. The ECHR awarded the applicant €10,000 in non-pecuniary damages and €10,000 in costs for the distress and frustration caused by the mishandling of her case.

- **NORWAY VIOLATED RIGHT TO LIFE DUE TO INADEQUATE SUICIDE PREVENTION MEASURES IN PRISON, RULES ECHR (15 October 2024)**

The European Court of Human Rights (Second Section) found Norway violated the right to life (Article 2 of the Convention), due to insufficient measures taken to prevent the suicide of a mentally ill prisoner. The Court also found a violation of Article 13 (right to an effective remedy), because the applicant lacked an accessible legal avenue in Norway to seek redress for the failings that led to his son's death.

The case, *Haugen v. Norway* (Application no. 59476/21), concerns the death of the applicant's son, who had bipolar disorder and was in pre-trial detention for murder. The ECHR acknowledged that Norwegian authorities were aware of the son's mental health condition and his heightened risk of suicide. He had been placed under close supervision in a specialized unit within Oslo Prison and even temporarily transferred to a psychiatric hospital for evaluation. However, upon his return to prison, the coordination of his care faltered. The Court highlighted serious deficiencies in the communication and coordination between the various health authorities responsible for the deceased's care. It remained unclear which authority had ultimate responsibility for his treatment.

Despite a known suicide risk and diagnosis of adjustment disorder, the prisoner received limited medical attention and no therapy after returning to prison. A crucial decision to discontinue close supervision and transfer him to a regular prison unit lacked involvement from healthcare professionals and sufficient medical assessment, ultimately leading to his suicide two days later. While the ECHR acknowledged that States have a margin of appreciation in managing prisons, it determined that the Norwegian authorities failed to meet their positive obligation under Article 2 to take reasonable preventive measures to protect the prisoner's life. The Court further found a violation of Article 13 because the applicant did not have an effective remedy under

Norwegian law to challenge the authorities' actions or seek compensation for his son's death.

Notably, the existing legal framework at the time, which required proof of gross negligence for compensation in such cases, offered no realistic prospect of success for the applicant. The ECHR awarded the applicant €30,000 in non-pecuniary damages and €6,530 in costs.

- **GERMANY VIOLATED RIGHT TO BE FREE FROM INHUMAN OR DEGRADING TREATMENT BY REMOVING ASYLUM SEEKER TO GREECE WITHOUT ADEQUATE SAFEGUARDS, RULES ECHR (15 October 2024)**

The European Court of Human Rights (Fourth Section) ruled that Germany violated the procedural aspect of Article 3 of the European Convention on Human Rights (prohibition of inhuman or degrading treatment), by removing a Syrian asylum seeker to Greece without sufficient guarantees against potential risks of refoulement and inadequate detention conditions. On the other hand, Greece violated Article 3 due to the applicant's two-month detention in inadequate police station conditions and Article 5 § 4 (right to challenge detention) for failing to properly examine his complaints.

The case, *H.T. v. Germany and Greece* (application no. 13337/19), involved a Syrian national who attempted to enter Germany from Austria in 2018, expressing his wish to seek asylum. The ECHR acknowledged the complexities of managing migration flows and efforts to prevent misuse of asylum systems. However, it emphasized that States have a duty to ensure that asylum seekers are not returned to countries where they may face serious human rights violations. The Court highlighted that at the time of the applicant's removal, various reports from reputable sources, including the European Commission and the United Nations Refugee Agency (UNHCR), indicated persistent deficiencies in the Greek asylum system, including the risk of chain refoulement, particularly for Syrian nationals, and inadequate detention conditions.

Despite these concerns, the German authorities failed to undertake a proper assessment of the risks the applicant might face in Greece before removing him. The administrative arrangement between Germany and Greece, under which the applicant was returned, did not provide specific safeguards against refoulement or inadequate detention conditions. Furthermore, the applicant's removal was conducted hastily, without access to a lawyer or adequate information about his rights and available remedies.

The ECHR also found Greece in violation of Article 3 due to the applicant's subsequent detention in overcrowded and substandard conditions at Leros police station and Article 5 § 4

(right to challenge detention) for failing to properly examine his complaints. The Court awarded the applicant €8,000 in non-pecuniary damages to be paid by Germany, and €6,500 in non-pecuniary damages to be paid by Greece.

- **ECHR REVISES 2013 JUDGMENT IN VLAD AND OTHERS v. ROMANIA DUE TO APPLICANT'S DEATH (15 October 2024)**

The European Court of Human Rights (Fourth Section) revised its judgment of 26 November 2013 in the case of *Vlad and Others v. Romania*, striking out one of the three applications due to the applicant's death.

The original judgment found Romania in violation of Article 6 § 1 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, awarding the three applicants damages.

The revision concerns application no. 40756/06, lodged by Mr. Mihai Vlad. The ECHR granted the Romanian Government's request for revision after it came to light that Mr. Vlad had passed away in 2006. The Court acknowledged that this previously unknown fact constituted a "decisive influence" on the case's outcome, justifying a revision under Rule 80 of the Rules of Court. As no heirs or relatives of Mr. Vlad expressed a desire to continue the proceedings, the ECHR struck out his application from its list of cases, rendering the 2013 judgment pertaining to his case moot.

The revised judgment maintains the findings and awards related to the other two applicants, Mr. Flaviu Plața and Mrs. Vasilica Bratu, whose cases remain unaffected by this revision.

- **RUSSIA VIOLATED RIGHT TO FREEDOM OF EXPRESSION BY PUNISHING POLICE OFFICER AND METRO EMPLOYEE FOR PUBLIC STATEMENTS, RULES ECHR (15 October 2024)**

The European Court of Human Rights (Third Section) ruled that Russia violated the Article 10 of the European Convention on Human Rights (right to freedom of expression) of two individuals, a police officer and a metro employee, who were punished for making public statements about alleged misconduct and safety concerns within their respective institutions.

The case *Gadzhiyev and Gostev v. Russia* (Applications nos. 73585/14 and 51427/18) involved Mr. Salikh Gadzhiyev, a police colonel in Dagestan, and Mr. Nikolay Gostev, a Moscow metro employee and trade union representative, who were punished for raising matters of significant public interest.

The ECHR considers that the punishments were disproportionate and unnecessary in a democratic society, emphasizing the importance of protecting freedom of expression, particularly

when individuals raise concerns about misconduct and public safety, issues of vital importance to the community.

In Mr. Gadzhiyev's case, the ECHR found that the Russian courts failed to adequately consider whether less severe sanctions could have addressed the alleged breach of regulations.

Regarding Mr. Gostev, the ECHR held that the severity of the sanction, dismissal from his job, was disproportionate, given the lack of evidence that his disclosures caused any actual harm to the metro's reputation or safety.

The ECHR awarded both applicants €7,500 in non-pecuniary damages, also awarded EUR 2,450 to Mr Salikh Nabiyeovich Gadzhiyev and EUR 3,000 to Mr Nikolay Sergeyevich Gostev for costs and expenses, for the violation of their right to freedom of expression.

- **CROATIA VIOLATED RIGHT TO ACCESS TO COURT BY REFUSING TO AWARD COSTS IN EXCESSIVE LENGTH OF PROCEEDINGS CASE, RULES ECHR (15 October 2024)**

The European Court of Human Rights (Second Section) ruled that Croatia violated the Article 6 §1 of the European Convention on Human Rights (right to access to a court) by refusing to reimburse her legal costs despite finding that she had been subjected to excessively lengthy legal proceedings.

The case *Moskalj v. Croatia* (Application no. 60272/21) involved a woman seeking to enforce a child custody judgment, who had declined to cover the applicant's legal expenses, which exceeded the compensation amount.

The ECHR found that this refusal, combined with the Croatian legal system's inability to allow for the recovery of costs incurred in earlier stages of the proceedings, resulted in a disproportionate restriction on the applicant's right of access to court, stressing that any such limitations must be proportionate and not render access to justice illusory. The Court pointed out that even in seemingly simple legal procedures, the guidance and advice of a lawyer are essential for navigating legal complexities and ensuring effective access to justice.

The ECHR awarded the applicant €1,016 in pecuniary damages to cover her legal expenses, €3,000 in non-pecuniary damages for the frustration and uncertainty caused by the violation, and €865 for costs and expenses incurred before the Court.

- **ITALY DID NOT VIOLATE RIGHTS IN DETENTION OF ILL PRISONER DURING COVID-19, RULES ECHR IN SPLIT DECISION (17 October 2024)**

The European Court of Human Rights (First Section) ruled that Italy did not violate Article 2 (right to life) and Article 3 (right to be free from inhuman or degrading treatment) regarding the

detention of a prisoner with pre-existing health conditions during the COVID-19 pandemic.

The case *S.M. v. Italy* (Application no. 16310/20) concerned an HIV-positive prisoner with several related illnesses who alleged that the Italian authorities failed to adequately protect him from the risk of contracting COVID-19 while in San Vittore Prison in Milan.

The ECHR considers that the facts complained of by the applicant do not call for a separate examination under Article 2 of the Convention, but would be more appropriately examined under Article 3 instead.

The Court determined that Italy took reasonable and sufficient steps to prevent and control the spread of COVID-19 in its prisons. The Court highlighted that the applicant did not contract COVID-19 during his detention, and there was no evidence to suggest that his health deteriorated due to inadequate medical care or the conditions of his detention.

- **SPAIN DID NOT VIOLATE RIGHT TO FREEDOM OF ASSEMBLY BY BANNING MAY DAY DEMONSTRATION DURING COVID-19 PANDEMIC, RULES ECHR IN SPLIT DECISION (17 October 2024)**

The European Court of Human Rights (Fifth Section) ruled that Spain did not violate the Article 11 of the European Convention on Human Rights (right to freedom of assembly) by prohibiting a May Day demonstration planned for 1 May 2020, during the height of the COVID-19 pandemic.

The case, *Central Unitaria de Traballadores/as v. Spain* (Application no. 49363/20), involved a Galician trade union that sought to hold a car convoy demonstration in Vigo to protest the impact of the pandemic on labor rights.

The ECHR held that the Spanish authorities' decision to ban the demonstration, while interfering with the trade union's right to freedom of assembly, was justified as it pursued the legitimate aims of protecting public health and the rights of others, even in a car convoy format. The ECHR emphasized that Spain's actions were taken under a declared state of alarm, which, while restricting certain freedoms, did not suspend the right to freedom of assembly. They also took into account the limited scientific knowledge about the virus at the time and the significant strain on the healthcare system.

The Court also noted that the trade union did not propose specific measures to mitigate potential health risks beyond the use of individual cars, nor did it limit the number of participants, which could have led to a large gathering and potential virus transmission.

- **LUXEMBOURG VIOLATED PROPERTY RIGHTS BY FREEZING COMPANY'S ASSETS WITHOUT EFFECTIVE REMEDY, RULES ECHR (17 October 2024)**

The European Court of Human Rights (Fifth Section) ruled that Luxembourg violated Article 1 of Protocol No. 1 of the European Convention on Human Rights (peaceful enjoyment of its possessions) by freezing its bank account assets without providing an effective remedy to challenge the measure.

The case, *Amerisoc Center S.R.L. v. Luxembourg* (Application no. 50527/20), stemmed from a Peruvian investigation into alleged money laundering and influence peddling.

The Court found that while Luxembourg had a legal basis for freezing the company's assets under its mutual legal assistance law, the procedure lacked essential safeguards to ensure the proportionality of the measure and the company's right to an effective remedy. The Court also criticized the lack of a mechanism in Luxembourg's law to guarantee that the affected party is informed about the freezing order within the 10-day deadline for challenging it.

The Court stressed that while asset freezes are permissible for legitimate law enforcement purposes, they must be accompanied by robust procedural safeguards to ensure that the impact on affected individuals or entities is not excessive and that they have an effective means of challenging the measure. The ECHR awarded the applicant company €11,500 for costs and expenses incurred in the proceedings before the Court but did not grant any award for pecuniary or non-pecuniary damages.

- **MALTA VIOLATED RIGHTS OF PRESUMED MINOR MIGRANTS IN DETENTION, RULES ECHR (22 October 2024)**

The European Court of Human Rights (Second Section) found Malta in violation of several articles of the European Convention on Human Rights concerning the detention of six Bangladeshi migrants who claimed to be minors.

The case, *J.B. and Others v. Malta* (Application no. 1766/23), involved the applicants' detention in two facilities: Hal Far Initial Reception Centre (HIRC) and Safi Detention Centre, between November 2022 and May 2023.

The ECHR found a violation of Article 3 (prohibition of inhuman or degrading treatment) in respect of five of the six applicants who were ultimately confirmed to be minors. The Court determined that their detention conditions were inadequate and inappropriate for children, citing overcrowding, limited access to basic necessities, lack of outdoor space, and absence of specialized care and support tailored to minors.

The Court also found Malta in violation of Article 5 §1 (right to liberty and security) concerning the initial period of detention for all applicants, as it was imposed without legal basis or procedural

safeguards. In the second period of detention, just the five minors had violation in Article 5 §1, because their detention was not demonstrably a measure of last resort. The Court also found that the Maltese authorities failed to adequately assess alternatives to detention and did not conduct periodic reviews of the necessity of their continued detention as required by Maltese law.

Furthermore, the ECHR found a violation of Article 5 § 4 (right to a speedy decision on the lawfulness of detention) for all applicants. The Court determined that the Immigration Appeals Board (IAB), responsible for reviewing the legality of detention, lacked sufficient independence and impartiality, with a lack of procedural transparency and individualized assessments during the IAB's review process.

Finally, the Court found a violation of Article 13 (right to an effective remedy) in conjunction with Article 3 for all applicants because the available domestic remedies, particularly constitutional redress proceedings, did not offer a timely and effective means to challenge the conditions of their ongoing detention.

The ECHR awarded the first applicant, whose age assessment determined he was an adult, €9,000 in non-pecuniary damages. The remaining five applicants, confirmed as minors, were each awarded €15,000 in non-pecuniary damages. The Court also awarded €6,000 to be paid jointly to Aditus foundation, representing the applicants, for costs and expenses.

- **RUSSIA VIOLATED RIGHTS OF "FOREIGN AGENT" NGOs, MEDIA, AND INDIVIDUALS, RULES ECHR (22 October 2024)**

The European Court of Human Rights (Third Section) issued a landmark judgment finding Russia in violation of Articles 10 (freedom of expression) and 11 (freedom of association) of the European Convention on Human Rights in a series of 107 cases concerning the designation of NGOs, media outlets, and individuals as “foreign agents.”

The case *Kobaliya and Others v. Russia* involved a wide range of applicants, including prominent human rights organizations International Memorial and Memorial Human Rights Centre, media outlets such as Radio Free Europe/Radio Liberty and Meduza, independent election monitors, journalists, lawyers, and cultural figures.

The ECHR found that Russia’s “foreign agent” legislation and its application in practice constituted an unjustified and disproportionate interference with the applicants' rights to freedom of expression, association, and assembly. The Court reiterated its 2022 findings in the leading case of *Ecodefence and Others v. Russia*, where it concluded that the law's broad definition of “political activity” and “foreign funding” lacked foreseeability and resulted in arbitrary designations.

The Court criticized the lack of any requirement for the authorities to demonstrate a genuine agency relationship or prove that the applicants' actions served foreign interests. The ECHR condemned the disproportionate sanctions imposed on "foreign agents" for alleged non-compliance, including substantial fines, website blocking, and forced dissolution

In addition to the violations of Articles 10 and 11, the ECHR found a violation of Article 8 (right to respect for private life) for individual applicants designated as "foreign agents". The Court determined that the public disclosure of their personal data, the requirement to report on personal income and expenses, and the restrictions on their professional activities amounted to unjustified and disproportionate interferences with their right to privacy.

The ECHR awarded the applicants various sums in pecuniary and non-pecuniary damages and costs and expenses, as outlined in the judgment's appendix.

- **MOLDOVA VIOLATED RIGHT TO FAIR TRIAL AND PROPERTY RIGHTS DUE TO TAX PENALTIES IMPOSED DESPITE ACQUITTAL IN CRIMINAL PROCEEDINGS, RULES ECHR (22 October 2024)**

The European Court of Human Rights (Second Section) ruled that Moldova violated Article 6 §1 (right to a fair trial) of the European Convention on Human Rights and Article 1 of Protocol No. 1 (right to the peaceful enjoyment of its possessions) in a case involving parallel tax and criminal proceedings.

The case, *Tasoncom S.R.L. v. Republic of Moldova* (Application no. 59627/15), concerned a company that was found liable for tax penalties despite being acquitted of related criminal charges.

The ECHR found that the Moldovan courts failed to adequately protect the company's right to a fair trial and its property rights by upholding the tax penalties despite the company's acquittal in the criminal proceedings.

The ECHR found that the Moldovan courts, in rejecting the company's request for revision, failed to adequately consider the significance of the acquittal in the criminal proceedings. They also did not provide a clear and reasoned justification for maintaining the tax penalties, which were essentially punitive in nature, despite the absence of a criminal conviction. This undermined the principle of legal certainty and the finality of judicial decisions, essential elements of a fair trial.

The Court reserved its decision on the company's claim for pecuniary damages, inviting the parties to reach an agreement on the matter. It awarded the company €4,700 in non-pecuniary damages and €2,500 for costs and expenses.

- **SWITZERLAND DID NOT VIOLATE RIGHTS IN REJECTING ASYLUM CLAIMS OF ALBANIAN FAMILY, RULES ECHR (22 October 2024)**

The European Court of Human Rights (Third Section) ruled that Switzerland would not violate Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights by removing an Albanian family to their home country.

The case, *Y and Others v. Switzerland* (application no. 9577/21), concerned an Albanian writer and former director of an institute investigating communist-era crimes who claimed that his work had made him a target of threats and harassment in Albania, putting his and his family's lives at risk.

The Court concluded that there was no evidence to suggest that the Albanian State was involved in the alleged threats or that it was unable or unwilling to protect the applicant and his family from potential harm by non-state actors.

The ECHR found no indication of procedural flaws or insufficient procedural safeguards during these proceedings, highlighting that the Swiss authorities reviewed extensive documentary evidence and conducted multiple interviews with the family members. The Court accepted the Swiss authorities' assessment that the alleged threats against the applicant were most likely the result of individual actions by political opponents and did not amount to persecution by the State.

The Court ultimately concluded that Switzerland had fulfilled its obligations under the Convention by conducting a thorough and fair assessment of the asylum claim.

- **TURKEY VIOLATED RIGHTS OF POLITICAL PARTY LEADER BY DETAINING HIM FOR SPEECHES, RULES ECHR (22 October 2024)**

The European Court of Human Rights (Second Section) ruled that Turkey violated the rights of a political party leader by placing him in pre-trial detention based on his political speeches, finding violations of Article 5, §1 and §3 (right to liberty and security), and Article 10 (freedom of expression) of the European Convention on Human Rights.

The case, *Yüksek v. Türkiye* (Application no. 4/18), concerned the detention of Mr. Kamuran Yüksek, co-chair of the pro-Kurdish Democratic Regions Party (DBP), for approximately four months in 2016 on charges of membership in a terrorist organization.

The ECHR found that the Turkish authorities failed to establish a "reasonable suspicion" that he had committed a criminal offense, a prerequisite for lawful pre-trial detention under Article 5 §1.

The Court found that the applicant's speeches did not contain incitement to violence or terrorist propaganda and were made as part of his legitimate political activities, protected under Article

10, emphasizing that merely expressing views shared by a terrorist organization, without evidence of active participation in its activities or adherence to its violent methods, cannot justify criminal charges or pre-trial detention.

The ECHR further found that the Turkish courts' decisions ordering and prolonging the applicant's detention lacked sufficient reasoning, violating Article 5 §3.

The Court awarded the applicant €1,500 for costs and expenses incurred in the proceedings before the Court but did not grant any award for pecuniary or non-pecuniary damages, as the applicant absconded during the domestic proceedings.

- **FRANCE DID NOT VIOLATE RIGHT TO FREEDOM OF ASSEMBLY BY FINING PARTICIPANT IN BANNED DEMONSTRATION, RULES ECHR (24 October 2024)**

The European Court of Human Rights (Fifth Section) ruled that France did not violate an applicant's right to freedom of peaceful assembly by fining her for participating in a banned demonstration.

The case, *Eckert v. France*, (Application no. 56270/21), involved a woman who was fined €150 for taking part in a "Yellow Vest" protest in Bordeaux in May 2019.

The ECHR acknowledged that the fine constituted an interference with the applicant's right to freedom of assembly but determined that the interference was justified, as it was prescribed by law under Article L. 211-4 of the French Code of Internal Security, which allows authorities to prohibit gatherings deemed likely to disrupt public order, pursued legitimate aims, and was necessary in a democratic society.

The Court, recognizing the national authorities' wider margin of appreciation in assessing local conditions and managing public order, found no reason to question their assessment and determined that the fine imposed on the applicant was proportionate to the offense, considering its relatively small amount and strictly pecuniary nature.

- **UKRAINE VIOLATED PROPERTY RIGHTS BY INVALIDATING LAND TITLES WITHOUT COMPENSATION, RULES ECHR (24 October 2024)**

The European Court of Human Rights (Fifth Section) ruled that Ukraine violated two applicants' right to the peaceful enjoyment of their possessions by invalidating their land titles without providing compensation. The cases, *Drozdyk v. Ukraine* and *Mikula v. Ukraine*, (Applications nos. 27849/15 and 33358/15), involved plots of land adjacent to railway tracks that were deemed to be within railway protection zones and therefore not eligible for private ownership.

The ECHR found that Ukraine's approach to reclaiming land within railway exclusion zones, without offering compensation or alternative remedies to affected individuals, was disproportionate and violated their property rights.

The Court also criticized the lack of clarity and precision in Ukrainian law regarding the formalization of railway protection zones, leading to divergent judicial approaches and uncertainty for landowners. Furthermore, the ECHR determined that the Ukrainian authorities had not adequately considered alternative measures to address the situation.

In the first applicant's case the Court questioned whether deprivation of title was truly necessary in this context, suggesting that less intrusive measures, such as formalizing the boundaries of the protection zone or imposing restrictions on land use, could have been explored. The Court concluded that the interference with the applicants' property rights, coupled with the absence of compensation and the lack of clarity and foreseeability in domestic law, imposed a disproportionate burden on them, violating Article 1 of Protocol No. 1.

The ECHR did not award any pecuniary damages to the first applicant, as she had not submitted a specific claim. It awarded the second applicant €1,500 in non-pecuniary damages and €500 for costs and expenses, to be paid directly to her lawyer.

Furthermore, the ECHR, applying the principle of *restitutio in integrum*, called upon Ukraine to ensure the full restitution of the applicants' titles to the reclaimed land or to provide them with monetary compensation based on the land's assessed value or with comparable property.

- **SLOVAKIA VIOLATED RIGHTS BY FAILING TO EFFECTIVELY INVESTIGATE POTENTIAL HUMAN TRAFFICKING, RULES ECHR (24 October 2024)**

The European Court of Human Rights (First Section) ruled that Slovakia violated the procedural aspect of Article 4 of the European Convention on Human Rights, which prohibits slavery, servitude, and forced labor, by failing to carry out an effective investigation into a potential human trafficking offense. The case, *B.B. v. Slovakia*, (Application no. 48587/21), involved a woman of Roma origin who was allegedly recruited in Slovakia and forced into prostitution in the United Kingdom.

The Court found that the Slovak authorities failed to adequately investigate the possibility of human trafficking, despite initial indications and the applicant's claims suggesting that the perpetrator had exploited her vulnerable position. The Court also noted that the investigation was protracted, lasting for almost nine years. The ECHR further criticized the lenient approach to sentencing, regarding suspended sentences and the failure to adequately punish perpetrators.

Academic & Professional Opportunities

- **JUNIOR FELLOWS INTERNSHIP PROGRAMME, UNITED NATIONS UNIVERSITY (TOKYO/PARIS)**

The UN University Office of the Rector seeks graduate students and young professionals for its [Junior Fellows Internship Programme in Tokyo](#) (and possibly Paris). Fellows contribute to UNU's work through research, writing, event coordination, and administrative support. Applicants should be under 32, have a postgraduate degree (or be pursuing one), excellent English, strong research and analytical skills, and less than five years of relevant work experience. The six-month, full-time internship (February 17 - August 8, 2025) offers a stipend and a valuable UN experience. Apply by November 6, 2024.

- **DIRECTOR, DEPARTMENT OF ECONOMIC DEVELOPMENT, OAS**

The Organization of American States (OAS) seeks a [Director \(P-05\) for its Department of Economic Development](#) in Washington, D.C. This leadership role advises the Executive Secretary for Integral Development on operational and strategic policies, oversees departmental services, directs project planning and implementation, mobilizes resources, and manages staff. A Bachelor's degree with 15 years of relevant experience, a Master's with 10 years, or a Doctorate with 6 years is required, along with managerial experience. Proficiency in two OAS official languages is essential. Apply by November 7, 2024.

- **INTERNATIONAL JUSTICE PROGRAM INTERN, HUMAN RIGHTS WATCH**

Human Rights Watch seeks a part-time (16-18 hours/week) [International Justice Program Intern](#) for its New York, Brussels, or Washington, D.C. office. The internship (mid-late February to late April 2025, with possible extension) focuses on monitoring international law developments, researching, and drafting papers on international justice issues. A background in law (LLB, LLM, JD, or other) is highly desirable, as is a strong interest in international criminal justice and human rights. US interns will receive \$17.00/hour. Belgium-based student interns must demonstrate external funding and will receive reimbursement for lunch and local travel; recent graduates will receive a €1,035.20 monthly stipend. Apply online with CV/resume, letter of interest, and a writing sample. Apply by November 7, 2024.

- **RESEARCH ASSOCIATE, UNITED NATIONS UNIVERSITY CENTRE FOR POLICY RESEARCH (GENEVA)**

The UNU Centre for Policy Research (UNU-CPR) in Geneva seeks a [Research Associate](#) to conduct policy-relevant research, advise on human rights, peace and security, environment, science and technology, and improve global governance. Responsibilities include research and writing, coordination and representation, and strategic planning. A Master's degree in a relevant social science field and at least two years of research experience are required, along with excellent writing skills and fluency in English (French strongly preferred). The one-year PSA contract offers an annual net salary of \$78,000-\$84,000 and may be renewed (up to six years total). Apply by November 8, 2024.

- **COMMUNICATIONS INTERN, HUMAN RIGHTS WATCH (BRUSSELS)**

Human Rights Watch seeks a full-time [Communications Intern for its Brussels office](#). The six-month internship (starting mid-December 2024) involves media monitoring, social media content creation, press liaison, and event organization. Proficiency in English and French is required; other European languages are a plus. Students must demonstrate external funding and will receive reimbursement for lunch and local travel. Recent graduates will receive a €1,035.20 monthly stipend. Apply online, submitting a CV/resume, letter of interest, and writing sample. Apply by November 8, 2024.

- **PROJECT ASSISTANT (LEARNING ASSISTANT), INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW**

The International Institute of Humanitarian Law (Sanremo, Italy) seeks a [Project Assistant \(Learning Assistant\)](#) to support the Department of International Refugee Law and Migration Law. The role involves course planning and organization, online learning platform management, research, graphic design, and participant support. A university degree in social sciences (focusing on education, digital learning, or graphic design) and fluency in English and French are required. Experience with online learning tools (Canva, Moodle, Zoom) and graphic design is essential. Apply online with CV and motivation letter. Apply by November 10, 2024.

- **INSTITUTE FOR INTERNATIONAL LAW - ASSISTANT, KU LEUVEN**

KU Leuven's Institute for International Law seeks a full-time [Assistant to support teaching and research in public international law](#) and the law of international organizations. Responsibilities

include course support, student supervision, research, publication, and institute administration. A Master's degree in Law/International Law, excellent analytical and writing skills in Dutch and English, and experience studying abroad at a leading university are required. The initial two-year contract (salary scale 43) can be renewed twice. For more information, contact Prof. Dr. Jan Wouters (jan.mf.wouters@kuleuven.be) or Prof. Dr. Gleider Hernández (gleider.hernandez@kuleuven.be). Apply by November 24, 2024.

- **POSTDOCTORAL RESEARCH FELLOW IN CLIMATE CHANGE AND FOREIGN POLICY, ULB**

The Centre for Research and Studies in International Politics at ULB (Brussels) seeks a [Postdoctoral Research Fellow](#) to lead a project on how Belgium can leverage its foreign policy to address climate change, drawing lessons from Germany and other countries. The Fellow will prepare background papers, organize thematic seminars, conduct research, and disseminate findings through publications. A PhD in political science or a related field is required, along with policy-relevant research experience, strong analytical and communication skills, and excellent English (French/Dutch a plus). The three-year position offers a net monthly salary of approximately €2,500-€3,000. Submit CV, cover letter, and transcripts to Prof. Romain Weikmans (romain.weikmans@ulb.be). Apply by November 24, 2024.

- **USAID PAYNE FELLOWSHIP PROGRAM 2025**

The U.S. Agency for International Development (USAID) [Payne Fellowship Program](#) is now accepting applications for the 2025 cycle. The program offers up to 30 fellowships, valued at \$104,000 over two years, to cover tuition, stipends, and other expenses for graduate studies related to international development. Applicants must be U.S. citizens with a 3.2 GPA or higher seeking admission to a two-year graduate program starting Fall 2025. Apply by October 24, 2024.

- **GLOBAL INNOVATION FELLOWSHIPS OPEN FOR APPLICATIONS: CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE**

The British Academy is accepting applications for [Global Innovation Fellowships](#) at the Carnegie Endowment for International Peace in the USA. These fellowships offer up to £150,000 for 12 months, enabling early- and mid-career researchers in the humanities and social sciences to develop skills and networks addressing global challenges. Research areas include Sustainability, Climate and Geopolitics; Technology and

International Affairs; Democracy, Conflict & Governance; Global Order and Institutions; Nuclear Policy; and Political Economy and Trade. Applicants must be UK-based researchers. Apply by November 27, 2024.

- **BARBARA HUBER SCHOLARSHIP PROGRAM: MAX PLANCK INSTITUTE FOR THE STUDY OF CRIME, SECURITY AND LAW**
The [Barbara Huber Scholarship Program](#) offers scholarships to [outstanding academics](#) from foreign research institutions for innovative research projects in Criminology, Public Law, or Criminal Law. Scholarships are awarded for research stays at the Max Planck Institute in Germany for two to six months. Doctoral candidates receive EUR 1,365.00 per month, postdocs receive EUR 2,500.00, and professors and experienced researchers receive EUR 3,000.00. Apply by November 30, 2024.
- **ASSISTANT LEGAL COUNSEL: PERMANENT COURT OF ARBITRATION (PCA)**
The Permanent Court of Arbitration is recruiting [Assistant Legal Counsel](#) to begin in September 2025. Duties include providing legal advice, assisting with arbitration matters, and conducting legal research. Applicants must be admitted to practice law with a minimum of two years of experience in arbitration or public international law. Fluency in French or English is essential. Submit applications to: recruitment-recrutement@pca-cpa.org. Apply by December 1th, 2024.
- **CLIMATE LAW FELLOW, SABIN CENTER FOR CLIMATE CHANGE LAW, COLUMBIA UNIVERSITY**
The Sabin Center for Climate Change Law at Columbia Law School seeks a [Climate Law Fellow](#) (postdoctoral research scholar level) to conduct research, publish materials, contribute to advocacy strategies, and manage web resources related to climate change law and regulation. A J.D., J.D. equivalent, or LLM is required, along with a demonstrated interest in climate justice and/or environmental law/policy. The one-year fellowship (starting September 2025) offers a salary range of \$77,500-\$85,000, with the possibility of a second year. Submit cover letter and CV to climatelawfellow@law.columbia.edu. Apply by January 15, 2025.
- **CALL FOR PAPERS: SPECIAL SECTION OF TORTURE JOURNAL: ISRAEL & OCCUPIED PALESTINE**
Torture Journal invites submissions for a [special section on torture, ill-treatment, and associated human rights violations in Israel and Occupied Palestine](#), one year after the October 2023

attacks and subsequent military campaign. Interdisciplinary papers are encouraged, focusing on areas such as the definition of torture and its prevalence, impacts on specific groups (e.g., children, health workers, detainees), psychosocial and community interventions, forensic assessment, rehabilitation practices, and transitional justice. Opinion pieces without data or academic analysis will not be accepted. For questions, contact Editor-in-Chief Pau Pérez-Sales (pauperez@runbox.com) or Editorial Assistant Berta Soley (bs@irct.org). Apply by April 30, 2025.

- **LEGAL NETWORK MANAGER: SABIN CENTER FOR CLIMATE CHANGE LAW AT COLUMBIA LAW SCHOOL**

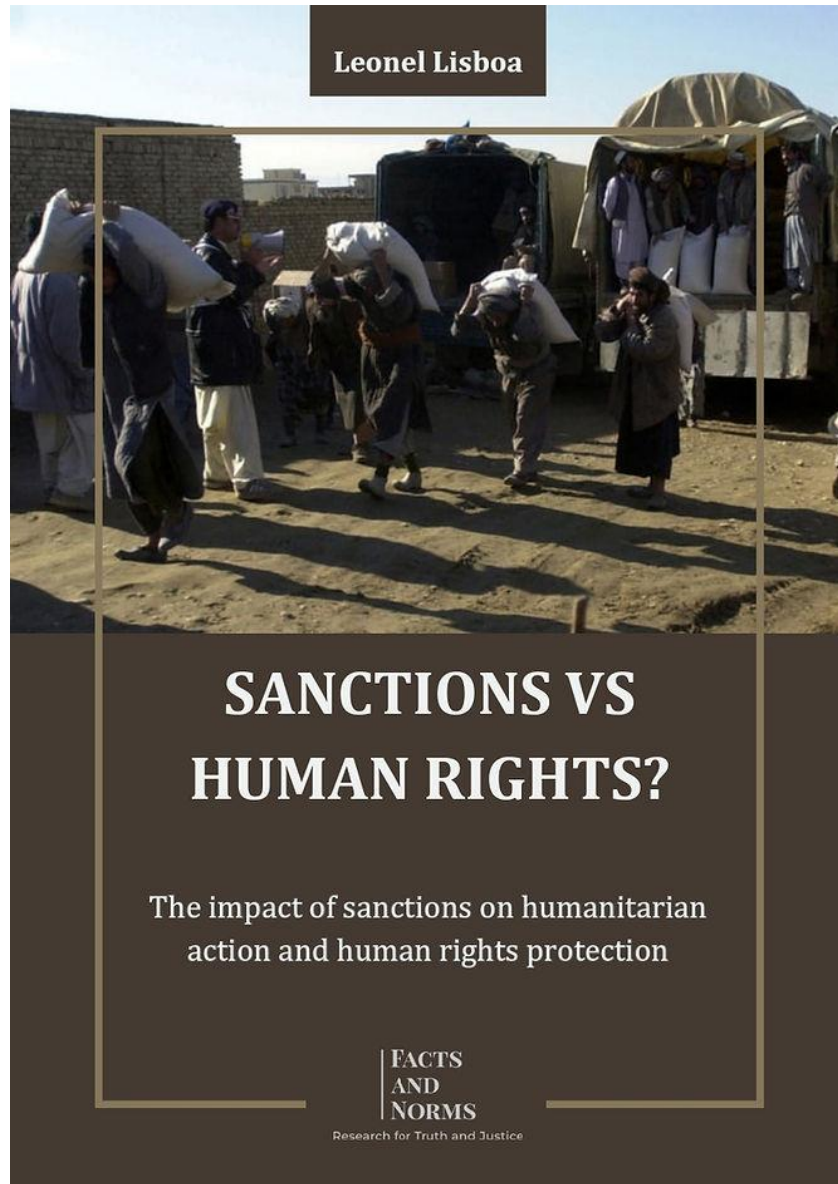
The Sabin Center for Climate Change Law at Columbia Law School seeks a [Legal Network Manager](#) to build and coordinate a legal assistance network focused on renewable energy. The Network Manager will conduct outreach, deepen connections with relevant stakeholders, organize convenings, contribute to research, and engage in regulatory proceedings. A Bachelor's degree is required, and a Master's or JD is preferred. The salary range is \$80,000-\$85,000. The position is located at Columbia University's Morningside campus. Apply by: until filled.



We particularly encourage our readers to learn more about the Facts and Norms Institute's [second Winter Course on Legal Theory, International Law and Human Rights](#). This exclusive educational opportunity for Portuguese speakers will take place in the vibrant city of Lisbon, Portugal, offering participants a chance to engage with renowned professors, explore critical legal issues, and experience the rich academic environment of the University of Lisbon. Don't miss this chance to expand your knowledge and connect with fellow scholars, professionals and academics. Details about the course can be found in the "News from the Institute" section *infra*.

News from the Facts and Norms Institute

- **"SANCTIONS VS. HUMAN RIGHTS": FNI'S FIRST ACADEMIC BOOK TACKLES THE COMPLEX NEXUS BETWEEN SANCTIONS AND HUMAN RIGHTS**



The Facts and Norms Institute (FNI) is proud to announce the release of *"Sanctions vs. Human Rights? The Impact of Sanctions on Humanitarian Action and Human Rights Protection"*, by researcher Leonel Lisboa.

This marks the inaugural academic publication from the Institute's newly established editorial branch. The book has also

been submitted to the United Nations Sanctions Research Platform for inclusion in their resources.

Lisboa, a seasoned contributor to FNI's engagement with the UN on sanctions, has played a significant role in shaping the international discourse on this critical issue.

His previous work for the Institute includes providing feedback on the UN's Draft Monitoring & Impact Assessment Tool for sanctions, participating in UN consultations on guiding principles for unilateral sanctions and over-compliance, and submitting a study to the UN Working Group on Business and Human Rights on the impact of transition minerals projects.

"Sanctions vs. Human Rights?" examines the historical trajectory of restrictive measures, examining their evolution from the late 20th century to the present day. The book explores the mechanisms and consequences of sanctions, posing fundamental questions about their nature, functionality, and intended severity.

It refers to the often-devastating consequences of sanctions, ranging from loss of life and infrastructure collapse to the obstruction of humanitarian aid. It also critically examines the effectiveness and limitations of recent transversal humanitarian exemptions in mitigating these negative impacts.

The author offers a crucial perspective from the Global South, highlighting the disproportionate burden often borne by developing nations. As Lisboa writes, "Coercive measures are especially more burdensome the more fragile and less dynamic the economy of the sanctioned State."

The author further argues that the unilateral nature of many sanctions raises concerns about legitimacy and potential for abuse:

| *"A State which resorts to countermeasures based on its unilateral assessment of the situation does so at its own risk."*

Lisboa also engages with philosophical debates, contrasting "international society" and "international community" to explore how the framing of sanctions shapes their legitimacy under international law. The reader will benefit from these and other reflections by the author:

"Sanctions are, in a glance, measures that cost very little for those who impose them... However, their effects can [amount to] catastrophic.

This harm can be so intense that it may cause loss of life, famine, destruction of infrastructure, school evasion, etc."

Lisboa's publication also analyzes the complexities of secondary sanctions and over-compliance, revealing how these mechanisms can amplify the negative impacts of sanctions far beyond their intended targets. The case of the Iranian prisoners' deal, where humanitarian funds were effectively held hostage, serves as an example of these challenges.

The book is available for free download, in line with FNI's mission to promote open-access research and facilitate global engagement with critical human rights issues. Readers can access the full text [here](#).

Recognition by the UN Sanctions Research Platform

Adding to its international impact, *Sanctions Vs. Human Rights* has been submitted by Leonel Lisboa to the United Nations Sanctions Research Platform, contributing to a growing body of knowledge on the unintended consequences of sanctions and the need for reforms. The platform serves as a hub for research and policy recommendations.

FNI Director Henrique Napoleão Alves expressed his pride in this first publication:

"This inaugural publication from our editorial branch reflects not only the importance of tackling sanctions from a human rights perspective but also the depth of Leonel Lisboa's scholarship.

We are proud to have such a committed researcher as part of our team, whose work will certainly resonate with scholars, policymakers and students alike."

Through this publication, FNI reaffirms its commitment to amplifying voices from the Global South and advancing a human rights-centered approach in international policymaking.

- **EXCLUSIVE WINTER COURSE IN LISBON: FNI AND UNIVERSITY OF LISBON OFFER UNIQUE OPPORTUNITY FOR SCHOLARS, PROFESSIONALS, AND STUDENTS**

Following [the success of its first Winter Course](#), in partnership with [the University of Coimbra, Portugal](#), the Facts and Norms Institute (FNI) is thrilled to announce its second *Winter Course: Legal Theory, International Law and Human Rights*.

This exclusive educational opportunity for **Portuguese-speakers** is a collaboration between FNI and the University of Lisbon taking place from **January 7-10, 2025**, in the **historic city of Lisbon, Portugal**.

Course Benefits:

- An exclusive **in-person course** at the University of Lisbon! With origins dating back to 1290, it is **one of the most traditional universities in the world**.
- **Lectures by renowned professors** and researchers, including Professor Antonio Pedro Barbas Homem (lawyer, jurisconsult, arbitrator, former Rector of the European University, **appointed by Pope Francis to the Vatican's Congregation for Education**) and Professor Henrique Napoleão Alves (Director of the Facts and Norms Institute, OAS lawyer, **author of more than thirty legal opinions and technical notes for the UN**).
- As this is an in-person course, participants will have the opportunity for an **immersive experience in the university and the city**.
- The **certificate** will be issued by the **University of Lisbon**. This certificate is not for a lecture, seminar, or conference, but for an Exclusive Course!
- Participants will receive more information during the course about the University of Lisbon and its **Master's, Doctoral, and other programs!**
- **For researchers:** as a completely optional activity, there is the possibility to submit papers for **presentation**, which will also be published in a **book with an ISBN**.
- The course is a partnership between the **University of Lisbon**, voted **the best university in Portugal** and one of the best in Europe and the world, and **the Facts and Norms Institute**, a center for teaching and research in international law with **dozens of proven contributions to the UN** and other international mechanisms.

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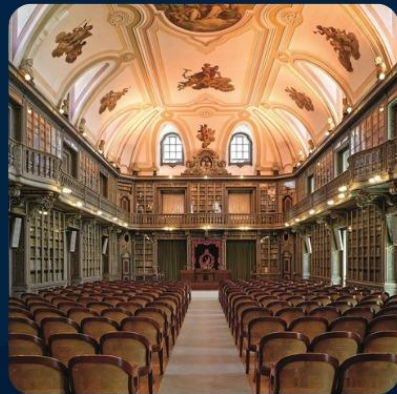
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