

International Courts & Tribunals Interest Group Newsletter

Introductory Note

We are pleased to share with you our Spring 2023 ICTIG Newsletter! This issue reports on numerous pieces of news and showcases important developments from a range of international courts and tribunals, as well as our members' news and job opportunities.

Freya's term as co-chair of ICTIG is drawing to a close. From the end of the 2023 Annual Meeting, ICTIG will welcome Vladyslav Lanovoy as our new co-chair for a three-year term to work alongside Massimo. We all thank Freya for her work during her tenure, and we welcome her continued involvement as a member of our Advisory Board. Our thanks, also, to ICTIG members for voting in the co-chair election and for joining us in welcoming Vlad.

We also draw your attention to the reader survey listed below. We encourage you to complete this, which will help us assess engagement with our newsletter.

Last, thank you to Sara Ochs and Lisa Reinsberg for their tireless and high-quality work in preparing this issue of the ICTIG's Newsletter.

-Freya Baetens & Massimo Lando, Co-Chairs

Reader Survey

The ICTIG Newsletter editors invite readers to complete a [short survey](#) to help shape and improve this publication. Since August 2020, the Newsletter has gone out to ICTIG members every quarter, and we would like to ensure it remains a useful and relevant source of information and community building. We would very much appreciate your anonymous feedback via this [short Google Form](#).

ICTIG Events

Advisory Opinions as Instruments of Dispute Settlement: March 30

The International Courts & Tribunals Interest Group has organized a session at the ASIL Annual Meeting entitled "Pushing the Limits of Judicial Function: Advisory Opinions as Instruments of Dispute Settlement." This panel will address the actual and potential uses of advisory jurisdiction in advancing the settlement of inter-State disputes. Speakers will focus on the most recent developments concerning advisory

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International Courts & Tribunals Interest Group

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opinions on climate change, but will also cover fundamental questions including the effects of advisory opinions, their link with contentious proceedings and whether they can be valuable instruments to promote dispute settlement. The panel will begin at 12:00 p.m. EST on March 30 and is sponsored by Curtis, Mallet-Prevost, Colt & Mosle, LLP. [Registration](#) for the Annual Meeting remains open through March 27.

The Role of International Courts and Tribunals amidst the Conflict in Ukraine: May 5

The ICTIG is pleased to announce a timely panel entitled “The Role of International Courts and Tribunals amidst the

Conflict in Ukraine: Avenues for Justice and Peace?”. Organized by ICTIG members Vladyslav Lanovoy and Chad Farrell, the panel will feature **the following** speakers: Nilufer Oral, Juliette McIntyre, Vitaliy Pogoretsky, Gaiane Nuridzhanian, and Sebastian Wuschka. They will discuss the various international proceedings **amidst** the **ongoing** conflict in Ukraine, including **before** the International Court of Justice, the World Trade Organization, the European Court of Human Rights, UNCLOS Annex VII **arbitral tribunals**, and investor-State **arbitral tribunals**. This virtual event will begin at 10:00 a.m. EDT on May 5. Registration details will be available on the ICTIG [webpage](#) in the coming weeks. ■

Developments at International Courts & Tribunals

IACtHR Announces 2023 Session Calendar

The Inter-American Court of Human Rights has announced its 2023 schedule of Sessions. The Court will convene for nine regular sessions, ranging from 12 to 18 days in length, and intends to meet in a hybrid manner. It has not announced the locations for any sessions that will be held away from its Costa Rica headquarters.

Judge Ferrer Mac-Gregor Assumes Vice Presidency of IACtHR Following Judge Sierra Porto's Resignation

The Inter-American Court of Human Rights has announced that Judge Eduardo Ferrer Mac-Gregor will assume the Vice Presidency of the Court following Judge Humberto Antonio Sierra Porto's resignation from the vice presidency for personal reasons. Judge Sierra Porto (Colombia) had been elected by his peers for the 2022-2023 term. Judge Ferrer Mac-Gregor (Mexico) will complete that term. The Court has not indicated whether Judge Sierra Porto's judicial functions will be limited in any other way.

European Parliament Approves Resolution for Ukraine War Crimes Tribunal

On January 19, the European Parliament approved a [resolution](#) calling for the creation of a “special international

tribunal” to prosecute Russia's crime of aggression against Ukraine to complement the ICC's ongoing investigation into war crimes, crimes against humanity, and genocide committed in Ukraine during the Russian conflict. The resolution specifically calls on EU institutions and Member States to build political support in international fora, including the UN General Assembly, for the creation of such a tribunal. The resolution was [adopted](#) with 472 votes in favor (19 votes against and 33 abstentions). While it is not binding and does not provide specific details about how a special tribunal would be structured and operated, the resolution reflects [wide-ranging calls](#) for such a tribunal from numerous international organizations and nations worldwide.

ICJ Fixes Time Limits for Advisory Opinion on Policies and Practices of Israel in the Occupied Palestinian Territory

On February 3, the International Court of Justice adopted an [order](#) concerning the United Nations General Assembly's [request for an advisory opinion](#) concerning the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. The Court set July 25, 2023 as the deadline for written statements by the United Nations, its Member States, and the observer State of

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Palestine, and set October 25 as the time limit for those States and the UN to submit written comments on others' statements. On January 19, the Court's Registrar gave notice of the advisory opinion request to all States entitled to appear before the Court.

ECtHR Adjourns Six Climate Cases Pending Grand Chamber Rulings

The European Court of Human Rights has decided to adjourn its examination of six climate change cases pending the Grand Chamber's resolution of three applications related to global warming and other consequences of environmental contamination. The Court convened a series of procedural meetings between September 2022 and February 2023 to manage this part of its docket. The adjourned cases concern more than 30 States and raise a range of issues, including achievement of the Paris Agreement targets, granting of petroleum exploration licenses, and the Energy Charter Treaty. The ECtHR also announced that it had declared two thematically-related applications inadmissible because it found the alleged victims had not been sufficiently affected by the claimed breach of the European Convention on Human Rights. The three cases pending before the Grand Chamber include *Duarte Agostinho and Others v. Portugal and 32 Others*. The Grand Chamber will hold hearings in all three cases this year.

Requests for ICJ and ITLOS Advisory Opinions on State Obligations Related to Climate Change

On February 20, 2023, a coalition of eighteen countries led by the Republic of Vanuatu finalized and called for co-sponsors of a draft U.N. General Assembly resolution requesting an advisory opinion from the International Court of Justice on the nature of State obligations related to climate change. Citing multiple sources of international law—including not only the U.N. Framework Convention on Climate Change and the Paris Agreement, but also the U.N. Charter, human rights treaties, the U.N. Convention on the Law of the Sea, customary international law, and general principles of international law—

the resolution asks the ICJ to clarify: (1) the obligations of States under international law to ensure protection of the environment from greenhouse gasses; and (2) the legal consequences for States' failure to comply with these obligations. Adoption by the General Assembly is expected soon. Vanuatu is also among the States that have joined the Commission of Small Island States on Climate Change and International Law, an international organization that in December requested an advisory opinion from the International Tribunal on the Law of the Sea on State obligations related to climate change under the U.N. Convention on the Law of the Sea.

Shala Trial Opens Before Kosovo Specialist Chambers

On February 21, the Kosovo Specialist Chambers, the hybrid court created to investigate and prosecute crimes against humanity and war crimes committed in Kosovo and/or against citizens of the Former Federal Republic of Yugoslavia between 1998 and 2000, commenced the trial against Mr. Pjetër Shala. Mr. Shala, a former member of the Kosovo Liberation Army (KLA), is charged with four counts of war crimes for arbitrary detention, cruel treatment, torture, and murder pertaining to the detention of individuals in a metal factory in Albania in 1999, which was allegedly used by and under the control of the KLA. While opening statements occurred in late February, the presentation of evidence will begin on March 27.

Eurojust Starts Operations of New Core International Crimes Evidence Database

In February, the European Union Agency for Criminal Justice Cooperation (Eurojust) announced the start of operations of its Core International Crimes Evidence Database (CICED). Eurojust describes CICED as a "tailor-made judicial database to preserve, store and analyze evidence of core international crimes in a secure mode," and intends for the database to support both national and international investigations by "shedding light" on individual offenses and the "systemic actions behind them." ■



New Publications

ICTIG members have recently published articles, essays, chapters, books, and blogs, including those listed below.

Articles, Essays & Book Reviews

- Anne Herzberg, *The Role of UN Documentation in Shaping Narratives at the International Criminal Court and the Implications for the Rights of the Accused*, 22 *International Criminal Law Review* 1117: Special Issue on “Transforming Evidence and Proof in International Criminal Trials” (2022).
- Sara L. Ochs & Kirbi Walters, *Forced Justice: The Kosovo Specialist Chambers*, 32 *Duke Journal of Comparative & International Law* 239 (2022).
- Lisa Reinsberg, *A Dangerous Symbiosis: Gaps in Information Transparency and Security Among Human Rights Mechanisms*, 40 *Berkeley Journal of International Law* 260 (2023).
- Benjamin Salas Kantor & Carolina Valdivia Torres, *Competing Over the Continental Shelf: The Legal Versus the Geophysical Entitlements*, 14 *Journal of International Dispute Settlement* 91 (2013).

Books & Book Chapters

- Md. Rizwanul Islam, *The Humane yet Ambivalent Attitude Towards Persecuted People: A Potential Threat to Stability?* in *Integrated Approaches to Peace and Sustainability*, Ayyoob Sharfi, Dahlia Simangan & Shinji Kaneko (eds.) (Springer 2023).

Online Publications

- Md. Rizwanul Islam, *The Crime of Aggression, Selectivity, and the Legal Academy*, *Georgetown Journal of International Law Blog* (Nov. 22, 2022).
- Md. Rizwanul Islam, *The Legal Significance of the US Recognition of the Atrocities on the Rohingya as Genocide*, *Cornell International Law Journal Forum* (Jan. 17, 2023).
- Paul R. Williams et al., *Symposium on U.S. Support for the ICC’s Fund for Victims*, *Just Security* (Feb. 13, 2023).

Notable Judgments & Decisions

Special Criminal Court Renders First Judgment in Central African Republic

Claudio Pala, Head of Criminal Justice Unit, EUBAM Libya

On October 31, 2022, the Special Criminal Court (SCC) of the Central African Republic (CAR) rendered its first judgment against three members of the so-called 3R armed group, which has engaged with the CAR government and other armed groups in a non-international armed conflict that has ravaged the country since 2013. The three defendants—Issa Sallet Adoum, Yaouba Ousmane, and Mahamat Tahir—were charged with various crimes against humanity and war crimes related to events that occurred in 2019 in the village of Lemouna, where 23 men were rounded up, tied up to a tree and shot dead, and in the village of Koundijili, where 15 people were forced to lie face down and then killed and six women were raped.

On the merits of the crimes against humanity charges, the SCC was satisfied that these armed attacks against the two villages had been part of a wider attack against a civilian population carried out at least since 2015 by 3R. It held that the attacks were systematic, organized, and widespread. It further concluded the mental element was undeniably met as the defendants received specific orders to attack the villages and did not refuse to participate in the mission. The SCC further highlighted that the defendants’ conduct constituted inhumane acts, given the particularly cruel modalities of the killing. The SCC further found one defendant—Issa Sallet Adoum—responsible for rape perpetrated by his subordinates, as he exercised effective control over them, did not give orders prohibiting criminal activity, and was aware of the rape and did not take action after the fact to conduct a proper investigation or bring his subordinates to justice.

On the merits of the war crimes charges, the SCC highlighted the existence of a non-international armed conflict, as well as the defendants’ conduct as an outrage upon the dignity of the victims. As regards the mental element, it held that the defendants could not have been unaware of the factual circumstances of an armed conflict and emphasized the modus operandi and means used. However, the SCC acquitted the defendants of the charge of torture as a war crime finding that the defendants’ acts were not of suf-



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ficient objective gravity to constitute the degree of suffering required for torture.

The SCC sentenced Issa Sallet Adoum to life imprisonment and both Mahamat Tahir and Yaouba Ousman to 20 year prison sentences.

IACtHR Holds Argentina Responsible for Obstetric Violence Resulting in Death of Pregnant Woman

Lucía Solano

In its [judgment](#) (available in Spanish only) in the case of *Brítez Arce et al. v. Argentina* dated November 16, 2022, the Inter-American Court of Human Rights declared Argentina responsible for the violation of Mrs. Cristina Brítez Arce's rights to life, humane treatment, and health and the rights of her son and daughter, Ezequiel Martín and Vanina Verónica Avaro, to humane treatment, a fair trial, family protection, children's rights, and judicial protection. The Court also declared the violation of Article 7 of the Convention of Belém do Pará to the detriment of Mrs. Brítez Arce's children. Mrs. Brítez Arce died in 1992, at more than 40 weeks pregnant, after being admitted to the public hospital. The Court concluded that the health system had failed to adequately address the risks diagnosed during her pregnancy, including hypertension, and to provide her the necessary medical treatment.

In the judgment, the Court held that States have the obligation to provide adequate, specialized, and differentiated health services during pregnancy, childbirth, and for a reasonable period after delivery, in order to guarantee the mother's right to health and to prevent maternal mortality and morbidity. In turn, the Court pointed out that when a State does not take adequate measures to prevent maternal mortality, it impacts the right to life of those who are pregnant or in the postpartum period. In addition, the Court ruled that obstetric violence is a form of gender-based violence exercised by those in charge of health care for pregnant persons accessing services during pregnancy, childbirth, and the postpartum period. Argentina recognized its international responsibility in this case. The Court valued said recognition for constituting a positive contribution to the development of the

process, to the validity of the principles that inspire the American Convention on Human Rights and to the satisfaction of the victims' needs for reparation.

IACtHR Finds Violations in Bolivia's Investigation of Sexual Assault of a Minor

Lucía Solano

In a [judgment](#) (available in Spanish only) dated November 18, 2022, the Inter-American Court of Human Rights found the State of Bolivia internationally responsible for the violation of the rights to humane treatment, judicial guarantees, private and family life, equality before the law, judicial protection, and children's rights to the detriment of Brisa de Angulo Losada, a girl who was a victim of sexual violence. This finding resulted from Bolivia's breach of the duty of enhanced due diligence and special protection to investigate the sexual violence suffered by Brisa, the absence of a gender and children's perspective in the conduct of the criminal process, and the re-victimizing practices during that process, of the application of criminal legislation incompatible with the American Convention on Human Rights, as well as institutional violence and discrimination in access to justice suffered by the victim due to her gender and status as a child and the violation of the guarantee of a reasonable timeframe. Furthermore, the Court considered that the almost 20 years' duration of the criminal proceedings, without the existence of a final judgment to date, constituted a violation of a reasonable period of investigation and prosecution in relation to the sexual violence in question. Due to these violations, the Court ordered various reparation measures including, among others, that the State maintain the criminal proceedings open.

Anti-Corruption Prosecutor's Dismissal Violated Rights, IACtHR Finds

Lucía Solano

In the [judgment](#) (available in Spanish only) of November 21, 2022, the Inter-American Court of Human Rights declared the State of Paraguay internationally responsible for the violation of the guarantee of an impartial judge, judicial protection, the right to remain in office under

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equal conditions, and labor stability to the detriment of Mr. Alejandro Nissen Pessolani, who was working as a Criminal Prosecutor and was investigating several acts of trafficking of stolen vehicles involving high-ranking public sector officials. The Court recalled its jurisprudence on the importance of the guarantee of stability and irremovability in office for prosecutors as a component of judicial independence, and indicated that this guarantee implies, among other things, that any dismissal process must be resolved in accordance with established standards of judicial conduct and through fair procedures that ensure objectivity and impartiality. The Court also determined that Mr. Nissen Pessolani did not have access to an effective remedy to protect his rights, and that his arbitrary dismissal implied violations of his right to remain in public office under conditions of equality and of his right to job stability. Due to these violations, the Court ordered various measures of reparation to the State, including the payment of compensation to the victim.

ECtHR Affirms Jurisdiction over MH17 Claims and Several Other Claims against Russia

In a November 30, 2022 decision, the European Court of Human Rights (ECtHR) held in the case of *Ukraine and The Netherlands v. Russia* that it had jurisdiction over several claims brought (i) by Ukraine against Russia relating to Russia's alleged actions in Donetsk and Luhansk before February 2022, and (ii) by the Netherlands against Russia relating to the downing of Malaysia Airlines flight 17 (MH17) over Eastern Ukraine.

The decision relates to three separate applications. The first, filed by Ukraine, concerns an alleged pattern of violations of the European Convention on Human Rights (ECHR) by Russia in portions of the Donetsk and Luhansk regions of Ukraine beginning in 2004. The second, also filed by Ukraine, concerns the alleged abduction of children in 2014 and their temporary transfer to Russia. The third, filed by the Netherlands, concerned the shooting down of flight MH17. In November 2020, the Grand Chamber decided to join all three applications. The Grand Chamber held a hearing on January 26, 2022 and considered evidence up to that date.

Although Russia had ceased to be a party to the ECHR as of September 16, 2022, Article 58 of the ECHR provides that a State that ceases to be a party to the ECHR is not released from its obligations with respect to acts performed by that State while it was still a party. Therefore, the case against Russia could proceed.

The Court first determined that it had jurisdiction because Russia exercised effective control over the relevant area where many of the alleged acts were committed, both in terms of military presence and political support provided to the so-called “Donetsk People's Republic” and “Luhansk People's Republic.” The Court also dismissed Russia's objection *ratione materiae* that the Court lacked jurisdiction over situations involving international armed conflict, stating that the ECHR's safeguards continued to apply in situations of international armed conflict.

With respect to the admissibility of the applications, the Court noted that where, as here, an applicant alleges an administrative practice, it must demonstrate a pattern of identical or analogous acts and an official tolerance of those acts by the higher authorities of the State, such that domestic remedies would be ineffective and therefore the rule on exhaustion of domestic remedies would not apply. The Court found that, based on the evidence, several of Ukraine's complaints of administrative practice were admissible, including those relating to unlawful attacks on civilians, torture, forced labor, unlawful detentions, destruction of private property, and others.

With respect to the Netherlands' complaint regarding flight MH17, the Court held that Russia had failed to show that there was an effective domestic remedy available in Russia. The Court also determined the application was timely filed notwithstanding the six-month time limit for filing an application, given that an extensive investigation had been needed to establish Russia's responsibility.

With respect to the alleged abductions of children, the Court held that the three incidents, which happened over a short period of time and involved 85 children, could be seen as an administrative practice and therefore the application was admissible. The Court will examine the merits in a further stage of the proceedings.

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AfCHPR Finds Violations in Composition of the Beninese High Judicial Council and Restriction on Criticism of Judicial Decisions

Claudio Pala, Head of Criminal Justice, EUBAM Libya

On December 1, 2022, the African Court on Human and Peoples' Rights (AfCHPR) adopted its judgment in the case of *Houngue Éric Noudehouenou v. Benin*, in which it held that Benin violated Article 9 (2) of the African Charter on Human and Peoples' Rights (the Charter) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) in relation to the right to freedom of opinion and expression, and Article 26 of the Charter in relation to the right to judicial independence.

The applicant, a Beninese politician, argued that the legislative framework regulating the High Judicial Council (HJC) violated the independence of the judiciary due to the massive interference of the executive power in the composition of the body. He also argued that Article 410 of the Benin Penal Code infringed the freedom of opinion and expression by restricting the right to criticize judicial decisions to purely technical comments by specialized journals and only in respect of the review of a conviction.

Regarding independence of the judiciary, the Court held that Article 26 of the Charter not only enshrines the independence of courts as judicial bodies, but also that of the judiciary as a whole; that neither the executive power nor the legislative power should interfere, directly or indirectly, in all matters relating to the organization and functioning of the judiciary, including those of the entities that manage – like the HJC - the careers of judges; and that the appointment procedure and the composition of the HJC (including reserved seats for members of the executive, the appointment of the majority of members by the executive as well as the institutional cooperation between the HJC and executive bodies on matters pertaining to the independence judiciary) were skewed in favor of the executive power.

Regarding the freedom of opinion and expression, after recalling that the two freedoms are the foundation of any democratic society and can be only restricted by law for legitimate, necessary and proportionate purposes, the

Court held that specialized journals are only one of the means of communication for the dissemination of technical opinions on court decisions, that there is no compelling national security, public order or public morality need to restrict citizens to certain means of communication, and that therefore, such restriction violates the freedom of opinion and expression protected by Article 9 (2) of the Charter read together with Article 19 of the ICCPR.

The Court thus ordered Benin to take all measures to make the structure of the HJC statutorily and functionally consistent with Article 26 of the Charter by repealing and/or modifying certain domestic legal provisions incompatible to it, and to bring Article 410(3) of the Penal Code in line with Article 9(2) of the Charter and Article 19 of the ICCPR.

ICJ Delivers Judgment in Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)

Massimo Lando, Assistant Professor, City University of Hong Kong

On December 1, 2022, the International Court of Justice (ICJ) handed down its judgment in the case between Chile and Bolivia concerning the status and use of the Silala River. The Silala is an 8.5-km river originating in Bolivia and naturally flowing into Chile. The dispute arose from a divergence of views between the parties as to the status of the Silala as a transboundary river. According to Bolivia, the Silala would not be a transboundary river but for the creation of artificial canals, built starting in the early twentieth century, which diverted its course into Chile. Conversely, Chile viewed the Silala as a transboundary river, which entailed a number of rights and obligations for the parties in the use of its waters. The ICJ dispute focused on determining whether the Silala was a transboundary river and the consequences of that status. Concerning the status of the Silala, the ICJ noted that the parties' positions had converged during the proceedings, so that Chile's claim had become without object. The ICJ made similar findings in relation to the other claims of Chile and of all counter-claims of Bolivia, always based on the convergence of the parties' positions during the proceedings. This decision

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by the ICJ brings back to life a doctrine, that of mootness, which had been controversially applied in the 1974 *Nuclear Tests* cases. The Court appears to have unearthed a long-forgotten doctrine to justify not passing judgment on the claims of two parties who have a complex relationship that has already given rise to another case before the ICJ.

AfCHPR Rejects Complaint Concerning Pregnant and Parenting Girls' Exclusion from Public Schools, in View of ACERWC Decision

Lisa Reinsberg, International Justice Resource Center

On December 1, 2022, the African Court on Human and Peoples' Rights adopted its judgment in the case of *Tike Mwambipile and Equality Now v. Tanzania*. The Court did not reach the merits of the allegations, however, because it found the complaint duplicative and, therefore, inadmissible. The application, filed in November 2020 by a Tanzanian woman and the non-governmental organization Equality Now, asked the AfCHPR to declare Tanzania's practices and policies of excluding pregnant girls and adolescent mothers from public education incompatible with the African Charter on Human and Peoples' Rights, among other reparations and guarantees of non-repetition.

After receiving the complaint, the AfCHPR Registry learned that the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) had recently declared a "similar" communication admissible, and that the East African Court of Justice had received a complaint concerning the same subject matter. In September 2022, the ACERWC forwarded its decision on the merits in *Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) v. Tanzania*, in which it found violations of the African Charter on the Rights and Welfare of the Child.

The AfCHPR's Rules of Procedure prohibit it from considering applications that "deal with cases which have been settled by those States involved..." In prior decisions, the AfCHPR has clarified that a case will be considered duplicative if it involves the same parties and same subject

matter as another case already decided on the merits by "an institution that is legally mandated to consider the dispute at the international level." In practice, however, it interprets "same" to mean "similar." In this case, the AfCHPR held that the applicants all had the "same identity" because they were all engaged in public interest litigation, rather than seeking vindication of only named individuals' rights. Additionally, the Court held that the applications challenged the same policy as a violation of (many of) the same rights (although under different international instruments) and sought the "same reliefs" in terms of changes to public policy. Finally, the Court considered that the ACERWC qualified as a relevant international dispute settlement mechanism. Accordingly, it declared the application inadmissible.

ICC Appeals Chamber Confirms Conviction and Sentence of Dominic Ongwen

Julia Sherman, Three Crowns LLP

On December 15, 2022, the Appeals Chamber of the International Criminal Court upheld the conviction and sentence of Dominic Ongwen in respect of certain crimes against humanity and war crimes committed in northern Uganda between July 1, 2002 and December 31, 2005 in his role as a commander within the Lord's Resistance Army (LRA). On February 4, 2021, a trial chamber of the ICC convicted Mr Ongwen of 61 crimes under the Rome Statute, including the crime of forced marriage as a form of other inhumane acts under Article 7(1)(k) of the Rome Statute and the crime of forced pregnancy. The trial chamber accordingly sentenced Mr Ongwen to 25 years of imprisonment.

In confirming that conviction and sentence, the ICC Appeals Chamber noted that the case involved considerable complexity, in part due to the fact that Mr Ongwen was abducted by the LRA at nine years old and was subsequently trained and integrated as an LRA fighter. The Appeals Chamber also noted that the case involved a number of issues that were being considered by the ICC for the first time, including with respect to certain sexual and gender-based crimes.

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Nevertheless, the Appeals Chamber unanimously confirmed the trial chamber's findings and cumulative convictions of Mr Ongwen. The Appeals Chamber also unanimously rejected 10 of the 11 grounds of appeal raised by Mr Ongwen's defense counsel. A majority of the trial chamber rejected the remaining ground of appeal, which concerned the allegation that the trial chamber wrongly double counted certain aggravating factors when sentencing Mr Ongwen. While Mr Ongwen's conviction and sentence are now final, a phase dedicated to victims' reparations remains ongoing.

ECtHR Grants Interim Measure for Unhoused Asylum Seekers in Belgium

Stefan Kirchner, Professor, University of Lapland, Rovaniemi, Finland

In 2022, the European Court of Human Rights (ECtHR) received 823 applications for interim relief from asylum seekers in Belgium who had not been provided housing by the relevant authorities. Among the applicants are dozens of unaccompanied minors. In *Al Shujaa and Others v. Belgium*, which comprises a total of 143 individual cases, the ECtHR indicated *interim measures*, pursuant to Rule 39 of its *Rules of Court* in a large number of those cases. However, it refused to indicate such measures with regard to those applicants who had not yet exhausted domestic remedies.

The applicants complained of violations of a number of different human rights, including those protected under Article 3 ECHR (which prohibits torture and inhuman and degrading treatment or punishment) and Article 8 ECHR (the right to respect for private and family life). In addition, applicants complained of violations of the right to a fair trial under Article 6 ECHR, read together with the right to an effective remedy under Article 13 ECHR. The latter aspect is particularly relevant in the context of migration law because of the limitations inherent in the protection of the right to a fair trial in public / administrative law cases. The interim measures do not bind the ECtHR with regard to a specific outcome of the matter in the eventual judgment, but they serve to improve the protection of human rights.

CJEU Rules on Kosovo's Status under EU Law

Lisa Reinsberg, International Justice Resource Center

On January 17, the Court of Justice of the European Union announced its judgment in the case of *Spain v. Commission (C-632/20P)* concerning Kosovo's 2019 admission to the EU Body of European Regulators for Electronic Communications (BEREC) as a "third country." Spain, which does not recognize Kosovo as a State, challenged the Commission's decision to admit Kosovo. In September 2020, the General Court held that the notion of a "third country" - in contrast to "third State" - includes entities that are not sovereign States, and the Commission's admission of Kosovo as a third country did not constitute a pronouncement on its legal status. Spain appealed, asserting that the concepts of State and country are equivalent under EU law and to interpret otherwise would be inconsistent with international law.

In its decision, the CJEU disagreed with the General Court on the meaning of the relevant terms and on the legality of Kosovo's admission to BEREC. It held that the terms "State" and "country" are interchangeable in EU treaties and the term "third States" is used exclusively in some languages. However, it noted the need to describe entities that are not recognized by the EU as States, and pointed to the International Court of Justice's conclusion that Kosovo's independence did not violate international standards. Moreover, it held that the EU's interaction with Kosovo as a "third country" did not impact Member States' positions on Kosovo's statehood or imply Member States' recognition of Kosovo as a "State." Accordingly, the CJEU agreed with the General Court that the Commission could permissibly treat Kosovo as a "third country."

While the CJEU annulled the Commission's decision to admit Kosovo to the BEREC, it did so because the decision on whether to admit Kosovo belonged to BEREC, not to the Commission. Therefore, the Court of Justice set aside the General Court's judgment, annulled the Commission's decision, but ordered the decision to remain in place for up to six months to allow BEREC time to negotiate its own arrangement concerning Kosovo.

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ECtHR Finds Violation in Lack of Legal Protection for Same-Sex Couples

Stefan Kirchner, Professor, University of Lapland, Rovaniemi, Finland

Under the European Convention on Human Rights (ECHR), States are obliged to respect the rights contained in the ECHR and the protocols thereto as these rights are defined by the European Court of Human Rights (ECtHR), but states enjoy a wide margin of appreciation as to how they implement their obligations. This is particularly relevant in situations that concern politically charged, highly personal topics. However, as a rule of thumb, the greater the consensus among States Parties to the European Convention on Human Rights (ECHR) becomes with regard to the interpretation of a human right, the smaller the margin of appreciation becomes for those states that do not share this consensus.

So far, the European Court of Human Rights has not yet accepted a general right to marriage for same-sex couples. In the Grand Chamber judgment of January 17, 2023 in the case of *Fedotova and Others v. Russia*, the ECtHR used the right to private life that is protected by Article 8 ECHR (and that has a very wide material scope) in order to recognize protections for same-sex couples. Specifically, the ECtHR found that while the ECHR does not require that States allow for same-sex marriage, certain legal protections are indeed required for same-sex couples and the margin of appreciation is reduced considerably. While States continue to enjoy a margin of appreciation concerning the question as to how they honor their obligations under Article 8 ECHR, same-sex couples must not be left without all legal protections.

In this particular case, the Court found that Russia had exceeded the limitations of its margin of appreciation by emphasizing alleged reasons of public interest over the rights of same-sex couples to some form of legal recognition and protection. While the judgment by the Grand Chamber marks an important step in the legal development it will likely lack implementation, as Russia is no longer a party to the ECHR and there is no practical option for the Council of Europe to enforce compliance.

ECtHR Rejects Restriction on Children's Book with Same-Sex Relationships

In a judgment of January 23, 2023, the European Court of Human Rights held in the case of *Macatė v. Lithuania* that Article 10 of the European Convention on Human Rights prohibited Lithuania from taking measures against a children's book that included story lines about relationships and marriages between persons of the same sex. The applicant, Neringa Dangvydė Macatė, who died in 2020 after filing the application with the Court, was a lesbian author of children's books. The applicant's mother and legal heir continued the proceedings on her behalf.

In December 2013, the Lithuanian University of Educational Sciences, a public university, published the applicant's book containing children's fairy tales, some of which described same-sex relationships. Following objections that the book was "encouraging perversions," the University suspended distribution of the book and recalled it from bookstores, and the government's Inspectorate of Journalist Ethics found that the book contained information that was harmful to minors under Lithuania's Minors Protection Act. The University later resumed distribution of the book, but with a warning label stating that the contents could be harmful to children under the age of 14, in line with the Inspectorate's recommendation.

The ECtHR found that the University's actions violated Article 10 of the ECHR, which guarantees freedom of expression, including the freedom to "receive and impart information and ideas without interference by public authority." The Court first found that the measures had interfered with the applicant's exercise of her freedom of expression, noting that recalling the book from bookstores "reduced its availability to readers" and that "the marking of the book as being harmful to the age group for which it was intended affected the applicant's ability to freely impart her ideas." The Court also held that the warning labels created a "chilling effect" that was likely to discourage the applicant and other authors from publishing similar literature.

The Court then examined whether the measures had a legitimate aim under Article 10 § 2 of the ECHR. It found that, based on an analysis of the facts and the purposes of

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Lithuania's Minors Protection Act, the aim of the measures was not to protect children from sexually explicit information, but rather "to bar children from information depicting same-sex relationships as being essentially equivalent to different-sex relationships." The Court found that this aim was not legitimate, concluding that "where restrictions on children's access to information about same-sex relationships are based solely on considerations of sexual orientation – that is to say, where there is no basis in any other respect to consider such information to be inappropriate or harmful to children's growth and development – they do not pursue any aims that can be accepted as legitimate for the purposes of Article 10 § 2 of the [ECHR] and are therefore incompatible with Article 10."

The Court ordered Lithuania to pay the applicant's heir EUR 12,000 in damages and EUR 5,000 in costs and expenses.

CJEU Orders European Council to Provide Access to Working Group Documents on Legislative Procedures

Sara L. Ochs, University of Louisville Brandeis School of Law

On January 25, 2023, the Court of Justice of the European Union (CJEU) issued its judgment in the case of *De Capitani v. Council*, in which it mandated the Council of the European Union to grant access to documents drafted by one of its working groups that directly pertained to legislative procedures. In *De Capitani*, the applicant had requested access to documents utilized by the Council's 'Company Law' working group that pertained to the legislative procedure in implementing an amendment to a directive on annual financial statements. The Council refused such access, claiming that disclosure of said documents would seriously undermine the Council's decision-making process under Article 4(3) Regulation 1049/2001.

In its judgment, the CJEU first considered Article 4(3), which permits the Council to refuse public access to documents where such disclosure would "seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure." In recognizing that the purpose of this regulation is to provide the public with a right of access that is as broad as

possible, the CJEU determined that any such exceptions to this right, such as that set forth in Article 4(3) should be strictly interpreted. In doing so, the CJEU determined that none of the grounds relied upon by the Council justified a finding that the disclosure of the requested documents would "specifically, effectively and in a non-hypothetical manner seriously undermine the legislative process."

Specifically, the Court found that the information contained in the documents formed part of the normal legislative process and was not particularly sensitive. It then rejected the Council's argument that disclosure of working group documents would increase public pressure on the negotiating Member States, finding that such negotiators and legislators must be accountable to the public in order to promote the rights of democratic society. The CJEU further concluded that neither the documents' preliminary status (given the early progress of the working group's negotiations), nor their alleged "technical nature" protected them from disclosure. Accordingly, the CJEU determined the Council did not meet its burden to reject disclosure pursuant to Article 4(3).

ICC Authorizes Prosecutor to Resume Investigation in the Philippines

Julia Sherman, Three Crowns LLP

On January 26, 2023, a pre-trial chamber of the International Criminal Court authorized the ICC Prosecutor to resume its investigation into crimes allegedly committed in the Philippines in the context of the Government's "war on drugs" campaign.

The ICC Prosecutor's investigation was originally launched in September 2021, when the same pre-trial chamber authorized an investigation into alleged crimes against humanity committed in the territory of the Philippines between November 1, 2011 (when the Philippines became party to the Rome Statute) and March 16, 2019 (when the Philippines' withdrawal from the Rome Statute took effect).

In November 2021, the investigation was deferred pursuant to Article 18(2) of the Rome Statute, after the

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Government of the Philippines informed the ICC Prosecutor that it was conducting its own investigation. However, in June 2022, the ICC Prosecutor requested that the investigation be resumed on the basis that the domestic investigation was insufficient. In particular, the ICC Prosecutor asserted that the Government of the Philippines did not appear to be investigating crimes committed before July 2016, nor was it investigating any crimes other than murder, and was thus failing to investigate allegations of torture and unlawful imprisonment. The pre-trial chamber granted the request in January 2023 after having examined the respective submissions of the ICC Prosecutor, the Government of the Philippines, and observations from victims.

IACtHR Rules on Mandatory Death Penalty, Conditions of Detention in Trinidad and Tobago

Lucía Solano

On January 30, the Inter-American Court of Human Rights delivered its judgment in the case of *Bissoon et al. v. Trinidad and Tobago*, in which it declared the State internationally responsible for violating the right to personal liberty of Reshi Bissoon as a result of the unreasonable duration of his pre-trial detention – which lasted for more than 41 months – and for violating the right to personal integrity of Reshi Bissoon and Foster Serrette because they were subjected to prison conditions that were incompatible with the relevant standards established by the American Convention on Human Rights. Specifically, the Court declared that the State had violated Articles 7(5), 5(1) and 5(2) of the Convention, in relation to its Article 1(1). The Court added that the State, which declined to take part in the proceedings, had not shown that its conduct of the prosecution had been diligent nor had it justified the duration of the criminal proceedings. Furthermore, the Court found the State responsible for the violation of Article 5(1) and 5(2), in relation to Article 1(1) of the Convention due to unsanitary detention practices. Based on foregoing violations, the Court ordered diverse measures of reparation.

Two days later, the Court notified its judgment in *Dial et al. v. Trinidad and Tobago*, in which it found various violations of the American Convention based on the mandatory imposition of the death penalty, due process flaws in the

prosecution of Kevin Dial and Andrew Dottin, and their conditions of detention. Dial and Dottin were convicted of murder in 1997 and sentenced to death under a mandatory sentencing law; their sentences were later commuted to life imprisonment.

Due to Trinidad and Tobago's denunciation of the Convention, which entered into force on May 26, 1999, the Court was unable to examine some of the alleged violations. The cases mark the first IACtHR judgments concerning Trinidad and Tobago since 2005. The previous cases also concerned criminal due process and the forms of punishment. Trinidad and Tobago decided not to participate in the recent proceedings.

IACtHR Finds Colombia Responsible for Systematic Extermination of Unión Patriótica

Lisa Reinsberg, International Justice Resource Center

On January 30, the Inter-American Court of Human Rights announced its judgment (Spanish only) in the case of *Members and Militants of the Patriotic Union v. Colombia*, which concerns violence against the political party Unión Patriótica and more than 6,000 of its members over a period of more than 20 years beginning in 1984. While Colombia partially recognized its international responsibility, the Court decided to adopt a judgment in order to resolve remaining disputes regarding some facts, identification of victims, and alleged violations, as well as to determine appropriate reparations. The UP was created in 1985 as a result of the peace process involving the government and Revolutionary Armed Forces of Colombia (FARC), and quickly ascended in national politics. The Court concluded that paramilitary groups, establishment political actors, the armed forces, and business interests collaborated to suppress the UP's political rise, including through forced disappearances, extrajudicial executions and massacres, wrongful prosecutions, forced displacement, and torture.

The IACtHR determined that these acts formed part of “a plan of systematic elimination” of the UP and its members, constituting a crime against humanity. Because State agents participated in and tolerated these acts and failed to effectively investigate them, the Court found various grounds of State responsibility. Accordingly, the

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Court confirmed violations of the rights to life, humane treatment, and liberty, among others. Based on the objectives and consequences of this violence, as well as stigmatization and eventual dissolution of the UP, the Court also found violations of the rights to freedom of expression, association, and political participation. The Court ordered Colombia to investigate those responsible, conduct a search for disappeared victims, provide treatment to victims who request it, establish a national day of commemoration of the UP victims, build a monument in memory of the victims, create a documentary on the facts, and hold at least five academic forums on the case, among other measures.

CJEU Rules on Extradition of Catalan Politician Lluís Puig Gordi

Sara L. Ochs, University of Louisville Brandeis School of Law

On January 31, the Court of Justice of the European Union issued its judgment in the *Puig* case, holding that an EU Member State may not refuse to execute a European arrest warrant (EAW) absent proof of “systemic deficiencies” in the judicial system of the Member State requesting extradition. This case arose from Spain’s issuance of EAWs for former Catalan leaders who had fled Spain, including Lluís Puig Gordi and others. Courts in Belgium refused to execute the arrest warrant for Puig on the grounds that the jurisdiction of the Spanish Supreme Court did not have an express legal basis, and that executing the warrant would run the risk of infringing Puig’s right to be tried by a tribunal established by law. The Spanish Supreme Court then referred the issue of whether Belgium had a legal duty to execute the arrest warrant to the CJEU.

In its decision, the CJEU stressed the importance of both the principles of mutual trust and recognition between EU Member States and the fundamental right to a fair trial. Ultimately, however, the Court determined that a Member State’s refusal to execute an EAW must be of an “exceptional nature.” Specifically, in situations, as in this case, in which a Member State declines to execute an EAW out of concerns that doing so would expose the person subject to the warrant to an infringement of his fair trial rights, the Court determined that the refusing

Member State must show: (1) a real risk of the infringement of fair trial rights in light of “systemic or generalized deficiencies” in the Issuing State’s judicial system; and (2) the existence of substantial grounds to believe that the person would run a risk of being exposed to such an infringement of his fair trial rights should he be surrendered to the Issuing State. Further, should the declining Member State’s refusal be premised on the Issuing State’s lack of jurisdiction, that Member State must show both the deficiencies referenced above as well as a clear lack of jurisdiction by the Issuing State.

Kosovo Specialist Chambers Issues First Appeal Judgment in Gucati & Hardinaj Case

Sara L. Ochs, University of Louisville Brandeis School of Law

On February 2, the Court of Appeals Panel of the Kosovo Specialist Chambers (KSC) issued the first appeal judgment of the KSC in the case of *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*. The case stemmed from the defendants’ alleged conduct in obtaining and disseminating confidential documents pertaining to the work of the Specialist Prosecutor’s Office (SPO), and making public disparaging and threatening remarks about potential KSC witnesses. The two defendants had previously been convicted by a Trial Panel of the KSC on May 18, 2022, on charges of obstructing official persons in performing official duties by serious threat and by participating in the common action of a group; intimidation during criminal proceedings; and violating the secrecy of proceedings through unauthorized revelation of secret information disclosed in official proceedings and the identifies and personal data of protected witnesses. The same judgment sentenced each of the defendants to 4.5 years imprisonment.

On appeal, the Appeals Panel affirmed the defendants’ convictions for intimidation during criminal proceedings, violating the secrecy of proceedings, and individually obstructing official persons in performing official duties by serious threat. The Appeals Panel specifically rejected the defendants’ substantive and procedural challenges to the Trial Panel’s decision on these charges, finding, in part, that the Trial Panel acted properly in refusing to disclose or otherwise redacting evidence provided to the defendants and that it met fair trial standards.

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However, the Appeals Panel reversed the Trial Panel's conviction on the charge of obstructing official persons in performing official duties by participating in *the common action of a group*, finding that under the Kosovo Criminal Code, the rule of subsidiarity applies, and because the defendants were charged and convicted of individually obstructing official persons, they could not simultaneously be convicted of obstructing official persons as part of a group, as the latter charge is subsumed by the former. Accordingly, the Appeals Panel acquitted the defendants on this charge and reduced each defendant's sentence by three months, to four years and three months of imprisonment (with credit for time served).

ECtHR Finds Violation of LuxLeaks Whistleblower's Freedom of Expression

Stefan Kirchner, Professor, University of Lapland, Rovaniemi, Finland

In 2014, investigative journalists revealed a financial scandal in Luxembourg that became known as LuxLeaks. In this context, tens of thousands of pages were published that included information on tax agreements between corporations and national authorities that were unusually beneficial for certain companies. Whistleblowers involved in these revelations were prosecuted in the courts of Luxembourg. On February 14, 2023, in the case of *Halet v. Luxembourg*, a Grand Chamber of the European Court of Human Rights (ECtHR) issued its judgment finding that the criminal conviction of a whistleblower amounted to a violation of his rights under Article 10 of the European Convention on Human Rights (ECHR).

While the ECtHR had dealt with similar situations before (e.g. in *Guja v. Moldova*), the judgment in *Halet v. Luxembourg* is particularly important because the ECtHR used the opportunity "to confirm and consolidate the principles established in its case-law with regard to the protection of whistle-blowers, by refining the six criteria for their implementation." These criteria include information channels, correctness of information, good faith, public interest, negative impacts on the employer and the question as to how severe the consequences were for the whistleblower. In the long term, the judgment in *Halet v. Luxembourg* can serve as guidance for future

whistleblower situations but also as guidance for national authorities regarding the treatment of whistleblower cases in which negative consequences arose for employers. That said, the judgment is based on the existing case law not only with regard to whistleblowers, but also concerning the freedom of expression under Article 10 ECHR.

CJEU Nixes Requirement that EU Job Candidates Have English, French, or German as a Second Language

Lisa Reinsberg, International Justice Resource Center

On February 16, the Court of Justice of the European Union announced its appellate judgments in the cases of *Commission v. Italy* and *Commission v. Spain*, concerning European Personnel Selection Office notices seeking candidates for open positions and requiring fluency (C1) in any of the 24 official EU languages and proficiency (B2) in English, French, or German as "the main working languages of the EU institutions." Italy and Spain challenged the legality of the second language requirement. In its judgments of September 9, 2020, the General Court declared that the language requirement amounted to a difference in treatment based on language that was not objectively justified by the stated need for recruited candidates to begin work immediately. The Commission appealed.

The Court of Justice dismissed the appeals, upholding the General Court's rulings. The CJEU confirmed that, while EU institutions have broad discretion in organizing their departments, any language requirement in recruitment must be objectively justified "by the interests of the service," "appropriate for the purpose of meeting actual needs," "proportionate to these needs," and "based on clear, objective and foreseeable criteria." In this instance, the CJEU found that the General Court was entitled to conclude that the Commission had not established that proficiency in one of the three specified languages was necessary. Moreover, the CJEU emphasized that the Commission's internal language practices, in general, cannot be used to justify language restrictions for specific posts. ■

Opportunities

Prizes

The Rosalyn Higgins Prize

The Law & Practice of International Courts & Tribunals is now accepting submissions for the Rosalyn Higgins Prize, an annual prize that awards EUR 1,000 of Brill book vouchers and a one-year LPICT subscription to the author of the best article on the law and practice of the International Court of Justice. Competition for the Prize is open to all: scholars as well as practitioners, junior as well as senior professionals. Further information, including submission instructions can be found in the [invitation for submissions](#). Submissions must be received by May 15, 2023.

Conferences, Webinars & Programs

ASIL Annual Meeting, Panel on The International Court of Justice: New Challenges in The Hague for Adjudication of Inter-State Disputes: March 30

This conversation, moderated by Catherine Amirfar, with two candidates standing for election to the ICJ (Sarah H. Cleveland and Juan Manuel Gómez Robledo Verduzco), will discuss some of the new challenges faced by the Court, which may impact its authority and define its role in the coming years. These challenges include the use of scientific evidence, non-appearance, compliance with provisional measures, standing on the basis of *erga omnes* obligations, interventions by third states, advisory jurisdiction, compensation, and demands for multilingualism, among others. [Registration](#) for the Annual Meeting remains open through March 27.

International Law Weekend: October 19-21

The American Branch of the International Law Association will host [International Law Weekend](#) in New York City on October 19 to 21, and is currently accepting panel proposals related to this year's theme, "Beyond International Law." Panel proposals should be submitted via the [online form](#) and are due by April 17.

Calls for Papers

The Protection of Vulnerable People at Sea Workshop

The Institute of International Shipping and Trade Law at Swansea University invites abstract submissions for a one-and-a-half-day in-person workshop to be held on May 17-18 at Swansea University, Wales. The workshop will reflect on the existing international legal framework applicable to the protection of vulnerable people at sea and will analyze ways to cure gaps and deficiencies in this framework. Abstracts are due March 20, and further information is available in the [call for papers](#).

International Law and the Regulation of Resort to Force: Exhaustion, Destruction, Rebirth?

The Centre for International Humanitarian and Operational Law at the Faculty of Law of Palacký University, in collaboration with the Institute for International Law and International Relations at the Faculty of Law of the University of Graz, are accepting papers and panel proposals for a conference to take place on September 14-15, 2023 in Olomouc, the Czech Republic that will examine selected issues pertaining to the *jus ad bellum*. Paper and panel proposals are due March 30, and additional details are available in the [call for papers](#).

Forests at the Crossroads of International Law

The Faculty of Law at the University of Copenhagen seeks abstracts for a two-day workshop to take place on September 4-5, 2023, which will consider how different areas of international law engage with forests and what these different layers of protection mean for the protection of forests. Abstracts are due March 31, and further information is available in the [call for papers](#).

Fairness and Selectivity in International Criminal Justice

The European Society of International Law's Interest Group on International Criminal Justice has issued a call for abstracts for a workshop on Fairness and Selectivity in International Criminal Justice. The workshop will take place in hybrid format on August 31, just before the ESIL 2023 Annual Meeting in Aix-en-Provence. Abstracts are due by April 11 and additional details can be found in the [call for abstracts](#).



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New International Courts and Tribunals Workshop

The European Society of International Law's Interest Group on International Courts and Tribunals has issued a call for abstracts for a workshop on New International Courts and Tribunals. The workshop will take place in hybrid format on August 31, just before the ESIL 2023 Annual Meeting in Aix-en-Provence. Abstracts are due by April 14 and additional details can be found in the [call for abstracts](#).

African Human Rights Yearbook

The African human rights mechanisms have announced the call for abstracts for Volume 7 of the *African Human Rights Yearbook*, to be published in 2023. Articles and case summaries may be written in English, French, Portuguese, or Arabic and should focus on African human rights mechanisms or standards. One section of the *Yearbook* will be dedicated to this year's theme of "Acceleration of African Continental Free Trade Area Implementation." Abstracts are due by April 15 and additional details are available in the [call for papers](#).

Job Postings & Other Opportunities

Senior Legal Counsel, Civitas Maxima

Civitas Maxima coordinates a network of national and international lawyers and investigators who work for the interest of victims of international crimes, and is currently looking for a Senior Legal Counsel to be based in Geneva. Applications are due March 24 and additional information is included in the [posting](#).

Regional Director for Asia and the Pacific, International Commission of Jurists

The International Commission of Jurists is accepting applications for a Director of its program in Asia and the Pacific. The Director should be based in Bangkok, Thailand (preferred) or elsewhere in Southeast Asia or South Asia, and will report to the Secretary-General. Applications are due March 31. Additional details are available in the [posting](#).

Staff Attorney, Center for Justice and Accountability

The Center for Justice and Accountability seeks a staff attorney to be based anywhere in the United States and support its litigation and transitional justice work. Applications are due March 31 and additional details are available in the [posting](#).

ITLOS-Nippon Foundation Capacity Building and Training Program

The International Tribunal for the Law of the Sea, in cooperation with the Nippon Foundation, is accepting applications for its annual nine-month training program for government officials and researchers working on issues related to the law of the sea, maritime law, or dispute settlement. Applications are due March 31. Access additional information on the ITLOS [webpage](#).

Senior Legal Adviser, Global Accountability Initiative, International Commission of Jurists

The International Commission of Jurists is accepting applications for Senior Legal Adviser of the Global Accountability Initiative to be based in either Brussels, Bangkok, or the Hague. Applications are due April 2, and further information is available in the [posting](#).

Senior Legal Officer, Office of Administration of Justice, UN Dispute Tribunal

The Office of Administration of Justice seeks a Senior Legal Officer (P5) to work in the registry supporting the United Nations Dispute Tribunal, in Nairobi. Applications are due by April 13, and additional information is available in the [posting](#).

Senior Officer, International Nuremberg Principles Academy

The Nuremberg Academy is recruiting a Senior Officer with knowledge and experience in international criminal law and international humanitarian law. The position is based in Nuremberg, Germany. Applications are due by April 15, and additional details are available in the [posting](#).

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Opportunities —continued from page 16

Special Rapporteur on ESCER, Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights is accepting applications for a new head of its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. The position will be filled in consultation with Member States and civil society, who will be able to comment on shortlisted candidates in June. Applications are due April 17, and additional details are available in the [posting](#).

Associate Director, Center for Reproductive Rights

The Center for Reproductive Rights seeks an Associate Director for Legal Strategies, Innovation and Research, within its Global Legal Strategies department. The position may be fulfilled remotely or in any of the Center's offices in New York, Washington, Bogota, Geneva, or Nairobi. Applications will be considered on a rolling basis, and additional details are available in the [posting](#). ■

We invite submissions to the newsletter on an ongoing basis, and encourage members to contribute case summaries, news items, publications, relevant announcements and opportunities, and their own professional news for inclusion in the next issue. For summaries and news items, please limit submissions to 300 words or fewer and indicate how you would like to be credited. All submissions may be sent via email with the subject "ICTIG newsletter submission" to Sara Ochs (slochs27@gmail.com) and Lisa Reinsberg (lisa@ijrcenter.org).