

International Courts & Tribunals Interest Group Newsletter

Introductory Note

Welcome to the autumn Newsletter of the International Courts and Tribunals Interest Group. The IG's Advisory Board is pleased to welcome three new members: Stefan Kirchner (University of Lapland), Vladyslav Lanovoy (Université Laval), and Julia Sherman (Three Crowns LLP). These three members were selected by the existing Advisory Board members from among those who had expressed their interest in joining the Board. We were glad to receive the expression of interest from a number of qualified members of our IG, whom we would like to thank for having put themselves forward.

In the last quarter, ICTIG has sponsored two events. First, the conference on the theme "Beyond State Consent to International Jurisdiction – From Courts to Law," organized in the context of the project "State Consent to International Jurisdiction" (led by our co-chair Prof. Freya Baetens). Second, the online event "Beyond the 'Usual Suspects': International Dispute Settlement Outside the Courts," spearheaded by our Advisory Board member Philipp Kotlaba. The turnout was significant for both events, for which we have received good feedback. In the upcoming quarter, we are organizing further events which we will notify members about in due course. One is the now-classic works-in-progress workshop, organized by our Advisory Board member Stuart Ford in the early part of each calendar year. Details will follow.

Last, but not least, we would like to thank, once again, our very own Sara Ochs and Lisa Reinsberg for being the driving force behind this Newsletter.

We wish you an enjoyable autumn!

-Freya Baetens & Massimo Lando, Co-chairs

ICTIG Events

Beyond State Consent to International Jurisdiction – From Courts to Law

On September 29-30, the ASIL ICTIG co-hosted the "Beyond State Consent to International Jurisdiction – From Courts to Law" conference. The event marked the closing of the research project *State Consent to International Jurisdiction - Conferral, Modification and Termination*. The SCIJ project (funded by the Research Council of Norway) was conducted from 2018 to 2022 by a team of researchers at the PluriCourts Centre (Oslo University) under the leadership of Prof. dr. Freya Baetens (principal investigator).

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International Courts & Tribunals Interest Group

CO-CHAIRS

Freya Baetens
Massimo Lando

EDITORS

Sara Ochs
Lisa Reinsberg

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The aim of the conference was to investigate how the research findings of the SCIJ project could be extrapolated to scrutinize State consent to international law more broadly. In this context, the conference considered:

- Jurisdiction as opposed to applicable law;
- Interpreting consent in the context of jurisdiction and applicable law;
- Cooperation and State consent to jurisdiction and international law;
- Unique aspects of the specific courts that impact States' willingness to consent not only to jurisdiction but also to relevant law; and
- (Re)designing consent and international law reform.

A selection of conference papers is being prepared for publication.

Beyond the “Usual Suspects”: International Dispute Settlement Outside the Courts

On October 7, the ASIL ICTIG hosted an online webinar titled “Beyond the ‘Usual Suspects’: International Dispute Settlement Outside the Courts.” In discourse on international dispute settlement, international lawyers often focus on a narrow range of standing courts. This panel shifted the focus beyond the “usual suspects,” by highlighting non-judicial dispute settlement mechanisms as envisaged in Article 33 of the UN Charter, and seeking to illuminate the role modalities such as conciliation, mediation, and negotiation have played in resolving high-profile disputes in different regions of the world.

The panel featured several notable speakers including: Tara Davenport, National University of Singapore; Diane Desierto, Notre Dame School of Law; Anderson Dierocie, former Inter-American Commission of Human Rights; and Mushegh Manukyan, Office of the Ombudsman for UN Funds and Programmes; with Brian McGary, Leiden University as the moderator. A recording of the panel is available on the [ICTIG webpage](#) and the [ASIL YouTube channel](#). ■

Developments at International Courts & Tribunals

ICC Trial in Prosecutor v. Gicheru Concludes

The International Criminal Court (ICC) Prosecutor and defense counsel presented their closing statements in the trial of *The Prosecutor v. Paul Gicheru* on June 27. The trial opened before ICC Trial Chamber III in February 2022, and involved charges against Mr. Gicheru for alleged offenses against the administration of justice pertaining to allegations that he corruptly influenced witnesses in cases within the Situation in Kenya.

On September 27, as the Trial Chamber was in the process of deliberating Mr. Gicheru's guilt, Mr. Gicheru passed away. He was found dead in his home in Nairobi, and while the cause of death is not yet determined, foul play has not yet been ruled out.

Kosovo Specialist Chambers Issues Annual Report

The Kosovo Specialist Chambers (KSC) issued its 2021 report in June 2022. The report, which was published in English, Albanian, and Serbian, detailed the milestones reached by the Court in 2021, including: the start of two trials, with two other cases in the pre-trial stage; the issuance of nearly 800 decisions by the KSC's Appeals Panel; the participation of 30 victims over three cases; and the safe and secure testimony of 20 witnesses before the court.

ICC Trial Chamber Delivers Arrest Warrants in relation to the Situation in Georgia

On June 30, the ICC's Pre-Trial Chamber I issued public redacted versions of arrest warrants for Mr. Mikhail Mayramovich Mindzaev, Mr. Gamlet Guchmazov, and Mr. David Georgiyevich Sanakoev. The Pre-Trial Chamber specifically determined, in considering the Prosecutor's application, that there exist reasonable grounds to believe that all three suspects bear responsibility for war crimes committed during the 2008 armed conflict between Russia and Georgia. These are the first arrest warrants the ICC has issued within the context of the Prosecutor's *proprio motu* investigation into the Situation in Georgia.

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ICC Celebrates 20-Year Anniversary

On July 1, the ICC recognized the passage of 20 years since the Rome Statute entered into force. The ICC celebrated the occasion with a high-level conference in the Hague, titled “The ICC at 20: Reflections on the past, present and future,” which highlighted the Court’s achievements and operations as well as the court’s future developmental needs. The conference garnered close to 300 participants and was streamed on the Court’s YouTube channel.

Inter-American Court Modifies Method of Delivering Judgments

On August 24, the Inter-American Court of Human Rights announced it would begin publicly delivering its judgments as of September 1, through a virtual reading of the central points and conclusions. In each case, the parties will be advised and invited to attend, and the proceeding will be livestreamed. Simultaneously, the judgment will be disseminated electronically to the parties and to the Inter-American Commission on Human Rights, and posted on the Court’s website and social media accounts.

Inter-American Court Launches Portuguese Language Website

On August 24, the Inter-American Court of Human Rights announced the launch of the Portuguese version of its website. The new site contains the Court’s jurisprudence, press releases, and other information. As is the case in the Court’s English-language site, some materials - including many judgments and orders - are only available in Spanish. At the same time, the Court highlighted its Portuguese-language Twitter account, and launched a new compilation of its jurisprudence concerning Brazil.

ECCC Concludes Operations

After 16 years, the Extraordinary Chambers in the Courts of Cambodia formally concluded its operations on September 22, with the announcement of its judgment in Khieu Samphan’s appeal (summarized below). The ECCC is a hybrid tribunal created to prosecute those most responsible for the atrocities committed by the Khmer Rouge regime in Cambodia between 1975 and 1979. In total, the ECCC convicted three defendants. Now, the tribunal will

enter a “residual period” for the next three years, in which it will organize its archives and disseminate information about its operations for educational purposes.

Trial Begins Against Said Abdel Kani Before the ICC

The trial in the case of *The Prosecutor v. Mahamat Said Abdel Kani* opened on September 26 before Trial Chamber VI of the ICC. Mr. Said is a former Seleka commander and is charged with committing crimes against humanity of imprisonment or other severe deprivation of liberty, torture, persecution, enforced disappearance and other inhuman acts; and of war crimes of torture and cruel treatment in Bangui, Central African Republic.

Multiple States Intervene in Ukraine v. Russian Genocide Convention Case Before ICJ

On September 30, Australia became the 17th State to file a declaration of intervention in *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* before the International Court of Justice (ICJ). Like the preceding declarations, Australia’s was made under Article 63 of the Court’s Statute. As of October 3, the other States that have filed declarations are (in order of filing): Latvia, Lithuania, New Zealand, the United Kingdom, Germany, the United States of America, Sweden, France, Romania, Poland, Italy, Denmark, Ireland, Estonia, Finland and Spain. In accordance with Article 83 of the Rules of Court, Ukraine and the Russian Federation have been invited to furnish written observations on the declarations of intervention. In addition, on August 17, the European Union furnished the Court with relevant information in the case under Article 34, paragraph 2 of the Court’s Statute and Article 69, paragraph 2 of the Rules of Court.

ECtHR Launches Site for Interim Measures Requests

In early October, the European Court of Human Rights announced the launch of a new website for requesting interim measures pursuant to Rule 39 of the Rules of Court. The site is described as a secure platform for the submission of requests for interim measures and commu-

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nication related to such requests. The Court has accordingly updated the Practice Directions accompanying its *Rules of Court*, to indicate that requests for interim measures must be sent via the site or by fax or post.

ECOWAS Court Welcomes Two New Judges

On October 6, the Court of Justice of the Economic Community of West African States (ECOWAS) swore in two new judges. Justice Sengu Mohammed Koroma (Sierra Leone) and Justice Claudio Monteiro Goncalves (Cape Verde) replace Justice Keikura Bangura and Justice Januaria Tavares Silva Moreira Costa, also of Sierra Leone and Cape Verde, respectively, whose terms have ended. Judges on the ECOWAS Court of Justice serve four-year, non-renewable terms.

ECtHR Elects First Female President

For the first time since its establishment in 1959, the European Court of Human Rights has selected a female judge as President. Síofra O’Leary (Ireland) will take office on November 1 and succeeds Robert Spano (Iceland). Judge O’Leary was first elected to the Court in 2015 and has served as Vice-President since January 2022. ■

New Publications

Articles, Essays, Book Chapters & Book Reviews

ICTIG members have recently published articles, essays, book reviews, and book chapters, including the following:

- Stratis G. Georgilas, *ICAO Council Decisions and the Supervisory Role of the International Court of Justice*, 25 *Austrian Review of International and European Law Online* 203 (2022).
- Sara L. Ochs, *Book Review: Randle C. DeFalco, Invisible Atrocities: The Aesthetic Biases of International Criminal Justice* (Cambridge University Press, Cambridge, 2022), *International Criminal Law Review*.
- Clara Reichenbach & Stephen M. Schwebel, “The Validity of Inter-State Arbitral Awards and Recourse to the World Court” in *Reflections on International Arbitration – Essays in Honour of Professor George Bermann* (Julie Bedard & Patrick Pearsall, eds.) (*Juris* 2022).

Notable Judgments & Decisions

Special Tribunal of Lebanon Appeals Chamber Sentences Hassan Habib Merhi & Hussein Hassan Oneissi

Julia Sherman, Three Crowns LLP

On June 16, the Special Tribunal for Lebanon (STL) rendered its *Sentencing Judgment* in *Prosecutor v. Hassan Habib Merhi and Hussein Hassan Oneissi* (Case No STL-11-02/S-2/AC). As with all cases before the STL, the case originated from the 2005 explosion in Beirut that killed former Lebanese Prime Minister Rafik Hariri and 21 others, and injured at least another 226 people.

In August 2020, following an *in absentia* trial, the Trial Chamber of the STL acquitted Hassan Habib Merhi and Hussein Hassan Oneissi of all charges set out in the rele-

vant indictment, particularly conspiracy aimed at committing a terrorist act and being an accomplice to a terrorist act. These acquittals were reversed by the Appeals Chamber in its March 2022 Appeal Judgment, which found that the Trial Chamber had committed various errors of fact and law. The Appeals Chamber subsequently found both men guilty of all the crimes charged in the indictment. Specifically, Hassan Habib Merhi and Hussein Hassan Oneissi were convicted of being co-perpetrators of the crime of conspiracy to commit a terrorist act, of being accomplices to a terrorist act, intentional homicide, and attempted intentional homicide. In the June 2022 *Sentencing Judgment*, the Appeals Chamber sentenced the men to life imprisonment for each of their convictions, to be served concurrently.

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UNCLOS Annex VII Arbitral Tribunal Rules on the Preliminary Objections of the Russian Federation

Vladyslav Lanovoy, Université Laval

On June 27, in an arbitration under Annex VII of the 1982 UN Convention on the Law of the Sea (UNCLOS) in the *Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen (Ukraine v. Russian Federation)*, the Tribunal issued an award on five preliminary objections raised by the Russian Federation. The Russian Federation contended that the Tribunal lacked jurisdiction: (1) because the dispute concerns “military activities” under Art. 298(1)(b) UNCLOS; (2) because Art. 32 UNCLOS does not accord immunity to warships and other government vessels operated for non-commercial purposes in the territorial sea; (3) over alleged breaches of a Provisional Measures Order issued by ITLOS pending constitution of the Tribunal; (4) over the alleged aggravation of the dispute; and (5) because Ukraine failed to comply with its obligation to exchange views pursuant to Art. 283 UNCLOS.

The Tribunal rejected objections (3) and (5) and held that objections (2) and (4) did not have an exclusively preliminary character and would be considered together with the merits of the dispute. As to objection (1), the Tribunal stated that the character of activities at issue may change from military to law enforcement, and vice-versa. The Tribunal found that the events at issue involving the initial confrontation and a lengthy standoff between the Ukrainian vessels and the Russian coast guard vessels until the departure of the former from the anchorage area constituted “military activities,” and thus fell outside of its jurisdiction. However, the Tribunal also found that the events following the arrest of the Ukrainian vessels, including the prosecution of their crew, involved domestic law enforcement processes of the Russian Federation and could no longer be considered “military activities.” The Tribunal deferred its determination of the precise point at which the events ceased to be “military activities” to its consideration of the merits of the dispute.

ECtHR Issues Ruling in Infringement Proceedings in *Kavala v. Turkey*, Orders Additional Compensation

Stefan Kirchner, Arctic Centre, University of Lapland

On July 11, the European Court of Human Rights ruled in infringement proceedings under Article 46(4) of the European Convention on Human Rights with regard to the case of *Kavala v. Turkey* (Application no. 28749/18), that had been decided on December 10, 2019. Procedures under Article 46 (4) of the European Convention on Human Rights can only be initiated by the Council of Ministers of the Council of Europe if the Council of Ministers is of the opinion that a State has failed to fulfill its obligations under an existing final judgment by the European Court of Human Rights. The decision has to be made with a two-thirds majority of the Council of Ministers, and the State in question must have been given notice by the Council of Ministers and a chance to rectify its behavior before the Council of Ministers can begin infringement proceedings.

In the *Kavala* case, from September 2020 until February 2022, the Council of Ministers had repeatedly assessed Turkey’s reaction to the judgment and decided that there existed a case of non-compliance with the final judgment that required further action. Osman Kavala is a well-known human rights defender who, as the Court had found in 2019, had been detained illegally. In April 2022, he was sentenced to life in prison, and the government of Turkey continues to refuse to release him, contrary to the 2019 judgment. The European Court of Human Rights has now found that Turkey has failed to honor its obligations under the European Convention on Human Rights by not implementing the 2019 judgment, thereby additionally violating the Convention.

ECOWAS Court Finds Violations in Sierra Leone’s Failure to Investigate Rape by Local Ruler

In a judgment of July 13, the Court of Justice of the Economic Community of West African States (ECOWAS) held in the case of *Adama Vandi v. State of Sierra Leone* that Sierra Leone’s failure to investigate and prosecute the

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applicant's accused rapist constituted a violation of the applicant's rights under the African Charter on Human and People's Rights, the International Covenant on Civil and Political Rights, and the Maputo Protocol.

On January 26, 2009, the applicant's village was raided by 500 members of a secret society. According to the applicant, the chief of the society, a powerful traditional ruler, entered the applicant's home and raped her. The applicant reported her rape to the police, but the accused was never prosecuted.

The Court held that Sierra Leone failed in its obligation to investigate or prosecute the alleged crime, in violation of the applicant's right to an effective remedy and access to justice. The Court further found that Sierra Leone had violated the applicant's right not to be subject to cruel, inhuman or degrading treatment and her right to dignity. The Court emphasized that although the alleged abuse was not perpetrated by the government, in cases where States fail to investigate and prosecute non-State officials "the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible . . . for consenting to or acquiescing in such impermissible acts."

The Court denied the applicant's gender discrimination claim, stating that the applicant had not alleged or demonstrated that the government failed to investigate or prosecute the alleged crime because she was a woman, or that such a position was systematically taken whenever the alleged victim was female. The Court awarded the applicant reparation in the amount of US \$10,000.

ECOWAS Court Declares Nigerian Twitter Ban Unlawful

Stefan Kirchner, Arctic Centre, University of Lapland

On July 14, the ECOWAS Community Court of Justice delivered its judgment in the case of *SERAP and others v. Nigeria*, concerning Nigeria's Twitter ban. From June 2021 until January 2022, the government of the Federal Republic of Nigeria banned the use of microblogging service in Nigeria. The ECOWAS Community Court of Justice ruled that Nigeria's Twitter ban violated the right to freedom of expression and the right to obtain information through access to media, as protected by Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 9 of the African Charter of Human and Peoples'

Rights (AChHPR). Notably, Article 9 (1) of the AChHPR guarantees the right to receive information, which the Court interpreted to include access to Twitter as "one of the social media of choice to receive, disseminate and impart information." In the absence of any legislation or judicial order authorizing the ban, the Court concluded that State's decision was not in accordance with law.

The Court ordered Nigeria to ensure that an unlawful Twitter suspension would not reoccur, and to amend its laws to conform to the requirements of the ICCPR and AChHPR. The case highlights the role of the human rights of customers, who are generally not parties in the initial case between social media companies and authorities. While the judgment has not yet been published on the Court's website, it is available from the Columbia Global Freedom of Expression database, which has a page on the case.

ICJ Delivers Judgment on Myanmar's Preliminary Objections in *The Gambia v. Myanmar*

Massimo Lando, Assistant Professor, City University of Hong Kong

On July 22, the International Court of Justice handed down its judgment on preliminary objections in the case between The Gambia and Myanmar concerning allegations of genocide against the Rohingya in Myanmar's North Rakhine state. The Court rejected all of Myanmar's preliminary objections, finding that it had jurisdiction in the case and that The Gambia's application was admissible. Myanmar had raised four preliminary objections: first, that The Gambia was not the "real applicant", but just a proxy for an international organization; second, that there was no dispute between the parties; third, that Myanmar's reservation to Article VIII of the 1948 Genocide Convention prevented the Court from having jurisdiction; and, fourth, that The Gambia lacked standing to bring the case to the Court. The Court dismissed the fourth objection easily, by referring to the *erga omnes* character of obligations under the Genocide Convention.

The Court's reasoning was even shorter in relation to the first objection, given that the Court was satisfied that, so long as a State is the applicant in a case, there is no rea-

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son to doubt that the Court has jurisdiction *ratione personae*. Lengthier were the Court's remarks on the second and third objections. In its judgment, the Court placed considerable reliance on the documents produced by the International Fact-Finding Mission, whose work The Gambia had referred to in order to allege Myanmar's responsibility for genocide in North Rakhine state.

The case will now proceed to the merits. The counter-memorial of Myanmar is due in April 2023, and it may be followed by a second round of written submissions.

CCJ Finds Due Process Violations in Revocation of Parole for Drug Use

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

On August 5, the Caribbean Court of Justice (CCJ) allowed the defendant's appeal in *Sears v. Parole Board*, finding that Belizean authorities had breached the defendant's constitutional rights to personal liberty and equal protection under the law. The defendant, Hillaire Sears, had been convicted of murder (which was substituted with a conviction of manslaughter on appeal), for which he served a prison sentence before being released on parole in 2012. A condition of his parole required that he would not engage in the illegal use, possession, or sale of controlled drugs. In 2014, while Sears was working at a prison, prison authorities suspected him of being involved in a cannabis sale, and subsequently detained him. He was drug tested, which came back positive for cannabis, and the Parole Board revoked his parole. Sears filed a constitutional claim in 2018 challenging the lawfulness of his detention and the Parole Board's revocation of his parole.

On appeal from the Court of Appeal of Belize, the CCJ determined that Sears' filing of a constitutional claim was procedurally appropriate. It further determined that because Sears' alleged constitutional breaches were serious and had ongoing consequences, they should not be barred for excessive delay, even though Sears waited four years to file his claim after his parole was revoked.

The CCJ further found that the Belizean authorities failed to follow constitutional safeguards in reincarcerating Sears, and as such, determined that his reincarceration was "arbitrary, without any legal authority and without due

process." The CCJ further determined that a parole revocation must provide the parolee with an opportunity to object by making written or oral representations, and recognized that Sears was given no opportunity for an oral hearing or to provide a written explanation. In light of these constitutional violations, which amounted to breaches of personal liberty and equal protection, the CCJ ordered Sears's immediate release from prison.

CCJ Quashes Murder Conviction for Failure to Separately Try Defendants

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

On August 22, the Caribbean Court of Justice issued its judgment in *Small, et al v. The Director of Public Prosecutions*, a case in which it exercised its appellate jurisdiction over an appeal from the Court of Appeal of Guyana. The case stemmed from the murder of a 16-year-old girl who was allegedly murdered by her mother, Bib Gopaul, and her mother's significant other, Jarvis Small. Although Small's attorney moved for separate trials and – following the close of the prosecution's case – for no case for Small to answer, the Guyanese trial court convicted both Gopaul and Small of murder, and sentenced them to 96 and 106 years imprisonment, respectively. The Court of Appeal for Guyana upheld the convictions, but reduced both sentences to 45 years each.

Both defendants appealed their convictions and sentences. The CCJ first allowed Small's appeal, concluding that the two defendants should have been entitled to separate trials. The CCJ specifically found that there was little evidence beyond speculation regarding Small's motive and involvement in the murder, whereas Gopaul was convicted on much greater evidence. The Court determined that the most damning evidence against Gopaul was entirely inadmissible against Small and thus unduly prejudiced Small.

In considering the evidence presented at trial, the CCJ further dismissed Gopaul's appeal of her conviction, but allowed her appeal against the Court of Appeal's 45-year sentence. The CCJ determined that the trial court's initial sentencing of 106 years "was grossly disproportionate and manifestly excessive," and the manner in which the sen-

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tence was handed down violated the Guyana Constitution's guarantee of a fair hearing by an independent and impartial court. The CCJ also concluded that the appellate court's sentence of 45 years was manifestly excessive and failed to indicate the period of ineligibility for parole. The Court concluded that a fair sentence would be 30 years' imprisonment with parole eligibility not before 15 years, including five years deducted for time spent in pretrial custody.

EACJ Finds No Treaty Violation in Tanzania's Nomination of Justice to the East African Court

Lisa Reinsberg, International Justice Resource Center

The Appellate Division of the East African Court of Justice, on August 31, delivered its judgment in the case of *East African Law Society v. Attorney General of Tanzania and Secretary General of the East African Community*, which concerned Tanzania's nomination of Sauda Mjasiri to the East African Court of Justice. The EAC appointed Justice Mjasiri to the Court in February 2019 to fill a vacancy left by Justice Edward Rutakangwa's retirement; she had previously served on the Court of Appeal of Tanzania until her mandatory retirement at age 65 in 2018.

The East African Law Society (EALS), an umbrella organization of national bar associations, alleged that Mjasiri's nomination lacked transparency and public participation, resulted in the appointment of someone legally ineligible to serve on the Court due to her age, and denied qualified Tanzanians an equal opportunity to compete for the position. The EALS further alleged that the Secretary General failed to put in place guidelines on the nomination of judges to the Court, enabling undemocratic and opaque national practices, and had an obligation to investigate Mjasiri's qualifications. The EALS argued that these alleged flaws in Justice Mjasiri's appointment contravened the EAC provisions on Community principles (articles 6(d) and 7(1)) and the Secretariat's responsibilities (article 71). The EACJ trial court rejected these claims and ordered the EALS to pay the respondents' costs. The EALS appealed.

Article 24(1) of the EAC Treaty requires that EACJ judges fulfill the national requirements for holding judicial office or be "jurists of recognised competence." The Appellate Division concluded that these requirements are disjunctive and even a nominee who is, or was, a national judge

need meet only one standard. With regard to the alleged opacity of Mjasiri's nomination, the Appellate Division confirmed that the Treaty permits States to develop their own nomination procedures and, consequently, the EAC Secretary General is under no obligation to devise guidelines for States. In light of its determination that Justice Mjasiri met the relevant requirements, the Appellate Division concluded that the Secretary General was under no obligation to launch an investigation of her qualifications. However, the Appellate Division reversed the trial court on costs, concluding that it would be "more judicious" to direct each party to bear its own.

ECtHR Finds Excessive Retention of Sensitive Personal Data Violates Respect to Private Life

In a judgment (French only) of September 8, the European Court of Human Rights held in the case of *Drelon v. France* that France had violated Article 8 (respect for private and family life) of the European Convention on Human Rights (ECHR) by collecting and retaining personal data relating to the applicant's presumed sexual orientation.

When seeking to donate blood in 2004, the applicant, Laurent Drelon, was asked if he had ever had sex with another man. The applicant refused to provide an answer. The French Blood Donation Service entered a data code into a database which was used for men who had had sexual intercourse with other men, and refused his donation. The applicant was subsequently excluded from giving blood again in 2006 and 2016 based on the entry in the database.

After unsuccessfully challenging his denial in the French courts, the applicant filed two applications with the ECtHR, alleging: (1) that France's retention of his data violated Article 8 of the ECHR; and, (2) that the refusal of his requests to donate blood violated Articles 8 and 14 of the ECHR (prohibition of discrimination).

With respect to the first claim, the ECtHR found that, in principle, it was permissible to collect and retain personal data on blood donor candidates to ensure the safety of the blood supply, but the data had to be up-to-date, accurate, appropriate, relevant, and not excessive in relation to its purpose. The Court first observed that the applicant's data had been collected based on speculation, without proof that the applicant had indeed had sex with men, and con-

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cluded that it was inappropriate to collect personal data on sexual behavior based on mere speculation. Second, the Court found that the data retention policy, which kept the data on file until the year 2278, exceeded what was necessary for the purpose and impermissibly made it possible for the data to be used repeatedly against the applicant to deny his attempts to donate blood.

The Court declined to consider the applicant's claims with respect to the refusal of his requests to donate blood in 2004 and 2006 because they were out of time. With respect to the applicant's 2016 refusal claim, the Court found that the refusal was based on the inaccurate data collected in 2004, which further constituted a violation of Article 8 of the ECHR.

ECtHR Holds Slovakia Accountable for Failure to Protect Detainee

Stefan Kirchner, Arctic Centre, University of Lapland

On September 8, the European Court of Human Rights ruled in a case against Slovakia concerning the treatment of a suspect while in police detention. The applicant, a member of the Roma minority, had been detained on suspicion of shoplifting when he was a teenager. The applicant had cooperated with the police. During a visit to the bathroom while in detention, the applicant fell out of a window that was 7.7 meters above ground, sustaining severe injuries as a result of which she was in a coma for one month. The circumstances of the applicant's fall are unclear as she has no memory of the event, although the applicant claimed that she had been assaulted by two police officers in a police vehicle earlier.

An investigation into this claim and into the circumstances of the applicant's fall had been opened but the relevant authorities concluded that there were no grounds for a criminal case. The ECtHR found that the investigation was insufficient and that there was therefore a violation of the procedural limb of the right to life under Article 2 of the European Convention on Human Rights, which can also apply in cases of severe injuries (as was already found in *Makaratzis v. Greece*, a case concerning excessive use of force by the police). The ECtHR also found a substantive violation of Article 2 due to the failure of the State to protect a detained person to whom the state owes a special duty of care due to her vulnerable position as a detainee (and in this case, a minor).

ECtHR Finds Failure to Open Investigation into Rape Victim's Complaint Constitutes Inhuman or Degrading Treatment

Stefan Kirchner, Arctic Centre, University of Lapland

In its judgment of September 8 in the case of *J.I. v. Croatia*, the European Court of Human Rights found that Croatia had violated Article 3 (prohibition of torture) of the European Convention on Human Rights by failing to react to a rape victim's complaints of receiving death threats from her rapist. In 2009, the applicant's father had been sentenced to eight years in prison for raping the applicant multiple times. In 2015, the applicant's father had been permitted to leave prison temporarily, at which time he threatened to kill the applicant. When the applicant, who had moved and been given a new identity, noted that her father had found her, she informed the police of the threats against her life. There appears to have been no further police action, and an internal investigation by the police did not find any failures within the police organization. The European Court of Human Rights held that the investigation by the police had not been effective. Given the threat to the applicant's life, this failure to engage in an effective investigation that could have protected the applicant against the risk of future crimes being committed against her amounted to a violation of the prohibition of inhuman or degrading treatment.

ICC Appeals Chamber Delivers Judgment on Reparations in Ntaganda Case

Stuart Ford, University of Illinois Chicago School of Law

In March 2021, an International Criminal Court (ICC) Trial Chamber issued a decision on reparations in the case of *The Prosecutor v. Bosco Ntaganda*. The Trial Chamber ordered Mr. Ntaganda to pay \$30 million in reparations for his criminal conduct as a commander of a paramilitary group (*les Forces patriotiques pour la Liberation du Congo*) that fought in the armed conflict in the Ituri region of the Democratic Republic of the Congo in the early 2000s. The reparations order was appealed by the defendant and several of the victims groups.

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On September 12, 2022, the ICC's Appeals Chamber issued its decision on the appeal, identifying a number of errors in the Trial Chamber's reparations order. First, it criticized the Trial Chamber for failing to adequately estimate the number of victims that would be eligible for reparations. The Appeals Chamber further noted that the Trial Chamber "did not provide any specific information, calculation or other reasoning as to how it" calculated the amount of reparations nor did it indicate how the reparations would be apportioned among the victims groups. Next, the Appeals Chamber held that it was an error for the Trial Chamber to issue a reparations order without ruling on any of the victims' applications for reparations. The Appeals Chamber did not require the Trial Chamber to rule on *all* of the victims' applications before issuing a reparations order but found that it would be helpful to resolve at least a sample of them so that the reparations order has a "sufficiently strong evidential basis." The Appeals Chamber also criticized the Trial Chamber's use of "transgenerational harm" in its reparations order. The Appeals Chamber's decision does not categorically prohibit the consideration of the "novel and evolving" concept of transgenerational harm in making reparations, but it does conclude that the Trial Chamber failed to support its findings on transgenerational harm with sufficient reasoning and evidence. In general, the Appeals Chamber found that key parts of the Trial Chamber's reparations order were insufficiently supported by both evidence and reasoning. Ultimately, the Appeals Chamber reversed the Trial Chamber's decision and remanded the matter back to the Trial Chamber so it could enter a new reparations order consistent with the Appeals Chamber's decision.

IACtHR Finds Costa Rica Responsible for Employment Discrimination against Individual with Intellectual Disability

Lisa Reinsberg, International Justice Resource Center

On September 13, the Inter-American Court of Human Rights announced its judgment (Spanish only) in the case of *Guevara Díaz v. Costa Rica*, its first to address discrimination on the basis of disability in the context of the right to work. Luis Fernando Guevara Díaz, a person with an intellectual disability, had been nominated to an interim position in the Ministry of Finance. He later applied for a permanent position, but was not selected despite receiving the highest test score among the candidates. As a

result, he was terminated from his interim post. Guevara's legal challenges were rejected, including by the Supreme Court of Justice, which concluded that the hiring process satisfied the legal requirements.

While the Court recognized its lack of jurisdiction to adjudicate alleged violations of the Interamerican Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities (which Costa Rica has ratified), it indicated it would refer to that treaty in interpreting the American Convention on Human Rights and other relevant instruments. The Inter-American Court determined that Guevara had been treated differently on the basis of his disability, without an objective and reasonable justification. Moreover, this difference in treatment was the primary reason he was not hired and resulted in his termination. Accordingly, the Court found Costa Rica internationally responsible for violating the rights to work and to equal protection of the law, and its obligation of non-discrimination.

In reaching this conclusion, the Court referred to its jurisprudence recognizing disability as a protected category under Article 1(1) (obligation to respect rights) of the American Convention and finding an implicit right to work under Article 26 (economic, social, and cultural rights). The Court also emphasized States' "enhanced" obligation to respect the right of persons with disabilities to work in the public sector, which includes duties to prohibit discrimination in employment decisions and conditions and to take positive steps to remove barriers and ensure inclusion. As measures of reparation, the Court ordered that Guevara be reinstated in an equal or higher position in a public institution or be financially compensated and that the Ministry of Finance implement training for its personnel on equality and non-discrimination.

ECtHR Finds Violation of Freedom of Movement in Failure to Repatriate French Citizens Held in Syria

Stefan Kirchner, Arctic Centre, University of Lapland

In recent years, a number of citizens of European countries have joined the so-called Islamic State in Syria. After the defeat of the Islamic State's stronghold of Raqqa in 2017, many foreign members of the Islamic State have

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been detained in Syria, including in the al-Hol camp that is operated by the Free Syrian Army. Several European states have been slow to repatriate their citizens who were involved with the Islamic State and who are now detained in Syria. The applicants in *H.F. and Others v. France* are relatives of French citizens who are currently detained in al-Hol and who had been refused requests for repatriation by the French authorities.

In its September 14 judgment, the Grand Chamber of the European Court of Human Rights found that France had violated Article 3 (2) of Protocol No. 4 to the European Convention on Human Rights. This norm mirrors the second half of Article 13 (2) of the Universal Declaration of Human Rights and provides that everybody has “the right to enter the territory of the State of which he is a national.” While the detention camp itself did not fall under France’s jurisdiction under Article 1 (obligation to respect rights), the Court found the special circumstances, namely the applicants’ relatives’ French citizenship, established France’s jurisdiction.

The ECtHR then determined that although the relatives did not enjoy a general right to repatriation under Article 3 § 2 of Protocol No. 4, the French authorities’ handling of the repatriation requests was not attended by appropriate safeguards, and thus did not protect the applicants’ relatives against arbitrariness in the decision-making process. For this procedural reason, the Court determined that French authorities had violated the applicants’ relatives’ right to return to one’s own country of citizenship under Article 3 (2) of Protocol No. 4. In light of this determination, the Court ordered the State to promptly re-examine the applicants’ requests and to do so in compliance with appropriate safeguards against arbitrariness.

ECtHR Rules on Articles 3 and 8 ECHR in the Context of Unconsented Medical Procedures

Stefan Kirchner, Arctic Centre, University of Lapland

In its judgment of September 20 in the case of *Y.P. v. Russia*, the European Court of Human Rights reiterated the role of the prohibition of inhuman and degrading treatment under Article 3 of the European Convention on Human Rights and the right to private life (Article 8 ECHR). In 2008, the applicant, who was born in 1980, was undergoing an emergency cesarean section. During the

procedure, more complications were discovered. The medical team in charge concluded that while the applicant’s uterus could be saved, a future pregnancy might pose a major health risk for the applicant. It was therefore decided that she should be sterilized, although the consent given by the applicant prior to the emergency cesarean section explicitly excluded sterilization.

In considering the applicant’s arguments that the medical team’s conduct in sterilizing her violated the ECHR, the Court furthered its established case law by finding a violation of Article 8 ECHR, but not of Article 3 ECHR. It explained that, although in cases of medical procedures without the patient’s consent Article 3 ECHR *can* apply, that was not the case here. The ECtHR emphasized that in order to find a violation of Article 3 ECHR, it was not necessary that there have been an intent to humiliate the victim. Instead, it took into account “all the circumstances of the case, such as the duration of the treatment, its physical and mental effects and, in some cases, the sex, age and state of health of the victim.” In this particular case, it concluded that there was no violation of Article 3 ECHR as the medical team had acted out of what it perceived as a medical necessity. The Court did, however, find a violation of Article 8 ECHR, on grounds that the medical team infringed the applicant’s right to respect for her private life by failing to seek and obtain her “express, free and informed consent” to her sterilization, as required by domestic law.

In a dissenting opinion, Judge Serghides asserted that forced sterilization constitutes a violation of Article 3 and, with regard to a person experiencing pregnancy complications or sedated under general anesthesia, also involves situational vulnerability giving rise to a State duty to provide protection. Judge Pavli also dissented from the majority’s conclusion regarding Article 3, with reference to regional and UN sources recognizing forced sterilization as torture or cruel, inhuman or degrading treatment.

Cambodian Tribunal Pronounces Judgment in Khieu Samphan’s Appeal

Julia Sherman, Three Crowns LLP

On September 22, the Extraordinary Chambers in the Courts of Cambodia (ECCC) rendered its Appeal Judgment

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Opportunities

Awards, Grants & Prizes

7th Gary B. Born Essay Competition on International Arbitration

The Centre for Advanced Research and Training in Arbitration Law and the Indian Journal of Arbitration are organizing the 7th Gary B. Born Essay Competition on International Arbitration. Law students interested in participating must submit their essay on one of the conference's stated themes by October 30. Further information, including the competition rules are available on the [IJAL website](#).

Prize for Best Article in International Dispute Resolution

The ASIL Dispute Resolution Interest Group (DRIG) has announced the inaugural "Prize for Best Article in International Dispute Resolution," to be awarded to the author(s) of a piece published in 2021. The winner will be announced at the 2023 ASIL Annual Meeting, and the prize includes a certificate of recognition and several complimentary memberships or registrations. Eligibility criteria and other details are available in the announcement on the [DRIG webpage](#). Submissions must be received by October 31.

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in Case 002/02 against Khieu Samphan. Khieu Samphan was a high-level member of the Khmer Rouge, holding the position of President of the State Presidium of the Democratic Kampuchea (i.e., head of State) from April 1975 until January 1979, when the Khmer Rouge regime was overthrown.

In November 2018, the ECCC Trial Chamber sentenced Khieu Samphan to life imprisonment for genocide against the Vietnamese, crimes against humanity, and grave breaches of the Geneva Conventions. The Trial Chamber specifically found that while Khieu Samphan did not personally commit these crimes, he was criminally liable for most as part of a joint criminal enterprise, and for some under a theory of aiding and abetting their commission. Khieu Samphan's life sentence was merged with the life sentence he had already received in Case 002/01, which arose from the same indictment as Case 002/02 but was adjudicated separately for trial management purposes.

Although appeals on behalf of all Khieu Samphan and his co-defendant, as well as the ECCC Co-Prosecutors, were subsequently filed, Khieu Samphan was the only defendant alive by the time the Supreme Court Chamber of the ECCC rendered its Appeal Judgment in September 2022.

Khieu Samphan's appeal challenged most aspects of the Trial Chamber's Judgment as well as the procedural fairness of the proceedings. For their part, the Co-Prosecutors appealed one aspect of the Trial Chamber's findings in respect to forced sexual intercourse as a form of crimes against humanity.

In the Appeal Judgment, the ECCC Supreme Court Chamber found that the Trial Chamber proceedings were proper and that the allegations of unfairness were unsubstantiated. The Supreme Court Chamber further affirmed the Trial Chamber's factual and legal findings, rejecting almost all of Khieu Samphan's grounds for appeal. The Supreme Court Chamber also granted the Co-Prosecutor's appeal, finding that forced sexual intercourse in the context of forced marriage with regard to male victims constitutes a crime against humanity. Finally, although the Supreme Court Chamber noted that the Trial Chamber had erred by double counting Khieu Samphan's position of authority for purposes of sentencing, it ultimately affirmed the life sentence handed down by the Trial Chamber, finding it appropriate in light of all the circumstances of the case. ■



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ECR Prize in Legal Scholarship

The Australian National University College of Law intends to award its annual ANU Press ECR Prize in Legal Scholarship to the most outstanding and insightful manuscript submitted to ANU Press in any area of law and legal studies by an early career researcher. The prizewinner will receive AU\$2,500, have costs covered for publishing an open-access monograph up to 80,000 words with ANU Press, and will receive an invitation to visit ANU to launch the book at an “ANU Press Lecture in Law.” Eligibility criteria and submission instructions are available on the ANU [webpage](#). Submissions must be received by December 9.

Conferences, Webinars & Programs

Lights and Shadows in the Ongwen Case at the International Criminal Court Webinar: October 13-14

On October 13 and 14, Dr. Juan-Pablo Perez-Leon-Acevedo and Dr. Fabio Ferraz de Almeida of the University of Jyväskylä, Finland will host the webinar “Lights and Shadows in the Ongwen Case at the International Criminal Court: Inter- and Multi-disciplinary Approaches.” The [programme](#) is available online. Those who desire to attend this webinar and receive the Zoom link must contact both Juan-Pablo Pérez-León-Acevedo (perezlev@jyu.fi) and Fabio Ferraz de Almeida (faferraz@jyu.fi) by October 12 with their full name and affiliation.

2022 Annual Conference of the Geneva Human Rights Platform: October 18

The Geneva Human Rights Platform will hold its 2022 Annual Conference, “On/Off: Implications of Digital Connectivity on Human Rights,” on October 18 in Geneva, Switzerland. The conference will include an expert roundtable, followed by panel discussions that will be open to the public. Those interested may register to attend in person or virtually, via the conference [webpage](#).

International Law Weekend: October 20-22

The American Branch of the International Law Association (ABILA) will host its annual International Law Weekend from October 20 to 22 in New York City. This year’s theme is “The Next 100 Years of International Law,” with a focus on opportunities to “reevaluate the core features of international law” in light of ABILA’s centennial. Additional

details are available on the International Law Weekend [webpage](#). ASIL ICTIG member Floriane Lavaud is co-chair of the Organizing Committee, of which ICTIG advisors Lisa Reinsberg and Lucía Solano are also members; they welcome questions and expressions of interest in contributing to the event.

Trade, Investment and Small States: October 20-21

Wilmer Cutler Pickering Hale and Dorr LLP, the Institute of Small and Micro States, and the British Institute of International and Comparative Law are hosting a two-day conference on trade and investment in relation to small and micro states. The [agenda](#) contains additional details and a link to register for in-person or virtual attendance.

2023 ASIL Annual Meeting: March 29-31, 2023

The American Society of International Law seeks idea submissions for its 2023 Annual Meeting, on the theme of “The Reach and Limits of International Law to Solve Today’s Challenges.” Additional information and the idea submission form can be accessed on the meeting [webpage](#).

Calls for Papers

2023 ESIL Research Forum

The organizers of the 2023 European Society of International Law Research Forum invite the submission of papers concerning “Regional Developments of International Law in Eastern Europe and Post-Soviet Eurasia.” The forum will take place on April 27 and 28, 2023, at the University of Tartu in Estonia. Abstracts are due by October 14. Additional information is available in the [call for papers](#).

Responsibility to Protect in Theory and Practice Conference

The Faculty of Law, University of Ljubljana invites abstract submissions for consideration for the sixth annual Responsibility to Protect in Theory and Practice Conference. The conference will be held in Ljubljana, Slovenia on May 11-12, 2023. Submissions of abstracts for papers and posters should be submitted by October 17. Further details are available in the [call for papers](#).



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Legislation and Legislatures in War and Recovery Conference

Theory and Practice of Legislation, in cooperation with the Verhovna Rada (The Upper House of Parliament of Ukraine) and the International Association of Legislation are now accepting abstracts for a forthcoming conference on Legislation and Legislatures in War and Recovery. The conference will be held in person in Stockholm and online. Submissions will be accepted until the end of October. Further details are available in the [call for papers](#).

Law and Society Annual Meeting: “Separate But Unequal”

The Law And Society Association is currently accepting submissions for its 2023 Annual Meeting, which will be held from June 1-4, 2023 in San Juan, Puerto Rico. The conference theme is “Separate but Unequal.” Submissions will be accepted until November 8 and further information about the conference and submission requirements are available on the Annual Meeting [website](#).

Evidentiary Regimes of UN Treaty Bodies: Perspectives from Research and Practice

The DISSECT project, based in the Human Rights Centre of Ghent University, has issued a call for papers for a symposium on issues related to the collection, evaluation, and role of evidence in United Nations human rights treaty bodies’ responses to human rights violations. The symposium will be held on May 15-16, 2023 in Ghent, Belgium. The deadline for submission of abstracts is November 15. Additional information is available in the [call for papers](#).

Beauty and Power: Aesthetics, History, and International Law

The Geneva Graduate Institute invites the submission of abstracts for a workshop on “Beauty and Power: Aesthetics, History, and International Law,” to take place on October 19 and 20, 2023, and which forms part of a series on “New Directions in the Theory & History of International Law.” The deadline for submission of abstracts is November 25. Additional details are available in the [call for papers](#).

Corporate Accountability for Major International Crimes: A Fragmented Cause?

The National University for Political Studies and Public Administration invites proposals for a workshop on “Corporate Accountability for Major International Crimes: A Fragmented Cause?” to take place on May 25-26, 2023 in Bucharest, Romania. The deadline for proposal submissions is November 30. Further information is available in the [call for papers](#).

Workshop on Race and International Relations

The University of Notre Dame has announced a call for proposals for its inaugural workshop on race and international relations to be held on March 31, 2023 at the University of Notre Dame’s Keough School of Global Affairs in South Bend, Indiana. Proposals on any topic related to race, racism, and anti-racism in international relations broadly defined will be accepted and the deadline for 500-word proposal submissions is December 20. More details are available in the [call for papers](#).

2023 ESIL Annual Conference

The European Society of International Law is accepting submissions of abstracts, in French or English, for its 2023 Annual Conference on the topic, “Is International Law Fair?” The conference will take place in Aix-en-Provence, France from August 30 to September 2, 2023, in a hybrid format. Submissions are due by January 31, 2023 and additional information is available in the [call for papers](#).

NUP Jean Monnet Working Papers

The Jean Monnet Chair of the Neapolis University Pafos (NUP) welcomes contributions by young and senior scholars for the online publication series “NUP Jean Monnet Working Papers.” They accept manuscripts on topics related to economic crime, money laundering, the financing of terrorism, asset recovery, asset freezes and confiscation, financial investigations, judicial cooperation in criminal matters, etc., with emphasis on the EU law dimension of the topic examined. Submissions will be reviewed on a rolling basis, and more information is available in the [call for papers](#).

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Job Postings & Other Opportunities

Post-Doctoral Researcher in International Human Rights Law, The Hertie School in Berlin

The Hertie School in Berlin is seeking to fill the position of Postdoctoral Researcher-International Human Rights Law. The duration of the position will be February 1, 2023 to January 31, 2026. Further details are available in the [posting](#). Applications must be submitted by October 16.

Professor, University of Zurich

The University of Zurich is seeking applications for a Professorship of Criminal Law and Criminal Procedure Law and International Criminal Law or Economic Criminal Law to start in August 2023, or otherwise, upon agreement. Details are available in the [posting](#). Applications must be submitted by October 26.

Senior Officer, International Nuremberg Principles Academy

The International Nuremberg Principles Academy is seeking to recruit two full-time Senior Officers. The successful candidates will have demonstrated knowledge of international criminal law (ICL) and international humanitarian law (IHL) and a strong track-record in the ICL and/or IHL community – through previous work experience in international courts and tribunals, a research institution, a public or private foundation, academia, an international organization, government or civil society. Applications must be submitted by October 31, and further information is available in the [posting](#).

Associate Legal Officer, Chambers (P-2), International Criminal Court

The International Criminal Court is hiring an Associate Legal Officer (P-2) to work under the general guidance of the Head of Chambers' Staff. Applications are due November 3, and further information is available in the [posting](#).

Legal Officer, U.N. Department of Management Strategy, Policy & Compliance

The U.N. Department of Management Strategy, Policy and Compliance, Office of the Under-Secretary-General is seeking applications for a Legal Officer (P3) who will be responsible for conducting management evaluations of

decisions taken by the management of the Organization, Secretariat-wide, including in peacekeeping and special political missions. Applications are due November 5, and further information is available in the [posting](#).

Faculty Chairs, The European University Institute

The European University Institute is seeking applications for both a Chair in Law and Social Europe and a Chair in Public International Law. Successful candidates will be expected to teach and supervise broadly across these different areas. Details for both positions are available on the University [website](#). Applications for the Chair in Law and Social Europe are due by October 24, whereas applications for the Chair in Public International Law should be submitted by November 14.

Canada Research Chair in International and Comparative Law, University of Ottawa

The University of Ottawa invites applications for a Tier 1 Canada Research Chair (CRC) in International Law and Comparative Law. They are specifically looking for an exceptional researcher who leads a globally recognized research program on international law and comparative law. Applications will be accepted until November 29, and further information is available in the [posting](#).

Junior Analyst, International Accountability Platform for Belarus

The International Accountability Platform for Belarus is accepting applications for a Junior Analyst position to be based in Copenhagen, Denmark. The consultancy will commence on 15 October or as soon as possible thereafter, and will continue until the work is complete. Applications will be accepted until the position is filled, and further information is available in the [posting](#).

Joint Research Fellow & Strategic Coordinator, The International Centre for Counter-Terrorism and the Asser Institute

The International Centre for Counter-Terrorism and the T.M.C. Asser Institute in The Hague are seeking a Joint Research Fellow to strengthen their shared research agendas on the legal responses to violent extremism, especially in the field of international criminal justice. Applications will be accepted on a rolling basis and further information is available in the [posting](#). ■



Member News

ICTIG members, please send news of your promotions, new positions and appointments, awards, events, and other developments to share in the ICTIG Newsletter. See the first page of this newsletter for submission guidance.

Professor David M. Crane, Founding Chief Prosecutor of the UN Special Court for Sierra Leone, is pleased to share the recent work of the **Global Accountability Network (GAN)** regarding Russia's recent invasion of Ukraine, which includes three white papers on different aspects of accountability. The **first white paper** covers the commission of war crimes and crimes against humanity by the Russian Federation from February 24 to April 1, 2022. The paper articulates international legal mechanisms of accountability, identifies most responsible individuals, and provides a series of representative charges to be used in an international criminal tribunal. The **second white paper** lays out a practical way by which the crime of aggression can be investigated and prosecuted through the establishment of an international tribunal for Ukraine, just as it has been done successfully in Sierra Leone. It reviews the creation, set up, and subsequent operations of the first hybrid international tribunal, the Special Court for Sierra Leone, and how to take those successful lessons

learned to map out proven methodologies for the creation of the Special Tribunal for Ukraine. The **third white paper** contains a draft UNGA resolution recommending to the UNSG to enter into a bilateral agreement with Ukraine to create a Special Tribunal for Ukraine on the Crime of Aggression along with a draft of a creative statute. Questions or comments are directed to Christopher Arima at cgmartz@syr.edu.

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 (sara.ochs@louisville.edu) and Lisa Reinsberg (lisa@ijrcenter.org).