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Introduction

This issue of the *Israel Law Review* opens with the article by Daley Birkett and Dini Sejko, 'Challenging UN Security Council- and International Criminal Court-Requested Asset Freezes in Domestic Courts: Views from the United Kingdom and Italy'. The article concerns domestic challenges to the implementation of asset-freezing measures requested by the United Nations Security Council and the International Criminal Court. The article scrutinises attempts by the Libyan Investment Authority, the sovereign wealth fund of Libya, to contest these measures before the Italian courts and those of England and Wales. It demonstrates that domestic courts offer additional fora in which individuals and private entities may enforce the legal protection to which they are entitled.

In 'The Art of the Deal or "Abandoning" Self-Determination? US Recognition of Morocco's Territorial Sovereignty over Western Sahara', Christopher Borgen considers the 2020 recognition by the United States of Morocco's territorial sovereignty over Western Sahara. The article focuses on the interaction of arguments based on the recognition and non-recognition of territorial sovereignty, with those prioritising the right of self-determination of the Sahrawi people. Borgen concludes that inasmuch as the population of Western Sahara has a right to decide its own future, US recognition of Morocco's sovereignty over Western Sahara has undermined key principles of international law.

The article by Marco Longobardo and Stuart Wallace, 'The 2021 ECtHR Decision in *Georgia v Russia (II)* and the Application of Human Rights Law to Extraterritorial Hostilities', discusses the findings of the European Court of Human Rights in the 2021 *Georgia v Russia (II)* decision in relation to the applicability of the European Convention on Human Rights to the conduct of hostilities. Longobardo and Wallace examine the arguments advanced by the Court to support the holding that the Convention does not apply to extraterritorial hostilities in an international armed conflict. They argue that in the light of past decisions, international humanitarian law, international human rights law and the law of the treaties, the Court's conclusion is unconvincing. According to the authors, the Court's reasoning seems to be based on extra-legal considerations rather than on a sound interpretation of the notion of state jurisdiction under the Convention.

The relationship between international humanitarian law and international human rights law is also the subject matter of Jose Serralvo's 'Concomitant Prohibitions: Collective Punishment as the Origin of Other Violations to the Rights of Civilians under Belligerent Occupation'. Serralvo argues that resort to different forms of collective punishment during a belligerent occupation might lead to additional violations of international humanitarian law (IHL) and international human rights law (IHRL). He explores the notion of collective punishment under the law of occupation and connects it to other relevant rules of international law. Based on that analysis and using the Occupied Palestinian Territory as a case study, Serralvo argues that violating

the prohibition of collective punishment in a situation of belligerent occupation will in all likelihood trigger the breach of other concomitant rules of IHL and IHRL. His analysis thus sheds light on the scope of the prohibition of collective punishment, stipulated by Article 33 of the Fourth Geneva Convention 1949.

We wish you all an interesting read.

Professor Malcolm N Shaw QC
Professor Yuval Shany
Editors-in-Chief
Professor Yaël Ronen
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