

BRIEFLY NOTED

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JUDICIAL AND SIMILAR PROCEEDINGS

1. **Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II of 16 April 2021 entitled “Decision establishing the principles applicable to victims’ applications for participation” (International Criminal Court – September 14, 2021)**

<<https://www.icc-cpi.int/Pages/record.aspx?docNo = ICC-01/14-01/21-171>>

On Tuesday, September 14, the Appeals Chamber of the International Criminal Court (ICC) affirmed the April [decision of Pre-Trial Chamber II](#) permitting victims to participate in the trial of Mahamat Said Abdel Kani. According to a [press release](#) from the Court, the "Appeals Chamber found that the approach adopted by the Pre-Trial Chamber for transmitting victims’ applications for participation to the parties and admitting victims to participate in the proceedings is in principle an adequate tool to ensure the fairness and expeditiousness of the proceedings, while at the same time respecting the rights of both the suspect/accused and the victims." Mr. Said is suspected of crimes against humanity and war crimes allegedly committed in Bangui in the Central African Republic in 2013. The opening of the confirmation of charges in his case will take place on October 12.

2. **Decision on the Prosecutor’s request for authorisation of an investigation pursuant to Article 15(3) of the Statute (International Criminal Court – September 15, 2021)**

<<https://www.icc-cpi.int/Pages/record.aspx?docNo = ICC-01/21-12>>

On September 15, 2021, Pre-Trial Chamber I of the International Criminal Court granted the Prosecutor’s request to open an investigation into the situation in the Philippines. The case concerns crimes allegedly committed there between November 2011 and March 2019 in the context of a "war on drugs" campaign. According to a [press release](#) from the Court, the Chamber found that the facts at present indicate that "the so-called ‘war on drugs’ campaign cannot be seen as a legitimate law enforcement operation, and the killings neither as legitimate nor as mere excesses in an otherwise legitimate operation." The crimes under investigation are limited to those allegedly committed during the period when the Philippines was a state party to the Rome Statute. The Philippines withdrew from the Statute on March 17, 2019. The Court retains its jurisdiction for any crimes allegedly perpetrated before that date.

3. **Carter v. Russia (European Court of Human Rights – September 21, 2021)**

<<https://hudoc.echr.coe.int/eng?i = 001-211972>>

On September 21, 2021, the European Court of Human Rights (ECtHR) ruled in the case of *Carter v. Russia* that Russia has violated Article 2 (Right to Life) of the European Convention on Human Rights in its procedural and substantive aspects. The case dealt with the poisoning and death in London of Mr. Aleksandr Litvinenko’s, a former Soviet and Russian security services agent who had been granted asylum in the UK. In January 2016, the inquiry of the UK authorities established that Mr. Litvinenko was, beyond reasonable doubt, poisoned by Mr. Lugovoy and Mr. Kovtun. The ECtHR held that Russian authorities failed to carry out an effective investigation related to poisoning and death of Mr. Litvinenko, and therefore Russia violated Article 2 in its procedural aspect. The ECtHR further held that the Russian Government did not provide a satisfactory and convincing explanation of the events or counter the findings of the UK inquiry. In addition, the ECtHR stated that there is a strong prima facie case that Mr. Logovoy and Mr. Kovtun had been acting on the direction or control of the Russian authorities. The Court therefore ruled that Russia violated Article 2 in its substantive aspects. The ECtHR ordered Russia to pay the applicant €100,000 for pecuniary damages and €22,500 for costs and expenses.

RESOLUTIONS, DECLARATIONS, AND OTHER DOCUMENTS**1. Executive Order on Imposing Sanctions on Certain Persons With Respect to the Humanitarian and Human Rights Crisis in Ethiopia (President Joseph R. Biden, Jr. – September 20, 2021)**

<<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/17/executive-order-on-imposing-sanctions-on-certain-persons-with-respect-to-the-humanitarian-and-human-rights-crisis-in-ethiopia/>>

On Friday, September 17, 2021, President Biden issued an Executive Order imposing sanctions in relation to the ongoing crisis in Ethiopia. According to a [statement](#) on the Executive Order from President Biden, the sanctions "target those responsible for, or complicit in, prolonging the conflict in Ethiopia, obstructing humanitarian access, or preventing a ceasefire." The statement notes the "determin[ation]" of the United States "to push for a peaceful resolution of this conflict" and the United States' continued efforts "to press for a negotiated ceasefire, an end to abuses of innocent civilians, and humanitarian access to those in need."

2. Report of the Independent Fact-Finding Mission in Libya (U.N. Human Rights Council – October 1, 2021)

<<https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Libya/A-HRC-48-83-AUV-EN.docx>>

On October 4, 2021, the Independent Fact-Finding Mission on Libya [stated](#) that there are reasonable grounds to believe that crimes against humanity and war crimes have been committed in Libya. The UN Human Rights Council [established](#) the Mission by resolution [43/39](#) to investigate human rights violations and abuses in Libya since the beginning of 2016. Following its investigation, the Mission shared its report which included findings on conduct of hostilities, extrajudicial killings, violations in the context of deprivation of liberty, sexual and gender-based violence, and the situation of migrants, women, children, and internally displaced persons. The Mission called on Libya to ensure effective investigation of breaches, effective remedies to victims, safe return of internally displaced persons, and compliance with international law; and called on the international community to provide technical support to the Libyan authorities and to ensure that all agreements with Libyan authorities comply with international human rights law and international humanitarian law.