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ON CULTURAL ISSUES, HUMAN RIGHTS AND SECURITY

## MONTHLY WRAP APRIL 2024

### UN HUMAN RIGHTS COUNCIL

#### [Gaza: Human Rights Council resolution urges arms embargo on Israel](#)

The UN's top human rights body adopted a resolution on 5 April condemning the alleged "*use of starvation of civilians as a method of warfare in Gaza*", while also calling for an arms embargo on Israel. In particular, the 47-member Human Rights Council backed a call "*to cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel, the occupying Power [...] to prevent further violations of international humanitarian law and violations and abuses of human rights*". The resolution adopted by the Human Rights Council also denounces the use of artificial intelligence (AI) to aid military decision making in conflict that may contribute to international crimes. The document condemns the use of explosive weapons with wide-area effects by Israel in populated areas in Gaza, underlining the "*reverberating effects of such weapons on hospitals, schools, water, electricity and shelter, which are affecting millions of Palestinians*".

### UN HUMAN RIGHTS CHIEF

#### [Ukrainians suffer Russia-imposed "violence, intimidation, and coercion"](#)

UN human rights chief Volker Türk on 2 April called for the fighting and occupation of Ukraine to end, so the country can begin "*healing the deep wounds and painful divisions*" caused by Russia's invasion. More than 10,500 civilians have been killed, more than 20,000 injured over the past two years of "*immense suffering, bloodshed, loss and grief*", the UN rights chief reminded, noting that actual figures are likely to be "*significantly higher*". The rights violations began 10 years ago with the occupation of Crimea by Russian forces, he reminded citing a recent report by the UN Human Rights Office (OHCHR). Russian armed forces, the Human Rights Commissioner said, have committed widespread violations of international human rights and humanitarian law, including unlawful killings, torture, enforced disappearances, and arbitrary detention in occupied areas. Targeting of individuals deemed "pro-Ukrainian" and posing security risks have expanded while



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Russia has closed down Ukrainian internet providers, mobile networks, TV, and radio, rerouting communications through Russian networks.

## SECURITY COUNCIL

### [Sudan: Security Council members call for immediate halt to military escalation in El Fasher](#)

UN Security Council members on 27 April called on the warring parties in Sudan to immediately halt the military build-up and take steps to de-escalate the situation in El Fasher, the provincial capital of North Darfur. At least 43 people, among them women and children, have been killed in fighting between the Sudanese Armed Forces (SAF) and RSF – backed by their respective militia – since 14 April, when the RSF began its push into El Fasher, according to the UN human rights office (OHCHR). In a statement, Security Council members called on SAF and RSF to end the build-up of military forces and to take steps to de-escalate the situation and comply with their obligations under international humanitarian law. Council members also repeated their call for an immediate cessation of hostilities leading to a sustainable ceasefire. They also reminded all parties to the conflict and Member States to adhere to their obligations to comply with the arms embargo measures as stipulated in Resolutions 1556 (2004) and 2676 (2023).

### [Russia vetoes Security Council draft resolution on a weapon-free outer space](#)

The Security Council rejected the draft resolution, introduced by Japan and the United States, by a vote of 13 in favour to one against, with one abstention (China), that would have had the 15-member organ call on “*all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space*”. Also by the draft, the Council would have called on all nations “*to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation*”. Members also rejected an amendment tabled by China and Russia, by a vote of seven in favour to seven against, with one abstention, failing to reach the required nine votes for an adoption. The amendment suggested an additional paragraph, which would have had the Council call on “*all States, and above all those with major space*



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*capabilities, to take urgent measures to prevent for all time the placement of weapons in outer space and the threat or use of force in outer space, from space against Earth and from Earth against objects in outer space, and to seek through negotiations the early elaboration of appropriate reliably verifiable legally binding multilateral agreements”.*

## OSCE

### [OSCE leaders and anti-trafficking experts underscore need to rethink prevention methods to address evolving trafficking tactics](#)

On 16 April 2024, the 24th Conference of the Alliance against Trafficking in Persons was held in Vienna, attended by national authorities, international and civil society organisations and the private sector. OSCE anti-trafficking leaders and experts called on the 57 OSCE participating States to go beyond awareness-raising campaigns, emphasising the urgent need to reassess prevention efforts in the face of evolving trafficking tactics. This year, particular attention was paid to uncovering lesser-known forms of trafficking, such as trafficking for forced crime and the resulting blurred boundaries between victim and perpetrator. The conference also explored the need to update prevention efforts to address the vulnerabilities exploited by traffickers – gender, social and economic inequalities and inherent and circumstantial vulnerabilities – in their trafficking tactics. In addition, the conference also emphasised the importance of integrating the expertise of those with lived experience of human trafficking to improve and innovate effective prevention measures.

### [OCEEA and UNODC partner to train Armenia’s law enforcement agencies to investigate crypto-crimes](#)

To enhance Armenia’s capacity to tackle crypto-related crimes, the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), in partnership with the United Nations Office on Drugs and Crime (UNODC), brought together 27 representatives of various law enforcement agencies for a specialised training session on cryptocurrency investigations from 24-26 April. During these days, participants learnt the basic techniques and practical tools to conduct effective crypto-crime investigations. The training is part of an OSCE-led off-budget project on “*Innovative policy solutions to mitigate money-laundering risks of virtual assets*”, funded by Germany, Italy, Poland, Romania, the United Kingdom and the United States. The project supports OSCE participating States in developing national capacities to mitigate criminal risks related to virtual assets and cryptocurrencies. Participants also exchanged best practices and acquired information on



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specialised analysis software and open-source tools relevant to the sector. These tools would make it possible to track transactions conducted on different blockchains, examine the risks of certain addresses and exposure to criminal funds, or detect groups of different transactions, to name a few examples.

## INTERNATIONAL CRIMINAL COURT

### [Al Hassan case: Trial Chamber X to deliver judgment on 26 June 2024](#)

**Background:** Mr Al Hassan is accused of crimes against humanity and war crimes allegedly committed in Timbuktu (Mali). The trial in this case opened on 14-15 July 2020. 52 oral witnesses were called by the Prosecution at this stage and 22 Defence witnesses appeared in court. The Legal Representatives of Victims, representing 2196 victims in this case, also called two witnesses to testify. Trial Chamber X of the International Criminal Court (ICC) will deliver its judgment on conviction or acquittal pursuant to article 74 of the Rome Statute in the case *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* on 26 June 2024 at 12:00 (The Hague time).

### [ICC Deputy Prosecutor Nazhat Shameem Khan concludes official visit to Tripoli, discusses cooperation towards completion of investigations](#)

From 21 to 24 April 2024, the Deputy Prosecutor of the International Criminal Court (ICC), Ms Nazhat Shameem Khan, conducted an official visit to Tripoli. Her visit follows the statement of Prosecutor Karim A.A. Khan KC to the UN Security Council in November 2023 that the Office aims to complete investigative activities in the situation in Libya by the end of 2025, subject to deeper engagement with national authorities based on the principles of complementarity and cooperation. In her meetings, the Deputy Prosecutor elaborated on the Office's recent activities in relation to the situation in Libya, explained completion and fostered a constructive dialogue with national and international stakeholders. Deputy Prosecutor Khan further discussed efforts to improve complementarity and cooperation to promote accountability. The Deputy Prosecutor said the Office would pursue cases while supporting national accountability efforts.

### [ICC Office of the Prosecutor launches Policy on Complementarity and Cooperation](#)

At events held in Bogotá, Colombia and Bangui, Central African Republic (CAR), the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) launched today a new Policy on Complementarity and Cooperation. The Policy presents a fundamentally renewed approach by the Office to the principles of complementarity and cooperation at the heart of the Rome Statute by



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bringing its work closer to affected communities and deepening its partnerships with States, civil society, and regional and international organisations.

At the event in Bogotá, ICC Prosecutor Karim A.A. Khan KC described the vision behind the renewed complementarity drive of his Office.

At the launch event in Bangui, ICC Deputy Prosecutor Mame Mandiaye Niang thanked CAR officials, and spoke of CAR as an example of the rising role of domestic authorities in addressing international crimes. The Deputy Prosecutor underlined that a partnership-centered approach offered the possibility of delivering more for victims, including through both the SCC and ordinary national courts in CAR, which investigate and prosecute international crimes committed in that country.

The new policy underlines the Office's commitment to deliver justice close to the affected communities, simultaneously focusing on delivering on the core investigative mandate of the OTP while increasing its ability to support efforts of other criminal jurisdictions and accountability actors.

## INTERNATIONAL CRIMES

### [War crimes in Syria: former Salafist rebel Majdi Nema tried in France in April 2025](#)

A former spokesperson for the Syrian rebel group Jaysh al-Islam will be tried in April 2025 in Paris for complicity in war crimes in Syria between 2013 and 2016, according to a hearing notice consulted by AFP.

The trial of Majdi Nema will be held before the special assize court of Paris, under the universal jurisdiction of French justice, from April 29 to May 23, 2025.

This Syrian, now 35 years old, will be tried for complicity in war crimes, suspected of having helped to enlist children or adolescents between 2013 and 2016, and for participation in a criminal association with a view to preparing crimes. of war.

He faces a sentence of twenty years in prison.

### [Serbian Prosecutor Urges Prison Sentences for Kosovo Killings](#)

Prosecutor Bruno Vekaric told Belgrade Higher Court that nine Yugoslav Army ex-soldiers should be jailed for participation in the forcible displacement and killings of ethnic Albanian civilians during an attack on four villages near Peja/Pec in April and May 1999.

Vekaric said in the prosecution's closing arguments that the defendants' responsibility for the crimes committed in the villages of Qyshk/Cuska, Pavlan/Pavljan, Zahaq/Zahac and Lubeniq/Ljubenic during the Kosovo war had been established based on evidence, testimonies and documentation.



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The former soldiers were initially convicted in 2014 and sentenced to a total of 106 years in jail, but the Serbian appeal court reversed the verdict in 2015 and sent the case for retrial.

The retrial has been marred by delays and repeated postponements of hearings. Over the past 12 months, just eight hearings were scheduled.

Three of these hearings were postponed because either defendants or witnesses did not come to court.

### **Trial against Syrian Brigadier-General accused of aiding and abetting war crimes**

In December 2010, a wave of anti-government protests started in Tunisia which soon spread across large parts of the Middle East. In March 2011, protests began in Syria against the government of President Bashar al-Assad, whose family has been ruling Syria since 1971, and demanded a number of reforms. In February 2012, the government launched a month-long operation against Baba Amr, characterized by the regular and systematic use of heavy artillery, while the neighborhood was being held under siege by tanks, thousands of ground forces and helicopters providing air support. The violence did not stop when the government entered Baba Amr. In March 2012, the Independent International Commission of Inquiry into the Syrian Arab Republic (IIC) has recorded a high incidence of extrajudicial executions by the Syrian military and security forces and *shabbiha* protected by the army in several districts of the city of Homs. In May 2012, the indiscriminate and periodic bombing of Homs resumed.

On 15 April, a trial will begin at the Stockholm District Court in which a former Syrian Army brigadier general is accused of aiding and abetting war crimes through indiscriminate attacks on civilians and civilian property. The brigadier general is the highest ranked Syrian military officer to be tried for serious international crimes in a European court. The process is also the first in Europe to address the conduct of hostilities in Syria.

### **Lawyer for Kosovo's 'Commander Wolf' Seeks Acquittal for War Crimes**

**Background:** Shala is charged with direct involvement in the arbitrary detention, cruel treatment, torture and murder of prisoners held at the Kukes Metal Factory, which the KLA allegedly used as a detention centre. According to the prosecution, 18 people were detained, interrogated and mistreated in the factory between 17 May 1999 and 5 June 1999. The victims, mostly Kosovo Albanians but also some Roma, were allegedly detained for collaborating with Serbia or for opposing the KLA.

Shala pleaded not guilty to all charges.

In his closing statement to the Chamber of Experts of Kosovo in The Hague, the lawyer of former Kosovo Liberation Army member Pjeter Shala asked the court to absolve his client of all charges.



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### **France charges ex-wife of Islamic State official with crimes against humanity**

France has charged the ex-wife of a top Islamic State official with crimes against humanity on suspicion of enslaving a teenage Yazidi girl in Syria, French media reported.

A woman identified as Sonia M., the former wife of the jihadist group's head of external operations Abdelnasser Benyoucef, was charged on March 14, *Le Parisien* said Saturday.

The Yazidi woman, who was 16 when she was forced into slavery by Benyoucef, accused Sonia M. of raping her twice and knowing that her husband was raping her, the report said.

The woman, now 25, said she was held for more than a month in 2015 in Syria, where she was not allowed to eat, drink or shower without Sonia M.'s permission.

Sonia M. denied the allegations against her in a March 14 interview with French investigators, saying "only one rape" had been committed by her former husband.

## **COUNCIL OF EUROPE**

### **Annual report on the implementation of ECHR rulings: Significant progress, but important challenges remain**

The latest [annual report](#) from the Council of Europe's Committee of Ministers highlights significant progress on implementing rulings from the European Court of Human Rights in 2023, but at the same time highlights several major challenges that still need to be addressed. According to the report, the Committee of Ministers was able to close 982 cases during the year, thanks to measures taken by member states. Important progress was made, in many member states, in cases that were still pending at the end of the year. Furthermore, the report emphasises an increased commitment to the implementation process by Member States and civil society in 2023. Member states submitted a record number of action plans and action budgets and the number of communications from civil society organisations and national human rights institutions continued to increase. However, Russia's continued aggression against Ukraine continued to have a major impact on the system, severely undermining Ukraine's ability to swiftly implement Court rulings. In contrast, no progress was reported in the pending cases against the Russian Federation. In order to deal with these cases, the Committee of Ministers adopted a specific strategy in 2023, including enhanced cooperation with the United Nations and civil society. Finally, the report presents the considerable work done last year to support member states through cooperation, assistance and dialogue, including a record number of visits and meetings with national authorities.



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## [Anti-trafficking group GRETA issues 2023 report](#)

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings ([GRETA](#)) has published its latest [general report](#) of activities, highlighting the key achievements in 2023. These include the publication of 11 new country evaluation reports (in respect of Azerbaijan, Estonia, Greece, Iceland, the Netherlands, North Macedonia, Poland, Serbia, Slovenia, Spain and Sweden) and the launch of the fourth evaluation round of the [Council of Europe Convention on Action against Trafficking in Human Beings](#), with a thematic focus on vulnerabilities to human trafficking. The report takes stock of the third evaluation cycle of the Convention, which had as its main theme the access of victims of trafficking to justice and effective remedies. GRETA analyses trends emerging from its country reports, drawing attention to gaps in the implementation of the Convention, but also to promising practices. The report also highlights the difficulties trafficked persons have in accessing legal assistance and notes that, in several countries, such assistance is not available to some categories of trafficked persons.

## EUROPEAN COURT OF HUMAN RIGHTS

### [Almeida Arroja v. Portugal](#) (Application no. 47238/19)

The applicant, José Pedro Almeida Arroja, a Portuguese national, alleged a violation of Article 10 (freedom of expression). The Portuguese courts convicted him for aggravated defamation and causing offence to a legal entity after he implied, on Portuguese television, that a legal opinion provided to a public hospital by a law firm, directed by a well-known MEP, had been motivated by political interest. The Court found that the statements were a part of a broad critique on links between public administration and politics and not statements of fact and that the restrictions on Mr Almeida Arroja's freedom of expression had had the legitimate aim of protecting "the reputation or rights of others" within the meaning of Article 10 § 2 of the Convention and that the interference with Mr Almeida Arroja's rights was not supported by relevant and sufficient reasons.

### [Aydın Sefa Akay v. Türkiye](#) (Application no. 59/17)

Aydın Sefa Akay, a Turkish national, alleged a violation of Article 5§ 1 (right to liberty and security) and of Article 8 (right to respect for private life for private life and home). The case concerned a UN



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judge's arrest, pre-trial detention and search of his house, in spite of his diplomatic immunity, in the aftermath of the 2016 attempted military coup in Türkiye. Mr Akay was arrested because he was accused of being part of FETÖ/PDY, organization blamed for the attempted coup. The Court found that, as a judge of the UN Criminal Tribunals Mechanism, Mr Akay benefited from the privileges and immunities present in the provisions of the Vienna Convention on Diplomatic Relations. The Court concluded that Mr Akay's pre-trial detention and the search of his house and person were unlawful.

*Zăicescu and Fălticineanu v. Romania (Application no. 42917/16)*

Zăicescu and Fălticineanu are Romanian nationals, Jews, and Holocaust survivors. In 1945 two People's Tribunals were established to prosecute and punish massacres of Jewish people and, alongside others, R.D. (a lieutenant-colonel and former section head in the Romanian Army General Staff) was convicted for war crimes and crimes against humanity. In 1957 R.D.'s case was re-examined, and he was convicted solely of contributing to the creation of ghettos and concentration camps and placement of Jews in the ghettos and camps. The applicants, relying on Article 3 (prohibition of inhuman and degrading treatment) in conjunction with Article 14 (prohibition of discrimination), complained that the retrial proceedings had denied them an effective investigation into the Holocaust, and had damaged their psychological integrity as Holocaust survivors. Under article 6 § 1 (right to a fair trial) they also complained of a lack of access to the case files and under Article 1 of Protocol No. 12 to the Convention (general prohibition of discrimination) they complained of discrimination. The court rejected the part of the application regarding Article 3 and 14 because the events in question had taken place about 50 years before Romania had ratified the Convention, and some nine years before the entry into force of the Convention. The Court was satisfied that the Government had not provided relevant and sufficient reasons for the revision of historical conventions for crimes connected with the Holocaust and that the acquittals had been "excessive", leading to a violation of Article 8 read in conjunction with Article 14. The Court found no breaches of Article 6 § 1 and Article 1 of Protocol No. 12.

*E.L v. Lithuania (Application no. 12471/20)*

The applicant, Mr E.L. is a Lithuanian national that was appointed a guardian in 2013 as the courts restricted the parental rights of his biological parents. In 2018 his guardian reported to the authorities that the applicant had had told her that he had been sexually by three older boys when placed in a



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children's home between 2008 and 2013. The pre-trial investigation was discontinued on the grounds that no information had been obtained from the alleged suspects to prove that a crime had been committed. Relying on Article 3 (prohibition of inhuman or degrading treatment/investigation), the applicant alleged that the authorities had failed to effectively investigate his allegations of abuse. The Court agreed with the Government that a number of relevant and timely measures had been taken to investigate the applicant's case. Nevertheless, it considered that there had been shortcomings in the proceedings. The Court found that the State had failed in its duty to effectively investigate the applicant's allegation of ill-treatment, there had accordingly been a violation of Article 3 to the Convention.

*Georgia v. Russia (IV)* (Application no. 39611/18)

The Georgian Government alleged that ethnic Georgians attempting to cross, or living next to the administrative boundary lines that now separate Georgian-controlled territory from Abkhazia and South Ossetia were systematically harassed, unlawfully arrested and detained, assaulted, tortured, and even murdered by the Russian authorities. It also alleged restrictions on access to homes, land and education in Georgian and that Russia had failed to conduct Convention-complaint investigations into all allegations. The Court found that the incidents were not isolated and were not isolated and amounted to a pattern or system and that the "official tolerance" element had also been established beyond reasonable doubt. Overall, the Court considered that it had sufficient evidence in its possession to conclude that there had been an "administrative practice" contrary to Articles 2, 3, 5 § 1 and 8, and Articles 1 and 2 of Protocol No. 1 and Article 2 of Protocol No. 4.

*Matthews and Johnson v. Romania* (Application nos. 19124/21 and 20085/21) & *Lazăr v. Romania* (Application no. 20183/21)

The applicants, Murray Matthews, Marc Johnson and Marius Lazăr, members or associates of the Hells Angels motorcycle gang, are, respectively, a New Zealand, a British and a Romanian national. All three applicants were arrested in connection with various crimes and their detention was ordered. The US authorities requested that the applicants argued that they would be subject to a life sentence without parole if found guilty in the US, the US authorities provided information to the contrary. Extradition was ordered by the Court of Appeal, detention until the applicants' surrender to the US authorities was ordered by the High Court. At the applicants' request, the European Court indicated



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interim measures stating that the applicants should not be extradited for the duration of the proceedings before the Court, measures lifted following a request by the Romanian Government. The applicants complained about the length of time in detention, but the High Court ruled that the 180-day limit on pre-trial detention was not applicable to detention pending surrender. Relying on Article 3 (prohibition of inhuman or degrading treatment), Article 5 § 1 and 4 (right to liberty and security) the applicants alleged that their extradition to the US had/would put them at risk of life imprisonment without parole. The Court reiterated that the case of *Trabelsi v. Belgium* (Application no. 140/10), on which the applicants relied, had been expressly overruled in the *Sanchez-Sanchez* judgment. The Court held that the applicants had failed to provide evidence that there was a real risk of their being sentenced to life imprisonment without parole if extradited to the US. The Court therefore rejected the complaint under Article 3 as manifestly ill-founded. The Court found lawful Mr Matthew's and Mr Johnson's detention. The Court overall considered that the applicants' detention with a view to their extradition and surrender had been in accordance with Article 5 § 1 (f). As regards to the complaints under Article 5 § 4, the applicants had been able to "take proceedings" to have the lawfulness of their detention reviewed by a court. The Court noted that the national courts had been particularly diligent. These complaints were therefore manifestly ill-founded, and the Court rejected them. Mr Johnson and Mr Lazăr also complained, under Articles 3 and 5, of disproportionate sentencing, of being surrendered to the US authorities despite their health issues and of shortcomings in the extradition-warrant procedure. The Court found no evidence of any appearance of a violation and rejected these parts of the applications.

*Tamazount and Others v. France* (Application nos. 17131/19, 19242/19, 55810/20, 28794/21 and 28830/21)

The applicants are five French Nationals and are the children of "Harkis". They arrived in France at the time of Algerian independence, where they lived in Harki Reception Camp. The five applicants lodged actions on grounds of State liability, alleging that the French State had committed two acts of negligence by failing to protect the Harkis and their families and then to organize their systematic repatriation to France. The *Conseil d'État* considered that they lacked jurisdiction to rule, finding that the decisions that had been taken by the French authorities constituted acts of State which involved the relations between France and Algeria and for which the State could not be held liable on grounds of negligence. Relying on Article 6 (right of access to a court) of the Convention, the applicants submitted that their right of access to a court had been breached by the *Conseil d'État*'s decision,



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Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private life and correspondence) of the Convention, and on Article 1 of Protocol No. 1 (protection of property), four of the applicants further complained about their living conditions in the Harki reception facilities in France. The Court noted that the *Conseil d'État*'s declaration that it lacked jurisdiction had deprived the applicants of a decision on the merits of the right to compensation they had sought to assert on the basis of State liability for negligence and had, in consequence, restricted their right of access to a court. The Court found that the *Conseil d'État*'s declaration could not be considered to have overstepped the margin of appreciation afforded to States in limiting an individual's right of access to a court, it followed that there had been no violation of Article 6 § 1 of the Convention. The Court noted that the domestic courts had fully recognized the suffering endured by the applicants in the camps and that, after the decisions had been delivered in the domestic proceedings, the Law of 23 February 2022 had acknowledged the "responsibility of the Nation" for the inhumane reception and living conditions to which the Harkis had been subjected to, living conditions that were found by the Court to not be compatible with the respect of human dignity. The Court found that the sums awarded to the applicants were modest and, secondly, it inferred that the sums in question had not covered the damage sustained. In light of the above the domestic authorities had not taken sufficiently into account the specificity of their living conditions and, consequently, that the payment of that compensation had not deprived them of their victim status. The Court found that the applicants' stay in the camps had entailed violations of Article 3 and 8 of the Convention and of Article 1 of Protocol No. 1 to the Convention. The Court Noted that the *Conseil d'État*'s declaration could not be considered to have overstepped the margin of appreciation afforded to States in limiting an individual's right of access to a court, it follows that there had been no violation of Article 6 § 1 of the Convention.

### *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (Application no. 53600/20)

The applicants are, on one hand, Verein KlimaSeniorinnen Schweiz, an association under Swiss law established to promote effective climate protection on behalf of its members, who are more than 2000 older women and, on the other, four women, all members of the association and over 80, who complain of health problems that are exacerbated during heatwaves. In 2016 the applicants submitted a request to the Federal Council and other Swiss environmental and energy authorities, pointing to failings in climate protection and seeking a decision on actions to be taken. In 2017 the Swiss DETEC declared the request inadmissible, finding that the applicants were not directly affected in terms of



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their rights and could therefore not be regarded as victims, and in 2018 the Federal Administrative Court dismissed an appeal by the applicants finding that their rights were not affected in a different way to those of the general population. In 2020 the Federal Supreme Court dismissed an appeal, finding that the individual applicants were not sufficiently and directly affected by the alleged failings in terms of their right to life under Article 10 § 1 of the Constitution. The applicants complained that the Swiss Confederation had failed to fulfil its duties under Articles 2 and 8 of the Convention, complaining that the State had failed to introduce suitable legislation and to put appropriate and sufficient measures in place to attain the targets for combating climate change. The applicants further complained that they had no access to a court within the meaning of Article 6 § 1, alleging that the domestic courts had not properly responded to their requests. The applicants also complained of a violation of Article 13 (right to an effective remedy), arguing that no effective remedy had been available for the purpose of submitting their complaints under Articles 2 and 8. The Court decided not to examine the case from the angle of Article 2, noting that the principles developed under that Article are, to a very large extent, similar to those developed under Article 8. As regards the applicant association's complaint in relation to Switzerland, the Court found that there had been critical gaps in the process of putting in place the relevant domestic regulatory framework, Swiss Confederation had therefore exceeded its discretion and had failed to comply with its duties in this respect, violating Article 8. The Court found that, under Article 6 § 1, the Court found that the rejection of the applicant association's legal action, first by DETEC and then by the national courts at two levels of jurisdiction, amounted to an interference with their right of access to a court and it found that the national courts had not provided convincing reasons as to why they had considered it unnecessary to examine the merits of the complaints, amounting to a violation of Article 6 § 1. The Court did not find necessary to examine the applicant association's complaint separately under Article 13.

## EUROPEAN COUNCIL

### [Cyber: Statement by the High Representative on behalf of the EU on continued malicious behaviour in cyberspace by the Russian Federation](#)

The European Union and its Member States, together with international partners, strongly condemn the malicious cyber campaign conducted by the Russia-controlled Advanced Persistent Threat Actor 28 (APT28) against Germany and Czechia. Today, Germany has shared publicly its assessment on APT28 compromise of various e-mail accounts of the German Social Democratic Party executive. At the same time, Czechia announced its institutions have been a target of this cyber campaign. State



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institutions, agencies and entities in Member States, including in Poland, Lithuania, Slovakia and Sweden have been targeted by the same threat actor before. In 2020, the EU imposed sanctions on individuals and entities responsible for the APT28 attacks targeting the German Federal Parliament in 2015.

The malicious cyber campaign shows Russia's continuous pattern of irresponsible behaviour in cyberspace, by targeting democratic institutions, government entities and critical infrastructure providers across the European Union and beyond.

This type of behaviour is contrary to the UN norms of responsible state behaviour in cyberspace, such as impairing the use and operation of critical infrastructure. This type of behaviour is contrary to the UN norms of responsible state behaviour in cyberspace, such as impairing the use and operation of critical infrastructure. The EU will not tolerate such malicious behaviour, particularly activities that aim to degrade critical infrastructure, weaken societal cohesion and influence democratic processes. The EU is determined to make use of the full spectrum of measures to prevent, deter and respond to Russia's malicious behaviour in cyberspace.

### [The Council gives the final green light to the prolongation of a child sexual abuse protection measure](#)

The Council adopted a regulation prolonging an interim measure to combat online child sexual abuse. The interim measure will be extended until 3 April 2026. The regulation which was adopted sustains a derogation from data protection rules in the electronic communications sector which allows providers of so-called number-independent interpersonal communications services (e.g. messaging services) to use specific technologies for the processing of personal and other data to detect online child sexual abuse on their services, to report and to remove it.

The prolongation also foresees that, in order to obtain comprehensive reporting and comparable statistics, providers should make the information about the reports of detected online child sexual abuse that they submit to the authorities and the Commission available in a structured format. The regulation enters into force on the day following that of its publication in the Official Journal of the EU. It is directly applicable in all member states.

## EUROPEAN PARLIAMENT

### [Criminal Protection of the Environment: Directive \(EU\) 2024/1203 of the European Parliament and of the Council Published in the Official Journal of the European Union](#)



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The Directive (EU) 2024/1203 of the European Parliament and of the Council, dated 11 April 2024, on the Criminal Protection of the Environment, which replaces Directives 2008/99/EC and 2009/123/EC, has been published in the Official Journal of the European Union.

The directive - as stated in Article 1 - 'establishes minimum rules for defining offenses and sanctions in order to more effectively protect the environment, as well as measures aimed at preventing and combating environmental crime and ensuring the effective application of Union environmental law. The directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union, and Member States shall adopt the legislative, regulatory, and administrative provisions necessary to comply with it by 21 May 2026.

### [Parliament condemns Iran's attack on Israel and calls for de-escalation](#)

Condemning the Iranian strikes on 13 and 14 April, Parliament voices serious concern over the escalation and threat to regional security. MEPs reiterate their full support for the security of the State of Israel and its citizens and condemn the simultaneous rocket launches carried out by Iran's proxies Hezbollah in Lebanon and Houthi rebels in Yemen against the Golan Heights and Israeli territory before and during the Iranian attack.

At the same time, they deplore the attack on the Iranian consulate in the Syrian capital Damascus on 1 April, which is widely attributed to Israel. The resolution recalls the importance of the principle of the inviolability of diplomatic and consular premises, which must be respected in all cases under international law. While calling on all parties to avoid any further escalation and to show maximum restraint, Parliament expresses deep concerns over the destabilising role that the Iranian regime and its network of non-state actors play in the Middle East. MEPs welcome the EU's decision to expand its current sanctions regime against Iran, including by sanctioning the country's supply and production of unmanned drones and missiles to Russia and the wider Middle East. The resolution finally welcomes the Council's decision to launch the EU Naval Force Operation ASPIDES to safeguard freedom of navigation off the coast of Yemen, while calling on Iran and entities under its control to ensure the release and safe return of captured European crewmembers taken from vessels passing in the region.

## EUROPEAN PUBLIC PROSECUTOR'S OFFICE

### [Italy: European Public Prosecutor's Office initiates investigations into EUR 8.8 million fraud involving training institutes](#)



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At the request of the European Public Prosecutor's Office (EPPO) in Rome (Italy), the Guardia di Finanza of Bari carried out on 15 April 2024 searches in the context of an investigation into a theft of 8.8 million euros of training fraud. The searches are being carried out in the homes of two suspects residing in Bari and in different companies. This is an investigation into fraud related to training activities carried out by several training institutes, with financial support from the EU. Between 2019 and 2022, the suspects received public funds under the Youth Guarantee Programme, amounting to 8.8 million euros, aimed at combating unemployment and ensuring the integration of young people into the world of work. However, based on the evidence, most training courses did not take place. Suspects are investigated for aggravated fraud for the achievement of public disbursements, as well as issuing invoices for non-existent transactions.

## **"Resilient crime" investigation: 22 arrests in the raid against a criminal organization suspected of fraud of 600 million euros that involved NextGenerationEU funds**

In the context of a large-scale international investigation conducted by the European Public Prosecutor's Office (EPPO) in Venice (Italy), dozens of searches and seizures were carried out and on 4 April 22 arrests were made in Italy, Austria, Romania and Slovakia, in an investigation into an alleged criminal organisation suspected of defrauding EUR 600 million of the EU Recovery and Resilience Fund (RRF) for Italy. In Italy, the Nucleus of the Economic and Financial Police of Venice has executed a seizure order issued by the investigating judge on assets for a total value of over 600 million euros. With the support of the police of the other Member States involved, 22 people were arrested in Italy, Austria, Romania and Slovakia. Eight suspects have been placed on remand, while another 14 suspects are under house arrest and an accountant has been banned from practising his profession. The premises of the suspects and the companies investigated were also the subject of searches and seizure of evidence. On the EPPO radar there is a criminal association suspected of orchestrating, between 2021 and 2023, a fraud plan to obtain funds from the National Recovery and Resilience Plan (PNRRP), part of the RRF, the main pillar of the NextGenerationEU recovery plan. In 2021, members of the Criminal Association applied for grants to support digitisation, innovation and the competitiveness of small and medium-sized enterprises, with the aim of expanding its commercial activities in foreign markets. The suspects would have created and filed false company accounts to prove that the companies were active and profitable, while in reality they were fictitious and inactive companies.



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## EUROJUST

### [Eurojust focuses on more attention for victims' rights in cross-border judicial cooperation](#)

Eurojust aims to step up its efforts to assist victims of crime. The Agency will work on ways to more effectively integrate victims' rights into every step of judicial cooperation processes by national authorities: from the identification of victims to their right to remediation. This is the main outcome of the 'Symposium on Victims' Rights in Europe' organised by Eurojust on 26 April 2024 in cooperation with the Belgian Presidency of the Council of the European Union. Ms Hilde Vandevorde, National Member for Belgium at Eurojust and Chair of the Working Group on Victims' Rights, stated: *"Eurojust can and must play a pivotal role in minimising the risks associated with the cross-border dimension of cases. Ensuring timely and efficient coordination between the various countries and actors involved will help to safeguard victims' rights. Via this symposium, we bring together expertise, experience and best practices that we think will benefit victims of crime"*. Approximately 15% of all Europeans, or some 75 million EU citizens, fall victim to crime every year. Maintaining, improving and guaranteeing the rights of victims is also one of the priorities of the Belgian EU Presidency in the field of justice and home affairs. Over the years, Eurojust has paid great attention to the rights of victims of all types of crime across Europe. Through its support to cases, the Agency sees on a daily basis how complex and difficult it can be to protect the victims of crime when different jurisdictions are involved. The symposium, the first ever organised by Eurojust in this field, brought together a wealth of expertise to address this issue. Practitioners, representatives of the EU Commission and EU agencies such as the Fundamental Rights Agency and the European Institute for Gender Equality shared their experiences. Other key partners such as the EU Centre of Expertise for Victims of Terrorism and the European Network on Victims' Rights participated in the Eurojust symposium, which focused on specific groups, such as victims of terrorism, trafficking in human beings, economic crime and cybercrime. The symposium provided an overview of best practices in EU Member States, with participants recognising the different needs of each victim and the specific challenges posed by the cross-border dimension of cases involving victims of multiple nationalities located in different jurisdictions. To increase the prominence of victims in the entire judicial process, Eurojust is committed to systemically advising national authorities to consider the role of victims in the judicial process, regardless of their nationality or place of residence. The symposium showed that by bringing together the prosecutors and judges in charge of cross-border cases involving victims, Eurojust can contribute to greater convergence and coherence of national efforts in this field.



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## [Assistance in dismantling Pakistani-led migrant smuggling network in Romania, Italy and Austria](#)

Flags of Romania, Austria, Italy, logo of Europol and Eurojust Authorities in Romania, Italy and Austria have dismantled a criminal network that abused work visas to smuggle over 500 Pakistani, Bengali and Egyptian migrants to various EU Member States. In total, 12 suspects have been formally identified and will be charged during an action day with the active support by Eurojust and Europol. Eurojust also assisted in setting up and financing a joint investigation team (JIT) into the case. The migrant smuggling network advertised its services online, but members of the organised crime group (OCG) based in Pakistan also recruited migrants locally. The criminal network started its activities in January 2021 and operated until recently. In the EU, the OCG operated from Romania, Italy and Austria and is estimated to have earned at least EUR 1 million with their illegal activities. The smugglers obtained Romanian work visas for the migrants through a series of linked companies set up for this purpose, and placed them in Bucharest and Brasov. From there they were transported to the border area near Timisoara, from where they were further trafficked to Italy, Austria and Germany. These onward journeys were either by guided passage on foot across the border or in lorries. Investigations were launched in Romania in August of last year and identified 15 suspects and 5 enterprises set up for the smuggling activities. During the action day, a total of 29 places have been searched and an estimated value of EUR 146,000 in cash was seized. Eurojust not only assisted in setting up the JIT between Romania, Italy and Europol, but also provided additional cross-border judicial support during the action. Europol provided elaborate analytical support and operational cooperation and facilitated the exchange of information.

## EUROPOL

### [International investigation disrupts phishing-as-a-service platform LabHost](#)

This week, law enforcement agencies in 19 countries severely disrupted one of the world's largest phishing-as-a-service platforms, known as LabHost. LabHost has become an important tool for cybercriminals worldwide. Platforms such as this, which is user-friendly, make cybercrime more easily accessible to inexperienced hackers, significantly expanding the pool of threat perpetrators. This year-long operation, coordinated internationally by Europol, resulted in the compromise of LabHost's infrastructure, leading to the arrest of 37 suspects. Europol has been supporting this case



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since September 2023. An operational sprint was organised with all countries involved so that national investigators could identify and develop intelligence on users and victims in their own countries. A large amount of data collected during the investigations is now in the possession of law enforcement agencies. This data will be used to support ongoing international operational activities focused on targeting malicious users of this phishing platform.

### [More than 3 000 law enforcement authorities now connected to Europol](#)

In a world where threats can materialise at a moment's notice and criminals operate across borders with unprecedented speed and sophistication, the timely exchange of information is essential for local, national and international law enforcement agencies to respond quickly and decisively. Today, more than 3 000 law enforcement authorities from over 70 countries and international entities are connected to Europol's secure information exchange channel, known as SIENA ('Secure Information Exchange Network Application').

The platform enables the swift exchange of operational and strategic information among Europol, EU Member States and partner countries with which Europol has cooperation agreements or working arrangements. This service is available 24 hours a day, 7 days a week. In 2023, the number of messages exchanged through SIENA grew to an all-time high of 1.79 million, reflecting SIENA's essential role as the preferred European communication channel for law enforcement agencies. In May 2023, SIENA received a “legislative home” in the shape of the [Directive 2023/977 of the European Parliament and of the Council on the exchange of information between the law enforcement authorities of Member States \(IED\)](#), which requested that all competent law enforcement authorities that might be involved in exchanges of information should be directly connected to SIENA.

### [Europol report identifies the most threatening criminal networks in the EU](#)

Europol's new report, published today, entitled [“Decoding the EU's most threatening criminal networks”](#), delves into the characteristics of the criminal networks that pose the highest threat. This Europe-wide analysis focuses on criminal actors in a first-of-its-kind mapping of the most threatening criminal networks. It describes, in detail, how the most threatening criminal networks are organised, which criminal activities they engage in, and how and where they operate. It also assesses which of their characteristics increase the threat posed by these networks. This mapping report will be an essential tool to fight organised crime, a top priority of the EU, as outlined in the recent roadmap presented by the European Commission. This analysis is based on a unique dataset that has been



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shared with Europol specifically for this purpose and supplemented with additional information already shared with Europol as the European hub for criminal intelligence. All EU Member States and 17 Europol partner countries provided data to identify the most threatening criminal networks in Europe. This produced a unique dataset of 821 high-risk criminal networks, with extensive information on all aspects describing them and helping to assess their threat. These criminal networks were selected on the basis of criteria relating to the threat they pose; they are active in a range of criminal sectors, from drug trafficking to migrant smuggling, property crimes and others. Through a comprehensive analysis of 821 criminal networks, an ABCD framework was developed, shedding light on their fundamental characteristics. By categorising key aspects of these groups into four distinct dimensions—A for Agile, B for Borderless, C for Controlling, and D for Destructive—the ABCD framework offers valuable insights into their modus operandi, structures, and operational patterns. The ABCD of criminal networks highlights important elements to guide policy and operational action. It is a starting point for future analysis of criminal actors and will be further elaborated in forthcoming Europol analytical products, such as the EU Serious and Organised Crime Threat Assessment 2025. This data, now centralised at Europol, will assist national law enforcement authorities to better target and conduct their cross-border criminal investigations.

## COURT OF JUSTICE OF THE EUROPEAN UNION - CJEU

### [EncroChat: the Court of Justice clarifies the conditions for the transmission and use of evidence in criminal cases with a cross-border dimension](#)

In the context of criminal proceedings in Germany concerning illegal drug trafficking involving the use of the encrypted telecommunications service EncroChat, the Court of Justice clarifies certain conditions for the transmission and use of evidence under the Directive regarding the European Investigation Order (EIO) in criminal matters.

Thus, an EIO for the transmission of evidence already gathered by another Member State may, under certain conditions, be issued by a public prosecutor.

The French police were able, with the assistance of Dutch experts and the authorisation of a French court, to infiltrate the encrypted telecommunications service EncroChat. The service was being used worldwide on encrypted mobile phones for the purpose of illegal drug trafficking. The German Federal Criminal Police Office was able, via a Europol server, to retrieve the intercepted data relating to EncroChat users in Germany. Acting on the EIOs issued by the German public prosecutor's office, the French court authorised the transmission of those data and their use in criminal proceedings in



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Germany. The Regional Court of Berlin, before which criminal proceedings were brought, queries the lawfulness of those EIOs. The reply given by the Court of Justice is that an EIO for the transmission of evidence already in the possession of the competent authorities of the executing State (in this case, France) does not necessarily need to be issued by a judge. It may be issued by a public prosecutor if he or she is competent, in a purely domestic case, to order the transmission of evidence that has already been gathered. Furthermore, the issuing of such an EIO is subject to the same substantive conditions as those that apply to the transmission of similar evidence in a purely domestic situation. It does not, however, need to satisfy the same substantive conditions as those that apply to the gathering of evidence. Clearly, a court before which an action against that EIO is brought must be able to review compliance with the fundamental rights of the persons concerned. The Court of Justice also makes clear that a measure entailing the infiltration of terminal devices for the purpose of gathering traffic, location and communication data of an internet-based communication service must be notified to the Member State in which the subject of that measure is located (in this case, Germany). The competent authority of that Member State then has the right to indicate that that interception of telecommunications may not be carried out or must be terminated, if it would not be authorised in a similar domestic case. Those rights and obligations are intended not only to guarantee respect for the sovereignty of the notified Member State but also to protect the rights of the persons concerned.

## ITALIAN CONSTITUTIONAL COURT

### [Declaration of groundlessness of the question of legitimacy on the \*ex officio\* prosecution of art. 574-bis of the Criminal Code](#)

The Court of Cuneo, in monocratic composition, raised the question of the constitutional legitimacy of the crime of abduction and detention of a child abroad pursuant to art. 574-bis of the Criminal Code, in the part in which it provides that the offence can be prosecuted *ex officio* rather than on complaint. The judge states that in the main proceedings the defendant had detained her minor children in the Czech Republic against their father's wishes and the Court of Appeal of Brno, in ordering their return to Italy, had recommended that the father do everything necessary to restore family harmony. According to the applicant, the *ex officio* prosecution of the offence provided for by art. 574-bis of the Criminal Code would be contrary to Art. 3 Const. for unjustified unequal treatment and unreasonableness with respect to the different crime of abduction of incapacitated persons referred to in art. 574 of the Criminal Code, since both aim to protect the same legal right, the exercise



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of parental responsibility, and the greater seriousness of the conduct of taking or retaining the child abroad would already be compensated by an aggravation of the sanctioning treatment provided for the abduction of an incapacitated person in the national territory. The Constitutional Court declared the question unfounded, justifying the legislator's choice to differentiate the regime of prosecution of the cases of abduction referred to in art. 574 and 574-*bis* of the Criminal Code, and basing its decision on the specialized element of conduct and detention abroad, which affects not only the interest of the child not to grow up far from one or both of the parents, but also that of not being uprooted from his or her original context.



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