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BRIEFLY NOTED*

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Judicial and Similar Proceedings

1. Russia v. The Netherlands & Australia (International Court of Justice – September 18, 2025)

https://www.icj-cij.org/sites/default/files/case-related/201/201-20250919-pre-01-00-en.pdf

On September 18, 2025, the Russian Federation filed an application before the International Court of Justice (ICJ), appealing a decision of the Council of the International Civil Aviation Organization (ICAO).

The underlying dispute concerned the downing of Malaysia Airlines Flight MH17 over eastern Ukraine on July 17, 2014. In March 2022, Australia and the Netherlands initiated the proceedings before the ICAO Council, under Article 84 of the Convention on International Civil Aviation (Chicago Convention). The submission alleged that Russia violated its obligations under the Chicago Convention, specifically Article 3bis, which prohibits use of weapons against civil aircraft in flight. On 30 June, 2025, the ICAO Council, exercising its dispute settlement function, found that Russia breached its obligations under the Convention.

Russia appealed the ICAO Council's decision to the ICJ under Article 84 of the Chicago Convention, in conjunction with Article 36(1) of the ICJ Statute. In its Application, Russia asks the Court to declare the Council's final decision null and void. Russia argues that the Chicago Convention is inapplicable during armed conflict under Article 89 and that the Council therefore lacked jurisdiction to adjudicate the dispute. Alternatively and subsidiarily, Russia challenges the Council's assessment of the standard of proof, its handling of evidence, the attribution of conduct, and the scope of its decision-making powers.

The case marks the first time that the ICJ will review an ICAO Council decision related to an aerial incident involving allegations of state responsibility for the use of force against a civil aircraft in flight.

2. Đorđević v. Serbia (European Court of Human Rights – October 7, 2025)

https://hudoc.echr.coe.int/?i=001-245088

The European Court of Human Rights (ECtHR) found that Serbia violated Article 8 (right to respect for private life) of the European Convention on Human Rights and Article 1 of Protocol No. 1 (protection of property), in a case concerning the impact of a neighboring construction project on the applicant's living conditions and the market value of her property.

The construction of a six-storey building less than two meters from the applicant's ground-floor apartment resulted in loss of natural light and ventilation. Further, the experts concluded that the apartment was transformed into a basement, which impaired normal living conditions and reduced its market value by at least 20%.

Despite warnings from the residents and internal findings by the Construction Inspectorate and the Ministry's urban planning inspector identifying irregularities in the issued permit, the authorities took no corrective action. The domestic courts failed to assess the impact of these conditions on the applicant's daily life and provided no compensation or redress for the decrease in property value, contrary to prior Supreme Court practice.

The ECtHR found a violation of Article 8, noting the severity of the long-term impact on the applicant's home and her vulnerability. The Court also found a violation of Article 1 of Protocol No. 1, highlighting the authorities' failure to address irregularities in the permit, the lack of compensation despite proven financial loss, and not considering the value reduction as significant contrary to established domestic case-law.

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3. Tsatani v. Greece (European Court of Human Rights – October 14, 2025)

https://hudoc.echr.coe.int/?i=001-245246

In Tsatani v. Greece, the European Court of Human Rights (ECtHR) examined whether disciplinary proceedings against a Greek prosecutor complied with Article 6(1) of the European Convention on Human Rights, which guarantees the right to fair and impartial hearings. The applicant, Tsatani, faced disciplinary actions initiated by the President of the Court of Cassation after she closed a criminal investigation into alleged fraud involving Greek and Cypriot individuals.

Tsatani filed a recusal request, arguing that the President had a conflict of interest and could not be impartial. She also complained about a press release issued by the President concerning her recusal request. The Disciplinary Council dismissed her claims, finding her guilty of serious negligence damaging the judiciary's prestige and imposed a 60-day salary deprivation.

Before the ECtHR, Tsatani argued that her right to a fair hearing under Article 6(1) had been violated because her case was not heard by an independent and impartial tribunal. She noted that the President, who conducted the preliminary investigation, had herself examined the recusal request and initiated the proceedings.

The Greek government argued that Article 6(1) did not apply, as the case was purely disciplinary and not criminal. The Court agreed in part, finding the proceedings were exclusively disciplinary. However, it held that disciplinary councils are tribunals under the Article's civil limb because they exercise full jurisdiction over professional responsibility matters. The Court found Tsatani's concerns about impartiality objectively justified, reasoning that the tribunal failed to address the effect of the President's press release and thus did not meet the required standard of impartiality.

RESOLUTIONS, DECLARATIONS, AND OTHER DOCUMENTS

1. Resolution on the question concerning Haiti (Haiti Sanctions) (United Nations Security Council – October 17, 2025)

http://undocs.org/en/S/RES/2794(2025)

The UN Security Council adopted resolution S/RES/2794 (2025) to extend Haiti's sanctions regime for an additional year in response to the rising threat of gang violence. The renewed measures aim to combat the country's high levels of homicide, kidnapping, trafficking, and sexual violence, all of which continue to undermine stability. The illegal trade and distribution of weapons to armed gangs further threaten Haiti's rule of law.

The original 2022 resolution established a travel ban, asset freeze, and arms embargo, targeting both individuals and entities involved in activities that destabilize Haiti through illicit exploitation or trade. Under the renewed resolution, member states are urged to prevent illicit arms trafficking and diversion by strengthening border control mechanisms.

The Security Council also extended the mandate of the panel of experts for 13 months to monitor compliance and provide recommendations for further action. Additionally, it authorized the replacement of the Kenya-led Multinational Security Support Mission with a new Gang Suppression Force, designed to restore stability and "enable a Haiti free of weapons, safer, and in peace." Haiti's representative emphasized that the sanctions regime could serve as "an effective instrument of deterrence and justice, if properly applied and respected by all member states."

2. Doha Political Declaration of the "World Social Summit" under the title "the Second World Summit for Social Development" (United Nations General Assembly – November 5-6, 2025)

https://docs.un.org/en/A/80/L.5

The United Nations (UN) General Assembly adopted the Doha Political Declaration at the Second World Summit for Social Development, held in Doha from November 4-6, 2025. The Summit sought to build a more

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just, inclusive, equitable and sustainable world by assessing global progress since the 1995 Copenhagen Declaration on Social Development and Programme of Action.

The General Assembly emphasized that social development and social justice are indispensable for the achievement of peace and security among nations. It acknowledged that, since the convening of the World Summit for Social Development 30 years ago, progress remains slow and uneven. Millions live in extreme poverty or are at risk of falling into extreme poverty, informal employment remains pervasive, income inequalities have increased and the digital divide within and among countries persist.

To address these challenges, the General Assembly committed to creating an enabling economic, political, social, cultural and legal environment to achieve social development. It further commits to taking effective measures to address root causes of poverty and ensuring sustainable and equitable financing for social protection systems.

The General Assembly decided to proceed to a five year follow up on the Doha Political Declaration and the Copenhagen Declaration starting in 2031. It requested the Secretary General to prepare a report assessing progress and identifying gaps in social development. It also invited UN regional commissions to convene preparatory meetings at the regional level in advance of the follow up.

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