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DOI:10.1017/ilm.2025.10140

BRIEFLY NOTED*

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Judicial and Similar Proceedings

1. **Semenya v. Switzerland (European Court of Human Rights – July 10, 2025)**

<https://hudoc.echr.coe.int/?i=001-244348>

The Grand Chamber of the European Court of Human Rights (ECtHR) ruled on July 10, 2025 that Switzerland violated Olympic champion Caster Semenya's right to a fair hearing (Article 6 § 1 of the European Convention on Human Rights). The case involved Semenya's challenge to World Athletics rules requiring female athletes with high natural testosterone to undergo hormone treatment to compete in women's middle-distance races.

Semenya, a South African runner born with differences of sex development (DSD), first challenged the testosterone rules at the Court of Arbitration for Sport (CAS), which upheld them in 2019. She then appealed to Switzerland's Federal Supreme Court (FSC), which also ruled against her in 2020. Semenya brought her case to the European Court of Human Rights, arguing that Switzerland violated her rights. In 2023, a Chamber of the court found discrimination violations, but Switzerland appealed.

In its latest ruling this month, the Court found Switzerland had jurisdiction under Article 6 § 1 because Semenya's appeal to the Swiss Federal Supreme Court (FSC) created a jurisdictional link. However, it rejected jurisdiction over her Article 8 (private life) and Article 14 (discrimination) claims due to lack of territorial connection beyond the arbitration proceedings.

The Court found Switzerland's review inadequate because the FSC's examination was limited to "public policy" compatibility— a very narrow standard. The CAS had expressed "grave concerns" about whether athletes could practically maintain required testosterone levels but left this crucial issue unresolved, and the FSC merely noted the CAS reserved the right to re-examine this in future cases. Despite acknowledging "sparse" evidence supporting inclusion of certain events, neither tribunal adequately addressed these evidentiary shortcomings or the proportionality of privacy violations from effective public disclosure of athletes' medical status.

The European court emphasized that when athletes are forced into arbitration that affects fundamental rights like bodily integrity and human dignity, national courts must conduct a more thorough review. The current system, which treats sports disputes like commercial arbitration, doesn't provide adequate protection for athletes' rights.

2. **LC and CP v. Commissione territoriale per il riconoscimento della protezione internazionale di Roma – sezione procedure alla frontiera II (Court of Justice of the European Union – August 1, 2025)**

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=303022&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=19366217>

On August 1, 2025, the Court of Justice of the European Union (CJEU) delivered a significant decision, ruling on tightened legal requirements for how EU member states may designate "safe countries of origin" for the purpose of accelerated asylum procedures.

The case concerned two Bangladeshi nationals rescued by the Italian authorities who were transferred to a detention center in Albania, under the Italy–Albania Protocol. While they applied for international protection, the Italian authorities processed their applications under the accelerated border procedure and rejected their claims as unfounded, reasoning that Bangladesh was classified as a "safe country of origin." The applicants challenged these rejection decisions before the Italian courts.

The Court held that the EU law does not prevent member states from designating third countries as a "safe country of origin" through legislation, provided such designations are subject to effective judicial review. The judicial review must assess whether the designation meets the criteria set out in Annex I to the Directive 2013/32/EU. The Court also emphasized that the information used to support such a designation must be sufficiently accessible to the applicant, as well as the competent court in order to ensure effective judicial protection.

*With thanks to Brianne Blain, Alaa Hajyahia, and Özge Karsu for thier assistance in drafting these summaries.

https://doi.org/10.1017/ilm.2025.10140 Published online by Cambridge University Press

Further, the CJEU stated that until the new regulation enters into force, EU member states cannot designate a country as safe if it does not meet the material conditions for all categories of persons. The new regulation, which is scheduled to apply from June 12, 2026, will for the first time permit designations with explicit exceptions for identifiable groups.

3. **Mali Files ICJ Application Concerning Dispute with Algeria (September 16, 2025)**

<https://www.icj-cij.org/sites/default/files/press-releases/0/000-20250919-pre-01-00-enc.pdf>

On September 16, 2023, the Republic of Mali filed an application with the International Court of Justice (ICJ) against Algeria, concerning the alleged destruction of a Malian military reconnaissance drone by Algerian Defense Forces while it was conducting a surveillance mission over Malian territory. Mali characterized this as a "premeditated destruction" of its military equipment.

Mali alleges that Algeria's actions were intended to obstruct Mali's ongoing military operations against armed rebel groups and that the drone's destruction constitutes a hostile act in violation of the principle of non-use of force, amounting to an act of aggression under United Nations General Assembly Resolution A/RES/29/3314 of 14 December 1974.

Mali requested the ICJ to exercise jurisdiction over the case under Article 40(1) of the Statute of the Court and Article 38(5) of the Rules of Court. In line with these provisions, the application was transmitted to Algeria; however, no further action will be taken unless Algeria accepts the Court's jurisdiction.

Algeria rejected Mali's move to bring the matter before the ICJ, describing the action as a "shameless maneuver" intended to deflect attention from Mali's own internal military issues.

RESOLUTIONS, DECLARATIONS, AND OTHER DOCUMENTS

1. **Russia Withdraws from European Convention Against Torture (September 29, 2025)**

<http://publication.pravo.gov.ru/document/0001202509290023>

On September 29, Russian President Vladimir Putin signed the law on Russia's formal withdrawal from the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This move has been widely seen as a retreat from Russia's international commitments, particularly in the field of human rights protection.

The Convention, which was created and is overseen by the Council of Europe's Committee for the Prevention of Torture (CPT), allows independent international experts to conduct regular, unannounced inspections of the detention facilities. The Russian withdrawal removes this oversight, ending the ability of international experts to carry out independent monitoring visits to its detention centers.

Following the withdrawal, the CPT called the decision a "complete loss of benchmarks for developing the penitentiary system in line with international norms." The UN Special Rapporteur on the situation of human rights in the Russian Federation also described this move as a "state-sanctioned tool for systemic oppression" in Russia.

While Russia remains a party to the UN Convention Against Torture (CAT), the effectiveness of its mechanisms has been questioned, as the CAT only requires periodic state reports and provides no inspection authority unless a state ratifies the 2002 Optional Protocol—which was not signed by Russia.

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