Volume 63 ■ Issue 4 ■ August 2024
ISSN 0020-7829

ILM

International Legal Materials

INSIDE THIS ISSUE

- Views adopted under art. 31 of the Convention, concerning Commc'n No. 4/2021 (U.N. Comm. Enforced Disappearances)
  Ariel Dulitzky
- Convention on Int'l Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity and War Crimes
  Hilly Moodrick-Even Khen
- Case C-632/20 P, Spain v. Eur. Comm'n (C.J.E.U.)
  Eva Kassoti
- Foreign Relations Law of the People's Republic of China
  Zheng Tang
- R (AAA (Syria) and Others) v. Secretary of State for the Home Dep't (UKSC)
  Guy S. Goodwin-Gill

American Society of International Law

CAMBRIDGE UNIVERSITY PRESS

https://doi.org/10.1017/ilm.2024.28

niversity Press

STATEMENT OF EDITORIAL POLICY

International Legal Materials (ILM) is a publication of the American Society of International Law that reproduces texts of documents reflecting the broad scope and evolution of international law. The range of covered subjects has expanded from traditional topics such as international organizations, jurisdiction, and international trade to include developments in fields such as intellectual property, environmental law, nuclear non-proliferation, human rights, and international criminal law.

ILM serves as both a bi-monthly information service and a widely recognized archive of international law documents for a diverse, global community of legal scholars, government officials, private practitioners, and institutions with a common interest in international law. To meet the varied demands of such a readership, documents are selected from world-wide sources on the basis of their present and future legal significance.

ILM is prepared for publication in Washington, D.C., with the guidance of an Editorial Advisory Committee and the assistance of a team of Corresponding Editors around the world. In order to reproduce texts of selected documents under tight production schedules, the best available source is used, whether electronic or printed.

Readers are invited to send comments to:

Dr. Justine N. Stefanelli
Attorney-Editor
International Legal Materials
2223 Massachusetts Avenue, NW
Washington, DC 20008-2864
Telephone: (202) 939-6012
jstefanelli@asil.org

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

The American Society of International Law (ASIL) is a nonprofit, nonpartisan, educational membership organization founded in 1906 and chartered by Congress in 1950. Headquartered in Washington, D.C., its mission is "to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice." ASIL holds Special Consultative Status with the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

ASIL's 3,500 members come from more than one hundred nations with nearly 40 percent residing outside the United States. Its members include scholars, jurists, practitioners, government officials, leaders in international and nongovernmental organizations, students, and others interested in international law. Through its many publications, conferences, briefings, and educational events, ASIL seeks to serve the needs of its diverse membership and to advance understanding of international law among policymakers and the public.

ASIL is a volunteer-led organization governed by an elected Executive Council and administered by an executive director and professional staff.

Become a Member
asil.org/membership

Join one of the Society's Partner Programs and Receive Complimentary Ad Space in *ILM*
asil.org/financial-support/sponsors-and-institutional-supporters

Follow the Society on Twitter
twitter.com/asilorg

Follow us on LinkedIn
linkedin.com/company/american-society-of-international-law

https://doi.org/10.1017/ilm.2024.28 Published online by Cambridge University Press

JOURNAL INFORMATION

ILM (ISSN: 0020-7829) is published six times a year, every other month, in print and online by Cambridge University Press (One Liberty Plaza, 20th floor, New York, NY 10006) on behalf of the American Society of International Law. Periodicals postage rate paid at New York, NY, and at additional mailing offices. POSTMASTER: Send address changes in the USA, Canada, and Mexico to: *International Legal Materials*, Cambridge University Press, Journals Fulfillment Department, One Liberty Plaza, 20th floor, New York, NY 10006. Send address changes elsewhere to **International Legal Materials**, Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, England. To reduce time between acceptance and publication, contributions may appear online as *FirstView* publications in advance of their scheduled publication in an issue. Discover the entire *ILM* back archive at cambridge.org/core/journals/international-legal-materials/all-issues.

As a nonpartisan organization whose members hold a diversity of views, the Society refrains from taking positions on policy matters, except in accordance with the formal process set forth in the ASIL Constitution and Regulations. Views expressed do not necessarily represent the views of the Editorial Advisory Committee or the Society.

Subscriptions

The electronic version of *ILM* is available to all members of the American Society of International Law by logging in to the ASIL website www.asil.org. Print copies are available to members for an additional fee. To subscribe as a nonmember or recommend a subscription to your librarian go to cambridge.org/core/journals/international-legal-materials/subscribe.

Submission of Material

Primary material included in each issue of *ILM* is carefully chosen by the *ILM* Editorial Advisory Committee. Authors are solicited to write an Introductory Note to preface each document. The ILM editorial office welcomes efforts to bring suitable primary material to their attention. Those submitting material will be notified of the acceptance of their document for publication. Full instructions on how to submit primary material can be found at cambridge.org/core/journals/international-legal-materials/information/instructions-contributors

Claims and Address Updates

subscriptions_newyork@cambridge.org (in the USA, Canada and Mexico)
journals@cambridge.org (elsewhere)

Copyright and Permissions

cambridge.org/about-us/rights-permissions

To Advertise in *ILM*

ad_sales@cambridge.org

Abstracting and Indexing Services

cambridge.org/core/journals/international-legal-materials/information/abstracting-indexing-services

For Other ASIL Publications

www.asil.org

Proper Citation

ILM shall be cited according to the following example:
61 ILM 12 (2022)

International Law in Brief

The Attorney-Editor of *International Legal Materials* also edits the blog *International Law in Brief*, which contains objective abstracts of recently released documents pertinent to international law. Documents abstracted in *International Law in Brief* are later considered for reproduction in *ILM*. To view *International Law in Brief*, please visit www.asil.org/ilib.

ISSN: 0020-7829
E-ISSN: 1930-6571
© American Society of International Law

https://doi.org/10.1017/ilm.2024.28 Published online by Cambridge University Press

Attorney-Editor

Justine N. Stefanelli

Editorial Advisory Committee

Michael D. Cooper, *Chair*
James L. Bischoff
Andrew Boyle
René Figueredo Corrales
Uché Ewelukwa Ofodile
Sarah Freuden
Stefan Kirchner
Nikoleta Paraskevi Chalanouli
Salim S. Sleiman
Peter Tzeng
Ozlem Ulgen
Thomas Weatherall

ILM Corresponding Editors

Philip C. Aka (Int'l Hum. Rts. L.)
Valentina Azarova (Int'l Humanitarian L.)
Chloe Baldwin (Int'l Arb., Int'l Disp. Res.)
Paolo Bargiacchi (Pub. Int'l L., EU L.)
Ronald Brand (Priv. Int'l L., Int'l Econ. L.)
Gian Luca Burci (Int'l Health L.)
Christina M. Cerna (Int'l Hum. Rts. L., Pub. Int'l L., Int'l Orgs.)
Alice de Jonge (Asian L., In'l Bus. L.)
Constance de la Vega (Int'l Hum. Rts. L., Int'l L. Dom. Cts.)
Kabir Duggal (Pub. Int'l L., Int'l Arb.)
Alison Dundes Renteln (Pub. Int'l L.)
Richard I. Fine (Pub. Int'l L., Anti-Corruption)
Maria Gavouneli (LOS
Thomas D. Grant (Pub. Int'l L.)
Eckhard Hellbeck (Int'l Disp. Res., Pub. Int'l L.)
Jean-Marie Henckaerts (Int'l Humanitarian L.)
Maria Angela Jardim de Santa Cruz Oliveira (Int'l Disp. Res., Int'l Trade)
Scott T. Johnson (Int'l Crim. L., Extradition)
Jorge Kamine (Int'l Inv. and Fin.)
Michael Kelly (Pub. Int'l L., Int'l Crim. L.)
Nathaniel Khng (Int'l Inv. Arb.)
Theodore P. Kill (Int'l Disp. Res.)
Kenneth Klein (Int'l Tax'n)
Riikka Koskenmäki (Pub. Int'l L., Int'l Orgs.)
Artur Kozłowski (Pub. Int'l L.)
Vicheka Lay (Int'l Inv.)
Djurdja Lazic (Pub. Int'l L., Int'l Disp. Res.)
Ben Love (Pub. Int'l L., Int'l Arb.)
Charbel Moarbes (Int'l Arb., Int'l Inv.)
Hilly Moodrick-Even Khen (Int'l Humanitarian L., Int'l Hum. Rts. L.)
Boldizsár Nagy (Int'l Refugee L.)
Marko S. Novakovic (Int'l Admin. L.)
Aubin Nzaou-Kongo (Pub. Int'l L., African Union)
Tae Jung Park (Int'l Econ. L.)
Rafael A. Porrata-Doria (EU L., Int'l Com. L.)
Arnold N. Pronto (Pub. Int'l L., U.N. L.)
Ewa Sałkiewicz-Munnerlyn (Peaceful Disp. Settlement, I.C.J., Atrocity Prevention, EU)
Richard F. Scott (Int'l Energy L., Int'l Orgs.)
William Slomanson (Pub. Int'l L.)
Frédéric G. Sourgens (Int'l Disp. Res.)
Tom Syring (Int'l Humanitarian L., Int'l Refugee L.)
Patricia Vella de Fremeaux (Mallia) (LOS, Maritime Sec., Maritime Mig.)
Todd Weiler (Int'l Econ. L., Int'l Arb.)
Simon N.M. Young (Int'l Hum. Rts. L.)

https://doi.org/10.1017/ilm.2024.28 Published online by Cambridge University Press

INTERNATIONAL LEGAL MATERIALS®

Vol. 63 August 2024 No. 4

— Contents —

The publication of this issue was delayed due to exceptional circumstances arising from a cybersecurity incident experienced by our publisher.

Foreword vii

Views adopted under art. 31 of the Convention, concerning Commc'n No. 4/2021 (U.N. Comm. Enforced Disappearances)
Introductory Note by Ariel Dulitzky 529

Convention on Int'l Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity and War Crimes
Introductory Note by Hilly Moodrick-Even Khen 548

Case C-632/20 P, Spain v. Eur. Comm'n (C.J.E.U.)
Introductory Note by Eva Kassoti 605

Foreign Relations Law of the People's Republic of China
Introductory Note by Zheng Tang 627

R (AAA (Syria) and Others) v. Secretary of State for the Home Dep't (UKSC)
Introductory Note by Guy S. Goodwin-Gill 637

BRIEFLY NOTED 673

UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 674

https://doi.org/10.1017/ilm.2024.28 Published online by Cambridge University Press

INTERNATIONAL LEGAL MATERIALS®

Foreword

For more than six decades, *International Legal Materials* has provided academics and lawyers with direct access to the world's most significant developments in the field of international law. Launched by the American Society of International Law in 1962, *ILM* was originally intended to remedy the need for access to relevant international judgments, advisory opinions, resolutions, policy pronouncements, and other sources of both hard and soft law. Almost overnight, *ILM* became the leading source of vital information for the global international law community.

The international legal landscape has changed dramatically over the last 60 plus years, and most international law documents are, of course, now available online. Still, *ILM* remains a crucial resource for academics, practitioners, and government officials because the bi-monthly publication serves to focus the legal community's attention on the most significant records among what has become an ocean of international law-related documents.

The work of the *International Legal Materials* Editorial Advisory Committee is key in this regard. Formed shortly after the first issues were published, the Committee includes a highly distinguished group of twelve international law experts who volunteer their time on an ongoing basis to sift through a multitude of important documents and identify those they judge to be of greatest importance to international law community. The Committee continually retools its selection criteria in response to the rapidly expanding universe of international legal materials available online and in recognition of new sources and new subjects of international law. They work with a global team of some 50 corresponding editors who monitor developments throughout the world and in multiple languages. The Committee also identifies expert commentators who illuminate and contextualize each document's significance in an introductory note, a practice of *ILM* since 2007.

The Editorial Advisory Committee evaluates not only the inherent value of relevant documents to the study of international law but also their applied value to the practice of international law. To this extent, they exercise curatorial expertise while at the same time responding to the "marketplace" of real-world challenges to which international law must answer.

The Society is immensely proud of *International Legal Materials* and enormously indebted to the Editorial Advisory Committee members who make this publication a success. In this volume, we feature notes by Manuel J. Ventura, William E. Butler, Eileen Denza, and Yong Gan. We are extremely grateful to these authors for taking the time to contribute their expertise and their insights to *ILM*.

As always, we welcome your comments and suggestions.

Sincerely,

Michael D. Cooper
Chair
Editorial Advisory Committee
International Legal Materials

https://doi.org/10.1017/ilm.2024.28 Published online by Cambridge University Press