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BRIEFLY NOTED*

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JUDICIAL AND SIMILAR PROCEEDINGS

1. Cannavacciuolo v. Italy (European Court of Human Rights – January 30, 2025)

<https://hudoc.echr.coe.int/eng?i=001-241395>

On January 20, 2025 the European Court of Human Rights (ECtHR) ruled that Italy violated the right to life (Article 2 of the Convention) and the right to respect for private and family life (Article 8 of the Convention). The ruling was based on Italy's prolonged failure to address widespread illegal waste dumping by organized criminal groups in the *Terra dei Fuochi* (Land of Pyres) region near Naples.

The Italian government argued that it had taken sufficient action to mitigate the health impacts of pollution, including intensified cancer screening efforts. However, the Court rejected this defense, stating that such measures were inadequate, as meaningful cancer mitigation policies were not introduced until 2013. Additionally, the Court criticized Italy's slow and ineffective efforts to assess contamination levels and implement decontamination measures.

Ilegal dumping in *Terra dei Fuochi*, located in Italy's Campania region, has been a persistent issue for decades. Authorities have been aware of the problem since 1988, yet pollution of the soil and groundwater has continued to worsen, leading to a rise in cancer rates among residents. The ECtHR ordered Italy to develop a comprehensive strategy within two years to combat illegal dumping. The ruling, issued in Article 46 of the Convention, requires the establishment of an independent monitoring mechanism and the creation of a public information platform to provide transparency on the issue.

Italy now faces an oversight to ensure compliance with the court's directive, as it works to implement long-overdue measures to protect rights of its residents and restore environmental safety in *Terra dei Fuochi*.

2. Escalona v. Noem (D.C. District Court – March 1, 2025)

<https://assets.aclu.org/live/uploads/2025/03/COMPLAINT-ESCALONA-v.-NOEM.pdf>

On March 1, 2025, American Civil Liberties Union (ACLU), the Center for Constitutional Rights (CCR), the International Refugee Assistance Project (IRAP), and the ACLU of the District of Columbia filed a lawsuit against the Trump administration, challenging the decision to transfer immigration detainees to Guantánamo Bay, Cuba. The lawsuit was filed on behalf of ten individuals currently held in immigration detention within the United States.

The plaintiffs argued that the transfer policy violates federal law and the Fifth Amendment of the US Constitution. They asserted that the Immigration and Nationality Act (INA) does not authorize the detention of noncitizens outside the US territory. They further contended that the policy serves no legitimate law enforcement purpose, but is instead designed to punish and intimidate asylum seekers.

According to the complaint, immigrants from detention centers in Texas and other states have already been transferred to Guantánamo in recent weeks. While some detainees were deported after a short period at the base, others remain at imminent risk of relocation. The complaint described the harsh and punitive conditions for those already transferred including solitary confinement, shackling, strip searches, verbal and physical abuse, inadequate access to food and medical care, and restrictions on communication with family and legal counsel.

Top administration officials have publicly defended the transfers, calling the detained immigrants "the worst of the worst" and arguing that holding them at Guantánamo is necessary for national security. However, the plaintiffs' attorneys disputed these claims, stating that many detainees have little or no criminal history and were placed in Immigration and Customs Enforcement (ICE) custody solely for civil immigration violations after attempting to seek asylum at the US border.

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The lawsuit followed a similar legal action filed last month for detainees previously sent to Guantánamo. That case aimed to secure basic rights for those held at the base, including access to legal counsel and communication with family members. In this case, the plaintiffs are asking the federal court to declare the transfers unconstitutional and to immediately suspend any further relocations.

While no court date has been set, the plaintiffs' attorneys filed an emergency motion, seeking to prevent further transfers to Guantánamo while the lawsuit is under review.

3. Sudan v. United Arab Emirates (Request for Provisional Measures) (International Court of Justice – March 5, 2025)

<https://www.icj-cij.org/sites/default/files/case-related/197/197-20250306-wri-01-00-en.pdf>

On March 5, 2025, Sudan filed an application against the United Arab Emirates (UAE) before the International Court of Justice (ICJ), alleging violations of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).

The application concerned acts committed by Rapid Support Forces (RSF) and allied militias against the Masalit group in Darfur, Sudan since at least 2023. Sudan argued that these acts were perpetrated and enabled through direct financial, political, and military support from the UAE. The application alleged that the UAE bears responsibility for genocide by extensively supporting the RSF and its affiliated groups.

As the legal basis for the Court's jurisdiction, Sudan invoked Article 36(1) of the ICJ Statute and Article IX of the Genocide Convention. However, while both Sudan and the UAE are parties to the Genocide Convention, the UAE has a reservation rejecting the compromissory clause in Article IX.

Sudan also requested provisional measures under Article 41 of the ICJ Statute and Articles 73-75 of the Rules of Court to prevent further harm to the Masalit people while the case is pending. Specifically, Sudan asked the Court to indicate provisional measures requiring the UAE to take all necessary steps to prevent acts falling within the scope of the Genocide Convention and to ensure that any irregular armed units it directs or supports do not commit such acts.

RESOLUTIONS, DECLARATIONS, AND OTHER DOCUMENTS

1. Executive Order Imposing Sanctions on the International Criminal Court (U.S. – February 6, 2025)

<https://www.whitehouse.gov/presidential-actions/2025/02/imposing-sanctions-on-the-international-criminal-court/>

On February 6, 2025, President Donald Trump signed an executive order imposing sanctions on the International Criminal Court (ICC) in response to its issuance of arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant. The order imposes measures on ICC officials and their immediate families, including asset freezes, property restrictions, and bans on entry into the United States.

According to the executive order, the ICC has overstepped its mandate by asserting jurisdiction over non-member states, the US and Israel. The US described this as an infringement on its sovereignty and national security, while also posing a risk to American personnel. The order invoked Section 9 of the American Servicemembers Protection Act of 2002, which stated that the US military personnel and senior officials should be free from the risk of ICC prosecution, particularly for actions taken in defense of national interests.

The sanctions come in response to the ICC's November 2024 decision to issue arrest warrants for Netanyahu and Gallant, citing alleged crimes against humanity and war crimes in Gaza. Both the US and Israel rejected the court's jurisdiction, noting that neither country is a party to the Rome Statute. However, the ICC relied on Palestine's recognition as a state party to the Rome Statute as a legal basis for its investigation.

The US and Israel's opposition to the court's actions contrasts with broader international support. In December 2024, 93 of the ICC's 125 member states reaffirmed their "unwavering support" for the court's mandate.

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