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BRIEFLY NOTED*

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Judicial and Similar Proceedings

1. Application of the Convention on the Prevention and Punishment of the Crime of Genocide in Sudan (Sudan v. UAE) (International Court of Justice – May 5, 2025)

<https://www.icj-cij.org/sites/default/files/case-related/197/197-20250505-ord-01-00-en.pdf>

On May 5, 2025, the International Court of Justice issued a provisional measures order in response to a request filed in March 2025 by Sudan against the United Arab Emirates (UAE) alleging violations of the Genocide Convention by a paramilitary organization known as the "Rapid Support Forces" in relation to the Masalit group in Sudan and specifically in West Darfur. The UAE opposed the Court's jurisdiction. The Court initially expressed its "deep concern about the unfolding human tragedy in Sudan." Sudan came before the Court on the basis of Article IX of the Genocide Convention,[1] given that both states are party to the Convention. However, the UAE made a reservation with regard to that Article, and no state (including Sudan) objected to its reservation. Sudan argued that the reservation is "vague and non-specific" and that no other such reservation has been made by any other party with regard to the Convention. It also argued that its failure to object to the reservation at the time was immaterial. The Court disagreed with Sudan and found that the absence of more specific language in the reservation "does not result in any uncertainty as to the effects of that reservation" because of the reference in the reservation to the "interpretation, application and fulfilment of the Genocide Convention." Therefore, the Court held that Article IX is not a valid basis for the exercise of the Court's jurisdiction and ordered the case removed from the general list.

The dissenters expressed concern that the judgment would dissuade states from requesting provisional measures in cases involving complex jurisdictional questions. Some have pointed out that the judgment represents the Court's "prioritization of judicial economy over broader access to justice considerations."[2]

2. Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos (U.S. Supreme Court – June 5, 2025)

<https://www.supremecourt.gov/opinions/24pdf/23-1141_lkgn.pdf>

<https://tlblog.org/wp-content/uploads/2022/09/Mexico.OpinionMTD.pdf> (first instance judgment)

<https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/22-1823P-01A.pdf> (appellate judgment)

In 2021, Mexico sued seven U.S. gun manufacturers and one distributor, alleging that Smith & Wesson knows that its guns are trafficked into Mexico, and it deliberately takes action to grow the illegal firearms market. The district court dismissed the complaint, holding that Mexico's claims were barred by the Protection of Lawful Commerce in Arms Act (PLCAA), which "prohibits civil liability actions from being brought against manufacturers, distributors, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others." On Appeal to the First Circuit, the decision was partially reversed—though the Court rejected Mexico's argument that applying PLCAA to the facts would be "impermissibly extraterritorial," it unanimously permitted some of Mexico's claims to move forward based on the predicate exception which permits an action to go forward if it is one "in which a manufacturer or seller of a qualified product knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought."

In 2021, Mexico sued seven U.S. gun manufacturers and one distributor, alleging they knowingly facilitate gun trafficking into Mexico and deliberately expand the illegal firearms market. The defendants argued their case was protected by the Protection of Lawful Commerce in Arms Act (PLCAA), which generally shields gun manufacturers from civil liability for misuse of their products. The district court dismissed Mexico's complaint, finding that

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PLCAA barred all claims. Mexico appealed to the First Circuit Court of Appeals, which partially reversed the decision, allowing some claims to proceed.

The Supreme Court granted cert and issued its judgment on June 5, 2025 holding that because Mexico's complaint does not plausibly allege that the defendant gun manufacturers aided and abetted gun dealers' unlawful sales of firearms to Mexican traffickers, the Protection of Lawful Commerce in Arms Act bars the lawsuit. The case was reversed and remanded.

Resolutions, Declarations, and Other Documents

1. **Inter-American Declaration of Principles on the Creation, Operation, Financing, and Dissolution of Nonprofit Civil Entities (Inter-American Juridical Committee – June 2024)**

<https://oas.us14.listmanage.com/track/click?u=ede6f54802d626d57b81441e8&id=7983829fa0&e=39aaf99d89>

On March 9, 2023, the Inter-American Juridical Committee adopted a resolution approving the above declaration. The Declaration is intended to facilitate the operation of such entities throughout their life cycle, based on international and national standards and best practices, including appropriate law in OAS member states. It systematizes, updates, and consolidates the standards developed in the region based on an exhaustive study that is reflected in the comments on each principle. The General Assembly "recognized" the declaration in June 2024 and instructed the OAS Committee on Juridical and Political Affairs to give them due consideration and to disseminate them.

2. **Executive Order 14311 establishing a White House Office for Special Peace Missions (Donald J. Trump Administration – June 30, 2025)**

<https://public-inspection.federalregister.gov/2025-12505.pdf>

On June 30, 2025, US President Donald Trump signed Executive Order 14311 establishing a White House Office for Special Peace Missions. The order creates a new office within the White House Office dedicated to "assist in bringing about the end of conflict and strife around the world."

The Executive Order designates that the Office for Special Peace Missions will be headed by a Special Envoy for Peace Missions, who will be appointed directly by the President. The Special Envoy is tasked with advancing "efforts aimed at ending ongoing conflicts abroad" and will coordinate these efforts with the Department of State, the Department of Defense, and other relevant executive departments and agencies.

The order contains standard provisions clarifying that it does not impair existing legal authorities of executive departments or agencies, nor does it affect the functions of the Office of Management and Budget regarding budgetary, administrative, or legislative proposals. Implementation is subject to applicable law and the availability of appropriations.

The Executive Order states that it "is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person."

3. **The General-Purpose AI Code of Practice (E.U.)**

<https://digital-strategy.ec.europa.eu/en/policies/contents-code-gpai>

The European Union has published the final version of the General-Purpose AI Code of Practice, a voluntary tool developed by 13 independent experts, with input from over 1,000 stakeholders, including model providers, small and medium-sized enterprises, academics, AI safety experts, rightsholders, and civil society organizations.

The Code is designed to help industry comply with the AI Act's rules on general-purpose AI, which entered into force on August 2, 2025. The Code consists of three chapters: Transparency, Copyright, and Safety and Security. The rules become enforceable by the AI Office of the Commission one year later as regards new models and two years later as regards existing models. This aims to ensure that general-purpose AI models placed on the European market, including the most powerful ones, are safe and transparent.

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Once the Code is endorsed by the Member States and the Commission, providers of general-purpose AI models who voluntarily sign the Code will be able to demonstrate compliance with the relevant AI Act obligations by adhering to the Code. In doing so, signatories to the Code will benefit from a reduced administrative burden and increased legal certainty compared to providers that prove compliance in other ways.

ENDNOTES

1 "Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

2 Sarthak Gupta, *Judicial Restraint and Jurisdictional Clarity: Decoding the ICJ's Decision in Sudan v. United Arab Emirates*, EJIL:TALK! (May 8, 2025), https://www.ejiltalk.org/judicial-restraint-and-jurisdictional-clarity-decoding-the-icjs-decision-in-sudan-v-united-arab-emirates/.

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