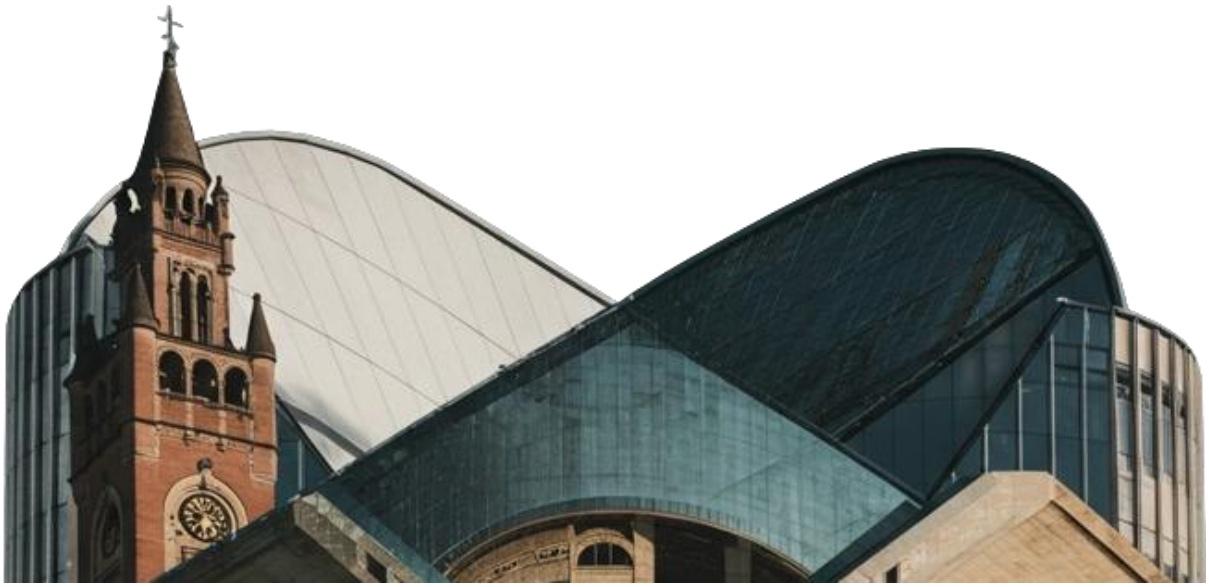
The International Courts & Tribunals Bulletin

Centre for International Law, National University of Singapore

Issue 3 | Reporting period: September – December 2025



INTRODUCTION

The *CIL International Courts & Tribunals Bulletin* is a e-publication prepared by the International Dispute Resolution Team at the Centre for International Law (CIL). It offers neutral, comprehensive, and timely updates on significant legal and institutional developments concerning major international courts and tribunals engaged in State-level dispute resolution. The *Bulletin* also tracks relevant aspects of State practice in relation to these bodies. Designed to serve policymakers, international legal practitioners, and scholars, the *Bulletin* provides valuable insights into the evolving landscape of international adjudication.

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Contents

I. INTER-STATE COURTS

1. International Court of Justice (ICJ)

Docket

Order - ***Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)***

On **12 September 2025**, the ICJ rejected, by thirteen votes to two, Equatorial Guinea's request for the indication of provisional measures in proceedings concerning the alleged obligation of France to return property confiscated in criminal proceedings, pursuant to the United Nations Convention against Corruption (UNCAC).

Equatorial Guinea sought provisional measures to prevent the sale of a building located at 42 avenue Foch in Paris, arguing that it possessed a right to the return of the property under Article 57(3)(c) of the UNCAC. The Court confined its analysis to the plausibility of the rights asserted, recalling that the conditions for the indication of provisional measures under Article 41 of the ICJ Statute are cumulative. The Court held that Article 57(3)(c) does not establish a binding obligation to return confiscated property but rather requires the requested State to *"give priority consideration"* to several possible forms of asset disposition, thereby leaving a margin of discretion to the requested State.

The Court concluded that Equatorial Guinea had not demonstrated a plausible right to the restitution in kind of the confiscated building, nor had it shown that other provisions of the Convention relied upon (including those relating to cooperation and sovereign equality) gave rise to autonomous rights requiring protection at this stage. Having found that this condition was not satisfied, the Court declined to examine the remaining requirements for provisional measures and emphasised that its decision did not prejudge any questions relating to jurisdiction, admissibility, or the merits of the case.

See Press Release and Order.

Application - *Mali files an application with the Court concerning a dispute with Algeria*

On **16 September 2025**, Mali filed an application before the ICJ concerning a dispute with Algeria arising from the alleged destruction by Algerian defence forces of a Malian military reconnaissance drone during a surveillance mission over Malian territory on the night of 31 March to 1 April 2025. Mali characterises the incident as a violation of the principle of non-use of force and an act of aggression under international law, invoking, *inter alia*, the UN Charter and relevant African Union instruments. Mali seeks to found the Court's jurisdiction on Article 38(5) of the Rules of Court, meaning that the application has been transmitted to Algeria but has not been entered on the General List, and no proceedings will take place unless and until Algeria consents to the Court's jurisdiction.

See Press Release.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)

- **Intervention - Brazil files a declaration of intervention in the proceedings under Article 63 of the ICJ Statute**

On **17 September 2025**, Brazil filed a declaration of intervention under Article 63 of the ICJ Statute in the case of *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*. Relying on its status as a party to the Genocide Convention, Brazil submitted that the proceedings raise questions concerning the construction of Articles I, II and III of the Convention and set out its interpretation of those provisions. In accordance with Article 83 of the Rules of Court, the Court invited South Africa and Israel to submit written observations on Brazil's declaration of intervention.

See Press Release

- **Order - *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)***

On **20 October 2025**, the ICJ extended the time-limit for the filing of Israel's Counter-Memorial in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* to 12 March 2026, following

Israel's request for additional time. Taking into account the views of both Parties, the President granted a limited extension while reserving the subsequent procedure for further decision, noting the procedural complexity of the case and the parallel demands arising from related advisory proceedings.

See Order.

- **Intervention - The Union of Comoros files a declaration of intervention in the proceedings under Article 63 of the Statute**

On **29 October 2025**, the Union of the Comoros filed a declaration of intervention under Article 63 of the Statute in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*. Relying on its status as a party to the Genocide Convention, the Comoros asserted that the case raises questions concerning the construction of several key provisions of the Convention, including Articles I, II, III, IV, V, VI and IX, and emphasised the *erga omnes partes* and jus cogens character of the obligations at issue. In accordance with Article 83 of the Rules of Court, the Court invited South Africa and Israel to submit written observations on the declaration of intervention.

To date, thirteen States have filed an application for permission to intervene under Article 62 of the Statute or a declaration of intervention under Article 63 of the Statute.

See Press Release.

Russian Federation v. Australia and Netherlands

- **Application - *Russia files an Application against Australia and the Netherlands constituting an appeal against a decision by the ICAO Council***

On **18 September 2025**, Russia instituted proceedings before the ICJ against Australia and the Netherlands, constituting an appeal under Article 84 of the Convention on International Civil Aviation (Chicago Convention) against a decision adopted by the Council of the International Civil Aviation Organization (ICAO) on 30 June 2025 concerning the downing of Malaysia Airlines Flight MH17.

Russia challenges the ICAO Council's finding that the incident constituted a breach of Article 3 bis of the Chicago Convention, arguing, *inter alia*, that the Convention does not apply in situations of armed conflict pursuant to Article 89, that the ICAO Council lacked competence, that the applicable standard of proof was not met, and that the incident is not attributable to Russia under the law of State responsibility. Russia further

contends that the ICAO Council committed fundamental procedural errors and ordered remedies exceeding its powers and requests the Court to declare the Council's decision null and void and without legal effect. The Court's jurisdiction is invoked on the basis of Article 84 of the Chicago Convention, read together with Articles 36 and 37 of the ICJ Statute.

See Press Release.

- **Order -** ***Appeal from the ICAO Council decision dated 30 June 2025 (Russian Federation v. Australia and Netherlands)***

On **27 November 2025**, the ICJ fixed the time-limits for written pleadings in the *Appeal from the ICAO Council Decision dated 30 June 2025 (Russian Federation v. Australia and Netherlands)*, marking an important procedural step in the first appeal brought before the Court under Article 84 of the Chicago Convention following a merits decision of the ICAO Council.

After consulting the Parties, the Court set 29 June 2026 as the deadline for Russia's Memorial and 29 January 2027 for the Counter-Memorial of Australia and the Netherlands. In determining the timetable, the Court took into account the Parties' divergent views on the scope and complexity of the appeal, including Russia's contention that the case raises novel legal questions concerning the interpretation of Articles 3bis and 89 of the Chicago Convention and complex factual issues surrounding the downing of Malaysia Airlines Flight MH17, while the Respondent States emphasised the limited nature of appellate review and the extensive evidentiary record already developed before the ICAO Council. The Court reserved the subsequent procedure for further decision.

See Order.

Order - ***Kohler and Paris (France v. Islamic Republic of Iran)***

On **19 September 2025**, the ICJ placed on record the discontinuance of proceedings in *Kohler and Paris (France v. Islamic Republic of Iran)*, following France's decision to withdraw its Application concerning alleged violations of Article 36 of the Vienna Convention on Consular Relations in relation to the arrest and detention of two French nationals in Iran. As Iran raised no objection to the discontinuance, the Court ordered that the case be removed from the List, without addressing the merits of the dispute.

See Press Release and Order.

Hearings - *Right to Strike under ILO Convention No. 87 (Request for Advisory Opinion)* - Conclusion of the public hearings held from 6 to 8 October 2025

On **8 October 2025**, the ICJ concluded the public hearings on the request for an advisory opinion concerning the *Right to Strike under ILO Convention No. 87*. Over the course of the hearings, 18 States and five international organisations presented oral statements addressing the scope and interpretation of freedom of association and the right to strike under international labour law. Following the closure of the hearings, the Court announced that it would begin its deliberations, with the advisory opinion to be delivered at a public sitting on a date to be announced.

See Press Release.

Advisory Opinion - *Obligations of Israel in relation to the presence and activities of the United Nations, Other International Organisations and Third States in and in relation to the Occupied Palestinian Territory*

On **22 October 2025**, the ICJ delivered an advisory opinion addressing the legal obligations of Israel relating to the presence and activities of the UN, other international organisations, and third States in and in relation to the Occupied Palestinian Territory (OPT). The Court was seized with questions concerning the interpretation and application of international humanitarian law, human rights law, and relevant UN Charter obligations in the context of prolonged occupation.

The Court is of the opinion that the State of Israel, as an occupying Power, is required to fulfil its obligations **under international humanitarian law**, including (**unanimously**) to ensure that the population of the OPT has the essential supplies of daily life, including food, water, clothing, bedding, shelter, fuel, medical supplies and services. **By ten votes to one**, the Court is of the opinion that Israel's obligations under international humanitarian law include agreeing and facilitating by all means at its disposal relief schemes on behalf of the population of the OPT so long as that population is inadequately supplied, as has been the case in the Gaza Strip, including relief provided by the UN and its entities, in particular the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), other international organisations and third States, and not to impede such relief.

The Court is also, **unanimously**, of the opinion that Israel's obligations under international humanitarian law include respecting and protecting: all relief and medical

personnel and facilities, the prohibition on forcible transfer and deportation in the OPT and the right of protected persons from the OPT who are detained by the State of Israel to be visited by the International Committee of the Red Cross. Israel's obligations also include the respect of the prohibition on the use of starvation of civilians as a method of warfare.

By ten votes to one, the Court is of the opinion that, as an occupying Power, the State of Israel has an obligation under **international human rights law** to respect, protect and fulfil the human rights of the population of the OPT, including through the presence and activities of the United Nations, other international organisations and third States, in and in relation to the OPT. Israel also has an obligation to co-operate in good faith with the United Nations by providing every assistance in any action it takes in accordance with the Charter of the United Nations, including the UNRWA, in and in relation to the OPT.

On immunities, by ten votes to one, the Court is of the opinion that Israel has an obligation under the UN Charter to ensure full respect for the privileges and immunities accorded to the United Nations, including its agencies and bodies, and its officials, in and in relation to the OPT. Under the UN Convention on the Privileges and Immunities, Israel has an obligation: to ensure full respect for the inviolability of the premises of the United Nations, including those of the UNRWA, and for the immunity of the property and assets of the Organisation from any form of interference, and to ensure full respect for the privileges and immunities accorded to the officials and experts on mission of the United Nations, in and in relation to the OPT.

See Press Release, Summary and Advisory Opinion.

Vice-President Sebutinde expressed a separate opinion. She concurred that the Court had jurisdiction to render the advisory opinion, but she believes it should have adopted a more measured approach in addressing the question posed. In her view, Israel retains discretion under international humanitarian law to determine how aid is delivered in the OPT and is not legally required to channel such assistance specifically or solely through UNRWA. Vice-President Sebutinde is also of the view that there is no legal requirement for Israel to permit specific third States or international organisations to conduct humanitarian activities in the OPT, if doing so would compromise its security. She cautions that advisory proceedings of this nature, given their inherently politicised and divisive character, risk deepening existing tensions and hindering meaningful progress toward reconciliation.

Judges Abraham and Cleveland appended a joint declaration to further elaborate on Israel's obligation to co-operate in good faith with the United Nations by providing every assistance in any action it takes.

Judge Xue expressed a separate opinion, underscoring two aspects, which she believes the Court should have dealt with in depth: 1. the legal obligation to give every assistance to actions undertaken by the United Nations are not limited to actions by the Security Council and 2. it is imperative for the Court to reaffirm Israel's obligation to respect the right of the Palestinian people to self-determination.

Judge Charlesworth appended a declaration. In her view, the obligation of Member States to give "every assistance" is not confined to assistance given in relation to the binding resolutions of the United Nations Security Council, but encompasses actions taken by all organs of the United Nations.

Judge Gómez Robledo expressed a partially dissenting opinion. In his view, the Court should have stated explicitly that Israel is currently occupying the Gaza Strip and, moreover, maintaining an occupation in breach of international law. On the obligation to cooperate, he considers that the Court should have made clear the importance of the obligation to co-operate with the General Assembly, the most representative organ of the United Nations and "the best expression of the universal conscience". He further added that the Court should also have emphasized the "permanent responsibility" of the United Nations with regard to the question of Palestine. Lastly, Judge Gómez Robledo considered that the Court should not have remained silent as to the legal consequences of the violations of the obligations it has identified as incumbent upon Israel.

Judge Cleveland appended a declaration, emphasizing that the opinion should not be misconstrued to suggest that Israel is the only bearer of obligations under international law with respect to the activities of the United Nations. Many of the international legal obligations identified in the Advisory Opinion, as well as others that are beyond its scope, apply to other international organisations and third States. The fact that the Court was not asked to address the obligations of other actors does not detract from the validity of its legal conclusions regarding Israel, but it must not obfuscate the responsibilities of Hamas and other parties to the conflict in the Gaza Strip.

Order - *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)*

On **22 October 2025**, the ICJ suspended the proceedings on the merits in *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)* following Germany's filing of preliminary objections to the Court's jurisdiction and the admissibility of part of Nicaragua's claims. Pursuant to Article 79bis of the Rules of Court, the President fixed 23 February 2026 as the time-limit for Nicaragua to submit its written observations on the preliminary objections, reserving the subsequent procedure for further decision.

See Press Release and Order.

Intervention - *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)* - Guatemala's Application for permission to intervene

On **26 November 2025**, the ICJ concluded the public hearings on Guatemala's Application for permission to intervene under Article 62 of the Statute in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*.

During the hearings, Guatemala requested permission to intervene on the basis of a legal interest it considers may be affected by the Court's decision. Belize stated that it did not object to Guatemala's intervention, while Honduras opposed the request, arguing that the Application was inadmissible and constituted an abuse of the intervention mechanism, and that Guatemala had failed to satisfy the requirements of Article 62 of the ICJ Statute and Article 81 of the Rules of Court. Following the conclusion of the hearings, the Court announced that it would deliberate on the request, with its decision to be delivered to a public sitting on a date to be announced.

See Press Release.

Order - *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*

On **5 December 2025**, the ICJ rendered an Order finding that the counter-claims submitted by Russia in the merits phase of the proceedings are admissible as such under Article 80 of the Rules of Court, and authorising their examination together with Ukraine's principal claims. The counterclaims allege that Ukraine itself committed, attempted, or was complicit in acts of genocide in the Donbas region, and that it failed

to prevent, investigate, punish, or legislate against genocide, in violation of multiple provisions of the Genocide Convention.

The Court recalled that the admissibility of counterclaims is subject to two cumulative requirements: that they fall within the Court's jurisdiction and that they are directly connected, both factually and legally, with the subject-matter of the principal claim. Applying this framework, the Court held that it had jurisdiction over the counterclaims on the basis of Article IX of the Genocide Convention, and that both Parties' claims formed part of the same dispute concerning the existence of genocide in the Donbas region. The Court found a sufficient factual connection, noting that the claims relate to the same geographical area, overlapping time periods, and alleged conduct of a similar nature, as well as a legal connection, given that both Parties rely on the Genocide Convention as the applicable legal framework and pursue the shared legal aim of determining responsibility under that treaty.

The Court further rejected Ukraine's argument that, even if admissible, the counterclaims should be excluded in the interests of the sound administration of justice. Instead, it concluded that procedural economy and consistency favoured the simultaneous consideration of the principal claim and counterclaims.

By eleven votes to four, the Court admitted the counterclaims and fixed a second round of written pleadings on the merits, authorising Ukraine to file a Reply by 7 December 2026 and the Russian Federation to file a Rejoinder by 7 December 2027. Several judges appended separate and dissenting opinions, reflecting differing views on the scope of admissible counterclaims and the risk of expanding the dispute beyond its original framing.

See Press Release and Order.

Order - *Alleged Violations of State Immunities (Islamic Republic of Iran v. Canada)*

On **9 December 2025**, the ICJ authorised a second round of written pleadings in *Alleged Violations of State Immunities (Islamic Republic of Iran v. Canada)*, following the completion of the Memorial and Counter-Memorial. Taking into account the Parties' agreement on the need for further written submissions and the complexity of the factual and legal issues raised, the Court fixed 9 September 2026 as the deadline for Iran's Reply and 9 June 2027 for Canada's Rejoinder, reserving the subsequent procedure for further decision.

See Order.

Order - ***Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia).***

By an Order dated 17 December 2025, the President of the Court fixed 19 October 2026 and 19 August 2027 as the respective time-limits for the filing of the Reply of Azerbaijan and the Rejoinder of Armenia in the case *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*.

Order - ***Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan).***

By an Order dated 17 December 2025, the President of the Court fixed 19 October 2026 and 19 August 2027 as the respective time-limits for the filing of the Reply of Armenia and the Rejoinder of Azerbaijan in the case *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*.

Forthcoming Hearing - ***Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 11 States intervening)***

On 19 December 2025, the Court announced that it will hold public hearings on the merits of the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 11 States intervening)* from Monday 12 to Thursday 29 January 2026. The intervening States were informed that the Court considered that it had been sufficiently informed of their positions by way of their written observations, and that it did not deem it necessary for them to take part in the oral proceedings.

Institutional Developments

Speech of Judge Iwasawa Yuji, President of the ICJ, on the occasion of the eightieth session of the United Nations General Assembly

On **30 October 2025**, the President of the ICJ, Judge Yuji Iwasawa, addressed the Eightieth Session of the UN General Assembly, providing an overview of the Court's

judicial, institutional, and administrative activities over the preceding year. The President reported that the Court's docket remained at a record-high level, with 24 cases pending, encompassing a wide range of subject areas including territorial disputes, human rights, environmental protection, immunities, and treaty interpretation. The President highlighted the delivery of key judgements, orders, and two advisory opinions during the period, including the Advisory Opinions on Climate Change and on Israel's obligations in relation to the activities of the United Nations in the Occupied Palestinian Territory.

President Iwasawa also drew attention to institutional and administrative developments, notably budgetary increases approved by the General Assembly to strengthen the Registry, and an internal review of working methods aimed at improving efficiency while maintaining judicial quality. The President concluded by underscoring the Court's readiness to meet rising expectations placed upon it as the principal judicial organ of the UN.

See Press Release and Speech Document.

Speech of Judge Iwasawa Yuji, President of the ICJ, before the Sixth Committee of the United Nations General Assembly

On **31 October 2025**, the President of the ICJ, Judge Yuji Iwasawa, addressed the Sixth Committee of the UN General Assembly, focusing on the domestic application and enforcement of international law, with particular emphasis on the role of domestic courts in giving effect to ICJ judgements and advisory opinions.

Drawing on comparative examples, including the *Avena* case, *Jurisdictional Immunities of the State (Germany v. Italy)*, and the *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Right*s, the President highlighted the distinction between States' international obligation to comply with ICJ decisions and their domestic enforceability, noting that domestic courts often face constitutional and structural constraints in implementing international judgements. The President further emphasised the importance of the principle of consistent interpretation, under which national courts interpret domestic law in conformity with international law, and underscored the potential influence of the Court's Advisory Opinion on climate change on domestic litigation and policymaking, while acknowledging the limits of international law and the central role of national institutions in translating international obligations into concrete domestic measures.

See Speech Document.

Judge Phoebe Nyawade Okowa's election

Following the resignation of Judge Abdulqawi Ahmed Yusuf, which took effect on **30 September 2025**, a casual vacancy arose on the bench of the ICJ. In accordance with the applicable procedure, the vacancy was filled through a joint election by the UN General Assembly and the Security Council.

On **12 November 2025**, the General Assembly and the Security Council elected Professor Phoebe Nyawade Okowa (Kenya) as a Judge of the Court to serve the remainder of Judge Yusuf's term, which runs until 5 February 2027. Professor Okowa is a distinguished public international law scholar and a member of the International Law Commission, with expertise spanning State responsibility, international environmental law, and international adjudication.

Professor Okowa made her solemn declaration before the Court later in November 2025, thereby formally taking up her judicial functions. Her election restored the Court to its full complement of fifteen judges and contributed to maintaining continuity in the Court's work during an increasingly active period of its docket.

See Press Release and Solemn Declaration.

Amendment to Article 78 of the Rules of Court

As part of the ongoing review of its procedures and working methods, the Court has amended Article 78 of its Rules in order to address the question of the publication of reports of the parties on compliance with provisional measures indicated by the Court. The amendments will enter into force on 2 February 2026.

See Press Release

2. Permanent Court of Arbitration (PCA)

Docket

Hearing - ***PCA Case No. 2023-60: Bern Convention Arbitration (The Republic of Azerbaijan v. The Republic of Armenia)***

On **16 October 2025**, the arbitral tribunal in *PCA Case No. 2023-60 (Bern Convention Arbitration: Azerbaijan v. Armenia)* held a hearing on bifurcation at the Peace Palace, The Hague, to determine whether Armenia's preliminary objections should be addressed in a separate preliminary phase of the proceedings. During the hearing, both Parties presented oral submissions on the appropriateness of bifurcation following Armenia's Memorial on Preliminary Objections of 12 June 2025. The PCA acts as Registry for the arbitration, which concerns alleged breaches of the Bern Convention on the Conservation of European Wildlife and Natural Habitats. The Tribunal will deliberate on the issue, with further procedural steps to follow.

See Press Release.

Request for Clarification of Award - ***PCA Case No. 2023-01: The Indus Waters Western Rivers Arbitration (Islamic Republic of Pakistan v. Republic of India)***

On **8 November 2025**, the Court of Arbitration rendered a unanimous and binding Decision on Pakistan's Request for Clarification of the Award on Issues of General Interpretation issued on 8 August 2025 under the Indus Waters Treaty (1960). The arbitration concerns the interpretation and application of the Treaty to the design of run-of-river hydro-electric projects that India is permitted to construct on the Western Rivers and proceeds in parallel with Neutral Expert proceedings under Annexure F of the Treaty.

The Court found Pakistan's request to be timely and clarified the meaning, scope, and legal effect of several aspects of its earlier Award, while declining to address issues it considered to fall outside the scope of what had been decided.

Importantly, the Court confirmed that its clarifications have the same binding or otherwise controlling effect as the Award itself. Substantively, the Court clarified that its interpretation of Paragraph 8(a) of Annexure D is not limited to freeboard but applies to all components of run-of-river hydro-electric plants, and that the Treaty prohibits designs that would allow the operating pool to be raised above the specified Full Pondage Level, whether at the outset or through readily achievable future modifications. The Court further clarified that the design criteria applicable to Annexure D, Part 3 projects are mandatory *ex ante* requirements, distinct from and not satisfiable by post-commissioning operational restraints.

At the same time, the Court declined to clarify whether certain spillway configurations are prohibited under the Treaty, as well as aspects of how installed capacity and anticipated load are to be calculated for maximum pondage, considering these matters

to fall beyond the scope of the Award. In doing so, the Court recalled that unresolved issues may be pursued through the Treaty's dispute settlement mechanisms, including in a further phase of the arbitration. In conjunction with the Decision, the Court issued Procedural Order No. 16, confirming that the proceedings will continue in a phased manner and inviting submissions from the Parties on the status of the Neutral Expert proceedings and the scope of any subsequent phase of the arbitration.

See Press Release and Decision.

Forthcoming Hearing - *PCA Case No. 2019-28: Dispute concerning the Detention of Ukrainian Naval Vessels and Servicemen (Ukraine v. The Russian Federation)*

On **9 December 2025**, an Annex VII arbitral tribunal constituted under UNCLOS scheduled a hearing on the merits in the case *Dispute concerning the Detention of Ukrainian Naval Vessels and Servicemen (Ukraine v. Russian Federation)*, to be held on 8 and 9 January 2026 at the Peace Palace in The Hague, with the PCA acting as registry. The scheduling followed completion of the written phase of proceedings after the Tribunal's Award on Preliminary Objections of 27 June 2022. The Tribunal further determined that the Parties' opening statements will be open to the public and live streamed on the PCA's website, reflecting a commitment to procedural transparency in this inter-State maritime dispute.

See Press Release.

Institutional Developments

PCA Published Contribution to 2025 Report of UN Secretary-General on Oceans and the Law of the Sea

On **2 September 2025**, the PCA published its annual Contribution to the 2025 Report of the United Nations Secretary-General on Oceans and the Law of the Sea, a document prepared for the UN Division for Ocean Affairs and the Law of the Sea.

The Contribution provides an overview of the PCA's work and developments in the peaceful settlement of disputes concerning the law of the sea, reflecting the institution's unique expertise and longstanding role in administering maritime dispute mechanisms under the 1982 United Nations Convention on the Law of the Sea

(UNCLOS), as well as other ocean-related dispute resolution processes. See Press Release.

Expansion of the PCA's Singapore Office

On **5 September 2025**, the PCA officially launched its expanded Singapore Office at Maxwell Chambers Suites, marking a significant institutional development in the PCA's regional presence in Asia. The expansion, inaugurated by Singapore's Minister for Law Edwin Tong SC and PCA Secretary-General Marcin Czepelak, includes new premises more than double the size of the previous office and the appointment of additional legal officers, following cooperation between the PCA and Singapore's Ministry of Law.

Established in 2018 as the PCA's first office in Asia outside The Hague, the Singapore Office has supported over 100 PCA-administered cases, including major investor-State arbitrations and landmark inter-State conciliation proceedings. With effect from 5 September 2025, Ms Ashwita Ambast assumed the role of PCA Representative in Singapore.

See Press Release and Related.

Second in-person Meeting of the Expert Group in Singapore

On **22 and 23 September 2025**, the PCA held the second in-person meeting of its Expert Group on Third-Party Funding at the PCA's Singapore Office. The meeting brought together practitioners and experts to continue discussions on key issues surrounding third-party funding in international arbitration, including transparency, conflicts of interest, and ethical considerations, as part of the PCA's broader engagement with emerging procedural challenges in international dispute resolution.

See Press Release.

PCA enters into Host Country Agreement with the Republic of Colombia

On **1 October 2025**, the PCA announced that it had entered into a Host Country Agreement with the Republic of Colombia, establishing the legal framework for PCA-administered proceedings and activities to be conducted in Colombia. The Agreement facilitates the organisation of hearings and other dispute-resolution services in the country and reflects Colombia's commitment to supporting the peaceful settlement of

international disputes and strengthening its engagement with international arbitration mechanisms.

See Press Release.

Marking the accession of Armenia to the PCA Founding Conventions

On **4 December 2025**, the PCA hosted an event at the Peace Palace to mark the accession of the Republic of Armenia to the PCA's Founding Conventions. The event highlighted Armenia's formal integration into the PCA framework for the peaceful settlement of international disputes and underscored the PCA's continued expansion of its membership base. Armenia's accession strengthens the universality of the PCA system and reflects sustained State engagement with arbitration and conciliation mechanisms for resolving inter-State and other international disputes.

See Press Release.

Accession to the PCA Founding Conventions: Indonesia

On **4 December 2025**, the Republic of Indonesia deposited its instrument of accession to the 1907 Hague Convention for the Pacific Settlement of International Disputes, thereby becoming a Contracting Party of the PCA with effect from 2 February 2026. Indonesia's accession, presented in the presence of the PCA Secretary-General, brings the total number of PCA Contracting Parties to 127 and reflects continued State support for the PCA framework and the peaceful settlement of international disputes.

See Press Release.

3. International Tribunal for the Law of the Sea (ITLOS)

Docket

The M/T "Heroic Idun" (No. 2) Case (Marshall Islands/Equatorial Guinea)

The public hearing in this case concluded on **13 October 2025**. The Special Chamber will now deliberate on the case. At the close of the oral proceedings, the Parties presented their final submissions.

See Submissions and Webcast of hearing.

Order in The "Zheng He" Case (Luxembourg v. Mexico)

On **30 October 2025**, the President of ITLOS issued an Order in *The "Zheng He" Case (Luxembourg v. Mexico)* extending the time-limit for the filing of Mexico's Counter-Memorial to 15 December 2025, following a joint request by the Parties.

The Order records that, in parallel with the request for an extension, Luxembourg and Mexico informed the Tribunal that they had formalised a Letter of Understanding through an exchange of notes, aimed at achieving a complete and definitive solution concerning the situation of the vessel *Zheng He*. Taking into account the Parties' agreement and being satisfied that there was adequate justification, the President granted the extension and reserved the subsequent procedure for further decision.

See Order.

Institutional Developments

Guidelines concerning the Preparation and Presentation of Cases

On **25 September 2025**, ITLOS adopted amendments to its Guidelines concerning the Preparation and Presentation of Cases before the Tribunal, originally issued in 1997. Acting pursuant to Article 50 of the Rules of the Tribunal, the revised Guidelines update procedural and technical requirements for written and oral pleadings, including formatting standards, electronic submission of documents, structuring of pleadings, and conduct of oral proceedings, reflecting the Tribunal's evolving practice and technological developments. The amendments apply with immediate effect and do not affect proceedings already pending before the Tribunal and also apply *mutatis mutandis* to advisory proceedings.

See Guidelines.

ITLOS President Heidar gives the Tribunal's annual address to the UN General Assembly

On **9 December 2025**, Judge Tomas Heidar, President of ITLOS addressed the 80th session of the UN General Assembly under the agenda item *"Oceans and the law of the*

sea", providing an overview of the Tribunal's judicial, institutional, and capacity-building activities. President Heidar reported that two contentious cases remained on the Tribunal's docket: *M/T "Heroic Idun" (No. 2) (Marshall Islands/Equatorial Guinea)*, in which hearings were held from 6 to 14 October 2025 and deliberations are ongoing before a Special Chamber, and *The "Zheng He" Case (Luxembourg v. Mexico)*, in which the time-limit for Mexico's Counter-Memorial was most recently extended to 15 December 2025 by Order of 30 October 2025.

The President recalled the Tribunal's advisory jurisdiction, highlighting the continued relevance of its 21 May 2024 Advisory Opinion on climate change, and noted its recognition by the ICJ in its 23 July 2025 Advisory Opinion on Obligations of States in respect of Climate Change, in which the ICJ accorded significant weight to ITLOS jurisprudence on the interpretation of UNCLOS. The President also drew attention to the imminent entry into force of the Biodiversity Beyond National Jurisdiction (BBNJ Agreement) on 17 January 2026, underscoring that ITLOS remains available as a forum for both contentious and advisory proceedings under that treaty framework.

See Press Release and Statement.

II. ISDS INSTITUTIONS AND TRIBUNALS

1. International Centre for Settlement of Investment Disputes (ICSID)

Docket

From September to December 2025, ICSID added to its docket 21 recent cases: Rockhopper Italia S.p.A., Rockhopper Mediterranean Ltd, and Rockhopper Exploration Plc v. Italian Republic (ICSID Case No. ARB/17/14) – *the Annulment Committee, in its decision of 2 June 2025, annulled in its entirety the award of 23 August 2022 in the case and on 19 September 2025, a request for resubmission of the dispute to a new tribunal was registered*; Yaacov Afik, Michael Mistriel Aykout and Shimon Mistriel Aykout v. Republic of Cyprus (ICSID Case No. ARB/25/45); AES Corporation v. Argentine Republic (ICSID Case No. ARB/02/17) – *Application for annulment*; Ferrer Internacional S.A. v. Republic of Ecuador (ICSID Case No. ARB/25/46); Energía y Renovación Holding, S.A. v. Republic of Guatemala (ICSID Case No. ARB/21/56) – *Annulment proceedings*; Société Générale S.A. v. Republic of Croatia (ICSID Case No. ARB/19/33) – *Application*

for annulment; Optim Holding GmbH v. Ukraine (ICSID Case No. ARB/25/47); Veolia Propreté SAS v. Italian Republic (ICSID Case No. ARB/18/20) - *Supplementary Decision Proceeding*; Nomad Bauxite Corporation Pte Ltd and Almas Mynbayev v. Republic of Guinea (ICSID Case No. ARB/25/48); Zaur Leshkasheli and Rosserlane Consultants Limited v. Republic of Azerbaijan (ICSID Case No. ARB/20/20) - *Application for partial annulment of the award*; Aria Capital LLC and Publio Administration LLC v. United Mexican States (ICSID Case No. ARB/25/49); Bupa Investments Overseas Limited v. Republic of Chile (ICSID Case No. ARB/25/50); Starcom Holding AD and others v. Romania (ICSID Case No. ARB/25/51); Mohammed Saiful Alam and others v. People's Republic of Bangladesh (ICSID Case No. ARB/25/52); Spentech Engineering Limited v. United Arab Emirates (ICSID Case No. ARB/24/16) - *Application for annulment*; EDP Renováveis S.A. v. Republic of Colombia (ICSID Case No. ARB/25/53); Bernhard von Pezold and others v. Republic of Zimbabwe (ICSID Case No. ARB/10/15) – *Zimbabwe applied for the interpretation of the award rendered of 28 July 2015, after the ad hoc Annulment Committee issued its decision on 21 November 2018*; Halliburton (Barbados) Investments S.R.L. and Servicios Halliburton de Venezuela, S.A. v. Venezuela, Republica Bolivariana de (ICSID Case No. ARB(AF)25/6) and Mitsui & Co., Ltd. v. Kingdom of Spain (ICSID Case No. ARB/20/47) – *Application for annulment*.

22 tribunals have been constituted in the following cases: Interconexión Eléctrica S.A. E.S.P. v. Republic of Chile (ICSID Case No. ARB/21/27) – *Annulment proceedings*; Korea Mine Rehabilitation & Mineral Resources Corporation v. Republic of Panama (ICSID Case No. ARB/25/20); First Quantum Minerals, Ltd. v. Republic of Panama (ICSID Case No. ARB/25/18); KS Invest GmbH and TLS Invest GmbH v. Kingdom of Spain (ICSID Case No. ARB/15/25) – *Annulment proceedings*; Park Avenue Capital LLC v. Republic of Moldova (ICSID Case No. ARB/25/25); Strabag SE, Erste Nordsee-Offshore Holding GmbH and Zweite Nordsee-Offshore Holding GmbH v. Federal Republic of Germany (ICSID Case No. ARB/19/29) – *Annulment proceedings*; Khemisset UK Limited and Potasse de Khemisset S.A. v. Kingdom of Morocco (ICSID Case No. ARB/25/22); José Alejandro Hernández Contreras v. Republic of Costa Rica (ICSID Case No. ARB(AF)/25/3); FCC Construcción, S.A. v. Republic of Panama (ICSID Case No. ARB/25/29); Victoria Oil & Gas Plc (in Administration), Victoria Energy Central Asia UK Limited and Victoria Energy Central Asia LLP v. Republic of Kazakhstan (ICSID Case No. ARB/25/13); AEROC Investment Deutschland GmbH v. Ukraine (ICSID Case No. ARB/25/28); Eco Oro Minerals Corp. v. Republic of Colombia (ICSID Case No. ARB/16/41) – *Annulment proceedings*; Woodhouse Investment Pte Ltd and West Cumbria Mining (Holdings) Limited v. United Kingdom (ICSID Case No. ARB/25/37); PowerChina HuaDong Engineering Corporation and China Railway 18th Bureau Group Company Ltd v. Socialist Republic of Viet Nam (ICSID Case No. ADM/23/1) – *Tribunal*

reconstituted on 21 November 2025: Peter GOLDSMITH appointed following the resignation of Jean Engelmayer KALICKI; PowerChina HuaDong Engineering Corporation and China Railway 18th Bureau Group Company Ltd v. Socialist Republic of Viet Nam (ICSID Case No. ARB(AF)/22/7) – *Tribunal reconstituted on 21 November 2025: Peter GOLDSMITH appointed following the resignation of Jean Engelmayer KALICKI*; Tara Resources AG v. Montenegro (ICSID Case No. ARB/25/36); Mota-Engil Engenharía e Construção, S.A. v. Republic of Paraguay (ICSID Case No. ARB/25/31); AXA S.A. v. United Mexican States (ICSID Case No. ARB/24/49); Samvel Karapetyan v. French Republic (ICSID Case No. ARB/25/26); Freeport-McMoRan Inc. v. Republic of Peru (ICSID Case No. ARB/20/8) – *Annulment proceedings*; Energía y Renovación Holding, S.A. v. Republic of Guatemala (ICSID Case No. ARB/21/56) – *Annulment proceedings* and Juan Carlos Argüello and Ernesto Argüello v. Republic of Panama (ICSID Case No. ARB/25/39).

From September to December 2025, 5 awards have been published in the following cases:

Spentech Engineering Limited v. United Arab Emirates (ICSID Case No. ARB/24/16) **Award (July 28, 2025)**

In its Award of **28 July 2025**, an ICSID tribunal upheld the United Arab Emirates' objection under Rule 41 of the 2022 ICSID Arbitration Rules and dismissed all claims as manifestly without legal merit. The dispute arose under the UAE–Kenya BIT and concerned construction contracts performed by the claimant at the UAE Embassy premises in Mogadishu, Somalia, as well as alleged non-payment, seizure of assets, detention of the claimant's CEO, and denial of justice.

The Tribunal held that the claimant had failed to establish the existence of a protected investment made "in the territory" of the UAE, as required by the BIT. It rejected arguments that contractual rights, preparatory activities, or ancillary services allegedly carried out in the UAE were sufficient to relocate the situs of the investment and reaffirmed that embassy premises do not constitute the territory of the sending State under international law. On this basis, the Tribunal concluded that the claims fell outside the scope of the Treaty and ICSID jurisdiction and ordered the claimant to bear the costs of the proceedings.

See Award.

Nova Group Investments, B.V. v. Romania (ICSID Case No. ARB/16/19)

Award (June 13, 2024)

In its Award of **13 June 2024**, an ICSID tribunal dismissed all claims brought by Nova Group Investments, B.V. against Romania under the Netherlands–Romania BIT. The dispute concerned allegations that Romanian authorities had breached treaty obligations in connection with regulatory and supervisory measures affecting Nova's investments in the Romanian insurance sector, including claims of unfair and inequitable treatment, expropriation, lack of full protection and security, and failure to arbitrate in good faith.

The Tribunal rejected Romania's jurisdictional objections, including those based on EU law and the *Achmea judgement*, and confirmed its jurisdiction under the ICSID Convention and the BIT. On the merits, however, it found that Romania's conduct did not amount to treaty breaches and that the regulatory measures at issue fell within the State's legitimate exercise of supervisory powers. The Tribunal therefore denied all substantive claims and ordered each party to bear its own legal costs, while sharing the costs of the arbitration.

See Award.

Nurhima Kiram Fornan and others v. Kingdom of Spain (ICSID Case No. ARB/24/45) **Award (November 6, 2025)**

In its Award of **6 November 2025**, an ICSID tribunal dismissed all claims as manifestly without legal merit pursuant to Rule 41 of the 2022 ICSID Arbitration Rules. The dispute arose under the Philippines–Spain BIT (1993) and concerned Spain's alleged conduct in relation to ad hoc arbitration proceedings against Malaysia stemming from the historic 1878 Agreement on the lease of territory in North Borneo. The claimants argued that Spain's judicial and prosecutorial actions affected their rights under an USD 18 billion arbitral award rendered in those proceedings.

The Tribunal held that the claimants had manifestly failed to establish the existence of a protected investment in the territory of Spain, as required by both the BIT and Article 25 of the ICSID Convention. It rejected the contention that legal fees incurred in Spain or a monetary interest in a foreign arbitral award could constitute an investment, emphasising that expenditures are not assets and that an arbitral award can only "crystallise" an underlying investment where such investment itself exists in the host State. On this basis, the Tribunal found a lack of consent to ICSID arbitration and

ordered the claimants to bear their own costs and to reimburse Spain's arbitration and legal costs.

See Award.

Riverside Coffee, LLC v. Republic of Nicaragua (ICSID Case No. ARB/21/16)

Award (October 17, 2025)

In its Award of **17 October 2025**, an ICSID tribunal dismissed all claims brought by Riverside Coffee, LLC against Nicaragua under the Dominican Republic–Central America Free Trade Agreement (DR-CAFTA). The dispute arose from the invasion and occupation of the Hacienda Santa Fé agricultural property in Nicaragua during the 2018 civil unrest, which the claimant alleged was attributable to the State and resulted in the destruction of its avocado and forestry business. Riverside claimed breaches of the standards of full protection and security, fair and equitable treatment, unlawful expropriation, national treatment, and Most Favoured Nation treatment.

While the Tribunal affirmed its jurisdiction under DR-CAFTA and rejected Nicaragua's objections based on attribution and admissibility, it ultimately found no breach of the Treaty on the merits. The Tribunal held that the acts of private land occupiers were not attributable to the State, that Nicaragua had acted reasonably in the context of widespread civil strife, and that the national security and civil strife exceptions under DR-CAFTA applied. The Tribunal therefore denied all claims and ordered each party to bear its own legal costs, while sharing the arbitration costs.

See Award.

Access Business Group LLC v. United Mexican States (ICSID Case No. ARB/23/15)

Award and Dissenting Opinion (November 21, 2025)

In its Award of **21 November 2025**, an ICSID tribunal upheld Mexico's preliminary objection to jurisdiction ratione temporis and declined jurisdiction over the claims brought by Access Business Group LLC under Annex 14-C of the USMCA. The dispute concerned alleged breaches of NAFTA Chapter 11 arising from agrarian measures adopted by Mexico in 2022, relating to the claimant's farming investment in the State of Jalisco.

The Tribunal held that Annex 14-C extends only the procedural consent to arbitrate "legacy investment" claims and does not preserve NAFTA's substantive obligations for

measures adopted after NAFTA's termination on 1 July 2020. Applying principles of treaty interpretation under the Vienna Convention on the Law of Treaties and relying on consistent prior jurisprudence, the Tribunal concluded that the impugned measures post-dated NAFTA's entry into force and therefore fell outside its jurisdiction. The Tribunal accordingly dismissed the claims and ordered the claimant to bear the costs of the arbitration.

In his dissenting opinion, Prof. Franco Ferrari argued that Annex 14-C of the USMCA extends both consent to arbitration and the application of NAFTA Chapter 11 substantive protections for three years after NAFTA's termination. In his view, the text contains no limitation restricting claims to pre-termination measures, and procedural incorporation of Section B necessarily entails continued application of Section A as governing law. He criticised the majority's reliance on *TC Energy*, noting its non-unanimous nature and methodological flaws, and concluded that the Tribunal did have jurisdiction over post-termination measures affecting legacy investments.

See Award.

Reported New Case – First treaty claim against Switzerland.

Japanese bondholders of Credit Suisse have reportedly launched an ICSID claim against Switzerland over write-downs of state-backed bonds of fallen lender Credit Suisse.

Legal counsel has indicated that up to 200 investors might intend to initiate similar claims against Switzerland.

See Reuters and Jus Mundi

Institutional Developments

ICSID to Establish Office in Singapore

On **25 August 2025**, ICSID and the Ministry of Law of Singapore signed a Letter of Intent to establish ICSID's first staffed office outside its headquarters in Washington, D.C., to be based at the World Bank Group Singapore Office at 10 Marina Boulevard with additional satellite premises at Maxwell Chambers Suites.

The Singapore Office will serve as a regional hub for ICSID's operations, enabling the Centre to administer cases, provide capacity-building and training, and engage more closely with States, investors, and practitioners across the Asia-Pacific. The initiative reflects a strategic effort to enhance the accessibility of ICSID's dispute resolution services in a region that remains central to global foreign investment flows and to support dispute prevention, resolution, and outreach activities. Singapore's role as a Contracting Member State to the ICSID Convention and its position as a leading international arbitration venue are highlighted as key factors in this development.

See Press Release.

ICSID Releases Caseload Statistics for the 2025 Fiscal Year, with Expanded Data Insights

On **27 August 2025**, ICSID published its Caseload Statistics for the 2025 fiscal year (1 July 2024 to 30 June 2025), featuring expanded data on investor-State dispute settlement trends. The report shows that ICSID administered 347 cases in Fiscal Year 2025, the highest number ever in a single fiscal year, and registered 67 new arbitration and conciliation cases, reflecting continued strong global demand for ICSID's services.

The statistics introduce new aggregated data on damages claimed and awarded in arbitrations concluded during the period, as well as a regional breakdown of investor nationalities in newly registered cases, with Western European investors accounting for the largest share. Sectoral analysis indicates that disputes in the oil, gas, and mining sectors were particularly prominent, while geographic data highlight broad participation by States and investors from multiple regions. The report also notes that a majority of concluded arbitrations were decided by tribunals, with varying outcomes on liability and compensation.

See Press Release and Latest Statistics.

ICSID Publishes 2025 Annual Report with Expanded Caseload Statistics

On **17 October 2025**, ICSID released its 2025 Annual Report, incorporating expanded caseload statistics that offer deeper insight into trends in investor-State dispute settlement. The Report, covering the period ending 30 June 2025, presents updated data on the Centre's docket, including statistics on damages claimed and awarded, geographical distribution of parties, and sector profiles, providing practitioners and policymakers with enhanced analytical tools for tracking global ISDS patterns.

Alongside the quantitative expansion, the 2025 Annual Report situates the caseload within broader institutional developments at ICSID, such as evolving consent bases, the role of contract-based claims, and the increasing prominence of mediation and conciliation frameworks alongside traditional arbitration. The Report underscores ICSID's continued status as the leading global forum for investor-State disputes and offers valuable longitudinal data to inform ongoing debates on ISDS reform and arbitration practice.

See Press Release and Annual Report.

2. Permanent Court of Arbitration (PCA)

Settlement in *Kingsgate Consolidated Ltd. v. Thailand*

Parties settled the case, concerning a large gold mine in Thailand (Chatree Mine), ending an eight-year arbitration.

See Press Release by Kingsgate announcing the settlement and the continuance of operations at the Chatree Mine.

Reported Award – *"Ecuador defeats claim by casino investor"*

In late **September 2025**, Ecuador announced that it had successfully defeated an investor-State arbitration claim under the UNCITRAL Arbitration Rules brought by a U.S. investor seeking approximately US $214 million in damages arising from the 2011 nationwide ban on gambling.

The claimant, Lynton Trading Ltd., alleged that the ban on casino operations had harmed its investments, but the tribunal rejected the claim on jurisdictional grounds, concluding that Lynton lacked sufficient economic activity in the United States to qualify for treaty protection, despite being incorporated in Nevada. The tribunal also reportedly addressed denial-of-benefits and treaty interpretation issues.

See Ecuador's Statement.

Reported New Case – Formerly sanctioned investor against the US

In **December 2025**, a formerly sanctioned investor reportedly initiated an investment treaty arbitration against the United States, alleging that U.S. measures adopted while the investor was subject to international sanctions breached applicable treaty protections. The claim reportedly concerns restrictions imposed under U.S. sanctions regimes that the claimant argues amounted to unlawful expropriation and violations of fair and equitable treatment, even though the sanctions have since been lifted.

See GAR News.

III. HUMAN RIGHTS COURTS

1. African Court of Human and People's Rights (AfCHPR)

Docket

4 December 2025: the AfCHPR issued new orders to Kenya over non-compliance in the Ogiek case.

The case, *African Commission on Human and Peoples' Rights v. Republic of Kenya* (application No. 006/2012), concerns the protection of the Ogiek community, an indigenous community found in the Mau Forest, Kenya.

The Court made its findings following the holding of a compliance hearing on 4 June 2025, during which it reviewed various reports filed by both Parties. Primarily, the Court reviewed Kenya's compliance with the terms of its judgment on the merits delivered in 2017 and the Judgment on Reparations delivered in 2022.

In its decision dated 4 December 2025, the Court found that Kenya had not made any of the compensation payments ordered in favour of the Ogiek community, namely KES 57,850,000 (USD 445,000) for economic loss and KES 100,000,000 (USD 770,000) for the community's suffering, and directed Kenya to immediately pay the full amounts.

The Court also found that Kenya's consultations with the Ogiek were inadequate and fell below the required threshold for genuine, meaningful and continuous engagement. The Community Development Fund that the Court had ordered had also not been set

up. Kenya was ordered to take immediate steps and act without delay on all these outstanding issues.

The Court declined to issue new provisional measures despite the allegations of ongoing violations, noting that its existing orders, if implemented, could sufficiently address the alleged continuing violations.

See Compliance Order and Summary

Request for Advisory Opinion on the obligations of States with respect to the climate change crisis: Extension of time for filing amicus curiae requests and observations

On 3 December 2025, the Court decided to extend to 30 March 2026 the time for filing requests to join as amicus curiae as well as for filing observations/submissions in Request for Advisory Opinion No. 001/2025 by the Pan African Lawyers Union.

4 December 2025: Ruling – Request for Provisional measures dismissed in case concerning costs of public interest litigation

The application, *Institute for Human Rights and Development in Africa v. the Republic of Malawi*, was brought by a Pan-African NGO based in The Gambia. The Institute for Human Rights and Development in Africa (IHRDA) alleges the violation of rights in relation to the award of costs, amongst others, in a public interest case decided by the Supreme Court of Appeal of Malawi.

This public interest case was filed by a NGO based in Malawi, Human Rights Defenders Coalition, as well as the Association of Magistrates in Malawi and the Malawi Law Society. The litigants challenged the legality of the actions taken by the President of Tanzania and the former Secretary to the President and Cabinet with regards to the placement in 2020 of the former Chief Justice, Justice Andrew Nyirenda SC, and a former Judge of the Supreme Court of Appeal, Justice Edward Twea SC, on administrative leave pending retirement.

On 27 August 2020, the High Court delivered its judgment declaring that the actions of the President and the Secretary to the President and Cabinet were unconstitutional. However, the Supreme Court of Appeal subsequently decided that HRDC and others were to personally bear the costs of the litigation. Before the AfCHPR, IHRDA submitted that this decision violated several human rights protected under the African Charter and the International Covenant on Civil and Political Rights (ICCPR). It requested for provisional measures, seeking an order to stay the assessment of costs, and

enforcement of the order of costs, pending the determination of their application on the merits by the AfCHPR. They alleged that the cost levied on the HRDC, an NGO relying on donations and contributions from members for its operations, represented an existential threat and that it risked causing the insolvency of the HRDC, which would constitute an irreparable harm.

In its ruling of 4 December 2025, the Court dismissed this request for provisional measures due to the unsubstantiated nature of the allegation. The Court found that the applicant had failed to demonstrate the risk ok bankruptcy with concrete and verifiable evidence. The alleged harm constituted a hypothetical and speculative risk, insufficient to establish the required threshold of extreme gravity, urgency and irreparable harm.

Text of the Ruling

2 December 2025: Pleadings re-opened in Chacha Jeremiah Murimi and others v. United Republic of Tanzania

The three applicants are Tanzanian nationals who, at the time of filing the application, were incarcerated at Butimba Central Prison, Mwanza, having been convicted of murder and sentenced to death. They allege violation of their rights on the basis of the proceedings before the domestic courts.

The application (039/2019) was filed and served to Tanzania in August 2019. In November 2025, shortly after the pleadings were closed, Tanzania filed a request for the Court to reopen the pleadings and grant it leave to file its response, out of time. Tanzania contended that the delay was occasioned by the need to source for information from a wide range of stakeholders especially as the application concerned the killing of a person with albinism. The applicants informed the Court that they had no objection to this out of time filing.

In its order dated 2 December 2025, the Court, with the aim of proper administration of justice, granted Tanzania's request and considered that its November 2025 submission had been duly filed and transmitted to the applicants for their reply.

Judge Rafaâ Ben Achour expressed a dissenting opinion. He noted that, given the applicants' status as death row inmates, the proceedings needed to be conducted with the utmost rigour. In his view, Tanzania's conduct can reasonably be interpreted as a delaying tactic and he finds regrettable that the Court felt compelled to act on this request. He concluded that the order to reopen pleadings was not supported by the rules of procedure, the principles of proper administration of justice, or the fundamental requirements for effective judicial protection of human rights.

15 September 2025: Pleadings re-opened in Abdul Omary Nondo and Others v. United Republic of Tanzania

The applicants are all Tanzanian nationals. They allege violation of, among others, their right to equality and equal protection before the law as well as their right to be heard as a result of various provisions in the electoral laws of Tanzania.

The application was filed in November 2020, and pleadings were closed on 11 September 2024. On 25 June 2025, Tanzania filed a submission which included attachments that it requested the Court to consider. Tanzania pointed out that it had enacted Act No. 2 of 2024 on the Independent National Electoral Commission and submitted that this law should be taken into account by the Court as it considered this case. In its order of 15 September 2025, the Court held that, in the interests of justice, pleadings should be reopened, and Tanzania's June 2025 submission be deemed to have been properly filed.

Decided cases

4 December 2025: Judgment in a case concerning the applicant's rights in the context of an investigation against her for adultery

The Court delivered its judgment *in Alyssa v. the Republic of Tunisia* (application No. 061/2019). The text of the judgment is only available in Arabic (see application summary). The Court's findings include a violation of the right to a fair trial, and no violation of the right to end a marital relationship.

The delivery of judgments followed a hybrid format, with a simultaneous interpretation in English.

2. European Court of Human Rights (ECHR)

Docket

"Rule-of-law" cases against Poland adjourned for a further year

The processing of applications submitted in the context of the reorganisation of the judicial system in Poland - in what has been described by many observers as a "rule-of-law crisis" - has been further adjourned until 23 November 2026 to give more time to the Polish Government to adopt general measures following the *Wałęsa v. Poland* pilot judgment. The Court currently has over 1100 pending cases against Poland concerning the judicial reform in Poland initiated in 2017.

Press release

19 November 2025: hearing in an Italian case concerning coercive measures ordered in the context of a parliamentary inquiry into mafia-type organised crime

The Court held a Grand Chamber hearing in the case of *Grande Oriente d'Italia v. Italy*. The case concerns a search of a Masonic association's premises ordered in the context of a parliamentary inquiry into organised crime.

After the hearing the Court begins its deliberations in private and its ruling will be made at a later stage. See Press release and Webcast of the hearing.

Interim measure discontinued in A.F. v. Austria - Court rejects request for suspension of the applicant's removal to Syria

24 September 2025: the Court has decided to discontinue an interim measure in a case concerning a Syrian national, who alleges that, if sent back to Syria, he would face a real and imminent risk of a violation of his rights under Article 2 (right to life) and Article 3 (prohibition of torture and inhuman and degrading treatment) of the European Convention on Human Rights owing to the volatile security and humanitarian situation there. The Court decided not to extend the interim measure indicated on 11 August on the ground that it had not been shown, considering the current general security situation in Syria and the individual circumstances of the case, that if removed, the applicant would face a real and imminent risk of irreparable harm to his rights under Articles 2 and 3.

Press release

In September 2025, the Court started to publish weekly summaries of interim measures, reiterating that interim measures are exceptional and that, owing to their nature, they are applied in practice only in limited spheres. From 8 to 12 September 2025 the ECHR received 62 requests for interim measures. See weekly summary of interim measures, 8-12 September 2025.

Update on Romanian cases concerning requests for compensation with regard to property seized under the communist regime and not restored to owners

The Court has decided to progressively give notice, as of September 2025, to the Romanian Government of a number of applications pending before the Court concerning restitution of property that had been nationalised under the communist regime. There are currently over 300 similar applications pending before the Court. The background to these applications was set out in the Court's judgment *Văleanu and Others v. Romania*.

Press release

17 September 2025: hearing concerning the right not to be tried twice for the same offence due to the initiation of three proceedings against the vice-chairman of the board of directors of a bank

The Court held a Grand Chamber hearing in the case of *Jesus Pinhal v. Portugal*. The case concerns three sets of proceedings brought against the applicant by the criminal-law authorities, the Securities Market Commission and the Bank of Portugal, respectively, for criminal and administrative offences committed while he was Vice-Chairman of the Board of Directors of a private bank, Banco Comercial Português, S.A.

Press release

Webcast of the hearing

Court accepts request by Ukraine's Supreme Court for an advisory opinion on whether a nun's cell can qualify as her home

The Court has accepted a request for an advisory opinion submitted by Ukraine's Supreme Court. The Court is asked to provide guidance on the European Convention on Human Rights issues arising in a case pending before it concerning a dispute between a monastery of the Ukrainian Greek Catholic Church and a former nun over her right to live in a convent owned by the monastery. She left the convent in a context of conflict within the religious community.

Press release

FAQ on Requests for Advisory opinions

15 September 2025: amendments to the Rules of Court

The following amendments were made to the Rules of Court (the previous version was dated 28 April 2025):

- Addition of a new rule: Rule 3bis: Judicial Ethics
  "In all matters relating to judicial ethics, judges shall be guided by the Court's Resolution on Judicial Ethics."

- Addition of a new provision under Rule 9 (Functions of the President of the Court):

  "4. The President gives guidance on ethical standards, in accordance with the modalities provided for in the Court's Resolution on Judicial Ethics."

Link to the new edition of the Rules of Court (15 September 2025)

Archives: Rules of Court, previous editions

Decided cases

16 December 2025: Chamber Judgment - Dismantling of Navalnyy network, multiple violations of the European Convention

In the case of *Anti-Corruption Foundation (FBK) and Others v. Russia*, the Court held that there had been several violations of the European Convention: of the right to respect for private and family life, the home and correspondence, of the freedom of expression, of the freedom of association, of the limitation on use of restrictions on rights and of the protection of property. The Court found that the measures taken against organisations connected with Aleksey Navalnyy, his own family members, his associates and their families had formed part of a concerted effort on an unprecedented scale to strike at the heart of and eliminate the organised democratic opposition centred around Aleksey Navalnyy. The official reasons for the measures, namely the fight against money laundering and extremism, had not been supported by any evidence of genuine criminal conduct, but had served as a pretext for dismantling independent political and civic structures.

The Court emphasized that the measures had taken place against the background of reprisals against Mr Navalnyy and those associated with him and of the progressive suppression of political pluralism in Russia. Lastly, it noted that the Committee of

Ministers of the Council of Europe continued to supervise enforcement of the Court's judgments against Russia, which was still bound under Article 46 (binding force and implementation) of the European Convention on Human Rights to enforce judgments against it concerning facts that had occurred before 16 September 2022, the date on which it had ceased to be signatory to the Convention. The Court's procedure for processing of applications against Russia can be found here.

Press release

15 December 2025: Grand Chamber Judgment - Violation of judge's right to freedom of expression on account of sanction for Facebook posts of public interest

In its Grand Chamber judgment in the case of *Danileţ v. Romania*, the Court held that there had been a violation of the freedom of expression. The case concerned a disciplinary sanction imposed on a judge by the National Judicial and Legal Service Commission for posting two messages on his Facebook account. Examining the posts in the light of the criteria it had established with regard to the freedom of expression of judges and prosecutors on the internet, the Court found that the interference with the applicant's freedom of expression had not been based on relevant and sufficient reasons and had not met a pressing social need.

Press release

Delivery of the judgment

Video Explainer

11 December 2025: *Grand Chamber Judgment – Unjustified use of force and rubber bullets in dispersal of protest in front of Georgian Parliament*

In the case of *Tsaava and Others v. Georgia*, the Court found violations of Article 3 (prohibition of inhuman or degrading treatment/lack of effective investigation), of Article 10 (freedom of expression), of Article 11 (freedom of assembly and association) and a non-violation of Article 38 (obligation to furnish all necessary facilities during the examination of the case) of the European Convention on Human Rights. The case concerned the dispersal by the police of a major anti-Government protest in 2019 from the front of the Parliament building in Tbilisi. The approximately 12,000-strong protest, policed by about 5,000 officers, had been sparked by a prominent member of the Russian Duma sitting in the Speaker's chair in the Georgian Parliament and delivering a

speech in Russian as part of a session of the Interparliamentary Assembly on Orthodoxy (an interparliamentary institution based in Athens, set up to foster relations between Christian Orthodox lawmakers). The applicants (with one exception) were either participants in the protest or journalists covering it. Most of them sustained injuries from the authorities' use of rubber bullets ("kinetic impact projectiles"). The others were allegedly assaulted by police officers. As a result of its findings, the Grand Chamber indicated measures to be taken by the Georgian authorities, notably in relation to the regulation of use of rubber bullets and the implementation of rules and adequate safeguards as to their proper use.

Delivery of the Judgment

Press release

Video Explainer

11 December 2025: Inadmissibility decision in case concerning Austrian authorities' refusal to ban the sale of fossil fuels

The Court has declared inadmissible the application in the case of *Fliegenschnee and Others v. Austria*. It concerned the Austrian Federal Minister for Economic and Digital Affairs' refusal to ban the sale of fossil fuels to mitigate the impact of climate change as she was not competent in that regard. The Court found that the three individual applicants who had brought the case had not provided evidence to show that they had been personally affected by climate change, either because of their age or health issues or owing to crop shortfalls caused by drought. They could not therefore claim to be victims of a violation of the right to respect for private and family life or the protection of property and those complaints were inadmissible.

Press release

11 December 2025: Chamber Judgment - Failure by Italian authorities to effectively investigate the death of a soldier in barracks

In its judgment in the case of *Intranuovo v. Italy*, the Court held that there had been a violation of the right to life/lack of effective investigation. The case concerned the death of the applicant's son, who had been serving in the Italian army, following an alleged fall from a window in the army barracks in which he had been stationed. The Court found that the investigation into the death of the applicant's son had been ineffective and that the Italian authorities had not sufficiently satisfied the burden of proof resting on it to

provide a satisfactory and convincing explanation as regards the circumstances of the death.

Press release

4 December 2025: Chamber Judgment - Spain's failure to protect litigant in sex discrimination proceedings

In the case of *Ortega Ortega v. Spain*, the Court held that there had been a violation of the prohibition of discrimination taken in conjunction with the right to private life. The case concerned the applicant's dismissal from her job, following a claim made by her of sex discrimination. The Court held that the reasons given by the national courts in upholding the applicant's dismissal had not been sufficient. The dismissal had had the effect of negating the protection against discrimination afforded in the separate discrimination proceedings and the national courts had not engaged with that consequence. Furthermore, they had failed to give sufficient weight to relevant elements which could have been indicative of a retaliatory motive.

Press release

27 November 2025: Chamber Judgment - Inadequate legal safeguards in Italy for the allocation of frequencies for digital television broadcasting

The case of *Europa Way S.r.l. v. Italy* concerned the allocation of frequencies for digital television broadcasting. The applicant company had taken part in a bidding process in 2011 which was to allocate digital terrestrial frequencies free of charge. The rules for the process had been set out by AGCOM, the communications regulatory authority. This process had, however, subsequently been suspended by ministerial decree, annulled by a new law in 2012 and replaced with a fee-based selection procedure in 2013. The applicant company challenged these measures in the courts, unsuccessfully. The Court found that the legislative and administrative framework on the allocation of digital terrestrial frequencies had not provided adequate safeguards against arbitrariness, in breach of the applicant company's freedom to impart information and ideas.

Press release

13 November 2025: Chamber Judgment - Delayed publication of judgment restricting right to abortion undermined legal certainty

In the case of *A.R. v. Poland*, the Court found that there been a lack of foreseeability required under Article 8 (right to private and family life) of the European Convention on Human Rights, owing to the general uncertainty as regards the applicable legal framework concerning the conditions permitting the termination of pregnancy, due to the delay in the publication of a Constitutional Court's ruling. At the time of the delivery of the Constitutional Court's judgment, the applicant had been 15 weeks pregnant and medical tests confirmed that the foetus suffered from a genetic disorder.

Press release

28 October 2025: Chamber Judgment - Deferring environmental impact assessment in respect of licences granting petroleum exploration did not breach the Convention

In the case *Greenpeace Nordic and Others v. Norway*, the Court held that there had been no violation of the right to respect for private and family life. The case concerned the procedural aspect of the obligation to effectively protect individuals from the serious adverse effects of climate change on their life, health, well-being and quality of life in the context of petroleum exploration preceding extraction.

The Court held, in particular, that when making a decision in the context of the environment and climate change, the State had to carry out an adequate, timely and comprehensive environmental impact assessment in good faith, and based on the best available science. While the processes leading to the 2016 decision had not been fully comprehensive and, in particular, the assessment of the activity's climate impacts had been deferred, there was no indication that deferring such an assessment had been inherently insufficient to support Norway's guarantees of respect for private and family life within the meaning of the European Convention on Human Rights.

Press release

Fact Sheet: Climate change

21 October 2025: Chamber Judgment – Denmark had no jurisdiction in respect of complaints of ill-treatment during search and arrest operation in Iraq

The case of *Abdulaal Naser and Others v. Denmark* concerned a military search and arrest operation in 2004 in Iraq. Danish Military forces had participated in the operation at the request of the Iraqi authorities. Investigations in Denmark into subsequent allegations of ill-treatment by Danish soldiers in connection with that operation were discontinued on the basis that no criminal offence had been committed. Civil proceedings for compensation instituted by the applicants, 21 Iraqi nationals, were ultimately unsuccessful, the Supreme Court finding that Denmark had no jurisdiction in respect of their complaints.

The Court held that the applicants' complaints concerning the prohibition of torture or inhuman or degrading treatment were inadmissible because the applicants had not been within Denmark's jurisdiction. The Court also found that there had been no violation of the right to a fair trial, as the applicants had been given access to a court at two levels of jurisdiction and those proceedings had been fair. Press release

14 October 2025: Chamber Judgment - Lack of guarantee of impartiality in disciplinary proceedings brought by the President of the Court of Cassation against a prosecutor

Tsatani v. Greece concerned disciplinary proceedings brought against the applicant, a prosecutor at the Athens Court of Appeal, by the President of the Court of Cassation after the latter conducted a preliminary disciplinary investigation against the applicant for closing investigations into a criminal fraud case. The recusal requested by the applicant, alleging that the President of the Court of Cassation was not impartial, was dismissed, and the Court of Cassation disciplinary councils found the applicant guilty of serious negligence and docked two months from her salary.

The Court found in particular that the disciplinary council had failed to address the impact of an official press release issued by the President of the Court of Cassation referring to the preliminary investigation when it was still pending. The Court found that the press release of itself had been incompatible with the notion of an "independent and impartial tribunal" in view of its content and the context in which it was issued. Considering the case's singular context, the Court found that the proceedings had failed to meet the European Convention on Human Rights' standard of impartiality.

Press release

14 October 2025: Russia must pay Georgia over 253 million euros in just satisfaction

In the case of *Georgia v. Russia (IV)*, the Court ruled on the question of just satisfaction (Article 41) and awarded in total 253,018,000 euros in respect of non-pecuniary damage suffered by more than 29,000 victims of that pattern or system of violations, for which Russia had been found responsible in the Court's judgment of 9 April 2024.

The case concerned the human-rights toll caused by the hardening of boundary lines after the 2008 conflict between Russia and Georgia. In particular the armed conflict had led to a process, which had started in 2009 and was known as "borderisation", blocking people from crossing the administrative boundary lines freely between Georgian-controlled territory and the Russian-backed breakaway Georgian regions of Abkhazia and South Ossetia.

The Court left it to the Georgian Government to set up an effective mechanism to distribute the sums awarded to the individual victims, within 18 months of payment by the Russian Government.

Three other applications have been lodged by Georgia against Russia with the Court (see here).

7 October 2025: Chamber Judgment - Former judge did not have effective legal avenue to challenge decision not to reappoint him following his term as a government minister

In the case of *Misiūnas v. Lithuania*, the Court found that there had been a violation of Article 6 § 1 (right of access to court) of the European Convention on Human Rights. The Court found that the domestic courts had failed to provide an effective legal remedy capable of addressing the substance of the complaint lodged by the applicant (a former judge who had taken up a post in the Government), despite him having a legitimate and reasonable expectation that his application for re-entry into the judicial profession would be given proper consideration. There had been no exceptional or compelling reasons to justify the lack of judicial review of the decision made by the President to not reappoint him.

Press release

23 September 2025: Chamber Judgment - Restriction on right to vote in 2019 general election did not breach rights of prisoner serving sentence for rape

In the case of *Hora v. the United Kingdom*, the Court held that there had been no violation of the right to free elections. The case concerned prisoner voting in the United Kingdom and was the first to come before the Court concerning an election which had taken place following the steps taken by the United Kingdom to enforce the Court's judgment in the case of *Hirst v. the United Kingdom (no. 2)*. In the light of the developments since Hirst, the Court examined the manner in which the legislation in question had been applied to the specific applicant, in his particular circumstances. Considering the seriousness of his offending, his conduct, the risk he was found to pose to the public and the resulting imposition of a harsh sentence of indeterminate detention, the Court found that the restriction on his right to vote in the 2019 general election was not disproportionate.

Press release

9 September 2025: Chamber Judgment - Domestic courts must examine of their own motion the appropriateness of hearing a child before ruling on his or her return to a parent in child abduction cases

In the case *M.P. and Others v. Greece*, the Court held that there had been a violation of the right to respect for private and family life. The case concerned a mother and her two children, who complained of the return of the two children to their father in the United States by order of the Greek courts in international child abduction proceedings. This is the first case concerning child abduction proceedings in which the Court has held that the national courts are required to examine of their own motion whether it would be appropriate to hear the child, either directly or otherwise, in order, if necessary, to rule out that possibility in a reasoned decision.

Press release

Institutional developments

Joint interview by the Presidents of the ECHR and the CJEU

On the sidelines of a visit by a delegation of the European Court of Human Rights to the Court of Justice of the European Union on 24 November 2025, President Mattias

Guyomar and President Koen Lenaerts gave a joint interview about the work of each Court. The discussion focused on how each Court protects human rights in its own way, how the two courts apply and interpret their founding texts, and the challenges faced by the two Courts in the current political, geopolitical, and societal context. This interview took on added importance with the 75th anniversary of the European Convention on Human Rights and the 25th anniversary of the Charter of Fundamental Rights of the European Union.

Video of the interview

ECHR President meets UN Special Rapporteur on the situation of human rights in the Russian Federation

On 28 November 2025, Mariana Katzarova, United Nations Special Rapporteur on the situation of human rights in the Russian Federation, visited the Court and met with President Mattias Guyomar. The Rapporteur shared with the President her assessment of the human rights situation in Russia. They also referred to the case *Ukraine and the Netherlands v. Russia*, in which Russia has been held accountable for widespread and flagrant human rights abuses arising from the conflict in Ukraine since 2014, in breach of the European Convention on Human Rights. The ECHR is the only international judicial body before which the Russian Federation has been held accountable for violations of human rights protected by the European Convention.

ECHR Russia's Country Profile

Enhancing the selection process of European Court of Human Rights Judges through multi-institutional dialogue: 27 November seminar marking 15 years of the work of the Advisory Panel of Experts on Candidates for Election as Judge to the ECHR

More information here

75th anniversary of the European Convention on Human Rights

On 4 November 2025, the ECHR celebrated the 75th anniversary of the European Convention on Human Rights. See Solemn Ceremony.

Swearing-in of new UK judge

The Judge elected in respect of the United Kingdom, Hugh Mercer, was formally sworn in in the Court's Main Hearing Room on 22 September 2025.

Judges of the Court are elected by the Parliamentary Assembly of the Council of Europe from lists of three candidates proposed by each State. They are elected for a non-renewable term of nine years. Although judges are elected in respect of a State, they hear cases as individuals and do not represent that State. They are totally independent and cannot engage in any activity that would be incompatible with their duty of independence and impartiality.

See video of the swearing-in

See Composition of the Court

3. Inter-American Court of Human Rights (IACtHR)

Decided cases

Judgment - *Zambrano, Rodríguez et al. v. Argentina. Merits, Reparations and Costs* - Argentina is responsible for the enforced disappearance and subsequent execution of José Segundo Zambrano and Pablo Marcelo Rodríguez

On **28 August 2025** (Series C No. 564), the IACtHR held Argentina internationally responsible for the forced disappearance and subsequent extrajudicial execution of José Segundo Zambrano and Pablo Marcelo Rodríguez in Mendoza Province in 2000, as well as for the lack of due diligence in investigating the facts. The Court found that provincial police agents were directly involved and that the persistence of impunity violated multiple rights under the American Convention on Human Rights, including the rights to legal personality, life, personal integrity, personal liberty, judicial guarantees, and judicial protection, in conjunction with the Inter-American Convention on Forced Disappearance of Persons.

The Court further held that Argentina violated the right to the truth and the personal integrity of the victims' family members, recognising the impact on their life projects. As reparations, the Court ordered a range of measures, including a public act of acknowledgment of international responsibility, and other measures aimed at ensuring accountability and redress.

See Press Release.

Judgment - *Galdeano Ibáñez v. Nicaragua. Merits* - Nicaragua is not responsible for the lack of investigation of alleged injuries that occurred in a fight between private individuals

On **2 September 2025** (Series C No. 565), the IACtHR unanimously held that Nicaragua was not internationally responsible for alleged violations of judicial guarantees and judicial protection in relation to injuries suffered by José María Galdeano Ibáñez, a Spanish national, during a fight between private individuals while visiting Nicaragua as a tourist. The Court found that, although States have a duty to investigate facts that may constitute crimes, Articles 8 and 25 of the American Convention on Human Rights allow domestic authorities discretion, in accordance with criminal policy, to determine whether the exercise of penal action is necessary in cases involving private individuals, where international law does not impose an obligation to investigate and prosecute.

The Court concluded that Nicaragua's decision not to pursue criminal proceedings ex officio did not amount to a violation of the Convention, as the incident concerned a physical altercation between private parties and did not trigger an international duty to prosecute. Consequently, the Court ordered no reparations and declared the case closed.

See Press Release.

Judgment - *Silva Reyes et al. v. Nicaragua. Merits, Reparations and Costs* - Nicaragua is responsible for the forced disappearance of José Ramón Silva Reyes

On **2 September 2025** (Series C No. 566), the IACtHR held Nicaragua internationally responsible for the forced disappearance of José Ramón Silva Reyes, which occurred on 31 October 1983, and for multiple violations of the rights of his next of kin. The Court found that State security agents detained Mr Silva Reyes after persuading him to leave the Guatemalan Embassy in Managua, where he had been under asylum, and that he was subsequently subjected to torture and execution, with his fate and whereabouts remaining unknown.

The Court concluded that Nicaragua violated the rights to life, personal integrity, personal liberty, legal personality, and judicial guarantees and protection, as well as the right to the truth of the victim's family members. It further found violations of the rights of the child in relation to one of his daughters. As reparations, the Court ordered

Nicaragua to continue the search, investigate, and prosecute those responsible, and adopt measures to address the long-term harm suffered by the victim's relatives.

See Press Release.

Docket

Compliance Monitoring - *Barbani Duarte et al. v. Uruguay. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights* - Uruguay complied with the ruling in the Barbani Duarte et al. case

On **24 November 2025**, the IACtHR declared that Uruguay had fully complied with the reparations ordered in its Judgement of 13 October 2011 in *Barbani Duarte and Others v. Uruguay* and consequently closed and archived the case. The decision followed a Resolution on Compliance Monitoring issued on 24 November 2025, in which the Court confirmed that Uruguay had completed the final outstanding measure of reparation.

The case concerned violations of the right to be heard, non-discrimination, and judicial protection arising from administrative and judicial proceedings related to Uruguay's 2002 banking crisis and the application of Law No. 17.613. The Court noted that Uruguay had fulfilled all ordered reparations, including allowing victims to submit new administrative petitions, publishing the judgement, paying compensation and costs, and implementing measures to ensure effective access to remedies. With the declaration of full compliance, the Court terminated its supervisory jurisdiction over the case.

See Press Release.

Regular Sessions of the IACtHR

-The IACtHR held its 179th Regular Session from August 18 to September 3, 2025.

-The IACtHR held its 180th Regular Session from September 22 to October 3, 2025.

-The IACtHR held its 181st Regular Session from October 13 to 17, 2025.

-The IACtHR held its 182nd Regular Session from October 27 to 31, 2025, and its 183rd Regular Session on November 5, 6 and 11.

-The IACtHR held its 184th Regular Session from November 17 to December 5, 2025.

Precautionary measures & Cases referred to the *IACtHR*

From September to December 2025, the IACHR granted precautionary measures in the following cases: 178/25—IACHR grants precautionary measures in favor of journalist Rory Daniel Branker in Venezuela; 183/25—IACHR grants precautionary measures in favor of Sofía Sahagún in Venezuela; 187/25—IACHR grants precautionary measures in favor of Mariano Javier Oteiza Hernández in Argentina; 188/25—IACHR grants precautionary measures to Marbelis Josefina Gibori and X.A.M.M. in Venezuela; 189/25—IACHR grants precautionary measures in favor of five individuals in Nicaragua; 191/25—IACHR requests Inter-American Court to extend provisional measures for three persons deprived of liberty in Nicaragua; 193/25—IACHR grants precautionary measures in favor of rights defender Ruth López in El Salvador; 194/25—IACHR grants precautionary measures in favor of constitutional lawyer Enrique Anaya in El Salvador; 200/25—IACHR grants precautionary measures in favor of Irvin Quintanilla in El Salvador; 201/25—IACHR grants precautionary measures in favor of French citizen Camilo Castro in Venezuela; 202/25—IACHR grants precautionary measures in favor of Juan Enrique Pérez Sánchez in Cuba; 209/25—IACHR grants precautionary measures in favor of Alireza Akbari in Venezuela; 213/25—IACHR grants precautionary measures in favor of rights defender Juan Pablo Galvis Arango in Colombia; 218/25—IACHR grants precautionary measures in favor of 10 detainees in Nicaragua; 232/25—IACHR grants precautionary measures to Moisés Payares, his family, and Jesús Brun in Colombia; 233/25—IACHR grants precautionary measures to two human rights defenders in Colombia; 234/25—IACHR grants precautionary measures in favor of three Salvadoran citizens deported from the United States to El Salvador; 235/25—IACHR grants precautionary measures in favour of nine foreign nationals deprived of their liberty in Venezuela; 236/25—IACHR grants precautionary measures to three persons whose whereabouts are unknown, one person deprived of liberty, and a family unit in Venezuela; 249/25—IACHR grants precautionary measures in favor of three members of the CONPAZCOL association in Colombia and 260/25—IACHR grants precautionary measures in favour of Xiomara del Carmen Ortiz Rivero with respect to Venezuela.

[The Inter-American Commission on Human Rights (IACHR) investigates human rights violations and issues merits reports with recommendations. It is composed of seven independent members who serve in a personal capacity. If violations are found by the Commission and not resolved, it can refer cases to the Inter-American Court of Human

Rights (IACtHR). The Court delivers binding judgments on States that have accepted its jurisdiction.]

From September to December 2025 the IACHR took to the IACtHR the following cases:197/25—IACHR takes to Inter-American Court case concerning El Salvador about the arbitrary arrest of Guatemalan citizens and their handover to a third State; 195/25—IACHR brings case against Argentina before IA Court concerning violations of the right to appeal a criminal conviction; 241/25—IACHR refers case to IA Court concerning detention of pregnant woman in Ecuador; 247/25—IACHR brings case before the IA Court over lack of investigation and sanction of extrajudicial execution in Chile; 250/25—IACHR takes to Inter-American Court case concerning Ecuador about the failure to protect a woman with disabilities subjected to sexual violence; 254/25—IACHR brings case before IA Court over forcible disappearance of priest during military dictatorship in Panama; 257/25—IACHR takes to Inter-American Court case concerning Chile about forced disappearance during the dictatorship and the failure to ensure redress; 259/25—IACHR takes to Inter-American Court case concerning Venezuela about unlawful and arbitrary detention and cruel treatment; and 261/25—IACHR takes to Inter-American Court case concerning Chile about refusal to register maternal affiliation.

Institutional developments

The IACtHR elects Gabriela Pacheco Arias as Secretary

On **27 November 2025**, during its 184th Regular Session, the IACtHR elected Ms Gabriela Pacheco Arias as Secretary of the Court. Ms Pacheco Arias will assume office in April 2026, succeeding Mr Pablo Saavedra Alessandri, whose term concludes on 31 March 2026.

Ms Pacheco Arias becomes the first woman to hold the position of Secretary in the Court's history. A Costa Rican national, she has served the Court's Secretariat for 22 years, most recently as Deputy Secretary, and previously as Director of the Monitoring Compliance with Judgments Unit.

See Press Release.

IV. OTHER INSTITUTIONS

1. International Organisation for Mediation (IOMed)

Inauguration of the IOMed Headquartered in Hong Kong

On **20 October 2025**, the IOMed was officially launched in Hong Kong, China, representing a significant step in its institutional development following the earlier conclusion of its founding convention. The inauguration ceremony brought together nearly 200 participants from over 30 Founding States, where senior officials underscored the swift transition from treaty signing to operational establishment, achieved in less than five months.

At its first meeting, the Governing Council authorised the Organization to begin its activities and appointed its initial leadership, naming Professor Teresa Cheng Yeuk-wah SC as Secretary-General and Dr Sun Jin as Deputy Secretary-General. IOMed is designed to promote the peaceful resolution of international disputes through mediation, functioning as a complementary institutional mechanism alongside existing international dispute settlement frameworks.

See Press Release

See CIL's ICT Bulletin Issue 2, page 14

Angola and Morocco sign the Convention on the IOMed

On **18 September 2025**, Ambassador of Angola to China Dalva Maurĺcia Calombo Ringote Allen signed the Convention on the Establishment of the IOMed.

See Press Release.

On **31 October 2025**, Ambassador of Morocco to China Abdelkader El Ansari signed the Convention on the Establishment of the IOMed.

See Press Release.

IOMed Attends the UNCITRAL WGIII AC-OP3 Meeting in Paris, France as Observer

From **1 to 3 December 2025**, the IOMed participated as an observer in the Third Meeting on the Operationalisation of the Advisory Centre (AC-OP3) held in Paris, organised under the auspices of UNCITRAL Working Group III.

IOMed's participation reflects its engagement with ongoing multilateral discussions on institutional reform of investor–State dispute settlement, particularly in relation to the establishment and functioning of an Advisory Centre on International Investment Dispute Resolution.

See Press Release.

2. Special Tribunal for the Crime of Aggression against Ukraine & Claims Commission for Ukraine

Special Tribunal for the Crime of Aggression against Ukraine

By late **November 2025**, administrative preparations were actively underway although the Tribunal had not yet begun full operations. According to reports from November 2025, no permanent building, dedicated administrative staff, or full budget had yet been established, but plans were advancing to locate the Tribunal in The Hague, Netherlands and essential groundwork was being funded by early contributions.

Officials involved in the project highlighted that the Enlarged Partial Agreement establishing the Tribunal's steering committee and the budgetary formula based on Council of Europe scales still require ratification by partner States. As of December 2025, those steps (necessary before the Tribunal can begin formal operations) remain in progress, with an anticipated operational start in **2026 or 2027** subject to securing broader membership and financial commitments.

In anticipation of the Tribunal's eventual activation, Ukrainian authorities and cooperating European partners have continued systematic collection and preservation of evidence related to the planning, decision-making, and execution of Russia's aggression, intended to be transmitted to the Tribunal's Prosecutor's Office once established. This preparatory phase includes coordination with the European Union Agency for Criminal Justice Cooperation and national prosecution offices to ensure a comprehensive evidentiary basis upon the Tribunal's launch.

See FAQ

International Claims Commission for Ukraine

On 16 December 2025, a diplomatic conference was held in The Hague for the adoption of the Convention Establishing an International Claims Commission for Ukraine.

The United Nations General Assembly, in its 2022 Resolution entitled “Furtherance of remedy and reparation for aggression against Ukraine”, recognised that the Russian Federation must be held to account for any violations of international law in or against Ukraine, and must bear the legal consequences of all of its internationally wrongful acts, including making reparation for injury, including any damage, caused by such acts. The United Nations General Assembly also recognised the need to establish an international reparation mechanism for damage, loss or injury arising from the internationally wrongful acts of the Russian Federation in or against Ukraine.

The Council of Europe has been working on such a comprehensive compensation mechanism. This mechanism includes the already established Register of Damage for Ukraine, which is fully operational and has received over 80,000 claims, as the first component; the International Claims Commission as the second component; and a compensation fund as a future third step.

As of 17 December 2025, 34 countries and the EU signed the Convention.

Read more

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