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Global Human Rights Litigation Report



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Open Society Foundations
224 West 57th Street
New York, NY 10019
USA

opensocietyfoundations.org

For more information contact:

Info@JusticeInitiative.org

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The Global Human Rights Litigation report was written by Juliana Vengoechea Barrios, senior managing litigation officer; Genevieve Quinn, strategic litigation officer; and Anna Emokey and Stephanie Yung, senior legal specialists at the Open Society Justice Initiative, with input from James A. Goldston, Executive Director; Waikwa Wanyoike, Strategic Litigation Director; and Mariana Pena, Director of Litigation Outreach.

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Open Society Justice Initiative Staff List

James Goldston, executive director

Ahmed Ezzat, strategic litigation officer,
MENA liaison

Anna Emokey, senior legal specialist,
litigation practice

Anna Khalfaoui, associate strategic
litigation officer

Ashrakat Mohammed, senior legal specialist

Azure Wheeler, strategic litigation officer

Balint Marquetant, senior program
operations officer

Beini Ye, senior strategic litigation officer

Camille Leroy, strategic litigation officer,
Europe liaison

Dan Guinigundo, associate strategic
litigation officer

Daniela Ikawa, senior strategic litigation
officer

Duru Yavan, associate strategic litigation
officer

Edit Turcsan Bain, senior legal specialist

Esti Tambay, strategic litigation officer

Eszter David, senior legal specialist

Genevieve Quinn, strategic litigation officer,
litigation practice

Gretchen Rohr, strategic litigation officer,
USA liaison

Jana Sadler-Forster, senior strategic
litigation officer

Juliana Vengoechea, senior managing
litigation officer, litigation practice

Karen Fisher, senior executive assistant

Lejla Camdzic, legal investigator

Maite De Rue, senior managing litigation
officer

Malcolm Dort, senior strategic litigation
officer

Manek Minhas, associate strategic litigation
officer

Manuela Londoño, strategic litigation officer

Mariana Pena, director of litigation outreach

Maxwell Kadiri, senior strategic litigation
officer, Africa liaison

Mercedes Melon, senior strategic litigation
officer

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litigation officer

Nina Ippolito, senior legal specialist

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officer

Rebecca Gerome, associate strategic
litigation officer

Rebekah Walter, director of program
management and operations

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officer, LAC liaison

Sebastian Scott, senior program analyst

Stephanie Yung, senior legal specialist,
litigation practice

Steve Kostas, senior managing litigation
officer

Susheela Math, senior managing litigation
officer

Ximena Suarez Enriquez, associate strategic
litigation officer

Waikwa Wanyoike, strategic litigation
director

Zsanett Borsos, senior legal specialist

Introduction

For more than two decades, the Open Society Foundations has engaged in and supported strategic litigation to advance open society goals. Why? A foundation has many aims and motivations which vary over time. But I believe three reasons stand out in explaining why OSF has made a consistent and unusual investment in this oft-criticized activity.

First, the rule of law is a central component of what it means to be an open society, and strategic litigation—the deliberate use of litigation to advance a set of social, policy, or political goals—is a critical forum for testing, applying, and fostering public discussion about the rule of law in concrete cases. The sources of authority for most judicial decisions—statutes, constitutions, regulations or international treaties—can provide a common reference point for the assessment of hotly contested facts. Under the right circumstances, strategic litigation can promote greater public understanding of, respect for, and participation in, a culture of the rule of law.

As I have [previously written](#), South Africa’s recent claim against Israel under the Genocide Convention is a salient example. The case captured public attention and transformed the previously esoteric ICJ into a front-page forum for a genuinely global discussion about the most pressing issue of the day. The non-stop media coverage, widespread viewing of oral arguments and live broadcast of President Joan Donaghue’s reading of the Court’s provisional ruling modeled, at the international level, Hannah Arendt’s vision of constitutional courts as [“arenas” for public debate about “moral and political” issues](#). Though it narrowed the scope of issues the judges could address, the Genocide Convention provided a common language, agreed by the vast majority of the world’s states, with which to consider the allegations. In short, the extraordinary attention given to South Africa’s submission, Israel’s response and the Court’s ruling contributed to more informed public dialogue.

Second, strategic litigation has a long track record of “wins” in advancing open society values, many of them taking place long before judgment, and sometimes in spite of an adverse result in the courtroom. Over several decades, landmark rulings in multiple jurisdictions have [struck down](#) official racial segregation in the United States, [enabled treatment](#) of millions of persons suffering from HIV in South Africa, [made clear](#) that even a former head of state in Chile may be prosecuted for torture, [ordered compensation](#) for family members of the victims of “forced disappearance” in Latin America, and [found unlawful](#) some of the most outrageous abuses committed by the CIA and complicit European governments in the name of the “global war on terror.” Many other cases have promoted open society beyond the courtroom—whether by lifting up voices, empowering and mobilizing survivors of international crimes, affirming a long-denied

narrative, focusing a spotlight on misconduct, or framing as a matter of law a dispute that heretofore seemed mired in intractable political controversy.

Finally, Open Society's commitment to this project over decades reflects George Soros's longstanding view that law and litigation are both components of, and complements to, political action and political change. How? By challenging political institutions to be more responsive to citizenry, and by empowering independent courts to hold political actors to account. Recent examples include the increasing resort to the International Court of Justice (concerning alleged crimes in [Myanmar](#), [Syria](#), and [Israel/Gaza](#)) to circumvent the veto exercised by self-interested, permanent UN Security Council members; the expansion of reproductive freedom in [Colombia](#) and [Mexico](#) through judicial action; and the defense of the integrity of democratic institutions in [Senegal](#) and [India](#).

Strategic litigation is not a panacea. It can be time-consuming and, if not undertaken with care, distant from the aspirations of those it purports to help. Bridging the gap between clients and affected communities, on the one hand, and lawyers, on the other, is as challenging as it is necessary.

And lawyers don't come cheap. Unfortunately, financial resources for litigation in the public interest are scarce. Government legal aid is inadequate and often comes with excessive restrictions on who can be sued for what. Pro bono lawyers and university clinics, though generous and often productive, have limited capacity. Recent experiments in third-party litigation finance for social impact, while welcome, have yet to realize their full potential. And the number of foundations willing to fund litigation remains far smaller than the need. In this climate, Open Society's dedication to strategic litigation, however unorthodox, is essential.

James A. Goldston, *Executive Director*

Open Society Justice Initiative

Litigation highlights of 2023

[Syria French Chemical Weapons Case](#), filed on March 1, 2021, Investigating judges of France's specialized unit for crimes against humanity and war crimes (Co-Counsel and Civil Party). *Warrants of arrest issued.*

Criminal investigation and arrest orders for the use of chemical weapons. The Open Society Justice Initiative joined Syrian survivors of chemical weapons attacks, the Syrian Center for Media and Freedom of Expression (SCM), and Syrian Archive in seeking a French criminal investigation for the August 2013 chemical weapons attacks on the city of Douma and on Eastern Ghouta, which killed more than 1,000 people.

The complaint alleges that chemical weapons attacks constitute war crimes and crimes against humanity. The filing and its accompanying dossier include new evidence from survivors and investigative leads, analyze chains of command that conducted the attacks, and identify a number of Syrian officials that the organizations who spearheaded the complaint allege are responsible for the attacks. The complaint is part of the legal campaign seeking the criminal investigation of Syrian government officials responsible for the use of chemical weapons and their eventual prosecution.

Following a criminal investigation by the Specialized Unit for Crimes against Humanity and War Crimes of the Paris Judicial Court, on November 15, 2023, French criminal investigative judges issued arrest warrants for Syria's President Bashar al-Assad, his brother Maher al-Assad, and two other senior officials over the use of banned chemical weapons. These arrest concern crimes against humanity and war crimes.

[Criminal Complaint for Saudi Crimes Against Humanity](#), filed December 2, 2021, Belgian federal prosecutor and Brussels Court of Appeal (Advisor to Counsel). *Case referred to the Court of Justice of the European Union.*

Loujain al-Hathloul is a Saudi dissident and women's rights activist who garnered widespread attention for her opposition to Saudi Arabia's prohibition on women's ability to drive. In May 2018, she was arrested and held in prolonged detention by Saudi authorities, held in solitary confinement, including in a secret location, suffered enforced disappearance, and was repeatedly subjected to torture, including electric shocks, whippings and beatings, sexual assault, and threats of rape.

Ms. al-Hathloul's case is part of a systematic pattern of human rights violations by the Saudi regime under Crown Prince Mohammed Bin Salman. Since being appointed in 2017, Prince Mohammed has overseen campaigns entailing mass arrests, torture, and enforced

disappearances of anyone who dares voice dissent. This includes hundreds of human rights activists, writers, academics, and intellectual reformers, with some dissidents even killed because of their views.

The Open Society Justice Initiative initiated, gathered documentation for, and drafted the complaint submitted before the federal prosecutor on behalf of the two sisters of Ms. al-Hathloul, Alia and Lina, for crimes against humanity under universal jurisdiction. Alia and Lina are represented in the proceedings by Maryse Alié, a lawyer at the Brussels Bar. The complaint also thoroughly documents the extent of crimes committed in Saudi Arabia against political dissidents since 2017.

Belgium's federal prosecutor had asked the Brussels Court of Appeal to reject the complaint, arguing that the crimes committed would not amount to crimes against humanity, and that Alia and Lina al-Hathloul would not have standing to file a complaint in Belgium because they are not the direct victims of the crimes cited in the complaint. On December 15, 2023, the Belgian court asked the Court of Justice of the European Union (CJEU) to clarify the scope of EU legislation on the rights of crime victims, in connection with the complaint.

Pernell v. Lamb, amicus brief filed on June 23, 2023, US Court of Appeals for the Eleventh Circuit (Counsel for Amici). *Decision pending*.

Florida Classroom Censorship Law. Florida is one of several states in the U.S. that have enacted laws designed to censor discussions related to race and gender in the educational setting. Florida House Bill (HB) 7—also known as the Stop Wrongs to Our Kids and Employees Act (“Stop W.O.K.E. Act”) unconstitutionally prohibits viewpoints that acknowledge systemic inequality and emphasize the importance of diversity, equity, and inclusion in university classrooms. As such, it restricts educators, including professors and teaching assistants, from advocating for certain “woke” concepts, while simultaneously allowing them to criticize these ideas. Consequently, the Stop W.O.K.E. Act limits students’ exposure to important discussions on issues such as privilege, colorblindness, racism, and sexism.

A lawsuit was filed by the ACLU, the ACLU of Florida, the NAACP Legal Defense Fund, and Ballard Spahr on behalf of a group of Florida educators and students in higher education, arguing that the Stop W.O.K.E. Act violates their constitutional rights, including, most prominently, their First Amendment right to free speech.

On November 17, 2022, the Florida district court sided with the plaintiffs and partially granted their motion for a preliminary injunction, which the defendants appealed.

In June 2023, the Justice Initiative filed an amicus curiae brief in the case before the United States Court of Appeals for the Eleventh Circuit on behalf of policing and criminal justice organizations and scholars. The brief argues that the district court did not abuse its discretion in preliminarily enjoining the Act, including because the Act would prevent Florida law enforcement agencies from preparing officers for the realities of working with and serving diverse communities, since state-mandated diversity training, a part of basic recruit training, is in most cases administered in community colleges, junior colleges, or vocational or technical institutions.

[Shaath v. Egypt](#), case seized by African Commission on Human and People's Rights in 2023 (Co-Counsel). *Decision pending*.

Unlawful detention and denaturalization. Ramy Shaath, an Egyptian-Palestinian activist, and his wife Céline Lebrun-Shaath, a French national, were detained by Egyptian security forces in 2019 following a raid on their home. Mr. Shaath was forcibly disappeared, and Ms. Lebrun-Shaath was unlawfully deported from Egypt. Mr. Shaath was held in deplorable conditions in pretrial detention for over 900 days and placed on Egypt's terrorist list. Mr. Shaath's arrest came amid President Abdel Fattah al-Sisi's escalating crackdown on political dissent. Mr. Shaath was one of the 60,000 of political prisoners languishing in Egypt, who often face torture, cruel and inhuman conditions, and sometimes death in detention. On January 6, 2022, Mr. Shaath was expelled from Egypt after security officials forced him to renounce his Egyptian citizenship and a lawsuit he had against the government.

In response to these rights violations, the Justice Initiative filed a complaint on December 12, 2022, against Egypt on behalf of Mr. Shaath and Ms. Lebrun-Shaath before the African Commission on Human and Peoples' Rights. Three Open Society grantees joined the filing, and 44 NGOs, including Human Rights Watch and the International Society for Human Rights, issued a statement in support of the case. On August 3, 2023, the Justice Initiative filed a submission regarding the admissibility and merits of the case, requesting a series of remedies, including reinstatement of Mr. Shaath's Egyptian citizenship and the issuance of damages.

[Terrorist Attacks on Sept. 11, 2001](#), amicus brief filed on April 27, 2022, United States Southern District of NY, (Counsel for Amici). *Judgment appealed to US Court of Appeals for the Second Circuit, decision pending*.

Financial assets seizure. Following the Taliban's removal from power in the early 2000s, the U.S. worked with Afghanistan to build a banking system independent of

the government, accumulating \$10 billion in assets in the country's central bank, Da Afghanistan Bank (DAB), by 2021. On August 15, 2021, upon the Taliban's reoccupation, the U.S. Treasury Department blocked DAB's assets to prevent the Taliban from accessing assets that "belong to the Afghan people." After the U.S. blocked DAB's assets, several family members of September 11 attack victims sought to use or "attach" these assets to collect on their judgments obtained in U.S. district courts against the Taliban. These judgments are high enough to deplete all DAB assets held in the U.S. several times over. The lawsuits were consolidated into the case of *In re: Terrorist Attacks on Sept. 11, 2001*, U.S. District Court for the Southern District of New York.

The Justice Initiative filed an amicus curiae brief in this case on Sept. 11, 2001, seeking to prevent the seizure of \$3.5 billion in assets from Afghanistan's central bank while the Afghan people lack a legitimate government able to speak on their behalf. As the Justice Initiative argued, the seizure of these assets would have dire consequences for the prospects of alleviating Afghanistan's deteriorating humanitarian crisis, which is directly traceable to a liquidity drain that the central bank reserves were meant to prevent.

On February 21, 2023 the U.S. District Court for the Southern District of New York ruled that \$3.5 billion in Afghan assets held in the Federal Reserve Bank of New York cannot be seized to satisfy court judgments obtained against the Taliban, concluding that "[t]he Judgment Creditors are entitled to collect on their default judgments and be made whole for the worst terrorist attack in our nation's history, but they cannot do so with the funds of the central bank of Afghanistan. Pursuant to the FSIA, TRIA, and the U.S. Constitution, the Taliban—not the former Islamic Republic of Afghanistan or the Afghan people—must pay for the Taliban's liability in the 9/11 Attacks." The court held that "neither the Taliban nor the Judgment Creditors are entitled to raid the coffers of the state of Afghanistan to pay the Taliban's debts."

On October 6, 2023, the Justice Initiative filed amicus briefs on behalf of Mr. Naseer A. Faiq with the U.S. Court of Appeals for the Second Circuit in the Joint Creditors' appeal of [Havlish v. Taliban, et al.](#) and the related case of [Owens v. Taliban](#). The briefs again argue that U.S. law does not allow the use of Afghanistan's foreign reserves to settle judgments against the Taliban.

[Systematic Torture and Sexual Violence Committed by Mexican Armed Forces with the Assent of the Prosecutor's Office](#), filed on February 5, 2016, Mexican Courts (Co-Counsel). *Judgment issued by Fifth Collegiate Circuit Tribunal.*

In 2006, in the context of the so-called "war on drugs" against organized crime, the Mexican government granted powers to carry out law enforcement operations to

the armed forces. The Mexican Navy (SEMAR) is particularly notorious for what the National Human Rights Commission has referred to as a “recurrent practice” of torturing detainees when in custody. The SEMAR is also infamous for the rampant impunity it enjoys. Reportedly, women were raped in 80% of detentions that it carried out. Far from discharging its constitutional obligation to protect human rights, the prosecutor’s office (Fiscalía General de la República) compounded the serious human rights crisis that plagues the country and rubber-stamped the SEMAR’s grave human rights violations.

In 2012, the SEMAR unlawfully arrested, tortured, and raped Ms. Medina, seeking a confession for a crime that she did not commit. The prosecutor’s office effectively rubber-stamped the SEMAR’s human rights violations and subsequently launched a series of spurious criminal investigations against Medina based on evidence fabricated against her. She spent 23 days in prison and was forced to flee in fear for her life. Her innocence prevailed; yet, despite medical reports showing torture and rape, and evidence of the navy’s systematic use of torture to secure confessions, the prosecution service dismissed Medina’s claims and failed to conduct a prompt and effective investigation. In February of 2016 after four years of waiting for redress without response, Centro Prodh, the Mexican NGO that defended Ms. Medina in the criminal proceedings, together with the Justice Initiative, filed administrative claims on Ms. Medina’s behalf, seeking reparations against both the SEMAR and the prosecutor’s office.

On March 8, 2023, following several filings and instances before domestic courts, The Fifth Collegiate Circuit Tribunal decided in favor of Ms. Medina, concluding that the right to access to justice was violated, and instructed the Federal Court to issue a new decision on the merits incorporating a gender perspective.

[Class Action Lawsuit against French Government for Ethnic Profiling by Police](#), filed on July 21, 2021, Council of State, French Courts (Complainant). *Judgment issued by Council of State.*

Ethnic profiling by police in France. Six organizations, including the Justice Initiative, sent a notice of a class action lawsuit to the France’s prime minister, the minister of the interior, and the minister of justice requesting that the government enact comprehensive measures to end ethnic profiling by police in the conduct of identity checks.

The practice of ethnic profiling by police during identity checks in France is well-documented, including in a 2009 Justice Initiative report. After French authorities failed to acknowledge or respond to the class-action notice, the Justice Initiative and other organizations filed the case before the Council of State, which is the highest administrative court in France. Several international and national bodies submitted

third-party interventions in support of the case, including the UN Special Rapporteur on contemporary forms of racism, the Syndicat de la magistrature (a union of judges and prosecutors), and the French council of bar associations.

On October 11, 2023, the Council of State ruled on the case, acknowledging that discriminatory police stops could not be considered as something that happened on an isolated basis and that ethnic profiling is a serious and pervasive problem in France. However, it declined to require the Government to take specific measures to address the issue, arguing that this would exceed its constitutional mandate.

Zeshan Muhammad v. Spain, filed on April 7, 2012, European Court of Human Rights (Counsel). *Judgment issued by European Court of Human Rights.*

Ethnic profiling in Spain. The Justice Initiative assisted a victim of discrimination, Zeshan Muhammad, in filing a case after he was stopped by Spanish police because of his skin color. This stop took place in the context—and was part of a well-documented pattern—of ethnic profiling during identity checks by Spanish authorities.

On October 18, 2022, the European Court of Human Rights found, by four votes in favor to three against, that there was no violation of the prohibition of discrimination. The Justice Initiative represented Mr. Muhammad in requesting a referral to the Grand Chamber for appeal. On March 6, 2023, a panel of five judges examined and rejected the Grand Chamber referral request.

Tenants of Mjølnerparken v. Danish Ministry of Interior and Housing, filed in 2020, Eastern High Court of Denmark (Legal Advisor). *Case referred to Court of Justice of the European Union.*

Racial and ethnic discrimination and economic justice. The Justice Initiative supported residents of Mjølnerparken, a residential “ghetto” in Denmark, in filing a case to challenge domestic “Ghetto Package” laws targeting residents of these neighborhoods and aiming to change their composition. The plaintiffs allege that the laws egregiously target and discriminate against non-European racial, ethnic, religious, and non-White populations, especially individuals descended or originating from Muslim-majority countries, and violate fundamental rights, including the right to respect for home. In particular, the plaintiffs hope to overturn the Ministry of Interior and Housing’s approval of a development plan in Mjølnerparken, Copenhagen, resulting in the sale of over 200 family homes—a mere portion of the thousands of evictions that will take place in Denmark under the “Ghetto Package”.

On November 7, 2022, the Eastern High Court granted the applicants' request for the case to be referred to the Court of Justice of the European Union (CJEU); and on 30 June 2023, the case was referred to the CJEU. Under the "preliminary ruling" procedure, the CJEU will now consider the correct application of the EU's Race Equality Directive. It will assess whether Denmark's categorization of "non-Western" background constitutes "ethnic origin" and whether its usage in the designation and treatment of residential "ghettos" is prohibited.

A ruling from the CJEU could be relevant not just in Denmark but across Europe. Area-based forms of discrimination targeting communities based on a confluence of race and class, which deny them their "right to the city" (often preparing the space for gentrification and corporate interests), have expanded in Europe. Indeed, two UN Special Rapporteurs have noted that similar wording has been used or proposed in multiple national contexts in Europe, such as in Sweden, which recently proposed its own "ghetto" laws.

Huseynov v. Azerbaijan, filed on December 18, 2015, European Court of Human Rights (Counsel). *Judgment issued by European Court of Human Rights.*

Arbitrary deprivation of nationality. Emin Huseynov is an activist and journalist who has been targeted by the Azerbaijani government in the past. In 2014, during an unprecedented crackdown on civil society, Mr. Huseynov was forced into hiding after being charged by Azerbaijani authorities with illegal entrepreneurship and tax evasion, in retaliation for his opposition activities. After 10 months in hiding, and following lengthy negotiations between the Swiss foreign ministry and the Azerbaijani government, it was agreed that Mr. Huseynov could be flown out of the country on June 13, 2015. Prior to Mr. Huseynov's departure he was required to renounce his nationality. Based on this declaration, made under duress, the Azerbaijani authorities declared a revocation of Mr. Huseynov's citizenship, rendering him stateless.

The Justice Initiative represented Mr. Huseynov in his application to the European Court of Human Rights, arguing the deprivation of his citizenship violated his Convention rights.

On July 13, 2023, the Court found that the government's actions to strip Mr. Huseynov of his Azerbaijani citizenship were arbitrary and rendered him a stateless person, in what the court called a "disregard" of the requirements of international law. Given these considerations, the court found a violation of Article 8 (right to private life and family) and ordered the payment of €4,500 as compensation for non-pecuniary damages to Mr. Huseynov. The Court found no additional rights violations (Arts. 10, 13 & 18).

Other cases

The cases listed here reflect some of the other legal actions in which the Open Society Justice Initiative is engaged.

U.S. Denaturalization Forum, Freedom of Information Act request, filed on August 13, 2020, U.S. District Court for the District of Washington, D.C. (Plaintiff and Co-Counsel). *Case dismissed by Court at joint request of parties.*

Immigration freedom of information request. The Justice Initiative filed a Freedom of Information Act (FOIA) request with the Department of Homeland Security and the United States Citizenship and Immigration Services concerning ATLAS, an automated, rule-based screening platform that is used to screen immigration applications. The platform has been implicated in the criminal and civil denaturalization of U.S. citizens, the revocation of derivative citizenship of family members, and policies and practices leading to statelessness. The request successfully led to access information requested. On August 21, 2023, the Court granted the parties' request to dismiss the case, on the ground that all issues had been settled.

Seydi and others v. France, filed on May 8, 2017, European Court of Human Rights (CoCounsel). *Judgment by European Court of Human Rights pending.*

Ethnic profiling by the police. This case focuses on ethnic profiling by the French police in which police disproportionately conduct identity checks on young people from ethnic minority groups. The French Court of cassation concluded that, in some circumstances, this practice constituted unlawful discrimination. After advising local lawyers in domestic courts, the Justice Initiative began acting as co-counsel in a case brought forward by the same plaintiffs before the European Court of Human Rights. On October 13, 2021, the ECHR communicated the case to the French government. On October 20, 2023, the Justice Initiative filed an update letter with the Court, to inform it of recent legal developments in France of importance to the case, including a recent judgment by the Conseil d'Etat that recognized the existence of discriminatory identity checks in France as well as the State's positive obligation to take the necessary measures to prevent discrimination. The Court decided (as an exceptional measure) to include the update letter in the case file and will consider it in its review of the case.

Responsible Development for Abaco (RDA) Ltd. v. the Rt. Hon. Perry Christie et al., filed on October 31, 2022, Judicial Committee of Privy Council (Third Party). *Judgment issued by Privy Council.*

Challenging security of cost orders. The Justice Initiative filed an amicus brief in an appeal before the Judicial Committee of Privy Council, the court of final appeal for UK overseas territories and Crown dependencies. The appeal challenged a court order requiring the plaintiff-appellant, a group of community organizations, to provide security for costs (amounting to \$250,000) to the government of The Bahamas and a developer in order for their case challenging the granting of a licensing permit for the development of a coastal marina to be heard. The appeal questioned the prudence and equity of courts imposing security of costs orders in the broader context of ongoing legal challenges in the Caribbean, given that such orders, which require complainants to provide substantial monetary guarantees as security for their opponents' costs of litigation, may impede access to justice. On January 31, 2023, the Privy Council ruled that there should be no order for security for costs in favor of the Developers, noting that “[an] order requiring a claimant to provide security for a developer’s costs... risks deterring the claimant from proceeding with its claim and hence is an impediment to gaining access to court.”

RG 22/10589, filed in July 2022 Tribunal judiciaire de Paris (Advisors to Counsel). *Case settled.*

Accountability and digital rights. Beginning in 2021, the Justice Initiative supported local partners in filing a notice with French corporation Idemia under France’s Due Vigilance Law to advance corporate accountability for the private sector’s role in supplying surveillance biometrics technologies. In July 2022, the claimants filed a petition before Paris courts requesting that the judge order Idemia to adopt a vigilance plan that would match the obligations set out by France’s Corporate Duty of Vigilance law. The case was settled, following mediation, and Idemia has agreed to amendments to their vigilance plan to provide for stronger safeguards to avoid adverse impacts of the use of its products by governments. IDEMIA’s new vigilance plan includes a section on the risks of biometric ID systems and their recommendations regarding the technologies’ use, including that “the implementation of these systems should not have the effect of depriving part of the population of access to public services on a discriminatory or indirect basis”.

Belarus internet shutdown, filed in March 2022, Organization for Economic Cooperation and Development (OECD) in Austria (Complainant). *Parties are in settlement negotiations.*

Contesting internet shutdowns. The Justice Initiative filed a complaint against A1 Telekom Austria to hold it accountable for the actions of its subsidiary in Belarus, which turned off mobile internet for its subscribers during the protests around Belarus's contested 2020 presidential elections. The complaint cites the telecommunications company's failure to comply with the OECD's Guidelines for Multinational Enterprises, which recommends that companies carry out human rights due diligence processes to avoid contributing to human rights violations. The complaint seeks not only to hold Telekom Austria accountable for its subsidiary's actions in Belarus, but also to prevent telecommunications companies from participating in future internet shutdowns and other rights violations. The Justice Initiative has emphasized the need for companies to adopt proper and efficient human rights due diligence policies and to implement human rights impact assessments before and during operations where there has been a record of systematic human rights violations. On August 1, 2023, the complaint was accepted, and the parties have since initiated mediation.

Mohammed Deksiso Chiri v. Federal Republic of Ethiopia, filed on October 28, 2022, African Commission on Human and Peoples' Rights (Counsel). *Judgment pending.*

Custodial torture and breaches of freedom of expression. On February 13, 2021, Mr. Mohammed Deksiso Chiri, a member of the Oromia community, was arbitrarily arrested, detained, and tortured by Ethiopian police forces in retaliation for his lawful speech in support of political prisoners connected to the OROMO political party. He was subjected to a series of baseless charges and held in unlawful detention, where he was repeatedly and systematically subjected to torture and other ill-treatment. On July 4, 2023, the Commission seized the case, which the Justice Initiative had filed on Mr. Chiri's behalf in 2022. On September 29, 2023, the Justice Initiative filed its admissibility and merits brief. This emblematic case seeks to curtail the widespread practice of torture in police and prison custody in Ethiopia; to assert the value of creating an open society in Ethiopia; and to hold the government of Ethiopia accountable for the egregious violations of the rights of ethnic groups in the country, in particular Oromo nationals.

Open Society European Policy Institute v. Bulgaria, filed in January 2022, European Committee of Social Rights (Complainant). *Judgment pending*.

Discrimination and COVID-19. In January 2022, the Open Society Foundations submitted a collective complaint before the European Committee of Social Rights (ECSR) documenting the Bulgarian government's failure to prioritize individuals above 65 years old and those with comorbidities in their domestic rollout of COVID-19 vaccines. The government's failure to make this prioritization resulted in thousands of preventable deaths and violates the European Social Charter, namely the obligation of the state to protect health and the prohibition on discrimination. Following the Committee's admission of the complaint in October of 2022, both parties submitted written observations and subsequent replies between March and June of 2023. The case is now pending final decision.

Advisory Opinion on Climate Emergency and Human Rights, amicus brief filed on December 14, 2023, Inter-American Court of Human Rights (Third Party). *Advisory Opinion pending*.

Expansive Rights Framework for Climate Displacement. On January 9, 2023, the Republics of Chile and Colombia submitted to the Inter-American Court of Human Rights a request for an advisory opinion regarding "Climate Emergency and Human Rights" to clarify the scope of State obligations, in their individual and collective dimension, in responding to the climate emergency within the framework of international human rights law, paying special attention to the differentiated impacts of this emergency on individuals from diverse regions and population groups, as well as on nature and human survival on our planet. The Justice Initiative filed an amicus brief arguing that the Court should take an ambitious and expansive approach to the protection of the rights of people displaced by the climate emergency, assessing the implications of climate displacement on internal displacement, trapped populations, and the right to remain. The brief includes five case studies from the region and focuses on the rights of refugees and other displaced persons; the rights to food security, health, and adequate housing; the right to nationality and protection against statelessness; and the right of indigenous peoples to self-determination.

Additionally, the Justice Initiative joined the written observations of Greenpeace International, the Union of Concerned Scientists, the Center for International Environmental Law, and the New York University School of Law Climate Law Accelerator. The submissions addressed several questions posed to the Court focused on human rights, environmental law, climate science, including attribution science, and corporate accountability.

OPEN SOCIETY FOUNDATIONS

The Open Society Justice Initiative uses the law to promote and defend justice and human rights, through litigation, advocacy, research, and technical assistance. Working as part of the Open Society Foundations, our staff are based in Abuja, Berlin, Brussels, The Hague, London, Mexico City, New York, and Washington DC.