

GLOBAL HUMAN RIGHTS LITIGATION REPORT



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The Open Society Justice Initiative uses strategic litigation to advance open societies, human rights, and the rule of law. It does so through direct litigation, grant-making, and convening. Working as part of the Open Society Foundations, our staff are based in Abuja, The Hague, London, Mexico City, and New York.

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INTRODUCTION

In the transitional year of 2024, the Justice Initiative continued its important strategic litigation in a number of areas of critical importance to open society, including the following:

- **Climate Justice** — Over the past two years, we were deeply involved in three major international cases challenging governments to do more to address the climate crisis – at the International Tribunal for the Law of the Sea, which ruled that climate-related obligations are legally binding on states, and at the International Court of Justice and the Inter-American Court of Human Rights, where we hope for similarly consequential pronouncements to come.
- **International Crimes** — A few months before the fall of Assad’s regime in Syria, we worked with partners to help secure the first-ever arrest warrant issued by a national tribunal (in France) for a head of state for the use of chemical weapons on his own civilian population.
- **Gender Persecution** — After three years of legal argument and advocacy by the Justice Initiative and others, this past September, four states announced their intention to hold the Taliban accountable for their egregious abuses of the rights of women and girls in Afghanistan, which could lead to a landmark case before the International Court of Justice.
- **Social Media Platform Accountability** — And this January, on behalf of a courageous Rohingya whistleblower, we filed a complaint with the US Securities and Exchange Commission jointly with partners arguing that Meta misrepresented to investors Facebook’s role in contributing to fueling the atrocities against the Rohingya in 2017.

This work has been undertaken in the midst of a significant reorganization of the Open Society Foundations (OSF). Since its founding more than 20 years ago, the Justice Initiative’s work has benefited from the passion, commitment, and intellectual depth and creativity of its staff. It owes gratitude to all its staff over the years including those who have recently left OSF. In recent months, the Board and leadership of Open Society have reaffirmed the importance of the rule of law as a central component of open societies and of strategic litigation as a pathway to change. To that end, OSF has committed to support the Justice Initiative to carry forward its important work over the next decade. This will include three components.

- First, the Justice Initiative will continue its pathbreaking direct litigation, focusing on cases that provide justice to victims and survivors of transnational and international legal violations.

- Second, and notably, going forward, the Justice Initiative will become a grant-maker, supplementing its own litigation work by financing bold, high-impact litigation that seizes time-sensitive opportunities.
- Finally, the Justice Initiative will continue and expand our work as a convener, to create the spaces needed to share litigation approaches, learn from common challenges and spark legal action across borders.

Within the broad spectrum of Open Society Foundations' work of protecting and promoting rights, equity and justice, the Justice Initiative will specifically focus on three broad and permeable areas of litigation:

- (i) international justice for the commission of grave crimes;
- (ii) abuses of power by large economic actors that threaten open society values; and
- (iii) inclusive democratic practice, with an eye to ensuring equal access and participation, defending guardrails, and protecting independent voices.

We look forward to working with numerous partners to fortify a more resilient infrastructure for strategic litigation in the service of open society.

LITIGATION HIGHLIGHTS OF 2024

A. International Justice and Accountability

In 2024, the Justice Initiative continued its work investigating, documenting, and seeking accountability for international crimes and rights violations around the world. As in previous years, the Justice Initiative embraced a comprehensive approach to international justice that centers survivors, victims, and impacted communities while leveraging complementary pathways to accountability.

Groundbreaking French Case against Bashar al-Assad and Others for Use of Chemical Weapons, filed on March 1, 2021, with France's specialized unit for crimes against humanity and war crimes (Co-Counsel and Civil Party). *Warrants of arrest upheld by Paris Court of Appeal.*

Since 2017, the Justice Initiative has worked tirelessly with partners to investigate chemical weapons attacks and to identify the perpetrators and chains of command responsible for atrocities committed under the brutal regime of Bashar al-Assad.

In March 2021, the Justice Initiative joined Syrian survivors of chemical weapons attacks, the Syrian Center for Media and Freedom of Expression, and Syrian Archive in seeking a French criminal investigation for the regime's August 2013 chemical weapons attacks on the city of Douma and on Eastern Ghouta, which killed more than 1,000 people and caused thousands of serious injuries. The complaint alleges that the attacks constitute war crimes and crimes against humanity.

In November 2023, following an investigation by the Specialized Unit for Crimes against Humanity and War Crimes of the Paris Judicial Court, French criminal investigative judges issued arrest warrants for then-President Bashar al-Assad, his brother Maher al-Assad, and two other senior officials over their use of banned chemical weapons.

In a landmark decision on June 26, 2024, the Paris Court of Appeal affirmed the arrest warrants, unequivocally establishing that accountability for international crimes supersedes any claims of immunity, including by a sitting head of state (which former President al-Assad was at the time). This decision marks a significant step forward for

survivors and victims of the chemical weapons attacks and for the field of international justice more broadly. It demonstrates that officials who perpetrate atrocities—regardless of their rank—cannot hide behind the cloak of immunity, and that the international community will not tolerate impunity for egregious crimes.

[Seeking Justice for Victims of Russia’s Hospital Attacks in Syria](#), filed on May 1, 2024, with the United Nations Human Rights Committee (Co-Counsel). *Complaint pending before the UN HRC.*

On May 1, 2024, the Justice Initiative filed a complaint with the UN Human Rights Committee accusing the Russian Federation of carrying out a deliberate attack on a hospital in Syria. The filing highlights Moscow’s repeated use of military force against health care facilities in Syria, where its forces had been supporting the regime of then-president al-Assad.

The complaint focuses on a series of air strikes on Kafr Nabl Surgical Hospital in Idlib province, carried out on May 5, 2019. It accuses the Russian Air Force of killing two civilians and endangering the lives of all those working in and using the hospital at the time—medical practitioners, patients, support staff, and visitors.

The Justice Initiative, together with Philip Leach, professor of human rights law at the UK’s Middlesex University, filed the complaint on behalf of a Syrian man whose two cousins were killed by the attack, and on behalf of Hand in Hand for Aid and Development, a humanitarian NGO that was supporting the hospital at the time. Hand in Hand is representing the interests of the hospital’s patients.

The complaint draws on a wealth of [video and audio recordings made at the time](#), as well as eyewitness accounts that point to direct Russian Air Force involvement in coordinating and executing the attacks. The material includes observations of Russian aircraft in the area at the relevant time, and audio recordings of communications between a Russian pilot and Russian ground control authorizing the release of aerial munitions and confirming that the aerial munitions had been dropped, which occurred at the precise times that strikes were captured on video.

On the basis of this overwhelming evidence, the complaint alleges that the Russian Federation violated the right to life under Article 6 of the International Covenant on Civil and Political Rights (ICCPR). Additionally, it alleges that, in failing to carry out an adequate investigation into the attack, Russia also violated the right to an effective remedy, as guaranteed by Article 6 in conjunction with Article 2(3) of the ICCPR.

Supporting ICC's Jurisdiction in the Situation in the State of Palestine, submission to the International Criminal Court's Pre-Trial Chamber on behalf of the Justice Initiative and other civil society organizations on August 6, 2024. (*Amicus curiae*). ICC Pre-Trial Chamber issued arrest warrants on November 21, 2024.

Following the announcement by the Prosecutor of the International Criminal Court (ICC) that he had requested the issuance of arrest warrants in the Situation in the State of Palestine, including against Israeli prime minister Benjamin Netanyahu and former defense minister Yoav Gallant, the United Kingdom requested leave to submit observations as *amicus curiae* to argue that the Oslo Accords—the 1993 agreement between Israel and the Palestine Liberation Organization—barred the court's jurisdiction over Israeli nationals. A different panel of ICC judges had previously confirmed the court's jurisdiction.

The judges granted the United Kingdom's request for leave. While the United Kingdom ultimately abandoned its efforts following a change in government, its request opened the door to 63 intergovernmental organizations, academics, United Nations officials, and civil society organizations sharing their written views. This included a submission filed by the Justice Initiative, together with four leading international civil society organizations, arguing that the challenge was procedurally improper and that the Oslo Accords are irrelevant and do not prevent the court from exercising its jurisdiction.

While Israel did not originally submit its views in this process, it filed a separate, belated challenge on September 23, 2024. On November 21, 2024, the judges rejected this challenge as “premature” and issued the arrest warrants.

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

Beginning in 2021, the Justice Initiative assisted with litigation in Belgium, brought on the basis of universal jurisdiction, which sought accountability for crimes against humanity committed by Saudi authorities against Loujain al-Hathloul, a prominent Saudi dissident and women's rights activist. This litigation has now resulted in a groundbreaking referral to the Court of Justice of the European Union (CJEU), which offers a crucial opportunity for the court to clarify the scope of victims' rights in the extraterritorial/ universal jurisdiction cases brought within the EU.

In 2018, Ms. al-Hathloul was arrested by Saudi authorities, held in prolonged detention, including in solitary confinement, repeatedly subjected to sexual violence and other acts of torture, and suffered enforced disappearance. Her abuse forms part of a systematic pattern of human rights violations—including the violent targeting and repression of

political dissidents and activists—which Saudi authorities have perpetrated under Crown Prince Mohammed Bin Salman.

The Justice Initiative initiated, gathered documentation for, and helped to draft a complaint, which local counsel submitted to Belgian authorities in December 2021, on behalf of the two sisters of Ms. al-Hathloul, Alia and Lina, for crimes against humanity under universal jurisdiction.

Belgium’s federal prosecutor 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. In response, however, the Court of Appeal noted on December 15, 2023, that the crimes complained of were well-documented and, as alleged, could amount to a serious violation of international humanitarian law. The court proceeded to ask the CJEU to clarify the scope of EU legislation on the rights of crime victims. The CJEU referral remains pending.

SEC Whistleblower Complaint Against Meta for Misrepresentations and Omissions Relating to Rohingya Genocide, filed on January 23, 2025 with the U.S. Securities and Exchange Commission (Advisor to Counsel)

On January 23, 2025, Maung Sawyeddollah, a survivor of the Rohingya genocide, supported by Amnesty International, the Justice Initiative, and Victims Advocates International, filed a whistleblower complaint with the U.S. Securities and Exchange Commission (SEC), urging the SEC to open a formal investigation into Meta for alleged violations of U.S. securities law stemming from Facebook’s role in the proliferation of hate speech that contributed to the attacks against the Rohingya in Myanmar in 2017, which the U.S. government termed genocide.

The submission argues that from at least 2013 onwards, Meta knew—or at minimum, recklessly disregarded—that its algorithmic systems had the effect of supercharging the spread of hate speech against the Rohingya in Myanmar and that, at the same time, its content-moderation systems fell far short of the task of preventing and removing such harmful content. Yet despite this information, Meta consistently failed to fully disclose this fact to the SEC and to investors, and on several occasions actively misrepresented relevant information.

The submission emphasizes that civil society activists and researchers alerted Meta staff every year between 2013 and 2017 about the heightened risk that Facebook would potentially contribute to a genocide, up to the moment when attacks against Rohingyas began in August 2017. However, Meta seemingly ignored these warnings, failed to take meaningful action to mitigate the risks, and actively misrepresented those risks to the SEC and investors.

As the submission details, only after increasing public pressure, following a Congressional Hearing in April 2018, did Meta partially acknowledge its failure to adequately address incitement and hate speech against Rohingyas—which it had known or should have known long before—and only then did Meta promise to take action to improve the situation. Even then, Meta declined to acknowledge that its algorithms had the effect of promoting hateful and inciting content; indeed, Meta continues to deny algorithmic harm.

The whistleblower complaint urges the SEC to launch a formal investigation and to ultimately bring an enforcement action against Meta based on apparent violations of the antifraud provisions of U.S. federal securities laws.

[ECtHR Cites OSJI Report in Declaring Russia’s Forced Citizenship in Crimea Unlawful](#), Grand Chamber judgement of June 25, 2024, in the Case of Ukraine v. Russia (re Crimea).

On June 25, 2024, the European Court of Human Rights (ECtHR) Grand Chamber delivered its judgment in *Ukraine v. Russia (re Crimea)*, finding multiple violations by Russia of the European Convention on Human Rights, including the imposition of Russian citizenship on Crimean residents following the 2014 annexation. The Court’s judgment relied in part on OSJI’s report [Human Rights in the Context of Automatic Naturalization in Crimea](#), which documented the coercive and discriminatory nature of Russia’s mass citizenship imposition, the systematic suppression of ethnic identity, and the forced demographic changes on the peninsula.

The judgment affirmed that Russia’s automatic naturalization of Crimean residents, combined with significant procedural barriers to opting out, amounted to a violation of Article 8 (right to private and family life). The opt-out process unfolded in an atmosphere of hostility, coercion, and confusion, riddled with procedural defects that made it nearly impossible for many to retain their Ukrainian nationality. Those outside Crimea or confined to closed institutions—such as jails, psychiatric facilities, and orphanages—were effectively denied the opportunity to opt out of Russian citizenship. The Court cited OSJI’s findings in concluding that these deficiencies were so severe that they constituted a direct interference with the right to private and family life.

The Court also found that Russia’s transfer of Ukrainian prisoners to detention facilities in mainland Russia violated Article 8, as these transfers imposed significant hardship by separating detainees from their families. This included political prisoners such as Oleg Sentsov and Oleksandr Kolchenko, whose litigation against Russia before the ECtHR was [supported by an OSJI intervention](#). The Court further determined that Russia’s treatment of prisoners amounted to violations of Article 3 (prohibition of torture and inhuman or degrading treatment), as Russia’s imposition of its nationality laws was used as a basis for arbitrary detention and mistreatment of individuals opposing the annexation.

Additionally, the Court found a violation of Article 10 (freedom of expression), citing OSJI's documentation of Russia's systematic suppression of non-Russian media in Crimea—particularly through the use of anti-extremism laws to silence Crimean Tatars and ethnic Ukrainians critical of the occupation.

The Court emphasized that evidence from nongovernmental organizations was critical in allowing it to conclude “beyond a reasonable doubt” that the incidents had been sufficiently numerous and interconnected to amount to a pattern or system of violations.

OSJI's report also served as a source of evidence in *Ukraine v. Russian Federation* before the International Court of Justice, where Ukraine argued that Russia's actions in Crimea constitute violations of the International Convention on the Elimination of All Forms of Racial Discrimination.

B. Climate Justice

For years, the Justice Initiative has deployed strategic litigation to address the systemic harms caused by the climate crisis—from corporate corruption to government inaction—which deepen existing social inequities and injustices. In 2024, the Justice Initiative leveraged this expertise to support trailblazing requests for advisory opinions from the International Tribunal for the Law of the Sea, the International Court of Justice, and the Inter-American Court of Human Rights.

[ITLOS Advisory Opinion on Climate Change and the Marine Environment](#), supported submissions to the International Tribunal for the Law of the Sea filed by the Republic of Mozambique and the Republic of Sierra Leone (Advisor to Counsel). *ITLOS delivered an advisory opinion on May 21, 2024.*

In 2023, the Justice Initiative helped to support submissions by the [Republic of Mozambique](#) and the [Republic of Sierra Leone](#) to the International Tribunal for the Law of the Sea (ITLOS) regarding a request by the Commission of Small Island States on Climate Change and International Law (COSIS) for an advisory opinion on state obligations relating to climate change. Among other issues, the submissions argued that the United Nations Convention on the Law of the Sea must be interpreted and applied to give effect to the best scientific evidence, which conclusively establishes that greenhouse gas emissions are causing devastating harm to the world's oceans. States are thus legally

required, as an absolute minimum, to take all necessary measures, individually and collectively, to limit the increase in global average temperatures to 1.5° C above pre-industrial levels.

On May 21, 2024, ITLOS delivered its advisory opinion, which constituted the first-ever international judicial opinion on state obligations concerning climate change. The opinion clarified the obligations of states under international law to protect the marine environment from the adverse effects of climate change. The tribunal unanimously found that greenhouse gas emissions (GHG) constitute pollution of the marine environment and that states are under an obligation to take all necessary measures to control pollution from GHG emissions. The tribunal also found that states are under special obligations to protect and preserve the marine environment in relation to climate change impacts.

ITLOS's advisory opinion closely reflected the submissions made by Sierra Leone and Mozambique on a range of issues, including as to: classification of anthropogenic GHG emissions as a form of marine pollution; application of the precautionary principle to state obligations to regulate marine pollution from anthropogenic GHGs; the stringent standards of due diligence to be applied by States in the context of climate change; application of the principle of common but differentiated responsibilities to distinguish obligations of states based on their contribution to the harm and capacity to address it; and the duty of States to cooperate effectively and in good faith.

ITLOS's authoritative legal opinion fortifies international climate commitments and compels stronger actions by states to mitigate climate harm—now and in the years to come.

ICJ Advisory Opinion on the Obligations of States in respect of Climate Change,

supported submissions to the International Court of Justice filed by the Republic of the Gambia, the Republic of Kenya, the Republic of Namibia, and the Republic of Sierra Leone in 2024 (Advisor to Counsel). *Pending before ICJ.*

Related to the above efforts to define states' obligations with respect to climate change, Vanuatu led a separate initiative to seek an advisory opinion from the International Court of Justice (ICJ), which is more general in nature and relates to the obligations of States under international law and the consequences arising therefrom. A UN General Assembly resolution referring the questions to the ICJ was adopted on March 29, 2023. Specifically, the ICJ was asked to provide its opinion on:

- The obligations of States under international law to ensure the protection of the climate system and other parts of the environment from emissions of greenhouse gasses; and

- The legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to states, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change, and peoples and individuals affected by the adverse effects of climate change.

The Justice Initiative supported the contributions of international law experts to the submissions in March and August 2024. The ICJ held oral hearings from December 2-13, 2024. The case is now fully briefed, and the court’s decision is pending. While the advisory opinion is not binding, it could influence domestic and international courts in subsequent litigation.

Inter-American Court of Human Rights Advisory Opinion on Climate Emergency and Human Rights, amicus briefs filed in December 2023 (Counsel for Amici). *Request for advisory opinion pending before the Inter-American Court of Human Rights.*

In December 2023, the Justice Initiative submitted two amicus briefs to the Inter-American Court of Human Rights (IACtHR), urging the court to take an ambitious and expansive approach to the protection of rights as the court prepares an Advisory Opinion on climate issues that will shape regional law and policy—and the global climate justice movement more broadly.

The Republics of Chile and Colombia submitted a request to the IACtHR, in January 2023, for an advisory opinion regarding “Climate Emergency and Human Rights” under Article 64(1) of the American Convention on Human Rights, seeking to clarify the scope of State obligations, in their individual and collective dimension, to respond to the climate emergency within the framework of international human rights law.

In December 2023, the Justice Initiative presented written observations to the court, calling for a comprehensive, progressive approach to the protection of the rights of people displaced by climate emergency. The Justice Initiative assessed the implications of climate displacement on internally displaced persons, trapped populations, and the right to remain. Using five case studies as illustrative examples, the Justice Initiative explored the manifold, interconnected effects of climate change on a set of rights that includes: the rights of refugees and other displaced persons; the rights to food security, health, and adequate housing; the rights to nationality and protection against statelessness; and the self-determination of indigenous peoples. The Justice Initiative presented on climate mobility to the court during a May 2024 hearing in Manaus, Brazil.

Also in December 2023, the Justice Initiative joined a coalition of partners in submitting an additional amicus brief to the court focused on attribution science and corporate accountability. The brief detailed the disproportionate effects of climate change on people in vulnerable situations, the role of business enterprises in driving climate change, the duty of states to prevent, remediate, and regulate industry conduct contributing to climate change, and the independent obligation of business enterprises to respect human rights.

C. Inclusive Democracy and Equality

The Justice Initiative has worked for decades to promote inclusive democracies by advocating for equal treatment under the rule of law and equitable access to public services for everyone, regardless of their race, religion, ethnicity, or gender. In 2024, the Justice Initiative advanced these aims through litigation and strategic initiatives across the globe—including by demanding justice for Afghan women and girls, securing a unanimous ruling by the European Court of Human Rights concerning unlawful ethnic profiling by Swiss police, and helping to challenge Denmark’s race-based housing laws before the Court of Justice of the European Union.

Vindicating the Rights of Afghan Women and Girls, formal steps under CEDAW initiated by four states on September 25, 2024 (Independent legal expert and advocate). *Potential case forthcoming before the International Court of Justice.*

Since 2021, the Justice Initiative has been developing legal analysis and argument, and advocating, for a first-ever case before the International Court of Justice (ICJ) under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to hold the Taliban, as Afghanistan’s de facto authority, accountable for systematic violations of women’s and girls’ rights. As a critical component of its work, the Justice Initiative has consulted extensively with Afghan women, Afghan human rights organizations, legal and women’s rights experts, global partners, and states.

On September 25, 2024, the governments of Germany, Australia, Canada, and the Netherlands announced they were taking formal steps to hold Afghanistan accountable for its obligations under CEDAW, which could result in the first-ever merits case on women’s rights before the ICJ. Their announcement is currently supported by a diverse coalition of 25 other states.

Following the announcement, the Justice Initiative has continued working in close coordination with partners, including Afghan human rights organization Rawadari, to ensure that the experiences and voices of Afghan women remain at the center of any case. The Justice Initiative and its partners are helping to facilitate the participation of Afghan women in consultations and convenings, with the aim of deepening their engagement as survivors, advocates, and experts. The Justice Initiative has also produced legal analysis to address questions from the community that have arisen as the process unfolds.

OSJI is also advocating for the involvement of additional states in the prospective litigation, with the goal of building a diverse coalition of support. Broad geographic representation would send a clear message that the international community condemns—and is committed to using all available legal avenues to challenge—the egregious human rights violations to which Afghan women and girls are being subjected every day.

Wa Baile v. Switzerland, written comments submitted by the Justice Initiative to the European Court of Human Rights in 2021 and 2022 (Third Party Intervenor). *Case decided on February 20, 2024.*

On February 20, 2024, the European Court of Human Rights unanimously held that police in the Swiss city of Zurich had engaged in ethnic profiling when they conducted an identity check on Mohamed Wa Baile, a Swiss citizen, at the city's train station in 2015.

Wa Baile was on his way to work when he was stopped by the police and asked for his identity documents. The police report noted Wa Baile's dark skin color and indicated that suspicion was aroused because he allegedly looked away from police officers.

The European Court of Human Rights found that, in the absence of an objective reason for stopping Wa Baile, there was a strong presumption that he was a victim of discrimination. As the government of Switzerland failed to produce evidence showing otherwise, the court held that Wa Baile's right of non-discrimination had been violated, taken together with his right to respect for private life. The court further held that Switzerland had violated Wa Baile's human rights by failing to investigate whether the stop was racially motivated.

The Justice Initiative intervened as a third party in support of Wa Baile's challenge, elaborating on the legal standards prohibiting ethnic profiling, the legal requirements for lawful police stop and searches, and the obligations to prevent ethnic profiling and to protect victims.

[Tenants of Mjølnerparken v. Danish Ministry of Interior and Housing](#), filed with the Eastern High Court of Denmark in 2020 (Legal Advisor). *Case referred to and pending before the Court of Justice of the European Union; Advocate General’s Opinion issued on February 13, 2025.*

In 2020, the Justice Initiative supported residents of Mjølnerparken, a residential area in Denmark, in filing a domestic challenge to the “Ghetto Package” laws, which, as originally enacted, targeted residents of certain neighborhoods denominated “ghettos” and aimed to change their composition. The plaintiffs allege that the laws egregiously 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. The plaintiffs hope to overturn the approval of a development plan in Mjølnerparken, Copenhagen, authorizing the sale of over 200 family homes.

On November 7, 2022, the Eastern High Court granted the plaintiffs’ request for the case to be referred to the Court of Justice of the European Union (CJEU); and on June 30, 2023, the case was referred to the CJEU. Under the “preliminary ruling” procedure, the CJEU is now considering 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 EU law prohibits the designation and treatment of residential “ghettos” in the manner which Danish law prescribes.

On September 30, 2024, the CJEU held a hearing in the case, during which the Justice Initiative served as advisors to counsel. On February 13, 2025, the CJEU’s Advocate General (AG) assigned to the case issued an opinion finding that the Danish legislation on public housing in transformation areas constitutes direct discrimination based on an ethnic criterion. Although the AG’s Opinion is not binding on the Court, AGs are tasked with proposing to the CJEU, in their independence, legal solutions to cases to which they are assigned. The CJEU is now beginning deliberations on the case, with a judgment forthcoming. A ruling from the CJEU could be relevant not just in Denmark but across Europe, where trends of neighborhood-based discrimination have been growing. 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.

The Justice Initiative has also provided legal support for civil society submissions on the “Ghetto Package” to international monitoring bodies. And in December 2024, the Justice Initiative’s work on this issue culminated with publication of a report, “[Displacement by Design: Resisting Denmark’s Race-based Housing Laws](#),” which tells the story of Mjølnerparken’s residents through their own words, giving voice to their lived experiences of discrimination and displacement.

The Ongoing Segregation of Roma Children in the Czech Republic, presented to the European Commission in January 2024.

In January 2024, the Justice Initiative published and presented a report to the European Commission, the executive arm of the European Union, concerning “[The Ongoing Segregation of Roma Children in the Czech Republic](#).” The report presents new evidence indicating that the Czech Republic’s discriminatory treatment of Roma children violates the European Union’s Racial Equality Directive. The Justice Initiative urged the European Commission to continue to the next stage of infringement proceedings against the Czech Republic, which were first launched in 2014, by issuing a reasoned opinion—a formal request to comply with European law that may be a precursor to legal enforcement action at the CJEU.

The Justice Initiative’s 2024 report shows that disturbingly little has changed since the 2007 European Court of Human Rights ruling in *D.H. and Others v Czech Republic*, which found that the Czech Republic had violated the rights of Roma children in systematically providing them with an inferior education. Rather, the report demonstrates that across the Czech Republic, Roma children continue to be denied, in disproportionate numbers, the quality education they need to achieve economic and social stability as they move into adulthood. While the Czech government claims that it has made progress in advancing educational equality by introducing a series of legislative reforms, the ground-level effects of these policies have been only superficial at best.

In October 2024, the European Commission sent an additional letter of formal notice to the Czech Republic; absent a satisfactory response, the Commission may follow with a reasoned opinion.

\$3.5 Billion in Bank Assets for the People of Afghanistan, amicus curiae (“friend of the court”) briefs filed on October 6, 2023, with the U.S. Court of Appeals for the Second Circuit (Counsel for Amici), following 2022 submissions to the U.S. District Court for the Southern District of NY. *Appeal pending before the Second Circuit*.

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. In August 2021, upon the Taliban’s reoccupation, the U.S. Treasury Department blocked DAB’s assets to prevent the Taliban from accessing assets that, according to the U.S. Deputy Treasury Secretary at the time, “belong to the Afghan people.” Subsequently, several family members of victims killed in the September 11 attacks in the United States sought to use or “attach” these assets to collect on U.S. court judgments obtained 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*, before the U.S. District Court for the Southern District of New York.

The Justice Initiative filed an amicus curiae brief in this litigation in 2022, on behalf of Naseer A. Faiq, the only recognized Afghan diplomat in the United States and the *chargé d'affaires* (head) of the Permanent Mission of the Islamic Republic of Afghanistan to the United Nations in New York. The brief sought 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.

In 2023, the U.S. District Court for the Southern District of New York agreed, ruling that \$3.5 billion in Afghan assets held in the Federal Reserve Bank of New York could not be seized to satisfy court judgments obtained against the Taliban. The court concluded 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 [Foreign Sovereign Immunities Act], [Terrorism Risk Insurance Act], 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 explained 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.”

The creditors subsequently appealed the district court’s decision to the U.S. Court of Appeals for the Second Circuit. On October 6, 2023, the Justice Initiative filed amicus briefs with the Second Circuit, on behalf of Mr. Faiq, in the Joint Creditors’ appeal of [*Havlish v. Taliban et al.*](#) and the related case of [*Owens v. Taliban*](#). The briefs argue that U.S. law does not allow the use of Afghanistan’s foreign reserves to settle judgments against the Taliban. The appeal remains pending before the Second Circuit.

D. Freedom of Expression, Association, and Assembly

In 2024, the Justice Initiative continued to promote freedom of speech, association, and assembly as core components of an open society. Through strategic litigation, the Justice Initiative challenged efforts to undermine civil society and attempts to stifle dissent. In doing so, the Justice Initiative sought to hold accountable not only the governments that use repression as a tool for consolidating power, but also the corporations and other actors who enable those violations.

Open Society Institute-Budapest v. Hungary, reply filed on November 12, 2024; case initiated in 2019 with European Court of Human Rights (Counsel). *Pending before European Court of Human Rights.*

In 2018, two pieces of legislation entered into force in Hungary that were ostensibly targeted at groups or individuals judged to be promoting “illegal immigration.” The first measure—the “Stop Soros Law”—criminalized “organizing activities” that support asylum and residence permit applications. The second—the “Soros Tax Law”—imposed a 25 percent tax on donations or funding to any group that “promotes migration.” The two provisions formed part of a sustained assault on democratic institutions, the rule of law, and civil society in Hungary, which included a publicly funded campaign vilifying George Soros, the founder of the Open Society Foundations. As a result of the abusive laws, Open Society Institute—Budapest (OSI-Budapest), part of the Open Society Foundations network, was forced to leave Hungary in 2018 and has not been able to implement its statutory mission since.

In 2019, the Justice Initiative filed a legal challenge to the two laws before the European Court of Human Rights, on behalf of OSI-Budapest, primarily on grounds that the laws violate the rights to freedom of expression, association, and assembly.

While the case was pending, in 2021, the Court of Justice of the European Union (CJEU) ruled in separate litigation that the Stop Soros Law infringed EU law. In response, the Hungarian government enacted a 2023 amendment to the law that purported to comply with the CJEU judgment. In reality, however, the 2023 amendment continues to violate OSI-Budapest’s rights by chilling legitimate expression and association.

Hungary filed its response with the European Court of Human Rights in 2024. Tellingly, the government did not challenge the merits of OSI-Budapest's claims; instead, Hungary limited its arguments to admissibility only. The Justice Initiative filed its reply in November 2024. The case is now fully briefed, and the court's decision is pending.

Contesting Internet Shutdowns in Belarus, filed in March 2022 with the Organization for Economic Cooperation and Development (OECD) in Austria (Complainant). *Case resolved by the parties in mediation.*

In 2020, in the aftermath of Belarus's contested and highly irregular presidential elections, A1 Telekom Austria, the parent company of A1 Belarus, sporadically shut off access to their mobile internet networks within Belarus. The internet shutdowns in Belarus from August 9 to December 12, 2020, were ordered by the Belarussian government to silence dissenting voices, control information, and curb freedom of expression, association and assembly during a period of post-election protests. As a result of the internet shutdowns, and Telekom Austria's contribution to them, millions of Belarusians had their freedom of expression curtailed. Specifically, the population was deprived of the right to disseminate, receive, and store complete, reliable, and timely information, especially concerning the protests and the brutal rights violations perpetrated in response.

On March 16, 2022, the Justice Initiative submitted a complaint against A1 Telekom Austria before the OECD National Contact Point (NCP) in Austria. The complaint alleged that the company's contribution to Belarus's internet shutdowns contravened its responsibilities under the OECD Guidelines for Multinational Enterprises, which recommend that companies carry out human rights due diligence processes to avoid contributing to human rights violations. In August 2023, the complaint was accepted.

The case brought by the Justice Initiative against A1 for violation of the OECD Guidelines in relation to the internet shutdown in Belarus was resolved by the parties in mediation in 2024.

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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, The Hague, London, Mexico City, and New York.

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