



### Amnesty's Report on M23's Actions in DRC

- Abha Dalal (IV B.A.LL.B.)

In December 2022 and January 2023, Amnesty International gathered testimonies from 23 rape survivors and 12 eyewitnesses from various towns in the Democratic Republic of the Congo (DRC). It reviewed medical records, official documents, interviewed government officials, UN representatives, and prominent humanitarian organisations about patterns of civilian killings and conflict-related sexual violence in the area. It created a report containing its findings.

M23 has taken control of large territory, causing half a million people to flee their homes. These acts were part of a campaign waged by M23 to punish and humiliate civilians suspected of being supporters of rival armed groups. Most survivors said they had received basic medical assistance from local health facilities, but there was serious lacunae in providing good medical facilities.

Nearly three months later, there has been minimal progress despite

the DRC being party to several international and regional legal instruments obligating States to prevent, investigate, and prosecute those responsible for human rights abuses, and ensure comprehensive access to remedies for victims.

Congo's army has been locked in heavy fighting with M23 since May 2022. The conflict has sparked a diplomatic crisis between Congo and Rwanda, which has been accused of backing the rebels, including by sending its own troops into eastern Congo. Rwanda denies any involvement.

The M23 and its predecessor groups have claimed to defend Tutsi interests against ethnic Hutu militias, whose leaders participated in the 1994 Rwandan Genocide of more than 800,000 Tutsis and moderate Hutus.

### The Role of International Law in Combating Cyberterrorism

- Amol Gupta (IV B.A.LL.B.)

International law is essential in addressing the increasingly prevalent issue of cyberterrorism. Cyberterrorism is the use of cyberspace to launch attacks that have the potential to disrupt

### News at a Glance

The European Court of Human Rights (ECtHR) ruled that the Republic of Azerbaijan violated several human rights after convicting an activist and university student of "hooliganism." The Baku Court of Serious Crimes convicted Rustamzade, and his appeals were rejected by two appellate courts. The ECtHR found "no indication, contrary to the domestic courts' decisions, that demonstrates that the applicant's impugned conduct constituted 'a grave breach of public order.' For more information, see here.

In a special session, the UN General Assembly adopted a resolution calling for Russia to "completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders." The resolution also urges adherence to international humanitarian law in ensuring the safety of civilians and for the immediate cessation of attacks on Ukrainian infrastructure. For more information, see here.



national security, hurt individuals, and damage critical infrastructure. Controlling this is a primary concern for governments worldwide.

Through the Global Counter-Terrorism Strategy (2006), international law provides a framework for governments to collaborate in the fight against cyberterrorism. The United Nations Office on Drugs and Crime (UNODC) established a Global Programme on Cybercrime to assist States in developing legal frameworks to combat cybercrime. The United Nations Counter-Terrorism Centre (UNCCT) provides technical assistance to help member States improve their cyber-security capabilities.

The legal basis for prosecuting cyberterrorists is provided by international law through the Budapest Convention. Signatories are required to cooperate in cybercrime investigations, prosecutions, and implement legislation making cybercrime unlawful.

The UNSC has passed several resolutions aimed at preventing terrorist organizations from

plotting and carrying out acts online. These resolutions urge member States to cooperate in the sharing of information and intelligence to stop attacks.

In the case of the United States of America v. Sergey Aleynikov, the defendant was a programmer charged with stealing proprietary source code from their employer company's high frequency trading platform in 2009. This code was uploaded to a server in Germany and then downloaded in the United States.

Since statutes did not specifically address cybercrime, the government relied on UNSC Resolution 1373, which calls for member States to criminalize the financing of terrorism and to cooperate in the prevention and prosecution of terrorist acts, including those carried out through electronic means. Aleynikov was ultimately convicted and sentenced to prison, although his conviction was later overturned on appeal.

International resolutions and treaties can be effective in promoting global cooperation and addressing shared challenges,

### News at a Glance

The Human Rights Watch (HRW) released a report accusing the US and UK of crimes against humanity for actions in the Chagos Islands 60 years ago. The two countries collaborated in the forced removal of the Chagossians, an indigenous population from the Islands, from 1965 to 1973. The Chagossians were forced from their homes and left in Mauritius and Seychelles to live in poverty. For more information, see [here](#).

The Emergency Relief Coordinator of the UN declared that there has been a failure in the delivery of international aid to the people of northwest Syria. Bab al-Hawa is currently the only crossing point for international aid to reach people. The government of Syria is notified in advance of each shipment and a UN monitoring mechanism oversees loading in neighboring countries. This is significantly slowing the arrival of supplies into Syria. For more information, see [here](#) and [here](#).



such as cyberterrorism. However, their efficacy depends on the willingness of States to comply with their provisions. Unfortunately, enforcement mechanisms are often weak or non-existent. Despite this, they are widely-used tools for promoting global norms and cooperation.

### 5G Global Patent Fight

- Dhanistha Kawale (V B.A.LL.B.)

The development of 5G technology has brought with it an unprecedented level of innovation and competition between countries and companies. As 5G technology has become more widely adopted, the number of patents being filed has also increased exponentially.

The United States, China, and South Korea are currently leading the 5G patent race, with each country filing thousands of patents related to 5G technologies. This has created a global patent fight among countries and companies, with each trying to gain a competitive edge over their rivals by securing the most patents. One such fight was between Apple and Ericsson.

Apple and Ericsson were involved in a patent dispute over the use of 5G technology in Apple products. Ericsson claimed that Apple was infringing on its patents related to 5G technology, while Apple argued that these patents were invalid. As a result, Ericsson filed patent lawsuits against Apple in Germany, the Netherlands, Brazil, the United States, and sought damages and royalties from Apple. Apple responded by filing a countersuit, alleging that Ericsson had abused its market power by charging excessive licensing fees.

In December 2022, the two companies announced a global cross-license agreement, in which Apple paid Ericsson \$400 million as a one-time payment, plus ongoing royalties. The agreement also included a release of all pending lawsuits, and Apple was granted certain other patent rights.

The Apple and Ericsson patent dispute has had a significant impact on international law. The dispute has highlighted the importance of standard essential patents (SEPs) and the need for companies to negotiate fair, reasonable, and non-discriminatory (FRAND) licensing terms.

### News at a Glance

Amnesty International called on South Sudanese authorities to clarify the fate and whereabouts of detained South Sudanese government critic, Morris Mabior Awikjok Bak. The organization made the statement as a response and applause to a petition filed by Pan-African Lawyers Union (PALU) in the East African Court of Justice (EACJ) asking the court to establish his whereabouts. For more information, see here.



Furthermore, the dispute has thrown a light on the importance of national laws and international treaties when it comes to patent disputes, as well as the role of arbitration and other alternative dispute resolution methods in resolving such disputes.

### Indo-Pak Hydropower Project Dispute

- Shreya Basu (II B.A.LL.B.)

India and Pakistan entered into a legal battle at the Permanent Court of Arbitration (PCA) in January 2023 regarding India's designs of two hydropower projects namely, Kishenganga and Ratle, on rivers Jhelum and Chenab respectively.

Jhelum and Chenab are tributaries of the Indus river and run through Kashmir and Pakistan. They have been utilised for irrigating the region since time immemorial.

In 1947, the British formulated the Standstill Agreement for partitioned India. Through this, the water system of the Indus and its tributaries was divided: India was to provide the headworks with

the canals running through Pakistan.

However, after the Standstill Agreement's expiry in 1948, Pakistan received water from India in exchange for annual payments in a transitory measure to further negotiations. This is known as the Inter-Dominion Accord.

With neither side willing to compromise for years, the Indus Water Treaty was finally signed in 1960. The Treaty granted the Eastern rivers to India while Chenab, Jhelum, and Indus (Western rivers) were assigned to Pakistan. India was allocated all the Eastern rivers, and the Western rivers only for 'specified domestic, non-consumptive, and agricultural use.'

The Treaty gave India the right to build projects for hydroelectricity on the Western rivers, subject to specific criteria for their design and operation. The present dispute is over whether the design of India's two hydropower projects are detrimental to Pakistan and are thus in violation of the Treaty.

With the dispute ongoing since 2015, the World Bank has

### Upcoming Activities

**Call for Papers: Transforming the Role of International Courts and Tribunals in a New Era of Adjudication**

A workshop, 'Transforming the Role of International Courts and Tribunals in a New Era of Adjudication' will be hosted. They invite researchers to submit draft papers dealing with a broad range of current challenges pertaining to the law and practice of ICTs. For more information, see [here](#).

**Panel Discussion on "The Lasting Legacy and Future of the United Nations and International Law"** hosted by the Max Planck Foundation

The formal launch (online) event for Volume 25 of the Max Planck Yearbook of United Nations Law (UNYB) on 24th March 2023. The launch event will feature a panel discussion on the 'The Lasting Legacy and Future of the United Nations and International Law.' For more information, see [here](#) and [here](#).



permitted two parallel processes to take place for effective resolution of the dispute. While Pakistan initiated proceedings in the PCA, India boycotted and denied to attend the same. Pakistan was also sent a notice by India suggesting modifications to the Treaty to ban the involvement of third parties in the process of dispute resolution.

However, the Treaty does not give one proceeding precedence over the other. Therefore, the solution to dispute resolution ultimately lies in the hands of the two States.

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## Upcoming Activities

**Call for Papers: The German Yearbook of International Law**

The GYIL contains contributions on topics addressing all aspects of public international law. The Editors welcome submissions for volume 66 (2023) of the GYIL, inviting interested parties to submit contributions for consideration for inclusion in the forthcoming edition. For more information, see [here](#) and [here](#).

**What Contribution can Scholarship make to the Development of International Criminal Law? – Leiden University**

Scholarship has influenced the making of international criminal law. However, its impact on practice is not always directly visible. The purpose of this launch is to hear from practitioners and colleagues what contribution, if any, the commentary makes to their daily work and how it could be (further) improved. This event will take place online on 22nd March, 2023. For more information, see [here](#).