



### The Legality of State Obligation Transfer Agreements with context to the UK-Rwanda Plan

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

The Migration and Economic Development Partnership (MEDDP), more commonly known as the UK-Rwanda Plan, was first proposed on 14th April 2022. It proposed the deportation of all illegal migrants entering the UK after 1 January 2022 to Rwanda for asylum. Approved in November 2023 by the UK High Court, it was later declared 'unlawful' by the UK Supreme Court on 29 June 2023, and theoretically reversed.

Initially legal by the UK High Court under the Nationality and Borders Act, 2022, the bill was deemed contrary to international refugee protection practices and laws due to its objective: externalising the UK's obligation to provide asylum to illegal migrants. This is contradictory to the UK's history as one of the original signatories of the 1951 Convention Relating to the Status of Refugees and its ratification, as well as the 1967 Protocol.

In London's Court of Appeal, the bill was overturned by the court due to

a substantial threat to the rights of asylum seekers in Rwanda. Emphasising that the policy is against the European Convention of Human Rights (ECHR) as well, the conditions for the safety of asylum seekers, and the grounds for externalisation of asylum itself, are unsatisfied; Asylum seekers could be deported to their home countries from Rwanda and persecuted. Appealed by the Government at the UK's apex court, the ECHR meanwhile blocked the first migrant flight by a last-minute injunction till the Supreme Court's decision.

Supported by reports for analysis, the UK Supreme Court in November 2023 unanimously confirmed the lower court's ruling, declaring the deal illegal. The government responded by promising an emergency legislation preventing further deportation of asylum seekers from Rwanda. The supersession of this law over the Supreme Court ruling, however, remains unclear.

The international community holds its breath as this enactment hasn't yet been tabled. Its illegality has been repetitively clarified by the UNHCR,

### News at a Glance

Qatar announced on Monday that Israel and Hamas agreed to extend a humanitarian pause in hostilities for an additional two days as a part of their ongoing mediation. Since the start of the truce, Hamas have released 69 hostages, and Israel has released 150 hostages respectively, all consisting of women and children.

The Prime Minister of Thailand announced Tuesday that his cabinet approved a bill to provide legal recognition to same-sex marriages. According to Thai media, government spokesperson Karom Polpornklang provided details about the bill in a press briefing on Tuesday. The bill would adjust language in Thailand's Civil and Commercial Code to be LGBTQ-inclusive. Words like "wives" and "husbands" would be changed to neutral terms like "persons" and "engaged couples."

Finland will close its border with Russia entirely to travellers to halt unusual amounts of asylum seekers flowing into the nation. The Nordic nation suspects this was orchestrated by Moscow.



reiterating its 2013 stance on such transfer agreements under international law. It also released a detailed and systematic analysis of the MEDP and its efforts to get the policy dismissed. With additional reports published concerning human rights violations in Rwanda, the UK is facing severe criticism as the Prime Minister not only fired his Home Secretary but is also negotiating a new deal with Rwanda.

If enacted, the UK cannot transfer its liability to the Rwandan government like it is attempting to transfer its obligation to provide asylum. Along with Article 33(1) of the Refugee Convention and Article 3(1) of the Convention Against Torture, the UK can also be held for breach of Article 16 of the Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA). It may also be asked to separate itself from the ECHR. Additionally, both States could be held accountable under Article 16 of the International Law Commission's Articles on State Responsibility. There is a real possibility of policy abuse and the UK needs to retract and review its options, in both

domestic and international law, to the promises its leadership has made.

### Princess Latifa's Detention: Examining Potential Violations of International Law

- Soumik Ghosh (III B.A.LL.B.)

Princess Sheikha Latifa bint Mohammed bin Rashid Al Maktoum is a member of the Dubai royal family and the daughter of Sheikh Mohammed bin Rashid Al Maktoum attempted a daring escape from Dubai which she attributed to confinement by her father and mistreatment by her aunt. However this daring escape came to an end in the Indian Ocean in a raid by the Indian Armed Forces. A fact finding judgment of the high court in London has upheld the validity of Princess Latifa's version of the story terming it as a capture rather than as a 'rescue mission' as termed by the Dubai Government. This article aims to analyze the potential violations of International law in these circumstances rather than assessing the veracity or credibility of either versions of the event.

The dramatic capture of Princess Latifa on the high seas by Indian

### News at a Glance

Polish trucks are blockading access to the busiest border crossing with Ukraine since Monday in protest. Their demands include that the EU reintroduce a permit system for Ukrainian truckers entering the bloc and EU truckers entering Ukraine, with exceptions for humanitarian aid and supplies among other things. The Polish Government is considering establishing a joint committee to look into this amidst the ongoing election campaigns.

20 people have been killed and almost 90,000 people have been displaced from their homes in Kenya due to severe flooding caused by the El Nino weather phenomenon. Thousands of homes have been washed away, or marooned, farmlands are submerged and thousands of livestock have drowned with twice as many deaths as the estimated death toll due to heavy rainfall that is forecasted to continue till January 2024.



forces and her subsequent return to Dubai raises concerns about the principle of non-refoulement. This principle, embedded in international refugee law, prohibits the expulsion or return of individuals to a country where they may face persecution or serious harm. Non-Refoulement would have theoretically come into play the moment Princess Latifa was taken into custody aboard an Indian military vessel as the state had de jure control over her at that point in time.

The storming of the yacht 'Nostromos' in international waters and the subsequent transfer of Princess Latifa to Dubai by force could be seen as a violation of Article 14 of the UDHR, as this action effectively prevented Princess Latifa from seeking asylum. The use of armed personnel to apprehend an individual in international waters without legal justification or consent from the flag state raises questions about adherence to customary international law. The raid happened about 26 nautical miles offshore thus effectively placing it in the ambit of international waters, thus by embarking on a boat in the high

seas without the consent of the flag state constitutes a violation of International law under article 101 of the UNCLOS.

Princess Latifa's detailed video accounts of her detention against her will, alleged torture by way of forceful isolation, constitute offences amounting to Enforced Disappearance thus evoking concerns regarding violations of article 1, article 2 and article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance. Such treatment, if proven true, constitutes a clear breach of international human rights law.

The prolonged solitary confinement described by Princess Latifa, with no access to medical help, trial, or charges, may violate her fundamental right to liberty and security as outlined in article 3 of the UDHR. Arbitrary detention without due process is also incompatible with the principles of justice as enumerated in the resolution 1997/50 of the former Commission on Human Rights and the current international standards. The actions taken by the UAE, including the tracking and potential

### News at a Glance

Amnesty International on Monday called for an "expedited" investigation into alleged war crimes committed by Israel in Gaza. The human rights organization cited two cases in which they claimed the Israeli Defense Forces (IDF) bombed targets with no "military objective." A spokesperson for the rights organization called the bombings "part of a documented pattern of disregard for Palestinian civilians." The first case involved the bombing of St. Porphyrius Greek Orthodox Church on October 19

The ICJ ordered Azerbaijan on Friday to let ethnic Armenians who fled Nagorno-Karabakh in September return to their homes, and to keep the Armenians remaining in the enclave safe, as part of a set of emergency measures. Azerbaijan must fulfil its obligations as per the International Convention on the Elimination of All Forms of Racial Discrimination.



targeting of Princess Latifa's associates using sophisticated spyware, may constitute a breach of customary international law. The violation of privacy and freedom of movement raises questions about state responsibility as the liability of the Indian government is still not clear and despite facing a ton of backlash from a lot of human rights activists the Dubai government was still not held accountable. It also brings into question the protection of individuals under international law and the various state's commitments to uphold international human rights law and exercising principles such as non refoulement even though the perpetrating state may be an allied state.

### Failure of the Venezuelan Judiciary and the Resumption of ICC investigation in Venezuela

- Arya Mitkari (II B.A.LL.B.)

The International Criminal Court (ICC) resumed investigation in Venezuela to look into alleged crimes against humanity in the country. Venezuela faces three simultaneous crises, including the massive exodus of Venezuelans. Since 2017, over 7 million people have left the country to escape

violence and threats as well as the lack of food and medicine leading to it becoming the largest displacement crisis in the world.

Since the takeover of the Supreme Court by President Hugo Chávez, the Judiciary has not been able to work independently and have openly disregarded the principle of separation of powers. The Venezuelan judiciary, complicit in the abuses, lacks independence and has contributed to impunity from these crimes.

This resumption gives hope for justice measures for victims of human rights violations. This judgment comes after the government asked the ICC to let them conduct their own investigation in April 2022. The decision to resume investigations confirms that the government is not investigating the high-level officials and basically signifies the prevalence of systematic abuse in Venezuela. The case of Venezuela shows us how it is crucial to have an independent judiciary and the need for them to reform the current framework to meet the international standard.

### News at a Glance

20 people, including 13 soldiers, have been killed and 20,000 inmates have escaped in Sierra Leone on Sunday, when an attack by gunfire took place at the military barracks, prison and other locations in the West African country. Investigations are ongoing and a nightly curfew was imposed by the government.

The International Criminal Court (ICC) released a statement on Friday saying it received a referral from Bangladesh, Bolivia (Plurinational State of), Comoros, Djibouti and South Africa regarding the Situation in the State of Palestine and affirmed that an investigation is currently ongoing with its own dedicated team. The ICC previously opened their investigation in 2021 covering "crimes within the jurisdiction of the Court that are alleged to have been committed in the Situation since 13 June 2014." Friday's statement reaffirms the scope of that investigation and confirms that it will now encompass any crimes committed during the current Israel-Hamas war that started after Hamas's October 7 attacks.



The present investigation would primarily focus on Article 7 of the Rome Statute which talks about crimes against humanity and the use of sexual violence by the government against the citizens. Venezuela has been accused of violating customary international law and several treaties and convention including CEDAW committee, Resolution 1820 of the Security Council which affirms sexual violence as a war tactic, Article 3 of Geneva convention 1949 and Article 75, 76 and 77 of the Additional protocol I. These violations could prove to be fatal for the state as this would not only make them liable to penalties from the ICC, but, the backlash they would face from the international community, especially at a time where preserving international relations would be the key to resolving the crisis.

Under the 1951 Refugee Convention and 1984 Cartagena Declaration, which is ratified by 15 states in Latin America, the crisis meets three of Cartagena criteria: generalized violence, massive violations of human rights, and other circumstances that have seriously disturbed public order. This would mean that the migrants can be

recognized as Refugees and as per the 1951 refugee definition, it would prevent other states from sending the migrants back to their country.

The ICC is a body of last resort and Venezuela was given the right to investigate independently as per the principle of complementarity, and the need for an international body to intervene goes to show the failure of the Venezuelan government and judiciary. The crisis that the country is facing is rather complex and the constant migration of Venezuelans, has led to development of a xenophobic sentiment. It is necessary for not only the Venezuelan government, but the regional governments to act to resolve the issue. A region wide temporary protection and legal status for the refugees of Venezuela could be a starting point to fix the issue.

Editor:  
Shreya Patni (V B.A.LL.B.)  
Abha Dalal (V B.A.LL.B.)  
Formatter:  
Shreya Basu (III B.A.LL.B.)

## Upcoming Activities

**Call for Papers: Journal of International Law of Peace and Armed Conflict (JILPAC/HuV)**

The editorial board invites authors to submit papers to be published in the 1st issue of 2024. This issue's topical focus is on Transitional Justice. For more information, see [here](#).

**Call for Papers: Journal of Liberty and International Affairs**

The journal invites papers that develop theoretical arguments or offer strong empirical evidence as either comparative or single-case studies for its next 2024 issue (Vol. 10, No. 1, 2024). The deadline for paper submissions is 25 January 2024. For more information, see [here](#).

**Call for Papers: AGISS Research Institute Conference on Human Rights and Constitutional Law.**

The last date of submission is January 20. For more information, see [here](#).