

Editorial

SPRING ISSUE: KNOWLEDGE IN A TIME OF SOCIAL DISTANCING

The Amsterdam Law Forum Editorial Board

The editors and board of the Amsterdam Law Forum (ALF) hereby proudly present the 2020 Spring Issue. Thanks to the greatest contribution of the authors and our editorial team the publication of the Spring issue has not encountered any delay.

We hope that for many of you the self-quarantine period, due to the coronavirus disease (COVID-19), has safely come to an end and you are able to enjoy the coming season with your friends and family. Aiming to contribute to that enjoyment, the ALF team is thrilled to spark your interest with a new Spring Issue, containing a scientific article, an opinion article and three commentaries. Again touching upon a variety of topics, the articles in this new issue will hopefully both intrigue and entertain the reader.

In the scientific article, Leonore ten Hulsén confronts a practice that is both relevant and prevalent in our increasingly digitalised society: the use of open-source intelligence (OSINT) in civilian criminal investigations. In particular, ten Hulsén examines the impact of OSINT on suspects' privacy. As well as identifying a lack of appropriate regulation in this area, she highlights a problematic paradox in traditional privacy frameworks, whereby publicly available information is considered free from privacy concerns, but can, at times, actually be considered inherently private. She ultimately proposes a new approach to privacy, based on the theories of Nissenbaum and Koop. Throughout, ten Hulsén focuses on the use of OSINT by the well-known civilian organisation Bellingcat, which successfully tracked an escaped Dutch criminal in 2019.

In the opinion article, Victoria S. Azizi explores the value of the incorporation of ethics into corporate culture. She tackles a number of important questions regarding how lawyers should act when faced with ethical dilemmas. Namely: to what extent should lawyers be expected to challenge unethical behaviour? Should their primary concern be their client? Or do their responsibilities go further? Azizi employs an example of a specific ethical dilemma in the legal field to help answer these questions. She ultimately concludes that the interests of the client should not be over-zealously pursued in the face of ethical issues. Azizi acknowledges that there is no clear algorithm for lawyers to deal with ethical dilemmas, but emphasizes a number of useful considerations, in line with the arguments of several academics in the field.

In the first commentary, Nicoleta Mirza engages with the question whether humanitarian intervention is considered legal or illegal under international law. After critically reflecting on the possibilities for humanitarian interventions under the UN Charter and IV Geneva Convention, the author concludes that it remains still very much unclear what the conditions are that could render the act legal. Due to the persistent unclarity, the author urges for a more comprehensive framework.

In the second commentary, Nkandu Nchindila places focus on the BRICS member states' adherence to the rule of law in light of their relationship with the ICC. After fleshing out the general standards that criminal justice systems have to meet under the rule of law-doctrine, the author discusses the individual BRICS states' level of compliance with these standards. In view of these findings, the author reflects upon the dynamic between the different BRICS states and the ICC. Seeing that the BRICS states tend to move away from the ICC, the author pleads that it would not only be in the

best interest globally but also for the BRICS states' criminal justice systems to strengthen their cooperation with the ICC.

In this last commentary, Sharon van Norden and Renate Bik address a very topical concern, namely that of the dissuading Dutch regulatory procedures for holding clinical trial. In the current fight against Covid-19, manufacturers are urgently pursuing the development of a vaccine, however, the Netherlands is being avoided as the location to launch the clinical trials. The authors address why this seems to be case and why it is harmful to the ambitions of the Netherlands. Having interrogated the Dutch regulatory procedures, the authors express their hope that the Dutch government will move towards a more accommodating approach.

On behalf of the ALF board and the editors, we would like to express our deepest gratitude towards the authors for their contribution and for supporting the forum. Until the next Issue!

Victoria Sadaf Azizi - Editor-in-Chief

Rumer Ramsey - Associate Chief Editor

Andi Baaij - Senior Editor

The ALF Board 2020