

# AMERICAN JOURNAL OF INTERNATIONAL LAW

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### Articles

#### Poverty Penalties as Human Rights Problems

*Jean Galbraith, Latifa AlMarri, Lisha Bhati, Rheem Brooks,  
Zachary Green, Margo Hu, and Noor Irshaidat*

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Fines and other financial sanctions are frequently imposed by criminal justice systems around the world. Yet they also raise grave concerns about economic discrimination. Unless they are perfectly scaled to defendants' financial circumstances, they will penalize poor persons far more than rich ones—and poor defendants' inability to pay can lead to further penalties like imprisonment or additional financial sanctions. These "poverty penalties" have received attention in domestic jurisdictions but are understudied as a global phenomenon. This Article takes up this issue and makes three contributions. First, it demonstrates that poverty penalties are prevalent in criminal justice systems around the world. Second, it shows how poverty penalties came to be overlooked in international human rights law and describes how this is starting to change. Third, the Article makes the normative case for addressing poverty penalties within human rights law and offers suggestions for how this can be achieved.

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*Eileen Denza and Lauge Poulsen*

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The 1918 Soviet default is the longest and most complex sovereign debt dispute in history. The first settlement with a major Western power came with the United Kingdom in 1986. It followed a settlement almost twenty years earlier for claims arising from the Soviet annexation of the Baltic states. We show how the two negotiations became intertwined and prompted both states to take pragmatic positions on international law. Whereas the Soviet Union showed little interest in legally justifying its inconsistent positions on debt succession, the United Kingdom developed contested legal arguments on state recognition to justify using gold belonging to the Baltic States to settle Soviet claims. In addition, we document how UK government lawyers admitted internally that Britain's involvement in the Russian Civil War had been illegal, which in turn justified very limited compensation to British claimants.

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