## Index

### A
- abrasions, 363
- abortion, 724
- Abrams, Jason, 491
- *actio popularis*, 286
- affirmative action, 446
- affirmative duty, 100, 102
- African Commission and Court on Human and Peoples’ Rights, 6, 19
- AIDS, 419
- alibi witnesses, see witnesses
- Alien Tort Statute, 254
- Alston, Philip, 13, 30
- amnesty, 172
- *An-Na’im*, Abdullah Ahmen, 949
- anonymous witnesses, see witnesses
- arrest, see liberty
- Article 98 Agreements, 90
- Articles of Confederation, 177
- assembly, freedom of, 321
- association, freedom of, 321

### B
- Bentham, Jeremy, 1
- BFOQ, 446
- Bossuyt, M. J., 388
- Bradley, Curtis, 192, 268
- Brownlie, Ian, 4–5, 23, 29
- Buergenthal, Thomas, 413

### C
- Cambodia, Extraordinary Chambers in the Court of, 21
- Caribbean Community (CARICOM), 19
- Caribbean Court of Justice, 19, 31
- Charlesworth, Hilary, 956
- *Charming Betsy* Rule, 93, 191, 246
- Chinkin, Christine, 631, 956
- civil rights laws (U.S.),
- Clapham, Andrew, 100
- Coercion, see duress
- command responsibility, 110
- commercial expression, 825
- competence, see jurisdiction
- conscience, freedom of, 734
- consensus, 56
- conspiracy, 4–5, 122
- Constitution, U.S., 179
- Control Council Law No. 10, 4–5
- corporate responsibility, 122
- Corpus Juris Secundum, 575
- Council of Europe, 5
- crimes, 452
- crimes against humanity, 4–5, 474
- customary international law, 28–31

### D
- Dayton Agreement, 357
- death penalty, 337
- death row phenomenon, 350
- Declaration of Independence, 177
- defamation, 753
- defenses, 147
- derogation, 25
- detention, see liberty
- disability, 420
- disappearances, 363
- discrimination, 403
- disparate impact, 420
- intentional, 406
- unintentional, 420
- women, 952
- documents, examination of, see witnesses
- dolus specialis, 457
- domestic remedies, 25
- double jeopardy, 171
- due diligence, 72, 849
- due process, see procedural rights
- duress, 168

---

Cambridge University Press
978-0-521-18781-7 - International Human Rights and Humanitarian Law: Treaties, Cases and Analysis
Francisco Forrest Martin, Stephen J. Schnably, Richard J. Wilson, Jonathan S. Simon and Mark V. Tushnet

More information
E
East Timor Tribunal, 21
eavesdropping
ECOSOC Resolution No. 1503, 12, 13–14
ECOSOC Resolution No. 1235, 14
economic, social, and cultural rights, 37, 881
employment, right to, 900
equality of arms, 604
European Commission and Court of Human Rights, 6, 16–17
evidence, 606, 608
evolutive interpretation, 24, 55
exclusionary rule, 662
executive orders (U.S.), 604
ex post facto, see retrospective laws
expression, freedom of, 750

F
Falk, Richard, 938
family, right to, 659, 711
Fawcett, J. E. S., 750
Francke, Thomas, 958

G
Gass, William, 943
gay, see sexual orientation
genocide, 452
18 U.S.C. § 1091, 474
Ghai, Yash, 944
Ginsburg, Ruth Bader, 734
Goldsmith, Jack, 268
Greenawalt, Kent, 692
Grotius, Hugo, 2, 72

H
habeas corpus, 398
Haganbach, Peter von, 2
Hall Martínez, Katherine, 727
head of state immunity, see immunity
heightened rational basis test, 446
Heller, Laurence, 56, 203, 451, 802
Henkin, Louis, 2, 941
homosexuality, see sexual orientation
human treatment, right to, 307
five techniques, 316
humanitarian law, see jus in bello
Human Rights Commission for Bosnia & Herzegovina, 20

I
immunity
combat, 164
state, 148
incorporation, 175
Inter-American Commission and Court of Human Rights, 6, 17–18

International Court of Justice, 11
ICJ Statute, 22, 28, 47
International Criminal Court, 8
International Criminal Tribunal (for fmr. Yugoslavia), 11
International Criminal Tribunal for Rwanda, 11
International Labour Organisation, 15
International Legal Constructionism, 177
International Military Tribunals
Nuremberg, 3, 4, 652
Tokyo, 3, 4–5
interpretation
constitutional
Mandatory Construction Rule, 175
persuasive authority rule, 189
international, 46–47
statutory, 191
federal mandatory rule, 191
persuasive authority rule, 203
Islam, 950
judge, 590
jurisdiction, 270
jury, 590
jus ad bellum, 2
jus cogens, 31–40, 159, 163, 307
jus gentium, 1–2, 256
jus in bello, 2
jus inter gentes, 1

K
Katzive, Laura, 727
Kellogg-Briand Pact, 3
Kennedy, David, 967
Kirgis, Frederic, 30

L
Last-in-Time Rule
customary international law, 216
treaty, 205, 915
law of nations, see jus gentium
legal representation, 568
length of proceedings, 640
liability, 71
individual, 103
state, 75
superior responsibility, 110
liberty, right to, 370
life, right to, 307
London Agreement and Charter, 4–5

M
margin of appreciation, 38, 57–68
marriage, right to, 851
Mahoney, Paul, 54
Index

Martin, Francisco Forrest, 31, 90, 176, 212, 219, 221, 246, 284, 398, 401, 529, 543
media access and licensing, 825
mens rea, 457
Miller, Alice, 203, 802

N
nation, 1
national security, 803
natural law, 2
non bis in idem, see double jeopardy
norms erga omnes, 307, 904
Nuremberg defense, see superior orders
Nuremberg War Crimes Tribunals, see International Military Tribunals

O
object and purpose, 25, 28
offensive or obscene expression, 768
official immunity, see immunity
Organization of American States, 5
Organisation of African Unity, 6

P
parental rights, see family
Paust, Jordan, 653
persistent objector, 30, 31, 400, 880
personal security, right to, 370
political question, 173
positivism, 2
Post, Robert, 766
presumption of innocence, 563
privacy, right to, 659
private sphere, 326, 956
pressing social need, 801
procedural rights, 552, 680
property, right to enjoyment of, 911
Proportionality Rule, 529
prosecution, 92
Pufendorf, Samuel, 2, 528
punishment, 653

Q
Qaeda, 528

R
rape, see sexual assault
Ratner, Steven, 132, 491
reasonable suspicion, 373–380, 381–388
remedies, 301
indemnity, 305
restitution, 302
satisfaction, 304
reservations, 24, 25–28
U.S. Reservations, Declarations, and Understandings to the ICCPR, 26, 322, 881
Restatement (Third) of the Foreign Relations Law of the United States, 368
restitutio in integrum, 302
retrospective laws, 646
RICO, 131
Rights International, 534, 750
Ryssdal, R., 840

S
St. Petersburg Declaration, 3
Schabas, William, 357
Schiffrin, Natalia, 359
search & seizure, 662
self-defense, 171
self-execution, 24, 31, 220
customary international law, 254
treaty, 220
self-incrimination, 634
sexual assault, 326
sexual orientation, 490, 685, 802
Sharia, 950
Shelton, Dinah, 71
Shining Path, 359
Sierra Leone, Special Court for, 21
Simma, Bruno, 30
Sloss, David, 267
speedy trial, see length of proceedings
spousal defense, see sexual assault
standing, 271
stare decisis, 60, 290
state action, 75
strict scrutiny test, 415, 801
Suarez, Francisco, 2
suicide bombers, 542
summary executions, 363
Superfluous Injury and Unnecessary Suffering Rule (SIrUS Rule), 529
superior orders, 168
surveillance, 662

T
Taliban, 528
terrorism, 677
Convention Against Terrorism, 3
texualism, 177
theory, 938
Tokyo War Crimes Trials, see International Military Tribunal
Tomuschat, Christian, 306
torture, see humane treatment, right to
torture statutes (U.S.)
18 U.S.C. §114, 321
18 U.S.C. § 2340, 321
Toulmin, Stephen, 944
transgendered persons, 692
traînements préparatoires, 24, 276, 362, 457, 727
Index

990

treaties, 23–28
Treaty of Union, 180
tu quoque defense, 171

U
Unified Use of Force Rule, 529
Union of Utrecht, 180
United Nations, 5
  Committee Against Torture, 10
  Committee on Economic, Social and Cultural Rights, 11
  Committee on the Elimination of Racial Discrimination, 10
  Committee to Eliminate Discrimination Against Women, 11
  High Commissioner for Human Rights, 12
  High Commissioner for Refugees, 16
  Human Rights Committee, 8
  UNMIK Regulation 64 Panels, 20
  Working Group on Arbitrary Detention, 15
  Working Group on Disappearances, 15, 364

V
Vattel, Emmerich de, 2
Vienna Convention on Diplomatic Relations, 159
Vienna Convention on the Law of Treaties, 23, 25, 40, 46
Vitoria, Francisco de, 2
vote, right to, 866

W
war
  international conflicts, 522
  noninternational conflicts, 522
  war crimes, 503
  War Crimes Act of 1996 (18 U.S.C. § 2441), 528
  Westphalia, Peace of, 1
  Wittgenstein, Ludwig, 944
  witnesses, examination of, 604, 630
  Wright, Shelley, 956

Y
Yoo, John, 236–240

Z
Zouche, Richard, 2