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*Lauterpacht Research Centre for International Law  
University of Cambridge*

# INTERNATIONAL LAW REPORTS

VOLUME  
62

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## PREFACE

Most of the cases in this volume are relatively recent decisions of international tribunals or quasi-judicial international bodies. They amount to an important and representative illustration of the range of organs involved in international adjudication at the present time. This range extends from tribunals with the widest jurisdiction, such as the International Court of Justice, through more specialized bodies, such as the Court of the European Communities, the European Commission and the European Court of Human Rights and the Iran-United States Claims Tribunal, to such *ad hoc* bodies as the Conciliation Commission in the *Jan Mayen Continental Shelf* case, the Advisory Panel of the International Coffee Council and the Sole Arbitrator in the *LIAMCO* case.

The decision of the European Commission of Human Rights on the admissibility of the application in the case of *Cyprus v. Turkey* (1978) contains significant holdings on the position of unrecognized governments, especially in relation to the application of treaties, and imputability in the law of State responsibility.

The material on the *Jan Mayen Continental Shelf* (1981), consisting of the Report and Recommendations to the Governments of Iceland and Norway by a distinguished Conciliation Commission, composed of Mr Elliot Richardson as Chairman, Mr Andersen as Conciliator for Iceland and Mr Evensen as Conciliator for Norway, is not strictly judicial in character. But it contains an objective statement of certain legal matters of great importance; and in the classification of sources of international law certainly comes close to a judicial decision. Similar considerations justify the inclusion (albeit somewhat tardily) of the Report of the Advisory Panel of the International Coffee Council on *Selective Coffee Quotas* (1965).

The full text of the decision of Dr Mahmassani, Sole Arbitrator, in the *LIAMCO* case (1977) is accompanied by the judgments in the courts of the United States, Sweden and Switzerland in proceedings for the enforcement of the award.

The increasing number of States whose conduct in the field of human rights has become subject to scrutiny is shown by the Views of the United Nations Human Rights Committee on communications in respect of alleged violations of the United Nations Covenant on Civil and Political Rights by Uruguay, Finland, Sweden and Mauritius.

The Iran-United States Claims Tribunal, established with its seat in the Hague in 1981, is represented by its first decision (regarding the possibility that Iran might make claims against nationals of the United States). We also print a decision by the Chief Justice of the

Netherlands Supreme Court, acting as Appointing Authority, on a matter affecting the composition of the Claims Tribunal.

Attention should be drawn to the basic policy of the Editor regarding the treatment of materials. This was stated in the Editorial Note introduced as far back as Volume 52, and has been repeated in each volume since then, as being so far as possible to present materials in their original form without imposing on them a uniformity of style which they may not possess. The application of this policy occasionally gives rise to difficulties in cases where the decision was rendered in English by a tribunal, or members of a tribunal, whose mother tongue is not English. From time to time certain passages may occasion the impression of not having been properly proof-read. The Editor has accepted this as a necessary consequence of the consistent implementation of the policy of maintaining the integrity of the original text.

The decisions of the European Court of Human Rights in the *Buchholz* and *Le Compte* cases have been summarized by Mr Fergal Martin, those of the Court of the European Communities by Mr B. Wolfe and Mr R. Edmunds, and those connected with the Iran-United States Claims Tribunal by Mrs D. Amaratunga. The remaining summaries have been prepared by Mr C. J. Greenwood. This was a very large task.

Materials have been supplied by, amongst others, Mr Elliot Richardson, Mr Monroe Leigh, the Division of Human Rights of the United Nations and the Registry of the Court of the European Communities.

Permission to reproduce material photographically has been given by Martinus Nijhoff Publishers BV (for the decision in *Cyprus v. Turkey*), the Court of the European Communities (for its decisions), the International Court of Justice (for its decisions) and the West Publishing Company (for the United States decision in *Libyan American Oil Company v. Socialist People's Libyan Arab Jamahiriya*).

The Index has been prepared by Mrs Hildegund Morgan, the Tables of Cases by Miss E. E. Jansen and the Table of Treaties by Miss M-E. O'Connell and Mr B. Wolfe. Mr. A. B. Lyons has read much of the proof. Mr. Michael A. Meyer has provided much general assistance. Mrs S. Rainbow has continued to give vital secretarial help.

To all those who have in these various ways so materially contributed to the appearance of this volume—including also our printers, Gomer Press Limited—I extend my warmest thanks.

E. LAUTERPACHT

TRINITY COLLEGE,  
 CAMBRIDGE.  
 June 1982

## EDITORIAL NOTE

The *International Law Reports* endeavour to provide within a single series of volumes comprehensive access in English to judicial materials bearing on public international law. On certain topics it is not always easy to draw a clear line between cases which are essentially ones of public international law interest and those which are primarily applications of special domestic rules. For example, in relation to extradition, the *Reports* will include cases which bear on the exception of “political offences” or the rule of double criminality, but will restrict the number of cases dealing with purely procedural aspects of extradition. Similarly, while the general rules relating to the admission and exclusion of aliens, especially of refugees, are of international legal interest, cases on the procedure of admission usually are not. In such borderline areas, and sometimes also where there is a series of domestic decisions all dealing with a single point in essentially the same manner, only one illustrative decision will be printed and references to the remainder will be given in an accompanying note.

### DECISIONS OF INTERNATIONAL TRIBUNALS

The *Reports* seek to include so far as possible the available decisions of every international tribunal, e.g. the International Court of Justice or *ad hoc* arbitrations between States. There are, however, some jurisdictions to which full coverage cannot be given, either because of the large number of decisions (e.g. the European Commission of Human Rights or the Administrative Tribunal of the United Nations) or because not all the decisions bear on questions of public international law (e.g. the Court of the European Communities). In these instances, those decisions are selected which appear to have the greatest long-term value.

### DECISIONS OF NATIONAL TRIBUNALS

A systematic effort is made to collect from all national jurisdictions those judicial decisions which have some bearing on international law.

### EDITORIAL TREATMENT OF MATERIALS

The basic policy of the Editor is, so far as possible, to present the material in its original form. It is no part of the editorial function to impose on the decisions printed in these volumes a uniformity of approach or style which they do not possess. Editorial intervention is limited to the introduction of the summary and of the bold-letter rubric at the head of each case. This is followed by the full text of the original decision or of its translation. Normally, the only passages which will be omitted are those which contain either statements of

fact having no bearing on the points of international law involved in the case or discussion of matters of domestic law unrelated to the points of international legal interest. The omission of material is usually indicated either by a series of dots or by the insertion of a sentence in square brackets noting the passages which have been left out.

#### PRESENTATION OF MATERIALS

The material in this volume is of two kinds, material reproduced photographically and material which has been freshly set for this volume.

*Material photographically reproduced.* This consists exclusively of reports originally printed in the English language. The material can usually be recognized by the differences between its type-style and the Baskerville type otherwise used in these *Reports*. The source of the material is identified by the reference to "Report" in square brackets at the end of the case. Where more than one citation is given, the report used is the one first listed. The bold type figures in square brackets in the inner margin of each page refer to the pagination of the original report. The smaller figures in square brackets in the margins of these cases are the indicators of footnotes which have been editorially introduced.

*Other material.* The remaining material in the volume has been typeset for this volume. This includes all material specially translated into English for these *Reports* as well as some material in English which in its original form was not suitable for photo-reproduction. The source of all such material is indicated by the reference to the "Report" in square brackets at the end of the case. The language of the original decision is also mentioned there. The bold figures in square brackets in the body of the text indicate the pagination of the original report. Small figures in square brackets within the text are indicators of footnotes which have been editorially introduced.

#### NOTES

*Footnotes.* Footnotes enclosed in square brackets are editorial insertions. All other footnotes are part of the original report.

*Other notes.* References to cases deemed not to be sufficiently substantial to warrant reporting will occasionally be found in editorial notes either at the end of a report of a case on a similar point or under an independent heading.



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In the case of bilateral treaties, the names of the parties are given in alphabetical order. Multilateral treaties are referred to by the name by which they are believed commonly to be known, *e.g.* Hague Convention No. 1 of 1899; Treaty of Versailles, 1919. References to the texts of treaties have been supplied, including wherever possible at least one reference to a text in the English language. The full titles of the abbreviated references will be found in the List of Abbreviations printed in the volume containing the Consolidated Tables and Index to Vols. 1—35.]

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