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The summaries of the Irish and many of the United States decisions are the work of Miss Maria Mulrennan, LL.M., who also gave much valuable assistance with the general work of preparing the volume. The human rights decisions were initially prepared by Mr Horst Schade, Barrister-at-Law, and Miss Louise O'Neill, Barrister-at-Law. Mr James Stephenson, LL.M., assisted in the preparation of the British cases and some of the decisions from the United States. Miss Maureen MacGlashan again prepared the Index. Mrs Diane Ilott was principally responsible for seeing the volume through the press. Miss Christine Kay and Mrs S. Rainbow gave secretarial assistance.

We are indebted to the following publishers who kindly gave permission for the photographic reproduction of decisions from various sets of reports: the West Publishing Company (the *Federal Reporter* and the *Federal Supplement*), the Lawyers' Co-operative Publishing Company (the *Lawyers' Edition* of the United States Supreme Court Reports), the Incorporated Council of Law Reporting of England and Wales (the *Law Reports* and the *Weekly Law Reports*), the Incorporated Council of Law Reporting for Ireland (the *Irish Reports*) and the Irish Academic Press (the *Irish Law Reports Monthly*).

In this volume we again publish decisions from a wide range of courts. The jurisprudence of human rights tribunals is represented by three number of views given by the United Nations Human Rights Committee. The judgments of national courts published in this volume include several on extradition and the 'political offence' exception from the United States of America and the Republic of Ireland. Most of these concern requests for extradition arising out of the situation in Northern Ireland and it is hoped that the reader will find it useful to have the United States and Irish decisions available in the same volume. There are also three important cases—two from the House of Lords and one from the United States Supreme Court—on the Geneva Convention relating to the Status of Refugees, 1951, and the 1967 Protocol thereto, as well as a number of diverse cases from the courts of England, New Zealand, the United States of America and Zambia.

## PREFACE

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*February 1989*

RESEARCH CENTRE FOR INTERNATIONAL LAW  
UNIVERSITY OF CAMBRIDGE

C. J. GREENWOOD

E. LAUTERPACHT

The volume has been printed with their customary care by the Gomer Press. To all the above we extend our warmest thanks.

PREFACE

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*Human rights cases.* The number of decisions on questions of international protection of human rights has increased considerably in recent years and it is now impossible for the *Reports* to cover them all. As far as decisions of international jurisdictions are concerned, the *Reports* will continue to publish decisions of the European Court of Human Rights and of the Inter-American Court of Human Rights, as well as ‘‘views’’ of the United Nations Committee on Human Rights. Selected decisions of the European Commission of Human Rights will be printed, chosen by reference to the importance of the points at issue and their interest to public international lawyers generally. (All reports of decisions of the European Commission of Human Rights are published in an official series, the *Official Collection of Decisions of the European Commission of Human Rights*, as well as in the *European Human Rights Reports*).

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 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 INTERNATIONAL TRIBUNALS

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.

## EDITORIAL NOTE



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.

#### EDITORIAL TREATMENT OF MATERIALS

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

#### DECISIONS OF NATIONAL TRIBUNALS

regarding the enforcement of arbitral awards. criteria will determine the selection of decisions of national courts general principles of law as possible applicable laws. The same choice of law problem involving discussion of international law or immunity, stabilization clauses, *force majeure* or where there is a which the character of a State as a party has some relevance (e.g. State award will be reported. Examples of such points of contact are cases in contact with public international law then the relevant parts of the Commercial Arbitration)). But where there is a sufficient point of Pieter Sanders, under the auspices of the International Council for a number of such awards, see *Yearbook Commercial Arbitration* (ed. they are international in the sense that they arise between parties of different nationality and even if one of them is a State. (For reports of will not include purely private law commercial arbitrations even if principally concerned with matters of public international law, they arbitral decisions is more open to debate. As these *Reports* are public international law. Beyond this, however, the selection of rendered in cases between States which involve an application of

*International arbitrations.* The *Reports* of course include arbitral awards application of conventions on human rights will not be published unless they deal with a major point of substantive human rights law or a matter of wider interest to public international lawyers such as the relationship of international law and national law, the extent of the right of derogation or the principles of the interpretation of treaties.

With effect from Volume 75 the decisions contained in the *Reports* are no longer arranged according to the traditional classification scheme. Instead a Digest of Cases is published at the beginning of each volume. The main headings of the Digest are arranged alphabetically. Under each heading brief details are given of those cases reported in that volume which contain points covered by that

#### DIGEST OF CASES

*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.

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

#### NOTES

*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 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.

*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.

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

#### PRESENTATION OF MATERIALS

heading. Each entry in the Digest gives the name of the case concerned and the page reference, the name of the tribunal which gave the decision and an indication of the main points raised in the case which relate to that particular heading of the Digest. Where a case raises points which concern several different areas of international law, entries relating to that case will appear under each of the relevant headings in the Digest. A list of the main headings used in the Digest is set out at page xviii.

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