

INTERNATIONAL
LAW REPORTS

VOLUME 197

Volumes published under the title:

**ANNUAL DIGEST AND REPORTS
 OF PUBLIC INTERNATIONAL LAW CASES**

- | | | |
|-------------------|---|---|
| Vol. 1 (1919-22) | } | Edited by Sir John Fischer Williams, KC,
and H. Lauterpacht, LLD |
| Vol. 2 (1923-24) | | |
| Vol. 3 (1925-26) | } | Edited by Arnold D. McNair, CBE, LLD,
and H. Lauterpacht, LLD |
| Vol. 4 (1927-28) | | |
| Vol. 5 (1929-30) | } | Edited by H. Lauterpacht, QC, LLD, FBA |
| Vol. 6 (1931-32) | | |
| Vol. 7 (1933-34) | | |
| Vol. 8 (1935-37) | | |
| Vol. 9 (1938-40) | | |
| Vol. 10 (1941-42) | | |
| Vol. 11 (1919-42) | | |
| Vol. 12 (1943-45) | | |
| Vol. 13 (1946) | | |
| Vol. 14 (1947) | | |
| Vol. 15 (1948) | | |
| Vol. 16 (1949) | | |

Volumes published under the title:

INTERNATIONAL LAW REPORTS

- | | | |
|---|---|---|
| Vol. 17 (1950) | } | Edited by Sir Hersch Lauterpacht, QC, LLD, FBA |
| Vol. 18 (1951) | | |
| Vol. 19 (1952) | | |
| Vol. 20 (1953) | | |
| Vol. 21 (1954) | | |
| Vol. 22 (1955) | | |
| Vol. 23 (1956) | | |
| Vol. 24 (1957) | | Edited by Sir Hersch Lauterpacht, QC, LLD,
FBA, and E. Lauterpacht |
| Vol. 25 (1958-I) | } | Edited by E. Lauterpacht, QC |
| Vol. 26 (1958-II) | | |
| Vols. 27-68 <i>and</i> Consolidated Tables and Index to Vols. 1-35 <i>and</i> 36-45
Edited by E. Lauterpacht, QC | | |
| Vols. 69-150 <i>and</i> Consolidated Index and Consolidated Tables of Cases and
Treaties to Vols. 1-80, Vols. 81-100 <i>and</i> Vols. 1-125
Edited by Sir Elihu Lauterpacht, CBE, QC,
and Sir Christopher Greenwood, CMG, QC | | |
| Vols. 151-68 <i>and</i> Consolidated Index and Consolidated Table of Treaties to
Vols. 1-160
Edited by Sir Elihu Lauterpacht, CBE, QC, LLD,
Sir Christopher Greenwood, CMG, QC, and K. L. Lee | | |
| Vols. 169-97 | | Edited by Sir Christopher Greenwood, GBE, CMG, QC,
and K. L. Lee |

*Lauterpacht Centre for International Law
University of Cambridge*

INTERNATIONAL LAW REPORTS

VOLUME
197

Edited by

SIR CHRISTOPHER GREENWOOD, GBE, CMG, QC

*Master of Magdalene College, Cambridge
Member of the Iran-United States Claims Tribunal
Bencher of Middle Temple
Formerly Judge of the International Court of Justice*

and

KAREN LEE

*Fellow of the Lauterpacht Centre for International Law, University of Cambridge
Vice-Mistress and Fellow of Girton College, Cambridge*



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-009-15272-3 – International Law Reports
Edited by Christopher Greenwood, Karen Lee
Frontmatter
[More Information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.
It furthers the University's mission by disseminating knowledge in the pursuit of
education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781009152723
DOI: 10.1017/9781009152716

© Cambridge University Press 2022

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without the written
permission of Cambridge University Press.

First published 2022

Printed in the United Kingdom by TJ Books Ltd. Padstow Cornwall
A catalogue record for this publication is available from the British Library.

ISBN 978-1-009-15272-3 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy
of URLs for external or third-party internet websites referred to in this publication
and does not guarantee that any content on such websites is, or will remain,
accurate or appropriate.

CONTENTS

	<i>Page</i>
PREFACE	vii
EDITORIAL NOTE	ix
TABLE OF CASES (alphabetical)	xiii
TABLE OF CASES (according to courts and countries)	xv
DIGEST (main headings)	xvii
DIGEST OF CASES REPORTED IN VOLUME 197	xix
TABLE OF TREATIES	xxix
REPORTS OF CASES	1
INDEX	685

Cambridge University Press
978-1-009-15272-3 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
Frontmatter
[More Information](#)

PREFACE

The Editors cannot let the publication of this volume pass without paying tribute to the late Judge James Crawford, AC, SC, FBA, whose death on 31 May 2021 robbed the international legal community of one of the greatest and most profound international lawyers of all time, as well as depriving his family of a much loved husband and father. Judge Crawford had been Whewell Professor of International Law at the University of Cambridge from 1992 to 2014 when he was elected a Judge of the International Court of Justice on which he served until his untimely death. The volumes of the *International Law Reports* are a standing tribute to his contribution to international law as a Judge, arbitrator and counsel and his many writings are cited in many of the cases published in the *Reports*, including in the present volume. He will be greatly missed.

The present volume contains the 2017 judgment on preliminary objections of the International Court of Justice in *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)* as well as the 2019 judgment on the merits of the International Court of Justice in the *Jadhav Case (India v. Pakistan)*. International jurisprudence is further reflected in decisions from the African Court on Human and Peoples' Rights (*Anudo*), the East African Court of Justice (*Walusimbi* and *Media Council*), the Court of Justice of the Economic Community of West African States (*Incorporated Trustees*), the Court of Justice of the European Union (*LG v. Rina SpA*), the European Court of Human Rights (*Veeber v. Estonia (No 2)*) and the International Criminal Court (*Al Mahdi* (Reparations)). National jurisprudence is reflected in decisions from the courts of Australia (*Pel-Air*), Canada (*Febles*), Estonia (*Veeber*) and England (*Reeves Taylor* and *Re Al M*).

The Editors wish to thank the many people whose work has made this volume possible. Dr Massimo Lando undertook the task of summarizing the cases from the International Court of Justice. Ms Caroline Kimeu summarized *Anudo*, *Rina SpA* and *Febles*, and Ms Nnenna Mazi prepared the summaries of *Walusimbi*, *Media Council* and *Incorporated Trustees*. Dr Stella Margariti wrote the summary of *Al Mahdi* (Reparations) and Ms Simona Valkova summarized *Reeves Taylor* and *Re Al M*. Dr Stephen Tully prepared the summary of *Pel-Air*. Ms Andra Laurand summarized the Estonian *Veeber Case*. Ms Karen Lee wrote

the summary of *Veeber v. Estonia* and saw the volume through the press. Ms Isabelle l'Anson, the ILR Editorial Assistant, prepared the Tables of Cases and Digest. Miss Maureen MacGlashan, CMG, compiled the Table of Treaties and Index. Mrs Diane Ilott checked the copy and Mr Jack Webb read the proofs.

The Editors are very grateful to the International Court of Justice, the African Court on Human and Peoples' Rights, the East African Court of Justice, the Court of Justice of the Economic Community of West African States, the Court of Justice of the European Union (which owns the copyright in its material), the European Court of Human Rights, the International Criminal Court (which owns the copyright in its material ©ICC-CPI), the Australian Court of Appeal of New South Wales, the Supreme Court of Canada and the Supreme Court of Estonia for kindly permitting these *Reports* to use the electronic files of the relevant judgments posted on their official websites for the reproduction of the judgments. The judgments from England published in this volume carry Crown copyright and contain public sector information licensed under the Open Government Licence v3.0; the electronic files were sourced from the United Kingdom Supreme Court and the British and Irish Legal Information Institute Websites.

Finally, our thanks go to all the others who have worked to complete this volume, particularly our publishers, Cambridge University Press, and typesetters, SPi, and their staff.

C. J. GREENWOOD

MAGDALENE COLLEGE
CAMBRIDGE

K. L. LEE

LAUTERPACHT CENTRE
FOR INTERNATIONAL LAW,
UNIVERSITY OF CAMBRIDGE

July 2021

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 Administrative Tribunal of the United Nations) or because not all the decisions bear on questions of public international law (e.g. the Court of Justice of the European Union). In these instances, those decisions are selected which appear to have the greatest long-term value.

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 Human Rights Committee. Decisions of national courts on the 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.

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

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 Editors 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

For reproduction of material in this volume, electronic files have been used wherever possible and their source acknowledged in the Preface. Citations of the reports in which the case may be found are listed in the “Report” section 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 where included.

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.

DIGEST OF CASES

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 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 p. xvii.

CONSOLIDATED INDEX AND TABLES

A Consolidated Index and a Consolidated Tables of Cases and Treaties for volumes 1-80 were published in two volumes in 1990 and 1991. A further volume containing the Consolidated Index and Consolidated Tables of Cases and Treaties for volumes 81-100 was published in 1996. A Consolidated Index, a Consolidated Tables of Cases and a Consolidated Table of Treaties for volumes 1-125 were published in 2004. A Consolidated Index and a Consolidated Table of Treaties for volumes 1-160 were published in 2017. Volume 195 contains Consolidated Tables of Cases for volumes 126-195.

Cambridge University Press
978-1-009-15272-3 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
Frontmatter
[More Information](#)

TABLE OF CASES REPORTED

ALPHABETICAL

(Cases which are reported only in a note are distinguished from cases which are reported in full by the insertion of the word “note” in parentheses after the page number of the report.)

<p><i>Re Al M (Assurances and Waiver)</i> 662 <i>Al Mahdi Case</i> 425 <i>Anudo v. United Republic of Tanzania</i> (Application No 12/2015) 224</p> <p><i>Febles v. Minister of Citizenship and Immigration</i> 549</p> <p>Incorporated Trustees of Laws and Rights <i>Awareness Initiatives v. Federal Republic of Nigeria</i> 315</p> <p><i>Jadhav Case (India v. Pakistan) (Merits)</i> 88</p> <p><i>LG and Others v. Rina SpA, Ente Registro Italiano Navale</i> (Case C-641/18) 352</p> <p><i>Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) (Preliminary Objections)</i> 1</p>	<p><i>Media Council of Tanzania, Legal and Human Rights Centre, Tanzania Human Rights Defenders Coalition v. Attorney General of the United Republic of Tanzania (Ref No 2 of 2017)</i> 281</p> <p><i>Pel-Air Aviation Pty Ltd v. Casey</i> 522 <i>Prosecutor v. Al Mahdi (Situation in the Republic of Mali) (Reparations Order) (Judgment on the Appeal of the Victims against the Reparations Order)</i> 425</p> <p><i>R v. Reeves Taylor</i> 611</p> <p><i>Veeber v. Estonia (No 2) (Application No 45771/99)</i> 411 <i>Veeber Case (Case No 3-1-3-13-03)</i> 587</p> <p><i>Walusimbi and Others v. Attorney General of Uganda and Others (Ref No 8 of 2013)</i> 251</p>
---	---

Cambridge University Press
978-1-009-15272-3 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
Frontmatter
[More Information](#)

TABLE OF CASES REPORTED

ARRANGED ACCORDING TO COURTS AND TRIBUNALS
 (INTERNATIONAL CASES) AND COUNTRIES (MUNICIPAL CASES)

(Cases which are reported only in a note are distinguished from cases which are reported in full by the insertion of the word “note” in parentheses after the page number of the report.)

I. DECISIONS OF INTERNATIONAL TRIBUNALS

<p style="text-align: center;"><i>African Court on Human and Peoples' Rights</i></p> <p style="text-align: center;">2018</p> <p>Anudo <i>v.</i> United Republic of Tanzania (Application No 12/2015) 224</p> <p style="text-align: center;"><i>Court of Justice of the Economic Community of West African States (ECOWAS)</i></p> <p style="text-align: center;">2020</p> <p>Incorporated Trustees of Laws and Rights Awareness Initiatives <i>v.</i> Federal Republic of Nigeria 315</p> <p style="text-align: center;"><i>Court of Justice of the European Union</i></p> <p style="text-align: center;">2020</p> <p>LG and Others <i>v.</i> Rina SpA, Ente Registro Italiano Navale (Case C-641/18) 352</p> <p style="text-align: center;"><i>East African Court of Justice</i></p> <p style="text-align: center;">2015</p> <p>Walusimbi and Others <i>v.</i> Attorney General of Uganda and Others (Ref No 8 of 2013) 251</p> <p style="text-align: center;">2019</p> <p>Media Council of Tanzania, Legal and Human Rights Centre, Tanzania Human Rights Defenders Coalition <i>v.</i> Attorney General of the United Republic of Tanzania (Ref No 2 of 2017) 281</p>	<p style="text-align: center;"><i>European Court of Human Rights</i></p> <p style="text-align: center;">2003</p> <p>Veeber <i>v.</i> Estonia (No 2) (Application No 45771/99) 411</p> <p style="text-align: center;"><i>International Court of Justice</i></p> <p style="text-align: center;">2017</p> <p>Maritime Delimitation in the Indian Ocean (Somalia <i>v.</i> Kenya) (Preliminary Objections) 1</p> <p style="text-align: center;">2019</p> <p>Jadhav Case (India <i>v.</i> Pakistan) (Merits) 88</p> <p style="text-align: center;"><i>International Criminal Court</i></p> <p style="text-align: center;">2017</p> <p>Prosecutor <i>v.</i> Al Mahdi (Situation in the Republic of Mali) (Reparations Order) 425, 435</p> <p style="text-align: center;">2018</p> <p>Prosecutor <i>v.</i> Al Mahdi (Situation in the Republic of Mali) (Judgment on the Appeal of the Victims against the Reparations Order) 425, 479</p>
--	---

II. DECISIONS OF MUNICIPAL COURTS

<i>Australia</i>	<i>Estonia</i>
2017	2004
Pel-Air Aviation Pty Ltd <i>v.</i> Casey 522	Veeber Case (Case No 3-1-3-13-03) 587
<i>Canada</i>	<i>United Kingdom, England</i>
2014	2019
Febles <i>v.</i> Minister of Citizenship and Immigration 549	R <i>v.</i> Reeves Taylor 611
	2020
	Re Al M (Assurances and Waiver) 662

DIGEST OF CASES

List of Main Headings

(Those headings for which there are entries in the present volume are printed in italics. For a guide to the Digest, see the Editorial Note at p. xi.)

Air	<i>International Organizations</i>
<i>Aliens</i>	<i>International Tribunals</i>
Arbitration	Jurisdiction
Canals	Lakes and Landlocked Seas
Claims	<i>Nationality</i>
Comity	Recognition
Conciliation	<i>Relationship of International Law and Municipal Law</i>
<i>Consular Relations</i>	Reprisals and Countermeasures
<i>Damages</i>	Rivers
<i>Diplomatic Relations</i>	Sea
Economics, Trade and Finance	Sources of International Law
Environment	Space
Evidence before International Courts and Tribunals	<i>State Immunity</i>
Expropriation	<i>State Responsibility</i>
Extradition	State Succession
General Principles of International Law	States
Governments	Territory
<i>Human Rights</i>	Terrorism
<i>International Court of Justice</i>	<i>Treaties</i>
<i>International Criminal Law</i>	War and Armed Conflict

Cambridge University Press
978-1-009-15272-3 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
Frontmatter
[More Information](#)

DIGEST OF CASES REPORTED IN VOLUME 197

Page

Aliens

Refugees — Refugee protection — Exclusion from refugee protection — Commission of serious non-political crime prior to admission to country of refuge — United Nations Convention Relating to the Status of Refugees, 1951 — Article 1F(b) — Canadian Immigration and Refugee Protection Act 2001 — Section 98 — Whether Article 1F(b) barring Cuban national from seeking refugee protection in Canada on account of serious crimes committed in United States — Whether Article 1F(b) exclusion restricted to fugitives from justice — Whether factors such as service of full sentence, rehabilitation and dangerousness to be balanced against seriousness of crime — Canada, Supreme Court

Febles v. Minister of Citizenship and Immigration

549

Consular Relations

Whether Vienna Convention on Consular Relations, 1963 applicable in relations between the Parties — Exclusion of persons suspected of espionage from scope of Vienna Convention — Relevance of customary international law on consular access — Whether Agreement on Consular Access of 21 May 2008 displacing obligations under Article 36 of Vienna Convention — Role of Article 73(2) of Vienna Convention — Whether Pakistan breaching Article 36 of Vienna Convention — Failure to inform Mr Jadhav of his consular rights under Vienna Convention — Failure to inform India's consular post of Mr Jadhav's arrest and detention "without delay" — Failure to provide consular access — Remedies — Review and reconsideration — Effectiveness of review and reconsideration — Due process — International Court of Justice

Jadhav Case (India v. Pakistan) (Merits)

88

Damages

Appeal — Reparations — Legal Representatives of Victims — Individual reparations implementation — Whether individual reparations awarded only to victims with exclusive link between economic loss and destruction of protected objects — Whether

Damages (*cont.*)

Trust Fund for Victims entitled to assess individual reparations — Whether abuse of discretion by Trial Chamber on disclosure of victims' identifying information to defendant and Trust Fund for Victims — International Criminal Court (Trial Chamber VIII and Appeals Chamber)

Prosecutor v. Al Mahdi (Situation in the Republic of Mali) (Reparations Order) (Judgment on the Appeal of the Victims against the Reparations Order) 425

Reparations — Victims — Crimes against cultural heritage — Harm assessment — Actual and proximate cause — Reparations implementation — Trust Fund for Victims — International Criminal Court (Trial Chamber VIII and Appeals Chamber)

Prosecutor v. Al Mahdi (Situation in the Republic of Mali) (Reparations Order) (Judgment on the Appeal of the Victims against the Reparations Order) 425

Diplomatic Relations

Diplomatic assurances — Weight of diplomatic assurances in domestic courts — Wardship proceedings involving children of ruler of sovereign State — Ruler of sovereign State seeking orders for return of children — Ruler of sovereign State offering assurances of future conduct — Whether assurances providing protection for children from risk of abduction — Whether enforceable in event of breach of any order made — Withdrawal of assurances — Consequences of withdrawal — England, High Court, Family Division

Re Al M (Assurances and Waiver) 662

Human Rights

Freedom of expression — Freedom of the press — Legal restrictions limiting freedom of expression — Penal sanctions in laws which limit freedom of expression — Whether Section 24 of Cybercrimes Act 2015 violating Article 9(2) of African Charter on Human and Peoples' Rights, 1981 and Article 19(3) of International Covenant on Civil and Political Rights, 1966 — Whether Nigeria violating applicant's right to freedom of expression — Court of Justice of the Economic Community of West African States

Incorporated Trustees of Laws and Rights Awareness Initiatives v. Federal Republic of Nigeria 315

Freedom of expression — Right of access to information — Freedom of opinion — Criminal sedition — Resolution of the African Commission on Human and Peoples' Rights 2010 — United Nations Human Rights Committee, General Comment No 34 — East African Court of Justice

Media Council of Tanzania, Legal and Human Rights Centre, Tanzania Human Rights Defenders Coalition v. Attorney General of the United Republic of Tanzania (Ref No 2 of 2017) 281

Guarantee against retrospective application of criminal law — Criminal Code of Estonia — Article 148-1(7) — Application and interpretation — Amendment on 13 January 1995 — Extension of law to acts committed prior to 13 January 1995 — Whether applicant's conviction amounting to retrospective application of criminal law — Whether respondent State violating Article 7 of European Convention on Human Rights, 1950 — European Court of Human Rights

Veeber v. Estonia (No 2) (Application No 45771/99) 411

No punishment without law — European Convention on Human Rights, 1950, Article 7(1) — Reopening of municipal proceedings — Estonia, Supreme Court

Veeber Case (Case No 3-1-3-13-03) 587

Right to nationality — Universal Declaration of Human Rights, 1948 — Article 15 — Right to return to one's country — African Charter on Human and Peoples' Rights, 1981 ("Charter") — Article 12(2) — Right not to be arbitrarily expelled from a State — International Covenant on Civil and Political Rights, 1966 ("ICCPR") — Article 13 — Right to fair trial — Charter Article 7 — ICCPR Article 14 — Whether Tanzania arbitrarily depriving applicant of right to nationality — Whether Tanzania violating right not to be arbitrarily expelled — Whether Tanzania violating right to be heard — African Court on Human and Peoples' Rights

Anudo v. United Republic of Tanzania (Application No 12/2015) 224

International Court of Justice

Jurisdiction — Article 36(2) of Court's Statute — Optional clause — Kenya's reservation to its optional clause declaration — Memorandum of Understanding between Kenya and Somalia, 2009 ("MOU") — Whether MOU preventing

International Court of Justice (*cont.*)

Court from having jurisdiction over case brought by Somalia — Character of MOU as a binding international agreement — Whether MOU requiring Parties to delimit their boundary after recommendation of Commission on the Limits of the Continental Shelf (“CLCS”) on the outer limits of the continental shelf — Part XV of United Nations Convention on the Law of the Sea, 1982 (“UNCLOS”) — Whether optional clause declarations falling within scope of Article 282 of UNCLOS — Whether Article 282 entailing Parties’ agreement to settle their maritime dispute pursuant to provisions of Part XV of UNCLOS — Whether circular *renvoi* from Article 282 back to Kenya’s reservation — Admissibility of Somalia’s Application — Relevance of Somalia’s objection to consideration of Kenya’s submission by the CLCS — Clean hands doctrine — International Court of Justice

Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) (Preliminary Objections)

1

Jurisdiction — Whether case concerning interpretation or application of Vienna Convention on Consular Relations, 1963 (“the Vienna Convention”) — Proof of Mr Jadhav’s identity concerning applicability of Vienna Convention and not jurisdiction — Whether application inadmissible — Whether India committing abuse of process — Abuse of rights as matter for merits — Clean hands doctrine — International Court of Justice

Jadhav Case (India v. Pakistan) (Merits)

88

United Nations Convention on the Law of the Sea, 1982 — Memorandum of Understanding between Kenya and Somalia, 2009 — Commission on the Limits of the Continental Shelf — Territorial sea — Exclusive economic zone — Continental shelf — Continental shelf beyond 200 nautical miles — Delimitation of maritime boundary — Delineation of outer limits of continental shelf — International Court of Justice

Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) (Preliminary Objections)

1

International Criminal Law

International Criminal Court — Reparations for victims — Situation in Mali — Rome Statute 1998, Articles 8(2)(e)(iv),

25(3)(a) and 75(1) — War crime of attacking protected objects — Destruction of cultural heritage — Harm assessment — Actual and proximate cause — Reparations implementation — Trust Fund for Victims — International Criminal Court (Trial Chamber VIII and Appeals Chamber)

Prosecutor v. Al Mahdi (Situation in the Republic of Mali) (Reparations Order) (Judgment on the Appeal of the Victims against the Reparations Order) 425

Treaties — United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (“UNCAT”) — UNCAT implemented in United Kingdom — Criminal Justice Act 1988 — Torture — Torture under UNCAT versus torture under international humanitarian law — United Kingdom, Supreme Court

R v. Reeves Taylor 611

International Organizations

East African Community — Membership — Decision-making bodies — East African Community membership application — Opposition to membership — Core principles of Treaty for the Establishment of the East African Community, 1999 — Organ of Community — Summit of Heads of States regarding membership applications — Powers of Summit — East African Court of Justice

Walusimbi and Others v. Attorney General of Uganda and Others (Ref No 8 of 2013) 251

International Tribunals

African Court on Human and Peoples’ Rights — Jurisdiction — Material jurisdiction — Whether Court having jurisdiction to hear application — Admissibility — Whether application admissible — African Court on Human and Peoples’ Rights

Anudo v. United Republic of Tanzania (Application No 12/2015) 224

Jurisdiction — Community Court of Justice of Economic Community of West African States — Admissibility of application — Whether Court having jurisdiction to examine domestic legislation of ECOWAS Member States — Whether allegation of human rights violation — Whether Court competent

International Tribunals (*cont.*)

to examine the cause — Court of Justice of the Economic Community of West African States

Incorporated Trustees of Laws and Rights Awareness Initiatives v. Federal Republic of Nigeria 315

Jurisdiction — East African Court of Justice — Whether Court could determine matter arising from a State's application for membership of East African Community — Whether process involving in part a non-member State of Community could be determined by Court — Whether Court could determine human rights related complaint arising from a State's application for membership of East African Community — East African Court of Justice

Walusimbi and Others v. Attorney General of Uganda and Others (Ref No 8 of 2013) 251

Jurisdiction — East African Court of Justice — Whether Court having jurisdiction — Role of domestic courts in the interpretation of Treaty for the Establishment of the East African Community, 1999 — Exhaustion of domestic remedies — Whether applicable — Interpretation of Articles 30(3) and 34 of Supplementary Protocol, 2005 — *Res judicata* — East African Court of Justice

Media Council of Tanzania, Legal and Human Rights Centre, Tanzania Human Rights Defenders Coalition v. Attorney General of the United Republic of Tanzania (Ref No 2 of 2017) 281

Nationality

Right to nationality — Citizenship status — State sovereignty — Deprivation of nationality in exceptional situations — Tanzania depriving applicant of Tanzanian nationality — Whether deprivation arbitrary — Burden of proof — Whether Tanzania violating Article 15 of Universal Declaration of Human Rights, 1948 — Whether applicant arbitrarily expelled — Whether Tanzania violating applicant's fundamental rights under human rights treaties — African Court on Human and Peoples' Rights

Anudo v. United Republic of Tanzania (Application No 12/2015) 224

Relationship of International Law and Municipal Law

Treaties — European Convention on Human Rights, 1950 — Judgment of European Court of Human Rights — Whether providing ground for reassessment of conviction — Estonian Code of Criminal Procedure — Reopening of municipal proceedings — Estonian Constitution 1992 — Role of treaties in municipal legal order — Whether treaties having priority over municipal law in case of conflict — Duty to guarantee rights under European Convention — Amendment of municipal procedural law — Review of Estonian court cases — Whether reopening of municipal proceedings justified — Whether other effective means of remedy — Estonia, Supreme Court

Veeber Case (Case No 3-1-3-13-03) 587

Treaties — Human rights treaties — Treaty obligations — Cybercrimes Act 2015 — Compliance of Nigeria's cybercrime law with regional and international treaty obligations — African Charter on Human and Peoples' Rights, 1981, Article 9(2) — International Covenant on Civil and Political Rights, 1966, Article 19(3) — Revised Treaty of the Economic Community of West African States, 1993 — Whether Nigeria violating applicant's right to freedom of expression — Court of Justice of the Economic Community of West African States

Incorporated Trustees of Laws and Rights Awareness Initiatives v. Federal Republic of Nigeria 315

State Immunity

Head of State immunity — Waiver of immunity — Wardship proceedings involving children of ruler of sovereign State — Ruler of sovereign State seeking orders for return of children — Ruler of sovereign State offering assurances of future conduct — Ruler waiving immunity in respect of enforcement of any orders to be made in proceedings — Whether waiver effective — Consequences of waiving personal immunity before State courts — Immunity of State property — England, High Court, Family Division

Re Al M (Assurances and Waiver) 662

Jurisdictional immunity — Action for damages against ship classification and certification company acting upon delegation from Republic of Panama — Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition

State Immunity (*cont.*)

and enforcement of judgments in civil and commercial matters — Article 2(1) — Whether Italian court having jurisdiction under Regulation — Article 1(1) — Scope of civil and commercial matters — Operations of ship classification and certification societies — Public powers — Whether classification and certification operations conducted in exercise of public powers — Immunity from jurisdiction — Whether customary international law principle of jurisdictional immunity of States precluding court from exercising jurisdiction under Regulation — Court of Justice of the European Union (First Chamber)

LG and Others v. Rina SpA, Ente Registro Italiano Navale (Case C-641/18) 352

State Responsibility

Acts attributable to a State — State recognition — *De jure* versus *de facto* government — Governmental functions versus military activity — United Kingdom, Supreme Court

R v. Reeves Taylor 611

Treaties

Interpretation — Application — Treaty for the Establishment of the East African Community, 1999 — Treaty obligations of East African Community Partner States — Human rights treaties — Obligations under regional and international human rights treaties — Compliance of Tanzanian media law with its treaty obligations — African Charter on Human and Peoples' Rights, 1981 — International Covenant on Civil and Political Rights, 1966 — East African Court of Justice

Media Council of Tanzania, Legal and Human Rights Centre, Tanzania Human Rights Defenders Coalition v. Attorney General of the United Republic of Tanzania (Ref No 2 of 2017) 281

Interpretation — Memorandum of Understanding between Kenya and Somalia, 2009 — Whether binding treaty under international law — Character of MOU as a binding international agreement — Whether MOU requiring Parties to delimit their boundary after recommendation of Commission on the Limits of the Continental Shelf on the outer limits of the continental shelf — Article 83 of United Nations Convention on

the Law of the Sea, 1982 — Vienna Convention on the Law of Treaties, 1969, Article 31(3)(c) — *Travaux préparatoires* of MOU — Whether MOU preventing Court from having jurisdiction over case brought by Somalia — International Court of Justice

Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)
(Preliminary Objections)

1

Interpretation — Montreal Convention for the Unification of Certain Rules for International Carriage by Air, 1999, Article 17 (1) — Whether post-traumatic stress disorder a “bodily injury” — Civil Aviation (Carriers’ Liability) Act 1959 (Cth), Sections 9B and 9E — Australia, Court of Appeal of New South Wales

Pel-Air Aviation Pty Ltd v. Casey

522

Interpretation — Treaty for the Establishment of the East African Community, 1999 — Article 3(2) — Whether a reference could be brought against an organ of East African Community based on provision of Article 30(1) — Whether an act that was part of an ongoing process actionable under Article 30(1) — Protocol for Admission to the East African Community — East African Court of Justice

Walusimbi and Others v. Attorney General of Uganda and Others (Ref No 8 of 2013)

251

Interpretation — United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 — Vienna Convention on the Law of the Treaties, 1969, Articles 31 and 32 — *Travaux préparatoires* — Object and purpose of UNCAT — Subsequent practice — United Nations Committee against Torture — Scope of application of Article 1 of UNCAT — Scope of application of Section 134 of Criminal Justice Act 1988 — Correct interpretation of words “person acting in an official capacity” — United Kingdom, Supreme Court

R v. Reeves Taylor

611

Interpretation — United Nations Convention Relating to the Status of Refugees, 1951 — Article 1F(b) — Vienna Convention on the Law of Treaties, 1969 — Article 31(1) — Ordinary meaning of terms of treaty — Context — Object and purpose of treaty — Whether Article 1F(b) of Refugee Convention restricted to fugitives from justice — Whether

Treaties (*cont.*)

- necessary to use *travaux préparatoires* for purpose of interpretation — Canada, Supreme Court
Febles v. Minister of Citizenship and Immigration 549
- Relationship with customary international law — Vienna Convention on Consular Relations, 1963 — Customary international law regarding consular access — Whether justifying restrictive reading of Vienna Convention — Relationship between treaties — Vienna Convention and bilateral consular agreement — International Court of Justice
Jadhav Case (India v. Pakistan) (Merits) 88

TABLE OF TREATIES

This table contains a list, in chronological order according to the date of signature, of the treaties referred to in the decisions printed in the present volume. It has not been possible to draw a helpful distinction between treaties judicially considered and treaties which are merely cited.

In the case of bilateral treaties, the names of the parties are given in alphabetical order. Names of countries follow contemporaneous usage except in the case of small spelling changes (e.g. Roumania/Romania) where modern usage is adopted throughout. Where this seems helpful, the name of a treaty as it is commonly known is included.

Wherever possible, each treaty includes a reference to where an online English-language version of the treaty can be found. For treaties between 1648 and 1919, this is almost always the Consolidated Treaty Series (CTS), under Oxford Historical Treaties on the Oxford Public International Law website. Post-1919, references are most frequently to the League of Nations Treaty Series/United Nations Treaty Series (LNTS/UNTS). Here it should be noted that historically LNTS/UNTS references have taken the form “39 UNTS 55”, 39 being the volume number, 55 the page number. With effect from UNTS volume 2301, UNTS no longer includes the volume and page number as part of the reference, using simply the registration number. UNTS references are now in the form UNTS 42146. For ILR purposes, because of its value as an identifier, the registration number is now being added parenthetically to pre-volume 2301 treaties in the form 213 UNTS 221 [UNTS 2889].

Reference is also made to other treaty databases such as the European Treaty Series (ETS), Organization of American States Treaty Series (OASTS) or to Official Journals, particularly where these are the only databases currently hosting a treaty. Where a treaty appears to be available only on the website of the parent international organization, usually without any citation identifier, users are referred to the relevant website. For bilateral treaties, often the only source it has been possible to find is a non-English-language version on one of the parties’ official websites, such as the parliamentary proceedings approving the treaty. Users requiring a comprehensive list of written sources should refer to the CTS, or to the Flare Index to Treaties, available at IALS Digital.

For abbreviations used in the Table of Treaties reference should be made to the list of abbreviations attached to the index in individual volumes.

1945

- June 26 Charter of the United Nations (1 UNTS XVI) (current version available at <https://treaties.un.org/>)
- Chapter VI
- Art. 33 61, 64-5
- Art. 33(1) 79-80
- Chapter XIV
- Art. 102 18, 21, 22
- June 26 Statute of the International Court of Justice (33 UNTS 933) (current version available at <https://treaties.un.org/>)
- Chapter I
- Art. 31(2) 8-9, 98
- Chapter II
- Art. 36(1) 97, 105, 170
- Art. 36(2) 8, 16-17, 43-4, 46-8, 50, 53, 58, 68-72, 74-9
- Art. 40(2) 8, 97
- Art. 40(3) 8, 97-8
- Art. 41 97
- Art. 63(1) 9, 98

1949

- Aug. 12 Geneva Conventions Relative to the Protection of the Victims of International Armed Conflicts (Common Articles)
- Art. 3 620-1, 655

1950

- Nov. 4 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Thirteenth Protocol concerning the abolition of the death penalty in all circumstances (3 May 2002) (ETS 187)
- Art. 1 153

1951

- July 28 Convention Relating to the Status of Refugees (Geneva Convention; RC) (189 UNTS 150 [UNTS 2545])
- Chapter I
- Art. 1F(a) 557-8, 570, 574-5
- Art. 1F(b) 552-86
- Art. 1F(c) 557-8, 564, 566, 570, 574-5

TABLE OF TREATIES

xxxi

1954

- May 14 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and 1954 Protocol (249 UNTS 215 [UNTS 3511])
 Art. 4 441
 Protocol II (26 March 1999) (2253 UNTS 172 [UNTS 3511])
 Art. 15 441

1961

- Apr. 18 Vienna Convention on Diplomatic Relations (VCDR) (500 UNTS 95 [UNTS 7312])
 Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes (500 UNTS 241 [UNTS 7312])
 Art. 1 97, 105, 126, 130-1, 135
 Art. 2 106, 107-8
 Art. 3 106, 107-8

1963

- Apr. 24 Vienna Convention on Consular Relations (VCCR) (596 UNTS 261 [UNTS 8638])
 Preamble 114
 Art. 1 114
 Art. 5 182-3
 Art. 5(a) 219
 Art. 5(i) 182, 189
 Art. 5(m) 182
 Art. 36 112-21, 172-6
 Art. 36(1) 99-102, 170-2
 Art. 36(1)(a) 122, 126-7
 Art. 36(1)(b) 99, 100-2, 115-17, 121-5, 130, 136, 174, 184, 217-18
 Art. 36(1)(c) 122, 124, 125, 126-7, 136, 172, 218-20
 Art. 36(2) 122, 171-2
 Art. 55(1) 183, 219-20
 Art. 73 118-19
 Art. 73(1) 195-6
 Art. 73(2) 120, 177-82, 190-3, 195-9, 208-16
- Apr. 24 Vienna Convention on Consular Relations (VCCR), Optional Protocol Concerning the Compulsory Settlement of Disputes (596 UNTS 487 [UNTS 8640])
 Art. I 97, 98, 105, 126, 130-1, 135, 158-9, 170, 184-5, 190
 Art. II 106, 107-8
 Art. III 106, 107-8

- Sept. 14 Tokyo Convention on Offences and Certain Other Acts
 Committed on Board Aircraft (704 UNTS 219 [UNTS 10106])
 Art. 13(3) 186, 195

1966

- Dec. 16 International Covenant on Civil and Political Rights (ICCPR)
 (999 UNTS 171 [UNTS 14668]) 241-3
 Art. 1 351
 Art. 2(1) 186
 Art. 6 140, 154-8, 159
 Art. 6(2) 152
 Art. 6(4) 152
 Art. 9(1) 231, 248
 Art. 12(4) 246 n. 10
 Art. 14(1) 165, 186, 193
 Art. 14(2) 165, 185
 Art. 14(3) 185, 186
 Art. 14(3)(b) 188
 Art. 14(3)(c) 189
 Art. 15 231, 661
 Art. 19(3) 282, 304, 343, 351
 Art. 23 232, 248
 Art. 25(a) 231
 Art. 25(b) 231
 Art. 25(c) 248
- Dec. 16 International Covenant on Civil and Political Rights (ICCPR),
 Optional Protocol 1 (999 UNTS 171 [UNTS 14668])
 Art. 1 332
- Dec. 16 International Covenant on Civil and Political Rights (ICCPR),
 Optional Protocol 2 Aiming at the Abolition of the Death Penalty
 (15 December 1989) (1642 UNTS 414 [UNTS 14668]) . 156,
 158, 159, 166
 Art. 1 153
- Dec. 16 International Covenant on Economic, Social and Cultural Rights
 (ICESCR) (993 UNTS 3 [UNTS 14531])
 Art. 1 153-4
 Art. 6 231, 248
 Art. 11 232
- 1969**
- May 23 Vienna Convention on the Law of Treaties (VCLT) (1155 UNTS
 331 [UNTS 18232])
 Art. 2(1) 22

TABLE OF TREATIES

xxxiii

	Art. 7	20, 22-3
	Art. 12(1)(a)	23
	Art. 26	199-200
	Art. 31(1)	30, 55-67, 554-5, 556-7, 573, 625-6
	Art. 31(2)	30, 557-9
	Art. 31(3)	30, 86, 573
	Art. 31(3)(b)	195, 573, 632-9
	Art. 31(3)(c)	37-9, 130-1, 185, 189, 195, 639-41, 661
	Art. 41	118-19, 197-8
	Art. 41(1)(b)	213
	Art. 45	25
	Art. 46	24-5
Nov. 22	American Convention on Human Rights (ACHR) (1144 UNTS 123 [UNTS 17512])	
	Art. 5(2)-(5)	152
	Art. 44	331
	Protocol to Abolish the Death Penalty (8 June 1990) (29 ILM 1447 (1990); PAUTS 73)	
	Art. 1	152-3
1971		
Sept. 23	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Convention) (974 UNTS 177 [UNTS 14118])	
	Art. 6(3)	194-5
1973		
Dec. 14	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York Convention) (1035 UNTS 167 [UNTS 15410])	
	Art. 6(2)	187, 195
1974		
Nov. 1	International Convention for the Safety of Life at Sea (as amended by the Protocol of 17 February 1978) (SOLAS) (1185 UNTS 2 [UNTS 18961])	359, 380, 398, 405-6
	Annex	
	Chapter I	
	Reg. 6	360, 373-4, 398-9, 406-7
	Chapter II-1, Part A-1	
	Reg. 3-1	360, 373-4, 398

1977

- June 8 Protocol additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (AP I) (1125 UNTS 3 [UNTS 17512])
 Art. 53 441
- June 8 Protocol additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (AP II) (1125 UNTS 609 [UNTS 17513])
 Art. 16 441

1979

- Dec. 17 International Convention against the Taking of Hostages (Hostages Convention) (1316 UNTS 205 [UNTS 21931])
 Art. 6(3) 186, 195

1981

- June 26 African Charter on Human and Peoples' Rights (ACHPR) (1520 UNTS 218 [UNTS 26363]) 229, 234-5, 241-3, 293, 296, 300
- Art. 1 319, 326, 327, 329-30
 Art. 6 231, 248
 Art. 7 246-7, 250
 Art. 7(1)(a) 231, 247
 Art. 7(1)(b) 231, 247
 Art. 7(1)(c) 247
 Art. 9 304, 319, 322
 Art. 9(1) 320-3, 327, 329-30, 334-51
 Art. 9(2) 320-3, 325-6, 327, 329-30, 334-51
 Art. 12 231, 244, 248
 Art. 12(2) 244
 Art. 13(1) 231, 248
 Art. 13(2) 231, 248
 Art. 15 231, 248
 Art. 16 232, 248
 Art. 18 232
 Art. 27(2) 282, 304, 339
 Art. 50 236
 Art. 56 236
 Art. 56(6) 238

1982

- Dec. 10 UN Convention on the Law of the Sea (UNCLOS) (1833 UNTS 3 [UNTS 31363])
 Part V
 Art. 74 59

TABLE OF TREATIES

xxxv

Part VI	
Art. 76(8)	12, 30-1, 38-9
Art. 76(10)	31
Art. 83	59
Art. 83(1)	28, 38-41
Art. 83(2)	38
Part VII, Section 1	
Art. 90	359, 397
Art. 91	359, 397, 406
Art. 91(1)	359, 397
Art. 92(2)	359, 397
Art. 94(1)	359, 398
Art. 94(3)-(5)	359, 398, 406
Part XV, Section 1	
Art. 279	48
Art. 280	48
Art. 282	17, 45-6, 48, 49-52, 68-78
Part XV, Section 2	
Art. 286	16-17, 36-41, 44-52, 55, 61, 67-78
Art. 287	72, 77
Art. 287(1)	16-17, 44, 48-9, 67-8, 78
Art. 287(3)	16-17, 44, 48-9, 67-8, 77-8
Art. 287(5)	49
Annex II (Commission on the Limits of the Continental Shelf (CLCS))	30-1
Art. 4	12-13, 19
1984	
Dec. 10	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York Convention) (UNCAT) (1465 UNTS 85 [UNTS 24841])
Preamble	190, 615-61
Part I	
Art. 1	619-20
Art. 1(2)	624
Art. 2	620, 634-6, 655, 659-60
Art. 2(1)	654-5
Art. 3	620, 634-5, 637-9, 658-9, 660
Arts. 4-9	655-6
Art. 5	620
Art. 6(3)	187
Art. 7	620
Art. 16	620
Part II	
Art. 17(1)	633-4

	Art. 19	633-4
	Art. 22	633-4
	Art. 22(7)	636-9, 650-1
	Part III	
	Art. 17(1)	620
1993		
July 24	Revised Treaty of the Economic Community of West African States (ECOWAS) (2373 UNTS 233 [UNTS 42835]) Protocol on the Community Court of Justice (6 July 1991) (2375 UNTS 178 [UNTS 14843]) (including 2005 and 2006 amendments)	
	Art. 9(4)	328-31
	Art. 10(d)	331-4
1994		
Dec. 9	Convention on the Safety of UN Personnel and Optional Protocol of 8 December 2005 (2051 UNTS 363 [UNTS 35457])	
	Art. 17(2)	187, 195
1998		
Jan. 12	International Convention for the Suppression of Terrorist Bombings (TBC) (2149 UNTS 284 [UNTS 37517])	
	Art. 7(3)	195
June 10	Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (ACHPR Protocol) (2144 UNTS 255 [UNTS 37437])	229
	Art. 3(1)	234
	Art. 5(3)	235
	Art. 6	236
	Art. 27(1)	249
	Art. 34(6)	235
July 17	Rome Statute of the International Criminal Court (ICC) (2187 UNTS 90 [UNTS 38544])	
	Art. 7(2)(i)	629
	Art. 8(2)(a)(ii)	621
	Art. 8(2)(b)(ix)	441
	Art. 8(2)(c)(i)	621
	Art. 8(2)(c)(iv)	441
	Art. 75	435-521
	Art. 75(1)	443-6, 492, 505
	Art. 75(3)	492

TABLE OF TREATIES

xxxvii

- Nov. 1 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950) (213 UNTS 221 [UNTS 2889]) (as amended by Protocol 11 (ETS 5), effective as of 1 November 1998, and by Protocol 14 (ETS 194), effective as of 1 June 2010)
- Art. 6(1) 361-2, 394-6
 - Art. 7 661
 - Art. 7(1) 413-22, 604-9
 - Art. 41 422-3
 - Art. 42 424
- 1999**
- May 28 Montreal Convention for the Unification of Certain Rules for International Carriage by Air (MC) (2242 UNTS 369 [UNTS 39917])
- Art. 17(1) 524-36
- Nov. 30 Treaty for the Establishment of the East African Community as amended in 2006 and 2007 (EACT) (2144 UNTS 255 [UNTS 37437])
- Art. 1 269
 - Art. 3 261-4, 265
 - Art. 3(2) 256, 265-6, 267, 271, 273, 274-6, 278, 279
 - Art. 3(3) 264-5, 267, 269, 271, 273, 275-6, 277, 279
 - Art. 3(3)(a) 256, 261-4, 265
 - Art. 3(3)(b) 256, 261-4, 265, 267-8, 269, 274-6, 279
 - Art. 3(3)(c) 256, 261-4, 265, 274-6
 - Art. 3(3)(d) 262-3
 - Art. 3(3)(e) 274-6
 - Art. 3(3)(f) 256, 261-4, 265, 274-6
 - Art. 3(4) 275-6, 277, 278
 - Art. 3(6) 278
 - Art. 4(3) 256
 - Art. 6 261-4, 265
 - Art. 6(d) 256, 261-4, 265, 274-80, 286-90, 296, 299-313
 - Art. 7(2) 256, 261-4, 265, 274-80, 285, 286-90, 296, 299-313
 - Art. 8(1)(c) 256, 261-4, 265, 274-80, 285, 286-90
 - Art. 8(3)(c) 256, 261-4, 265, 299-305
 - Art. 11(9)(c) 264, 269
 - Art. 23 256
 - Art. 23(1) 261-4, 265, 273, 293-4
 - Art. 27 261-4, 265, 269
 - Art. 27(1) 256, 261-4, 265, 266, 271, 273, 292-7

	Art. 27(2)	266
	Art. 29	261-4, 265
	Art. 30	256, 261-4, 265
	Art. 30(1)	266-74, 295-6
	Art. 30(2)	298-9
	Art. 30(3)	291
	Art. 33(2)	295
	Art. 34	291, 294-5
	Protocol on the Rules of Procedure for the Admission of other countries to the East African Community (EACT 3(6)) (197 ILR 278-80)	
	Art. 3(1)	278
	Art. 3(2)	280
	Art. 3(3)	278, 280
	Art. 4(1)	278, 279
	Art. 4(2)	278-9
	Art. 4(3)	278
	Art. 4(4)	278
	Art. 4(5)	278
	Art. 4(6)	278, 280
	Art. 4(7)	278
Dec. 9	International Convention for the Suppression of the Financing of Terrorism (FTC) (2178 UNTS 229 [UNTS 38349])	
	Art. 9(3)	187
2000		
Dec. 7	European Charter of Fundamental Rights (CFR) (OJ 2000 C364/01)	391-2
	Art. 47	358, 361-2, 394-6, 397, 401, 408
	Art. 52(1)	395
2004		
May 22	Arab Charter on Human Rights (available at: www.refworld.org/docid/3ae6b38540.html)	
	Arts. 10-12	152
Dec. 2	UN Convention on Jurisdictional Immunities of States and their Property (JISP) (44 ILM 803 (2005))	367, 377 n. 55
	Part I	
	Art. 2(1)(b)(iv)	385-6
	Part III	
	Art. 10(3)(a)	386

TABLE OF TREATIES

xxxix

2005

- Apr. 13 International Convention for the Suppression of Acts of Nuclear
 Terrorism (NTC) (UNTS 44004)
 Art. 10(3) 195

2006

- Dec. 20 International Convention for the Protection of All Persons from
 Enforced Disappearance (CED) (UNTS 48088)
 Art. 17 187

2008

- May 21 India–Pakistan, Agreement on Consular Access (UNTS
 54471) ... 118-20, 176-82, 190-3, 197-9, 203, 207-16, 222-3
 Preamble 179-80
 para. iv 180
 para. v 180
 para. vi 177, 178-9, 180-2
 para. vii 180

2009

- Apr. 7 Kenya–Somalia, Memorandum of Understanding to grant to each
 other no-objection in respect of submissions on the outer limits of
 the continental shelf beyond 200 nautical miles to the
 Commission on the Limits of the Continental Shelf (2599 UNTS
 35 [UNTS 46230]) 13-14, 16, 17-44, 53-4, 55-66, 78-87
 para. 1 32-3
 paras. 1-5 33, 81
 para. 2 26, 32-3, 59, 81, 82-3
 para. 3 26, 28, 32-3, 34, 82
 para. 4 26, 28, 33, 34, 36-7, 82
 para. 5 26, 28, 33, 34, 36-7, 43, 82
 para. 6 25, 26-9, 30, 33, 34-44, 56, 59-63, 81-7
 para. 7 23, 43

Cambridge University Press
978-1-009-15272-3 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
Frontmatter
[More Information](#)
