

International Human Rights Law and Practice

Fourth Edition

Now in its fourth edition, Bantekas and Oette's textbook on international human rights law is the key text around the globe for both undergraduate- and graduate-level courses in law and other disciplines with a human rights dimension. It covers theoretical approaches to rights as well as its practice, from grassroots activism to strategic litigation. In addition to classical topics of human rights, the book includes chapters on the interface between investment/trade and human rights, terrorism, the protection of vulnerable persons (such as LGBTQIA+, persons with disabilities, older persons and others), the rights of women, international criminal and humanitarian law, the right to development and sustainable development, reparation and victims' rights, and many others. It has been widely adopted by instructors across the globe for LLM/JD and LLB courses.

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Fourth Edition

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This book is dedicated to the legacies of Med S. K. Kaggwa, whose contribution to national and regional human rights protection in Africa will stand as an important legacy to build on; Oswaldo Ruiz-Chiriboga, whose work has been exemplary in combining institutional human rights practice with engaged scholarship in the Americas; and Tzanteos Antypas, who sought to deliver social justice in Greece to all irrespective of colour, religion or nationality in the difficult aftermath of the 2008 financial crisis.

CONTENTS

Preface	<i>page</i> xxi
Table of Cases	xxii
List of Abbreviations	lxviii
Introduction	1
1 International Human Rights Law and Notions of Human Rights: Foundations, Achievements and Challenges	4
1.1 Introduction	5
1.2 The Development of Human Rights and International Human Rights Law	6
1.2.1 Foundations	7
1.2.2 The American and French Declarations of Rights	8
1.2.3 The Struggle for Rights in the Nineteenth Century	11
1.2.4 World War I, the League of Nations and Human Rights	13
1.2.5 World War II, the Holocaust and the Foundations of the International Human Rights System	14
1.2.6 The UDHR: Origins, Content and Significance	16
1.2.7 Cold War and Decolonisation	19
1.2.8 The Growth of International Human Rights Law	22
1.3 Current Challenges	25
1.3.1 International/Cross-border Dimension of Violations	25
1.3.2 Responsibility of Multiple Actors	26
1.3.3 Effective Monitoring and Implementation	27
1.3.4 Human Rights Imperialism and Exceptionalism	29
1.4 The Idea of Human Rights: Theories and Critiques	31
1.4.1 Moral and Liberal Human Rights Theories	31
1.4.2 Meeting the Challenge: Reconstructing Human Rights	34
1.5 Universal Human Rights: Contestations and Practices	37
1.5.1 The Debate	37
Interview 1.1: Human Rights and the Uprisings in the Arab World (Moataz El Fegiery)	42
1.5.2 Experiences in Combating Female Genital Cutting/Mutilation	46
Further Reading	49

viii Contents

2	International Human Rights Law: The Normative Framework	51
2.1	Introduction	51
2.2	Sources	54
	2.2.1 Treaties	54
	2.2.1.1 Treaty-making	55
	2.2.1.2 Reservations	57
	2.2.2 Customary International Law	61
	2.2.2.1 The UDHR and Customary International Law	64
	2.2.3 Judicial Decisions as Sources of Law	65
	2.2.4 Soft Law	67
	2.2.5 UNDRIP: A Soft Law Success Story?	68
	2.2.6 <i>Jus Cogens</i> and <i>Erga Omnes</i>	69
2.3	Principles, Rights, Obligations and Scope of Application	74
	2.3.1 Principles	74
	2.3.2 The Concept of Rights	75
	2.3.3 The Right to Equality and Non-discrimination	78
	2.3.4 Obligations	80
	2.3.5 Derogation in Times of Emergency	81
	2.3.6 Scope of Application	84
2.4	Implementation	85
	2.4.1 The Role of National Human Rights Institutions	88
	Interview 2.1: Reflections on the Work of Uganda's Human Rights Commission (Med S. K. Kaggwa)	89
2.5	State Responsibility and Human Rights Treaties as Self-contained Regimes	93
2.6	Practical Application: The Role of Law Reform	95
	Interview 2.2: The Campaign to Repeal Pakistan's <i>Hudood</i> Laws (Sohail A. Warraich)	99
	Further Reading	102
3	Human Rights in Practice	104
3.1	Introduction	104
3.2	Civil Society	105
3.3	Social Movements	107
3.4	NGOs	109
	3.4.1 General Considerations	109
	3.4.2 Human Rights NGOs	112
	3.4.3 Assessing the Role of Human Rights NGOs	113
3.5	Human Rights Defenders	118
	Case Study 3.1: NGOs and Human Rights Protection in Sudan	121
3.6	Legal Professionals and Human Rights	123
3.7	Health Professionals and Human Rights	127

ix	Contents	
3.8	Human Rights Field Officers	128
	Interview 3.1: Experiences of a UN Human Rights Officer (Huma Shakeb Khan)	130
3.9	Human Rights Strategies	132
	3.9.1 Documentation and Fact-finding	133
	Interview 3.2: Documenting Human Rights Violations in Volatile Environments: The Libyan Experience (Elham Saudi)	136
	3.9.2 Human Rights Reporting	140
	3.9.3 Monitoring	143
	3.9.4 Advocacy	145
	3.9.5 Awareness-raising, Capacity-building and Human Rights Education	148
	Case Study 3.2: Responding to Serious Human Rights Violations in Darfur, Sudan: Strategies, Critiques, Impact	152
	Further Reading	156
4	The United Nations Charter System	158
4.1	Introduction	158
4.2	The Human Rights Dimension of the Charter	160
4.3	The Office of the High Commissioner for Human Rights	163
4.4	The Human Rights Council	164
	4.4.1 The UPR	169
	4.4.2 The HRC's Complaints Procedure	173
	4.4.3 International Commissions of Inquiry and Investigations	176
4.5	Special Procedures	176
	Interview 4.1: With Former UN Independent Expert (Cephas Lumina)	179
	4.5.1 Communications	181
	4.5.2 Country Visits	181
	4.5.3 Annual Reports	182
	Case Study 4.1: Reprisals against Those Collaborating with UN Human Rights Procedures	183
4.6	The UNGA and Human Rights	184
4.7	The UNSC	186
	4.7.1 Fact-finding in Practice: The UN Mission in the Gaza Conflict	191
	Further Reading	195
5	The UN Human Rights Treaty System	197
5.1	Introduction	197
5.2	Common Features of International Human Rights Treaty Bodies	200
5.3	Reporting Procedure	203
	5.3.1 Overview	203

x	Contents	
	Interview 5.1: Using Shadow Reports to Promote Gender Equality and Combat Sexual Violence: South Africa (Lesley Ann Foster)	208
	5.3.2 Strengthening the Reporting Procedure	211
5.4	General Comments/Recommendations	215
5.5	Complaints Procedures and Jurisprudence of Treaty Bodies	218
	5.5.1 Overview	218
	5.5.2 The HRCtee	221
	5.5.3 Breadwinners, Social Security and Discrimination: <i>Zwaan-de Vries v. The Netherlands</i>	225
	5.5.4 The CERD	227
	5.5.5 Still Facing Discrimination: <i>Durmic v. Serbia and Montenegro</i>	228
	5.5.6 The CtAT	229
	5.5.7 Rendered Defenceless: <i>Agiza v. Sweden</i>	231
	5.5.8 The CtEDAW	232
	5.5.9 'We Don't Believe You': <i>Vertido v. The Philippines</i>	234
	5.5.10 The CtRPD	236
	5.5.11 Shortchanged: <i>Nyusti and Takács v. Hungary</i>	237
	5.5.12 Achievements and Challenges	239
	Interview 5.2: Working for the CESCR (Eibe Riedel)	241
	Further Reading	243
6	Regional Human Rights Treaty Systems	245
6.1	Introduction	246
6.2	The European Human Rights System	247
	6.2.1 Overview	247
	6.2.2 The ECHR	250
	6.2.3 Key Institutions	251
	6.2.4 The ECtHR: Structure and Functions	252
	6.2.5 Jurisprudence of the ECtHR	253
	6.2.5.1 Development of the ECtHR's Jurisprudence	253
	6.2.5.2 The ECtHR's Interpretation of the ECHR	255
	6.2.5.3 Responses to the ECtHR's Jurisprudence	258
	6.2.6 Impact	260
	Interview 6.1: The Nature and Impact of Litigation Concerning Turkey (Başak Çali)	261
	Interview 6.2: The Nature and Impact of Litigation Concerning Turkey and Russia (Bill Bowring)	265
	6.2.7 The Struggle for Efficiency, Effectiveness and Institutional Reforms	269
	6.2.8 The EU	273

xi	Contents	
6.3	The Inter-American Human Rights System	276
6.3.1	Overview	276
6.3.2	The IACHR	278
6.3.3	The IACtHR	280
6.3.4	Impact	284
	Interview 6.3: An Intimate Experience of the IACtHR as Litigant and Senior Staff Attorney (Oswaldo Ruiz-Chiriboga)	285
6.4	The African Human Rights System	288
6.4.1	Overview	288
6.4.2	The ACmHPR	291
	Case Study 6.1: <i>Modise v. Botswana</i> and the Question of Nationality Rights	295
6.4.3	Impact	295
6.4.4	The ACTHPR	297
6.4.5	African Regional Economic Courts	299
	Interview 6.4: Making the System Work (Ibrahima Kane)	302
6.5	The Arab Human Rights System	306
6.6	Towards an Asian Human Rights System?	307
6.7	Comparison of Regional Systems	308
	Further Reading	310
7	Individual Complaints Procedures	313
7.1	Introduction	314
7.2	Admissibility	315
7.2.1	Jurisdiction	316
7.2.1.1	<i>Rationae Personae</i> : Who Can Bring a Complaint?	316
7.2.1.2	Against Whom Can a Complaint Be Brought?	319
	Case Study 7.1: Protection against the Implementation of UNSC Sanctions: <i>Sayadi and Vinck v. Belgium</i>	321
7.2.1.3	<i>Rationae Materiae</i> : What Rights?	322
7.2.1.4	Jurisdiction in Respect of Extraterritorial Conduct	322
7.2.1.5	The Long Reach of the ECHR: <i>Al-Skeini v. UK</i>	325
7.2.1.6	<i>Rationae Temporis</i> : When?	327
7.2.2	Exhaustion of Domestic Remedies	329
7.2.2.1	What Remedies Must Be Exhausted?	330
7.2.2.2	'An Affront to Common Sense and Logic': <i>Dawda Jawara v. The Gambia</i>	333
7.2.3	Other Procedural Requirements	333
7.2.3.1	Time Limits	333
7.2.3.2	Duplication	334
7.2.3.3	Well-foundedness	335
7.2.3.4	Abuse of Rights	336
7.2.3.5	Anonymity	336

xii	Contents	
7.3	Merits	337
7.4	Decisions by Human Rights Treaty Bodies	340
7.5	Implementation of Decisions and Judgments	342
	Case Study 7.2: Restoring Ancestral Lands to Indigenous Peoples – <i>Mayagna (Sumo) Awas Tingni Community v. Nicaragua</i>	346
7.6	Additional Procedural Options	347
	7.6.1 Interim Measures	347
	7.6.2 Friendly Settlements	349
	Interview 7.1: Nepal before the Human Rights Committee (Mandira Sharma)	351
7.7	The <i>Hissène Habré</i> Case: The Interplay between Domestic, Regional and International Proceedings	354
	Further Reading	358
8	Civil and Political Rights	360
8.1	Introduction	361
8.2	The Right to Life	362
	8.2.1 Practice	362
	8.2.2 Sources	363
	8.2.3 The Prohibition of Arbitrary Deprivation of Life	364
	8.2.4 <i>McCann v. United Kingdom</i> : Absolute Necessity in the European Court of Human Rights' Jurisprudence	365
	Case Study 8.1: The Killing of Bin Laden and the Right to Life	366
	8.2.5 The Death Penalty under International Law	368
	8.2.6 Positive Obligations to Protect the Right to Life	370
	8.2.6.1 Providing Protection against Threats to Life	370
	8.2.6.2 Duty to Investigate, Prosecute and Punish and to Provide Redress	373
	8.2.7 A Right to Survival?	374
8.3	The Right to Be Free from Torture and Other Ill-treatment	376
	8.3.1 Practice	376
	8.3.2 Sources	377
	8.3.3 The Absolute Prohibition of Torture	378
	8.3.4 The Case of <i>Gäfgen</i> and the German Torture Debate	379
	8.3.5 The Definition of Torture and Other Forms of Ill-treatment and Punishment	381
	8.3.6 Obligations	386
	Interview 8.1: The Role of Medical Documentation in Combating Torture: Istanbul Protocol (Dr Önder Özkalipçi)	388
8.4	The Right to Liberty and Security of Person	391
	8.4.1 Practice	391
	8.4.2 Sources	392

xiii	Contents	
	8.4.3 Scope of the Right to Liberty and Security	392
	8.4.4 Justification of Arrest and Detention	393
	8.4.5 Administrative Detention: Law and Power in the Pursuit of Policy	397
8.5	The Right to a Fair Trial	401
	8.5.1 Practice	401
	8.5.2 Sources	402
	8.5.3 Main Features of the Right to a Fair Trial	402
	8.5.3.1 General Principles	402
	8.5.3.2 Criminal Proceedings	404
	Case Study 8.2: The Problem with Military and Special Courts	405
8.6	Enforced Disappearance as Multiple Human Rights Violation	407
	Interview 8.2: Inquiries into Enforced Disappearances in Sri Lanka (M. C. M. Iqbal)	411
8.7	Qualified Rights, with a Particular Focus on Freedom of Expression	415
	8.7.1 Practice	415
	8.7.2 Sources	416
	8.7.3 Freedom of Religion versus Freedom of Expression	417
	8.7.4 To Wear or Not to Wear: Freedom of Conscience and Religion, the Rights of Women and the Veil	419
	Further Reading	421
9	Economic, Social and Cultural Rights	424
9.1	Introduction	424
9.2	Brief Historical Context of ESC Rights	425
9.3	Progressive Realisation and the Nature of State Obligations	428
9.4	Resource Implications: The Obligation to Utilise ‘Maximum Available Resources’	433
	Case Study 9.1: United States Budget Allocated to Primary and Secondary Education	438
9.5	Minimum Core Obligations	438
9.6	Justiciability of ESC Rights	441
	9.6.1 Individual Communications and the ICESCR Optional Protocol	445
	9.6.2 The ECSR	446
9.7	Extraterritoriality of ESC Rights	448
9.8	Indicators and Benchmarks for Measuring Compliance	450
	Case Study 9.2: Indicators on the Right to Food	454
9.9	The Right to Health	455
	Interview 9.1: Greek NGO Implements the Right to Health for the Socially Excluded (Tzanetos Antypas)	458
9.10	The Right to Water	460
	Case Study 9.3: The Deprivation of Water Rights as Cruel and Inhuman Treatment	462

xiv	Contents	
9.11	The Right to Education	463
9.12	The Right to Food	465
9.13	Cultural Rights	470
	Further Reading	474
10	Group Rights: Self-determination, Minorities and Indigenous Peoples	476
10.1	Introduction	476
10.2	The Nature of Collective Rights	477
	10.2.1 External Self-determination	480
	10.2.2 Exceptionalism in the External Dimension of Self-determination	484
	10.2.3 A Test for Sovereignty in the Era of Fiscal ‘Occupation’	486
	Case Study 10.1: Participatory Budgeting in Porto Alegre, Brazil	490
10.3	Minorities as a Subject of Human Rights	492
	10.3.1 The Historical and Political Context: Should Minorities Be Treated Differently from Majorities?	494
	10.3.2 Membership Rights	497
	Case Study 10.2: The Malay <i>Bumiputra</i> Policy	502
10.4	Indigenous Peoples: Is There a Need for Additional Protection?	504
	10.4.1 Indigenous Rights over Traditional Lands	508
	10.4.2 Indigenous Land Rights in Contemporary International Law	509
	10.4.3 Indigenous Ownership as a Right to Property	511
	10.4.4 The Creeping Contractualisation of Indigenous Land Rights	514
	10.4.5 Special Considerations in the Design of Indigenous Peoples’ Development Plans within the World Bank	517
	Further Reading	521
11	The Human Rights of Women	523
11.1	Introduction	524
11.2	Normative Framework	525
	11.2.1 Key Violations of Women’s Human Rights: The Convention on the Elimination of All Forms of Discrimination against Women	525
	11.2.2 Critiques of CEDAW	528
	11.2.3 CEDAW, Violence against Women and Reproductive Rights	530
11.3	Conceptual Development	542
	11.3.1 The Development of Feminist Legal Theory and Women’s Human Rights	542
	11.3.2 Critiques of Liberal and Non-discrimination Approaches to Women’s Human Rights	543
	11.3.3 Critiques of ‘Western’ Feminist Approaches to Women’s Human Rights	545

xv Contents

11.3.4	Sex, Gender and Sexuality	549
11.4	Women's Human Rights and Domestic Contexts: 'Honour Crimes' in the English Legal System	550
11.4.1	Definitions and Concepts of 'Honour'	551
11.4.2	Practical Legal Approaches to 'Honour Crimes': Culture, Gender and Mainstreaming	552
11.4.3	Non-state Actors and Due Diligence: A Human Rights Response?	554
	Case Study 11.1: Banaz Mahmod	556
	Further Reading	558
12	Children's Rights	559
12.1	Introduction	559
12.2	Childhood: A Non-static Concept	560
12.3	The Need for a Specialised Protection Regime	562
12.4	Fundamental Principles	564
12.4.1	The Child's Best Interests	565
12.4.2	The Child's Right to Be Heard	567
12.4.3	Right to Life, Survival and Development	569
12.4.3.1	Child Soldiers	571
12.4.4	Non-discrimination	573
	Case Study 12.1: Discrimination against Fathers in Custody Proceedings: The Critical Role of Neuroscience	575
	Interview 12.1: The State of Children's Rights (Benyam Dawit Mezmur)	578
12.5	Children's Right to Be Free from Poverty	582
	Case Study 12.2: Anti-child Poverty Legislation in the United Kingdom and Austerity Measures	586
	Further Reading	590
13	The Recognition and Protection of the Human Rights of Vulnerable Groups and Persons	592
13.1	Introduction	592
13.2	Vulnerability and International Human Rights Law	593
13.3	Vulnerable Groups and Persons	597
13.3.1	Race	597
	Interview 13.1: Pursuing Racial Justice and Challenging the 'Colour Blindness' of International Human Rights Law (E. Tendayi Achiume)	601
13.3.2	Gender, Gender Identity and Sexual Orientation	607
	Case Study 13.1: A Family Life before National and Regional Courts	609
13.3.3	Persons with Disabilities	610
13.3.4	Persons Living in Extreme Poverty	614

Interview 13.2: Into the Heart of Everyday Violence and Human Rights Violations: Conducting Research on, and with, Marginalised and Vulnerable Persons (Morten Koch Andersen)	617
13.3.5 Old Age	620
13.3.6 Refugees and Migrants	623
13.3.6.1 The Protection of Persons in Flight or Movement	623
13.3.6.2 The Protection of Refugees in International Law	626
13.3.6.3 The Protection of Migrants	634
Further Reading	638
14 The Right to Development and Sustainable Development	641
14.1 Introduction	641
14.2 From Human Development to Sustainable Development	642
14.3 The Right to Development	650
14.3.1 The Draft Convention on the RTD	658
14.3.2 Making the RTD Justiciable	661
14.3.3 Justiciability of Sustainable Development	663
Case Study 14.1: Justiciability of Sustainable Development Claims	666
14.4 Global Partnerships for the Financing of Development	667
14.5 From the MDGs to the SDGs	673
Interview 14.1: Microfinance Non-governmental Organisation (NGO) (Ramanou Nassirou)	676
14.6 Sovereign Debt and the Enjoyment of Fundamental Rights	678
14.6.1 Accumulation of Sovereign Debt and Its Human Rights Dimension	678
14.6.2 Odious, Illegal and Illegitimate Debt	682
14.6.3 Unsustainable Debt	684
Case Study 14.2: The Parliamentary Committee on the Truth about the Greek Debt: The Artificiality of Greek Debt and Its Odious Nature	687
Further Reading	689
15 Victims' Rights and Reparation	691
15.1 Introduction	692
15.2 The Development of the Right to Reparation	694
15.3 The Right to Reparation in International Human Rights Law	696
15.3.1 Treaties and UN Declarations	696
15.3.2 Practice at the Inter-state Level	699
15.3.3 State Practice at the National and Transnational Level	701
15.4 The Right to Reparation in International Humanitarian Law	702
15.5 The Right to Reparation in International Criminal Law	703
15.6 The Right to Reparation and Violations by Non-state Actors	706

xvii	Contents	
15.7	The Right to Reparation for Historical Injustices and Violations	706
15.8	The Notion and Legal Significance of the Term ‘Victim’	708
15.9	The Procedural Right to an Effective Remedy	709
	15.9.1 Overview	709
	15.9.2 The Nexus between Civil and Criminal Proceedings: <i>Rajapakse v. Sri Lanka</i>	711
	15.9.3 The Right to Property, and the Choice between Investment Arbitration and Human Rights Avenues	712
15.10	The Substantive Right to Reparation	714
	15.10.1 State Responsibility	714
	15.10.2 Liability	714
	15.10.3 Standard of Reparation	715
	15.10.4 Forms of Reparation	715
	15.10.5 Restitution	716
	15.10.6 Compensation	717
	15.10.7 Types of Damages	718
	15.10.8 <i>Proyecto de Vida: Loayza Tamayo v. Peru</i>	720
	15.10.9 Should Previous Conduct Be Taken into Consideration when Awarding Compensation?	721
	15.10.10 Rehabilitation	722
	15.10.11 Satisfaction	723
	15.10.12 Guarantees of Non-repetition	725
	15.10.13 Reparation for the Violation of Collective Rights: <i>Saramaka People v. Suriname</i>	725
	15.10.14 A Brief Assessment and Outlook	727
15.11	The Double-edged Sword of Victims’ Politics	727
15.12	Negotiating, Litigating and Administering Reparations: Experiences from the Holocaust and World War II Reparations	730
15.13	Reparation in Action: Litigating Human Rights Cases	733
	15.13.1 Litigation Strategies	733
	15.13.2 Pursuing Reparation Claims, with Particular Reference to Litigating Torture Cases	735
	Interview 15.1: Litigation, Advocacy and Social Change (Basil Fernando)	736
	Further Reading	742
16	The Application of Human Rights in Armed Conflict	744
16.1	Introduction	744
16.2	The Fundamental Premises of IHL	745
	16.2.1 Distinction between Combatants and Non-combatants	746
	16.2.2 Restricted Targeting of Military Objects	747

xviii	Contents	
	16.2.3 Means and Methods of Warfare Are Not Unlimited	750
16.3	Rights and Obligations in Humanitarian Law	750
16.4	Humanitarian Law as <i>Lex Specialis</i> to Human Rights Law	752
16.5	Why Human Rights Bodies Find the Application of Humanitarian Law Problematic	755
	Interview 16.1: Battlefield Compliance (Charles Garraway and Anon)	757
	16.5.1 The Dilution of Humanitarian Law and Problems in Ensuring Compliance	760
16.6	Human Rights in Situations of Military Occupation	764
	16.6.1 The Extraterritorial Application of Human Rights in Occupied Territories	768
	16.6.2 The Effective Control Test	770
	16.6.3 The Decisive Influence Test	772
	16.6.4 Is Gaza Occupied? Remote Effective Control	773
	Further Reading	774
17	Human Rights and International Criminal Justice	776
17.1	Introduction	776
17.2	Relationship between International Criminal Law and Human Rights	777
17.3	Individual Criminal Liability under International Law	780
	Case Study 17.1: International Criminal Liability at the Nuremberg Trial	781
17.4	The Enforcement of International Criminal Law	782
	17.4.1 The International Criminal Court	786
17.5	Universal Jurisdiction	787
17.6	Peace versus International Criminal Justice	791
	Interview 17.1: Former Chief Public Prosecutor and Director of the Norwegian National Authority for Prosecution of Organised and Other Serious Crime (Siri Frigaard)	797
17.7	Core International Crimes	801
	17.7.1 Genocide	801
	17.7.2 Crimes against Humanity	805
17.8	The Place of Immunities in Human Rights and International Criminal Justice	807
	Further Reading	810
18	Human Rights and Counter-terrorism	811
18.1	Introduction	811
18.2	The Legal Nature of Terrorism	813
18.3	The Discussion on Underlying or Root Causes	815
18.4	The Obligation of States to Protect Their Populations from Terrorism	818

xix	Contents	
	Case Study 18.1: <i>Finogenov and Chernetsova v. Russia</i> : European Court of Human Rights Admissibility Decision of 18 March 2010	820
18.5	Human Rights in Counter-terrorism Operations	822
	18.5.1 Anti-terrorist Legislation and the Principle of Legality	824
	18.5.2 Permissible Restrictions and Derogations Arising from Terrorist Threats	826
18.6	The Right to Life in Counter-terrorism Operations	831
	18.6.1 Situations when Lethal Force Is Permissible	831
	18.6.2 Targeted Killings and ‘Shoot-to-kill’ Strategies	833
18.7	Attempts to Justify Arbitrary Detention	835
18.8	Unlawful Extraditions and Illegal Renditions of Suspected Terrorists	840
18.9	The Challenges Arising from Terrorist Organisations such as ‘Daesh’	844
	Case Study 18.2: <i>Al-Rabiah v. USA</i>	846
	Interview 18.1: Legal Defender of Guantánamo Detainees (Clive Stafford Smith)	848
	Further Reading	849
19	Human Rights Obligations of Non-state Actors	851
19.1	Introduction	852
19.2	The Status of NSAs in Human Rights Law	852
19.3	Multinational Corporations in the Human Rights Architecture	857
	19.3.1 MNCs as Foreign Investors	857
	19.3.2 Human Rights and Foreign Direct Investment	860
	19.3.3 Emerging Human Rights Obligations of MNCs in Multilateral Treaties and Soft Law	865
	19.3.4 MNC Liability under Tort Law	869
	19.3.5 MNCs as Influencers and their Due Diligence Obligations	873
	19.3.6 Extra-territorial Legislation and Monitoring by MNC Home States	875
	Case Study 19.1: Unilateral Repudiation of Arbitral Awards Violating Constitutional Guarantees	877
19.4	Human Rights Obligations of International Organisations	879
	19.4.1 General Obligations	879
	Case Study 19.2: Non-consideration of Economic and Social Rights by the IMF in Tanzania	884
	19.4.2 International Organisations as Violators of Human Rights: The Need for Dual Attribution	884
	19.4.3 Abusive Actions of IGOs Impacting Human Rights	888
	Case Study 19.3: Complicity of States through/with IGOs	890
19.5	National Liberation Movements and Armed Rebel Groups	891
	19.5.1 ‘To Suffer thy Comrades’: Responding to Human Rights Abuses by NSAs in the Philippines	893

xx	Contents	
	Interview 19.1: Judge and Activist on Philippines' Armed Groups (Soliman M. Santos)	895
	Further Reading	899
20	Globalisation, International Trade and Human Rights	901
20.1	Introduction	901
20.2	The Origins and Nature of Globalisation	903
20.3	Does the Existing Model of Trade Liberalisation Promote Development and Alleviate Poverty?	906
	20.3.1 Towards an Enhanced Generalised System of Preferences in International Trade	911
	20.3.2 Human Rights Compliance in the New Generation of Free Trade Agreements	913
20.4	Liberalisation of Agriculture and Its Impact on Food Security	915
	Case Study 20.1: Liberalisation of Zambia's Maize Production	917
	Interview 20.1: The Director of Food First (Eric Holt-Giménez)	918
20.5	How Intellectual Property Rights Hinder Access to Essential Medicines for the Poorest	919
	Case Study 20.2: Biopiracy and the Mayocoba Bean	923
20.6	The <i>McLibel</i> Case: Sales Globalisation and Its Impact on Rights	923
	Further Reading	927
	Index	929

PREFACE

The authors commenced writing the first edition of this book in 2010, which was eventually published in 2013. Successive editions are a testament to how well it has been received in academic circles, by both students and practitioners. The success of an ongoing project, such as represented by this book, would not be possible with the constant, even if mostly remote, interaction between the authors, the book's audience and the publishers. As we enter the second decade and fourth edition of this book, the authors are mindful of the challenges, delights and burdens of managing a book of this nature. As human rights permeate throughout the world, an abridged version of this book will be published in Arabic through a collaboration between Cambridge University Press and Hamad bin Khalifa University (HBKU) Press. The authors would like to express their appreciation to HBKU Press for covering all costs related to translation and production.

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TABLE OF CASES

Arbitration Tribunals (Ad Hoc)

- Harry Roberts (USA) *v.* United Mexican States, General Claims Commission (Mexico and United States) (1926) 4 RIAA 77, 13
- Iron Rhine Arbitration (Belgium *v.* Netherlands) Award (PCA) (24 May 2005) 18 UNRIAA 35, 665
- Methanex Corp *v.* USA (UNCITRAL Rules) Merits (3 August 2005), 864
- Netherlands *v.* United States (Island of Palmas case) (1928) 2 UNRIAA 831, 507
- Philip Morris Asia Limited *v.* The Commonwealth of Australia, UNCITRAL, PCA Case No. 2012-12, Award (8 July 2017), 862
- Tinoco Arbitration (Great Britain *v.* Costa Rica) AJIL 18 (1923), 683-4
- USA-UK Cayuga Indians Arbitral Award (1926) 6 UNRIAA 173, 507

International Centre for the Settlement of Investment Disputes (ICSID)

- CMS Gas Transmission Company *v.* Argentine Republic (12 May 2005), 863
- Compania del Desarrollo de Santa Elena SA *v.* Costa Rica, Merits (17 February 2000), 862
- Continental Casualty Co *v.* Argentine Republic, Merits (15 September 2008), 680
- El Paso Energy International Company *v.* Argentine Republic, Merits (31 October 2011), 864
- LG & E *v.* Argentine Republic, Merits (3 October 2006), 680
- Mamidoil *v.* Albania, Merits (30 March 2015), 864
- Philip Morris Brands Sarl, Philip Morris Products S.A. and Abal Hermanos S.A. *v.* Oriental Republic of Uruguay, ICSID Case No. ARB/10/7, Award (8 July 2016), 862
- Phoenix Action Ltd *v.* The Czech Republic, ICSID Case No. ARB/06/5, Award (15 April 2009), 865
- Postova Banka AS and Istrokapital SE *v.* Greece, Merits (9 April 2015), 682, 864
- Saluka Investments BV *v.* Czech Republic, Partial Award on Merits (17 March 2006), 864
- Suez, Sociedad General de Aguas de Barcelona S.A. and Vivendi Universal SA *v.* Argentine Republic, ICSID Case No. ARB/03/19, Decision on Annulment (5 May 2017), 865
- Técnicas Medioambientales Tecmed SA *v.* Mexico, Merits (29 May 2003), 862

xxiii Table of Cases

Urbaser S.A. and Consorcio de Aguas Bilbao Bizkaia *v.* Argentine Republic Award (6 December 2016), 863, 865
 Wena Hotels Ltd *v.* Egypt, Annulment (5 February 2002), 859

Permanent Court of Arbitration (PCA)

Achmea BV *v.* Slovak Republic (UNCITRAL Rules) Award on Jurisdiction (20 May 2014), 680
 Hulley Enterprises Ltd (Cyprus) *v.* Russia, PCA Case AA 226 (18 July 2014), 714
 Iron Rhine Arbitration (Belgium *v.* Netherlands) Award, PCA Case 2003-02 (24 May 2005), 664–5
 Veteran Petroleum Ltd (Cyprus) *v.* Russia, PCA Case AA 228 (18 July 2014), 714
 Yukos Universal Ltd (Isle of Man) *v.* Russia, PCA Case AA 227 (18 July 2014), 714

International Courts, Tribunals and Treaty Bodies

African Commission on Human and People's Rights (ACmHPR)

Al-Asad, Mohammad Abdullah Saleh *v.* The Republic of Djibouti, Communication no. 383/10 (2014), 324, 336
 Amnesty International and Others *v.* Sudan, Communication nos. 48/90, 50/91, 52/91, 89/93 (1999), 121, 292, 393, 409
 Article 19 and Others *v.* Zimbabwe, Communication no. 305/05 (2010), 334
 Article 19 *v.* Eritrea, Communication no. 275/03 (2007), 82, 292, 318, 409
 Association of Victims of Post Electoral Violence and Interights *v.* Cameroon, Communication no. 272/03 (2009), 292, 293, 294
 Centre for Minority Rights Development (Kenya) and Minority Rights Group (on Behalf of Endorois Welfare Council) *v.* Kenya (Endorois case), Communication no. 276/03 (2009), 293, 506
 Chari, Givemore (represented by Gabriel Shumba) *v.* Republic of Zimbabwe, Communication no. 351/2007 (2012), 332
 Constitutional Rights Project *v.* Nigeria, Communication no. 60/91 (1995), 330
 Cudjoe, Alfred B. *v.* Ghana, Communication no. 221/98 (1999), 330
 Darfur Relief and Documentation Centre *v.* Republic of Sudan, Communication no. 310/05 (2009), 334
 Democratic Republic of Congo *v.* Burundi, Rwanda and Uganda, Communication no. 227/99 (2003), 292, 322, 700, 756
 Doebbler, Curtis Francis *v.* Sudan, Communication no. 236/2000 (2003), 385
 Egyptian Initiative for Personal Rights and Interights *v.* Arab Republic of Egypt, Communication no. 334/06 (2011), 67, 293, 294, 406
 El Sharkawi, Mohammed Abderrahim (represented by EIPR and OSJI) *v.* Republic of Egypt, Communication no. 396/11 (2020), 293, 384
 Elgak, Monim, Hummeida, Osman, and Amir Suliman (represented by FIDH and OMCT) *v.* Sudan, Communication no. 379/09 (2014), 122, 293, 332

xxiv Table of Cases

- Free Legal Assistance Group, Lawyers' Committee for Human Rights, Union Interafricaine des Droits de l'Homme, Les Témoins de Jehovah *v.* Democratic Republic of Congo, Communication nos.25/89-47/ 90-56/91-100/93 (1996), 291-2
- Genevieve, Mbiankeu *v.* Cameroon, Communication no. 389/10 (2015), 294, 332
- Groupe de Travail sur les Dossiers Judiciaires Stratégiques *v.* Democratic Republic of Congo, Communication no. 259/2002 (2013), 368
- Hadi Abdel, Radi Ali & Others *v.* Republic of Sudan, Communication no. 368/09 (2013), 293
- Hossam Ezzat & Rania Enayet (represented by Egyptian Initiative for Personal Rights & Interights) *v.* Arab Republic of Egypt, Communication no. 355/07 (2016), 294
- Ilesanmi *v.* Nigeria, Communication no. 268/03 (2005), 330
- Institute for Human Rights and Development in Africa and Others *v.* Democratic Republic of Congo, Communication no. 393/10 (2016), 861
- Institute for Human Rights and Development in Africa (on behalf of Esmaila Connateh and 13 Others) *v.* Angola, Communication no. 292/04 (2008), 292
- Institute for Human Rights and Development in Africa (on behalf of Sierra Leonean refugees in Guinea) *v.* Guinea, Communication no. 249/02 (2004), 292
- Interights, Institute for Human Rights and Development in Africa, and Association mauritanienne des droits de l'Homme *v.* Mauritania, Communication no. 242/01 (2004), 318
- Interights and Others (on behalf of Mariette Sonjaleen Bosch) *v.* Botswana, Communication no. 240/2001 (2003), 368
- International Pen and Others *v.* Nigeria, Communication nos. 137/94, 139/94, 154/96 and 161/97 (1998), 119, 292, 348, 369
- Jawara, Dawda *v.* The Gambia, Communication nos.147/95 -149/96 (2000), 329
- Kajikabi, George Iyanyori *v.* Arab Republic of Egypt, Communication no. 344/07 (2020), 293
- Katangese Peoples' Congress *v.* Zaire, Communication no. 75/92 (1995), 485
- Krishna Achuthan (on behalf of Aleke Banda), Amnesty International (on behalf of Orton and Vera Chirwa), Amnesty International (on behalf of Orton and Vera Chirwa) *v.* Malawi, Communication Nos. 64/92, 68/92, 78/92 (1995), 291
- Kwoyelo, Thomas *v.* Uganda, Communication no. 431/12 (2018), 292
- Majuru, Michael *v.* Zimbabwe, Communication no. 308/05 (2008), 334
- Malawi African Association, Amnesty International, Ms Sarr Diop, Union interafricaine des droits de l'Homme and RADDHO, Collectif des veuves et ayants-Droit, Association mauritanienne des droits de l'Homme *v.* Mauritania (ACmHPR) Communication Nos. 54/91-61/91, 96/93-98/93, 164/97-196/97, 210/98 (2000), 292
- Media Rights Agenda and Others *v.* Nigeria, Communication nos. 105/93, 128/94, 130/94, 152/96 (1998), 294

- Modise, John K. *v.* Botswana, Communication no. 97/93 (2000), 295
- Mouvement Burkinabé des Droits de l'Homme et des Peuples *v.* Burkina Faso, Communication no. 204/97 (2001), 292, 408
- Mouvement Ivoirien des Droits Humains (MIDH) *v.* Côte d'Ivoire, Communication no. 246/02 (2008), 292
- Nubian Community in Kenya, The *v.* Republic of Kenya, Communication no. 317/2006 (2015), 295
- Organisation Mondiale Contre la Torture, Association Internationale des Juristes Démocrates, Commission Internationale des Juristes (CIJ), Union Interafricaine des Droits de l'Homme *v.* Rwanda, Communication nos. 27/89–46/ 91–49/91–99/93 (1996), 291
- Prince, Garreth Anver *v.* South Africa, Communication no. 255/02 (2004), 294
- Purohit and Moore *v.* The Gambia, Communication no. 241/2001 (2003), 332
- Shumba, Gabriel *v.* Zimbabwe, Communication no. 288/2004 (2012), 293
- Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) *v.* Nigeria (Ogoniland case) Communication no. 155/96 (2001), 294, 318, 375, 467, 727, 874
- Spilg and Mack & Dithwanelo (on behalf of Lehlohonolo Bernard Kobedi) *v.* Botswana, Communication no. 277/2003 (2013), 318, 369
- Sudan Human Rights Organisation and Centre on Housing Rights and Evictions (COHRE) *v.* Sudan, Communication nos. 279/03–296/05 (2009), 154, 292, 293, 294, 331
- Tembani, Luke Munyandu and Freeth, Benjamin John (represented by Norman Tjombe) *v.* Angola and Thirteen Others, Communication no. 409/12 (2013), 319
- UN Declaration on Rights of Indigenous Peoples, Advisory Opinion no. 74/92 (2007), 505
- Union Interafricaine des Droits de l'Homme, Fédération Internationale des Ligues des Droits de l'Homme, RADDHO, Organisation Nationale des Droits de l'Homme au Sénégal and Association Malienne des Droits de l'Homme *v.* Angola, Communication no. 159/96 (1997), 292
- Zimbabwe Human Rights NGO Forum *v.* Zimbabwe, Communication no. 245/02 (2006), 292, 294, 372
- Zimbabwe Lawyers for Human Rights and Associated Newspapers of Zimbabwe *v.* Zimbabwe, Communication no. 284/03 (2009), 317
- Zitha, J. E. and P. J. L. Zitha *v.* Mozambique, Communication no. 361/08 (2011), 328

African Committee of Experts on the Rights and Welfare of the Child (ACtERWC)

- African Centre for Justice and Peace Studies (ACJPS) and People's Legal Aid Centre (PLACE) *v.* the Government of Republic of Sudan, Communication no. 005/Com/001/2015 (2018), 295

- Centre for Human Rights (University of Pretoria), The and La Rencontre Africaine Pour la Defense des Droits de l'Homme (Senegal) *v.* the Government of Senegal, Communication no. 003/Com/001/2012 (2014), 375, 586
- IHRDA and Open Society Justice Initiative (OSJI) (on behalf of children of Nubian descent in Kenya) *v.* the Government of Kenya, Communication no. 002/Com/002/2009 (2011), 295, 586
- Minority Rights Group International and SOS-Enclaves on Behalf of Said Ould Salem and Yarg Ould Salem *v.* Government of the Republic of Mauritania, Communication no. 007/Com/003/2015 (2017), 375

African Court on Human and Peoples' Rights (ACtHPR)

- Abubakari, Mohamed *v.* United Republic of Tanzania, App. no. 007/2013, Judgment (Merits) (3 June 2016), 298
- Actions pour la Protection des Droits de l'Homme (APDH) *v.* Republic of Côte d'Ivoire, App. no. 001/2014, Judgment (Merits) (18 November 2016), 299, 586
- African Commission on Human and Peoples' Rights *v.* Great Socialist People's Libyan Arab Jamahiriya, App. no. 004/2011, Order of provisional measures (25 March 2011), 299
- African Commission on Human and Peoples' Rights *v.* Libya, App. no. 002/2013, Judgment (Merits) (3 June 2016), 299
- African Commission on Human and Peoples' Rights *v.* Republic of Kenya, App. no. 006/2012, Judgment (Merits) (26 May 2017), 299
- African Commission on Human and Peoples' Rights *v.* Republic of Kenya, App. no. 006/2012, Judgment (Reparations) (23 June 2022), 342, 717
- Ajavon, Sebastien Germain *v.* Republic of Benin, App. no. 013/2017, Judgment (Merits) (29 March 2019), 330
- Association Pour le Progés et la Défense des Droits des Femmes Maliennes (APDF) and The Institute for Human Rights and Development in Africa (IHRDA) *v.* Republic of Mali, App. no 046/2016 Judgment (Merits and Reparations) (11 May 2018), 298
- Collectif des Anciens Travailleurs du Laboratoire ALS *v.* Republic of Mali, App. no. 042/2016, Ruling (Jurisdiction and Admissibility) (28 March 2019), 331
- Compatibility of Vagrancy Laws with the African Charter on Human and Peoples' Rights and other Human Rights Instruments applicable in Africa, Advisory Opinion, No. 001/2018 (4 December 2020), 299
- Falana, Femi *v.* The African Union (Dissenting Opinion – Sophia Akuffo, Bernard Ngoepe and Elsie Thompson), App. no. 001/2011, Judgment (Merits) (26 June 2012), 297, 319
- Gihana and Others *v.* Republic of Rwanda, App. no. 017/2015, Judgment (Merits and Reparations) (28 November 2019), 332
- Johnson, Dexter Eddie *v.* Republic of Ghana, App. no. 016/2017, Ruling (Jurisdiction and Admissibility) (28 March 2019), 334

xxvii Table of Cases

- Konaté, Lohé Issa *v.* Burkina Faso, App. no. 004/2013, Judgment (Merits) (5 December 2014), 298
- Mbozo'o Samuel, Efoua *v.* Pan African Parliament, App. no. 010/2011, Judgment (Merits) (30 September 2011), 319
- Penensis *v.* United Republic of Tanzania, App. no. 013/2015, Judgment (Merits and Reparations) (28 November 2019), 337
- Rajabu, Ally and Others *v.* United Republic of Tanzania, App. no. 007/2015, Judgment (Merits and Reparations) (28 November 2019), 298, 369
- Rashidi, Lucien Ikili *v.* United Republic of Tanzania, App. no. 009/2015, Judgment (Merits and Reparations) (28 March 2019), 298
- Request for an Advisory Opinion by Pan African Lawyers' Union and the Southern Africa Litigation Centre, Order no. 002/2012 (15 March 2013), 301
- Right to Participate in the Government of One's Country in the Context of an Election held during a Public Health Emergency or a Pandemic, such as the Covid-19 Crisis, Advisory Opinion on Request No. 001/2020 by Pan African Lawyers' Union (PALU) (16 July 2021), 299
- Tanganyika Law Society and Legal and Human Rights Centre *v.* United Republic of Tanzania, App. no. 009/2011, Judgment (Merits) (14 June 2013), 289
- Thomas, Alex *v.* United Republic of Tanzania, App. no. 005/2013, Judgment (Merits) (20 November 2015), 330
- Umuhiza, Ingabire Victoire *v.* United Republic of Rwanda, App. no. 003/2014, Judgment (Merits) (24 November 2017), 298
- Woyome, Alfred Agbesi *v.* Republic of Ghana, App. no. 001/2017, Judgment (Merits and Reparations) (28 June 2019), 330
- Yogogombaye, Michelot *v.* The Republic of Senegal, App. no. 01/2008, Judgment (Merits) (15 December 2009), 298, 355
- Zongo, Norbert, Beneficiaries of Late, and Others *v.* Burkina Faso, App. no. 013/2011, Judgment (Merits) (28 March 2014), 298, 331
- Zongo, Norbert, Beneficiaries of Late, and Others *v.* Burkina Faso, App. no. 013/2011, Judgment (Reparations) (5 June 2015), 299, 342, 698

Caribbean Court of Justice (CCJ)

- BCB Holdings Ltd and Belize Bank Ltd *v.* Attorney-General of Belize [2013] CCJ 5 (AJ), 681, 878

Committee against Torture (CtAT)

- A. H. *v.* Sweden, Communication no. 265/2005 (16 November 2006), 330
- A. N. *v.* Switzerland, Communication no. 742/2016 (3 August 2018), 229
- A *v.* Bosnia and Herzegovina, Communication no. 854/2017 (2 August 2019), 230, 382
- Aarrass *v.* Morocco, Communication no. 817/2017 (25 November 2019), 230
- Agiza *v.* Sweden, Communication no. 233/2003 (20 May 2005), 229, 231–2, 841

xxviii Table of Cases

- Attia v. Sweden*, Communication no. 199/2002 (17 November 2003), 229
Bairamov v. Kazakhstan, Communication no. 497/2012 (14 May 2014), 230
Barry v. Morocco, Communication no. 372/2009 (19 May 2014), 230
Bendib v. Algeria, Communication no. 376/2009 (8 November 2013), 230
Bouabdallah Ltaief v. Tunisia, Communication no. 189/2001 (14 November 2003), 230
Dimitrijevic v. Serbia and Montenegro, Communication no. 207/2002 (24 November 2004), 230
Dzemajl, Hajrizi and Others v. Yugoslavia, Communication no. 161/2000 (21 November 2002), 230, 382
E. L. G. v. Spain, Communication no. 818/2017 (26 November 2019), 230
Elmi v. Australia, Communication no. 120/1998 (14 May 1999), 230, 382
Evloev v. Kazakhstan, Communication no. 441/2010 (5 November 2013), 230
Guridi v. Spain, Communication no. 212/2002 (17 May 2005), 230, 387, 698
H. M. H. I. v. Australia, Communication no. 177/2001 (1 May 2002), 855
Hajrizi Dzemajl and Others v. Yugoslavia Communication no. 161/2000 (2 December 2002), 230, 381, 382
Hanafi v. Algeria, Communication no. 341/2008 (3 June 2011), 230
Keremedchiev v. Bulgaria, Communication no. 257/2004 (11 November 2008), 230
Larez v. Venezuela, Communication no. 456/2011 (15 May 2015), 230, 372
Ndagijimana v. Burundi, Communication no. 496/2012 (30 November 2017), 230, 725
Nikolic and Nikolic v. Serbia and Montenegro, Communication no. 174/2000 (24 November 2005), 230
Niyonzima v. Burundi, Communication no. 514/2012 (13 January 2015), 335
Njamba and Balikosa v. Sweden, Communication no. 322/2007 (14 May 2010), 337
Osmani v. Serbia, Communication no. 261/2005 (8 May 2009), 230
P. K. and Others v. Spain, Communication no. 323/2007 (11 November 2008), 317, 324
Sonko v. Spain, Communication no. 368/2008 (25 November 2011), 230
Suleymane Guengueng and Others v. Senegal, Communication no. 181/2001 (17 May 2006), 231, 355
Vogel v. New Zealand, Communication no. 672/2015 (14 November 2017), 230
Zentveld v. New Zealand, Communication no. 852/2017 (4 December 2019), 230

Committee on Economic, Social and Cultural Rights (CESCR)

- Calero v. Ecuador*, Communication no. 10/2015 (26 March 2018), 239, 328
El Ayoubi and El Azouan Azouz v. Spain, Communication no. 54/2018 (19 February 2021), 239
I. D. G. v. Spain, Communication no. 2/2014 (17 June 2015), 866
S. C. and G. P. v. Italy, Communication no. 22/2017 (7 March 2019), 239
Sierra and Others v. Spain, Communication no. 4/2014 (29 September 2016), 335
Walters v. Belgium, Communication no. 61/2018 (12 October 2021), 239

Committee on Enforced Disappearances (CED)

- E. L. A. *v.* France, Communication no. 3/2019 (25 September 2020), 239
 Yrusta and Yrusta *v.* Argentina, Communication no. 1/2013 (11 March 2016),
 239

Committee on the Elimination of Discrimination against Women (CtEDAW)

- A. T. *v.* Hungary, Communication no. 2/2003 (26 January 2005), 232, 538–9
 Abaida *v.* Libya, Communication no. 130/2018 (18 February 2021), 234, 533
 Abramova *v.* Belarus, Communication no. 23/2009 (25 July 2011), 234
 Belousova *v.* Kazakhstan, Communication no. 45/2012 (13 July 2015), 233
 De Blok *v.* The Netherlands, Communication no. 36/2012 (17 February 2014),
 233
 E. S. and S. C. *v.* United Republic of Tanzania, Communication no. 48/2013 (2
 March 2015), 233
 Flamer-Caldera *v.* Sri Lanka, Communication no. 134/2018 (21 February 2022),
 234
 Goekce *v.* Austria, Communication no. 5/2005 (6 August 2007), 232
 González Carreno *v.* Spain, Communication no. 47/2012 (16 July 2014), 232,
 340
 J. I. *v.* Finland, Communication no. 103/2016 (5 March 2018), 233
 Jallow *v.* Bulgaria, Communication no. 32/2011 (23 July 2012), 232
 Kell *v.* Canada, Communication no. 19/2008 (28 February 2012), 233
 L. A. and Others *v.* North Macedonia, Communication no. 110/2016 (24 February
 2020), 233
 L. C. *v.* Peru, Communication no. 22/2009 (17 October 2011), 233
 M. W. *v.* Denmark, Communication no. 46/2012 (22 February 2016), 233
 O. M. *v.* Ukraine, Communication no. 87/2015 (19 July 2019), 232, 711
 R. B. P. *v.* Philippines, Communication 34/2011 (21 February 2014), 539
 R. K. B. *v.* Turkey, Communication no. 28/2010 (24 February 2012), 233
 Reyes and Morales *v.* Mexico, Communication no. 75/2014 (21 July 2017),
 233
 S. F. M. *v.* Spain, Communication no. 138/2018 (28 February 2020), 233
 S. N. and E. R. *v.* North Macedonia, Communication no. 107/2016 (24 February
 2020), 233
 S. V. P. *v.* Bulgaria, Communication no. 31/2011 (12 October 2012), 233
 Teixeira *v.* Brazil, Communication no. 17/2008 (25 July 2011), 233
 V. K. *v.* Bulgaria, Communication no. 20/2008 (25 July 2011), 232
 Vertido *v.* The Philippines, Communication no. 18/2008 (16 July 2010), 234–5,
 539
 X and Y *v.* Georgia, Communication no. 24/2009 (13 July 2015), 233
 X. *v.* Timor Leste, Communication no. 88/2015 (26 February 2018), 233
 Yildirim *v.* Austria, Communication no. 6/2005 (6 August 2007), 232

Committee on the Elimination of Racial Discrimination (CERD)

- Adan v. Denmark*, Communication no. 43/2008 (14 August 2010), 227
Ågren and Others v. Sweden, Communication no. 54/2013 (18 November 2020),
 227
Ahmad v. Denmark, Communication no. 16/1999 (13 March 2000), 227
Dawas and Shava v. Denmark, Communication no. 46/2009 (6 March 2012), 227
Durmic v. Serbia and Montenegro, Communication no. 29/2003 (6 March 2006),
 228–9
Gabaroum v. France, Communication no. 52/2012 (10 May 2016), 228
Gelle v. Denmark, Communication no. 34/2004 (6 March 2006), 227
Hagan v. Australia, Communication no. 26/2002 (20 March 2003), 227
Jewish Community of Oslo v. Norway, Communication no. 30/2003 (15 August
 2005), 227
Koptova v. Slovak Republic, Communication no. 13/1998 (8 August 2000), 228
L. G. v. Republic of Korea, Communication no. 51/2012 (1 May 2015), 227
L. K. v. Netherlands, Communication no. 4/1991 (16 March 1993), 227
L. R. and Others v. Slovak Republic (Dobsina) Communication no. 31/2003 (7
 March 2005), 228
P. S. N. v. Denmark, Communication no. 36/2006 (8 August 2007), 418
Qatar v. Kingdom of Saudi Arabia (Admissibility), UN Doc. CERD/C/99/6 (27
 August 2019), 220
Qatar v. Kingdom of Saudi Arabia (Jurisdiction), UN Doc. CERD/C/99/5 (27
 August 2019), 220
Qatar v. United Arab Emirates (Admissibility), UN Doc. CERD/C/99/4 (27 August
 2019), 220
Qatar v. United Arab Emirates (Jurisdiction), UN Doc. CERD/C/99/3 (27 August
 2019), 220
State of Palestine v. Israel (Admissibility), UN Doc. CERD/C/103/4 (30 April
 2021), 220
State of Palestine v. Israel (Jurisdiction), UN Doc. CERD/C/100/5 (12 December
 2019), 220
TBB – Turkish Union in Berlin/Brandenburg v. Germany, Communication no.
 48/2003 (26 February 2013), 227
V. S. v. Slovakia, Communication no. 56/2014 (4 December 2015), 228
Zapescu v. Republic of Moldova, Communication no. 60/2016 (22 April 2021),
 228

Committee on the Rights of Persons with Disabilities (CtRPD)

- Al Adam v. Saudi Arabia*, Communication no. 38/2016 (20 September 2018), 237
Beasley v. Australia, Communication no. 11/2013 (1 April 2016), 236
Bujdosó and Five Others v. Hungary, Communication no. 4/2011 (16 October
 2013), 237

xxxi Table of Cases

- Given *v.* Australia, Communication no. 19/2014 (16 February 2018), 237
 Gröninger, Liliane and Others *v.* Germany, Communication no. 2/2010 (7 July 2014), 237
 H. M. *v.* Sweden, Communication no. 3/2011 (19 April 2012), 236
 J. H. *v.* Australia, Communication no. 35/2016 (31 August 2018), 236
 Jungelin *v.* Sweden, Communication no. 5/2011 (14 November 2014), 237
 Makarova *v.* Lithuania, Communication no. 30/2015 (18 August 2017), 236
 Noble *v.* Australia, Communication no. 7/2012 (2 September 2016), 237
 Nyusti and Takács *v.* Hungary, Communication no. 1/2010 (21 June 2013), 237–9
 S. C. *v.* Brazil, Communication no. 10/2013 (28 October 2014), 237
 X. *v.* Argentina, Communication no. 8/2012 (18 June 2014), 236
 X. *v.* United Republic of Tanzania, Communication no. 22/2014 (18 August 2017), 237
 Y. *v.* United Republic of Tanzania, Communication no. 23/2014 (31 August 2018), 237

Committee on the Rights of the Child

- F. B. and Others and D. A. and Others *v.* France, Communications Nos. 77/2019, 79/2019 and 109/201 (8 February 2022), 240
 G. R. and Others *v.* Switzerland, Communication no. 86/2019 (31 May 2021), 240
 H. M. *v.* Spain, Communication no. 115/2020 (31 May 2021), 240
 P. N., K. K. and O. M. *v.* Finland, Communication No. 100/2019 (12 September 2022), 240
 R. Y. S. *v.* Spain, Communication no. 76/2019 (4 February 2021), 240
 W. M. C. *v.* Denmark, Communication no. 31/2017 (28 September 2020), 240
 Y. B. and N. S. *v.* Belgium, Communication no. 12/2017 (27 September 2018), 240, 563, 565, 568

East African Court of Justice

- Katabazi and 21 Others *v.* Secretary General of the East African Community and Another (no. 1 of 2007) [2007] EACJ 3, Judgment of 1 November 2007, 300

ECOWAS Community Court of Justice

- Breivogel, Rose & Anor *v.* Nigeria, ECW/CCJ/JUD/05/22 (21 March 2022), 300
 Federation of African Journalists and Others *v.* The Republic of the Gambia, ECW/CCJ/JUD/04/18 (13 February 2018), 300
 Habré, Hissene *v.* Republic of Senegal, ECW/CCJ/JUD/06/10 (18 November 2010), 355
 Koraou, Hadijatou Mani *v.* Niger, ECW/CCJ/JUD/06/08 (27 October 2008), 66, 300, 719, 733

xxxii Table of Cases

- Manneh, Chief Ebrimah *v.* The Republic of the Gambia, ECW/CCJ/JUD/03/08 (5 June 2008), 300, 719
 Saidykhan, Musa *v.* The Republic of the Gambia, ECW/CCJ/JUD/08/10 (16 December 2010), 300
 Social and Economic Rights Action Center (SERAC) *v.* Federal Republic of Nigeria and Universal Basic Education Commission, ECW/CCJ/APP/07/10 (6 December 2010), 464

European Commission and Court of Human Rights (ECtHR)

- A, B and C *v.* Ireland [GC] [2010] ECHR 25579/05, 534–5
 A. and Others *v.* United Kingdom [GC] (2009) 49 EHRR 29, 83, 257, 396, 397, 830, 839–40
 A. M. *v.* France, App No 12148/18 (29 April 2019), 841
 A. S. *v.* France, App. No. 46240/15 (19 April 2018), 842
 A. *v.* United Kingdom App. no. no. 25599/94 (27 October 1997) ([1998] 2 FLR 959), 819
 Abdulkhanov and Others *v.* Russia, App. no. 22782/06 (3 October 2013), 756
 Abu Zubaydah *v.* Lithuania, App. No. 46454/11 (31 May 2018), 376, 844
 Advisory Opinion concerning the recognition in domestic law of a legal parent–child relationship between a child born through a gestational surrogacy arrangement abroad and the intended mother, requested by the French Court of Cassation (Request no. P16-2018-001) [GC] (10 April 2019), 252
 Advisory Opinion concerning the use of the “blanket reference” or “legislation by reference” technique in the definition of an offence and the standards of comparison between the criminal law in force at the time of the commission of the offence and the amended criminal law, requested by the Armenian Constitutional Court (Request no. P16-2019-001) [GC] (29 May 2020), 253
 Advisory Opinion on Certain legal questions concerning the lists of candidates submitted with a view to the election of judges to the European Court of Human Rights (Request no. A47-2008-001) [GC] (12 February 2008), 252
 Advisory Opinion on Certain legal questions concerning the lists of candidates submitted with a view to the election of judges to the European Court of Human Rights (No. 2) (Request no. A47-2010-001) [GC] (22 January 2010), 252
 Advisory Opinion on the applicability of statutes of limitation to prosecution, conviction and punishment in respect of an offence constituting, in substance, an act of torture, requested by the Armenian Court of Cassation (Request no. P16-2021-001) [GC] (26 April 2022), 253, 404
 Advisory Opinion on the assessment, under Article 3 of Protocol No. 1 to the Convention, of the proportionality of a general prohibition on standing for election after removal from office in impeachment proceedings, requested by the Lithuanian Supreme Administrative Court (Request no.-002) [GC] (8 April 2022), 253

- Advisory Opinion on the difference in treatment between landowners' associations "having a recognised existence on the date of the creation of an approved municipal hunters' association" and landowners' associations set up after that date, requested by the French Conseil d'État (Request no. P16-2021-002) [GC] (13 July 2022), 253
- Ahmed *v.* Austria (1997) 24 EHRR 278, 855
- Akayeva *v.* Russia, App. no. 57945/00 (24 February 2005), 265
- Akdivar and Others *v.* Turkey (1997) 23 EHRR 143, 330, 331
- Akhmadov *v.* Russia, App. no. 21586/02 (14 November 2008), 757
- Akkum and Others *v.* Turkey (2006) 43 EHRR 26, 337
- Aksoy *v.* Turkey (1996) 23 EHRR 553, 82, 246, 317, 371, 615, 732, 741, 83, 254, 336, 395, 710, 829, 830, 839
- Aksu *v.* Turkey [GC], App. nos. 4149/04 and 41029/04 (15 March 2012), 316
- Aktaş *v.* Turkey, App. no. 00024351/94 (24 April 2003), 265
- Al Nashiri *v.* Poland, App. no. 28761/11 (24 July 2014), 376, 409, 839
- Al Nashiri *v.* Romania, App. no. 33234/12 (31 May 2018), 254, 376
- Al-Adsani *v.* United Kingdom [GC] (2001) 34 EHRR 273, 72, 403, 890
- Albekov and Others *v.* Russia [2008] ECHR 1029, 370
- Al-Dulimi and Montana Management Inc. *v.* Switzerland [GC], App. no. 5809/08 (21 June 2016), 255, 320, 321
- Al-Jedda *v.* United Kingdom [GC] (2011) 53 EHRR 23, 190, 254, 261, 320
- Al-Saadoon and Mufdhi *v.* United Kingdom (2010) 51 EHRR 9, 323, 349, 368, 369, 370, 769
- Al-Skeini and Others *v.* United Kingdom [GC] (2011) 53 EHRR 18, 254, 261, 323, 324, 325–6, 487, 628, 763, 769
- Amuur *v.* France (1996) 22 EHRR 533, 316
- Ananyev and Others *v.* Russia [2012] ECHR 21, 266, 384
- Anguelova *v.* Bulgaria (2002) 38 EHRR 659, 254, 372
- Armani da Silva *v.* United Kingdom [GC], App. no. 5878/08 (30 March 2016), 366
- Aslakhanova and Others *v.* Russia, App. nos. 2944/06 and 8300/07, 50184/07, 332/08, 42509/10 (18 December 2012), 341, 409
- Assanidze *v.* Georgia [GC] (2004) 39 EHRR 653, 326, 341, 716
- Aswat *v.* United Kingdom, App. no. 62176/14 (6 January 2015), 842
- Austin and Others *v.* United Kingdom [GC], App. nos. 39692/09, 40713/09 and 41008/09 (15 March 2012), 393
- Aydin *v.* Turkey [GC] (1997) 25 EHRR 251, 254, 259, 537
- Babar Ahmad and Others *v.* United Kingdom, App. nos. 24027/07, 11949/08, 36742/08, 66911/09 and 67354/09 (10 April 2012), 254, 385, 827
- Banković and Others *v.* Belgium and Others (2001) 11 BHRC 435, 259, 324, 325, 327, 771
- Bartolo *v.* Malta, App. no. 40761/19 (7 October 2021), 336
- Bazayeva *v.* Russia (2005) 41 EHRR 39, 265, 756, 757
- Beer and Regan *v.* Germany [GC] [1999] ECHR 6, 890

xxxiv Table of Cases

- Behrami and Behrami *v.* France, and Saramati *v.* France, Germany and Norway (2007) EHRR SE85, 260, 320
- Belgian Linguistic case no. (2) (1968) 1 EHRR 252, 503
- Belilos *v.* Switzerland (1988) 10 EHRR 466, 60
- Benzer and Others *v.* Turkey, App. no. 23502/06 (12 November 2013), 756
- Berasategi *v.* France and Others, App. No. 29095/09 (26 January 2012), 838
- Beuze *v.* Belgium, App. no. 71409/10 (9 November 2018), 396
- Big Brother Watch and Others *v.* United Kingdom [GC], App. nos. 58170/13, 62322/14 and 24960/15 (25 May 2021), 255
- Blečić *v.* Croatia [GC] (2006) 43 EHRR 48, 327
- Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Sirketi *v.* Ireland [GC] (2006) 42 EHRR 1, 274, 320, 321
- Bottazzi *v.* Italy [GC] [1999] ECHR 62, 254
- Bouyid *v.* Belgium [GC], App. no. 23380/09 (28 September 2015), 254, 338, 383
- Brannigan and McBride *v.* United Kingdom (1993) 17 EHRR 539, 83, 395
- Brincat and Others *v.* Malta, App. nos. 60908/11, 62110/11, 62129/11, 62312/11 and 62338/11 (24 July 2014), 363
- Brogan and Others *v.* United Kingdom (1988) 11 EHRR 117, 395, 830, 839
- Broniowski *v.* Poland (2005) 40 EHRR 21, 254, 255
- Broniowski *v.* Poland (2006) [GC] 43 EHRR 1, 254, 350, 717
- Brumărescu *v.* Romania [GC] (2001) 33 EHRR 35, 717
- Bulgarian Helsinki Committee *v.* Bulgaria, App. nos. 35653/12 and 66172/12 (28 June 2016), 318
- Burdov (No. 2) *v.* Russia (2009) 49 EHRR 2, 266
- Butkevich *v.* Russia, App. no. 5865/07 (13 February 2018), 254
- Çakici *v.* Turkey [GC] [1999] ECHR 43, 409
- Calvelli and Ciglio *v.* Italy [GC] [2002] ECHR 3, 371
- Capital Bank AD *v.* Bulgaria (2005) 44 EHRR 48, 434, 680, 888
- Carter *v.* Russia, App No 20914/07 (21 September 2021), 265, 323, 833
- Centre for Legal Resources on behalf of Valentin Câmpeanu *v.* Romania [GC], App. no. 47848/08 (17 July 2014), 254, 318
- Cestaro *v.* Italy, App. no. 6884/11 (7 April 2015), 383
- Chahal *v.* United Kingdom [GC] (1996) 23 EHRR 413, 254, 830, 841
- Chapman *v.* United Kingdom [GC] (2001) 33 EHRR 399, 472
- Chbihi Loudoudi *v.* Belgium [2014] ECHR 1393, 563
- Competence of the court to give an advisory opinion [GC] (2004) 39 EHRR 9, 252
- Coster *v.* United Kingdom [GC] (2001) 33 EHRR 20, 338, 503
- Cruz Varas and Others *v.* Sweden (1991) 14 EHRR 1, 348
- Cyprus *v.* Turkey [GC] (2002) 35 EHRR 30, 375, 767, 773
- Cyprus *v.* Turkey [GC], App. no. 25781/94 (Just Satisfaction) (12 May 2014), 252, 700, 718
- D. H. and Others *v.* Czech Republic [GC] (2008) 47 EHRR 3, 255, 465, 472, 500, 586

- Da Silva, Armani *v.* United Kingdom [GC], App. no. 5878/08 (28 September 2010), 366
- Dalia *v.* France (2001) 33 EHRR 26, 332
- Dareskizb Ltd *v.* Armenia, App. no. 61737/08 (21 September 2021), 82, 257
- De Wilde, Ooms and Versyp *v.* Belgium (1971) 1 EHRR 373, 394
- Deés *v.* Hungary [2010] ECHR 1772, 255
- Del Rio Prada *v.* Spain [GC], App. no. 42750/09 (21 October 2013), 825
- Demir and Others *v.* Turkey (1998) 33 EHRR 43, 257
- Denmark *v.* Turkey (2000) 29 EHRR 36, 252
- Doorson *v.* Netherlands (1996) 22 EHRR 330, 405
- Dubetska and Others *v.* Ukraine [2011] ECHR 256, 255
- Dudgeon *v.* United Kingdom (1982) 4 EHRR 149, 256
- Dulaş *v.* Turkey [2001] ECHR 60, 384
- Edwards, Paula and Audrey *v.* United Kingdom (2002) 35 EHRR 19, 373
- El Haski *v.* Belgium, App. no. 649/08 (25 September 2012), 830
- El-Masri *v.* The Former Yugoslav Republic of Macedonia [GC], App. no. 39630/09 (13 December 2012), 254, 409, 724, 839
- Engels and Others *v.* Netherlands (1976) 1 EHRR 647, 254
- Enhorn *v.* Sweden (2005) 41 EHRR 1267, 394
- Epözdemir *v.* Turkey, App. no. 57039/00 (31 January 2002), 332
- Ergi *v.* Turkey (2001) 32 EHRR 18, 757
- Esmukhambetov *v.* Russia, App. no. 23445/03 (29 March 2011), 756
- Extebarria Caballero *v.* Spain, App. no. 74016/12 (7 October 2014), 823
- F. H. *v.* Greece, App. no. 78456/11 (31 July 2014), 633
- Fadeyeva *v.* Russia, App. No. 55723/00 (9 June 2005), 265
- Ferrazzini *v.* Italy [GC] (2002) 34 EHRR 45, 322
- Finogenov and Others *v.* Russia, App. no. 18299/03 (20 December 2011), 820–2
- Fox, Campbell and Hartley *v.* United Kingdom (1990) 13 EHRR 157, 394
- G. B. *v.* Bulgaria [2004] ECHR 112, 385
- Göçmen *v.* Turkey, App. no. 72000/01 (17 October 2006), 844
- Gäfgen *v.* Germany [GC] (2010) 52 EHRR 1, 248, 259, 379–80, 387
- Georgia *v.* Russia (I) [GC] App. no. 13255/07 (Just Satisfaction) (31 January 2019), 341, 700
- Georgia *v.* Russia (I) [GC] App. no. 13255/07 (Merits) (3 July 2014), 252, 331
- Georgia *v.* Russia (II) [GC], App. No. 38263/08 (Merits) (21 January 2021), 252, 254, 261, 324, 771–2
- Gnahoré *v.* France (2000) 34 EHRR 38, 564
- Golder *v.* United Kingdom (1975) 1 EHRR 524, 255, 403
- Gongadze *v.* Ukraine (2005) 43 EHRR 967, 372
- Goodwin *v.* United Kingdom [GC] (2002) 35 EHRR 18, 255
- Gozelik and Others *v.* Poland [GC] (2005) 40 EHRR 4, 472
- Greek case (ECmHR), App. nos. 3321/67, Denmark *v.* Greece; 3322/67, Norway *v.* Greece; 3323/67, Sweden *v.* Greece; 3324/67, Netherlands *v.* Greece (1969), 251

- Greens and M. T. *v.* United Kingdom, App nos. 60041/08 and 60054/08 (23 November 2010), 255
- Grubnyk *v.* Ukraine, App no. 58444/15 (17 September 2020), 839
- Guerra and Others *v.* Italy [GC] (1998) 26 EHRR 357, 255
- Guleç *v.* Turkey [1999] 28 ECHR 121, 364
- Güler and Öngel *v.* Turkey [2011] ECHR 1513, 384
- Gündem, Özgür *v.* Turkey, App. no. 00023144/93 (16 March 2000), 265
- Gusinskiy *v.* Russia (2005) 41 EHRR 17, 393
- Güzelyurtlu and Others *v.* Cyprus and Turkey [GC], App. no. 36925/07 (29 January 2019), 324
- Guzzardi *v.* Italy (1980) 3 EHRR 333, 393
- H. L. R. *v.* France [GC] (1998) 26 EHRR 29, 855
- H. R. *v.* France, App. no. 64780/09 (22 September 2011), 841
- Hachette Filippachi Associés *v.* France (2009) 49 EHRR 23, 827
- Hamiyet Kaplan *v.* Turkey, App. no. 36749/97 (13 September 2005), 757
- Hanan *v.* Germany [GC], App no. 4871/16 (16 February 2021), 324
- Handyside *v.* United Kingdom (1976) 1 EHRR 737, 257
- Hashman and Harrup *v.* United Kingdom [GC] (2000) 30 EHRR 241, 825
- Hassan *v.* United Kingdom [GC], App. no. 29750/09 (16 September 2014), 259, 323, 394, 757, 768
- Hatton and Others *v.* United Kingdom [GC] (2003) 37 EHRR 28, 255
- Herri Batasuna and Batasuna *v.* Spain, App. no. 25803/03 and 25817/04 (30 June 2009), 827
- Hirst *v.* United Kingdom (No.2) [GC] (2006) 42 EHRR 41, 255, 259, 266, 268
- Hoffmann *v.* Austria (1993) 17 EHRR 293, 564, 574
- Hutchinson *v.* United Kingdom [GC], App. no. 57592/08 (17 January 2017), 385
- Hutten-Czapska *v.* Poland [GC] (2007) 45 EHRR 4, 328
- I. B. *v.* Greece [2013] ECHR 283, 613
- Ibrahim and Others *v.* United Kingdom, App. nos. 50541/08, 50571/08, 50573/08 and 40351/09 (16 December 2014), 396, 838
- Ibrahim and Others *v.* United Kingdom [GC] (2016) ECHR 750, 259, 396, 838
- Identoba and Others *v.* Georgia, App. no. 73235/12 (12 May 2015), 255
- Ilaşcu and Others *v.* Moldova and Russia, App. no. 48787/99 8 July 2004, 326, 341
- Ilaşcu and Others *v.* Moldova and Russia [GC] (2005) 40 EHRR 46, 772
- İlgar Mammadov *v.* Azerbaijan [GC], App. no. 15172/13 (29 May 2019), 344
- İnseher *v.* Germany [GC], App. nos. 10211/12 and 27505/14 (4 December 2018), 397
- İpek *v.* Turkey, App. no. 25760/94 (17 February 2004), 265
- Ireland *v.* United Kingdom (1978) 2 EHRR 25, 252, 253, 338, 381, 383
- Ireland *v.* United Kingdom, App. no. 5310/71 Judgment (Revision) (20 March 2018), 383
- Isayeva and Others *v.* Russia (2005) 41 EHRR 38, 265, 322, 756
- Ismoilov *v.* Russia and Others, App. No. 2947/06 (24 April 2008), 842

xxxvii Table of Cases

- Issa and Others *v.* Turkey (2005) 41 EHRR 27, 324, 773
 Jalloh *v.* Germany [GC] (2007) 44 EHRR 32, 383
 Jaloud *v.* The Netherlands [GC], App. no. 47708/08 (20 November 2014), 324
 Jamaa, Hirsi and Others *v.* Italy [GC], App. no. 27765/09 (23 February 2012),
 254, 324, 628
 Janowiec and Others *v.* Russia, App. Nos. 55508/07 and 29520/09 (16 April
 2012), 328
 Janowiec and Others *v.* Russia [GC], App. nos. 55508/07 and 29520/09 (21
 October 2013), 327, 328, 329
 Jones and Others *v.* United Kingdom, App. Nos. 34356/06 and 40528/06 (14
 January 2014), 72, 702
 Jordan, Hugh *v.* United Kingdom (2001) 37 EHRR 52, 374
 Jorgić *v.* Germany (2008) 47 EHRR 6, 804
 Jugheli and Others *v.* Georgia, App. no. 38342/05 (13 July 2017), 255
 K. I. *v.* France, ECtHR App No 5560/19 (15 April 2021), 841
 K. R. S. *v.* UK (Admissibility) (2009) 48 EHRR 8, 633
 Kafkaris *v.* Cyprus [GC] (2009) 49 EHRR 35, 385
 Kalashnikov *v.* Russia (2003) 36 EHRR 34, 266
 Kapa and Others *v.* Poland, App. no. 75031/13 and 3 Others (14 October 2021),
 255
 Kelly and Others *v.* United Kingdom [2001] ECHR 328, 254
 Kelly *v.* United Kingdom (1993) 16 EHRR 20, 832–3
 Khan *v.* France, App. no. 12267/16 (28 February 2019), 595
 Khashiyev *v.* Russia, App. no. 57942/00 (24 February 2005), 265
 Kiliç *v.* Turkey (2000) 33 EHRR 58, 819
 Klass and Others *v.* Germany (1978) 2 EHRR 214, 316, 317
 Klein *v.* Slovakia [2006] ECHR 909, 258
 Kokkinakis *v.* Greece (1994) 17 EHRR 397, 824, 825
 König *v.* Germany (1978) 2 EHRR, 254, 256
 Kononov *v.* Latvia [GC] [2010] ECHR 667, 260, 404
 Kotilainen and Others *v.* Finland, App. no. 62439/12 (17 September 2020), 254
 Kozlova and Smirnova *v.* Latvia, App. no. 57381/00, Decision of 23 October
 2001, 322
 Kudla *v.* Poland [GC] (2000) 35 EHRR 198, 261, 329
 Kurt and Others *v.* Turkey (2007) 44 EHRR 36, 338
 Kurt *v.* Austria [GC], App. no. 62903/15 (15 June 2021), 372
 Kurt *v.* Turkey (1999) 27 EHRR 373, 318, 408, 409
 Lambert and Others *v.* France [GC], App. no. 46043/14 (5 June 2015), 370
 Lautsi and Others *v.* Italy [GC] [2011] ECHR 2412, 258, 259
 Lavida and Others *v.* Greece, App. no. 7973/10 (28 May 2013), 500
 Lawless *v.* Ireland (No. 1) [1960] ECHR 1, 253
 Lawless *v.* Ireland (No. 3) (1961) 1 EHRR 15, 82, 394, 397, 829
 Leander *v.* Sweden (1987) 9 EHRR 433, 338
 Lingens *v.* Austria (1986) 8 EHRR 103, 257

xxxviii Table of Cases

- Litwa, Witold *v.* Poland (2000) 33 EHRR 1267, 394
 Loizidou *v.* Turkey [GC] (1995) 20 EHRR 99, 60, 256, 324, 889
 Loizidou *v.* Turkey [GC] (1997) 23 EHRR 513, 328, 487, 767, 770–1
 M. A. *v.* France, App. no. 9373 (1 February 2018), 841
 M. and C. *v.* Romania, App. no. 29032/04 (27 September 2011), 254
 M. C. *v.* Bulgaria (2005) 40 EHRR 20, 80, 235, 254, 257, 539
 M. N. and Others *v.* Belgium [GC], App. no. 3599/18 (5 May 2020), 323, 627
 M. S. S. *v.* Belgium and Greece [GC] [2011] 53 EHRR 2, 254, 384, 595, 633
 Magnitskiy and Others *v.* Russia, App. no. 32631/09 and 53799/12 (27 August 2019), 119, 318
 Magyar Helsinki Bizottság *v.* Hungary [GC], App. No. 18030/11 (8 November 2016), 255, 416
 Magyar Jeti Zrt *v.* Hungary, App. no. 11257/16 (4 December 2018), 255
 Maktouf and Damjanovic *v.* Bosnia and Herzegovina [GC], App. nos. 2312/08 and 34179/08 (18 July 2013), 404
 Mamatkulov and Askarov *v.* Turkey [GC] (2005) 41 EHRR 25, 348, 349
 Marckx *v.* Belgium (1979) 2 EHRR 330, 256, 261
 Marguš *v.* Croatia [GC], App. no. 4455/10 (27 May 2014), 373
 Mathieu-Mohin and Clerfayt *v.* Belgium (1987) 10 EHRR 1, 501
 Maumousseau and Washington *v.* France (2007) 51 EHRR 822, 564
 McCann and Others *v.* United Kingdom [GC] (1996) 21 EHRR 97, 259, 364, 365–6, 721–2, 831
 Medvedyev and Others *v.* France [GC] (2010) 51 EHRR 39, 755
 Mennesson and Others *v.* France, and Labassee *v.* France, App. no. 65192/11 (26 June 2014), 563
 Meryem Celik and Others *v.* Turkey, App. no. 3598/03 (16 April 2013), 756
 Mikheyev *v.* Russia [2006] ECHR 78, 354, 376, 719
 Mocanu and Others *v.* Romania [GC], App. nos. 10865/09, 45886/07 and 32431/08 (17 September 2014), 329, 387, 710
 Molla Sali *v.* Greece [GC], App. no. 20452/14 (19 December 2018), 501
 Mouvement Raëlien Suisse *v.* Switzerland [GC], App. no. 16354/06 (13 July 2012), 257
 Mozer *v.* Moldova and Russia [GC], App. no. 11138/10 (23 February 2016), 326
 Müller and Others *v.* Switzerland (1988) 13 EHRR 212, 257, 258
 Munoz Díaz *v.* Spain (2009) ECHR 168, 472
 Murray, John *v.* United Kingdom [GC] (1996) 22 EHRR 29, 404
 Mustafa Kamal Mustafa (Abu Hamza) *v.* United Kingdom, App. no. 36742/08, rule 39 Order (4 August 2008), 842
 N. D. and N. T. *v.* Spain [GC], App. Nos. 8675/15 and 8697/15 (13 February 2020), 323
 N. S. K. *v.* United Kingdom, App. no. 28744/22, Interim measures (14 June 2022), 348
 Nachova and Others *v.* Bulgaria [GC] (2006) 42 EHRR 43, 364, 832
 Nada *v.* Switzerland [GC], App. no. 10593/08 (12 December 2012), 320, 887

xxxix Table of Cases

- Nait-Liman *v.* Switzerland [GC], App. no. 51357/07 (15 March 2018), 701
 Nasr and Ghali *v.* Italy (2016) ECHR 2010, 843
 National Union of Rail, Maritime and Transport Workers *v.* United Kingdom, App. no. 31045/10 (8 April 2014), 255
 Navalnyy *v.* Russia [GC], App. nos. 29580/12 and 4 Others (15 November 2018), 255
 Neulinger and Shuruk *v.* Switzerland [GC] (2012) 54 EHRR 31, 566
 Nikolai, Ljubov and Oleg Mikolenko *v.* Estonia, App. no. 16944/03 (5 January 2006), 335
 Norris *v.* Ireland (1988) 13 EHRR 186, 317
 Novruk and Others *v.* Russia, App. nos. 31039/11, 48511/11, 76810/12, 14618/13 and 13817/14, (15 March 2016), 595
 Öcalan *v.* Turkey [GC] (2005) 41 EHRR 45, 262, 348, 368, 369, 396
 Öcalan *v.* Turkey (No. 2) App. no. 24069/03 (18 March 2014), 827
 O'Keefe *v.* Ireland, App. no. 35810/09 (28 January 2014), 254
 Öneriyildiz *v.* Turkey [GC] (2005) 41 EHRR 20, 254, 255, 363, 370
 Opuz *v.* Turkey (2010) 50 EHRR 28, 254, 363, 539
 Oršuš and Others *v.* Croatia [GC] (2011) 52 EHRR 7, 255, 494, 500
 Osman *v.* United Kingdom [GC] (1998) 29 EHRR 245, 371–2, 819, 869
 Ostendorf *v.* Germany, App. no. 15598/08, Judgment of 7 March 2013, 397
 Ostra, López *v.* Spain (1994) 20 EHRR 277, 255
 Othman (Abu Qatada) *v.* United Kingdom [2012] ECHR 56, 259, 842
 Papamichalopoulos *v.* Greece (1996) 21 EHRR 439, 717
 Paradiso and Campanelli *v.* Italy [GC], App. no. 25358/12 (27 January 2015), 566
 Perinçek *v.* Switzerland [GC], App. no. 27510/08 (15 October 2015), 257
 Pitsayeva and Others *v.* Russia, App. No. 53036/08 (9 January 2014), 756
 Portu Juanenea and Sarasola Yarzabal *v.* Spain, App. no. 1653/13 (13 February 2018), 838
 Pressos Compania Naviera SA and Others *v.* Belgium (1996) 21 EHRR 301, 331
 Pretty *v.* United Kingdom (2002) 35 EHRR 1, 370
 Rantsev *v.* Cyprus and Russia (2010) 51 EHRR 1, 254
 Refah Partisi (The Welfare Party) and Others *v.* Turkey (2002) 35 EHRR 3, 258, 259
 Ribcheva and Others *v.* Bulgaria, App. nos. 37801/16 and 2 Others (30 March 2021), 254
 S. A. S. *v.* France [GC], App. No. 43835/11 (1 July 2014), 420
 S. M. *v.* Croatia [GC], App. no. 60561/14 (25 June 2020), 254
 Saadi *v.* Italy [GC] (2009) 49 EHRR 30, 841
 Saadi *v.* United Kingdom [GC] (2008) 47 EHRR 17, 394
 Sabalić *v.* Croatia, App. no. 50231/13 (14 January 2021), 255
 Şahin, Leyla *v.* Turkey [GC] (2005) 44 EHRR 5, 258, 259, 420
 Saidani *v.* Germany, App. no. 17675/18, Decision of 4 September 2018, 840
 Salduz *v.* Turkey [GC] (2009) 49 EHRR 19, 396
 Salgueiro da Silva Mouta *v.* Portugal (1999) 31 EHRR 47, 574

 xl Table of Cases

- Salman v. Turkey* [GC] (2000) 34 EHRR 425, 338, 372
Sampanis and Others v. Greece, App. no. 32526/05 (5 June 2008), 500
Scordino v. Italy (No.1) [GC] (2007) 45 EHRR 7, 254
Sejdić and Finci v. Bosnia and Herzegovina [2009] ECHR 2122, 502
Sejdovic v. Italy [GC] [2006] ECHR 181, 330
Selçuk and Asker v. Turkey (1998) 26 EHRR 477, 718
Selmouni v. France [GC] (2000) 29 EHRR 403, 254, 256, 329, 338, 381
Sentürk, Mehmet, and Sentürk, Bekir v. Turkey, App. no. 13423/09 (9 April 2013), 375
Serif v. Greece (1999) 31 EHRR 56, 503
Shamayev and Others v. Georgia and Russia [2005] ECHR 233, 336, 839, 841
Shefer v. Russia, App. no. 45175/04, Decision of 13 March 2012, 271, 336
Sher and Others v. United Kingdom (2015) ECHR 920, 838
Shtukaturov v. Russia [2008] ECHR 223, 261, 395
Šilih v. Slovenia, App. no. 71463/01, Decision of 9 April 2009, 328, 329
Šilih v. Slovenia [GC] (2009) ECHR 571, 328, 329
Sindicatul 'Păstorul Cel Bun' v. Romania [GC], App. no. 2330/09 (9 July 2013), 255
Smirnova and Smirnova v. Russia, App. nos. 46133/99 and 48183/99, Decision of 3 October 2002, 335
Soering v. United Kingdom (1989) 11 EHRR 439, 254, 256
Soltan Oglu Gahramanov, Adil v. Azerbaijan, App. no. 26291/06 (15 October 2013), 393
Sørensen and Rasmussen v. Denmark [GC] (2006) 46 EHRR 572, 255
Sporer v. Austria, App. no. 35637/03 (3 February 2011), 574
Stanev v. Bulgaria [GC], App. no. 36760/06 (17 January 2012), 254
Steel and Morris v. United Kingdom (2005) 41 EHRR 22, 925
Steel v. United Kingdom (1998) 28 EHRR 603, 393
Stefanov v. Bulgaria, App. no. 35399/05 (27 October 2015), 336
Stichting Mothers of Srebrenica and Others v. The Netherlands, App. no. 65542/12 (11 June 2013), 316
Storck v. Germany (2005) 43 EHRR 96, 393
Streletz, Kessler and Krenz v. Germany [GC] (2001) 33 EHRR 31, 10, 404
Sunday Times v. United Kingdom (1980) 2 EHRR 245, 317
Suso Musa v. Malta, App. no. 42337/12 (23 July 2013), 394
Svinarenko and Slyadnev v. Russia [GC], App. nos. 32541/08 and 43441/08 (17 July 2014), 384
T. I. v. United Kingdom, App. no. 43844/98 (7 March 2000), 887
Tagayeva and Others v. Russia, App. No. 26562/07 and 6 other applications (13 April 2017), 254, 371, 822
Tarakhel v. Switzerland [GC], App. no. 29217/12 (4 November 2014), 633
Timishev v. Russia (2007) 44 EHRR 37, 494
Todorov v. Bulgaria [2005] ECHR 30, 331
Todorov v. Ukraine [2012] ECHR 30, 384

xli Table of Cases

- Tomasi *v.* France (1993) 15 EHRR 1, 338
 Trabelsi *v.* Belgium, App. no. 140/10 (4 September 2014), 842
 Tyrer *v.* United Kingdom (1978) 2 EHRR 1, 256, 562
 Ukraine *v.* Russia (re Crimea) [GC], App nos. 20958/14 and 38334/18 (16 December 2020), 331
 Ürper and Others *v.* Turkey, App. no. 14526/07 (20 October 2009), 827
 V. C. *v.* Slovakia [2011] ECHR 1888, 254
 Van der Velden *v.* Netherlands [2006] ECHR 1174, 338
 Van Mechelen and Others *v.* The Netherlands (1997) 25 EHRR 647, 405
 Van Oosterwijck *v.* Belgium (1981) 3 EHRR 557, 332
 Varnava and Others *v.* Turkey [2009] ECHR 1313, 328, 334, 335, 341, 408, 409, 410, 765
 Vermeire *v.* Belgium (1993) 15 EHRR 488, 256
 Veznedaroğlu *v.* Turkey (2001) 33 EHRR 59, 338
 Vinter and Others *v.* United Kingdom [2012] ECHR 61, 385
 Vinter and Others *v.* United Kingdom [GC], App. nos. 66069/09, 130/10, 3896/10 (9 July 2013), 254
 Vo *v.* France [GC] (2004) 40 EHRR 259, 535
 Volodina *v.* Russia, App. no. 41261/17 (9 July 2019), 382, 541
 W. *v.* Switzerland (1994) 17 EHRR 60, 395
 Waite and Kennedy *v.* Germany [GC] (2000) 30 EHRR 261, 890
 Wemhoff *v.* Germany (1968) 1 EHRR 55, 395
 Wieser *v.* Austria [2007] ECHR 170, 384
 Wingrove *v.* United Kingdom (1997) 24 EHRR 1, 257
 Winterwerp *v.* Netherlands (1979) 2 EHRR 387, 394
 X. and Others *v.* Bulgaria [GC], App. no. 22457/16 (2 February 2021), 254
 X *v.* Germany, App. No. 54646/17, Decision of 7 November 2017, 841
 Y. and Others *v.* Bulgaria, App. No. 9077/18 (22 March 2022), 363
 Y. Y. *v.* Turkey, App. No. 14793/08 (10 March 2015), 255
 Yakut Republican Trade-Union Federation *v.* Russia, App. no. 29582/09 (7 December 2021), 256, 257
 Yasa, Abdullah and Others *v.* Turkey, App. no. 44827/08 (16 July 2013), 384
 Yaşa *v.* Turkey (1999) 28 EHRR 408, 318
 Young, James and Webster *v.* United Kingdom (1981) 4 EHRR 38, 255
 Yukos *v.* Russia, App. No. 14902/04 (17 January 2012), 713
 Yusupova *v.* Russia, App. no. 57948/00 (24 February 2005), 265, 756, 757
 Z. A. and Others *v.* Russia [GC], App. nos. 61411/15, 61420/15, 61427/15 and 3028/16 (21 November 2019), 254, 393
 Zakharov *v.* Russia [GC], App. no. 47143/06 (4 December 2015), 317
 Zaunegger *v.* Germany (2009) 50 EHRR 952, 574
 Zontul *v.* Greece, App. no. 12294/07 (17 January 2012), 387
 Zubac *v.* Croatia [GC], App. No. 40160/12 (5 April 2018), 255
 Zubkov and Others *v.* Russia, App nos. 29431/05 and 2 Others (7 November 2017), 334

European Committee of Social Rights (ECSR)

- Centre on Housing Rights and Evictions (COHRE) *v.* Italy, Complaint no. 58/209, ECSR Decision (25 June 2010), 500
- Federation of Employed Pensioners of Greece (IKA-ETAM) *v.* Greece, Merits (7 December 2012), 434, 680, 888
- Interights *v.* Greece, Complaint no. 49/2008, ECSR decision (11 December 2009), 500
- Pensioners' Union of the Agricultural Bank of Greece (ATE) *v.* Greece, Merits (16 January 2012), 434, 680, 888

European Court of Justice/Court of Justice of the European Union (CJEU)

- Booker Aquacultur Ltd and Hydro Seafood GSP Ltd *v.* The Scottish Ministers (Joined Cases C-20/00 and C-64/00) [2003] ECR I-7411, 881
- Carpenter, Mary *v.* Secretary of State for the Home Department (Case C-60/00) [2002] ECR I-6279, 66
- Connolly *v.* Commission (Case C-274/99) [2001] ECR I-1611, 881
- Damseaux *v.* Belgium (Case C-128/08) [2009] ECR I-6823, 713
- Eugenia Florescu and Others *v.* Casa Județeană de Pensii Sibiu and Others (Case C-258/14) EU:C:2017:448, 886
- Federaal agentschap voor de opvang van asielzoekers *v.* Saciri and Others (Case C-79/13) ECLI:EU:C:2014:103, 632
- Kadi and Al Barakaat International Foundation *v.* Council of the European Union [2008] ECR I-6351, 66, 190, 813, 880
- Kadi *v.* Commission [2010] EUECJ T-85/09, 321
- Kaltoft *v.* Municipality of Billund (Case C-354/13) [2015] IRLR 146, 880
- Kerckhaert and Morres (Case C-194/06) [2006] ECR I-10967, 713
- Konstantinos Mallis and Others *v.* European Commission and European Central Bank (Joined Cases C-105–109/15) EU:C:2016:702, 886
- Ledra Advertising Ltd and Others *v.* European Commission and European Central Bank (Joined Cases C-8-10/15P) EU:C:2016:701, 886
- M and Others *v.* HM Treasury (Case C-340/08) [2010] ECR I-03913, 813
- Maistrellis *v.* Minister of Justice, Transparency and Human Rights (Case C-222/14) (16 July 2015), 574
- Meki Elgafaji and Noor Elgafaji *v.* Staatssecretaris van Justitie (Case C-465/07) [2009] ECR I-921, 624
- Prais *v.* Council (Case 130/75) [1976] ECR 1589, 881
- Pringle *v.* Ireland (Case C-370/12) [2012] ECR I-756, 886
- Racke *v.* Hauptzollamt Mainz (Case C-162/96) [1998] ECR I-3655, 880
- Request for an opinion pursuant to Article 218 (11) TFEU, made on 4 July 2013 by the European Commission, Opinion 2/13 of the CJEU (18 December 2014), 275
- Schecke and Eifert *v.* Land Hessen (Joined Cases C-92/09 and C-93/09) [2010] ECR I-11063, 877

xliii Table of Cases

Schmidberger *v.* Republik Österreich (Case C-112/00) [2003] ECR I-5659, 275
 Stauder *v.* City of Ulm (Case 29/69) [1969] ECR 419, 881

Extraordinary African Chamber in the Senegalese Courts

Le Procureur Général *v.* Houssein Habré (27 April 2017), 231, 354–7, 387, 790
 Ministère Public *v.* Houssein Habré (30 May 2016), 357

Human Rights Chamber for Bosnia and Herzegovina

Selimovic and Others *v.* Republic Srpska (Decision of 7 March 2003), 724

Human Rights Committee (HRCtee)

A. v. Australia, Communication no. 560/1993 (3 April 1997), 393
 Aboussedra *v.* Libyan Arab Jamahiriya, Communication no. 1751/2008 (25 October 2010), 408
 Akwanga *v.* Cameroon, Communication no. 1813/2008 (22 March 2011), 406
 Al Rabbasi *v.* Libya, Communication no. 1860/2009 (18 July 2014), 222
 Albareda and Others *v.* Uruguay, Communication no. 1637/2007, 1757&1765/2008 (24 October 2011), 224
 Altesor *v.* Uruguay, Communication no. 10/1977 (29 March 1982), 348
 Alzery *v.* Sweden, Communication no. 1416/2005 (25 October 2006), 224, 232
 Amarasinghe *v.* Sri Lanka, Communication no. 2209/2012 (13 July 2017), 338, 376
 Aouabdia *v.* Algeria, Communication no. 1780/2008 (22 March 2011), 408
 Arenz and Others *v.* Germany, Communication no. 1138/2002 (24 March 2004), 869
 Ashby *v.* Trinidad and Tobago, Communication no. 580/1994 (21 March 2002), 369
 Ashirov *v.* Kyrgyzstan, Communication no. 2435/2014 (28 July 2017), 223
 Aumeeruddy-Cziffra and Others *v.* Mauritius, Communication no. 35/1978 (9 April 1981), 316
 B. d. B. and Others *v.* Netherlands, Communication no. 273/1988 (30 March 1989), 316
 Baboeram and Others *v.* Suriname, Communication nos. 146/1983 and 148–54/1983 (4 April 1985), 339
 Bailey *v.* Jamaica, Communication no. 334/1988 (31 March 1993), 337
 Ballantyne, Davidson and McIntyre *v.* Canada, Communication no. 359/1989 and 385/1989/Rev.1 (31 March 1993), 492
 Bautista *v.* Colombia, Communication no. 563/1993 (27 October 1995), 408, 710
 Berezhnoy *v.* Russia, Communication no. 2107/2011 (28 October 2016), 395
 Bhandari *v.* Nepal, Communication no. 2031/2011 (29 October 2014), 223

xliv Table of Cases

- Bleier Lewenhoffv. Uruguay, Communication no. 30/1978 (29 March 1982), 224, 337, 408
- Blessington and Elliot *v.* Australia, Communication no. 1968/2010 (22 October 2014), 222
- Borisenko *v.* Hungary, Communication no. 852/1999 (14 October 2002), 395
- Brough *v.* Australia, Communication no. 1184/2003 (17 March 2006), 330
- Burgos *v.* Uruguay, Communication no. 52/1979 (29 July 1981), 323, 770
- C *v.* Australia, Communication no. 2216/2012 (28 March 2017), 224
- Cabal and Pasini Bertran *v.* Australia, Communication no. 1020/2001 (7 August 2003), 869
- Camargo *v.* Colombia, Communication no. 45/1979 (31 March 1982), 371, 832
- Chaulagain *v.* Nepal, Communication no. 2018/2010 (28 October 2014), 223, 337
- Cherguit *v.* Algeria, Communication no. 2828/2016 (27 March 2020), 222
- Coronel and Others *v.* Colombia, Communication no. 778/1997 (24 October 2002), 330
- Daniel Billy and Others *v.* Australia, UN Doc CCPR/C/135/D/3624/2019 (22 September 2022), 508
- Diergaardt and Others *v.* Namibia, Communication no. 760/1996 (25 July 2000), 224, 317
- E. J. and C. M. Drake *v.* New Zealand, Communication no. 601/1994 (3 April 1997), 327
- Echeverri *v.* Colombia, Communication no. 2931/2017 (21 July 2020), 335
- F. K. A. G. *v.* Australia, Communication no. 2094/2011 (26 July 2013), 222, 397, 400, 636
- Fanali *v.* Italy, Communication no. 75/1980 (31 March 1983), 335
- Fernando *v.* Sri Lanka, Communication no. 1189/2003 (31 March 2005), 348
- G *v.* Australia, Communication no. 2172/2012 (17 March 2017), 224
- Georgopoulos and Others *v.* Greece, Communication no. 1799/2008 (29 July 2010), 224
- Griffiths *v.* Australia, Communication no. 1973/2010 (21 October 2014), 222
- Hebbadi *v.* France, Communication no. 2807/2016 (17 July 2018), 421
- Henry *v.* Jamaica, Communication no. 230/1987 (1 November 1991), 332
- Herrera *v.* Colombia, Communication no. 161/1983 (2 November 1987), 222
- Hertzberg and Others *v.* Finland, Communication no. R. 14/61 (2 April 1982), 417
- Horvath *v.* Australia, Communication no. 1885/2009 (27 March 2014), 222
- Hudaybergenov *v.* Turkmenistan, Communication no. 2222/2012 (29 October 2015), 224
- Hudoyberganova *v.* Uzbekistan, Communication no. 931/2000 (5 November 2004), 419
- Hussain and Singh *v.* Guyana, Communication no. 862/1999 (25 October 2005), 336
- Iskandarov *v.* Tajikistan, Communication no. 1499/2006 (30 March 2011), 223

 xlv Table of Cases

- Japalali and Baloyo-Japalali *v.* Philippines, Communication no. 2536/2015 (28 March 2019), 223
- Johnson *v.* Jamaica, Communication no. 592/1994 (20 October 1998), 222
- Kasimov *v.* Uzbekistan, Communication no. 1378/2005 (30 July 2009), 223
- Kennedy *v.* Trinidad and Tobago, Communication no. 845/1998 (26 March 2002), 60
- Kennedy *v.* Trinidad and Tobago, Communication no. 845/1999 (2 November 1999), 60, 222, 225
- Khakdar *v.* Russia, Communication no. 21261 (17 October 2014), 627
- Khalilov *v.* Tajikistan, Communication no. 973/2001 (30 March 2005), 369
- Khoroshenko *v.* Russian Federation, Communication no. 1304/2004 (29 March 2011), 223, 369
- Kitok *v.* Sweden, Communication no. 197/1985 (27 July 1988), 498
- Korneenko and Milinkevich *v.* Belarus, Communication no. 1553/2007 (20 March 2009), 223
- Kroumi *v.* Algeria, Communication no. 2083/2011 (30 October 2014), 838
- Kulomin *v.* Hungary, Communication no. 521/1992 (22 March 1996), 394
- Länsman and Others *v.* Finland, Communication no. 511/1992 (26 October 1994), 224, 331
- Länsman III *v.* Finland, Communication no. 1023/2001 (17 March 2005), 317
- Lantsova *v.* Russia, Communication no. 763/1997 (26 March 2002), 223
- Lovelace *v.* Canada, Communication no. R. 6/24 (30 July 1981), 224, 493, 497–8, 804
- Lozenko *v.* Belarus, Communication no. 1929/2010 (24 October 2014), 223
- Lubicon Lake Band *v.* Canada, Communication no. 167/1984 (26 March 1990), 224, 317, 496
- Lumanog and Santos *v.* Philippines, Communication no. 1466/2006 (20 March 2008), 225
- M. I. *v.* Sweden, Communication 2149/2012 (26 September 2013), 631
- M. M. M. and Others *v.* Australia, Communication no. 2136/2012 (25 July 2013), 222, 397, 400
- Maharjan *v.* Nepal, Communication no. 1863/2009 (19 July 2012), 710
- Mahuika and Others *v.* New Zealand, Communication no. 547/1993 (27 October 2000), 224
- Martínez, Gayoso *v.* Spain, Communication no. 1363/2005 (19 October 2009), 223
- Massera *v.* Uruguay, Communication no. R. 1/5 (15 August 1979), 222, 317
- Mavlonov and Sa'di *v.* Uzbekistan, Communication no. 1334/2004 (19 March 2009), 224
- Mellet *v.* Ireland, Communication no. 2324/2013 (31 March 2016), 224, 534
- Mojica *v.* Dominican Republic, Communication no. 449/1991 (15 July 1994), 409
- Mpandanjila and Others *v.* Zaire, Communication no. 138/1983 (26 March 1986), 222
- Mukong *v.* Cameroon, Communication no. 458/1991 (21 July 1994), 393

xlvi Table of Cases

- Muteba *v.* Zaire, Communication no. 124/1982 (24 July 1984), 222
 Mwamba *v.* Zambia, Communication no. 1520/2006 (10 March 2010), 369
 Narrain and Others *v.* Mauritius, Communication no. 1744/2007 (27 July 2012),
 499
 Nasyrlyayev *v.* Turkmenistan, Communication no. 2219/2012 (15 July 2016),
 223
 Neupane and Others *v.* Nepal, Communication no. 2170/2012 (21 July 2017), 223
 Ng *v.* Canada, Communication no. 469/1991 (5 November 1993), 369
 Nyaya *v.* Nepal, Communication no. 2556/2015 (18 March 2019), 224
 Osbourne *v.* Jamaica, Communication no. 759/1997 (15 March 2000), 385
 Paadar Family *v.* Finland, Communication 2102/201 (26 March 2014), 496
 Patino *v.* Panama, Communication no. 437/1990 (21 October 1994), 330
 Peiris, Pathmini *v.* Sri Lanka, Communication no. 1862/2009 (26 October 2011),
 372, 374, 741
 Pharaka *v.* Nepal, Communication no. 2773/2016 (15 July 2019), 223
 Poma Poma *v.* Peru, Communication no. 1457/2006 (27 March 2009), 224, 519
 Pratt and Morgan *v.* Jamaica, Communication no. 210/1986 and 225/1987 (6
 April 1989), 222, 348
 Price *v.* Jamaica, Communication no. 572/1994 (6 November 1996), 222
 Prince *v.* Jamaica, Communication no. 269/1987 (30 March 1992), 330
 Quinteros *v.* Uruguay, Communication no. 107/1981 (21 July 1983), 408
 R. A. V. N. and Others *v.* Argentina, Communication no. 343/1988 (26 March
 1990), 328
 Rajapakse *v.* Sri Lanka, Communication no. 1250/2004 (14 July 2006), 3, 223,
 331, 711–12
 Ruzmetov *v.* Uzbekistan, Communication no. 915/2000 (30 March 2006), 349
 S. H. B. *v.* Canada, Communication no. 192/1985 (24 March 1987), 332
 S. S. F. and Others *v.* Spain, Communication no. 2105/2011 (28 October 2014),
 223
 Sahadath *v.* Trinidad and Tobago, Communication no. 684/1996 (2 April 2002),
 369
 Sanila-Aikio *v.* Finland, Communication no. 2668/2015 (1 November 2018), 224
 Sankara, Mariama and Others *v.* Burkina Faso, Communication no. 1159/2003
 (28 March 2006), 328
 Sassene *v.* Algeria, Communication no. 2026/2011 (29 October 2014), 222
 Sayadi and Vinck *v.* Belgium, Communication no. 1472/2006 (22 October 2008),
 321
 Schedko *v.* Belarus, Communication no. 886/1999 (3 April 2003), 369
 Selyun *v.* Belarus, Communication no. 2289/2013 (6 November 2015), 222
 Sharma *v.* Nepal, Communication no. 1469/2006 (28 October 2008), 224, 318,
 409
 Singarasa *v.* Sri Lanka, Communication no. 1033/2001 (21 July 2004), 223, 330,
 386
 T. K. *v.* France, Communication no. 220/1987 (8 November 1989), 329

xlvii Table of Cases

- Taysumov and Others v. Russia*, Communication no. 2239/2014 (11 March 2020), 223
- Timoshenko and Others v. Belarus*, Communication no. 2461/2014 (23 July 2020), 222
- Toonen v. Australia*, Communication no. 488/1992 (31 March 1994), 317
- Toussaint v. Canada*, Communication No 2348/14 (24 July 2018), 456
- Vandom v. The Republic of Korea*, Communication no. 2273/2013 (12 July 2018), 227
- Vicente and Others v. Colombia*, Communication no. 612/1995 (29 July 1997), 330
- Waldman v. Canada*, Communication no. 694/1996 (3 November 1999), 503
- Weerawansa v. Sri Lanka*, Communication no. 1406/2005 (17 March 2009), 369
- Weiss v. Austria*, Communication no. 1086/2002 (3 April 2003), 348
- Whelan v. Ireland*, Communication no. 2425/2014 (17 March 2017), 224
- Wilson v. Philippines*, Communication no. 868/1999 (30 October 2003), 223, 382
- X v. Sri Lanka*, Communication no. 2256/2013 (27 July 2017), 223
- Yaker v. France*, Communication no. 2747/2016 (17 July 2018), 421
- Yong-Joo Kang v. Republic of Korea*, Communication no. 878/1999 (15 July 2003), 224
- Zwaan-de Vries v. The Netherlands*, Communication no. 182/1984 (9 April 1987), 224

Inter-American Commission on Human Rights (IACHR)

- Alejandro and Others v. Cuba* (Brothers to the Rescue case) IACHR Report no. 86/99 (29 September 1999), 832
- Ameziane, Djamel v. United States*, Report no. 17/12, Petition P 900–08, Admissibility, OEA/Ser.L/V/II.144, Doc. 21 (20 March 2012), 324
- 'Baby Boy' Abortion case, resolution 23/81, case 2141 (United States of America) (6 March 1981), 279, 370, 536
- Cash, Peter v. The Bahamas*, Report no. 12/14, case 12.231, OEA/Ser.L/V/II.150 Doc. 16 (2014), 279
- Chavez, Mestanza v. Peru*, Case 12.191, Report no. 71/03, IACHR, OEA/Ser. L/V/II.118 Doc. 70 rev.2, p. 668 (2003), 508
- Coard v. United States*, IACHR, Case 10. 951, OEA Doc. OEA/Ser.L/V/II.106. Doc. 3. rev. (1999), 754
- Dann, Mary and Carrie (USA)* IACHR Report no. 75/02, case 11, 140 (27 December 2002), 519
- de Meja, Raquel Marti v. Peru*, Report no. 5/96, case 10.970, Peru (1 March 1996), 537
- Kaliña and Lokono Peoples v. Suriname*, Report no. 79/13, case no. 12,639 (18 July 2013), 506, 508
- Molina, Franklin Guillermo Aisalla, Ecuador v. Colombia*, OEA/Ser.L/VII.140, Doc. 10 (21 October 2010), 281, 755

xlviii Table of Cases

- Nicaragua *v.* Costa Rica, Report no. 11/07, Inter-state case 01/06, OEA/Ser. L/V/II.130, Doc. 22 rev.1 (29 December 2007), 281
- Oliveira *v.* Brazil, Report no. 37/10 (17 March 2010), 820
- Residents of the Village of Chichupac and Neighboring Communities *v.* Guatemala, IACtHR, case no. 12,788, Report no. 6/14, Merits (2 April 2014), 508
- Rocha Diaz, Felix *v.* The United States, Report no. 11/15, Case 12.833, OEA/Ser.L/ V/II.154, Doc. 5 (2015), 279, 369
- Tablada, Report no. 55/97, case no. 11.137: Argentina (18 November 1997), 756
- Tamayo Arias, Edgar *v.* The United States, Report no. 44/14, case 12.873, OEA/Ser. L/V/II.151, Doc. 9 (2014), 279

Inter-American Court of Human Rights (IACtHR)

- Acevedo Buendia and Others ('Discharged and Retired Employees of the Comptroller') *v.* Peru, Preliminary objection, merits, reparations and costs, Judgment of 1 July 2009, Series C, no. 198, 287
- Afrodescendant Communities displaced from the Cacarica River Basin (Operation Genesis) *v.* Colombia, Preliminary objections, merits, reparations and costs, Judgment of 20 November 2013, Series C, no. 270, 281
- Aloeboetoe *v.* Suriname, Preliminary objections and merits, Judgment of 4 December 1991, Series C, no. 11, 281
- Aloeboetoe *v.* Suriname, Reparations and costs, Judgment of 10 September 1993, Series C, no. 15, 726
- Álvares Ramos *v.* Venezuela, Preliminary objection, merits, reparations and costs, Judgment of 30 August 2019, Series C, no 380, 721
- Anzualdo Castro *v.* Peru, Preliminary objection, merits, reparations and costs, Judgment of 22 September 2009, Series C, no. 202, 409
- Artavia Murillo and Others ('In Vitro Fertilization') *v.* Costa Rica, Preliminary objections, merits, reparations, costs, Judgment of 28 November 2012, Series C, no. 257, 370, 537
- Atala Riffo and Daughters *v.* Chile, Merits, reparations and costs, Judgment of 24 February 2012, Series C, no. 239, 282, 608, 609–10
- Azul Rojas Marín and Others *v.* Peru, Preliminary objections, merits, reparations and costs, Judgment of 12 March 2020, Series C, no 402, 282, 378, 607
- Baena Ricardo *v.* Panama, Competence, Judgment of 28 November 2003, Series C, no. 104, 344
- Baena Ricardo *v.* Panama, Merits, reparations and costs, Judgment of 2 February 2001, Series C, no. 72, 716
- Baldeón-García *v.* Peru, Merits, reparations and costs, Judgment of 6 April 2006, Series C, no. 147, 364
- Bámaca Velásquez *v.* Guatemala, Merits, Judgment of 25 November 2000, Series C, no. 70, 283, 322, 409

xlix Table of Cases

- Barrios Altos v. Peru*, Merits, Judgment of 14 March 2001, Series C, no. 75, 283, 373, 723
- Barrios Altos v. Peru*, Reparations and costs, Judgment of 30 November 2001, Series C, no. 87, 283, 373, 723
- Bayarri v. Argentina*, Preliminary objections, merits, reparations and costs, Judgment of 30 October 2008, Series C, no. 187, 397
- Bulacio v. Argentina*, Reparations and costs, Judgment of 18 September 2003, Series C, no. 100, 396
- Cabrera García and Montiel Flores v. Mexico*, Preliminary objections, merits, reparations and costs, Judgment of 26 November 2010, Series C, no. 220, 342
- Caesar v. Trinidad and Tobago*, Merits, reparations and costs, Judgment of 11 March 2005, Series C, no. 123, 385
- Cantoral Benavides v. Peru*, Reparations and costs, Judgment of 3 December 2001, Series C, no. 88, 721, 724
- Cantos v. Argentina*, Preliminary objections, Judgment of 7 September 2001, Series C, no. 85, 317
- Caracazo v. Venezuela*, Reparations and costs, Judgment of 29 August 2002, Series C, no. 95, 719
- Castillo Petruzzi and Others v. Peru*, Merits, reparations and costs, Judgment of 30 May 1999, Series C, no. 52, 395
- Cepeda Vargas, Manuel v. Colombia*, Preliminary objections, merits, reparations and costs, 26 May 2010, Series C, no. 213, 374
- Chaparro Álvarez and Lapo Íniguez v. Ecuador*, Preliminary objections, merits, reparation and costs, Judgment of 21 November 2007, Series C, no. 170, 287, 392, 396
- Cruz Sánchez and Others v. Peru*, Preliminary objections, merits, reparations and costs, Judgment of 17 April 2015, Series C, no. 292, 365
- Cuscul Pivaral and Others v. Guatemala*, Preliminary objection, merits, reparations and costs, Judgment of 23 August 2018, Series C, no. 359, 282, 431
- Duque v. Colombia*, Preliminary objections, merits, reparations and costs, Judgment of 26 February 2016, Series C, no. 310, 282
- Entitlement of legal entities to hold rights under the Inter-American Human Rights System (Interpretation and scope of Article 1(2) in relation to Articles 1(2) 8, 11(2) 13, 16, 21, 24, 25, 29, 30, 44, 46 and 62(3) of the American Convention on Human Rights, as well as of Article 8(1)(A) and (B) of the Protocol of San Salvador), Advisory Opinion OC-22/16 of 26 February 2016, Series A, no. 22, 317
- Environment and Human Rights, The (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights), Advisory Opinion OC-23/17 of 15 November 2017, Series A, no. 23, 25, 283, 327, 448

1 Table of Cases

- Espinoza Gonzáles v. Peru*, Preliminary objections, merits, reparations and costs, Judgment of 20 November 2014, Series C, no. 289, 282, 382
- Exceptions to the Exhaustion of Domestic Remedies (Arts 46(1), 46(2)(a) and 46(2)(b) of the American Convention on Human Rights), Advisory Opinion OC-11/90 (10 August 1990, Series A, no. 11, 332
- Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary objections, merits, reparations and costs, Judgment of 28 August 2014, Series C, no. 282, 282
- Favela Nova Brasilia v. Brazil*, Preliminary objections, merits, reparations and costs, Judgment of 16 February 2017, Series C, no. 333, 282
- Five Pensioners v. Peru*, Merits, reparations and costs, Judgment of 28 February 2003, Series C, no. 98, 280
- Flor Freire v. Ecuador*, Preliminary objection, merits, reparations and costs, Judgment of 31 August 2016, Series C, no. 315, 282
- Gangaram Panday v. Suriname*, Merits, reparations and costs, Judgment of 21 January 1994, Series C, no. 16, 339
- García Lucero and Others v. Chile*, Preliminary Objections, merits and reparations, Judgment of 28 August 2013, Series C, no. 267, 338, 735
- Gender identity, and equality and non-discrimination with regard to same-sex couples. State obligations in relation to change of name, gender identity, and rights deriving from a relationship between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights), Advisory Opinion OC-24/17 of 24 November 2017, Series A, no. 24, 282, 609
- Girls Yean and Bosico v. Dominican Republic*, Preliminary objections, merits, reparations and costs, Judgment of 8 September 2005, Series C, no. 130, 282, 442
- Godínez Cruz v. Honduras*, Interpretation of the judgment of reparations and costs, Judgment of 17 August 1990, Series C, no. 10, 726
- Godínez Cruz v. Honduras*, Reparations and costs, Judgment of 21 July 1989, Series C, no. 8, 330
- Goiburú and Others v. Paraguay*, Merits, reparations and costs, Judgment of 22 September 2006, Series C, no. 153, 283, 407
- Gomes Lund and Others v. Brazil*, Preliminary objections, merits, reparations and costs, Judgment of 24 November 2010, Series C, no. 219, 281
- González and Others ('Cotton Field') v. Mexico*, Preliminary objection, merits, reparations and costs, Judgment of 16 November 2009, Series C, no. 205, 280, 282, 363, 371, 372, 374, 382, 540–1
- Gonzales Lluy and Others v. Ecuador*, Preliminary objections, merits, reparations and costs, Judgment of 1 September 2015, Series C, no. 298, 281, 596
- Gutiérrez Soler v. Colombia*, Merits, reparations and costs, Judgment of 12 September 2005, Series C, no. 132, 127, 724
- Guzmán Albarracín and Others v. Ecuador*, Merits, reparations and costs, Judgment of 24 June 2020, Series C, no. 405, 282

li Table of Cases

- Habeas Corpus in Emergency Situations (Arts. 27(2), 25(1) and 7(6) of the American Convention on Human Rights), Advisory Opinion OC-87 of 30 January 1987, Series A, no. 8, 283, 392
- Hacienda Brazil Verde Workers *v.* Brazil, Preliminary objections, merits, reparations and costs, 20 October 2016, Series C, No. 318, 596
- Hernández *v.* Argentina, Preliminary objection, merits, reparations and costs, Judgment of 22 November 2019, Series C, no. 395, 282
- Hilaire, Constantine and Benjamin and Others *v.* Trinidad and Tobago, Merits, reparations and costs, Judgment of 21 June 2002, Series C, no. 94, 332, 368
- Human Rights Defender and Others *v.* Guatemala, Preliminary objections, merits, reparations and costs, Judgment of 28 August 2014, Series C, no. 283, 118, 119, 121
- Ibsen Cárdenas and Ibsen Pena *v.* Bolivia, Merits, reparations and costs, Judgment of 1 September 2010, Series C, no. 217, 698
- Indigenous Communities of the Lhaka Honhat (Our Land) Association *v.* Argentina, Merits, reparations and costs, Judgment of 6 February 2020, Series C, no. 400, 281, 467, 698
- Institution of asylum, The and its recognition as a human right under the Inter-American System of Protection (interpretation and scope of Articles 5, 22(7) and 22(8) in relation to Article 1(1) of the American Convention on Human Rights), Advisory Opinion OC-25/18 of 30 May 2018, Series A, no. 25, 283
- International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Arts. 1 and 2 of the American Convention on Human Rights), Advisory Opinion OC-14/94 (9 December 1994), Series A, no. 14, 317
- Ituango Massacres *v.* Colombia, Preliminary objections, merits, reparations and costs, Judgment of 1 July 2006, Series C, no. 148, 281
- Judicial Guarantees in States of Emergency (Arts. 27(2), 25 and 8 of the American Convention on Human Rights), Advisory Opinion OC-9 of 6 October 1987, Series A, no. 9, 283, 392, 696
- Juridical Condition and Human Rights of the Child, Advisory Opinion OC-17/2 of 28 August 2002, Series A, no. 17, 281, 433
- Juridical Conditions and Rights of the Undocumented Migrants, Advisory Opinion OC-18 of 17 September 2003, Series A, no. 18, 282
- ‘Juvenile Reeducation Institute’ *v.* Paraguay, Preliminary objections, merits, reparations and costs, Judgment of 2 September 2004, Series C, no. 112, 723
- Kichwa Indigenous Peoples of Sarayaku *v.* Ecuador, Merits and reparations, Judgment of 27 June 2012, Series C, no. 245, 508, 726
- Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano and Their Members *v.* Panama, Preliminary objections, merits, reparations and costs, Judgment of 14 October 2014, Series C, no. 284, 281, 508
- La Cantuta *v.* Peru, Merits, reparations and costs, Judgment of 29 November 2006, Series C, no. 162, 283, 373

lii Table of Cases

- La Rochela Massacre *v.* Colombia, Merits, reparations and costs, Judgment of 11 May 2007, Series C, no. 163, 281
- Lagos del Campo *v.* Peru, Preliminary objections, merits, reparations and costs, Judgment of 31 August 2017, Series C, no. 340, 282
- Las Dos Erres Massacre *v.* Guatemala, Preliminary objection, merits, reparations, and costs, Judgment of 24 November 2009, Series C, no. 211, 281, 331
- López Soto and Others *v.* Venezuela, Merits, reparations and costs, Judgment of 26 September 2018, Series C, no. 362, 80, 282
- Luna López, Carlos Antonio *v.* Honduras, Preliminary objection, merits, reparations and costs, Judgment of 10 October 2013, Series C, no. 269, 372
- Mack Chang, Myrna *v.* Guatemala, Merits, reparations and costs, Judgment of 25 November 2003, Series C, no. 101, 718
- Mapiripán Massacre *v.* Colombia, Merits, reparations and costs, Judgment of 15 September 2005, Series C, no. 134, 281, 371, 375, 762
- Massacres of El Mozote and Nearby Places *v.* El Salvador, Merits, reparations and costs, Judgment of 25 October 2012, Series C, no. 252, 726
- Mayagna (Sumo) Awas Tingni Community *v.* Nicaragua, Merits, reparations and costs, Judgment of 31 August 2001, Series C, no. 79, 346–7, 472, 508, 509–11, 514
- Mendoza and Others *v.* Argentina, Preliminary objections, merits and reparations, Judgment of 14 May 2013, Series C, no. 260, 281
- Miguel Agustín Pro Juárez Human Rights Center and Others regarding Mexico, Matter of, Order of 20 April 2004, 348
- Miguel Castro-Castro Prison *v.* Peru, Merits, reparations and costs, Judgment of 25 November 2006, Series C, no. 160, 281, 282, 537, 725, 735
- Miranda Cortez, Jorge Odir and Others *v.* El Salvador, 20 March 2009, Series L, no. 5, 596
- Moiwana Village *v.* Suriname, Preliminary objections, merits, reparations and costs, Judgment of 15 June 2005, Series C, no. 124, 472, 724
- Nadege Dorzema and Others *v.* Dominican Republic, Merits, reparations and costs, Judgment of 24 October 2012, Series C, no. 251, 369
- Neira Alegría *v.* Peru, Reparations and costs, Judgment of 19 September 1996, Series C, no. 29, 819
- Nineteen Tradesmen *v.* Colombia, Merits, reparations and costs, Judgment of 5 July 2004, Series C, no. 109, 723
- Pacheco Tineo family *v.* Bolivia, Preliminary objections, merits, reparations and costs, Judgment of 25 November 2013, Series C, no. 272, 282
- Plan de Sánchez Massacre *v.* Guatemala, Merits, Judgment of 29 April 2004, Series C, no. 105, 281, 472, 726
- Plan de Sánchez Massacre *v.* Guatemala, Reparations and costs, Judgment of 19 November 2004, Series C, no. 116, 281, 472, 726
- Provisional Measures regarding Nicaragua case of the Mayagna (Sumo) Awas Tingni Community, Order of the IACtHR of 26 November 2007, 348

liii Table of Cases

- Provisional Measures regarding the case of the Constitutional Court *v.* Peru, Order of the IACtHR of 14 August 2000, 348
- Provisional Measures regarding Venezuela, Matter of Liliana Ortega and Others, Order of the IACtHR of 9 July 2009, 347
- Pueblo Bello Massacre *v.* Colombia, Merits, reparations and costs, Judgment of 31 January 2006, Series C, no. 140, 281, 365
- Radilla Pacheco *v.* Mexico, Preliminary objections, merits, reparations and costs, Judgment of 23 November 2009, Series C, no. 209, 281
- Restrictions to the Death Penalty (Arts. 4(2) and 4(4) of the American Convention on Human Rights), Advisory Opinion OC-3/83 of 8 September 1993, Series A, no. 3, 368
- Reyes, Claude and Others *v.* Chile, Merits, reparations and costs, Judgment of 19 September 2006, Series C, no. 151, 416
- Right to Information on Consular Assistance in the Framework of the Guarantees of Due Process of Law, Advisory Opinion OC-16/99 of 1 October 1999, Series A, no. 16, 282, 369, 396, 711
- Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection, Advisory Opinion OC-21/14 of 19 August 2014, Series A, no. 21, 586, 596
- Rights to freedom of association, right to collective bargaining, and right to strike, and their relation to other rights, with a gender perspective (interpretation and scope of articles 13, 15, 16, 24, 25, and 26 in relation to articles 1(1) and 2 of the American Convention on Human Rights; articles 3, 6, 7, and 8 of the Protocol of San Salvador; articles 2, 3, 4, 5, and 6 of the Convention of Bélem do Pará; articles 34, 44, and 45 of the Charter of the Organization of American States; and articles II, IV, XIV, and XXII of the American Declaration on the Rights and Duties of Man), Advisory Opinion OC-27/21 of 5 May 2021, Series A, no. 27, 283
- Rodríguez Vera and Others (The Disappeared from the Palace of Justice) *v.* Colombia, Preliminary objections, merits, reparations and costs, Judgment of 14 November 2014, Series C, no. 287, 724
- Rojas, Vera and Others *v.* Chile, Preliminary objections, merits, reparations and costs, Judgment of 1 October 2021, Series C, no. 439, 455
- Sánchez, Juan Humberto *v.* Honduras, Preliminary objections, merits, reparations and costs, Judgment of 7 June 2003, Series C, no. 99, 394, 408
- Saramaka People *v.* Suriname, Preliminary objections, merits, reparations and costs, Judgment of 28 November 2007, Series C, no. 172, 472, 506, 726
- Sahyoyamaya Indigenous Community *v.* Paraguay, Merits, reparations and costs, Judgment of 29 March 2006, Series C, no. 146, 281, 514
- Serrano Cruz Sisters *v.* El Salvador, Preliminary objections, Judgment of 23 November 2004, Series C, no. 118, 328
- ‘Street Children’ (Villagrán Morales and Others) *v.* Guatemala, Merits, Judgment of 19 November 1999, Series C, no. 63, 281, 375, 433, 586
- Suárez Rosero *v.* Ecuador, Merits, Judgment of 12 November 1997, Series C, no. 35, 317, 395

liv Table of Cases

- Suárez Rosero *v.* Ecuador, Reparations and costs, Judgment of 20 January 1999, Series C, no. 44, 726
- Tamayo, Loayza *v.* Peru, Merits, Judgment of 17 September 1997, Series C, no. 33, 381, 716, 720–1
- Tibi *v.* Ecuador, Preliminary objections, merits, reparations and costs, Judgment of 7 September 2004, Series C, no. 114, 285, 393
- Ticona Estrada and Others *v.* Bolivia, Merits, reparations and costs, Judgment of 27 November 2008, Series C, no. 191, 281
- Tristán Donoso *v.* Panama, Preliminary objection, merits, reparations and costs, Judgment of 27 January 2009, Series C, no. 193, 717
- Valle Jaramillo *v.* Colombia, Merits, reparations and costs, Judgment of 27 November 2008, Series C, no. 192, 119, 409
- Velásquez Paiz and Others *v.* Guatemala, Preliminary objections, merits, reparation and costs, Judgment of 19 November 2015, Series C, no. 307, 282
- Velásquez Rodríguez *v.* Honduras, Merits, Judgment of 29 July 1988, Series C, no. 4 Velásquez Rodríguez *v.* Honduras, Reparations and Costs, Judgment of 21 July 1989, Series C, no. 7, 80, 281, 283, 329, 338, 373, 408, 409, 538, 706, 718
- Vélez Loor *v.* Panama, Order of the Inter-American Court of Human Rights, 24 June 2021, 348
- Vélez Loor *v.* Panama, Preliminary objections, merits, reparations and costs, Judgment of 23 November 2010, Series C, no. 218, 282, 394, 395, 400
- Veliz Franco and Others *v.* Guatemala, Preliminary objections, merits, reparations and costs, Judgment of 19 May 2014, Series C, no. 277, 282
- ‘White Van’ (Paniagua Morales and Others) *v.* Guatemala, Reparations and costs, Judgment of 25 May 2001, Series C, no. 76, 726
- Women Victims of Sexual Torture in Atenco *v.* Mexico, Preliminary objection, merits, reparations and costs, Judgment of 28 November 2018, Series C, no. 371, 282, 537
- Wong Ho Wing *v.* Peru, Preliminary objection, merits, reparations and costs, Judgment of 30 June 2015, Series C, no. 297, 282
- Xákmok Kásek Indigenous Community *v.* Paraguay, Merits, reparations and costs, Judgment of 24 August 2010, Series C, no. 214, 281, 505, 717
- Ximenes Lopes *v.* Brazil, Merits, reparations and costs, Judgment of 4 July 2006, Series C, no. 149, 372, 596
- Yakye Axa Indigenous Community *v.* Paraguay, Merits, reparations and costs, Judgment of 17 June 2005, Series C, no. 125, 281, 510
- Zambrano Vélez *v.* Ecuador, Merits, reparations and costs, Judgment of 4 July 2007, Series C, no. 166, 417

International Court of Justice (ICJ)

Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion [2010] ICJ Reports 403, 486

 iv Table of Cases

- Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine *v.* Russian Federation) Order of 16 March 2022, 187, 805
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Serbia and Montenegro) Judgment [2007] ICJ Reports 43, 66, 94, 175, 772, 802
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia *v.* Myanmar) Preliminary Objections Judgment (22 July 2022), 803
- Application of the Genocide Convention (Bosnia *v.* FRY) Provisional Measures Order of 8 April 1993 [1993] ICJ Reports 3, 175
- Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine *v.* Russian Federation), Preliminary Objections, Judgment [2019] ICJ Reports 558, 219
- Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia *v.* Russian Federation) Preliminary objections, Judgment [2011] ICJ Reports 70, 219, 448
- Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar *v.* United Arab Emirates), Preliminary Objections, Judgment [2021] ICJ Reports 71, 219, 220
- Armed Activities on the Territory of the Congo (Democratic Republic of the Congo *v.* Uganda) Judgment [2005] ICJ Reports 168, 765
- Armed Activities on the Territory of the Congo (Democratic Republic of the Congo *v.* Uganda) Reparations Judgment (9 February 2022), 700, 783
- Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo *v.* Rwanda) Jurisdiction and admissibility, Judgment [2006] ICJ Reports 6, 219
- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo *v.* Belgium) Judgment [2002] ICJ Reports 3, 767, 790
- Avena and other Mexican nationals (Mexico *v.* United States of America) Judgment [2004] ICJ Reports 12, 711
- Barcelona Traction, Light and Power Company, Limited (Spain *v.* Belgium) Judgment [1970] ICJ Reports 3, 71, 72, 75
- Diallo, Ahmadou Sadio (Republic of Guinea *v.* Democratic Republic of the Congo) (Compensation owed by the Democratic Republic of the Congo to the Republic of Guinea) [2012] ICJ Reports 324, 700, 719
- Diallo, Ahmadou Sadio (Republic of Guinea *v.* Democratic Republic of the Congo) Merits [2010] ICJ Reports 639, 217, 218, 220
- Diallo, Ahmadou Sadio (Republic of Guinea *v.* Democratic Republic of the Congo) Preliminary objections [2007] ICJ Reports 582, 13
- Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion [1999] ICJ Reports 62, 179

lvi Table of Cases

- East Timor (Portugal *v.* Australia) Judgment [1995] ICJ Reports 90, 73
- Frontier Dispute case (Burkina Faso *v.* Mali) Merits [1986] ICJ Reports 554, 484
- Gabčíkovo–Nagymaros Project (Hungary *v.* Slovakia), Judgment, 25 September 1997, 664, 665
- Immunities and Criminal Proceedings (Equatorial Guinea *v.* France) Merits [2020] ICJ Reports 300, 783
- International Status of South-West Africa, Advisory Opinion [1950] ICJ Reports 128, 481
- Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, 20 December 1980, 880
- Jurisdictional Immunities of the State (Germany *v.* Italy: Greece intervening) Merits [2012] ICJ Reports 99, 72, 702
- LaGrand case (Germany *v.* United States) Judgment [2001] ICJ Reports 466, 348, 369, 711
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa case) Advisory Opinion [1971] ICJ Reports 16, 480
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Wall case) Advisory Opinion [2004] ICJ Reports 136, 71, 83, 94, 207, 217, 220, 698, 703, 753–4, 767, 813
- Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion [2019] ICJ Reports 2, 73, 484
- Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion [1996] ICJ Reports 226, 66, 746, 753–4
- Military and Paramilitary Activities in and against Nicaragua (Nicaragua *v.* United States of America) Merits [1986] ICJ Reports 14, 62–4
- Nottebohm case (Liechtenstein *v.* Guatemala) Second Phase [1955] ICJ Reports 4, 625
- Pulp Mills on the River Uruguay (Argentina *v.* Uruguay), Judgment [2010] ICJ Rep 213, 665–6
- Questions relating to the Obligation to Prosecute or Extradite (Belgium *v.* Senegal) [2012] ICJ Reports 422, 219, 356, 378, 791
- Relocation of the US Embassy in Jerusalem (Palestine *v.* USA) [2018] ICJ Reports 708, 486
- Reparations for Injuries Suffered in the Service of the UN, Advisory Opinion [1949] ICJ Reports 174, 879
- Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide (ICJ) (1951), 58

International Criminal Court (ICC)

- The Prosecutor *v.* Ahmad Al Faqi Al Mahdi, Reparations Order (17 August 2017), 705
- The Prosecutor *v.* Al-Bashir, Decision on the prosecution’s application for a warrant of arrest against Al-Bashir (4 March 2009), 122, 153, 793–4, 796

lvii Table of Cases

- The Prosecutor *v.* Bosco Ntaganda, Reparations Order (8 March 2021), 698, 705, 715, 718, 721
 The Prosecutor *v.* Germain Katanga, Order for Reparations pursuant to Article 75 of the Statute (24 March 2017), 705, 728
 The Prosecutor *v.* Lubanga Dyilo, Decision on victims' participation (18 January 2008), 572, 698
 The Prosecutor *v.* Lubanga Dyilo, Judgment on the appeals against the 'Decision establishing the principles and procedures to be applied to reparations' of 7 August 2012 (3 March 2015), 704, 705
 The Prosecutor *v.* Ruto and Others (Situation in the Republic of Kenya) Decision on Confirmation of Charges pursuant to Art. 61(7)(a) and (b) (23 January 2012), 806

International Criminal Tribunal for Rwanda (ICTR)

- ICTR Prosecutor *v.* Akayesu, Trial Chamber judgment (2 September 1998), 804, 807
 ICTR Prosecutor *v.* Bagilishema, Trial Chamber judgment (7 June 2001), 803
 ICTR Prosecutor *v.* Kaiyshema and Ruzindana, Trial Chamber judgment (21 May 1999), 803, 806
 ICTR Prosecutor *v.* Semanza, Trial Chamber judgment (15 May 2003), 854

International Criminal Tribunal for the former Yugoslavia (ICTY)

- ICTY Prosecutor *v.* Blaškić, Trial Chamber judgment (3 March 2000), 748, 806–7
 ICTY Prosecutor *v.* Furundžija, Trial Chamber judgment (10 December 1998), 72, 378
 ICTY Prosecutor *v.* Karadžić, Trial Chamber Decision on the Accused's Holbrooke Agreement Motion (8 July 2009), 792
 ICTY Prosecutor *v.* Karadžić and Mladić, R 61 Decision (11 July 1996), 854
 ICTY Prosecutor *v.* Krstić, Trial Chamber (2 August 2001), 803
 ICTY Prosecutor *v.* Kunarac, Appeals Chamber judgment (12 June 2002), 806, 854
 ICTY Prosecutor *v.* Kunarac, Trial Chamber judgment (22 February 2001), 806, 854
 ICTY Prosecutor *v.* Sikirica, Trial Chamber (3 September 2001), 803
 ICTY Prosecutor *v.* Tadić Appeals Chamber, decision on the defence motion for interlocutory appeal on jurisdiction (2 October 1995), 749, 781, 786

Nuremberg International Military Tribunal

- Judgment (1947) 41 American Journal of International Law 172, 782

Permanent Court of International Justice (PCIJ)

- Appeal from a Judgment of the Hungaro/Czechoslovak Mixed Arbitral Tribunal,
Judgment (1933) PCIJ, Series A/B, no. 61, 76
Factory at Chorzów, Merits (1928) PCIJ, Series A, no. 17, 694–5
Mavrommatis Palestine Concessions, Judgment No. 2 (1924) PCIJ, Series A, no.
2, 75
Minority Schools in Albania, Advisory Opinion (1935) PCIJ, Series A/B, no. 64,
465, 493, 497
Société Commerciale de Belgique (SOCOBEL) *v.* Greece (1939) PCIJ Reports,
Series A/B, no. 78, 680

Sierra Leone Special Court (SLSC)

- SLSC Prosecutor *v.* Fofana and Kondewa, Judgment (2 August 2007), 572
SLSC Prosecutor *v.* Kallon, Judgment (25 February 2009), 734
SLSC Prosecutor *v.* Norman, Appeals Chamber Decision on Preliminary Motion
based on Lack of Jurisdiction (Child Recruitment) (31 May 2004), 571,
572

Special Tribunal for Lebanon (STL)

- Interlocutory Decision on the Applicable Law: Terrorism, Conspiracy, Homicide,
Perpetration, Cumulative Charging, case no. STL-11-01/I (16 February
2011), 815

UNMIK Advisory Panel

- Jocić *v.* UNMIK, case no. 34/09 decision (23 April 2013), 883

World Trade Organization Dispute Settlement Body

- United States-Import prohibition of certain Shrimp and Shrimp Products (20
September 1999) WT/DS58/AV/R (Appellate Body Report), WT/DS58/R
(Panel Report), 664

World War II Military Commissions

- Re Dostler, 13 AD 281 (1945), 831
USA *v.* Carl Krauch and Others (IG Farben case) 15 ILR 668 (1948), 870
USA *v.* Flick, 14 ILR 266 (1947), 870
USA *v.* Krupp, 15 ILR 620 (1948), 870

National Cases

Argentina

- Asociación Benghalensis and Others v. Ministerio de Salud y Acción Social*, Judgment (1 June 2000), 456
- Asociación Civil por la Igualdad y la Justicia and Others v. EN-M Educación on amparo under Law 16.986*, Case No. 26701/2015, Judgment (3 November 2016), 453
- Asociación de Esclerosis Múltiple de Salta v. Ministerio de Salud-Estado Nacional (Multiple Sclerosis case)* Judgment (18 December 2003), 443
- Campodónico de Beviacqua, Ana Carina v. Ministerio de Salud y Banco Drogas Neoplásicas*, Judgment (24 October 2000), 437
- Etcheverry v. Omint Sociedad Anónima y Servicios*, Judgment (13 March 2001), 444, 866
- Settlement Agreement between AJIC and the City of Buenos Aires concerning case 23360/0 (2008)* (2 September 2011), 435
- Viceconti v. Ministry of Health and Social Welfare*, case no. 31, 777/96, Judgment (2 June 1998), 663

Australia

- A. v. Minister for Immigration and Ethnic Affairs* [1997] 190 CLR 225, 627
- BGP Properties Pty Limited v. Lake Macquarie City Council* [2004] NSWLEC 399, 663
- BNL20 v. Minister for Home Affairs* [2020] FCA 1180, 634
- Chen Shi Hai v. Minister for Immigration and Multicultural Affairs* [2000] 201 CLR 293, 427, 629
- FRM17 v. Minister for Immigration and Border Protection* [2018] FCA 63, 628
- Gibbs v. Capewell* (1995) 128 ALR 515, 505
- Kruger v. The Commonwealth* (1997) 190 CLR 1, 508
- Minister for Home Affairs v. Omar* [2019] FCAFC 188, 631
- Minister for Immigration and Multicultural Affairs, Re, ex parte Miah* [2001] HCA 22, 629
- Minister for Immigration and Multicultural Affairs v. Abdi* [1999] FCA 299, 624
- Watson's Bay and South Shore Ferry Co. Ltd v. Whitfield* [1919] 27 CLR 268, 681
- X. v. Commonwealth* [1999] HCA 63, 613

Bangladesh

- Ain o Salish Kendra (ASK) v. Government of Bangladesh (Slum-Dwellers case)* (1999) 19 BLD (HCD), 662
- Farooque v. Bangladesh* (1997) 17 BLD (AD) 1, 442

Belgium

- Pinochet, Re*, (1999) 93 American Journal of International Law 700, 788
- Scimet v. African Development Bank (ADB)* (1997) 128 ILR 582, 889
- Western European Union v. Siedler*, Cassation Court (21 December 2009), 890

lx Table of Cases

Botswana

- Mosetlhanyane and Others *v.* Attorney-General (Kalahari Bushmen case)
 Judgment (27 January 2011) 435, 462–3
 Sesana and Others *v.* Attorney-General [2006] 2 BLR 633 (HC), 462

Brazil

- Case RE 436996/SP (26 October 2005), 464

Canada

- Canada (Attorney-General) *v.* Thwaites [1994] 3 FC 38, 613
 Canada (Attorney-General) *v.* Ward [1993] 2 SCR 689, 629, 630, 631
 Delgamuukw *v.* British Columbia [1997] 3 SCR 1010, 514
 Hupacasath First Nation *v.* The Minister of Foreign Affairs of Canada and the
 Attorney-General of Canada (2013) FCA 900, 863
 Hupacasath First Nation *v.* The Minister of Foreign Affairs of Canada and the
 Attorney-General of Canada (2015) FCA 4, 863
 Nevsun Resources Ltd *v.* Araya [2020] SCJ No. 5, 876
 R *v.* Adams [1996] 138 DLR 657, 514
 R *v.* Van der Peet (1996) 137 DLR 289, 514
 Reference re Secession of Quebec [1998] 2 SCR 217, 485
 Suresh *v.* Canada (Minister of Citizenship and Immigration) (2003) 1 SCR 3, 841
 Thyssen Canada Ltd *v.* Mariana (The) [2000] 3 FC 398, 870

Chile

- Diaguíta Community *v.* Compañía Minera Nevada SpA (Pascua Lama case)
 Constitutional Court (25 September 2013), 875

Colombia

- Bermúdez Urrego *v.* Transmilenio, T-595/2002, 431
 Case T-426/1992 (1992), 437
 Céspedes, Antonio Mauricio Monroy, T-92/93, 442
 Jaramillo, Abel Antonio and Others *v.* La Red de Solidaridad Social and Others,
 T-025/2004, 468
 Ramos, Orlando José Morales *v.* Drummond Ltd, Constitutional Court (21 March
 2013), 874
 Restrepo and López *v.* Salud Colmena, T-849/2001, 437, 866
 Rivera case, T-533/1992, 437

lxi Table of Cases

Costa Rica

Presidente de la sociedad MARLENE SA *v.* Municipalidad de Tibás, Constitutional Court Decision no. 6918/94 (1994), 442

Ecuador

Constitutional Court Judgment No. 3-19-JP / 20 (5 August 2020), 457
Mendoza and Others *v.* Minister of Public Health and the Director of the National AIDS/HIV Program, resolution no. 749-2003-RA, Judgment (28 January 2004), 663

Egypt

Drug Pricing case no. 2457/64 (27 April 2010), 920

Ethiopia

Special Prosecutor *v.* Mengistu Hailemariam and Others, Federal High Court (12 December 2006), 805

France

Fédération Nationale de Déportés et Internés, Résistants et Patriotes and Others *v.* Barbie (1988) 78 ILR 125, 788
Sherpa *v.* Lafarge, French Supreme Court of Cassation Judgment (7 Sep 2021), 876

Germany

BVerfGE 1, 97 (1951), 440
BVerfGE 45, 187 (1977), 440
BVerfGE 82, 60 (1990), 427, 435
BVerfGE 87, 153 (1992), 435
BVerwGE 1, 159 (1954), 427
Distomo Massacre case, BGH-III ZR 245/98 (26 June 2003), 702
Solange I, BVerfGE 37, 271 (1974), 274
Solange II, BVerfGE 73, 339 (1986), 274

Greece

Symvoulío Epikrateías judgment no. 668/2012 (20 February 2012), 444, 888

Hong Kong

Fai Tak Engineering Co. Ltd *v.* Sui Chong Construction & Engineering Co. Ltd
[2009] HKDC 141, 870

India

Bayer Corp and Another *v.* Union of India and Others, New Delhi High Court (9
February 2010), 457

Behera, Nilabati alias Lalita Behera *v.* State of Orissa and Others (1993) 2 SCC
746, 701

Court on its own Motion *v.* Union of India, Delhi High Court order WP 5913/2010
(12 January 2011), 443, 570

Jagannath *v.* Union of India and Others (1997) SCC (2) 87, 467

Kumar, Subhash *v.* State of Bihar, AIR (1991) SC 420, 442, 461

Madan Singh *v.* State of Bihar [2004] INSC 225, 815

Mehta, M. C. *v.* Union of India (Ganges water pollution case) AIR (1988) SC 1037,
442

Patt Nayak, Kishen and Another *v.* State of Orissa, AIR (1989) SC 677, 468

People's Union for Civil Liberties *v.* Union of India and Others, Petition (Civil) no.
196/2001, Judgment (2 May 2003), 114, 468, 586, 734

Sahu, Charan Lal *v.* Union of India, AIR (1990) SC 1480, 442

Tellis, Olga *v.* Bombay Municipality Corporation [1985] 2 Supp SCR 51 (India),
662

Ireland

Attorney-General Plaintiff *v.* X. and Other Defendants (1992) 1 IR (5 March
1992), 534

Israel

Jaber Al-Bassiouni Ahmed and Others *v.* Prime Minister and Minister of Defence
[2008] HCJ 9132/07 (2008), 773

Military Prosecutor *v.* Kassem and Others [1971] 42 ILR 470, 892

Public Committee against Torture in Israel and Others *v.* The Government of
Israel, HCJ 769/02 (11 December 2006) Targeted Killings, 834

Public Committee against Torture *v.* The State of Israel, HCJ 5100/94 (1999) 746
n. 118, 379, 843

Tbeish *v.* Attorney General, HCJ 9018/17 (26 November 2018), 379

Latvia

Pensions case, judgment no. 2009/4301 (21 December 2009), 444, 888

lxiii Table of Cases

Malaysia

Adong bin Kuwau and 51 Others *v.* The Government of Johore [1997] 1 MLJ 418, 512

Adong bin Kuwau and 51 Others *v.* The Government of Johore [1998] 2 MLJ 158, 512

Mexico

Case ‘Special Care Unit 13’ (Pabellón 13) AR 378/2014 (15 October 2014), 437

Namibia

Government of Namibia *v.* LM and Others [2014] NASC 19, 457

Netherlands

H *v.* Public Prosecutor (Afghan Asylum Seekers case) Hague Appeals Court (29 January 2007), 789

Netherlands *v.* Nuhanović, Supreme Court (6 September 2013), 890

Pakistan

Zia, Shehla *v.* WAPDA, PLD (1994) SC 693, 442

Peru

Azanca Alhelí Meza García, case no. 2945-2003-AA/TC (20 April 2004) (Constitutional Tribunal of Peru), 922

Philippines

Minors Oposa *v.* Secretary of the Department of Environmental and Natural Resources, Philippines Supreme Court judgment (1994) 33 ILM 173, 663

Romania

Constitutional Court judgment no. 872 (25 June 2010), 444

South Africa

Equal Education and Others *v.* Minister of Basic Education and Others, 22588/2020 Judgment (17 July 2020), 468

lxiv Table of Cases

- Governing Body of Juma Masjid Primary School and Others *v.* Essay NO and Others [2011] ZACC 13, 431
- Government of the Republic of South Africa and Others *v.* Grootboom and Others [2000] ZACC 19, 88, 217, 440, 443, 586
- Hoffman *v.* South African Airways [2000] ZACC 17, 613
- Khosa and Others *v.* Minister of Social Development [2004] 6 BCLR 569, 662
- Madzodzo and Others *v.* Minister of Basic Education, Order (20 February 2014), 431
- Mazibuko and Others *v.* City of Johannesburg [2009] ZACC 28, 461
- Pharmaceutical Manufacturers' Association of South Africa and Others *v.* President of the Republic of South Africa, case no. 4183/98 (RSA High Court, Transvaal provincial division), 921
- S *v.* Petane [1988] 3 SARL 51, 892
- Soobramoney *v.* Minister of Health, KwaZulu-Natal, 1998 (1) SA 765, 456
- South African Minister of Health *v.* Treatment Action Campaign, 2002 (5) SA 721, 436, 456

Spain

- Guatemalan Generals case, Constitutional Tribunal (26 September 2005), 789
- Judgment No. 1263/2018, Spanish Supreme Court (17 July 2018), 88, 340

Sri Lanka

- Bulankulama and Others *v.* Secretary, Ministry of Industrial Development and Others (Eppawela Case) (Sri Lanka) (2000) 3 Sri LR 243, 666–7
- Singarasa *v.* Attorney General, S.C. SPL (LA) No.182/99 (2006), 87, 340, 346

Sudan

- Al Nour, Farouq Mohamed Ibrahim *v.* (1) Government of Sudan; (2) Legislative Body; Final order by Justice Abdallah Aalmin Albashir President of the Constitutional Court (6 November 2008), 87

Switzerland

- M. *v.* R., Swiss Federal Court judgment (2000) ATF 127 III 86, 613
- T. *v.* Neuchâtel County Compensation Bank and Administrative Court, Federal Supreme Court (20 July 1995), 441

United Kingdom (UK)

- A and Others *v.* HM Treasury [2008] EWCA (Civ) 1187, 813
- A and Others *v.* Secretary of State for the Home Department [2004] UKHL 56, 66

lxv Table of Cases

- A and Others v. Secretary of State for the Home Department* [2005] UKHL 71, 844
- AAA v. Unilever PLC* [2018] EWCA Civ 1532 (QB), 876
- Adan v. Secretary of State for the Home Department* [1991] 1 AC 293, 624
- Al-Skeini and Others v. Secretary of State for Defence* [2007] UKHL 26 (13 June 2007), 325
- Al-Sirri v. Secretary of State for the Home Department* [2013] 1 AC 745, 814
- Attorney-General v. Nissan* [1969] 1 AER 639, 882
- Begum v. Home Secretary* [2021] UKSC 7, 845
- Detention Action v. Secretary of State for the Home Department (Equality Human Rights Commission intervening)* [2014] EWHC 2245 (Admin), 400
- Fornah and K. v. Secretary of State for the Home Department.* [2006] UKHL 46, 630
- Government of Spain v. SS Arantazu Mendi and Others* [1939] AC 256, 856
- HJ (Iran) and HT (Cameroon) v. Secretary of State for the Home Department* [2010] UKSC 31, 629
- Human Dignity Trust, The and the Charity Commission for England and Wales, Appeal no. CA/2013/0013, First Tier Tribunal (Charity) General Regulatory Chamber* (9 July 2014), 111
- Islam v. Secretary of State for the Home Department and R v. IAT, ex parte Shah* [1999] 2 AC 629, 630
- J. H. Rayner (Mincing Lane) Ltd v. Department of Trade and Industry and Others and related appeals; MacLaine Watson & Co. Ltd v. Department of Trade and Industry; MacLaine Watson & Co. Ltd v. International Tin Council* (judgment of 26 Oct 1989) 81 ILR 670 (Tin Council case), 879
- Jones v. Ministry of Interior Al-Mamlaka Al-Arabiya AS Saudiya (the Kingdom of Saudi Arabia)* [2006] UKHL 26, 207, 790
- Kalma v. African Minerals Ltd* [2020] EWCA Civ 144 (QB), 876
- McDonald's Corp. v. Steel and Morris* [1997] EWHC QB 366, 923–6
- QD and AH (Iraq) v. Secretary of State for Home Department with the UNHCR intervening* [2009] EWCA (Civ) 620, 624
- R (on the application of Al Jedda) v. Secretary of State for Defence* [2007] UKHL 58, 190
- R (on the application of Al-Saadoon and Mufdhi) v. Secretary of State for Defence* [2009] EWCA Civ 7, 769
- R (on the application of Evans) v. Secretary of State for Defence* [2011] ACD 11, [2010] EWHC 1445 (Admin), 323
- R (on the Application of Smith) v. Secretary of State for Defence and Others* [2010] UKSC 29, 769
- R v. Bow Street Metropolitan Stipendiary Magistrate and Others ex parte Pinochet Ugarte (No. 3)* [1999] 2 All ER 97, 788, 809
- R v. East Sussex Council ex parte Tandy* [1998] 2 All ER 769, 440
- R v. F* [2007] EWCA Crim 243, 815
- R v. Gul (Appellant)* [2013] UKSC 64, 814

lxvi Table of Cases

- R v. Newham London Borough Council, ex parte Dada* [1996] QB 507 (CA), 561
R v. Secretary of State for Defence, ex parte Al-Skeini and Others [2005] EWCA Civ 1609, 769
R v. Secretary of State for Defence, ex parte Al-Skeini and Others [2008] AC 153, 325, 769
R v. Secretary of State for the Home Department, ex parte Sivakumaran [1988] 1 All ER 193, 629
Redericktiebolaget Amphitrite v. King [1921] 2 KB 500, 681
 Trafigura Toxic Dumping litigation (unreported settlement) 669, 872
Vedanta Resources PLC and Another v. Lungowe and Others [2019] UKSC 20, 876
Youssef v. Home Office [2004] EWHC 1884, 841

United States (US)

- Al-Rabiah v. United States*, 658 F. Supp. 2d 11 (D.D.C. 2009) 748, 823, 846
Balintulo v. Daimler AG, 727 F.3d 174 (2d Cir. 2013), 871
Bolanos-Hernandez v. Immigration and Naturalization Service, 767 F.2d 1277 (9th Cir. 1984), 630
Boumediene v. Bush, 128 S. Ct. 2229 (2008) 3, 3, 837
Brown v. Board of Education of Topeka, 347 US 483 (1954), 463
Calley v. Calloway, 382 F. Supp. 650 (1974) rev'd, 519 F.2d 184 (1975) cert. denied, 425 US 911 (1976), 763
Campaign for Fiscal Equity v. State of New York, 100 NY.2d 893 (2003), 436
Campaign for Fiscal Equity v. State of New York, 861 NY.2d 50 (NY 2006), 436
Chen v. Holder, 604 F.3d 324 (7th Cir. 2010), 427, 629
Dobbs v. Jackson Women's Health Organization and Others, S. Ct., 597 U.S.____ 2022, 535–6
Doe v. Nestle (9th Cir. 2014), 872
Doe v. Unocal, 248 F.3d 915 (9th Cir. 2001), 871
Doe v. Unocal (I) 963 F. Supp. 880 (C.D. Cal. 1997), 871
Gault, Re, 387 US 1 (1967), 561
Gherebi v. Rumsfeld, 352 F.3d 1278 (9th Cir. 2003), 836
Government of Belize v. Belize Social Development Ltd, US Supreme Court (12 January 2017), 878
Hamdan v. Rumsfeld, 548 US 557 (2006), 837
Holder and Others v. Humanitarian Law Project and Others, 130 S. Ct. 2705 (2010), 825–6
 Holocaust Victim Assets Litigation, In re, 105 F. Supp. 2d 139 (EDNY 2000), 732
Immigration and Naturalization Service v. Cardoza-Fonseca, 480 US 421 (1987), 629
Immigration and Naturalization Service v. Elias Zacarias, 502 U.S. 478 (1992), 630

lxvii Table of Cases

- International Labour Rights Education and Research Fund *v.* Bush, 752 F. Supp. 495 (D.C. 1990), 912
- Iraq and Afghanistan Detainees Litigation, In Re, 479 F. Supp. 2d 85 (D.D.C. 2007), 844
- Jesner and Others *v.* Arab Bank, PLC, 138 S. Ct. 1386 (2018), 26, 701
- Kadic *v.* Karadžić, 70 F.3d 232 (2d Cir. 1995), 855
- Kasky *v.* Nike, 45 P.3d 243 (Cal. 2002) *aff'd*, 539 US 654 (2003), 870
- Kiobel *v.* Royal Dutch Petroleum Co., 133 S. Ct. 1659 (2013), 26, 701, 871
- Kiobel *v.* Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), 871
- Lone Wolf *v.* Hitchcock, 187 US 553 (1903), 507
- Lutcher SA e Papel Candor *v.* IDB (1967) 42 ILR 138, 889
- Munaf *v.* Geren, Secretary of the Army and Others, 128 S. Ct. 2207 (2008), 837
- Nike *v.* Kasky, 539 US 654 (2003), 870
- Rasul *v.* Bush, 542 US 466 (2004), 836–7
- Rasul *v.* Myers, 512 F.3d 644 (D.C. Cir. 2008), 844
- Pod-Ners LLC, re, 93 US PQ.2d (BNA) 1411 (Fed Cir. 2009), 923
- South Africa Apartheid Litigation, Re (S.D.N.Y. 2014), 872
- South Fork Band and Others *v.* United States, 588 F.3d 718 (2009), 505
- United States *v.* Roblero-Solis, 588 F.3d 692 (9th Cir. 2009), 636
- United States *v.* Steven Green (6th Cir. 2011), 763

Venezuela

- Cruz Bermúdez and Others *v.* Ministerio de Sanidad y Asistencia Social, Judgment no. 916 (15 July 1999), 437

ABBREVIATIONS

AC	Appeal Cases law reports (England)
ACHPR	African Charter on Human and Peoples' Rights
ACHR	American Convention on Human Rights
ACJ	African Court of Justice
ACmHPR	African Commission on Human and Peoples' Rights
ACtERWC	African Committee of Experts on the Rights and Welfare of the Child
ACtHPR	African Court on Human and Peoples' Rights
AHRLR	African Human Rights Law Reports
AI	Amnesty International
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIR	All India Reports
All ER	All England Reports
ALR	Australian Law Reports
ARIO (ILC)	Articles on the Responsibility of International Organisations
ARSIWA	Articles on Responsibility of States for Internationally Wrongful Acts
ASEAN	Association of Southeast Asian Nations
ATCA	Aliens Tort Claims Act
AU	African Union
BCLR	Butterworth's Constitutional Law Reports (RSA)
BGH	<i>Bundesgerichtshof</i> (German Federal Court of Justice)
BHRC	Butterworth's Human Rights Cases
BiH	Bosnia and Herzegovina
BIT	bilateral investment treaty
BLD	Bangladesh Legal Decision (reports)
BLR	Botswana Law Reports
BOP	balance of payments
BVerfG	<i>Bundesverfassungsgericht</i> (German Constitutional Court)
BVerwG	<i>Bundesverwaltungsgericht</i> (Federal Administrative Court of Germany)
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

 Ixix List of Abbreviations

CCJ	Caribbean Court of Justice
CDO	collateral debt obligations
CDS	credit default swaps
CED	Committee on Enforced Disappearances
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEJIL	Centre for Justice and International Law
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CETS	Council of Europe Treaty Series
CIA	Central Intelligence Agency
CIF	Commodity Investment Fund
CJEU	Court of Justice of the European Union
CLR	Commonwealth Law Reports
Cm.	Command Paper (UK)
CMW	Committee on Migrant Workers
CoE	Council of Europe
COHRE	Centre on Housing Rights and Evictions
CoM	Committee of Ministers (Europe)
CommHR	Commission on Human Rights (UN)
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CPP–NPA	Communist Party of the Philippines–New People’s Army
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSCE	Conference on Security and Cooperation in Europe
CSOs	civil society organisations
CtAT	Committee against Torture
CtEDAW	Committee on the Elimination of Discrimination against Women
CtRC	Committee on the Rights of the Child
CtRPD	Committee on the Rights of Persons with Disabilities
DAC	Development Assistance Committee (OECD)
DAGs	domestic advisory groups
DEVAW	Declaration on the Elimination of Violence Against Women (1994)
DLR	Dominion Law Reports
DPAs	deep-penetration agents
D & R	Decisions and Reports of the European Committee on Human Rights
DTA	Detainee Treatment Act (USA)

 lxx List of Abbreviations

EAC	East African Community
EBA	Everything But Arms
EC	European Community
ECB	European Central Bank
ECCC	Extraordinary Chambers in the Courts of Cambodia
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECOSOC	Economic and Social Council (UN)
ECOWAS	Economic Community of West African States
ECOWAS CCJ	ECOWAS Community Court of Justice
ECR	European Court Reports (ECJ)
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EFSF	European Financial Stability Facility
EHRAC	European Human Rights Advocacy Centre
EHRR	European Human Rights Reports
EOHR	Egyptian Organization for Human Rights
ESC	economic, social and cultural rights
ESM	European Stability Mechanism
ETOs	extraterritorial obligations
EU	European Union
EULEX	EU Rule of Law Mission in Kosovo
EWHC	High Court of England and Wales
F.	Federal reporter (USA)
FAO	Food and Agriculture Organization
FCO	Foreign and Commonwealth Office (UK)
FCDO	Foreign, Commonwealth and Development Office (UK)
FDI	foreign direct investment
FGC	female genital cutting
FGM	female genital mutilation
FIDH	International Federation of Human Rights
FIDIC	International Federation of Consulting Engineers
FPIC	free, prior and informed consent
FRONTEX	Frontières Extérieures (European Border and Coast Guard Agency)
FRY	Federal Republic of Yugoslavia
FTF	foreign terrorist fighter
G-77	Group of 77 (nations)
GATT	General Agreement on Tariffs and Trade
GC	Grand Chamber (of the ECtHR)
GDP	gross domestic product
GDR	German Democratic Republic (East Germany)
GEF	global environmental facility

lxxi List of Abbreviations

GRI	Global Reporting Initiative
GSP	Generalised System of Preferences
HCJ	High Court of Justice (Israel)
HDI	Human Development Index
HIPCs	highly indebted poor countries
HPG	Humanitarian Policy Group
HRAP	Human Rights Advisory Panel
HRBA	human rights-based approach
HRC	Human Rights Council
HRCtee	Human Rights Committee
HRIA	human rights impact assessment
HRMM	human rights mainstreaming mechanism
HRRP	Human Rights Review Panel
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
IBA	International Bar Association
IBP	International Budget Partnerships
IBRD	International Bank for Reconstruction and Development
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHRP	International Council on Human Rights Policy
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICSID	International Centre for the Settlement of Investment Disputes
ICSPCA	International Convention on the Suppression and Punishment of the Crime of Apartheid
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDB	International Development Bank
IDPs	internally displaced persons
IFI	international financial institution
IGOs	intergovernmental organisations
IHL	international humanitarian law
IIIM	International, Impartial and Independence Mechanism
ILA	International Law Association

lxxii List of Abbreviations

ILC	International Law Commission
ILM	International Legal Materials
ILO	International Labour Organization
ILP	international legal personality
ILR	International Law Reports
IMF	International Monetary Fund
IMT	International Military Tribunal at Nuremberg
INSC	Supreme Court of India Judgments
IP	intellectual property
IPCC	Independent Police Complaints Commission (England and Wales)
IPP	indigenous peoples plan
IPPF	indigenous peoples planning framework
IRA	Irish Republican Army
IRCT	International Rehabilitation Council for Torture Victims
IS	Islamic State
ISC	Intelligence and Security Committee (UK)
ISDS	investor–state dispute settlement
IVF	in vitro fertilisation
KB	King’s Bench
KFOR	Kosovo Force
LAS	League of Arab States
LDCs	least developed countries
LFJL	Lawyers for Justice in Libya
LGBTI	lesbian, gay, bisexual, transgender and intersex
LNTS	League of Nations Treaty Series
LRA	Lord’s Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
MDER	minimum dietary energy requirements
MDGs	Millennium Development Goals
MFI	microfinancing institution
MFN	most favoured nation
MI5	Military Intelligence, section 5 (UK)
MICSs	Multiple Indicator Cluster Surveys
MIGA	Multilateral Investment Guarantee Agency
MLA	mutual legal assistance
MMDA	Model Mine Development Agreement
MNC	multinational corporation
MoU	memorandum of understanding
MRM	monitoring and reporting mechanism
MRT	Moldovan Republic of Transnistria
NATO	North Atlantic Treaty Organization
NBC	nuclear, biological and chemical first aid kit

 lxxiii List of Abbreviations

NgHC	Nigerian High Court
NGO	non-governmental organisation
NHRIs	national human rights institutions
NLMs	national liberation movements
NSAs	non-state actors
NTC	National Transitional Council (Libya)
OAS	Organization of American States
OAU	Organisation of African Unity
ODA	overseas development assistance
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OJ	Official Journal (EC)
OLC	Office of the Legal Counsel (US Department of Justice)
OP	Operational Policy (World Bank)
OPCAT	Optional Protocol to the Convention against Torture
OP-ICESCR	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
OPML	Oplan Missing Link
OSCE	Organization for Security and Cooperation in Europe
PAT	poverty assessment tool
PATH	Peace Advocates for Truth, Healing and Justice
PB	participatory budgeting
PCA	Permanent Court of Arbitration
PCIJ	Permanent Court of International Justice
PII	public interest immunity
PKK	Kurdistan Workers' Party
PLD	All Pakistan Legal Decisions
PLO	Palestine Liberation Organization
PNS	parasympathetic nervous system
POW	prisoner of war
PPPs	public private partnerships
PRGF	poverty reduction growth facility
PRSP	poverty reduction strategy paper
QB	Queen's Bench
R 61	Rule 61 decision (ICTY)
R2P	responsibility to protect
ROE	rules of engagement
RSA	Republic of South Africa
RSLR	River State Law Reports (Nigeria)
RTD	right to development
RTHE	right to a healthy environment
SA	South African (law reports)
SADC	South African Development Community

lxxiv List of Abbreviations

SAP	structural adjustment programme
SCC	Supreme Court Cases (India)
SCR	Supreme Court Reports (India)
SCR	Supreme Court Reports (Canada)
S. Ct.	Supreme Court Reports (USA)
SERAC	Social and Economic Rights Action Centre
SIA	social impact assessment
SLSC	Sierra Leone Special Court
SMEs	small and medium-sized enterprises
SNS	sympathetic nervous system
SPLM	Sudan People's Liberation Movement
SPT	Subcommittee on Prevention of Torture
SSN	South-South Network
Stat.	US Statutes at large
STL	Special Tribunal for Lebanon
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TRNC	Turkish Republic of Northern Cyprus
UDHR	Universal Declaration of Human Rights
UHRC	Uganda Human Rights Commission
UK	United Kingdom
UKHL	UK House of Lords
UKSC	UK Supreme Court
UN	United Nations
UNAMID	AU/UN Hybrid Operation in Darfur
UNCAC	UN Convention against Corruption
UNCITRAL	UN Commission on International Trade Law
UNCLOS	UN Convention on the Law of the Sea
UNCTAD	UN Conference on Trade and Development
UNDP	UN Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	UN General Assembly
UNHCR	UN High Commissioner for Refugees
UNICEF	UN International Children's (Emergency) Fund
UNMIK	UN Mission in Kosovo
UNMIS	UN Mission in Sudan
UNOSAT	UN Operational Satellite Applications Program
UNOSOM	UN Operation in Somalia

lxxv List of Abbreviations

UNRIAA	UN Reports of International Arbitral Awards
UNSC	UN Security Council
UNTS	UN Treaty Series
UPR	universal periodic review
US	US Supreme Court [reporter]
US(A)	United States (of America)
USC	United States Codes
VAT	value added tax
VCLT	Vienna Convention on the Law of Treaties
WAF	Women's Action Forum (Pakistan)
WFSs	World Food Summits
WGEID	Working Group on Enforced or Involuntary Disappearances
WHO	World Health Organization
WLR	Weekly Law Reports (England)
WMA	World Medical Association
WTO	World Trade Organization
ZACC	Constitutional Court of South Africa (reports)