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Vol. 19 (1952) 
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Vols. 151-61 Edited by Sir Elihu Lauterpacht, CBE, QC, LLD, Sir Christopher Greenwood, CMG, QC, and K. L. Lee
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>vii</td>
</tr>
<tr>
<td>Editorial Note</td>
<td>ix</td>
</tr>
<tr>
<td>Table of Cases (alphabetical)</td>
<td>xiii</td>
</tr>
<tr>
<td>Table of Cases (according to courts and countries)</td>
<td>xv</td>
</tr>
<tr>
<td>Digest (main headings)</td>
<td>xvii</td>
</tr>
<tr>
<td>Digest of Cases Reported in Volume 161</td>
<td>xix</td>
</tr>
<tr>
<td>Table of Treaties</td>
<td>xxv</td>
</tr>
<tr>
<td>Reports of Cases</td>
<td>1</td>
</tr>
<tr>
<td>Index</td>
<td>740</td>
</tr>
</tbody>
</table>
PREFACE

The present volume is devoted to international jurisprudence. It contains the 2008 order and 2011 judgment of the International Court of Justice in the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) together with related cases before the European Court of Human Rights (Georgia v. Russia (Nos 1 and 2)). International jurisprudence is also reflected in the judgment of the European Court of Human Rights in Hassan v. United Kingdom and in Opinion 2/13 of the Court of Justice of the European Union concerning accession of the European Union to the European Convention on Human Rights.

The Editors wish to thank the many people whose work has made this volume possible. Miss Maureen MacGlashan, CMG compiled the Table of Treaties and the Index. Mrs Diane Ilott checked the copy and Mrs Jenny Macgregor read the proofs. Ms Karen Lee prepared the Tables of Cases and the Digest and saw the volume through the press.

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

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April 2015
EDITORIAL NOTE

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

**Decisions of International Tribunals**

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

*Human rights cases.* The number of decisions on questions of international protection of human rights has increased considerably in recent years and it is now impossible for the *Reports* to cover them all. As far as decisions of international jurisdictions are concerned, the *Reports* will continue to publish decisions of the European Court of Human Rights and of the Inter-American Court of Human Rights, as well as “views” of the United Nations Human Rights Committee. Decisions of national courts on the application of conventions on human rights will not be published unless they deal with a major point of substantive human rights law or a matter of wider interest to public
international lawyers such as the relationship of international law and national law, the extent of the right of derogation or the principles of the interpretation of treaties.

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

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

**Editorial Treatment of Materials**
The basic policy of the Editors is, so far as possible, to present the material in its original form. It is no part of the editorial function to impose on the decisions printed in these volumes a uniformity of approach or style which they do not possess. Editorial intervention is limited to the introduction of the summary and of the bold-letter rubric at the head of each case. This is followed by the full text of the original decision or of its translation. Normally, the only passages which will be omitted are those which contain either statements of fact having no bearing on the points of international law involved in the case or discussion of matters of domestic law unrelated to the points of international legal interest. The omission of material is usually indicated either by a series of dots or by the insertion of a sentence in square brackets noting the passages which have been left out.
Presentation of Materials
The material in the volume has been typeset for this volume. The source of all such material is indicated by the reference to the “Report” in square brackets at the end of the case. The language of the original decision is also mentioned there. The bold figures in square brackets in the body of the text in non-English cases indicate the pagination of the original report.

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

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

Digest of Cases
With effect from Volume 75 the decisions contained in the Reports are no longer arranged according to the traditional classification scheme. Instead a Digest of Cases is published at the beginning of each volume. The main headings of the Digest are arranged alphabetically. Under each heading brief details are given of those cases reported in that volume which contain points covered by that heading. Each entry in the Digest gives the name of the case concerned and the page reference, the name of the tribunal which gave the decision and an indication of the main points raised in the case which relate to that particular heading of the Digest. Where a case raises points which concern several different areas of international law, entries relating to that case will appear under each of the relevant headings in the Digest. A list of the main headings used in the Digest is set out at p. xvii.

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

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

<table>
<thead>
<tr>
<th>Case</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) (Provisional Measures) (Preliminary Objections)</td>
<td>1</td>
</tr>
<tr>
<td>Georgia v. Russia (No 1) (Application No 13255/07) (Admissibility) (Merits)</td>
<td>333</td>
</tr>
<tr>
<td>Georgia v. Russia (No 2) (Application No 38263/08) (Admissibility)</td>
<td>487, 523(note)</td>
</tr>
<tr>
<td>Georgia v. Russian Federation (Application of the International Convention on the Elimination of All Forms of Racial Discrimination) (Provisional Measures) (Preliminary Objections)</td>
<td>1</td>
</tr>
<tr>
<td>Hassan v. United Kingdom (Application No 29750/09) (Merits)</td>
<td>524</td>
</tr>
<tr>
<td>Opinion 2/13 (Accession of the European Union to the European Convention on Human Rights)</td>
<td>600</td>
</tr>
</tbody>
</table>
TABLE OF CASES REPORTED
ARRANGED ACCORDING TO COURTS AND TRIBUNALS (INTERNATIONAL CASES) AND COUNTRIES (MUNICIPAL CASES)

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

I. DECISIONS OF INTERNATIONAL TRIBUNALS

<table>
<thead>
<tr>
<th>European Court of Human Rights</th>
<th>International Court of Justice</th>
</tr>
</thead>
</table>
| 2009  
Georgia v. Russia (No 1) (Application No 13255/07) (Admissibility) 333, 337 | 2008  
Georgia v. Russian Federation (Application of the International Convention on the Elimination of All Forms of Racial Discrimination) (Provisional Measures) 1, 12 |
| 2011  
Georgia v. Russia (No 2) (Application No 38263/08) (Admissibility) 487, 523(note) | |
| 2014  
Georgia v. Russia (No 1) (Application No 13255/07) (Merits) 333, 360  
Hassan v. United Kingdom (Application No 29750/09) (Merits) 524 | 2011  
Georgia v. Russian Federation (Application of the International Convention on the Elimination of All Forms of Racial Discrimination) (Preliminary Objections) 1, 64 |

| European Union, Court of Justice | |
|--------------------------------||
| 2014  
Opinion 2/13 (Accession of the European Union to the European Convention on Human Rights) 600 | |

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<table>
<thead>
<tr>
<th>DIGEST OF CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>List of Main Headings</td>
</tr>
<tr>
<td>(Those headings for which there are entries in the present volume are printed in italics. For a guide to the Digest, see the Editorial Note at p. xi.)</td>
</tr>
<tr>
<td>Air</td>
</tr>
<tr>
<td>Aliens</td>
</tr>
<tr>
<td>Arbitration</td>
</tr>
<tr>
<td>Canals</td>
</tr>
<tr>
<td>Claims</td>
</tr>
<tr>
<td>Comity</td>
</tr>
<tr>
<td>Conciliation</td>
</tr>
<tr>
<td>Consular Relations</td>
</tr>
<tr>
<td>Damages</td>
</tr>
<tr>
<td>Diplomatic Relations</td>
</tr>
<tr>
<td>Economics, Trade and Finance</td>
</tr>
<tr>
<td>Environment</td>
</tr>
<tr>
<td>Expropriation</td>
</tr>
<tr>
<td>Extradition</td>
</tr>
<tr>
<td>Governments</td>
</tr>
<tr>
<td>Human Rights</td>
</tr>
<tr>
<td>International Court of Justice</td>
</tr>
<tr>
<td>International Criminal Law</td>
</tr>
<tr>
<td>International Organizations</td>
</tr>
</tbody>
</table>
### Aliens


*Georgia v. Russia (No 1) (Application No 13255/07) (Admissibility) (Merits)*  
333

### Claims

Evidence — Human rights claims — Admissibility of evidence — Burden of proof — European Court of Human Rights — Effect of role of the Court on approach to evidence — Absence of formal rules on admissibility of evidence — Circumstances in which burden of proof shifts to government — Injury and death in custody — European Court of Human Rights

*Hassan v. United Kingdom (Application No 29750/09) (Merits)*  
524

Local remedies rule — Application in human rights cases — European Convention on Human Rights, Article 35(1) — Inter-State case — Allegation of administrative practice in violation of the Convention — European Court of Human Rights

*Georgia v. Russia (No 1) (Application No 13255/07) (Admissibility) (Merits)*  
333

Local remedies rule — Application in human rights cases — European Convention on Human Rights, Article 35(1) — Inter-State case — Allegation of administrative practice in violation of the Convention — European Court of Human Rights

*Georgia v. Russia (No 2) (Application No 38263/08) (Admissibility)*  
487

### Human Rights

Aliens — Expulsion — Collective expulsion — Arrests and detention — Deprivation of liberty — Protection against
Human Rights (cont.)


Georgia v. Russia (No 1) (Application No 13255/07) (Admissibility) (Merits) 333


Opinion 2/13 (Accession of the European Union to the European Convention on Human Rights) 600

Treaties — Interpretation of human rights treaties — Compromissory clauses — Convention on the Elimination of All Forms of Racial Discrimination, Article 22 — Whether imposing preconditions on the seisin of the International Court of Justice — Scope of application of Convention — Whether applicable extraterritorially — Conflict between Georgia and Russian Federation in 2008 — Allegations of ethnic cleansing in Abkhazia and South Ossetia — Whether dispute regarding the interpretation or application of the Convention — International Court of Justice

Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) (Provisional Measures) (Preliminary Objections) 1

Treaties — Scope of application — European Convention on Human Rights, Article 1 — Application during international armed conflict — Application to State in respect of events outside territory of that State — Relationship between Convention and international humanitarian law — Arrest and detention — Article 5 — Detention of prisoner of war under Third Geneva Convention, 1949 — Detention of civilian on
security grounds under Fourth Geneva Convention, 1949 —
Whether compatible with Article 5 — Article 2 — Extent of
duty to investigate death — European Court of Human Rights

_Hassan v. United Kingdom (Application No 29750/09) (Merits)_ 524

Treaties — Scope of application — European Convention on
Human Rights, Article 1 — Application during international
armed conflict — Application to State in respect of events
outside territory of that State — Rule on exhaustion of domestic
remedies — European Convention on Human Rights, Article
35(1) — Applicability in inter-State case — Administrative
practice allegedly in violation of the Convention — Conflict
between Georgia and Russian Federation in 2008 — Joinder of
issues to the merits — Six-month time limit — Similarities
between case and case before International Court of Justice —
European Court of Human Rights

_Georgia v. Russia (No 2) (Application No 38263/08) (Admis-
sibility)_ 487

International Court of Justice

Jurisdiction — Consent of States as basis of jurisdiction —
Dispute — Definition of dispute — Convention on the
Elimination of All Forms of Racial Discrimination, Article 22 —
Types of dispute covered by Article 22 — Conflict between
Georgia and Russian Federation in 2008 — Whether dispute
between the Parties regarding the interpretation or application
of the Convention — Date on which dispute came into
existence — Whether Article 22 imposing preconditions on
seisin of the Court — Requirement of negotiations —
Relationship between decision on prima facie basis of jurisdiction
at provisional measures stage and definitive ruling on
jurisdiction — Whether compromissory clauses in human rights
treaties requiring different approach to interpretation —
International Court of Justice

_Application of the International Convention on the Elimina-
tion of All Forms of Racial Discrimination (Georgia v. Russian
Federation) (Provisional Measures) (Preliminary Objections)_

Provisional measures of protection — Criteria for indication of
measures — Prima facie basis for jurisdiction — Application by
Georgia against Russian Federation — Convention on the
Elimination of All Forms of Racial Discrimination, Article 22 —
Whether prima facie basis for jurisdiction — Measures must be
International Court of Justice (cont.)
designed to protect rights which might form the subject-matter of a judgment — Requirement of urgency — International Court of Justice

Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) (Provisional Measures) (Preliminary Objections)

International Organizations
Personality — Responsibility — Division of functions between organization and members — European Union — Accession to the European Convention on Human Rights — Attribution of acts to Member States or the Union — Question of European Union law — Autonomy of European Union legal order — Court of Justice of the European Union

Opinion 2/13 (Accession of the European Union to the European Convention on Human Rights)

United Nations — Security Council — Exchanges between States in meetings of Security Council — Whether capable of establishing existence of dispute — Whether capable of constituting attempt to resolve dispute by negotiation — International Court of Justice

Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) (Provisional Measures) (Preliminary Objections)

International Tribunals
Court of Justice of the European Union — European Court of Human Rights — Proposed accession of European Union to European Convention on Human Rights — Degree to which judgments of the European Court of Human Rights to bind European Union and its institutions — Procedure — Co-respondent procedure — Mechanism for prior involvement of Court of Justice of the European Union — Court of Justice of the European Union

Opinion 2/13 (Accession of the European Union to the European Convention on Human Rights)

European Court of Human Rights — Jurisdiction — Procedure — Decisions on admissibility — Joinder of issues to the merits — European Court of Human Rights

Georgia v. Russia (No 1) (Application No 13255/07) (Admissibility) (Merits)
DIGEST OF CASES

European Court of Human Rights — Jurisdiction — Procedure — Decisions on admissibility — Joinder of issues to the merits — European Court of Human Rights

*Georgia v. Russia (No 2) (Application No 38263/08) (Admissibility)* 487

European Court of Human Rights — Role and function — Evidence — Burden of proof — European Court of Human Rights

*Hassan v. United Kingdom (Application No 29750/09) (Merits)* 524

States


*Opinion 2/13 (Accession of the European Union to the European Convention on Human Rights)* 600

Treaties

Interpretation — Principles of interpretation — Principle of *effet utile* — Role within framework of treaty interpretation — Human rights treaties — Compromissory clauses — Convention on the Elimination of All Forms of Racial Discrimination, Article 22 — Approach to interpretation — International Court of Justice

*Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) (Provisional Measures) (Preliminary Objections)* 1


*Hassan v. United Kingdom (Application No 29750/09) (Merits)* 524
War and Armed Conflict

Applicable law — Relationship between international humanitarian law and human rights law — European Convention on Human Rights — European Court of Human Rights

*Georgia v. Russia (No 2) (Application No 38263/08) (Admissibility)*

International armed conflict — Conflict between Georgia and Russia in 2008 — Conflicts in Abkhazia and South Ossetia — Ethnic cleansing — Whether giving rise to dispute within Convention on the Elimination of All Forms of Racial Discrimination, Article 22 — International Court of Justice

*Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) (Provisional Measures) (Preliminary Objections)*


*Hassan v. United Kingdom (Application No 29750/09) (Merits)*
# TABLE OF TREATIES

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

In the case of bilateral treaties, the names of the parties are given in alphabetical order and references to the texts of treaties have been supplied, including wherever possible at least one reference to a text in the English language unless these are known to be included in the Flare Index to Treaties available at [http://ials.sas.ac.uk/treatyindex.htm](http://ials.sas.ac.uk/treatyindex.htm). Multilateral treaties, all included in the Flare Index, are referred to by the name by which they are believed commonly to be known.

### 1919
- **June 28**          
  Covenant of the League of Nations (Part I of the Treaty of Versailles)  
  Art. 14 ........................................... 232

### 1920
- **Dec. 16**          
  Statute of the Permanent Court of International Justice (PCIJ)  
  Art. 36 ........................................... 232-40  
  Art. 36(2) ................................. 246-7, 250-1

### 1945
- **June 26**          
  Charter of the United Nations  
    Chapter VII  
    Art. 51 ................................. 28-9, 109-10

- **June 26**          
  Statute of the International Court of Justice  
    Chapter I  
    Art. 31 ........................................... 22
    Chapter II  
    Art. 34(3) ........................................... 66
    Art. 36 ........................................... 240-5
    Art. 36(1) ........................................... 65, 178-9
    Art. 36(2) ........................................... 251-3, 284
    Chapter III  
    Art. 40(2) ........................................... 21, 65
    Art. 40(3) ........................................... 22, 65
    Art. 41 ........................................... 18-19, 32, 47, 50-5, 64-229
    Arts. 49-51 ........................................... 191
    Art. 63(1) ........................................... 66
<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
<th>Treaties</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dec. 9</td>
<td>Convention on the Prevention and Punishment of the Crime of Genocide</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. IX</td>
</tr>
<tr>
<td>1949</td>
<td>May 5</td>
<td>Statute of the Council of Europe</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Preamble</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 15(a)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 20(d)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 25</td>
</tr>
<tr>
<td></td>
<td>Aug. 12</td>
<td>Geneva Conventions Relative to the Protection of the Victims of International Armed Conflicts (Common Articles)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 2</td>
</tr>
<tr>
<td></td>
<td>Aug. 12</td>
<td>Geneva Convention Relative to the Treatment of Prisoners of War (Geneva Convention III)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 4A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 21</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 78</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 118</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 122</td>
</tr>
<tr>
<td></td>
<td>Aug. 12</td>
<td>Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 42</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 43</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 78</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 133(1)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Art. 133(2)</td>
</tr>
<tr>
<td></td>
<td>Sept. 2</td>
<td>Council of Europe, General Agreement on Privileges and Immunities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Arts. 1-19</td>
</tr>
</tbody>
</table>
1950
Nov. 4 European Convention for the Protection of Human Rights and
Fundamental Freedoms, First Protocol (20 March 1952)
   Art. 1 ........ 339-41, 349-50, 352-3, 362, 364, 385, 418-20,
        493, 497-8, 505-6, 510-11
   Art. 2 ............ 339-41, 349-50, 352-3, 362, 364, 385,
        418-20, 493, 498, 505-6

Nov. 4 European Convention for the Protection of Human Rights and
Fundamental Freedoms, Second Protocol (6 May 1963) .... 687

Nov. 4 European Convention for the Protection of Human Rights and
Fundamental Freedoms, Third Protocol (6 May 1963) .... 687

Nov. 4 European Convention for the Protection of Human Rights and
Fundamental Freedoms, Fourth Protocol (16 December 1963)
   686
   Art. 2 .................. 490, 493, 498-9, 505-6, 516
   Art. 4 ............ 339-41, 345-9, 352, 362, 364, 385, 404-7,
        414-17, 421, 429-34, 452-3

Nov. 4 European Convention for the Protection of Human Rights
and Fundamental Freedoms, Fifth Protocol (20 January
1966) .......................................................... 687

Nov. 4 European Convention for the Protection of Human Rights and
Fundamental Freedoms, Sixth Protocol (28 April 1983) .... 686

Nov. 4 European Convention for the Protection of Human Rights and
Fundamental Freedoms, Seventh Protocol (22 November
1984) .......................................................... 686
   Art. 1 ............ 339-41, 345-9, 352, 362, 364, 385, 417-18,
        422, 442-8, 457
   Art. 4(1) ..................... 644-5

Nov. 4 European Convention for the Protection of Human Rights and
Fundamental Freedoms, Eighth Protocol (European Commission
on Human Rights procedure (19 March 1985)) ............ 687

Nov. 4 European Convention for the Protection of Human Rights and
Fundamental Freedoms, Eleventh Protocol (11 May 1994)
(ETS 155) .................................................. 251-3, 259
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec. 15</td>
<td>Council of Europe General Agreement on Privileges and Immunities, Second Protocol Arts. 2-6 ........................................... 696-7</td>
</tr>
<tr>
<td>Mar. 25</td>
<td>Treaty Establishing the European Economic Community (Treaty of Rome) (as amended by the Treaties of Amsterdam and Nice) (EC) (numbers shown in square brackets indicate original treaty numbers). Repealed articles are shown as “repealed” at the point suggested by the article number in question, in square brackets Art. [35] (repealed) ........................................... 629</td>
</tr>
<tr>
<td>Apr. 29</td>
<td>Optional Protocol to the 1958 Law of the Sea Convention concerning the Compulsory Settlement of Disputes Art. 1 ........................................... 74-5</td>
</tr>
<tr>
<td>Mar. 30</td>
<td>Single Convention on Narcotic Drugs Art. 48(1) ........................................... 74-5, 143</td>
</tr>
<tr>
<td>Year</td>
<td>Date</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>1965</td>
<td>Mar. 18</td>
</tr>
<tr>
<td>1966</td>
<td>Dec. 16</td>
</tr>
<tr>
<td>Date</td>
<td>Treaty Description</td>
</tr>
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<td>------------</td>
<td>------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Nov. 22</td>
<td>American Convention on Human Rights (ACHR)</td>
</tr>
<tr>
<td>1979</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</td>
</tr>
<tr>
<td>1986</td>
<td>Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations</td>
</tr>
<tr>
<td>1996</td>
<td>Council of Europe General Agreement on Privileges and Immunities, Sixth Protocol</td>
</tr>
</tbody>
</table>