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### International human rights law and the law of armed conflict in the context of counterinsurgency: With a particular focus on targeting and operational detention

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## *Case-Law*

### AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- 1995c Constitutional Rights Project v. Nigeria, African Commission on Human and Peoples' Rights, Comm. No. 60/91 (1995)
- 1999g Constitutional Rights Project and Civil Liberties Organisation v. Nigeria, Comm. Nos. 143/95 and 159/96, 26th Session, Kigali, 1–15 November 1999

### EUROPEAN COMMISSION OF HUMAN RIGHTS

- 1965 X v. Federal Republic of Germany, App. No. 1611/62, Decision of 25 September 1965, 25 September 1965
- 1969a "Greek Case", App. No. 3321/67, Decision of 5 November 1969
- 1975b Cyprus v. Turkey, App. No. 6780/74, 6950/75, Decision of 26 May 1975 (Admissibility)
- 1975c Golder v. the United Kingdom, App. No. 4451/70, Decision of 21 February 1975
- 1975d Ilse Hess v. United Kingdom, App. No. 6231/73, Decision of 28 May 1975
- 1977b X and Y v. Switzerland, App. No. 7289/75, Decision of 14 July 1977
- 1977c X v. UK, App. No. 7547/76, Decision of 15 December 1977
- 1978a Cyprus v. Turkey, App. No. 8007/77, Decision of 10 July 1978
- 1985b G. v. the United Kingdom and Ireland, App. No. 9837/82, Decision of 7 March 1985
- 1986d Wolfram v. Germany, App. No. 11257/84, Decision of 6 October 1986
- 1990c Fox, Campbell and Hartley v. United Kingdom, App. Nos. 12244/86, 12245/86 and 12383/86, Decision of 30 August 1990
- 1992d W.M. v. Denmark, App. No. 17392/90, Decision of 14 October 1993
- 1993c Kelly v. the United Kingdom, App. No. 17579/90, Decision of 13 January 1993, 74
- 1997f Ayetkin v. Turkey, App. No. 22880/93, Decision of 18 September 1997
- 1997h Ergi v. Turkey, App. No. 23818/94, Decision of 20 May 1997

### EUROPEAN COURT OF HUMAN RIGHTS

- 1961a Austria v. Italy, App. No. 788/60, Judgment of 11 January 1961
- 1961b Lawless v. Ireland, App. No. 332/57, Judgment of 1 July 1961 (Merits)
- 1976b Engel and others v. The Netherlands, App. Nos. 5100/71; 5101/71; 5102/71; 5102/72, Judgment of 8 June 1976 (Merits)
- 1976d Handyside v. the United Kingdom, App. No. 5493/72, Judgment of 7 December 1976
- 1977a Ireland v. the United Kingdom, Case No. 5310/71, Judgment of 13 December 1977
- 1978b Ireland v. the United Kingdom, Case No. 5310/71, Judgment of 18 January 1978
- 1979d Sunday Times v. the United Kingdom, App. No. 6538/74, Judgment of 26 April 1979
- 1980b Guzzardi v. Italy, App. No. 7367/76, Judgment of 6 November 1980
- 1981d X v. the United Kingdom, App. No. 7215/75, Judgment 5 November 1981
- 1984b De Jong, Baljet and van den Brink v. the Netherlands, App. No. 8805/79; 8806/79; 9242/81, Judgment of 22 May 1984
- 1988a Belilos v. Switzerland, App. No. 10328/83, Judgment of 29 April 1988
- 1988b Brogan & others v. UK, App. No. 11209/84, 11234/84/11266/84, Judgment of 29 November 1988, 29 November 1989
- 1988c Ekbatani v. Sweden, App. No. 10563/83, Judgment of 26 May 1988
- 1989a Ciulla v. Italy, App. No. 11152/84, Judgment of 22 February 1989
- 1989b Lukanov v. Bulgaria, App. No. 21915/93, Judgment of 29 November 1989
- 1989d Soering v. the United Kingdom, App. No. 14038/88, Judgment of 7 July 1989
- 1990a Cruz Varas and Others v. Sweden, Appl. No. 15576/89, Judgment of 29 August 1990

1991d	Vilvarajah and Others v. United Kingdom, App. No. 13163/87, 13164/87, 13165/87, 13447/87, 13448/87, Judgment of 30 October 1991
1992a	Drozd and Janousek v. France, App. No. 12747/87, Judgment of 26 June 1992
1993a	Brannigan and McBride v. the United Kingdom, App. No. 14553/89; 14554/89, Judgment of 26 May 1993
1993b	Funke v. France, App. No. 10828/84, Judgment of 25 February 1993
1994b	Murray v. the United Kingdom, App. No. 14310/88, Judgment of 28 October 1994
1995a	Allenet de Ribemont v. France, App. No. 15175/89, Judgment of 10 February 1995
1995e	Loizidou v. Turkey (Preliminary Objections), App. No. 40/1993/435/514, Judgment of 23 March 1995
1995f	McCann and Others v. United Kingdom, App. No. 18984/91, Judgment of 5 September 1995
1996a	Aksoy v. Turkey, App. No. 21987/93, Judgment of 18 December 1996, 18 December 1996
1996b	Chahal v. United Kingdom, App. No. 22414/93, Judgment of 15 November 1996
1996d	John Murray v. United Kingdom, App. No. 18731/91, Judgment of 8 February 1996
1996h	Loizidou v. Turkey (Merits), App. No. 40/1993/435/514, Judgment of 18 December 1996
1997d	Andronicou and Constantinou v. Cyprus, App. No. 25052/94, Judgment of 9 October 1997
1997i	Findlay v. United Kingdom, App. No. 22107/93, Judgment of 25 February 1997
1998b	Assenov and Others v. Bulgaria, App. No. 24760/94, Judgment of 28 October 1998
1998f	Ergi v. Turkey, App. No. 66/1997/850/1057, Judgment of 28 July 1998
1998g	Gülec v. Turkey, Appl. No. 21593/93, Judgment of 27 July 1998
1998i	Kurt v. Turkey, App. No. 24276/94, Judgment of 25 May 1998
1998j	Steel and Others v. the United Kingdom, App. No. 24838/94, Judgment of 23 September 1998
1999h	Nikolova v. Bulgaria, App. No. 31195/96, Judgment of 25 March 1999
1999i	Ogur v. Turkey, App. No. 21594/93, Judgment of 20 May 1999
2000a	Averill v. United Kingdom, App. No. 36408/97, Judgment of 6 June 2000
2000d	Coëme and Others v. Belgium, App. No. 32492/96, 32547/96, 32548/96, 33209/96, 33210/96, Judgment, 22 June 2000
2000g	Gül v. Turkey, App. No. 22676/93, Judgment of 14 December 2000
2000h	İlhan v. Turkey, App. No. 22277/93, Judgment (Grand Chamber) of 27 June 2000
2000i	Jecius v. Lithuania, App. No. 34578/97, Judgment of 31 July 2000
2000j	Labita v. Italy, App. No. 26772/95, Judgment of 6 April 2000
2000l	McElhinney v. Ireland and the United Kingdom, App. No. 30882/96, Judgment of 9 February 2000
2000m	Quinn v. Ireland, App. No. 36887/97, Judgment of 21 December 2000
2000n	T.I. v. the United Kingdom, App. No. 43844/98, Decision of 7 March 2000 (Admissibility)
2001a	Al-Adsani v. the United Kingdom, App. No. 35763, Judgment of 21 November 2001
2001c	Bankovic and Others v. Belgium and 16 Other Contracting States, App. No. 52207/99, Judgment of 12 December 2001
2001d	Cyprus v. Turkey, App. No. 25781/94, Judgment of 10 May 2001
2001f	Fogarty v. the United Kingdom, App. No. 37112/97, Judgment of 21 November 2001
2001g	Jordan v. United Kingdom, App. No. 24726/94, Judgment of 4 May, 2001
2001h	Kelly and Others v. the United Kingdom, App. No. 30054/96, Judgment of May 4, 2001
2001i	McKerr v. the United Kingdom, App. No. 28883/95, Judgment of 4 May 2001
2001k	Shanaghan v. the United Kingdom, App. No. 37715/97, Judgment of 4 May 2001
2001l	Streletz, Kessler and Krenz v. Germany, App. Nos. 34044/96, 35532/97 and 44801/98, Judgment of 22 March 2001
2002a	Angelova v. Bulgaria, App. No. 38361/97, Judgment of 13 June 2002
2002c	Gentilhomme, Schaff-Benhadj and Zerouki v. France, App. Nos. 48205/99, 48207/99, 48209/99, Judgment of 14 May 2002
2003d	Djavit An v. Cyprus, Appl. No. 20652/92, Judgment of 20 February 2003
2004h	Ilascu and Others v. Moldova and Russia, App. No. 48787/99, Judgment of 8 July 2004
2004j	Issa v. Turkey, App. No. 31831/96, Judgment of 16 November 2004
2004m	Makaratzis v. Greece, App. No. 50385/99, Judgment of 20 December 2004
2004n	Özkan v. Turkey, App. No. 21689/93, Judgment of April 6, 2004
2005e	Isayeva v. Russia, App. No. 57950/00, Judgment of 14 October 2005

2005f	Isayeva, Yusupova and Bazayeva v. Russia, App. No. 57947/00, 57948/00, 57949/00, Judgment of 24 February 2005, 24 February 2005
2005h	Khatsiyev and Akayeva v. Russia, App. Nos. 57942/00 & 57945/00, Judgment of 24 February 2005
2005k	Nachova v. Bulgaria, App. No. 43577/98, Judgment of 6 July 2005
2005l	Öcalan v. Turkey, App. No. 46221/99, Judgment (Grand Chamber) 5 December 2005
2007a	Anik et al. v. Turkey, App. No. 63758/00, Judgment of 5 juni 2007
2007b	Boumediene and Others v. Bosnia and Herzegovina, App. Nos. 38703/06, 40123/06, 43301/06, 43302/06, 2131/07 and 2141/07, Written Submissions of Interights and the International Commission of Jurists
2007d	Pad v. Turkey, App. No. 60167/00, Judgment of 28 June 2007
2008g	Khatsiyeva et al. v. Russia, App. No. 5108/02, Judgment of 17 January 2008
2008i	Saadi v. Italy, App. No. 37201/06, Grand Chamber, Judgment (28 February 2008)
2008k	Solomou v. Turkey, App. No. 36832/97, Judgment of 24 June 2008
2009a	A. and Others v. United Kingdom, App. No. 3455/05, Judgment of 19 February 2009
2009b	Andreou v. Turkey, App. No. 45653/99, Judgment of 27 October 2009
2010a	Abuyeva v. Russia, App. No. 27065/05, Judgment of 2 December 2010
2010b	Al-Saadoon and Mufdhi v. the United Kingdom, App. No. 61498/08, Judgment of 2 March 2010
2010d	Medvedyev and Others v. France, App. No. 3394/03, Judgment of 29 March 2010
2011a	Al-Jedda v. United Kingdom, App. No. 27021/08, Judgment of 7 July 2011
2011b	Al-Skeini and Others v. the United Kingdom, App. No. 55721/07, Judgment of 7 July 2011
2011d	Esmukhambetov et al. v. Russia, App. No. 23445/03, Judgment of 29 March 2011
2011e	Giuliani v. Italy, App. No. 23458/02, Judgment of 24 March 2011
2011f	Kerimova and others v. Russia, App. Nos. 7170/04, 20792/04, 22448/04, 23360/04, 5681/05, 5684/05, Judgment of 3 May 2011
2011g	Khamzayev et al. v. Russia, App. No. 1503/02, Judgment of 3 May 2011
2012a	Catan and Others v. Moldova and Russia, App. Nos 43370/04, 8252/05 and 18454/06, Judgment of 19 October 2012
2012b	Finogenov and others v. Russia, App Nos. 18299/03 and 27311/03, Judgment (Grand Chamber) of 20 December 2011
2012c	Georgia v. Russia No. 2, App. No. 38263/08, Judgment of 4 January 2012
2012d	Jaloud v. the Netherlands, App. No. 47708/08, Pending

#### INTER-AMERICAN COMMISSION OF HUMAN RIGHTS

1977	Inter-American Commission on Human Rights — Annual Report, 1976, OAS Doc. OEA/Ser.L/V/II.40, Doc. 5, corr. 1 of 7 June 1977
1982a	Caracoles Community (Bolivia), Case No. 7481, Decision of 8 March 1982, Res. No. 30/82
1985	Report on the Situation of Human Rights in Chile (9 September 1985)
1989c	Resolution No. 29/89, Case 10.198, Nicaragua (29 September 1989), OEA/Ser.L/V/II.77 rev.1, doc. 7, Annual Report of the Inter-American Commission on Human Rights, (1989-1990)
1993d	Salas and Others v. the United States (US military intervention in Panama), Case No. 10.573, Decision of 14 October 1993, Report No. 31/93
1995d	Garcia v. Peru, Case 11.006, Decision of 17 February 1995, Report No. 1/95
1996c	Chumbivilcas v. Peru, Case No. 10.559, Decision of 1 March 1996, Report No. 1/96
1996k	Victims of the Tugboat "13 de marzo" v. Cuba, Case No. 11.436, Decision of 16 October 1996, Report No 47/96
1997b	Abella et al. v. Argentina (La Tablada), Case No. 11.137, Decision of 18 November 1997, Report No. 55/97
1999	Third Report on the Situation of Human Rights in Colombia, IACiHR (26 February 1999)
1999b	Armando Alejandro Jr. and Others v. Cuba ('Brothers to the Rescue'), Case No. 11.589, Decision of 29 September 1999, Report No. 86/99
1999e	Case Concerning the Massacre of the Jesuites in El Salvador, Case No. 10.488, Decision of 22 December 1999, Report No. 136/99

- 1999f Coard and Others v. the United States ('US Military Intervention in Grenada'), Case No. 10.951, Decision of 29 September 1999, Report No. 109/99
- 2001j Report on the Situation of Human Rights in Guatemala (6 April 2001)
- 2002h Report on Terrorism and Human Rights, Doc. OEA/Ser.L/V/II.116 Doc 5 rev. 1 corr., 22 October 2002,
- 2002i Request for Precautionary Measures Concerning the Detainees at Guantánamo Bay, Cuba, 14 ILM
- 2002j Request for Precautionary Measures Concerning the Detainees at Guantánamo Bay, Cuba, Decision of 13 March 2002
- 2002k Response of the United States to Request for Precautionary Measures (Detainees in Guantánamo Bay, Cuba), 14
- 2005m Report No. 11/05 (Admissibility), Petition 708/03, Gregoria Herminia, Serapio Cristián and Julia Inés Contreras, El Salvador, (February 23, 2005)

#### INTER-AMERICAN COURT OF HUMAN RIGHTS

- 1982e The Effect of Reservations on the Entry into Force of the American Convention (Arts 74 and 75), OC-2/82, IACtHR, Series A No. 2 (24 September 1982)
- 1982f The Effect of Reservations on the Entry Into Force of the American Convention on Human Rights (Arts. 74 and 75), Advisory Opinion OC-2/82, September 24, 1982, Ser. A, No.2 (1982)
- 1986c Restrictions to the Death Penalty (Arts. 4(2) and 4(4) of the American Convention on Human Rights), Advisory Opinion OC-3/83, September 8, 1983, Inter-Am. Ct. H.R. , Ser. A, No. 3 (1983)
- 1987b Habeas Corpus in Emergency Situations (Arts. 27(2) and 7(6) of the American Convention on Human Rights), Advisory Opinion OC-8/87, January 30, 1987, Ser. A No. 8 (1987)
- 1987d Judicial Guarantees in States of Emergency (Arts. 27(2), 25 and 8 of the American Convention on Human Rights), Advisory Opinion OC-9/87, October 6, 1987, Ser. A No. 9 (1987)
- 1988e Velasquez Rodriguez v. Honduras, Judgment of 29 July 1988, Ser. C, No. 4 (1988)
- 1995g Neira Alegria et al. v. Peru, Judgment of 19 January 1995, Ser. C, No. 21 (1995)
- 1997e Arturo Ribón Avilán v. Colombia, Case 11.142, Judgment of 30 September 1997, OEA/Ser.L/V/II.95, doc 7 rev.
- 1999o Villagrán Morales et al. Case (the "Street Children" Case), Judgment of November 19, 1999, Ser. C, No. 63 (1999)
- 2000b Bámaca Velásquez v. Guatemala, Case No. 11/129, Judgment of 25 November 2000, Ser. C, No. 70 (2000)
- 2002e Las Palmeras Case v. Colombia, Case No. 96, Judgment of 26 November 2002, Series C No. 96 (2002)
- 2003f Juan Humberto Sanchez Case, Judgment of 7 June 2003, Ser. C, No. 99 (2003)
- 2003h Myrna Mack Chang v. Guatemala, Judgment of 25 November 2003, Ser. C, No. 101 (2003)
- 2006d Montero-Aranguren and Others (Detention Centre of Catia) v. Venezuela, Judgment of 5 July 2006, Series C, No 150 (2006)
- 2010c Franklin Guillermo Aisalla Molina v. Ecuador, Case IP-02, OEA/Ser.L/V/II.140 Doc. 10 (2010), Judgment 21 October 2010 (Admissibility), Report No. 112/10

#### INTERNATIONAL COURT OF JUSTICE

- 1949a Corfu Channel Case (United Kingdom v. Albania), Judgment of 9 April 1949 (Merits)
- 1951 Reservations to the Genocide Convention, Advisory Opinion of 28 May 1951
- 1953 Ambatielos Case, Judgment of 19 May 1953 (Merits), Dissenting Opinion of Judge Hsu,
- 1957 Case Concerning the Right of Passage over Indian Territory (Preliminary Objections) (Portugal v. India), ICJ Reports 1957
- 1969c North Sea Continental Shelf (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. the Netherlands), 3 ICJ Reports
- 1970 Case Concerning the Barcelona Traction, Light and Power Company, Limited (New Application 1962) (Belgium v. Spain), Judgment of 5 February 1970 (Merits)

1980c	United States Diplomatic and Consular Staff in Tehran (United States v. Iran), Judgment of 24 May 1980
1982b	Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Judgment of 14 April 1981
1986a	Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Judgment of 27 June 1986 (Merits)
1994c	Territorial Dispute (Libyan Arab Jamahiriya v. Chad), Judgment of 3 February 1994
1996e	Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 8 July 1996
1997j	Gabcikovo-Nagymaros Project (Hungary v. Slovakia), Judgment of 25 September 1997
2003k	Oil Platforms Case (Iran v. United States of America), Judgment of 6 November 2003 (Merits)
2004k	Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004
2005a	Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of Congo v. Uganda), Judgment of 19 December 2005
2007c	Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro), Judgment of 26 February 2007 (Merits)
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1997n	The Prosecutor v. Tadic, Case No. IT-94-1-T, Opinion and Judgment of 7 May 1997 (Trial Chamber)
1998m	The Prosecutor v. Delalic, Mucic, Delic and Landzo (the Celebici Case), Case No. IT-96-21-T, Judgment of 16 November 1998 (Trial Chamber)
1998n	The Prosecutor v. Furundzija, Case No. IT-95-17/1-T, Trial Chamber Judgment of 10 December 1998
1999m	The Prosecutor v. Tadic, Case No. IT-94-1-A, Judgment of 15 July 1999 (Appeals Chamber),
2000o	The Prosecutor v. Blaskic, Case No. IT-95-14-T, Judgment of 3 March 2000 (Trial Chamber)
2000q	The Prosecutor v. Kupreskic et al., Case No. IT-95-16-Y, Judgment of 14 January 2000 (Trial Chamber)
2001n	The Prosecutor v. Delalic, Mucic, Delic and Landzo (the Celebici Case), Case No. IT-96-12-A, Judgment of 20 February 2001 (Appeals Chamber)
2001o	The Prosecutor v. Kordic & Cerkez, Case No. IT-95-14/2-T, Judgment of 26 February 2001 (Trial Chamber)
2002n	The Prosecutor v. Kunarac and Others, Case Nos. IT-96-23 & IT-96-23/1, Judgment of 12 June 2002 (Appeals Chamber)
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2004p	The Prosecutor v. Blaskic, Case No. IT-95-14-T, Judgment of 29 July 2004 (Appeals Chamber)
2004r	The Prosecutor v. Kordic & Cerkez, Case No. IT-95-14/2-A, Judgment of 17 December 2004 (Appeals Chamber)
2004t	The Prosecutor v. Slobodan Milosevic, Decision on Motion for Judgment of Acquittal (Milosevic Rule 98bis Decision), Case No. IT-02-54-T, (16 June 2004)

2005n	The Prosecutor v. Enver Hadzihasanovic and Amir Kabura, Case No. IT-01-47-AR73.3, Decision on Joint Defence Interlocutory Appeal of Trial Chamber Decision on Rule 98Bis Motions for Acquittal, 11 March 2005
2005o	The Prosecutor v. Limaj, Case No. IT-03-66-T, Judgment of 30 November 2005 (Trial Chamber)
2006f	The Prosecutor v. Galic, Case No. IT-98-29-A, Judgment of 30 November 2006 (Appeals Chamber)
2008l	The Prosecutor v. Boskoski & Tarculovski, IT-04-82-T, Judgment of 10 July 2008 (Trial Chamber)
2008m	The Prosecutor v. Ramush Haradinaj et. al., IT-04-84-T, Judgment of 3 April, 2008 (Trial Chamber)
2008n	The Prosecutor v. Strugar, Case No. IT-01-42-A, Judgment of 17 July 2008 (Appeals Chamber)

#### INTERNATIONAL TRIBUNAL FOR RWANDA

1998k	The Prosecutor v. Akayesu, Case No. 96-4-T, Trial Chamber Judgment (2 September 1998)
1998l	The Prosecutor v. Alfred Musema, Case No. ICTR-96-13-A, Judgment of 27 January 2000 (Trial Chamber)
2003n	The Prosecutor v. Rutaganda, Case No. 96-3-A, ICTR, Appeals Chamber Judgment (26 May 2003)
2004q	The Prosecutor v. Kallon and Kamara, Appeals Chamber Decision on Challenge to Jurisdiction: Lomé Accord Amnesty (13 March 2004)
2007g	The Prosecutor v. Katanga and Chui, Case No. ICC-01/04-02/07, Décision sur la confirmation des charges (26 September 2008)
2007h	The Prosecutor v. Lubanga, Case No. ICC-01/04-01/06, Décision sur la confirmation des charges (29 January 2007)
1999a	Amnesty International and Others v. Sudan, Comm. Nos. 48/90, 50/91, 52/91 and 89/93, Decision, 26th Session, Kigali, 1–15 November 1999
2009h	The Prosecutor v. Jean-Pierre Bemba Gombo, Case No. ICC-01/05-01/08, Confirmation of Charges Decision (15 June 2009)
2009i	The Prosecutor v. Sesay, Kallon and Gbao, Trial Chamber (2 March 2009)

#### PERMANENT COURT OF INTERNATIONAL JUSTICE

1924	The Mavrommatis Palestine Concessions - Greece v. Britain (Jurisdiction), Judgment of 30 August 1924, Ser. A, No. 2
1927a	The Case of the S.S. "Lotus" (France v. Turkey), Judgment of 7 September 1927, Ser. A, No. 10
1927b	United States of America (B.E. Chattin) v. United Mexican States, Award of 23 July 1927, 4 Reports of International Arbitral Awards 282
1928a	Georges Pinson Case (France/United Mexican States), Award of 19 October 1928, V Reports of International Arbitrary Awards 327
1928b	Jurisdiction of the Courts of Danzig (Pecuniary Claims of Danzig Railway Officials who have Passed into the Polish Service, against the Polish Railways Administration), Advisory Opinion of 3 March 1928, PCIJ Reports, Ser. B No. 15
1928c	Naulilaa Incident Arbitration, Portugal v. Germany, 2 Reports of International Arbitrary Awards 1012

#### SPECIAL COURT FOR SIERRA LEONE

2004s	The Prosecutor v. Norman, Case No. SCSL-2004-14-AR72(E), Decision on Preliminary Motion Based on Lack of Jurisdiction, Special Court for Sierra Leone (22 May, 2004),
2005p	The Prosecutor v. Moinian Fofana, et al., Decision on Appeal against "Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence", Appeals Chamber Decision (16 May 2005)

# UNITED NATIONS HUMAN RIGHTS COMMITTEE

- 1979c Maria Fanny Suarez de Guerrero v. Colombia, Comm. No. 11/45 of 5 February 1979, UN Doc. Supp. No. 40 (A/37/40), 137 (1982)
- 1980d William Torres Ramirez v. Uruguay, Comm. No. R. 1/4 of 23 July 1980, U.N. Doc. Supp. No. 40 (A/35/40) at 121 (1980)
- 1981a Lilian Celiberti de Casariego v. Uruguay, Comm. No. 56/1979 of 29 July 1981, UN Doc. CCPR/C/13/D/56/1979, 92 (1984)
- 1981b Sergio Euben López Burgos v. Uruguay, Comm. No. 12/52 of 29 July 1981, UN Doc. No. 40 (A/36/40), 176, (1981)
- 1982c H. G. Dermit on behalf of G. I. and H. H. Dermit Barbato, Comm. No. 84/1981, (21 October 1982), UN doc. GAOR, A/38/40 (1982)
- 1982d Sophie Vidal Martins v. Uruguay, Comm. No. R.13/57 of 23 March 1982, U.N. Doc. Supp. No. 40 (A/37/40) at 157 (1982)
- 1983b Mabel Pereira Montero v. Uruguay, Comm. No. 106/1981 of 31 March 1983, U.N. Doc. Supp. No. 40 (A/38/40) at 186 (1983)
- 1983c Samuel Lichtensztejn v. Uruguay, Comm. No. 77/1980 of 31 March 1983., U.N. Doc. CCPR/C/OP/2 at 102 (1990)
- 1983d Varela Nunez v. Uruguay, Comm. No. 108/1981 of 22 July 1983, UN. Doc. CCPR/C/19/D/108/1981 (1983)
- 1984a Ann Maria Garcia Lanza de Netto v. Uruguay, Comm. No. 8/1977 of 3 April 1980, U.N. Doc. CCPR/C/OP/1, 45 (1984)
- 1985a Baboeran et al v. Suriname, Comm. No. 146/1983 and 148-154/1983, 10 April 1984, UN Doc. Supp. No. 40 (A/40/40), 187 (1985)
- 1987c Herrera Rubio v. Colombia, Comm. No. 161/1983 of 2 November 1987, U.N. Doc. Supp. No. 40 (A/43/40) at 190 (1988)
- 1990b Daniel Monguya Mbenge v. Zaire, Comm. No. 16/1977 of 25 March 1983, U.N. Doc. CCPR/C/OP/2 at 76 (1990)
- 1990d Van Alphen v. Netherlands, Comm. No. 305/1988 of 15 August 1990, UN Doc CCPR/C.39/D/305/1988 (1990)
- 1991a Chitat Ng v. Canada, Comm. No. 469/1991 of 5 November 1991, UN Doc. CCPR/C/49/D/469/1991 (1994)
- 1991b Kindler v. Canada, Comm. No. 470/1991 of 18 November 1993, U.N. Doc. CCPR/C/48/D/470/1991 (1993)
- 1991c Little v. Jamaica, Comm. No. 283/1988 of 1 November 1991  
U.N.Doc.CCPR/C/43/D/283/1988 (1991)
- 1992b Karttunen v. Finland, Comm. No 387/1989 of 5 November 1992, UN Doc. CCPR/C/46/D/387/1989 (1992)
- 1992c W.B.E. v. The Netherlands, Comm. No. 432/1990 of 23 October 1992, U.N. Doc. CCPR/C/46/D/432/1990 (1992)
- 1994a El-Megreisi v. Libyan Arab Jamahiriya, Comm. No. 440/1990 of 23 March 1994 U.N. Doc. CCPR/C/50/D/440/1990 (1994)
- 1994d Womah Mukong v. Cameroon, Comm. No. 458/1991 of 21 July 1994, UN Doc. CCPR/C/51/D/458/1991, 86 (1994)
- 1995b Bautista de Arellana v. Colombia, Comm. No. 563/1993 of 27 October 1995, UN Doc. CCPR/C/55/D/563/1993 (13 November 1995)
- 1996i Peter Grant v. Jamaica, Comm. No. 597/1994 of 22 March 1996, U.N. Doc. CCPR/C/56/D/597/1994 (1996)
- 1997a A. v Australia, Comm. No. 560/93 of 3 April 1997, U.N. Doc. CCPR/C/59/D/560/1993 (30 April 1997)
- 1997g C. McLawrence v. Jamaica, Comm. No. 702/1996 of 18 July 1997, UN doc. GAOR, A/52/40 (vol. II)
- 2000f Gridin v. Russia, Comm. No. 770/1997 of 20 July 2000, U.N. Doc. CCPR/C/69/D/770/1997 (2000)
- 2004b Abdumalik Nazarov v. Uzbekistan, Comm. No. 911/2000 of 6 July 2004, CCPR/C/81/D/911/2000 (2004)



- 2006c Ilombe and Shandwe v. Democratic Republic of Congo, Comm. No. 1177/2003 of 17 March 2006, CCPR/C/86/D/1177/2003 (2003)
- 2008j Sayadi v. Belgium, Comm. No. 1472/2006 of 22 October 2008 U.N. Doc/CCPR/C/94/D/1472/2006

#### WAR CRIMES TRIBUNALS

- 1947c Trial of the Major War Criminals Before the International Military Tribunal, Nuremberg, 14 November 1945 - 1 October 1946
- 1948b United States v. Wilhelm List, et al. (Hostages Case), UNWCC (8 July 1947-19 February 1948), VIII Law Reports of Trials of War Criminals
- 1948c US v. von Leeb et al. (Case No. 72: the High Command trial), XII Law-Reports of Trials of War Criminals, The United Nations War Crimes Commission, Volume XII, London, HMSO, 1949
- 1948d USA v. Otto Ohlendorf et al. (Einsatzgruppen Trial) (10 April 1948), 4 Law Reports of Trials of War Criminals 411
- 1949c Krupp Case (United States of America v. Alfred Felix Krupp von Bohlen und Halbach et al.) (Judgment) (31 July 1948), 9 Trials of War Criminals before the Nuernberg Military Tribunals 1327.
- 1949d UK v. von Lewinski (called von Manstein), Annual Digest and Reports of Public International Law Cases, Volume 16, Case No. 192

#### NATIONAL COURTS

##### Canada

- 2008c Amnesty International Canada v. Chief of the Defence Staff for the Canadian Forces (18 January, 2008), Respondents' Factum Re: Determination of Two Questions, Pursuant to Rule 107 of the Federal Courts Rules, Regarding the Application of the Canadian Charter of Rights and Freedoms,

##### France

- 1945 Bauer et al. Trial (Permanent Military Tribunal at Dijon), 8 Law Reports of Trials of War Criminals 15

##### Israel

- 1969b Military Prosecutor v. Omar Mahmud Kassem and Others, Judgment of 13 April 1969, 42 Israel Law Review 470
- 1979b Ben Zion v. IDF Commander of Judea and Samaria et al., HCJ 369/79, Israel Supreme Court, 10 Israel Yearbook of Human Rights 342
- 1983a Abu Aita et al. v. Commander of the Judea and Samaria Region et al., 13 Israel Yearbook of Human Rights 348
- 1988d Taha (minor) et al. v. Minister of Defence et al., Israel Supreme Court, 23 Israel Yearbook of Human Rights 300
- 1998a Al Amla et al. v. IDF Commander of Judea and Samaria et al., HCJ 2320/98, Israel Supreme Court, 32 Israel Yearbook of Human Rights 341
- 2002d Ajuri v. IDF Commander in West Bank, HCJ 7015/02, 56(6) P.D.
- 2002f Mar'ab et al. v. IDF Commander of Judea and Samaria et al., HCJ 3239/02, Israel Supreme Court, 34 Israel Yearbook of Human Rights 307
- 2003e Federman v. Minister of Defence, HCJ 8788/03, Israel Supreme Court, 58(1) PD 176
- 2003g L. Salame et al. v. IDF Commander of Judea and Samaria, HCJ 5784/03, Israel Supreme Court, 36 Israel Yearbook of Human Rights 289
- 2004c Beit Sourik Village Council v. The Government of Israel et al., HCJ 2056/04, Israel Supreme Court (sitting as the High Court of Justice), Judgment of 30 June 2004
- 2004f Hass v. Commander of the IDF Forces in the West Bank, HCJ 10356/02 (4 March 2004)
- 2005d The Public Committee Against Torture in Israel v. The Government of Israel, HCJ 769/02, (11 December 2005),
- 2008a A. and B v. Israel, CrimA 3261/08, ILDC 1069.

2008e Ahmad v The Prime Minister, HCJ 9132/07, ILDC 883 (IL 2008),

### **United Kingdom**

1967 Public Prosecutor v. Oie Hee Koi and connected appeals, 4 December 1967, 829  
1968 Bin Haji Mohamed Ali and Another v. Public Prosecutor, 29 July 1968  
2004a A. v. Secretary of State for the Home Department, UKHL  
2004o R (on the application of Al-Skeini and others) v Secretary of State for Defence, [2004] EWHC 2911 (ADMIN), [2004] All ER (D) 197 (Dec)  
2005r The Queen - on the Application of - Mazin Jumma Gatteh Al Skeini and Others v. the Secretary of State for Defence, Case No. C1/2005/0461, C1/2005/0461B, UK Court of Appeal (21 December 2005)  
2006a Al-Jedda v. Secretary of State for Defense, 327 EWCA  
2007e R (on the application of Al-Skeini and others) v Secretary of State for Defence, [2007] UKHL 26, [2008] AC 153  
2007f R. (on the application of Al-Jedda) v. Secretary of State for Defence, 58 (2008) UKHL  
2008h R (Al-Saadoon and Mufdhi) v Secretary of State for Defence [2008] EWHC 3098 (Al-Saadoon HC)  
2009e R (Al-Saadoon and Mufdhi) v Secretary of State for Defence [2009] EWCA Civ 7 (Al-Saadoon CA)

### **United States**

1942 Ex parte Quirin et al. , 317 US Supreme Court Reports 1  
2003l Padilla v. Rumsfeld, 243 F. Supp. 2d,  
2006b Hamdan v. Rumsfeld (Judgment of 26 June 2006), 126 2749.  
2008d Boumediene v. Bush, 128 S. Ct 2229 (2008),  
2009d In Re: Guantanamo Bay Detainee Litigation, Respondents' Memorandum Regarding the Government's Authority Relative to Detainees Held at Guantanamo Bay, Misc. No. 08-442 TFH,

### **The Netherlands**

1947a Notomi Sueo and Others, Netherlands Temporary Court-Martial at Makassar (Judgment, 4 January 1947)  
1947b Trial of Shigeki Motomura and 15 Others, Netherlands Temporary Court-Martial at Makassar (Judgment, 18 July 1947)  
1948a Trial of Hans Albin Rauter, Netherlands Special Court in 's-Gravenhage (The Hague Judgment delivered on 4th May 1948) and Netherlands Special Court of Cassation (Judgment delivered on 12th January 1949)

### **Switzerland**

2000e Cantonal Court of the Grisons, Prosecutor v. Markus Reinhardt, Judgment of 28 February 2002

## **MISCELLANEOUS**

### **Court of Arbitration**

1979a Beagle Channel Arbitration (Argentina v. Chile), 18 February 1977, Reports of International Arbitral Awards

### **Eritrea-Ethiopia Claims Commission**

2003m Partial Award in Eritrea's Prisoner of War Claims (Eritrea v. Ethiopia), Eritrea-Ethiopia Claims Commission (1 July 2003)  
2004d Civilians Claim - Ethiopia's Claim 5 (Ethiopia v. Eritrea), Eritrea-Ethiopia Claims Commission (17 December 2004)  
2006e Partial Award (Central Front), Eritrea's Claims 1,3,5,9-13, 14, 21,25 and 26 (2005), 45 ILM 396

### **Iran-United States Claims Tribunal**

- 1985c INA Corporation v. Iran, Iran-US Claims Tribunal, 8, 1985-I Iran-US C.T.R.  
 1987a Amoco International Finance Corporation v. Iran, 15 1987-II Iran-US C.T.R.

### **Court of Justice of the European Union**

- 2002b Case C-96/00, Rudolf Gabriel, Judgment of 11 July 2002, ECR (2002) I-06367  
 2005c Case T-315/01, Kadi v. Council, 2005 E.C.R. II-3649 (2002 O.J. (C 56) 16)  
 2008f Joined Case C-402/05 and C-415/05 P Kadi and Al Barakaat International Foundation v. Council and Commission, Judgment of 3 September 2008  
 2009c Case T-341/07, Sison v. Council, Judgment of 30 September 2009

### **World Trade Organisation Appellate Body**

- 1996 United States - Standards for Reformulated and Conventional Gasoline AB - 1996-1  
 WT/DS2/AB/R, 29 April 1996, 16  
 1998e EC Measures Concerning Meat and Meat Products (Hormones) - Report of the Appellate Body (16 January 1998) WT/DS-26/AB/R  
 1998h Indonesia - Certain Measures Affecting the Automobile Industry, 2 July 1998, WT/DS54, WT/DS55/R, WT/DS59/R, WT/DS64/R  
 1998o United States: Import Prohibition of Certain Shrimp and Shrimp Products - Report of the Appellate Body (12 October 1998) WT/DS58/AB/R, 38 ILM 118  
 1999n Turkey - Restrictions on Imports of Textile and Clothing Products, 31 May 1999, WT/DS34/R

### **International Tribunal of the Law of the Sea**

- 1999j Southern Bluefin Tuna, ITLOS Order (27 August 1999)  
 2005i MOX Plant Case, Request for Provisional Measures Order (Ireland v. the United Kingdom) (3 December 2001), 126 (2005) International Law Review

### **North Atlantic Free Trade Agreement**

- 2002g Pope & Talbot v. Canada, Merits (10 April, 2001); Damages (31 May 2002), 41 ILM 1347