Challenges and opportunities for judicial protection of human rights against decisions of the United Nations Security Council

Hollenberg, S.J.

Publication date
2013

Citation for published version (APA):
Case Law

PCIJ

*Jaworzina (Poland v Czechoslovakia)* [1923] PCIJ Rep Series B No 8

ICJ

*Legal Consequences for States of the Continued Presence of South Africa in Namibia* [1971] ICJ Rep 53

*Avena and Other Mexican Nationals (Mexico v. United States of America)* [2004] ICJ Rep 12

*Jurisdictional Immunities of the State (Germany v. Italy)* [2012] ICJ Rep (not yet reported)

ICTY / ICTR

*Prosecutor v Dusko Tadic (Jurisdiction)* IT-94-1-AR72

*Prosecutor v Tihomir Blaskic (Judgement on the Request of the Republic of Croatia)* ICTY-95-14-AR108 bis

*Barayagwiza v. Prosecutor (Decision, and Decision (Prosecutor's Request for Review or Reconsideration))* ICTR-97-19-AR72

*Prosecutor v Slobodan Milosevic (Decision on Preliminary Motions)* IT-02-52

*Milan Lukic and Sredoje Lukic (Decision on Referral of Case Pursuant to Rule 11 bis)* IT-98 32/1-PT

ECtHR

*Golder v The United Kingdom* [1975] no. 4451/70, (1979-80) 1 EHRR 524

*Klass and Others v Germany* [1978] no. 5029/71, (1979-80) 2 EHRR 214

*Sunday Times v The United Kingdom* [1979] no. 6538/74, (1979-80) 2 EHRR 245

*Sporrong and Lönnroth v Sweden* [1982] no. 7151/75 and 7152/75, (1983) 5 EHRR 35

*AGOSI v The United Kingdom* [1986] no. 9118/80, Series A no 108


*Chahal v The United Kingdom* [1996] no. 22414/93 (1997) 23 EHRR 413


*Tinnelly & Sons Ltd and Others and Mc Elduff and Others v The United Kingdom* [1998] no. 20390/92 and 21322/92, (1999) 27 EHRR 249


*Milosevic v The Netherlands* [2002] no. 77631/01

*Segi and Others v 15 states of the European Union* [2002] no. 6422/02, 9916/02, Reports 2002-V


*WOS v Poland* [2006] no. 22860/02, (2007) 45 EHRR 28

*Behrami v France / Saramati v France, Germany and Norway* [2007] no. 71412/01 and 78166/01, (2007) 45 EHRR SE10

*Beric and others v Bosnia and Herzegovina* [2007] no. 36357/04 and others, (2008) 46 EHRR SE6


*Boivin v 34 State Members of the Council of Europe* [2008] no. 73250/01, Reports 2008

*Connolly v 15 State Members of the European Union* [2008] no. 73274/01

*Kalinic and Bilbija v Bosnia and Herzegovina* [2008] no. 45541/04 and 16587/07

*A and Others v The United Kingdom* [2009] no. 3455/05, (2009) 49 EHRR 29

*Blagojevic v The Netherlands* [2009] no. 49032/07

*Galic v The Netherlands* [2009] no. 22617/07

*Cooperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij v The Netherlands* [2009] no. 13645/05, (2009) 48 EHRR SE18

*Gasparini v Italy and Belgium* [2009] no. 10750/03

*Al-Jedda v The United Kingdom* [2011] no. 27021/08, (2011) 53 EHRR 23

EComHR

*M & Co v Germany* [1990] no. 13258/87, 64 DR 138

361
CJEU

Case 26/62 Van Gend en Loos [1963] ECR-00001

Case 6/64 Costa / ENEL [1964] ECR-01201

Case 50/76 Amsterdam Bulb BV v Produktschap voor Siergewassen [1977] ECR-00137

Case 98/78 Racke [1979] ECR-00069


Case C-16/90 Nölle [1991] ECR I-05163

Case C-84/95 Bosphorus Hava Yollari Turizm ve Ticaret AS v Minister for Transport, Energy and Communications and others [1996] ECR I-03953

Case C-124/95 The Queen, ex parte Centro-Com Srl v HM Treasury and Bank of England [1997] ECR-00081

Case C-177/95 Ebony Maritime SA and Loten Navigation Co. Ltd v Prefetto della Provincia di Brindisi and others [1997] ECR I-01111


Case T-315/01 Yassin Abdullah Kadi v Council of the European Union and Commission of the European Communities (Kadi I) [2005] ECR II-03649


Case T-253/02 Chafiq Ayadi v Council of the European Union [2006] ECR II-02139

Case T-228/02 Organisation des Modjahedines du peuple d’Iran v Council of the European Union (OMPI) [2006] ECR II-04665


Case C-326/05 P Industrias Químicas del Vallés v Commission [2007] ECR I-06557

Case C-525/04 P Spain v Lenzing [2007] ECR I-09947

Case C-177/06 Möllendorf and Möllendorf-Niehuus [2007] ECR I-08361


Case T-256/07 People’s Mojahedin Organization of Iran v Council of the European Union (PMOI I) [2008] ECR II-03019

Case T-284/08 People’s Mojahedin Organization of Iran v Council of the European Union (PMOI II) [2008] ECR II-03487
Case C-402/05 P and C-415/05 P Yassin Abdullah Kadi and Al Barakaat International Foundation v Council and Commission (Kadi I) [2008] ECR I-06351


Case C-550/09 E and F [2010] ECR I-06213

Case T-85/09 Kadi v European Commission (Kadi II) [2010] ECR II-05177


Case C-27/09 P French Republic v People's Mojahedin Organization of Iran [2011] ECR I-00000 (PMOI III)

Advocate General

Case C-84/95 Bosphorus (Opinion of Advocate General Jacobs) [1996] ECR I-03956

Case C-340/08 M (FC) and Others v HM Treasury (Opinion of Advocate General Mengozzi) [2010] ECR I-03913

Case C-117/06 Möllendorf (Opinion of Advocate General Mengozzi) [2007] ECR I-08364

Case C-402/05 P Kadi and Al Barakaat (Opinion of Advocate General Poiares Maduro) [2008] ECR I-06351

Argentina

Re International Arrest Warrant (Lukic), Decision on arrest, surrender and extradition [2006] Case No 11807/05; ILDC 1083 (AR 2006)

Australia

Bradley v Commonwealth of Australia and the Postmaster-General (1973) 128 CLR 557; 1972 WL 38016 (HCA)

Bosnia and Herzegovina

Bilbija et al v Bosnia and Herzegovina [2006] AP-953/05

Abduladhim Maktouf [2007] AP-1785/06
Canada
Abousfian Abdelrazik v The Minister of Foreign Affairs 2009 FC 580; ILDC 1332 (CA 2009)

Croatia
Croatia v Naletilic-Tuta [1999] IKz 690/1999-4; ILDC 384 (HR 1999)

Serbia and Montenegro
Constitutionality and legality of the decree on process of cooperation with the International Criminal Tribunal, Socialist Party of Serbia and ors v Federal Republic of Yugoslavia [2001]; ILDC 29 (CSXX 2001)

Germany
BVerfG, 2 BvR 1481/04 (Görgülü)
BVerfG, 2 BvR 460/08 (Ngirabatware)

Ireland

Liberia
Urey et al v The National Transitional Government of Liberia (NTGL) Liberia Supreme Court, 16 September 2005

Netherlands
Enerco v Minister of Economic Affairs KG 1992/318 (Crna Gora I)
Bocimar and Enerco v The Netherlands Schip en Schade (SES) 1993/112 (Crna Gora II)
Zeta Ocean Shipping v Intercor, and The Netherlands Schip en Schade (SES) 1993/113 (Crna Gora III)
Opacic v The Netherlands No 97/742, 30 May 1997
Milosevic v The Netherlands KG 01/975
OM v Stichting X (Al Haramain) LIN: AY0279; NJF 2006/281
HN v The Netherlands LJN: BF0181; ZA 06-1671; ILDC 1092 (NL 2008)
A and Others v The Netherlands LJN: BL1862; ILDC 1463 (NL 2010)
Mothers of Srebrenica v The Netherlands LJN: BL8979; 200.022.151/01
The Netherlands v A and Others LJN: BQ4781; HA ZA 09-1192
Nuhanovic v The Netherlands LJN: BR5388; ILDC 1742 (NL 2011)
Mothers of Srebrenica v The Netherlands LJN: BW1999; ILDC 1760 (NL 2012)
The Netherlands v A and Others LJN: BX8351: ILDC 1959 (NL 2012)

Pakistan
Saeed and Others v Government of the Punjab Home Department and Others
[2009] No. 6208

Switzerland
Musema v Federal Office of Justice [1997] BGE 123 II 175
A v Federal Department of Economic Affairs [2008] 2A-783/2006; ILDC 1200
(CH 2008)

Turkey
Kadi v Prime Ministry and Ministry of Foreign Affairs of Turkey E 2006/2824, K
2007/115; ILDC 311 (TR 2007)

United Kingdom
R (on the Application of Othman) v. Secretary of State for Work and Pensions
[2001] EWHC 1022 (Admin)
Bici v Ministry of Defence [2004] EWHC 786 (QB); ILDC 100 (UK 2004)
R (on the application of Al-Jedda) v Secretary of State for Defence [2005]
EWHC 1809 (Admin)
R (on the application of Roberts) v Parole Board [2005] UKHL 45 [2005] 2 AC
738
R (on the Application of Al-Jedda) v Secretary of State for Defence [2006]
EWCA Civ 327
M and Others v HM Treasury [2006] EWHC 2328 (Admin)

R (on the application of Al-Jedda) v Secretary of State for Defence [2007] UKHL 58; ILDC 832 (UK 2007)

Secretary of State for the Home Department v MB and AF [2007] UKHL 46 (Control Orders I)

R (on the application of M and Others) v HM Treasury [2007] EWCA Civ 173

A, K, M, Q, & G v HM Treasury [2008] EWHC 869 (Admin)

A, K, M, Q, & G v HM Treasury [2008] EWCA Civ 1187

R (on the application of M) v HM Treasury [2008] UKHL 26

Secretary of State for the Home Department v AF (FC) and another [2009] UKHL 28 (Control Orders II)

HAY v HM Treasury and Secretary of State for Foreign and Commonwealth Affairs [2009] EWHC 1677 (Admin); ILDC 1367 (UK 2009)

Al-Jedda v Secretary of The State for Defence [2010] EWCA Civ 758

HM Treasury v Ahmed and others [2010] UKSC 2 & UKSC 5; ILDC 1533 (UK 2010)

United States

Ntakirutimana v Reno 184 F.3d 419 (5th Cir 1999); WL 98-41597

Medellin v Texas 552 US 491, 128 S Ct 1346 (2008); ILDC 947 (US 2008)

Kadi v Geithner --- F.Supp2d--- (DDC 2012); WL 898778