

---

# Table of cases

---

## **African Commission on Human and Peoples' Rights**

Commission Nationale des Droits de l'Homme et des Libertés v Chad .....	162, 178
Mouvement Burkinabé des Droits de l'Homme et des Peuples v Burkina Faso, Comm. 204/97 (2001) .....	175
National Commission on Human Rights and Freedoms v Chad (1995) .....	177

## **European Commission on Human Rights (ECommHR)**

Wolfram v RFA App no 11257/84 (6 October 1986) .....	176
--	-----

## **European Court of Human Rights (ECtHR)**

Al-Jedda v United Kingdom, App no 27021/08 (2011) .....	155
Al-Skeini and Others v United Kingdom, App no 55721/07, Judgment (7 July 2011) .....	106, 155, 162, 166, 205, 232
Andronicou and Constantinou v Cyprus, App no 25052/94 (10 September 1997) .....	179
Banković, Stojanović, Stoimedovski, Joksimović and Suković v Belgium, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Turkey, and United Kingdom, App No 52207/99, reprinted in (2001) 123 ILR 94 .....	105, 155, 205, 223
Ergi v Turkey App no 23818/94 (28 July 1998) .....	177
Güleç v Turkey App no 21593/93 (27 July 1998) § 82 .....	162, 176, 178
Hassan v United Kingdom, App no 55721/07, Judgment (16 September 2014) .....	106
Hassan v United Kingdom, App no 29750/09 (2014) .....	166, 436
Hamiyet Kaplan and Others v Turkey, App no 36749/97 (13 September 2005) .....	177, 178
Isayeva v Russia, App no 57950/00 (24 February 2005) .....	162, 177
Issa and Others v Turkey, App no 31821/96, Judgment (16 November 2004) .....	205
Jaloud v The Netherlands, App no 47708/08, Judgment (20 November 2014) .....	106, 107, 155
Kakoulli v Turkey, App no 38595/97 (22 November 2005) .....	176
Kerimova and Others v Russia, App no 17170/04 (3 May 2011) .....	179
McCann and Others v United Kingdom, App no 18984/91 (27 September 1995) .....	175, 177, 178
Natchova and Others v Bulgaria, App no 43577/98, 43579/98 (6 July 2005) .....	176
Ocalan v Turkey App No 46221/99 (12 March 2003) .....	223
Osman v United Kingdom (1998) 29 EHRR 245 .....	222

### **Inter-American Court of Human Rights (IACHR)**

Advisory Opinion on Judicial Guarantees in States of Emergency (OC-9/87) .....	161
Armando Alejandro, Carlos Costa, Mario de la Peña et Pablo Morales v Cuba, App no 11589, Report No 86/99 (1999) .....	156, 176, 223
Bámaca Velásquez v Guatemala (22 February 2002) .....	162
Carandiru v Brazil Case 11.291 (13 April 2000) .....	176
da Silva v Brazil Case no 11.598 (24 February 2000) .....	176
de Oliveira v Brazil, Case no 10/00 (24 February 2000) .....	176
Ecuador v Colombia, Report no 112/10 (2010) .....	156
Finca 'La Exacta' v Guatemala Case 11.382 (21 October 2002) .....	176
Juan Carlos Abella v Argentina (Case 11.137, Report No. 55/97 OEA/Ser.L/V/II.95 Doc. 7 rev (1997)) .....	56
Mapiripán Massacre v Colombia, Series C no 134, 15 September 2005 .....	162, 178
Montero-Aranguren et al v Venezuela, Series C no 150 (5 July 2006) .....	175, 176, 177, 178
Neira Alegria v Peru, Series C no 20 (19 January 1995) .....	176, 177
Prison de Miguel Castro-Castro v Peru (25 November 2006) .....	162
Ximenes-Lopes v Brasil (4 July 2006) .....	162
Zambrano Vélez et al v Ecuador, Series C no 166 (4 July 2007) .....	176, 177

### **International Criminal Court (ICC)**

Prosecutor v Germain Katanga, ICC-01/04-01/07, Trial Judgment, 7 March 2014 .....	95
Prosecutor v Bemba, ICC-01/05-01/08, Trial Judgment, 21 March 2016 .....	95
Situation in Georgia ICC-01/15-12, ICC PT. Ch. I, Decision on the Prosecutor's request for authorization of an investigation, 27 January 2016 .....	206

### **International Court of Justice (ICJ)**

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro), Judgment 26 February 2007, ICJ Reports 2007, 110 .....	126–127, 206, 207
Armed Activities on the Territory of the Congo case, Judgment, ICJ Reports (2005) 223 .....	98, 99, 100, 198, 318
Case Concerning Oil Platforms (Islamic Republic of Iran v United States of America) (Judgment) [2003] ICJ Rep 161, 187 .....	218, 281
Case Concerning Pulp Mills on the River Uruguay (Argentina v Uruguay), judgment, 20 April 2010 .....	388
Democratic Republic of the Congo v Uganda 2005 .....	282
LaGrand case (Germany v United States of America), Judgment 27 June 2001, ICJ Reports 2001, 501 .....	126
Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion 9 July 2004, ICJ Reports 2004, 174 .....	126, 155, 157, 195, 282, 318

Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion) [1996] ICJ Rep 226, 257 (Nuclear Weapons) .....	51, 53, 104, 105, 154, 157, 158, 159, 200, 207, 234, 314, 381
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America), Judgment of 26 November 1984 .....	191, 193
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America), Judgment of 27 June 1986 .....	191, 193, 194, 195, 197, 198, 200, 205, 206, 230, 231, 233, 234, 237, 281, 282, 451
Oil Platforms (Iran v United States of America), Judgment of 6 November 2003 .....	198, 281, 452
UK v Albania, 4 ICJ Rep 22 (1949) .....	286

### **International Criminal Tribunal for the Former Yugoslavia (ICTY)**

Aleksovski Judgment Case No. IT-95-14/1-T (Trial Chamber I, 25 June 1999) .....	413
Blaškić Case No. IT-95-14 (Judgment, 3 March 2000) .....	56, 93
Delalic Case No. IT-95-21-T (Trial Chamber, Judgement, 16 November 1998) .....	93
Galić Case No. IT-98-29-T (Judgment, 5 December 2003) .....	56, 397
Kordić and Cerkez Case No. IT-95-14/2-T (Trial Chamber, Judgment, 26 February 2001) .....	93
Kordić and Cerkez Case No. IT-95-14/2-A (Appeal Judgment, 7 December 2004) .....	56
Kunarac et al, Appeals Chamber Judgment .....	93, 94, 95, 102
Kupreškić et al Case No. IT-95-16-T (Judgment, 14 January 2000) .....	56
Martić Case No. IT-95-11 (Review of the Indictment under Rule 61, 8 March 1996) .....	56
Prlic Case No IT-04-74 (Trial Chamber Judgment, 29 May 2013) .....	30
Prlic, Case No IT-04-74 (Separate and Partially Dissenting Opinion of Presiding Judge Jean-Claude Antonetti, 29 May 2013) .....	31
Simić et al Case No. IT-95-9-T (Judgment, 17 October 2003) .....	70
Strugar Case No. IT-01-42-T (Judgment, 31 January 2005) .....	56
Tadić Case No. IT-94-1-AR72 (Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995) ...	56, 92, 93, 94, 97, 99, 107, 111, 112, 113, 114, 201, 202
Tadić Case No IT-94-1 (T Ch, Opinion and Judgment, 7 May 1997 .....	201
Tadić Case No IT-94-1 (A Ch, Judgment 15 July 1999 .....	206, 281

### **International Criminal Tribunal for Rwanda (ICTR)**

Akayesu Trial Judgment, 1998 .....	93
------------------------------------	----

### **Nuremberg Trials**

Ponzano Case, British Military Court .....	360
--	-----

## **Permanent Court of International Justice (PCIJ)**

Chorzow Factory Case (13 September 1928) .....	163
Lotus (France v Turkey), Ser. A., No. 10, Judgment 7 September 1927 .....	202

## **UN Human Rights Committee**

Delgado Paez v Columbia, HR Committee Communication No 195/1985 (12 July 1990) .....	222
Delia Saldias de Lopez v Uruguay (Communication No 52/1979), HRC, Views, 29 July 1981 .....	205
Pedro Pablo Camargo v Colombia ('Guerrero') (CCPR/C/15/D/45/1979, 31 March 1982) .....	162, 176, 177
Rickly Burrell v Jamaica (CCPR/C/57/D/546/ 1993, 1996) .....	177

## **National Cases**

### **Australia**

SZAOG v Minister for Immigration & Multicultural & Indigenous Affairs [2004] FCAFC 316, 26 November 2004 .....	57
---	----

### **Colombia**

Constitutional Court, Constitutional Case No. C-037/04 .....	57
Constitutional Case No. T-165/06 .....	57
Constitutional Case No. C-291/07 .....	57

### **Germany**

Federal Constitutional Court case on legislation authorizing the shooting down of an aeroplane, 1 BvR 357/05, 15 February 2006 .....	169
---	-----

### **Israel**

Israel et al v the Government of Israel et al (HCJ 769/02, 13 December 2006 (Targeted Killings), §§ 23, 26) .....	57
Military Prosecutor v Omar Mahmud Kassem et al (Military Court, Ramallah, 13 April 1969, 42 ILR 470 (1971) .....	56
Physicians for Human Rights v Prime Minister of Israel (HCJ 201/09, 19 January 2009, § 21) .....	57

### **Peru**

Constitutional Court, Gabriel Orlando Vera Navarrete (Case No. 2798-04-HC/TC, 9 December 2004) .....	57
---	----

### **Spain**

Supreme Court, Couso (13 July 2010) .....	57
---	----

### **United Kingdom**

Serdar Mohammed v Ministry of Defence [2014] EWHC 1369 (QB) .....	106
---	-----

Serdar Mohammed & Others v Secretary of State for Defence [2015] EWCA  
Civ 843 ..... 106

**United States of America**

Abdelfattah v Dep't of Homeland Security 787 F3d 524, 529–31, 536–39 (DC  
Cir 2015) ..... 435

Campbell v Clinton, 203 F 3d 19, 19, 24 (DC Cir 2000) ..... 266

Herring v United States 555 US 135, 145–7 (2009) ..... 436

Holtzman v Schlesinger, 484 F 2d 1307 (2d Cir 1973) ..... 263

Hussain v Obama 718 F3d 964, 68 (DC Cir 2013) ..... 419

Ibrahim v Dep't of Homeland Security 62 F Supp 3d 909 (ND CA 2014) ... 435

INS v Chadha, 462 US 919, 959 (1983) ..... 264

Jacobellis v Ohio, 378 US 197 (1964) ..... 288

Latif v Holder 28 F Supp 3d 1134 D (OR 2014) ..... 435

Neagle, in re 135 US 1, 63–4 ..... 262

Prize Cases, 67 US 635, 669 (1862) ..... 262

Tanvir v Lynch 2015 USDist Lexis 117661 (SD NY 2015) ..... 435

Yamashita, in re 327 U.S. 1 (1946) ..... 413