

# PUBLG052: International Law and Human Rights

View Online



---

1

International Law and Human Rights - PUBLG052.

2

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

3

Harris DJ. Cases and materials on international law. 7th ed. London: : Sweet & Maxwell 2010.

4

Gandhi PR. Blackstone's international human rights documents. 7th ed. Oxford: : Oxford University Press 2010.

5

Smith RKM. Texts and materials on international human rights. 3rd ed. London: : Routledge 2013.

6

Başak Cali. International law for international relations. Oxford: : Oxford University Press 2010.

7

Armstrong JD, Farrell T, Lambert H. International law and international relations. 2nd ed. Cambridge: : Cambridge University Press 2012.  
<http://dx.doi.org/10.1017/CBO9780511894565>

8

R.J. Vincent. Human rights and international relations. Cambridge: : Published in association with the Royal Institute of International Affairs by Cambridge University Press 1986.

9

Forsythe DP. Human rights in international relations. 3rd ed. Cambridge: : Cambridge University Press 2012.

10

Beth A. Simmons, Richard H. Steinberg. International law and international relations. Cambridge: : Cambridge University Press 2006.

11

Rosalyn Higgins. Problems and process: international law and how we use it. Oxford: : Clarendon Press 1994.

12

White RCA, Ovey C, Jacobs FG, et al. The European Convention on Human Rights. 5th ed. Oxford: : Oxford University Press 2010.

13

Malcolm N. Shaw. International law. 6th ed. Cambridge: : Cambridge University Press 2008.

14

Antonio Cassese. International law. 2nd ed. Oxford: : Oxford University Press 2005.

15

Alan E. Boyle, C.M. Chinkin. The making of international law. Oxford: : Oxford University Press 2007.

16

Hilary Charlesworth, C.M. Chinkin. The boundaries of international law: a feminist analysis. Manchester: : Manchester University Press, Juris 2000.

17

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

18

Crawford JR. The Identification of Customary International Law.  
23AD.[http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fwww.ila-hq.org%2Fdownload.cfm%2Fdocid%2FBC985B09-A-CEA-4356-AD31C90620705001&ei=oQokVMPjJJKaN7lgJgG&usg=AFQjCNFUoRnjms2d6l4IAoiq\\_ocrCBANzQ&bvm=bv.76247554,d.d2s](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fwww.ila-hq.org%2Fdownload.cfm%2Fdocid%2FBC985B09-A-CEA-4356-AD31C90620705001&ei=oQokVMPjJJKaN7lgJgG&usg=AFQjCNFUoRnjms2d6l4IAoiq_ocrCBANzQ&bvm=bv.76247554,d.d2s)

19

Human Rights Committee. Human Rights Committee, General Comment No. 24, CCPR/C/21/Rev.1/Add.6. 4AD.<http://www1.umn.edu/humanrts/gencomm/hrcom24.htm>

20

United Nations. Universal Declaration of Human Rights. 1948.<http://www.un.org/en/documents/udhr/>

21

Office of the High Commissioner for Human Rights. International Covenant on Civil and Political Rights. 1966. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

22

Office of the High Commissioner for Human Rights. International Covenant on Economic, Social and Cultural Rights. 1966. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>

23

International Court of Justice. Advisory Opinion on Reservations to the Convention on Prevention and Punishment of the Crime of Genocide. 28AD. <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=90&case=12&code=ppcg&p3=4>

24

Aust A. Modern treaty law and practice. 3rd ed. Cambridge: : Cambridge University Press 2013.

25

Ed Bates. Avoiding Legal Obligations Created by Human Rights Treaties. *The International and Comparative Law Quarterly*; **57**:751–88. <http://www.jstor.org/stable/20488253>

26

Besson S. Theorizing the Sources of International Law. In: *The philosophy of international law*. Oxford: : Oxford University Press 2010.

27

Bianchi A. Human Rights and the Magic of Jus Cogens. *European Journal of International Law* 2008; **19**:491–508. doi:10.1093/ejil/chn026

28

Cannizzaro E, Arsanjani MH. The law of treaties beyond the Vienna Convention. Oxford: : Oxford University Press 2011.  
<http://dx.doi.org/10.1093/acprof:oso/9780199588916.001.0001>

29

Corten O, Klein P. The Vienna Conventions on the Law of Treaties: a commentary. Oxford: : Oxford University Press 2011.

30

Kingsbury B. Legal Positivism as Normative Politics: International Society, Balance of Power and Lassa Oppenheim's Positive International Law. *European Journal of International Law* 2002;**13**:401–37. doi:10.1093/ejil/13.2.401

31

Koskenniemi M. Hierarchy in International Law: A Sketch. *European Journal of International Law* 1997;**8**:566–82. <http://ejil.oxfordjournals.org/content/8/4/566.abstract>

32

Kolb R. Selected Problems in the Theory of Customary International Law. *Netherlands International Law Review*;**50**:119–50. doi:10.1017/S0165070X03001190

33

Meron T. Human rights and humanitarian norms as customary law. Oxford: : Clarendon 1989. doi:10.1093/acprof:oso/9780198257455.001.0001

34

O'Connell ME, Cogens J. International Law's Higher Ethical Norms. In: The role of ethics in international law. Cambridge: : Cambridge University Press 2012.  
<http://dx.doi.org/10.1017/CBO9780511978425>

35

Perreau-Saussine A, Murphy JB. The nature of customary law. Cambridge: : Cambridge University Press 2007.

36

Akehurst M. The Hierarchy of the Sources of International Law. The British year book of international law 1975;**47**:281–5.

37

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

38

R (Nicklinson & Another) v. Ministry of Justice, [2014] UKSC 38 (25 June).  
[https://www.supremecourt.uk/decided-cases/docs/uksc\\_2013\\_0235\\_judgment.pdf](https://www.supremecourt.uk/decided-cases/docs/uksc_2013_0235_judgment.pdf)

39

Nicklinson & Lamb v. UK, ECtHR App. Nos. 1787/15 & 2478/15 (2015) .

40

Schutter O de. International human rights law: cases, materials, commentary. Second edition. Cambridge, United Kingdom: : Cambridge University Press 2014.

41

Office of the High Commissioner for Human Rights. International Covenant on Civil and Political Rights. 1966.<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

42

Office of the High Commissioner for Human Rights. International Covenant on Economic, Social and Cultural Rights. 1966.<http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>

43

European Convention on Human Rights and Fundamental Freedoms.  
1950.[http://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=#n1359128122487\\_pointer](http://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=#n1359128122487_pointer)

44

Bassiouni MC, Schabas W, editors. New challenges for the UN human rights machinery: what future for the UN treaty body system and the Human Rights Council procedures? Cambridge: : Intersentia 2011.

45

Carozza PG. 'My Friend Is a Stranger': The Death Penalty and the Global Jus Commune of Human Rights. *Texas Law Review*; **81**:1031-89.<http://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=9240337&site=ehost-live>

46

Carozza PG. Human Dignity and Judicial Interpretation of Human Rights: A Reply. *European Journal of International Law* 2008;**19**:931-44. doi:10.1093/ejil/chn059

47

Egan S. The United Nations human rights treaty system: law and procedure. Haywards Heath: : Bloomsbury Professional 2011.

48

Guzman AT, Meyer TL. International Common Law: The Soft law of International Tribunals. *Chicago journal of international law*; **9**:515-36.<http://www.heinonline.org/HOL/Index?index=journals%2Fcjil&collection=journals>

49

R.H. Helmholz. Natural Human Rights: The Perspective of the IUS Commune. Catholic University Law Review; **52**  
.http://www.heinonline.org/HOL/Page?page=301&handle=hein.journals%2Fcatu52&collection=journals#311

50

Isiksel T. Global legal pluralism as fact and norm. Global Constitutionalism; **2**:160–95. doi:10.1017/S2045381713000130

51

Isiksel T, Thies A. Changing subjects: Rights, remedies and responsibilities of individuals under global legal pluralism. Global Constitutionalism; **2**:151–9. doi:10.1017/S2045381713000117

52

McCrudden C. Human Dignity and Judicial Interpretation of Human Rights. European Journal of International Law 2008; **19**:655–724. doi:10.1093/ejil/chn043

53

Örücü E, United Kingdom National Committee of Comparative Law. Judicial comparativism in human rights cases. [London]: : United Kingdom National Committee of Comparative Law 2003.

54

Shelton D. Regional protection of human rights. New York: : Oxford University Press 2008.

55

Stone Sweet A. A cosmopolitan legal order: Constitutional pluralism and rights adjudication in Europe. Global Constitutionalism; **1**:53–90. doi:10.1017/S2045381711000062

56

van Elsuwege P. New challenges for pluralist adjudication after Lisbon: the protection of fundamental rights in a *Ius commune Europaeum*. *Netherlands quarterly of human rights* 2012;**30**:195–217. <http://www.heinonline.org/HOL/Index?index=journals%2Fnethqr&collection=journals>

57

United Nations. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). 1979. <http://www.un.org/womenwatch/daw/cedaw/>

58

European Convention on Human Rights & Fundamental Freedoms. 1950. <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>

59

United Nations. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 1984. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

60

Alston P, Goodman R. *International human rights: text and materials*. Oxford: : Oxford University Press 2012.

61

Chinkin C. A critique of the public/private dimension. *European Journal of International Law* 1999;**10**:387–95. doi:10.1093/ejil/10.2.387

62

X & Y v. Netherlands, ECtHR, App No. 8978/80. 1985. [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57603#{%22itemid%22:\[%22001-57603%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57603#{%22itemid%22:[%22001-57603%22]})

63

Osman v. UK, ECtHR, App No. 87/1997/871/1083.  
1998.[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58257#{%22itemid%22:\[%22001-58257%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58257#{%22itemid%22:[%22001-58257%22]})

64

Committee Against Torture, General Comment No. 2, Implementation of article 2 by States Parties. 2007.[http://www1.umn.edu/humanrts/cat/general\\_comments/cat-gencom2.html](http://www1.umn.edu/humanrts/cat/general_comments/cat-gencom2.html)

65

Human Rights Committee, General Comment No. 31, Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13.  
2004.<http://www1.umn.edu/humanrts/gencomm/hrcom31.html>

66

M.M. v. Netherlands, ECtHR, App. No 39339/98.  
2003.[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61002#{%22itemid%22:\[%22001-61002%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61002#{%22itemid%22:[%22001-61002%22]})

67

International Convention on the Elimination of All Forms of Racial Discrimination.  
1965.<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

68

Human Rights Committee,. General Comment No. 24: Issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.6. 1994.<https://www1.umn.edu/humanrts/gencomm/hrcom24.htm>

69

UNGA 'Report of the Committee for the Elimination of All Forms of Discrimination Against

Women' (1998). <http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>

70

Belilos v. Switzerland, ECtHR App. No 10328/83 (1988).  
[http://hudoc.echr.coe.int/eng#{"appno":\["10328/83"\],"itemid":\["001-57434"\]}](http://hudoc.echr.coe.int/eng#{)

71

Askin KD, Koenig DM. Women and international human rights law. 3rd ed. Ardsley, N. Y.: : Transnational 1999.

72

Charlesworth H, Chinkin C, Wright S. Feminist Approaches to International Law. The American Journal of International Law; **85**  
:613-45. <http://www.jstor.org/stable/10.2307/2203269?origin=crossref>

73

Charlesworth H, Chinkin CM. The boundaries of international law: a feminist analysis. Manchester: : Manchester University Press 2000.

74

Clapham A. Human rights obligations of non-state actors. Oxford: : Oxford University Press 2006. doi:10.1093/acprof:oso/9780199288465.001.0001

75

Krook ML. Quotas for women in politics: gender and candidate selection reform worldwide. Oxford: : Oxford University Press 2009.  
<http://dx.doi.org/10.1093/acprof:oso/9780195375671.001.0001>

76

New perspectives on the public-private divide. Vancouver: : UBC Press 2003.

77

Manjoo R. Violence Against Women in the United States and the State's Obligation to Protect.

2011. <http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/vaw.pdf>

78

Meyersfeld B. Domestic violence and international law. Oxford: : Hart 2010.

79

Mullally S. Domestic Violence Asylum Claims and Recent Developments in International Human Rights Law: A Progress Narrative? *International and Comparative Law Quarterly*; **60**:459-84. doi:10.1017/S0020589311000042

80

Opuz v. Turkey, ECtHR, App. No. 33401/02.

2009. [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-92945#{%22itemid%22:\[%22001-92945%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-92945#{%22itemid%22:[%22001-92945%22]})

81

Shue H. Basic rights: subsistence, affluence, and U.S. foreign policy. 2nd ed. Princeton, N.J.: : Princeton University Press 1996.

82

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

83

United Nations. Universal Declaration of Human Rights.

1948. <http://www.un.org/en/universal-declaration-human-rights/>

84

Office of the High Commissioner for Human Rights. International Covenant on Economic, Social and Cultural Rights. 1966. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>

85

Office of the High Commissioner for Human Rights. International Covenant on Civil and Political Rights. 1966. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

86

European Convention on Human Rights and Fundamental Freedoms. 1950. [http://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=#n1359128122487\\_pointer](http://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=#n1359128122487_pointer)

87

International Convention on the Elimination of All Forms of Racial Discrimination. 1966. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

88

Öllinger v. Austria, ECtHR App. No. 76900/01. 29AD. [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-76098#{%22itemid%22:\[%22001-76098%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-76098#{%22itemid%22:[%22001-76098%22]})

89

TBB v. Germany, Committee on the Elimination of Racial Discrimination Communication No. 48/2010, CERD/C/82/D/48/2010. 4AD. <http://www2.ohchr.org/English/bodies/cerd/docs/CERD-C-82-D-48-2010-English.pdf>

90

Goekce v. Austria, Annex, U.N. Doc. CEDAW/C/39/D/5/2005. 6AD. [http://www.iwraw-ap.org/protocol/doc/Sahide\\_Goekce\\_v\\_Austria.pdf](http://www.iwraw-ap.org/protocol/doc/Sahide_Goekce_v_Austria.pdf)

91

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

92

Eweida & others v. UK, ECtHR, App. Nos. 48420/10, 59842/10, 51671/10 and 36516/10. 2013. [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115881#{%22itemid%22:\[%22001-115881%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115881#{%22itemid%22:[%22001-115881%22]})

93

Human Rights Committee. General Comment 34, U.N. Doc CCPR/C/GC/34. 2011. <http://www.refworld.org/docid/4ed34b562.html>

94

Koskenniemi M. Human Rights Mainstreaming as a Strategy for Institutional Power. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*; **1**:47–58. doi:10.1353/hum.2010.0003

95

Sweet AS, Matthews J. Proportionality Balancing and Global Constitutionalism. *Columbia Journal of Transnational Law* 2008;**47**. <http://www.heinonline.org/HOL/Page?page=72&handle=hein.journals%2Fcjtl47&collection=journals#74>

96

SAS v. France, ECtHR, App. No. 43835/11. 2014. [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{%22itemid%22:\[%22001-145466%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{%22itemid%22:[%22001-145466%22]})

97

□□Council of Europe Parliamentary Assembly, Committee on Legal Affairs and Human Rights.

The Future of the European Court of Human Rights and the Brighton Declaration, AS/Jur. 3AD.[http://assembly.coe.int/CommitteeDocs/2012/ajdoc42\\_2012.pdf](http://assembly.coe.int/CommitteeDocs/2012/ajdoc42_2012.pdf)

98

Protocol No. 15 Amending the Convention on the Protection of Human Rights and Fundamental Freedoms. 24AD.<http://conventions.coe.int/Treaty/EN/Treaties/Html/213.htm>

99

R (Nicklinson & Another) v. Ministry of Justice, [2014] UKSC 38 (25 June).  
[https://www.supremecourt.uk/decided-cases/docs/uksc\\_2013\\_0235\\_judgment.pdf](https://www.supremecourt.uk/decided-cases/docs/uksc_2013_0235_judgment.pdf)

100

Arosemena G. Conflicts of rights in international human rights: A meta-rule analysis. *Global Constitutionalism*;2:6–36. doi:10.1017/S2045381712000214

101

Foster L, Jacobs LA, Azmi S. Balancing competing human rights claims in a diverse society: institutions, policy, principles. Toronto: : Irwin Law 2012.

102

Benvenisti E. Margin of Appreciation, Consensus and Universal Standards. *New York University journal of international law & politics*;31:843–54.<http://www.heinonline.org/HOL/Index?index=journals%2Fnyuilp&collection=journals>

103

Brady ADP. Proportionality and deference under the UK Human Rights Act: an institutionally sensitive approach. Cambridge, UK: : Cambridge University Press 2012.

104

Brems E, International Conference on Conflicts Between Fundamental Rights. Conflicts between fundamental rights. Antwerp: : Intersentia 2008.

105

Başak Cali. Balancing Human Rights? Methodological Problems with Weights, Scales and Proportions. Human Rights Quarterly; **29**:251–70. <http://www.jstor.org/stable/20072795>

106

Virgílio Afonso da Silva. Comparing the Incommensurable: Constitutional Principles, Balancing and Rational Decision. Oxford Journal of Legal Studies; **31**:273–301. <http://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=61047869&site=ehost-live>

107

Handyside v. UK, ECtHR, App. No. 5493/72. 1976. [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57499#{%22itemid%22:\[%22001-57499%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57499#{%22itemid%22:[%22001-57499%22]})

108

Kennedy D. The dark sides of virtue: reassessing international humanitarianism. Princeton, N.J.: : Princeton University Press 2004. <https://www.jstor.org/stable/j.ctt7rsjc>

109

Kennedy D. A critique of adjudication: fin de siècle. Cambridge, Mass: : Harvard University Press 1997.

110

Klare K. Legal Theory and Democratic Reconstruction. University of British Columbia law review 1991; **25**:69–103. <http://www.heinonline.org/HOL/Index?index=journals%2Fubclr&collection=journals>

111

Klatt M, Meister M. The constitutional structure of proportionality. Oxford: : Oxford University Press 2012. <http://dx.doi.org/10.1093/acprof:oso/9780199662463.001.0001>

112

Onora O'Neill. The Dark Side of Human Rights. *International Affairs (Royal Institute of International Affairs 1944-)*; **81**:427–39. <http://www.jstor.org/stable/3568897>

113

Samuels H. Feminizing Human Rights Adjudication: Feminist Method and the Proportionality Principle. *Feminist Legal Studies*; **21**:39–60. doi:10.1007/s10691-012-9225-6

114

Cass R. Sunstein. Rights and Their Critics. *Notre Dame Law Review* 1995; **70**:727–68. <http://www.heinonline.org/HOL/Page?page=727&handle=hein.journals%2Fndlr70&collection=journals#735>

115

Stavros Tsakyrakis. Proportionality: An Assault on Human Rights? *International Journal of Constitutional Law* 2009; **7**:468–93. <http://www.heinonline.org/HOL/Page?page=468&handle=hein.journals%2Finjcl7&collection=journals#474>

116

Madhav Khosla. Proportionality: An Assault on Human Rights: A Reply. *International Journal of Constitutional Law* 2010; **8**:293–306. <http://www.heinonline.org/HOL/Page?page=298&handle=hein.journals%2Finjcl8&collection=journals#302>

117

Stavros Tsakyrakis. Proportionality: An Assault on Human Rights: A Rejoinder to Madhav Khosla. *International Journal of Constitutional Law* 2010; **8**

:307-10.<http://www.heinonline.org/HOL/Page?page=307&handle=hein.journals%2Finjcl8&collection=journals#311>

118

Klatt M, Meister M. Proportionality--a benefit to human rights? Remarks on the I.CON controversy. *International Journal of Constitutional Law* 2012;**10**:687-708.  
doi:10.1093/icon/mos019

119

Office of the High Commissioner for Human Rights. International Covenant on Civil and Political Rights. 1966.<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

120

European Convention on Human Rights and Fundamental Freedoms. 1950.[http://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=#n1359128122487\\_pointer](http://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=#n1359128122487_pointer)

121

Organization of American States. American Declaration of the Rights and Duties of Man. 1948.[http://www.hrcr.org/docs/OAS\\_Declaration/oasrights.html](http://www.hrcr.org/docs/OAS_Declaration/oasrights.html)

122

Geneva Convention (III) relative to the Treatment of Prisoners of War. 1949.<http://www.icrc.org/ihl/INTRO/375?OpenDocument>

123

Protocol (I) Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts. 1977.<http://www.icrc.org/ihl/INTRO/470>

124

Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. 1949.<http://www.icrc.org/ihl/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>

125

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

126

OLC Memo for Alberto R. Gonzales & William J. Haynes II. 22AD.<http://www.justice.gov/sites/default/files/olc/legacy/2009/08/24/memo-laws-taliban-detainees.pdf>

127

OLC Memo for Alberto R. Gonzales. 7AD.[http://lawofwar.org/Bush\\_torture\\_memo.htm](http://lawofwar.org/Bush_torture_memo.htm)

128

Memo from the President to national security advisors. 7AD.<http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB127/02.02.07.pdf>

129

Al-Jedda v. UK, ECtHR, [GC] App. no. 27021/08 (2011).  
[http://hudoc.echr.coe.int/eng#{"dmdocnumber":\["887954"\],"itemid":\["001-105612"\]}](http://hudoc.echr.coe.int/eng#{)

130

Hassan v. UK, ECtHR [GC], no. 29750/09 (2014). 2014.  
[http://hudoc.echr.coe.int/eng#{"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-146501"\]}](http://hudoc.echr.coe.int/eng#{)

131

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford

University Press 2012.

132

Statement of Attorney General Eric Holder on Closure of Investigation into the Interrogation of Certain Detainees, Department of Justice Office of Public Affairs (August 30, 2012).

<http://www.justice.gov/opa/pr/statement-attorney-general-eric-holder-closure-investigation-interrogation-certain-detainees>

133

OLC Memo for Alberto R. Gonzales, Counsel to the President, Re: Standards of Conduct for Interrogation Under 18 USC §§ 2340-2340A, August 1, 2002.

<http://www.justice.gov/sites/default/files/olc/legacy/2010/08/05/memo-gonzales-aug2002.pdf>

134

CIA Office of General Counsel, Draft: Legal Appendix: Paragraph 5-Hostile Interrogations: Legal Considerations for CIA Officers, November 26, 2002.

135

Abella v. Argentina, Case 11.137, Inter-American Commission on Human Rights, Report No. 55/97. 1997. <http://www1.umn.edu/humanrts/cases/1997/argentina55-97a.html>

136

Armed Activities on the Territory of the Congo (DRC v. Uganda), ICJ Rep. 168.

2005. <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=co&case=116&k=51/>

137

Abresch W. A Human Rights Law of Internal Armed Conflict: The European Court of Human Rights in Chechnya. *European Journal of International Law*; **16**:741–67.

doi:10.1093/ejil/chi139

138

Arnold R, Quéniwet NNR. International humanitarian law and human rights law: towards a new merger in international law. Leiden: : Martinus Nijhoff 2008.

139

Inter-American Court of Human Rights. *Bámaca Velásquez v. Guatemala*, Case No. 11/129 (Merits), Inter-Am. Ct. H.R., (Ser. C) No. 70. 2000.<http://www1.umn.edu/humanrts/iachr/C/70-ing.html>

140

Bullard A. *Human rights in crisis*. Aldershot: : Ashgate 2008.

141

*Coard v. the United States of America*, Inter-American Commission on Human Rights, Case 10.951. 1999.<https://www.cidh.oas.org/annualrep/99eng/Merits/UnitedStates10.951.htm>

142

Doswald-Beck L, Vité S. International Humanitarian Law and Human Rights Law. *International Review of the Red Cross*; **33**:94–119. doi:10.1017/S0020860400071539

143

Cordula Droege. The Interplay between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict. *Israel Law Review*; **40**:310–55. doi:10.1017/S0021223700013376

144

Goldsmith JL. *Power and constraint: the accountable presidency after 9/11*. New York: : W. W. Norton & Co 2012.

145

Greenberg KJ. *The least worst place: Guantanamo's first 100 days*. New York: : Oxford

University Press 2009.

146

Hampson F. The Relationship between International Human Rights Law and International Humanitarian Law, E/CN.4/Sub.2/2005/14. 2005.<http://www2.ohchr.org/english/bodies/subcom/57/aevdoc.htm>

147

Heintze H-J. On the relationship between human rights law protection and international humanitarian law. *Revue Internationale de la Croix-Rouge/International Review of the Red Cross*,**86**:789-814. doi:10.1017/S1560775500180460

148

Kolb R. The relationship between international humanitarian law and human rights law: A brief history of the 1948 Universal Declaration of Human Rights and the 1949 Geneva Conventions. *International Review of the Red Cross*;**38**:409-19. doi:10.1017/S002086040009121X

149

Las Palmeras v. Colombia (Preliminary Objections, February 4, 2000), Inter-Am. Ct. H.R., (Ser. C) No. 67. 2000.<http://www1.umn.edu/humanrts/iachr/C/67-ing.html>

150

International Court of Justice. Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Rep. 136. 2004.<http://www.icj-cij.org/docket/index.php?p1=3&p2=4&case=131&p3=4>

151

Levinson S. *Torture: a collection*. Oxford: : Oxford University Press 2004.

152

Meron T. Convergence of International Humanitarian Law and Human Rights Law. In: Human rights and humanitarian law: the quest for universality. The Hague: : M. Nijhoff 1997.

153

Theodor Meron. The Humanization of Humanitarian Law. The American Journal of International Law; **94**:239–78. <http://www.jstor.org/stable/2555292>

154

Orakhelashvili A. The Interaction between Human Rights and Humanitarian Law: Fragmentation, Conflict, Parallelism, or Convergence? European Journal of International Law 2008; **19**:161–82. doi:10.1093/ejil/chm055

155

Roth K, Worden M, Bernstein AD. Torture: does it make us safer? Is it ever OK? : a human rights perspective. New York, N.Y.: : New Press in conjunction with Human Rights Watch 2005.

156

Sands P. Torture team: Rumsfeld's memo and the betrayal of American values. New York: : Palgrave Macmillan 2008.

157

Johan Steyn. Guantanamo Bay: The Legal Black Hole. The International and Comparative Law Quarterly; **53**:1–15. <http://www.jstor.org/stable/3663134>

158

United Nations. International legal protection of human rights in armed conflict. New York: : United Nations 2011.

159

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

160

Dinstein Y. The conduct of hostilities under the law of international armed conflict. 2nd ed. Cambridge: : Cambridge University Press 2010.

161

Supreme Court of Israel. Public Committee Against Torture in Israel v. Israel, Supreme Court of Israel, HCJ 769/02. 2006.[http://www.haguejusticeportal.net/Docs/NLP/Israel/Targetted\\_Killings\\_Supreme\\_Court\\_13-12-2006.pdf](http://www.haguejusticeportal.net/Docs/NLP/Israel/Targetted_Killings_Supreme_Court_13-12-2006.pdf)

162

Office of the Assistant Attorney General, Memorandum for the Attorney General, July 16, 2010. <http://www.washingtonpost.com/r/2010-2019/WashingtonPost/2014/06/23/National-Security/Graphics/memodrones.pdf>

163

The White House. U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities. <http://www.whitehouse.gov/the-press-office/2013/05/23/fact-sheet-us-policy-standards-and-procedures-use-force-counterterrorism>

164

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

165

Human Rights Committee. HRC, General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties to the International Covenant on Civil and Political Rights. 2004.<http://www1.umn.edu/humanrts/gencomm/hrcom31.html>

166

International Court of Justice. Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Rep. 136. 2004.<http://www.icj-cij.org/docket/index.php?p1=3&p2=4&case=131&p3=4>

167

U.S. Department of State. Fourth Periodic Report of the United States of America to the United Nations Committee on Human Rights Concerning the International Covenant on Civil and Political Rights. <http://www.state.gov/j/drl/rls/179781.htm>

168

Supreme Court. Smith (No. 2) v. Ministry of Defence [2013] UKSC 41. 19AD. <http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I86722C10D8D111E2B4EC91F9DB95B3F4&entityID=https://shib-idp.ucl.ac.uk/shibboleth>

169

U.N. General Assembly. General Assembly Third Committee, The Right to Privacy in a Digital Age, UN Doc. A/C.3/68/L.45. 20AD.<http://daccess-dds-ny.un.org/doc/UNDOC/LTD/N13/576/77/PDF/N1357677.pdf?OpenElement>

170

MacAskill E, Ball J. UN surveillance resolution goes ahead despite attempts to dilute language. The Guardian. 21AD.<http://www.theguardian.com/world/2013/nov/21/un-surveillance-resolution-us-uk-dilute-language>

171

Milanovic M. Foreign Surveillance and Human Rights: Introduction. 25AD.<http://www.ejiltalk.org/foreign-surveillance-and-human-rights-introduction/>

172

Milanovic M. CRC Concluding Observations on the Holy See.  
5AD.<http://www.ejiltalk.org/crc-concluding-observations-on-the-holy-see/>

173

The Right to Privacy in the Digital Age, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/27/37 (June 30, 2014).  
[https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCEQFjAAahUKEwias4aYjf\\_HAhXFfhoKHXC5BFM&url=http%3A%2F%2Fwww.ohchr.org%2FEN%2FHRBodies%2FHRC%2FRegularSessions%2FSession27%2FDocuments%2FA-HRC-27-37\\_en.doc&usq=AFQjCNEV939mQ6D32744AZQmPV2V0ucLuA&sig2=s-h3KVwWowHyQFrxcGadA](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCEQFjAAahUKEwias4aYjf_HAhXFfhoKHXC5BFM&url=http%3A%2F%2Fwww.ohchr.org%2FEN%2FHRBodies%2FHRC%2FRegularSessions%2FSession27%2FDocuments%2FA-HRC-27-37_en.doc&usq=AFQjCNEV939mQ6D32744AZQmPV2V0ucLuA&sig2=s-h3KVwWowHyQFrxcGadA)

174

Alston P. Study on Targeted Killings – Addendum to the Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.  
<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>

175

Alston P, Hunt P, Kälin W, et al. Report of UN Special Rapporteurs on Mission To Lebanon And Israel, UN Doc A/HRC/2/7.  
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/141/95/PDF/G0614195.pdf?OpenElement>

176

Bothe M. The Protection of the Civilian Population and NATO Bombing on Yugoslavia: Comments on a Report to the Prosecutor of the ICTY. *European Journal of International Law* 2001;**12**:531–6. doi:10.1093/ejil/12.3.531

177

International Criminal Tribunal for the Former Yugoslavia. Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia. 2000.<http://www.icty.org/sid/10052>

178

Israeli Ministry of Foreign Affairs. Responding to Hizbullah attacks from Lebanon: Issues of proportionality.  
25AD.<http://www.mfa.gov.il/mfa/aboutisrael/state/law/pages/responding%20to%20hizbullah%20attacks%20from%20lebanon-%20issues%20of%20proportionality%20july%202006.aspx>

179

Kretzmer D. Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence? *European Journal of International Law*; **16**:171–212.  
doi:10.1093/ejil/chi114

180

McCorquodale R, Simons P. Responsibility beyond Borders: State Responsibility for Extraterritorial Violations by Corporations of International Human Rights Law. *The Modern Law Review*; **70**:598–625.<http://www.jstor.org/stable/4543156>

181

Melzer N. Interpretive guidance on the notion of direct participation in hostilities under international humanitarian law.  
2009.<http://www.icrc.org/eng/resources/documents/publication/p0990.htm>

182

International Criminal Tribunal for the former Yugoslavia. Prosecutor v. Blaskic

✓  
kic

, Appeal Judgement, Case No. IT-95-14-A. <http://www.icty.org/case/blaskic/4>

183

International Criminal Tribunal for the former Yugoslavia. Prosecutor v. Gotovina, Appeals Judgment, Case No. IT-06-90-A.  
[http://www.icty.org/x/cases/gotovina/acjug/en/121116\\_judgement.pdf](http://www.icty.org/x/cases/gotovina/acjug/en/121116_judgement.pdf)

184

International Criminal Tribunal for the former Yugoslavia. Prosecutor v. Galic

, Trial Judgment, Case No. IT-98-29-T.  
2003.<http://www.icty.org/x/cases/galic/acjug/en/gal-acjud061130.pdf>

185

Marco Roscini. Targeting and Contemporary Aerial Bombardment. *The International and Comparative Law Quarterly*; **54**:411–43.<http://www.jstor.org/stable/3663255>

186

Ruggie JG. Business and Human Rights: The Evolving International Agenda. *The American Journal of International Law*; **101**:819–40.<http://www.jstor.org/stable/40006320>

187

Watkin K. Controlling the Use of Force: A Role for Human Rights Norms in Contemporary Armed Conflict. *The American Journal of International Law*; **98**:1–34.<http://www.jstor.org/stable/10.2307/3139252?origin=crossref>

188

Business & Human Rights Resource Centre. Extraterritorial jurisdiction.  
<http://business-humanrights.org/en/special-representative/un-secretary-generals-special-representative-on-business-human-rights/materials-by-topic/extraterritorial-jurisdiction>

189

Office of the High Commissioner for Human Rights. International Covenant on Economic, Social and Cultural Rights.  
1966.<http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>

190

Alston P, Goodman R. *International human rights: text and materials*. Oxford: : Oxford University Press 2012.

191

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, G.A. res. 63/117 (2008).

<http://www2.ohchr.org/english/bodies/cescr/docs/A-RES-63-117.pdf>

192

African Charter on Human and Peoples' Rights (Banjul Charter / ACHPR) (1981).

[http://www.achpr.org/files/instruments/achpr/banjul\\_charter.pdf](http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf)

193

American Convention on Human Rights (Pact of San Jose / ACHR) (1969).

[http://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.pdf](http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.pdf)

194

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador) (1988).

[http://www.oas.org/dil/1988%20Additional%20Protocol%20to%20the%20American%20Convention%20on%20Human%20Rights%20in%20the%20Area%20of%20Economic,%20Social%20and%20Cultural%20Rights%20\(Protocol%20of%20San%20Salvador\).pdf](http://www.oas.org/dil/1988%20Additional%20Protocol%20to%20the%20American%20Convention%20on%20Human%20Rights%20in%20the%20Area%20of%20Economic,%20Social%20and%20Cultural%20Rights%20(Protocol%20of%20San%20Salvador).pdf)

195

African Commission on Human and Peoples' Rights, Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (November 2010).

[http://www.achpr.org/files/instruments/economic-social-cultural/achpr\\_instr\\_guide\\_draft\\_esc\\_rights\\_eng.pdf](http://www.achpr.org/files/instruments/economic-social-cultural/achpr_instr_guide_draft_esc_rights_eng.pdf)

196

□□ Monim Elgak, Osman Hummeida and Amir Suliman (represented by FIDH and OMCT) v Sudan, African Commission on Human and Peoples' Rights, Communication 379/09 (10 March, 2015).

[http://www.achpr.org/files/sessions/15th-eo/comunications/379.09/achpr15eos\\_decision\\_379\\_09\\_eng.pdf](http://www.achpr.org/files/sessions/15th-eo/comunications/379.09/achpr15eos_decision_379_09_eng.pdf)

197

Acevedo Buendía v. Perú, IACtHR (1 July, 2009).  
[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_198\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_198_ing.pdf)

198

Committee on Economic, Social, and Cultural Rights, General Comment No. 15 (2002).  
<http://www.refworld.org/docid/4538838d11.html>

199

Roth K. Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization. ;**26**.

200

Roth K. Response to Leonard S. Rubenstein. Human Rights Quarterly 2004;**26**:873–8.  
doi:10.1353/hrq.2004.0055

201

Rubenstein LS. How International Human Rights Organizations Can Advance Economic, Social and Cultural Rights: A Response to Kenneth Roth. Human Rights Quarterly 2004;**26**:845–65. doi:10.1353/hrq.2004.0056

202

de Albuquerque C. Chronicle of an Announced Birth: The Coming into Life of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights—The Missing Piece of the International Bill of Human Rights. Human Rights Quarterly;**32**:144–78. doi:10.1353/hrq.0.0137

203

Philip Alston. Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen through the Lens of the Millennium Development Goals. Human Rights Quarterly;**27**:755–829.<http://www.jstor.org/stable/20069811>

204

Alston P. A Human Rights Perspective on the Millennium Development Goals. <http://www.appg-popdevrh.org.uk/Publications/Population%20Hearings/Evidence/UNHCHR%20report%202.pdf>

205

De Schutter O, et al. Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights. *Human Rights Quarterly*; **34**:1084–169. doi:10.1353/hrq.2012.0063

206

Easterly W. How the Millennium Development Goals are Unfair to Africa. *World Development*; **37**:26–35. doi:10.1016/j.worlddev.2008.02.009

207

Gauri V, Brinks DM. *Courting social justice: judicial enforcement of social and economic rights in the developing world*. Cambridge: : Cambridge University Press 2008.

208

Langford M. *Social rights jurisprudence: emerging trends in international and comparative law*. Cambridge: : Cambridge University Press 2008.  
<https://www.cambridge.org/core/books/social-rights-jurisprudence/E2DFA5FC0E55678CAF3BFF0B7D6B68AD>

209

Nelson PJ. Human Rights, the Millennium Development Goals, and the Future of Development Cooperation. *World Development*; **35**:2041–55.  
doi:10.1016/j.worlddev.2007.02.006

210

Rosenberg GN. *The hollow hope: can courts bring about social change?* Chicago: : University of Chicago 1991.

211

Sachs JD, McArthur JW. The Millennium Project: a plan for meeting the Millennium Development Goals. *Lancet* 22AD;**365**:347-53. <http://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=15780027&site=ehost-live>

212

Saith A. From Universal Values to Millennium Development Goals: Lost in Translation. *Development and Change*;**37**:1167-99. doi:10.1111/j.1467-7660.2006.00518.x

213

Travis P, et al. Overcoming health-systems constraints to achieve the Millennium Development Goals. *The Lancet*;**364**:900-6. doi:10.1016/S0140-6736(04)16987-0

214

Tushnet MV. *Weak courts, strong rights: judicial review and social welfare rights in comparative constitutional law*. Princeton, N.J.: : Princeton University Press 2008. <https://www.jstor.org/stable/j.ctt7s5kr>

215

White L, Perelman J. *Stones of hope: how African activists reclaim human rights to challenge global poverty*. Stanford, Calif.: : Stanford University Press 2011.

216

Yamin AE, Gloppen S. *Litigating health rights: can courts bring more justice to health?* [Cambridge, MA]: : Harvard University Press 2011.

217

Young KG. *Constituting economic and social rights*. Oxford: : Oxford University Press 2012. <http://dx.doi.org/10.1093/acprof:oso/9780199641932.001.0001>

218

Craven MCR. The International Covenant on Economic, Social and Cultural Rights: a perspective on its development. [Paperback ed.]. Oxford: : Clarendon Press 2002.

219

Sepúlveda MM. The nature of the obligations under the International Covenant on Economic, Social and Cultural Rights. Antwerpen: : Intersentia 2003.

220

Tara Melish. Protecting economic, social and cultural rights in the Inter-American human rights system.  
2002. [https://law.yale.edu/system/files/documents/pdf/Intellectual\\_Life/MANUAL\\_OAS\\_INGLES.pdf](https://law.yale.edu/system/files/documents/pdf/Intellectual_Life/MANUAL_OAS_INGLES.pdf)

221

United Nations. Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2) U.N. Doc. E/C.12/GC/20. 2009. <http://www1.umn.edu/humanrts/gencomm/escgencom20.html>

222

Young KG, Lemaitre J. The Comparative Fortunes of the Right to Health: Two Tales of Justiciability in Colombia and South Africa. Harvard Human Rights Journal 2013;**26**:179–216. <http://harvardhrj.com/archive/>

223

Yamin AE, Parra-Vera O. Judicial protection of the right to health in Colombia: From social demands to individual claims to public debates. Hastings International and Comparative Law Review;**33**:431–59. [https://heinonline.org/HOL/Page?lname=&public=false&collection=journals&handle=hein.journals/hasint33&men\\_hide=false&men\\_tab=toc&kind=&page=431](https://heinonline.org/HOL/Page?lname=&public=false&collection=journals&handle=hein.journals/hasint33&men_hide=false&men_tab=toc&kind=&page=431)

224

ICCPR. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

225

ACHPR. [http://www.achpr.org/files/instruments/achpr/banjul\\_charter.pdf](http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf)

226

Convention on the Prevention and Punishment of the Crime of Genocide (1948).  
<https://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf>

227

Declaration on the Rights of Indigenous Peoples, GA Res 61/295 (2007).  
[http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

228

Kitok v. Sweden, HRC Comm. No. 197/1985, UN Doc. A/43/40 (1988).  
[http://www.worldcourts.com/hrc/eng/decisions/1988.07.27\\_Kitok\\_v\\_Sweden.htm](http://www.worldcourts.com/hrc/eng/decisions/1988.07.27_Kitok_v_Sweden.htm)

229

Human Rights Committee, General Comment 23, UN Doc CCPR/C/21/Rev.1/Add.5 (1994).  
<http://www.refworld.org/docid/453883fc0.html>

230

Human Rights Committee, General Comment 12 (1984), in , U.N. Doc. HRI/GEN/1/Rev.1 at 12. <http://www.refworld.org/docid/453883f822.html>

231

Advisory Opinion of the African Commission on Human and Peoples ' Rights on the United Nations Declaration on the Rights of Indigenous Peoples (2007).  
[http://www.achpr.org/files/special-mechanisms/indigenous-populations/un\\_advisory\\_opinion\\_idp\\_eng.pdf](http://www.achpr.org/files/special-mechanisms/indigenous-populations/un_advisory_opinion_idp_eng.pdf)

232

Apirana Mahuika v. New Zealand, Human Rights Committee, Comm. No. 547/1993, UN Doc. CCPR/C/70/D/547/1993 (2000). <http://hrlibrary.umn.edu/undocs/547-1993.html>

233

The Human Rights Situation of Indigenous People in the Americas, IACmHR, OEA/Ser.L/V/II/108, Doc. 62 (2000). <http://www.cidh.org/Indigenas/TOC.htm>

234

Xákmok Kásek Indigenous Community v. Paraguay, IACtHR Ser. C No. 214 (24 August 2010). [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_214\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_214_ing.pdf)

235

Saramaka People v. Suriname, IACtHR Ser. C No. 172 (28 November, 2007). [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_172\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf)

236

Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya, Afr Comm'n HPR Case 276/03 (2010). [http://www.achpr.org/files/sessions/46th/comunications/276.03/achpr46\\_276\\_03\\_eng.pdf](http://www.achpr.org/files/sessions/46th/comunications/276.03/achpr46_276_03_eng.pdf)

237

African Commission on Human and Peoples' Rights, Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (November 2010). [http://www.achpr.org/files/instruments/economic-social-cultural/achpr\\_instr\\_guide\\_draft\\_esc\\_rights\\_eng.pdf](http://www.achpr.org/files/instruments/economic-social-cultural/achpr_instr_guide_draft_esc_rights_eng.pdf)

238

□□Adeno Addis, Individualism, Communitarianism, and the Rights of Ethnic Minorities, 66

Notre Dame L. Rev. 1219 (1991).  
<https://heinonline.org/HOL/P?h=hein.journals/tndl67&i=625>

239

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

240

Katangese Peoples' Congress v. Zaire, ACmHPR Comm. 75/92 (1995).  
<http://www1.umn.edu/humanrts/africa/comcases/75-92.html>

241

Reference by the Governor in Council concerning Certain Questions relating to the Secession of Quebec from Canada ([1998] 2 Supreme Court Reporter (SCR) 217.  
<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do>

242

Report of the Special Envoy of the Secretary-General on Kosovo's future status, U.N. Doc. S/2007/168 (26 March, 2007). <https://www.osce.org/kosovo/24787?download=true>

243

Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Request for Advisory Opinion), 2010 ICJ Rep 403 (22 July).  
<https://www.icj-cij.org/files/case-related/141/141-20100722-ADV-01-00-EN.pdf>

244

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

245

Protocol No. 13 to European Convention on Human Rights and Fundamental Freedoms.

2002.<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=187&CL=ENG>

246

Convention on the Prevention and Punishment of the Crime of Genocide (1948).  
<https://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf>

247

European Court of Human Rights. *Al-Saadoon & Mufdhi v UK*, ECtHR (61498/08). 2AD.  
<http://opil.ouplaw.com/view/10.1093/law:ihrl/3719echr10.case.1/law-ihrl-3719echr10>

248

United Nations. Draft Articles on the Responsibility of States for Internationally Wrongful Acts. 2001.[http://legal.un.org/ilc/texts/instruments/english/draft%20articles/9\\_6\\_2001.pdf](http://legal.un.org/ilc/texts/instruments/english/draft%20articles/9_6_2001.pdf)

249

European Court of Human Rights (Grand Chamber). *El Masri v. Former Yugoslav Republic of Macedonia*, ECtHR, App No. 39630/09. 13AD.  
<http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I61847660F64A11E2879CAA2426866A35&entityID=https://shib-idp.ucl.ac.uk/shibboleth>

250

European Court of Human Rights (Grand Chamber). *Ilaşcu v. Moldova and Russia*, ECtHR, App no. 48787/99. 8AD.  
<http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IC5FF47B1E42711DA8FC2A0F0355337E9&entityID=https://shib-idp.ucl.ac.uk/shibboleth>

251

European Court of Human Rights. *Hussein v. Albania & Others*, ECtHR, Admissibility Decision, App no. 23276/04. 14AD.

<http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IA622AAF0FA9211DA9D7CC210083E0BB2&entityID=https://shib-idp.ucl.ac.uk/shibboleth>

252

Human Rights Watch. The EU's Dirty Hands.  
<http://www.hrw.org/reports/2011/09/21/eu-s-dirty-hands-0>

253

Al-Nashiri v. Poland, ECtHR, App no. 28761/11 (24 July, 2014).  
[http://hudoc.echr.coe.int/eng?i=001-146044#{"itemid":\["001-146044"\]}](http://hudoc.echr.coe.int/eng?i=001-146044#{)

254

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, 2007 ICJ Rep 43 (2007).  
<https://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>

255

Aust HP. Complicity and the law of state responsibility. Cambridge: : Cambridge University Press 2011. doi:<https://doi.org/10.1017/CBO9780511862632>

256

Avbelj M, Fontanelli F, Martinico G, editors. Kadi on trial: a multifaceted analysis of the Kadi trial. London: : Routledge 2014. <http://dx.doi.org/10.4324/9780203796191>

257

Bird A. Third State Responsibility for Human Rights Violations. European Journal of International Law 2010;**21**:883–900. doi:10.1093/ejil/chq066

258

Burns WCG, Osofsky HM. Adjudicating climate change: state, national, and international

approaches. Cambridge: : Cambridge University Press 2009.

259

d'Aspremont J, Dopagne F. Kadi: The ECJ's Reminder of the Elementary Divide between Legal Orders. *International Organizations Law Review* 2008;**5**:371–9. doi:10.1163/157237408X412970

260

de Burca G. The European Court of Justice and the International Legal Order after Kadi. *Harvard International Law Journal*; **51**:1–49. <http://www.heinonline.org/HOL/Page?page=1&handle=hein.journals%2Fhilj51&collection=journals#3>

261

de Wet E, Vidmar J. Conflicts between international paradigms: Hierarchy versus systemic integration. *Global Constitutionalism*; **2**:196–217. doi:10.1017/S2045381713000129

262

Duffy A. Expulsion to Face Torture? Non-refoulement in International Law. *International Journal of Refugee Law* 2008;**20**:373–90. doi:10.1093/ijrl/een022

263

Humphreys S. *Human rights and climate change*. Cambridge: : Cambridge University Press 2010. <https://www.dawsonera.com/guard/protected/dawson.jsp?name=https://shib-idp.ucl.ac.uk/shibboleth&dest=http://www.dawsonera.com/depp/reader/protected/external/AbstractView/S9780511765520>

264

International Council on Human Rights Policy. *Beyond Technology Transfer: Protecting Human Rights in a Climate-Constrained World*. 2011. <http://www.ichrp.org/>

265

Isiksel NT. Fundamental rights in the EU after Kadi and Al Barakaat. *European Law Journal*; **16**:551-77. doi:10.1111/j.1468-0386.2010.00522.x

266

Kokott J, Sobotta C. The Kadi Case - Constitutional Core Values and International Law - Finding the Balance? *European Journal of International Law* 2012;**23**:1015-24. doi:10.1093/ejil/chs063

267

Thomas Nagel. The Problem of Global Justice. *Philosophy & Public Affairs*; **33**:113-47. <http://www.jstor.org/stable/3558011>

268

Nollkaemper A, Jacobs D. Shared Responsibility in International Law. *Michigan journal of international law*; **34**:359-438. <https://heinonline.org/HOL/P?h=hein.journals/mjil34&i=371>

269

Noyes JE, Smith BD. State Responsibility and the Principle of Joint and Several Liability. *The Yale journal of international law*; **13**:225-67. <https://heinonline.org/HOL/P?h=hein.journals/yjil13&i=231>

270

Pogge TWM. *World poverty and human rights: cosmopolitan responsibilities and reforms*. 2nd ed. Cambridge: Polity 2008.

271

Office of the High Commissioner for Human Rights. Report of the UN Office of the High Commissioner for Human Rights on the Relationship Between Climate Change and Human Rights, UN Doc. A/HRC/10/61. 15AD. <http://www.ohchr.org/Documents/Press/AnalyticalStudy.pdf>

272

Ryngaert C. The European Court of Human Rights' approach to the responsibility of member states in connection with acts of international organizations. *International and Comparative Law Quarterly*; **60**:997–1016. doi:10.1017/S0020589311000467

273

Aurel Sari. *The Relationship Between Community Law and International Law after Kadi*. In: *International law in a multipolar world*. London: : Routledge 2013.

274

Symposium: International Human Rights and Climate Change. *Georgia journal of international and comparative law* 2010; **38**:511–797. <https://heinonline.org/HOL/P?h=hein.journals/gjicl38&i=521>

275

Uvin P. *Human rights and development*. Bloomfield, Conn: : Kumarian Press 2004.

276

Venice Commission. *Opinion on the International Legal Obligations of Council of Europe member states in respect of secret detention facilities and inter-state transport of prisoners*, Opinion No. 363/2005, Doc. CDL-AD(2006)009. 17AD. [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2006\)009-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2006)009-e)

277

Vizard P. *Poverty and human rights: Sen's 'capability perspective' explored*. Oxford: : Oxford University Press 2006. <http://dx.doi.org/10.1093/acprof:oso/9780199273874.001.0001>

278

Ziegler KS. *Strengthening the Rule of Law, but Fragmenting International Law: The Kadi*

Decision of the ECJ from the Perspective of Human Rights. *Human Rights Law Review* 2009;9:288–305. doi:10.1093/hrlr/ngp010

279

United Nations. UN Charter. 1945. <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

280

Bosphorus Hava Yollari Turizm Ve Ticaret Anonim Sirketi v Ireland (Application 45036/98) 42 EHRR 1, 19 BHRC 299. European Court of Human Rights 2005.  
<http://www.lexisnexis.com/uk/legal/docview/getDocForCuiReq?Ini=4J0Y-FKR0-TWW4-21GX&csi=279841&oc=00240&perma=true&elb=t>

281

European Court of Human Rights (Grand Chamber). Al-Jedda v. UK, ECtHR, App. no. 27021/08. 7AD.  
<http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IBB549B50AE9111E0A66DDBD3FF9A602D&entityID=https://shib-idp.ucl.ac.uk/shibboleth>

282

European Court of Justice (Grand Chamber). Kadi & Al Barakaat International Foundation v. Council of the EU & Commission of the EU, ECJ C-402/05 P & C-415/05 P. 3AD.  
<http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=IA427E020B5F311DDA170AC525BD9F690&entityID=https://shib-idp.ucl.ac.uk/shibboleth>

283

European Court of Justice (Grand Chamber). European Commission v. Kadi, ECJ C-584/10 P & C-595/10 P. 18AD.  
<http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I48A8EB6045D411E3B8A7AA586897ACCE&entityID=https://shib-idp.ucl.ac.uk/shibboleth>

284

Alston P, Goodman R. International human rights: text and materials. Oxford: : Oxford University Press 2012.

285

International Commission on Intervention and State Sovereignty. The Responsibility to Protect. <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

286

Gráinne de Búrca, The European Court of Justice and the International Legal Order after Kadi, 51 Harv. J. Int'l L. 1 (2010).  
<http://www.eui.eu/Documents/MWP/ProgramActivities/MRW2014-2015/DeBurcaMasterClass.pdf>

287

DE WET E, VIDMAR J. Conflicts between international paradigms: Hierarchy versus systemic integration. *Global Constitutionalism* 2013;**2**:196–217.  
doi:10.1017/S2045381713000129

288

The Independent International Commission on Kosovo, The Kosovo Report (2000).  
<http://reliefweb.int/sites/reliefweb.int/files/resources/6D26FF88119644CFC1256989005CD392-thekosovoreport.pdf>

289

Alston P, Macdonald E. Human rights, intervention and the use of force. Oxford: : Oxford University Press 2008. <http://dx.doi.org/10.1093/acprof:oso/9780199552719.001.0001>

290

Nada v. Switzerland, ECtHR App no 10593/08 (12 September 2012).  
[http://hudoc.echr.coe.int/eng?i=001-113118#{"itemid":\["001-113118"\]}](http://hudoc.echr.coe.int/eng?i=001-113118#{)