



BIBLIOTECA CONJUNTA

Corte Interamericana de Derechos Humanos

Referencias Antología

Corte Interamericana de Derechos Humanos

- **Aguilar Cavallo, G.** (2007) *Extradición y Derechos Humanos: algunas reflexiones a partir del caso Fujimori (sentencia dictada por la Corte Suprema con fecha de 21 de setiembre de 2007)* **En:** Revista Ius Praxis, 13 (2)

Introducción

Es indudable que la presencia de Fujimori en Chile y la solicitud de extradición presentada por la República del Perú ante la República de Chile, en razón de la imputación de ilícitos penales, algunos de los cuales configuraban hechos constitutivos de crímenes internacionales, generó una serie de expectativas algunas de las cuales fueron satisfechas y otras quedaron pendientes. A continuación revisaremos brevemente las lecciones que es posible extraer a partir del denominado caso Fujimori y, especialmente, de la sentencia dictada por la Corte Suprema de Justicia con fecha 21 de septiembre de 2007.

- **Amado Rivadeneyra, A.** (2007) *Análisis del caso Baruch Ivcher vs Perú – Libertad de expresión y poder político en vía de colisión.* **En:** Revista Internauta de práctica jurídica, 43 2007.

... Por otro lado, estando la causa expedita para dictar sentencia de fondo, el Estado dio cuenta a la **Corte Interamericana de Derechos Humanos** de la Resolución Suprema N° 254-2000-JUS mediante el cual el gobierno peruano se comprometía a acatar las recomendaciones emitidas por la Comisión Interamericana de Derechos Humanos incluido su Informe N° 94/98 del 9 de Diciembre de 1998, para el caso Baruch Ivcher Bronstein, a través del cual la Comisión invocaba al Estadoperuano que le restituya su nacionalidad y la administración del canal 2....



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- **Amaya Villareal, A. F.** (2007) *"Efecto reflejo". La práctica judicial en la relación con el derecho a la verdad en la jurisprudencia de la Corte Interamericana de Derechos Humanos.* **En:** Revista Colombiana de derecho, 10

El artículo estudia la práctica jurídica de la **Corte Interamericana de Derechos Humanos** en relación con el derecho a la verdad. Rastrea los diferentes acercamientos que la jurisprudencia interamericana ha hecho a la verdad, y propone posibles respuestas a las causas de la protección judicial al derecho a la verdad, en favor de las víctimas de graves violaciones de derechos humanos y sus familiares.

Palabras clave: **Corte Interamericana de Derechos Humanos**, derecho a la verdad, reparaciones en derecho internacional de los derechos humanos, protección judicial.

- **Ayala Corao, Carlos M.** (2007). *La ejecución de sentencias de la Corte Interamericana de Derechos Humanos.* Santiago, Chile: Universidad de Talca. Consultado el día 12 de enero desde: http://www.cecoch.cl/html/revista/docs/estudiosconst/revistaano_5_1_hm/la_ejecucion5_1-2007.pdf

Resumen

El autor analiza en el presente artículo el tema de la ejecución de las sentencias dictadas por la **Corte Interamericana de Derechos Humanos** en los Estados parte, considerando la jurisprudencia de la propia Corte Interamericana y la evolución habida sobre la materia y la legislación de los Estados parte.

Palabras Clave

Corte Interamericana de Derechos Humanos. Ejecución de sentencias. Jurisprudencia Corte Interamericana. Legislación nacional sobre ejecución sentencias Corte Interamericana.



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- **Bordalí Salamanca, A.** (2007) Sentencia sobre debido proceso ante la administración del Estado (**Corte Interamericana de Derechos Humanos**) caso Claude Reyes y otros vs Chile sentencia del 19 de setiembre de 2006. **En:** Revista de derecho, XX, no.

Comentario

El presente fallo es una excelente oportunidad para comentar el sentido de la expresión debido proceso y sus dos formas más corrientes en que se utiliza: como debido proceso procesal y debido proceso sustantivo.

Parece indicar la Corte Interamericana en su voto de mayoría que el debido proceso que garantiza el artículo 8º de la Convención se aplica a todas las decisiones de los poderes del Estado que determinan los derechos de los ciudadanos. El fundamento 116 del fallo se refiere a "todas las instancias procesales". Se aplica por tanto a órganos jurisdiccionales como administrativos. Pero el voto de mayoría pone atención en que algunas de las garantías judiciales que reconoce la Convención sólo serán aplicadas respecto de órganos jurisdiccionales.

No se podría exigir por tanto independencia e imparcialidad en la decisión de un órgano administrativo, pero sí que ésta esté debidamente justificada o fundamentada. En otras palabras, a los órganos jurisdiccionales se les exigirá un debido proceso procesal con todas las garantías que enuncia el artículo 8º de la Convención y al órgano administrativo un debido proceso sustantivo al que se le deberán aplicar sólo algunas de las garantías del artículo 8º de la Convención en cuanto garantizan la interdicción de la arbitrariedad en la decisión estatal. En este caso se exigió al órgano administrativo el deber de fundamentar la decisión.

- **Bovino, Alberto.** *La actividad probatoria ante la Corte Interamericana de Derechos Humanos.* **En:** Revista Internacional de derechos humanos, 2 (3) pp. 61-83



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Resumen

En el procedimiento contencioso ante la **Corte Interamericana de Derechos Humanos**, cuando la Comisión Interamericana demanda a un Estado-parte en la Convención, la prueba se convierte en una cuestión central. Tanto la Convención como el Reglamento de la Corte se caracterizan por omitir el tratamiento de la actividad probatoria. Las particularidades que presenta su tratamiento han sido desarrolladas por la Corte jurisprudencialmente. En la jurisprudencia encontraremos los siguientes aspectos referidos a la actividad probatoria: (a) particularidades de la actividad probatoria en el sistema interamericano; (b) constitución de la prueba del caso; (c) carga de la prueba; (d) régimen de valoración probatorio; y (e) estándares para demostrar violaciones a la Convención. El tema es de crucial importancia, dadas las particularidades que presentan los casos de graves violaciones de derechos humanos. Tales particularidades han sido especialmente consideradas en los precedentes de la Corte.

- **Brunner, Lisl.** *The Rise of peoples rights in the Americas: the Saramaka People decision of the **Inter-American Court of Human Rights*** / Lisl Brunner. [s.l.]: Oxford University Press

Abstract:

The Saramaka People v. Sariname decision of the **Inter-American Court of Human Rights** recognized the right of a non-indigenous minority group to the natural resources within its lands. There factors make the decision significant: First, it affirms that certain tribal groups are more akin to indigenous communities than they are to other ethnic, linguistic or religious minorities in terms of the rights they possess. Second, the holding adopts an evolving principle of international law and makes it a binding norm in the Americas, enunciating a test to guide future interpretations of Article 21 of the American Convention. Finally, the Court's incorporation of peoples' rights into its analysis renders the decision a topical contribution to current debates on the meaning and scope of these rights.



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- **Campos Torres, Joseph.** (2007) *La ejecución interna de la sentencia internacional de la Corte Interamericana de Derechos Humanos en el caso el caso Ivcher Bronstein.: Una ejecución particular en el Perú que maximiza la tutela supranacional* **En:** Revista IIDH, 45 pp.289-318

Resumen

Trabajo presentado al Instituto Interamericano de Derechos Humanos para aprobación del XXIII Curso Interdisciplinario. Presenta la ejecución interna de una sentencia internacional expedida por la **Corte Interamericana de Derechos Humanos**, antes de entrar en vigencia el nuevo reglamento del tribunal. El caso del israelí Baruch Bronstein en contra de Perú es analizado en busca de problemas jurídicos que dificultarán la reparación desde una ejecución directa de la sentencia internacional, haciendo una lectura desde el sistema jurídico peruano. Limitándose a solo abordar una de las dimensiones del efecto de la sentencia internacional, el artículo propone un repaso de los antecedentes del caso, un análisis bajo los derechos fundamentales, los derechos humanos y los derechos constitucionales, el derecho internacional y el interno en el caso peruano, los instrumentos internacionales de protección vigentes para dicho país, las instancias supranacionales de administración de justicia y la sentencia de la Corte Interamericana desde una lectura de sus obligaciones.



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- **Carbonell, M.** (2007) *Ultrajando la Constitución. La Suprema Corte contra la libertad de expresión.*

...Por su parte, la **Corte Interamericana de Derechos Humanos** también ha emitido importantes criterios para el caso que nos ocupa. Por ejemplo, en su sentencia del caso conocido como "**La última tentación de cristo**".¹⁰ En ese caso la Corte afirmó que la libertad de expresión tiene una dimensión individual y una social o colectiva; recordando su propia Opinión Consultiva 5/85 sobre la colegiación obligatoria de periodistas (que está también mencionada en el voto de minoría de los ministros Cossío y Silva Mesa), estima que la primera de tales dimensiones, "requiere, por un lado, que nadie sea arbitrariamente menoscabado o impedido de manifestar su propio pensamiento y representa, por tanto, un derecho de cada individuo; pero implica también, por otro lado, un derecho colectivo a recibir cualquier información y a conocer la expresión del pensamiento ajeno"...

- **La Corte IDH** (2007). **En:** Pizzolo, Calogero. Sistema interamericano: la denuncia ante la Comisión Interamericana de Derechos Humanos, el proceso ante la **Corte Interamericana de Derechos Humanos**, informes y jurisprudencia. Buenos Aires: Editar.

Repasa la naturaleza jurídica de la **Corte Interamericana de Derechos Humanos**, además, expone aspectos básicos concernientes a su composición, tales como la elección de sus miembros, la duración del mandato, el juramento, los privilegios e inmunidades de los señores jueces, entre otros. También narra detalles del funcionamiento interno del personal, como la designación de jueces ad hoc, así como el presupuesto y régimen financiero. Todo este seguimiento del funcionamiento interno culmina con la explicación de la comparecencia de la Comisión Interamericana de derechos Humanos, asuntos referentes a la sede de la Corte, los acuerdos de cooperación, la Comisión Permanente, la Secretaría, el Informa a la Asamblea General de la OEA, los idiomas oficiales y el reglamento y el estatuto en general.



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- **Corte Interamericana de Derechos Humanos.** (2007) La Corte Interamericana de Derechos Humanos = the Inter-American Court of Human Rights San José, C.R. : **Corte Interamericana de Derechos Humanos.**

Publicado para recordar la llegada de la **Corte Interamericana de Derechos Humanos** al conjunto de instituciones americanas, muestra brevemente los detalles del Tribunal y de su función en el Sistema Interamericano. Narra el momento de su creación, pasando luego por una breve reseña histórica para luego exponer su organización. Detalla la composición actual de la Corte para luego explicar las atribuciones del Tribunal, mencionando su función contenciosa, en primer lugar, el reconocimiento de la competencia contenciosa, y su función consultiva. Explica también algunos aspectos de las medidas provisionales dictadas por la Corte, además de las Supervisiones de cumplimiento de sentencias y la implementación de las medidas provisionales previamente mencionadas. Finalmente comenta su presupuesto para luego enlistar los jueces que han formado parte del Tribunal y la jurisprudencia completa tras 25 años de actividad.

- **La Corte Interamericana de Derechos Humanos** (2007). En: Medina Quiroga, Cecilia. Sistema interamericano de derechos humanos: introducción a sus mecanismos de protección (pp.50-94). Chile: Universidad de Chile.

Resumen

Es un repaso por el procedimiento que se lleva para conocer de las violaciones aisladas de derechos humanos, no sin antes exponer cuestiones básicas de funcionamiento y composición de la **Corte Interamericana de Derechos Humanos**. Seguido se expone el procedimiento que lleva un caso ante la Comisión Interamericana de Derechos Humanos, pasando por la primera etapa de competencia y admisibilidad, las medidas cautelares, la resolución amistosa y el examen de fondo. Finalmente, se explica la evolución del caso ante la **Corte Interamericana de Derechos Humanos**, abordando también la competencia y el procedimiento del mismo en el tribunal.



- **La Cour Interaméricaine des Droits de L´Homme** (2007) En: Hennebel, Ludovic. La convention Américaine des droits de L´Homme : Mécanismes de protection et étendue des droit et libertés (pp. 65- 92). Bruselles : Institut International des Droits de L´Homme.
- **La fonction consultive** (2007) . En: Hennebel, Ludovic. La convention Américaine des droits de L´Homme : Mécanismes de protection et étendue des droit et libertés (pp. 234-312). Bruselles : Institut International des Droits de L´Homme.

Le système interaméricain de protection des droits de l´homme, qui repose essentiellement sur la Convention américaine des droits de l´homme adoptée en 1969, reste méconnu, en particulier de la doctrine francophone. Pourtant, la **Cour interaméricaine des droits de l´homme** a rendu une jurisprudence contentieuse et consultative, certes encore qualitativement modeste, mais tout à fait stimulante, et, à maints égards, remarquable et inédite. Cette étude, qualifiée par Antonio A Cançado Trindade, juge et ancien président de la Cour interaméricaine, d´ »ouvrage de référence incontournable en la matière», offre une analyse systématique des mécanismes de protection et de l´étendue des droits et libertés de la Convention américaine.

- **Di Corleto, Julieta.** (2007). ***El reconocimiento de las decisiones de la Comisión y la Corte Interamericana en las Sentencias de la Corte Suprema de Justicia de Argentina.*** En: Implementación de las decisiones del Sistema Interamericano de Derechos Humanos: jurisprudencia, normativa y experiencias nacionales (pp.113-126). Buenos Aires : CEJIL.

La autora analiza el grado de recepción en el derecho argentino de los estándares de protección internacional establecidos en el sistema interamericano. En el estudio se tiene en cuenta el valor de la Corte Suprema de Justicia de Argentina ha otorgado a las decisiones de la Comisión y de la **Corte Interamericana de Derechos Humanos**, así como también el grado de acatamiento de las recomendaciones y sentencias emitidas en el ámbito internacional.

Con el objetivo de analizar la recepción de los estándares del Sistema Interamericano de Derechos Humanos por parte del derecho argentino, se estudia el valor que la Corte Suprema de Justicia de la Argentina le



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ha dado a la Comisión Interamericana y la Corte Interamericana, y el grado de acatamiento de las sentencias de cada uno de estos organismo por parte del estado argentino. Se explica la aplicación de los tratados internacionales en el ámbito interno que ha practicado argentina desde 1992, haciendo un repaso por las principales decisiones tomadas por la Corte Suprema Argentina. Finalmente se expone que a pesar de la especial relevancia que han tenido la Corte Interamericana y la Comisión Interamericana en la Corte Argentina, no siempre la recepción de criterios del sistema resulta clara, situación reflejada en las diferentes posturas que el estado asume frente a determinados casos.

- **Díaz Tolosa**, Regina Ingrid (2007) .Sentencia **Corte Interamericana de Derechos Humanos** Palamara Iribarne vs. Chile, 22 de noviembre de 2005: Reforma de la justicia militar chilena a la luz de las consideraciones del fallo Palamara **En:** Revista chilena de derecho, 34 (1) pp. 139-151

Resumen

En sentencia de 22 de noviembre de 2005 de la **Corte Interamericana de Derechos Humanos**, Palamara vs. Chile, se condena al Estado de Chile a modificar la normativa interna relacionada con la jurisdicción penal militar. Este comentario aborda el tema de la reforma pendiente, considerando tres aspectos: la competencia material y personal de los Tribunales Militares, la estructura y composición de los Tribunales Militares, y las garantías judiciales fundamentales que se ven mermadas con la actual regulación del proceso penal militar. La reforma a la Justicia Militar es urgente, sino Chile continuaría vulnerando el artículo 2° de la Convención Americana sobre Derechos Humanos, según el cual los Estados que la han suscrito se comprometen a "adoptar con arreglo a sus procedimientos constitucionales y a las disposiciones de esta Convención, las medidas legislativas o de otro carácter que fueren necesarias para hacer efectivos tales derechos y libertades".

Palabras Clave: Justicia Militar, Caso Palamara, Convención Americana sobre Derechos Humanos, Tribunales Militares, Garantías judiciales.



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- **Díaz Tolosa, R.I. (2007) Reforma de la justicia militar chilena a la luz de las consideraciones del fallo Palamara. En:** Revista Chilena de derecho, 34 (1)

En sentencia de 22 de noviembre de 2005 de Corte IDH, Palamara vs Chile, se condena al Estado de Chile a modificar la normativa interna relacionada con la jurisdicción penal militar. Este comentario aborda el tema de la reforma pendiente, considerando tres aspectos: a) la competencia material y personal de los Tribunales Militares, la estructura y composición de los Tribunales Militares y las garantías judiciales fundamentales que se ven mermadas con la actual regulación del proceso penal militar. La reforma a la justicia Militar es urgente, sino Chile continuaría vulnerando el art. 2 de la Convención Americana sobre Derechos Humanos, según el cual los Estados que la han suscrito se componen a adoptar con arreglo a sus procedimientos constitucionales y a las disposiciones de esta Convención, las medidas legislativas o de otro carácter que fuesen necesarias para hacer efectivos tales derechos y tales libertades.

- **Dulitzky, Ariel E. (2007) El principio de igualdad y no discriminación Claroscuros de la Jurisprudencia internacional En:** Anuario de Derechos Humanos. www.anauriocdh.uchile-cl

En la Conferencia Regional Preparatoria para la "Conferencia Mundial contra la Discriminación Racial, el Racismo, la Xenofobia y las Formas Conexas de Intolerancia", los Gobiernos de las Américas establecieron principios que dan un marco conceptual para avanzar en la lucha contra la exclusión social y la discriminación en nuestro hemisferio. Reconocieron el carácter multirracial, pluriétnico, multicultural y multilingüístico de las Américas; sostuvieron que el racismo, la discriminación racial, la xenofobia y las formas conexas de intolerancia agravan la condición de pobreza, marginalidad y exclusión social de personas, grupos y comunidades; reafirmaron el deber de la región de proteger y promover las libertades fundamentales de los pueblos indígenas, los pueblos de ascendencia africana, los migrantes, las



mujeres y las personas pertenecientes a otros grupos en situación de particular riesgo y concluyeron que el desarrollo democrático y el fomento del Estado de Derecho constituyen premisas fundamentales para erradicar la discriminación racial y la exclusión.

- **Galdámez Zelada, L.** (2007) **Protección de la víctima, cuatro criterios de la Corte Interamericana de Derechos Humanos : interpretación evolutiva, ampliación del concepto de víctima daño al proyecto de vida y reparaciones** En: Revista Chilena de derecho, 34 (3)

Se analiza la jurisprudencia de la Corte IDH y sus aporte para la mejor y mayor protección de la víctima de una violación a los derechos humanos: el documento se centra en el estudios de: criterios de interpretación, ampliación del concepto de víctima, daño al proyecto de vida y las medidas de reparación que impone a los Estados obligaciones positivas o de hacer.

Los criterios de la Corte se fundan en la preocupación por el ser humano y la protección de su dignidad. Uno de los elementos que define el contenido de los derechos humanos es su carácter progresivo, ya que en sus orígenes su reconocimiento ha sido concebido como un derecho mínimo además de irreversible. La Corte Interamericana ha empleado el carácter progresivo no solo cuando ha mejorado el estándar de protección de un derecho, también, en la construcción de nuevos mecanismos jurídicos para el amparo de las víctimas. Varios de estos criterios son compartidos por el Tribunal Europeo de Derechos Humanos

- **García Ramírez, Sergio.** (2007) La **Corte Interamericana de Derechos Humanos**. México, D.F. : Editorial Porrúa, 2007

Contenido

- I. Jurisdicción Interamericana sobre Derechos Humanos. Ordenamiento, desarrollo y atribuciones
3. La **Corte Interamericana de Derechos Humanos**.
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 - Opiniones consultivas.
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 - Los derechos humanos y la jurisdicción interamericana (Buenos Aires)
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- VIII. La libertad de expresión en la jurisprudencia de la Corte IDH.



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CONTENIDO:

1. Evolución del derecho internacional de los derechos humanos.Papel crucial de los tribunales nacionales.
2. Sentencias de la Corte Interamericana. Temas fundamentales. Ejecución.
3. Las sentencias de la Corte Interamericana y su impacto en los Tribunales Nacionales.
 - 3.1. El deber de garantizar los derechos humanos.
 - 3.2. Las prescripciones y las amnistías.
 - a) Las prescripciones.
 - b) Las amnistías.
 - 3.3. Debido proceso: juez natural.
 - 3.4. Límites de la justicia militar.

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Resumen

En este artículo se considera la relación entre el ámbito interno e internacional de promoción y protección de los derechos humanos como dos órdenes que interactúan y que forman un sistema integrado de protección de los derechos humanos.

A la fecha, tal interacción se ha logrado principalmente por razón de disposiciones previstas en los tratados internacionales de derechos humanos. Se analizan principalmente las disposiciones de la Convención Americana sobre Derechos Humanos. Se resalta lo apropiado que puede resultar que sean los ordenamientos internos de los Estados los que formulen previsiones a fin de compatibilizar su relación con el ámbito internacional.

Palabras Clave



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Derechos Humanos. Interacción. Sistema Integrado. Protección. Sistema Interamericano. Convención Americana sobre Derechos Humanos. Corte Interamericana de Derecho Humanos.

- **MacDowell Santos, C. (2007) El activismo legal transnacional y el estado: reflexiones sobre casos contra brasil en el marco de la Comisión Interamericana de Derechos Humanos. En: Revista Internacional de Derechos Humanos.**

Resumen

Este trabajo analiza el uso creciente que las ONGs locales y trasnacionales de derechos humanos hacen de instrumentos legales internacionales para reconocer y proteger los derechos humanos, fenómeno que la autora denomina "activismo legal transnacional".

- **Rossi, J. y Abramovich, V. (2007) La tutela de los derechos económicos, sociales y culturales en el artículo 26 de la Convención Americana sobre Derecho Humanos En: Revista Estudios Socio-jurídicos, 34 36**

El propósito de este trabajo es sugerir una interpretación del artículo 26 de la Convención Americana sobre Derechos Humanos que permita la protección de ciertos derechos económicos, sociales y culturales en el Sistema Interamericano. Esta interpretación pretende ubicarse a mitad de camino entre las posturas que consideran el referido artículo como una norma no operativa y aquellas que sostienen que es la piedra de toque para la vigencia plena de estos derechos en el sistema. Finalmente, busca establecer el catálogo de derechos que dicho precepto protege.

- **Saavedra Alessandri, Pablo. (2007). El Ius Puniendi en la jurisprudencia de la **Corte Interamericana de Derechos Humanos** En: Panorama internacional sobre justicia penal: política criminal, derecho penal y criminología. Culturas y sistemas jurídicos comparados. Séptimas jornadas sobre justicia penal. México : Universidad Nacional Autónoma de México (pp.243- 282). <http://www.corteidh.or.cr/tablas/a20462.pdf>**

El autor se refiere a la jurisprudencia desarrollada por la **Corte Interamericana de Derechos Humanos** como respuesta a la



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impunidad creada o mantenida debido a la renuncia por parte de Estado al ejercicio del ius puniendi y a la no tutela de los derechos de las víctimas.

La **Corte Interamericana de Derechos Humanos** ha conocido múltiples casos de graves violaciones de derechos humanos, donde los Estados no han garantizado a las personas que se encuentran bajo su jurisdicción, ocasionando una situación de impunidad.

La CIDH constantemente en sus sentencias de reparaciones ordena a los Estados a que investiguen serí y efectivamente los hechos y que encuentre y sancione a los responsables.

- **Salmón G, E.** (2007) **El largo camino de la lucha contra la pobreza y su esperanzador encuentro con los derechos humanos** En: Revista Internacional de Derechos Humanos, 7 (4)

...De esta manera, al privarse a gran parte de la población del acceso a servicios considerados básicos para el desarrollo humano se les está privando de una adecuada calidad de vida, ya que sin una vivienda adecuada, sin vestido, sin agua potable y sin abrigo, una persona no podrá desenvolverse normalmente en la sociedad.

Tal y como lo han señalado Cançado Trindade y Abreu Burelli, en sus votos concurrentes a la sentencia de fondo en el caso Villagrán Morales, la calidad de vida conceptualiza el derecho a la vida como perteneciente al mismo tiempo, al dominio de los derechos civiles y políticos, así como al de los derechos económicos, sociales y culturales, lo que ilustra la interrelación e indivisibilidad de todos los derechos humanos.²⁴ De esta manera, si bien la pobreza no estará en directa relación con la afectación de todos los derechos humanos, dado el carácter indivisible de éstos, será necesaria una estrategia global para combatirla...

- **Scovazzi, Tullio.** (2007). The struggle against enforced disappearance and the 2007 United Nations Convention. Boston : Martinus Nijhoff Publishers, 2007. Tabla de contenido <http://www.corteidh.or.cr/tablas/24205.pdf>



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Enforced disappearance is one of the most serious human rights violations. It constitutes an autonomous offence and a crime under international law on account of its multiple and continuing character. It is not a phenomenon of the past, nor is it geographically limited to Latin America: such scourge is widespread today and on the increase in other continents. For more than twenty-five years, relatives of disappeared people worldwide have insisted on the pressing need for an international legally binding instrument against enforced disappearances. 2006 is the year of the adoption of the International Convention on the Protection of All Persons from Enforced Disappearances, which represents the result of several legislative and jurisprudential developments that are duly analyzed in this book. The Convention has been opened for signature in February 2007.

- **Silva Pérez, A.E. (2007) Los derechos de las mujeres en nicaragua... ¿tienen género?** Sevilla, España : Universidad de Sevilla.

La protección constitucional a la igualdad de oportunidades y de resultados en el ejercicio efectivo de los derechos de las mujeres nicaragüenses está expresamente garantizada; también han sido aprobados y ratificados diversos convenios internacionales de derechos humanos, incluso dándoles rango constitucional a varios de ellos. La legislación nacional preexistente a la Constitución Política de 1987, promulgada durante el gobierno revolucionario, contiene contradicciones y vacíos con relación a los postulados constitucionales y los instrumentos internacionales; aunque no se pueden negar algunos avances, como las leyes que sancionan la violencia intrafamiliar y sexual. Sin embargo, el acceso de las mujeres a la justicia está limitado por la inadecuada práctica judicial y administrativa, que muchas veces no obedece a carencias legislativas; más bien se debe a los prejuicios de las personas que integran el sistema de administración de justicia y de la sociedad. Por lo general, se parte del principio de igualdad formal, desconociendo que el mero reconocimiento de la igualdad ante la ley no elimina las desigualdades ni, por tanto, la discriminación. Esta situación sólo podrá superarse si tanto el Estado como los particulares llevan a



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cabo transformaciones institucionales e individuales tendentes a lograr la protección basada en la igualdad de todas las personas, y a vencer los obstáculos que impiden dicha igualdad a las mujeres nicaragüenses.

Trindade, Antônio Augusto Cançado. (2007) El desarrollo del derecho internacional de los derechos humanos mediante el funcionamiento y la jurisprudencia de la Corte Europea y la **Corte Interamericana de Derechos Humanos**. Belo Horizonte : Del Rey
Descripción física 75 p.

Discurso del Juez Antonio Augusto Cancado Trindade presentado en la Audiencia solemne de la Corte Europea de Derechos Humanos con ocasión de la inauguración del año judicial. Jueves, 22 de enero de 2004. Comenta la relación que han establecido los dos Tribunales entre sí, calificando como significativa para ambos continentes. Tras contrastar la dimensión jurisprudencial de ambas Cortes reconoce el establecimiento de aproximaciones y convergencias en las jurisprudencias de los Tribunales mencionados. Por otra parte, se afirma que en la dimensión institucional ambos Tribunales persiguen el fortalecimiento de su autonomía, no obstante, aún en esta dimensión, la Corte Europea cuanta con la ventaja de tener más aceptación dentro de los estados miembros que la Corte Interamericana.

■ **Trindade, Antônio Augusto Cançado.** (2007).Derecho internacional de los derechos humanos : esencia y trascendencia (votos en la **Corte Interamericana de Derechos Humanos**, 1991-2006) México, D.F., Editorial Porrúa : 2007

CONTENIDO:

1. Opiniones consultivas (votos del Juez A.A. Cançado Trindade en opiniones consultivas
 - a. Informes de la Comisión Interamericana de Derechos Humanos
 - b. El derecho a la información sobre la asistencia consular en el marco de las garantías del debido proceso legal.
 - c. Condición jurídica y derechos humanos del niño
 - d. Condición jurídica y derechos de los migrantes indocumentados.
2. Sentencias Casos contenciosos (Votos de Juez A.A. Cançado Trindade)



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3. Medidas provisionales de protección (Voto del Juez Cançado Trindade)

- Varios autores. **La Corte Interamericana de de Derechos Humanos : un cuarto de siglo 1979-2004**. San José, C.R. 2005
<http://www.juridicas.unam.mx/publica/librev/rev/cconst/cont/17/rb/rb15.pdf>

Resumen

Con esta obra la **Corte Interamericana de Derechos Humanos** conmemora el vigésimo quinto aniversario de su instalación, además de celebrarlo con su desempeño cotidiano y creciente. Después de diversos trabajos preparatorios, cumplidos a partir de 1945, que tuvieron una hora decisiva en 1969, la Corte se instaló formalmente el 3 de septiembre de 1979 en la ciudad de San José, Costa Rica, que desde entonces ha sido su sede hospitalaria. Este trabajo ofrece un panorama sobre la jurisprudencia de la **Corte Interamericana de Derechos Humanos** en materia de reparaciones, desde la emisión de las primeras sentencias en casos contenciosos, en la década de los ochenta del siglo XX, hasta el inicio del año 2005.

- **Ventura Robles, Manuel E.** (2007) Estudios sobre el sistema interamericano de protección de los derechos humanos. San José, C.R : M. Ventura Robles. 2007. Tabla de contenido
<http://www.corteidh.or.cr/tablas/23940.pdf>

Prefacio *Antônio Augusto Cançado Trindade*

Prólogo *Héctor Fix-Zamudio*

La necesidad de establecer en la Organización de los Estados Americanos un grupo de trabajo permanente dedicado a supervisar el cumplimiento, por parte de los Estados Partes en la Convención Americana sobre Derechos Humanos, de las sentencias y medidas provisionales que dicta la **Corte Interamericana de Derechos Humanos** (Voto Razonado en el Caso *Caesar vs. Trinidad y Tobago*)
Manuel E. Ventura Robles

La necesidad de determinar procesalmente el papel de la Comisión Interamericana de Derechos Humanos en el proceso contencioso ante la **Corte Interamericana de Derechos Humanos**, como consecuencia de haberle otorgado *locus standi in*



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juicio a la presunta víctima o a sus representantes en el Reglamento aprobado en el año 2000

Manuel E. Ventura Robles

La Jurisprudencia de la **Corte Interamericana de Derechos Humanos** en Materia de Derechos Civiles y Políticos

Manuel E. Ventura Robles

La Jurisprudencia de la **Corte Interamericana de Derechos Humanos** en materia de Derechos Económicos, Sociales y Culturales

Manuel E. Ventura Robles

La Jurisprudencia de la **Corte Interamericana de Derechos Humanos** en materia de acceso a la justicia e impunidad

Manuel E. Ventura Robles

La determinación de la responsabilidad internacional del Estado por actos de terceros en el caso de la "Masacre de Mapiripán" contra Colombia

Manuel E. Ventura Robles



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2008

- **Albuquerque Martins, T. (2008) O direito à verdade na Corte Interamericana de direitos humanos e no Brasil. En: Revista Cuadernos críticos del derecho, 2**

This scientific article treats on the right the truth and the jurisprudence of the Inter-American Court of Human Rights. The article shows diverse perspectives, such as the access to the justice, to the information or the respect to the memory, considering the international responsibility of the State for violations of the human rights.

- **Aguilar Cavallo, G. (2008) El principio del interés superior del niño y la Corte Interamericana de Derechos Humanos En: Revista Estudios constitucionales de Chile, 6 (1)**

RESUMEN: El principio del interés superior del niño es uno de los principios cardinales en materia de derechos del niño. Este principio aparece consagrado, inter alia, en la Convención sobre los Derechos del Niño de 1989. La Convención es el tratado internacional que presenta la mayor ratificación en el mundo, ya que todos los Estados, excluyendo a Estados Unidos y Somalia, la han ratificado, lo que demuestra el grado ampliamente generalizado de reconocimiento y aceptación de la fuerza obligatoria de las normas sobre derechos humanos de los niños, contenidas en dicha Convención. Lo anterior podría constituir un indicador del carácter consuetudinario de las normas sobre derechos de los niños. En el contexto interamericano, la Corte Interamericana de Derechos Humanos ha conocido diversos casos en los cuales ha debido pronunciarse sobre los derechos de los niños. Los niños no sólo son sujetos de protección especial sino plenos sujetos de derecho y, en este sentido, lo ha entendido la Corte en sus juzgamientos. En el presente trabajo se pretende analizar las enseñanzas derivadas del sistema interamericano de derechos humanos en orden a determinar, si es que corresponde, una noción del interés superior del niño adecuada a los estándares interamericanos.



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...Aquí, la Corte reafirma que la jurisprudencia de la **Corte Interamericana de Derechos Humanos** (CIDH) constituye una imprescindible pauta de interpretación de los deberes y obligaciones derivados de la Convención Americana sobre Derechos Humanos (CADH), de donde se encontraría obligada a “prevenir, investigar y sancionar las violaciones de derechos humanos”, en lo sucesivo habría de tener lugar “una prohibición severa de todos aquellos institutos jurídicos de Derecho interno que puedan tener por efecto que el Estado incumpla su deber internacional de perseguir, juzgar y sancionar las violaciones graves de los derechos humanos”. Admite la Corte en “Simón” que privándose a las leyes sobre amnistía de todos sus efectos, en razón de la declarada primacía constitucional del Derecho internacional de los derechos humanos, la conclusión no puede ser otra que “producir una fuerte restricción de la cosa juzgada y del principio de legalidad, que impide prolongar retroactivamente la prescripción de la acción penal”, ya cumplida en muchos de los casos contenidos en las susodichas leyes de amnistía...

- **Arango Rivadeneira, R.** (2008) **De la política a la justicia o los “derechos humanos como límites a la democracia. Análisis de la ley de justicia y la paz”** Bogotá, Colombia

Resumen

Arango en su artículo, se refiere al papel que desempeña la **Corte Interamericana de Derechos Humanos** frente a la violación reiterada en Colombia. La razón para que las víctimas o sus familiares acudan a este Tribunal Internacional, es que no encuentran ni pronta ni cumplida justicia en su país. Es entonces la Corte, una manera de solucionar la impunidad nacional. Hoy se habla de la globalización de los derechos humanos, pues los crímenes de lesa Humanidad interesan a la



humanidad en general y los países ya no se pueden seguir escudándose con el argumentando *“Que lo que sucede dentro de sus fronteras es de su exclusiva competencia”*.

- **Callisaya, Pedro** (2008). **Los principios generales del derecho penal establecidos en el estatuto de Roma y su relación con el proyecto de nueva constitución política del estado para Bolivia**. En: Revista sobre Observatorio Regional sobre Corte penal Internacional y derecho penal Internacional, 2, pp. 86-104

El trabajo incide en el análisis de los principios generales del Derecho Penal Internacional establecidos en el Estatuto de Roma para la Corte Penal Internacional en cuanto su relación e incidencia respecto al Proyecto de Constitución Política del Estado emitida por la Asamblea Constituyente de Bolivia.

En el curso del escrito, se da énfasis a los principios con mayor relevancia por su relación con el proyecto constitucional. Así, se considera el Principio de la ley aplicable, el Principio de legalidad, los elementos objetivos y subjetivos de la responsabilidad penal, para culminar con las defensas y causas especiales de exclusión de responsabilidad. Se realiza mención especial a principio ne bis in idem, la imprescriptibilidad de los delitos y los efectos de la obediencia debida como para de los mecanismos de defensa.

Ciertamente, dada la reciente existencia del proyecto constitucional, el trabajo se constituye en una inicial y provisional mirada sobre el tema. Así, el reconocimiento de avances como limitaciones de tal propuesta normativa, también arrojan conclusiones provisionales.



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La internacionalización del derecho constitucional y la constitucionalización del derecho internacional, por Susana Albanese.

El control de convencionalidad en el procedimiento administrativo, por Georgia Flax.

Control de convencionalidad. Control de constitucionalidad e interdicción de la tortura en la jurisprudencia de la corte suprema de justicia, por Andrés Domínguez.

El impacto de la jurisprudencia del sistema interamericano en el derecho interno, por Osvaldo Gozaíni.

El marco conceptual del control de convencionalidad en algunos fallos de la corte suprema argentina, por Adelina Loianno.

Los jueces y algunos caminos del control de convencionalidad, por Alberto Luchetti.

La corte interamericana intérprete última de la convención americana, por Marta Pastor.

La relación entre la corte suprema de justicia y la **Corte Interamericana de Derechos Humanos** a la luz del bloque de constitucionalidad federal, por Calogero Pizzolo.

La globalización de la efectiva vigencia de los derechos humanos. El rol de las personas en la búsqueda de la perfección de los sistemas de control internacionales, por Marcelo Raffin.

Cumplimiento de las resoluciones de la corte IDH a la luz del caso penitenciarias de Mendoza, por Pablo Salinas.

El camino emprendido por los jueces hasta el control de convencionalidad. Los derechos económicos, sociales y culturales, por Silvina Zimerman.

- **Badilla, Poblete, Elvira** (2008). El concepto de libertad religiosa en algunos instrumentos internacionales sobre derechos humanos que vinculan



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jurídicamente al estado de Chile. En : **Revista Chilena de derecho, 35 82)**
pp. 341-364

Resumen

Este trabajo indaga sobre el concepto de libertad religiosa contenido en algunos instrumentos internacionales de derechos humanos vinculantes jurídicamente para el Estado de Chile. Tras una breve introducción en la que se realiza un recorrido cronológico en la historia de los derechos humanos y en la que se intenta dar cuenta de la presencia siempre relevante de este derecho en dicha historia, se hace una revisión de los instrumentos internacionales de carácter universal y regional seleccionados y su contenido en materia de libertad religiosa, comparando los diferentes aportes que han podido hacer unos y otros al concepto de libertad religiosa según la doctrina. Junto al análisis de los instrumentos internacionales que se realiza se han considerado las fórmulas de protección de este derecho existentes en el Derecho Internacional de los Derechos Humanos con una especial atención en el Sistema Interamericano de Protección de los Derechos Humanos y el tratamiento que ha dado a la libertad religiosa.

Palabras clave

Libertad religiosa, libertad de conciencia, Derecho Internacional de los Derechos Humanos.



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Resumen

El autor presenta en esta ponencia la configuración constitucional y legal, en el Derecho uruguayo, del derecho a la vida privada y del derecho a la libertad de información, y reseña la delimitación entre los mencionados derechos en la doctrina y la jurisprudencia de Uruguay, y, en el último caso, realiza la comparación con los estándares de la jurisprudencia de la **Corte Interamericana de Derechos Humanos**.

Palabras Clave

Derecho a la vida privada, libertad de información, delimitación de derechos, doctrina y jurisprudencia de Argentina.

- **Faúndez Ledesma, Héctor (2008) The Inter-American System for the Protection of Human Rights : institutional and procedural aspects (3 ed.). San José, Costa Rica : IIDH**

Corte IDH.

Composition

Titular judges

The required conditions

The selection mechanism

Ad hoc judges

Its justification

Its appropriateness

Aptness for thw position

Interim judges

The regime of incompatibilities

Impediments and disqualifications

Impediments

Disqualifications

Its competentes

Its organization and functioning

Its seat

Its human and financial resources

The internal organization

The quórum

The function of the Secretariat

The sessions



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The internal practice
The disciplinary regime
The working languages
Relations between the commission and the court
Complementary and not rivals
Cooperation and coordination
Judicial control of the actions of the commission
The court as a decisive body

- **Nogueira Alcalá, H. (2008) Análisis de la sentencia del tribunal constitucional chileno sobre el decreto supremo que regula la distribución de la píldora del día después (Levonorgestrel 0.75 mg) En: Revista Estudios constitucionales de Chile, 6 (1)**

...El fallo asume asimismo todas las fuentes del derecho constitucional, considerando las normas constitucionales, los atributos que integran el derecho a la vida contenidos en el derecho internacional de los derechos humanos, para lo cual tiene presente la Declaración Universal de Derechos Humanos, el Pacto Internacional de Derechos Civiles y Políticos de Naciones Unidas, la Convención Americana de Derechos Humanos, como asimismo considera los dictámenes del Comité de Derechos Humanos de Naciones Unidas, las Recomendaciones de la Comisión Interamericana de Derechos Humanos y las Opiniones Consultivas de la **Corte Interamericana de Derechos Humanos**, todos los cuales son utilizados para integrar el parámetro de control de constitucionalidad bajo el cual va a ser examinada la norma reglamentaria cuestionada, con lo cual el Tribunal asume en la práctica el bloque constitucional de derechos planteado en la doctrina constitucional, por los magistrados que hasta el momento habían sido reacios a asumirlo...

- **Pastor, Marta María (2008). La Corte Interamericana intérprete última de la convención Americana. En: Albanese, Susana (coord.) **El control de convencionalidad.** (pp. 163-188). Buenos Aires : Ediar**

Incluye breve reseña del Sistema Interamericano de Derechos Humanos, detalla la competencia de la Convención Americana de Derechos Humanos y examina la jurisprudencia del Sistema abordando el caso Almonacid Arellano, en su sentencia del 26 de septiembre de



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2006, algunas opiniones consultivas solicitadas por la Comisión Interamericana y medidas provisionales, entre otros.

Seguidamente aborda el tema de la legitimidad activa de las personas jurídicas en el Sistema Americano, además comenta el acceso a la justicia en relación con los DESC (Derechos Económicos Sociales y Culturales) basándose en el Informe de la Comisión Interamericana sobre dichos temas del 7 de septiembre de 2007.

- **Pizzolo, Catogero** (2008). La relación entre la Corte Suprema de Justicia y la **Corte Interamericana de Derechos Humanos** a la luz del bloque de constitucionalidad federal . En : Albanese, Susana (coord.) El control de convencionalidad. (pp. 189-205) Buenos Aires : Ediar

La reforma constitucional de 1994 generó cambios en los referentes jurídicos que actúan como criterio iniciales de validez. En efecto, la nueva redacción del inciso 22 perteneciente al artículo 75 (CN) modifica radicalmente el sistema de fuentes del orden jurídico argentino. El reconocimiento de la jerarquía constitucional de manera directa a once instrumentos internacionales sobre derechos humanos, y la posibilidad de otorgar igual jerarquía en el futuro a otros "tratados y convenciones" sobre la misma materia, consagran una clara apertura hacia el derecho internacional de los derechos humanos.

- **Rodríguez Árias, Miguel Angel**. (2008). La nueva ley de la memoria y la vulneración de los artículos 2 y 13 de Convenio Europeo para la protección de los derechos humanos en el caso de los desaparecidos del franquismo. En : Revista de jueces para la democracia, 63, pp. 1-19

Contenido:

1. Contra la impunidad también en España : miles de crímenes de lesa humanidad de desaparición forzada de personas en abiertas consumación permanente treinta años después
2. El artículo 13 de la ley de la memoria como reedición del modelo franquista de auto restricción familiar de la orden del 1 de mayo de 1940 sobre exhumaciones e inhumaciones de cadáveres asesinados por los rojos.



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3. El auténtico problema de memoria: las autoridades democráticas españolas olvidan su deber su deber de llevar a cabo una investigación oficial efectiva conducente al esclarecimiento de los hechos, a al luz de la jurisprudencia del Tribunal Europeo de Derecho.
4. La reestablecida democracia española en la encrucijada de la legalidad internacional de los derechos humanos ante el caso de los desaparecidos del franquismo.



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1.

32 Fordham Int'l L.J. 298

Fordham International Law Journal December, 2008 INDIGENOUS LAND RIGHTS AND THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: IMPLICATIONS FOR MAORI LAND CLAIMS IN NEW ZEALAND Sarah M. Stevenson [FNa1]

...Political Rights ("ICCPR") and the Convention on the Elimination of all forms of Racial Discrimination ("CERD"). [FN126] For example, the **Inter-American Court on Human Rights** has located the indigenous right to property, communally held and without formal title, in both international human rights norms and ...

...as international law will contribute to the realization of the partnership principles behind the Treaty of Waitangi. [FNa1] . J.D. Candidate, **2009**, Fordham University School of Law; M.A. Candidate, **2009**, Fordham Graduate Program in International Political Economy and Development; B.A., 2001, Scripps College. The author thanks Professor Jean-Marie Ferrih...

2.

C 77 Fordham L. Rev. 529

Fordham Law Review November, 2008 THE ROLE OF INTERNATIONAL BODIES IN INFLUENCING U.S. POLICY TO END VIOLENCE AGAINST WOMEN Lenora M. Lapidus [FNa1]

...functions through two primary bodies: the Inter-American Commission on Human Rights (IACHR), which sits in Washington, D.C., and the Inter-American Court of Human Rights, which sits in Costa Rica. These regional mechanisms are comparable to human rights systems elsewhere in the world including the ...

...Rights and Duties of Man, [FN83] which is the regional equivalent of the Universal Declaration of Human Rights. [FN84] The Inter-American Court of Human Rights interprets and applies the American Convention on Human Rights, [FN85] which protects rights almost identical to those protected by the ICCPR. Because the United States has not ratified the American Convention, it is not subject to the Inter-American Court of Human Rights' jurisdiction. [FN86] The IACHR was established under the OAS charter and is responsible for the protection and promotion of human ...

...were given an opportunity to submit posthearing observations. We expect the Commission to issue its findings and recommendations in early 2009. III. The Impact of International Mechanisms on U.S. Domestic Policy The advocacy in which we have engaged on behalf of...



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3. C 40 Colum. Hum. Rts. L. Rev. 19

Columbia Human Rights Law Review Fall 2008 HUMAN RIGHTS AT HOME: DOMESTIC VIOLENCE AS A HUMAN RIGHTS VIOLATION Caroline Bettinger-López [FNa1]

...and Central America and the Caribbean. Composed of seven independent human rights experts, the Inter-American Commission, along with the Inter-American Court of Human Rights (a panel of seven judges based in San José, Costa Rica), considers claims of human rights violations and issues written ...

...its report on the merits and proceedings end at the Commission level, the Commission can submit a case to the Inter-American Court on Human Rights. However, the case must be against a state party to the American Convention on Human Rights that has also acceded, through the Optional Protocol to the Convention, to the jurisdiction of the Inter-American Court on Human Rights. [FN57] The Court will consider the case and ultimately issue an order that is legally binding and directly enforceable. Because the United States is not a party to these treaties, however, the Inter-American Court of Human Rights is not an available venue to petitioners in cases against the U.S. Instead, the Commission is the end of the ...

...inconsistencies in the Colorado authorities' investigation. [FN156] The Commission is expected to issue a decision on the merits in early 2009. If the Commission finds the United States responsible for human rights violations against Ms. Gonzales and her children, it will...

4. 13 Comm. L. & Pol'y 415

Communication Law and Policy Autumn, 2008 LIBERALIZING BRITISH DEFAMATION LAW: A CASE OF IMPORTING THE FIRST AMENDMENT? Kyu Ho Youm [FNa1]

...Lords as the U.K. highest court will be taken over by the Supreme Court of the United Kingdom in October 2009, which was created by the Constitutional Reform Act of 2005. See Constitutional Reform Act 2005, Part 3, available at [http](http://www.legislation.gov.uk/ukpga/2005/5/section/3) ...

...Amicus Curiae of Open Society Justice Initiative in Support of the Application by the Inter-American Commission on Human Rights, Inter-American Court of Human Rights, Case No. 12.367, La Nación Mauricio Herrera Ulloa and Fernan Vargas Rohmoser v. the Republic of Costa Rica 29 (May...

5. 41 Vand. J. Transnat'l L. 1141

Vanderbilt Journal of Transnational Law October, 2008 INDIGENOUS SOVEREIGNTY: A REASSESSMENT IN LIGHT OF THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES Siegfried Wiessner [FNa1]



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...of indigenous voices and values--sometimes even in slightly turning back the clock. [FN20] The *Awas Tingni* decision of the Inter-American Court of Human Rights [FN21] and the internationally successful campaign of the Western Shoshone against the taking of their sacred lands [FN22] are just ...

...law, [FN106] the Inter-American Commission submitted the case of an indigenous group in the rainforest of Nicaragua to the Inter-American Court of Human Rights. The tribunal, in its celebrated *Awas Tingni* judgment of August 31, 2001, [FN107] affirmed the existence of an indigenous people's ...

...it to future generations. [FN109] Other decisions in the same vein followed, including a recent decision involving Suriname. [FN110] The Inter-American Court of Human Rights continued its pertinent jurisprudence in a broad variety of contexts. [FN111] Most recently, the Belize Supreme Court also recognized the...

[6.](#)

19 Eur. J. Int'l L. 749

European Journal of International Law September, 2008 HUMAN RIGHTS AS INTERNATIONAL CONSTITUTIONAL RIGHTS Stephen Gardbaum [FN_a1]

...strong sense as a condition of membership, remains limited to the ECtHR. With respect to its contentious case load, the Inter-American Court of Human Rights has compulsory jurisdiction only over those states parties which have chosen to accept it; currently 21 out of 24 countries ...

...appear in the resulting collection, J.L. Dunoff and J.P. Trachtman (eds), *Ruling the World? Constitutionalism, International Law & Global Government* (forthcoming, 2009). Thanks to the co-editors for conceiving, organizing, and inviting me to participate in that project. Thanks also to Samantha...

[7.](#)

27 Penn St. Int'l L. Rev. 89

Penn State International Law Review Summer 2008 THE EMERGENCE OF TRANSNATIONAL CONSTITUTIONALISM: ITS FEATURES, CHALLENGES AND SOLUTIONS Jiunn-Rong Yeh [FN_a1]Wen-Chen Chang [FN_{aa}1]

...resolves disputes and perhaps even supervises from within. For instance, there is an Eur.Ct.H.R. in the Council of Europe; an Inter-American Court of Human Rights in Organization of American States; a Dispute Settlement Body in the WTO; and judicial committees in numerous international human rights ...

...Lisbon are reflective of the constitutional draft. The date set for ratification for the Treaty of Lisbon is January 1, 2009. See EUROPA--



Treaty of Lisbon, http://europa.eu/lisbon_treaty/index_en.htm (last visited Jul. 28, 2008) (providing updates of this...

8. 43 Tex. Int'l L.J. 453

Texas International Law Journal Summer 2008 QUESTIONING CIVILIAN IMMUNITY Aaron Xavier Fellmeth [FNa1]

...the incitement of sexual violence, under the heading of crimes against humanity. [FN124] Similar decisions have been reached by the Inter-American Court on Human Rights and the European Court of Human Rights. [FN125] The Statute of the Special Court for Sierra Leone establishes jurisdiction over ...

...See Aaron Xavier Fellmeth, State Regulation of Sexuality in International Human Rights Law and Theory, 50 Wm. & Mary L. Rev. ___ (2009). [FN60] . Additional Protocol I, supra note 3, art. 52(2) (emphasis added). [FN61] Id. art. 52(1). [FN62] Id. art...

9. 26 Wis. Int'l L.J. 403

Wisconsin International Law Journal Summer 2008 INTERNET GOVERNANCE AND THE RESPONSIBILITY OF INTERNET SERVICE PROVIDERS Anne Cheung [FNa1]Rolf H. Weber [FNaa1]

...actors regarding the right to freedom of expression, however, without expressly addressing this issue. b. The Inter-American Commission and Inter-American Court on Human Rights The former regulation of procedures before the ECHR-organs has also had a significant influence on the Inter-American human ...

...reports in particular are of notable importance for the organization. [FN190] Furthermore, the Commission acts in first instance to the Inter-American Court of Human Rights with its seat in San José, Costa Rica. [FN191] After completion of the procedures before the Commission, however, only state ...

...by Article 8. [FN477] Member states are expected to transpose the requirements of the Directive into national laws until March 2009. [FN478] It is important to note that the 2006 Directive is a departure from the 2002 Directive on Privacy and...

10. 18 Duke J. Comp. & Int'l L. 477

Duke Journal of Comparative and International Law Spring 2008 SUPRANATIONAL RULINGS AS JUDGMENTS AND PRECEDENTS Ernest A. Young [FNa1]

...the constitutional courts of many European nations, the European Court of Justice, the European Court of Human Rights, and the Inter-



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American Court of Human Rights all enjoy explicit grants of jurisdiction to decide properly presented abstract questions."), with *Lujan v. Defenders of Wildlife*, 504 U.S ...

...to act promptly in an election season, as well as the fact that the Texas legislature will not meet until 2009. [FN169] . See supra note 59; see also *Medellin*, 2008 U.S. LEXIS at *2-3 (noting that "[t]he United States has...

[11.](#) **38 Golden Gate U. L. Rev. 461**

Golden Gate University Law Review Spring 2008 REQUIRING EXHAUSTION: AN INTERNATIONAL LAW PERSPECTIVE OF THE ALIEN TORT CLAIMS ACT IN *SAREI V. RIO TINTO* Steffanie Bevington [FNa1]

...of specific domestic remedies that should have been utilized. [FN69] In discussing the rule in *The Velásquez Rodríguez Case*, the Inter-American Court of Human Rights stated: [W]hen it is shown that remedies are denied for trivial reasons or without an examination of the merits, or ...

...in *Alien Tort Litigation: Implications for International Human Rights Protection*, 29 *Fordham Int'l L.J.* 1245, 1252 (2006) [FNa1] . J.D. Candidate, 2009, Golden Gate University School of Law, San Francisco, CA; B.A. Politics and Latin American and Latino Studies, 2005, University of...

[12.](#) **8 Sustainable Dev. L. & Pol'y 46**

Sustainable Development Law & Policy Spring, 2008 THE FORGOTTEN NORTH: PEOPLES AND LANDS IN PERIL Ursula Kazarian [FNa1]

...uncertainty as to how the rights of Russia's indigenous groups will be respected in the future. Another example is the Inter-American Court of Human Rights ("IACHR"). Unlike the European human rights system, an individual cannot bring a claim directly into the system; he or she ...

...protect these rights, the future of these northernmost indigenous communities remains uncertain. [FNa1] Ursula Kazarian is a J.D. candidate, May 2009, at American University, Washington College of Law [FN1] See generally Henry Huntington & Shari Fox, *The Changing Arctic: Indigenous Perspectives*, in...

[13.](#) **C 57 Duke L.J. 891**

Duke Law Journal February, 2008 THE INTERNATIONALIZATION OF PUBLIC INTEREST LAW Scott L. Cummings [FNd1]

...Alston, supra note 414, at 613, 620. [FN417] . See Cecilia Medina, *The Inter-American Commission on Human Rights and the Inter-*



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American Court of Human Rights: Reflections on a Joint Venture, 12 Hum Rts. Q. 439, 440-43 (1990). [FN418] . On the role of NGOs in ...

...Serving the Public: A Job Search Guide, Volume II-International, 2005-2006, at 126-52. [FN436] . Human Rights Watch, 2007-2009 Aryeh Neier Fellowship, [http:// www.hrw.org/about/info/hrw-aclu-fellowship.html](http://www.hrw.org/about/info/hrw-aclu-fellowship.html) (last visited Feb. 24, 2008). [FN437] . Human Rights Advocates, Frank...

[14.](#) **C** **31 Hastings Int'l & Comp. L. Rev. 461**

Hastings International and Comparative Law Review Winter 2008 PEACEKEEPING IN NAME ALONE: ACCOUNTABILITY FOR THE UNITED NATIONS IN HAITI Matt Halling, Blaine Bookey [FN1]

...right of action. Four legal options are explored: (1) suit in Brazil, (2) suit in Haiti, (3) suit in the Inter-American Court of Human Rights, and (4) direct suit against the United Nations. This section also assesses the feasibility of each option to achieve justice ...

...neighborhood consisting of people who have the least means to access a Brazilian court. D. Regional Venues for Suit: The Inter-American Court on Human Rights Since both Brazil and Haiti are members of the Inter-American Commission on Human Rights ("IAHCR"), it is possible to ...

...the Haitian plaintiff's claim and a settlement with Brazil cannot be mediated, then the Commission would sue Brazil in the Inter-American Court of Human Rights. [FN106] Countries normally have to consent to IAHCR jurisdiction in any given case, but Brazil is one of 21 countries...

[15.](#) **39 U. Miami Inter-Am. L. Rev. 373**

University of Miami Inter-American Law Review Winter 2008 ¡FUJIMORI EXTRADITABLE!: CHILEAN SUPREME COURT SETS INTERNATIONAL PRECEDENT FOR HUMAN RIGHTS VIOLATIONS Megan Haas [FN1]

...As for Latin America courts, these same obligations have been imposed on domestic courts through the diverse cases of the Inter-American Court of Human Rights (Inter-American Court). [FN32] In the Barrios Altos case, the Court held that any amnesty law or law impeding the ...

...error is his failure to apply international law, including the international conventions governing human rights and the decisions of the Inter-American Court of Human Rights. [FN104] Alvarez's other major error, the issue on appeal in the Supreme Court, is the erroneous interpretation of the article ...



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...of limitations had run on certain crimes contravenes an ergo omnes obligation in international law, and proceeds to list the Inter-American Court of Human Rights' cases holding that crimes against humanity do not have a statute of limitations. [FN109] The rationale behind this international principle...

[16.](#) **33 Brook. J. Int'l L. 975**

Brooklyn Journal of International Law 2008 NEITHER JUSTICE, NOR OASIS: ALGERIA'S AMNESTY LAW Laura Scully [FN1]

...the worst war crimes (namely those in Common Article 3 of the Geneva Conventions). [FN137] B. Inter-American System The Inter-American Court of Human Rights ("Inter-American Court") has long been at the forefront in framing the duties of states vis-à-vis massive human ...

...its people? When will it reconcile itself with the law? [FN1] . B.A. New York University; J.D. Brooklyn Law School (expected 2009); Editor-in-Chief of the Brooklyn Journal of International Law (2008-2009). Pour "Qadour," et pour tous ceux qui continuent à trouver leurs chemin à travers le désert/Li-"Qädür" wa li...

[17.](#) **C 48 Santa Clara L. Rev. 605**

Santa Clara Law Review 2008 A VOICE FOR THE FISH? CLIMATE CHANGE LITIGATION AND POTENTIAL CAUSES OF ACTION FOR IMPACTS UNDER THE UNITED NATIONS FISH STOCKS AGREEMENT Dr. William C.G. Burns [FN1]

...the IACHR?, <http://www.cidh.org/what.htm> (last visited Feb. 16, 2008). Because the United States is not a member of the Inter-American Court on Human Rights, the Commission cannot refer the case to the Court for a binding decision. See *id.* Similarly, even if the World ...

...which sets a cap on power plant emissions at approximately current levels of 120 million tons of carbon dioxide between 2009 and 2015, and then 10% below this level by 2019. See Reg'l Greenhouse Gas Initiative, Frequently Asked Questions, [http:// www.rggi.org...](http://www.rggi.org...)

[18.](#) **15 No. 1 Hum. Rts. Brief 57**

Human Rights Brief Fall, 2007 CENTER NEWS/FACULTY AND STAFF UPDATES

...Rights Center of the University of Utrecht in Utrecht, The Netherlands. He serves as the Ad Hoc Judge of the Inter-American Court of Human Rights of the Organization of American States. In October he attended sessions of the Court in Colombia to participate in the ...



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...Pinzón also made several press appearances recently. In September La Republica of Peru interviewed him about recent decisions of the Inter-American Court on Human Rights, and about the extradition of former Peruvian President Alberto Fujimori from Chile to Peru. In September, he was quoted in ...

...ad hoc criminal tribunals for the former Yugoslavia and Rwanda as well as issues likely to come up in the 2009 Rome Statute Review Conference. In June 2007, she spoke on war crimes and crimes against humanity at the Summer School...

[19.](#) **C** **75 Geo. Wash. L. Rev. 1333**

George Washington Law Review August, 2007 RENDERED MEANINGLESS: EXTRAORDINARY RENDITION AND THE RULE OF LAW Margaret L. Satterthwaite [FN1]

...by the CIA in Europe, Eur. Parl. Doc. PE 374.340v01-01 (June1, 2006), available at http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dt/617/617722/617722en.pdf. [FN91] . Eurocontrol is "the agency responsible for controlling European air space." Id. at 6. [FN92 ...

...the OAS on human rights [including the American Declaration of the Rights and Duties of Man] acquired binding force." The Inter-American Court of Human Rights has approved of this practice, asserting that "given the provisions of Article 29(d) [of the Convention] ... States cannot escape...

[20.](#) **5 N.Z. J. Pub. & Int'l L. 169**

New Zealand Journal of Public and International Law June, 2007 The Contribution of Human Rights as an Additional Perspective on Climate Change Impacts within the Pacific Stephen Tully [FN1]

...Action Plan 2001-2004 (Apia, 2000) para 5.3.3. [FN49] . South Pacific Regional Environmental Programme. SPREP Action Plan 2005-2009 (Apia, 2004) para 5.3. [FN50] . UNFCCC "Report on the Third Meeting of the Least Developed Countries Expert Group" (5 ...

...Substantive Issues Arising in the Implementation of the ICESCR (art 12)" (11 August 2000) E/C.12/2000/4. [FN105] . Inter-American Court of Human Rights "Report on the Situation of Human Rights in Ecuador" (24 April 1997) OEA/Ser.L/V/II.96 Doc 10 Rev...

[21.](#) **26A Stan. Envtl. L.J. 123**

Stanford Environmental Law Journal June 2007 INTERNATIONAL LIABILITY AS AN INSTRUMENT TO PREVENT AND COMPENSATE FOR



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CLIMATE CHANGE Michael G. Faure [FNa1]André Nollkaemper [FNd1]

...acceptable) available at <http://ssrn.com/abstract=959748>. [FN23] . That would hold primarily for the European Court of Human Rights, the Inter-American Court of Human Rights and in the future the African Court on Human Rights. [FN24] . Letter from Ariel Dulitzky, Assistant Executive Secretary, Inter-American ...

...this question. See Miriam Haritz, *The Application of the Precautionary Principle and Liability with Respect to Climate Change* (forthcoming Sept. 2009). [FN139] . For a comparative overview, see *Unification of Tort Law: Causation* (Jaap Spier ed. 2000); Von Bar, *supra* note 106...

22.

43A Stan. J. Int'l L. 123

Stanford Journal of International Law June 2007 INTERNATIONAL LIABILITY AS AN INSTRUMENT TO PREVENT AND COMPENSATE FOR CLIMATE CHANGE Michael G. Faure [FNa1]André Nollkaemper [FNd1]

...acceptable) available at <http://ssrn.com/abstract=959748>. [FN23] . That would hold primarily for the European Court of Human Rights, the Inter-American Court of Human Rights and in the future the African Court on Human Rights. [FN24] . Letter from Ariel Dulitzky, Assistant Executive Secretary, Inter-American ...

...this question. See Miriam Haritz, *The Application of the Precautionary Principle and Liability with Respect to Climate Change* (forthcoming Sept. 2009). [FN139] . For a comparative overview, see *Unification of Tort Law: Causation* (Jaap Spier ed. 2000); Von Bar, *supra* note 106...

23.

5 Nw. U. J. Int'l Hum. Rts. 236

Northwestern University Journal of International Human Rights Spring, 2007 MINING GOLD IN A CONFLICT ZONE: THE CONTEXT, RAMIFICATIONS, AND LESSONS OF ANGLOGOLD ASHANTI'S ACTIVITIES IN THE DEMOCRATIC REPUBLIC OF THE CONGO Brandon Prosansky [FNa1]

...to conduct a feasibility study in 2008 that it hopes will allow it to commence construction of a mine in 2009. [FN129] In February 2006, OKIMO said that "AGA should accelerate its exploration plans in the DRC." [FN130] Another mining company ...

...from such abuses. This approach might be a substitute for seeking to hold AngloGold Ashanti directly accountable. In 1988, the Inter-American Court of Human Rights (IACHR), in the *Velásquez Rodríguez Case*, in which the complainants sought to hold the state of Honduras accountable for the...



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[24.](#) **C** **34 Syracuse J. Int'l. L. & Com. 621**

Syracuse Journal of International Law and Commerce Spring 2007
GUIDE TO SOURCES IN INTERNATIONAL AND COMPARATIVE
DISABILITY LAW Wendy Scott [FN1]

...bodies that deal with human rights within the Inter-American system:
the Inter-American Commission on Human Rights and the Inter-
American Court of Human Rights. International Norms and Standards,
Part III. The Regional Human Rights System, 2, The Americas
<http://www.un.org/esa/socdev/enable/comp302.htm> ...

...Convention on Human Rights, adopted in 1969, authorized the
formation of the Inter-American Commission on Human Rights and the
Inter-American Court of Human Rights. It addresses civil and political
rights. There is no reference to specific disability rights, but the
Convention contains basic human ...

...to support the needs of children with disabilities and those responsible
for their care. African Decade of Disabled Persons (2000-2009)
<http://www.un.org/esa/socdev/enable/disafricadecade.htm> The Africa
Decade of Disabled People (ADDP) is a collaborative initiative of non-
profit...

[25.](#) **C** **16 Temp. Pol. & Civ. Rts. L. Rev. 423**

Temple Political and Civil Rights Law Review Spring 2007 LEARNING
FROM THE PAST: DESIGNING EFFECTIVE WORKER PROTECTIONS FOR
COMPREHENSIVE IMMIGRATION REFORM Arthur N. Read [FN1]

...A.2d 994 (N.H. 2005) Reinforced Earth Co. v. Workers' Comp. App.
Bd., 810 A.2d 99 (Pa. 2002) The Inter-American Court of Human Rights
issued an advisory opinion (Opinión Consultiva 18) on the treatment of
unauthorized migrant workers and their labor rights in the ...

...IV of division B of Public Law 109-13 8 U.S.C. 1184 note) is amended
by striking '2006' and inserting '2009.'" The result would have been to
continue to allow the H-2B program to grow by as many as 66,000...

[26.](#) **C** **29 T. Jefferson L. Rev. 189**

Thomas Jefferson Law Review Spring 2007 SEEKING JUSTICE AT THE
INTERNATIONAL CRIMINAL COURT: VICTIMS' REPARATIONS Linda M.
Keller [FN1]

...a place-holder for this crime until a provision is adopted [FN13]
(perhaps at the seven-year review conference in 2009). [FN14]
Although the ICC was created to establish "jurisdiction over the most
serious crimes of concern to the international community ...



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...of proposal to include state responsibility for reparations). States might still be responsible under international law, however. For example, the Inter-American Court of Human Rights has a particularly well-developed jurisprudence on reparations. See Jo M. Pasqualucci, *The Practice and Procedure of the Inter-American Court of Human Rights* 230-290 (2003). [FN40] . Rome Statute, *supra* note 10, art. 79, at 44. [FN41] . Shelton & Ingadottir, *supra* note 25, at...

[27.](#)

18 Am. Rev. Int'l Arb. 175

American Review of International Arbitration 2007 MANDATORY RULES OF LAW AND INVESTMENT ARBITRATION Andrea K. Bjorklund [FNa1]

...contractual undertakings. [FN108] The Methanex tribunal suggested that discrimination on the basis of race could violate jus cogens [FN109] The Inter-American Court of Human Rights has also concluded, in an advisory opinion, that "the principle of equality before the law, equal protection before the law ...

...3(1) (the new EU Regulation will supersede the Rome Convention as the law applicable to contracts after December 17, 2009 and gives primacy to party autonomy); *The Bremen et al. v. Zapata Off-Shore Co.*, 407 U.S. 1, 13-14...

[28.](#)

C

37 Seton Hall L. Rev. 661

Seton Hall Law Review 2007 INTERNATIONAL HUMAN RIGHTS: AN OVERVIEW: ANNUAL VANDERBILT ADDRESS TO THE NEW JERSEY ALUMNI OF HARVARD LAW SCHOOL The Honorable James R. Zazzali [FNa1]

...of the globe, a landscape where protection of human rights is not as encouraging as in Europe. First is the Inter-American Court on Human Rights created in 1979 to cover the Western Hemisphere. [FN62] Based in Costa Rica, [FN63] the court has heard two hundred ...

...ICC may be the world's best hope to prosecute human rights violations. Significantly, a review conference will be held in 2009 during which the definition of aggression will be among the agenda items. [FN89] The difficulty in prosecuting the crime of ...

...Richard Bilder, 100 Am. J. Int'l L. 503, 504 (2006) (reviewing Jo M. Pasqualucci, *The Practice and Procedure of the Inter-American Court of Human Rights* (2003)). [FN64] . See Inter-American Court on Human Rights, *Jurisprudence: Decisions and Judgments*, <http://www.corteidh.or.cr/casos.cfm?&CFID=153840&CFTOKEN=36534461> (last visited Dec. 13, 2006) (listing all of the Inter-American Court on Human Rights Tribunal's cases).



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[FN65] . Bertrand G. Ramcharan, Evolution of Human Rights Norms and Machinery (2006), <http://www.scu.edu/ethics/practicing/focusareas/global...>

[29.](#)

9 J. Int'l Econ. L. 895

Journal of International Economic Law December, 2006 THE LACK OF DISSENT IN WTO DISPUTE SETTLEMENT Meredith Kolsky Lewis [FN1]

...bodies by Romano (above n 27, at 715-7) permit dissents, including the European Court of Human Rights (ECHR), the Inter-American Court of Human Rights (IACHR), the Central American Court of Justice (CACJ), the Common Court of Justice and Arbitration of the Organization for the ...

...members are appointed by consensus for terms of up to three years and may subsequently be reappointed. See NAFTA Article 2009. [FN37] . Working Procedures Rule 3.2. [FN38] . James Bacchus, Table Talk: Around the Table of the Appellate Body of the...

[30.](#)

5 Nw. U. J. Int'l Hum. Rts. 71

Northwestern University Journal of International Human Rights Fall, 2006 SOVEREIGNTY, POWER, AND HUMAN RIGHTS TREATIES: AN ECONOMIC ANALYSIS JoonBeom Pae [FN1]

...For example, in the Inter-American system, member states show an ambivalent attitude toward the increase of the power of Inter-American Court of Human Rights. [FN181] States might worry that as the institution becomes stronger, it may threaten their own autonomy or even worse, their ...

...unexplained by either the normative or the rationalist theories." Hathaway, supra note 132, at 1978. [FN136] See id . at 2006-2009. [FN137] "Those who argue that international norms are transforming sovereignty - including many proponents of international criminal law - must recognize that ...

...communicating gross violations of human rights among its members. Cecilia Medina, The Inter-American Commission on Human Rights and The Inter-American Court of Human Rights: Reflections on a Joint Venture , 12 Hum. Rts. Q. 439, 440 (1990), in INTERNATIONAL HUMAN RIGHTS IN CONTEXT, LAW, POLITICS...

[31.](#)

100 Am. Soc'y Int'l L. Proc. 95

American Society of International Law Proceedings March 29-April 1, 2006 SPREADING WEEDS BEYOND THEIR GARDEN: EXTRATERRITORIAL RESPONSIBILITY OF STATES FOR VIOLATIONS OF HUMAN RIGHTS BY CORPORATE NATIONALS Robert McCorquodale [FN1]



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...or “realise” the rights in the human rights treaty, whether immediately or progressively. [FN16] This responsibility is clearly expressed by Inter-American Court of Human Rights in *Vélásquez Rodríguez v. Honduras* [FN17] where it held that the international responsibility of a state may arise: [N]ot because ...

...White Paper (2005), available at <<http://www.dfat.gov.au/ani/foreword.html>>) and the United States government (STRATEGIC PLAN FOR FISCAL YEARS 2004-2009 (2004), available at <<http://www.state.gov/s/d/rm/rls/dosstrat>>). [FN3] See, for example , *Awas Tingni v. Nicaragua*, I-ACtHR ...

...The United States is not a party to the ACHR and so no contentious case can be brought to the Inter-American Court of Human Rights. [FN32] . S. JOSEPH, J. SCHULTZ, & M. CASTAN, *THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: CASES, COMMENTARY AND MATERIALS* 65...

32. **C** 31 T. Marshall L. Rev. 253

Thurgood Marshall Law Review Spring, 2006 RESTORATIVE JUSTICE, SLAVERY, AND THE AMERICAN SOUL, A POLICY-ORIENTED INTERCULTURAL HUMAN RIGHTS APPROACH TO THE QUESTION OF REPARATIONS Michael F. Blevins, J.D., M. Div.

...Everyone has the right to simple and prompt recourse for protection against acts that violate his [sic] fundamental rights” [FN153] The [Inter-] American Court of Human Rights landmark case on the right to an effective remedy is *The Velasquez Rodriguez Case* [FN154] , which held that the Convention ...

...in 1619. Thus, I suggest the ten year payment of reparations end that year-providing for the first transfers in 2009. This allows three years to organize and conduct a campaign to lay the groundwork, to establish the necessary involvement and...

33. **C** 81 Notre Dame L. Rev. 955

Notre Dame Law Review March, 2006 EXILE, AMNESTY AND INTERNATIONAL LAW Leila Nadya Sadat [FNa1]

...international treaties to which it is a party. [FN236] In its reasoning, the court relied upon the decision of the Inter-American Court of Human Rights in the case of *Barrios Altos* [FN237] of March 14, 2001, as well as the 1997 Impunity Guidelines referred to earlier. [FN238] Unquestionably, the case law of the Inter-American Court of Human Rights had its own catalytic effect upon courts in Latin America. For example, in the *Barrios Altos* case, the government of Peru was brought before the Inter-American Court of Human Rights regarding a



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massacre of fifteen people (another four were seriously injured) that occurred in Lima, Peru, on November 3, 1991 ...

...that the complainants were probably entirely correct in their assessment of Guatemala's legal system. In a recent decision by the Inter-American Court of Human Rights, the court cited with approval expert testimony to the effect that in Guatemala 'justice is slow, inefficient, it is corrupt ...

...Id. P2. [FN95] Id. P3. [FN96] Id. [FN97] Id. PP4-5. [FN98] Id. P5 (referring to a ruling of the Inter-American Court of Human Rights, see *infra* notes 237-42 and accompanying text; World Conference on Human Rights, June 14-25, 1993, Vienna Declaration and...

[34.](#) **C** **30 N.Y.U. Rev. L. & Soc. Change 483**

New York University Review of Law and Social Change 2006 TESTING HUMAN RIGHTS: THE IMPACT OF HIGH-STAKES TESTS ON ENGLISH LANGUAGE LEARNERS' RIGHT TO EDUCATION IN NEW YORK CITY Janet M. Hostetler [FN1]

...Texas, and Virginia. The states that are currently phasing in exit exams are Arizona (2006), California (2006), Idaho (2006), Maryland (2009), Oklahoma (2012), Utah (2006), and Washington (2008). Id. at 13 fig.1. [FN27] Id. at 14, 15 tbl.1. [FN28 ...

...Advisory Opinion, OC-10/89, July 14, 1989, Inter-Am Ct. H.R. Series A, No. 10 P 17. Nonetheless, the Inter-American Court on Human Rights and the OAS General Assembly have recognized the Declaration as a source of binding obligation on all member states. Id...

[35.](#) **C** **42 Harv. J. on Legis. 417**

Harvard Journal on Legislation Summer, 2005 FIELDS OF HOPE, FIELDS OF DESPAIR: LEGISPRUDENTIAL AND HISTORIC PERSPECTIVES ON THE AGJOBS BILL OF 2003 Lauren Gilbert [FN1]

...had worked at least 2060 hours or 360 work days of agricultural employment between September 1, 2003, and August 31, 2009; (2) that they had performed at least 430 hours or 75 work days of agricultural employment in each of at ...

...FN83] See CALAVITA *supra* note 27. [FN84] See CALAVITA *supra* note 27, at 20-24; see also Beth Lyon, The Inter-American Court of Human Rights Defines Unauthorized Migrant Workers' Rights for the Hemisphere: A Comment on Advisory Opinion 18, 28 N.Y.U. REV. L. & SOC. CHANGE...

[36.](#) **C** **41 Stan. J. Int'l L. 53**



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Stanford Journal of International Law Winter 2005 REGULATING INTERNATIONAL ARBITRATORS: A FUNCTIONAL APPROACH TO DEVELOPING STANDARDS OF CONDUCT Catherine A. Rogers [FNd1]

...Int'l L. Rev. 43, 95 (2003) (arguing that the "loose" and dual functions of both the WTO Commission and the Inter-American Court of Human Rights undermines the legitimacy and efficacy of those systems and their rule-based function). [FN40] . W. Laurence Craig, Some Trends and ...

...candidates. CIETAC Rules, art. 24 (1994), at <http://www.qis.net/chinalaw/prclaw50.htm#Chapter%2011> (last visited Jan. 31, 2005); NAFTA, art. 2009 (1992), at http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx?DetailID=175#A2009 (last visited Jan. 31, 2005). This restriction on...

37. **C** 30 Yale J. Int'l L. 211

Yale Journal of International Law Winter 2005 HUMAN RIGHTS LAW MEETS PRIVATE LAW HARMONIZATION: THE COMING CONFLICT Paul R. Dubinsky [FNd1]

...these shorter limitations periods are applied retroactively. A claim that arose in 1989 suddenly has its expiration date changed from 2009 to 1998. [FN414] For the new government, the 1995 prescription statute is unacceptable. If applied by Zandor's courts today, the ...

...The European Court of Human Rights: Historical Background, Organisation and Procedure, at <http://www.echr.coe.int/Eng/EDocs/-HistoricalBackground.htm> (Sept. 2003). The Inter-American Court of Human Rights was created in 1979 with similar constraints. See Basic Documents Pertaining to Human Rights in the Inter-American System, OEA ...

...Under the twenty-year prescription period of the 1979 law, a cause of action that arose in 1989 expired in 2009. Under the 1995 statute, the three-year prescription period starts running from the date the statute entered into force, so...

38. **C** 2004 J. Disp. Resol. 355

Journal of Dispute Resolution 2005 RWANDAN GACACA: AN EXPERIMENT IN TRANSITIONAL JUSTICE Maya Goldstein-Bolocan [FNd1]

...and who carried them out" [FN20] . Ruti Teitel, Transitional Jurisprudence: The Role of Law in Political Transformation, 106 Yale L.J. 2009, 2037 (1997) See also David Dyzenhaus, Debating South Africa's Truth and Reconciliation Commission, 49 U. Toronto L.J. 311 (1999) (stating ...



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...supra note 39, at 219. This heterogeneous approach seems to be confirmed by the Velasquez-Rodriguez judgment, in which the Inter-American Court of Human Rights holistically defined justice to encompass the needs of the victims, as well as the imperative to reform state institutions to prevent future abuses. In that case, the Inter-American Court of Human Rights stated that a state is bound to fulfill the following obligations in response to the commission of a gross violation...

[39.](#) **C** **67-AUT Law & Contemp. Probs. 169**

Law and Contemporary Problems Autumn 2004 THE FUTURE AND PAST OF U.S. FOREIGN RELATIONS LAW Martin S. Flaherty [FN1]

...bodies such as International Center for the Settlement of Investment Disputes, the ICCPR Human Rights Committee, and the European and Inter-American Courts of Human Rights. Add to this what Harold Koh terms the increasing "internalization" of international law within other domestic legal systems, and the ...

...founders' original intention with regard to both specific issues and a general interpretive approach). [FN112] . Yoo, supra note 9, at 2009-13. [FN113] . Cf. Gregory v. Ashcroft, 501 U.S. 452, 457 (1991) "As every schoolchild learns, our Constitution establishes a system...

[40.](#) **C** **7 UCLA J. Int'l L. & Foreign Aff. 239**

UCLA Journal of International Law and Foreign Affairs Fall/Winter 2002-2003 HUMAN RIGHTS, GLOBALIZATION AND THE RULE OF LAW: FRIENDS, FOES OR FAMILY? David Kinley [FN1]

...on Human Rights), [FN47] the U.N. Human Rights Committee (the International Covenant on Civil and Political Rights), [FN48] and the Inter-American Court on Human Rights (the American Convention on Human Rights 1969). [FN49] And although the Human Rights Committee is not a court--its conclusions ...

...for a more general, philosophical account, Ruti Teitel, Transitional Jurisprudence: The Role of Law in Political Transformation, 106 Yale L.J. 2009 (1997) [FN3] . It can be argued that other means by which the same ends as human rights are sought--liberty...

[41.](#) **C** **35 Vand. J. Transnat'l L. 1399**

Vanderbilt Journal of Transnational Law November, 2002 IN VINDICATION OF JUSTICIABLE VICTIMS' RIGHTS TO TRUTH AND JUSTICE FOR STATE-SPONSORED CRIMES Raquel Aldana-Pindell [FN1]

...of Violent Crimes 1415 1. Caselaw Interpreting Comprehensive



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Human Rights Treaties 1416 a. The Human Rights Committee 1416 b. The Inter-American Court on Human Rights 1417 c. The European Court on Human Rights 1419 2. Specialized Treaties or Declarations 1422 a. The Basic Principles and ...

...victims' rights to prosecutions co-exist with the states' duty to prosecute. This important point was recently clarified by the Inter-American Court on Human Rights when it declared that the duty to conduct an effective criminal process is independent and separate from the state's duty ...

...to the direct victim of right to life and personal integrity violations and to the family members. [FN94] b. The Inter-American Court on Human Rights The Inter-American Commission and Court on Human Rights [FN95] have interpreted Articles 8, 25, and 1.1, respectively, of...

[42.](#) **C** **56 U. Miami L. Rev. 347**

University of Miami Law Review January, 2002 LEGAL CHALLENGES TO FREEDOM OF THE PRESS IN THE AMERICAS Jairo E. Lanao [FNa1]

...practicing journalism without belonging to the Costa Rican journalist guild. [FN84] Later in 1985, the Costa Rica government consulted the Inter American Court of Human Rights regarding the local law mandating such association and Costa Rica's rights and duties in light of the American Convention of ...

...Article 13 of the American Convention of Human Rights which guarantees freedom of expression. [FN85] In the aftermath of the Inter-American Court of Human Rights' opinion, several countries have taken measures to repeal mandated associations of journalists. First, the Supreme Court of the Dominican Republic ...

...Laws § 600.2911 (2001) (impute to a female a want of chastity); Mich. Comp. Laws §§ 750.97 500.2009 (2001) (false or malicious statements concerning the financial condition of various businesses); Minn. Stat. §§ 609.765 609.77 628...

[43.](#) **C** **87 Geo. L.J. 707**

Georgetown Law Journal February, 1999 NEW DEMOCRACIES, OLD ATROCITIES: AN INQUIRY IN INTERNATIONAL LAW Steven R. Ratner [FNa1]

...offenders from office. [FN65] Potentially the most sweeping call for a generalized duty of criminal accountability has come from the Inter-American Court of Human Rights in the now-famous Velasquez-Rodriguez decision of 1988, in which relatives of a "disappeared" Guatemalan brought a claim against ...



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...for leaders than for other officials who may have carried out atrocities. See Ruti Teitel, *Transitional Jurisprudence*, 106 *YALE L.J.* 2009, 2040-41 (1997) [FN56] See RATNER ABRAMS *supra* note 36, at 159 (proposing the four minimal criteria for fair judicial ...

...particular weight." [FN84] See ACHR, *supra* note 59, art. 68(1), 1144 U.N.T.S. at 140; see also SCOTT DAVIDSON, *THE INTER-AMERICAN COURT OF HUMAN RIGHTS* 109, 213 (1992); Christina M. Cerna, *International Law and the Protection of Human Rights in the Inter-American System*, 19...

[44.](#) **C** **4 Sw. J.L. & Trade Am. 45**

Southwestern Journal of Law and Trade in the Americas Spring 1997 JUDICIAL CENSORSHIP OF THE PRESS IN ARGENTINA Néstor Pedro Sagüés [FNd1]

...be drawn from the decisions of these courts. In addition, this article examines the decisions and advisory opinions of the Inter-American Court of Human Rights and of the Inter-American Commission on Human Rights, both of which are the official interpreters of the American Convention ...

...the Argentine tribunals. To date, Argentine courts, including the Argentine Supreme Court, do not seem to agree entirely with the Inter-American Court of Human Rights and with the Inter-American Commission on Human Rights on the issue of prior restraint. Finally, this article reviews judicial ...

...FN124] 49, [FN125] 50, [FN126] and 51 [FN127] of the ACHR. In the Advisory Opinion OC-5/85, [FN128] the Inter-American Court of Human Rights stated that freedom of expression includes a right to express ideas or transmit information and a right to receive such...

[45.](#) **25 Int'l J. Legal Info. 35**

International Journal of Legal Information 1997 UNHCR, HUMAN RIGHTS AND REFUGEES COLLECTION AND DISSEMINATION OF SOURCES Elisa Mason [FNa1]

...1995, fax: 44-171-713-1800, e-mail: hrwatchuk@gn.apc.org; Rue Van Campenhout, 1000 Brussels, Belgium, tel: (32-2) 732-2009, fax: (32-2) 732-0471, e-mail: hrwatcheu@gn.apc.org; for more info., see web site: <http://www.hrw.org> - REFWORLD: located under ...

...www.dhcour.coe.fr - REFWORLD: located under "Legal Information--Refugee Case Law--Full-text" L1-2 TYPE: Case Law NOTE: Decisions of the Inter-American Court of Human Rights, Organization of American States AVAILABILITY: - print: Apdo 6906-1000, San José, Costa Rica, tel: (506) 234-0581/225-3333, fax...



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[46.](#) **C** 1 U.S.-Mex. L.J. 85

United States-Mexico Law Journal Symposium, 1993 CONFRONTING DIFFERENCES IN THE UNITED STATES AND MEXICAN LEGAL SYSTEMS IN THE ERA OF NAFTA James F. Smith [FN1]

...1901.2(2). "Roster members shall have expertise in law, international trade, other matters covered by this agreement." Id. art. 2009.2. [FN10] Id. ch. 9. [FN11] Id. ch. 20. [FN12] . For the common law lawyer desiring an introduction to civil ...

...called for a North American Parliament, with representatives of the people (not governments), which could bolster the authority of the **Inter-American Court of Human Rights** and, using that court as a model, set up trade, labor, and environment commissions to ensure compliance with international standards...



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2008

1. **96 Cal. L. Rev. 1693**

California Law Review December, **2008** THE MYTH OF INTERNATIONAL DELEGATION Andrew T. Guzman [FNd1] Jennifer Landside [FNdd1]

...96 CALR 1693 96 Cal. L. Rev. 1693 **2008** WL 5127442 CALIFORNIA LAW REVIEW California Law Review December, **2008** Essays THE MYTH OF INTERNATIONAL DELEGATION Andrew T. Guzman [FNd1] Jennifer Landside [FNdd1] Copyright (c) **2008** California Law Review, Inc.; Andrew T. Guzman; Jennifer Landside Introduction We live in a world of sovereign states that lacks ...

...the same mechanism, the ad-hoc arbitral tribunal is the default unless the parties otherwise agree. [FN114] As of April **2008**, there were 150 States Parties to the UNCLOS but only 45 states had chosen a dispute resolution mechanism under Article ...

...by the legal violation. Member States, then, have the option to ignore such rulings when they are too burdensome. D. **Inter-American Court of Human Rights** The **Inter-American Court of Human Rights** (IACHR) was created under the American Convention on Human Rights, which was adopted in 1969 but was not ratified by...

2. **32 Fordham Int'l L.J. 298**

Fordham International Law Journal December, **2008** INDIGENOUS LAND RIGHTS AND THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: IMPLICATIONS FOR MAORI LAND CLAIMS IN NEW ZEALAND Sarah M. Stevenson [FNa1]

...32 FDMILJ 298 32 Fordham Int'l L.J. 298 2008 WL 5514939 FORDHAM INTERNATIONAL LAW JOURNAL Fordham International Law Journal December, 2008 Nineteenth Annual Philip D. Reed Memorial Issue Comment INDIGENOUS LAND RIGHTS AND THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: IMPLICATIONS FOR MAORI LAND CLAIMS IN NEW ZEALAND Sarah M. Stevenson [FNa1] Copyright (c) 2008 Fordham University School of Law; Sarah M. Stevenson INTRODUCTION The rights of indigenous peoples worldwide were recognized and affirmed by ...

...which Maori groups were quick to take advantage. [FN68] The first settlement agreement under the F.S.A. was reached in August 2008, [FN69] between the government and the hapu [FN70] of Ngati Porou. [FN71] The Deed of Agreement, based on Heads of Agreement signed in February 2008, must now be approved by the Ngati Porou hapu, confirmed by the High Court, [FN72] and implemented by legislation. [FN73] ...

...Political Rights ("ICCPR") and the Convention on the Elimination of all



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forms of Racial Discrimination ("CERD"). [FN126] For example, the Inter-American Court on Human Rights has located the indigenous right to property, communally held and without formal title, in both international human rights norms and...

3. 20 Int'l J. Refugee L. 533

International Journal of Refugee Law December, 2008 EMBRACING THE 'RESPONSIBILITY TO PROTECT': A REPERTOIRE OF MEASURES INCLUDING ASYLUM FOR POTENTIAL VICTIMS Brian Barbour [FN1] Brian Gorlick [FNaa1]

...20 INTJREFL 533 20 Int'l J. Refugee L. 533 2008 WL 5149899 INTERNATIONAL JOURNAL OF REFUGEE LAW International Journal of Refugee Law December, 2008 Article EMBRACING THE 'RESPONSIBILITY TO PROTECT': A REPERTOIRE OF MEASURES INCLUDING ASYLUM FOR POTENTIAL VICTIMS Brian Barbour [FN1] Brian Gorlick [FNaa1] Copyright © 2008 by Oxford University Press; Brian Barbour, Brian Gorlick Abstract At the 2005 World Summit, the United Nations General Assembly unambiguously ...

...of Human Rights [FN98] • The African Commission on Human and Peoples' Rights [FN99] • Inter-American Commission on Human Rights [FN100] • Inter-American Court of Human Rights [FN101] International protection in the form of a system of binding legal instruments and mechanisms codified in international human rights ...

...FN1] . Pope Benedict XVI, 'Statement by Pope Benedict XVI, delivered to the United Nations General Assembly' , New York, 18 Apr. 2008, available at: < http://www.un.org/webcast/pdfs/Pope_speech.pdf>. [FN2] . António Guterres, UN High Commissioner for Refugees, 'Millions Uprooted: Saving Refugees and the Displaced' , (2008) 87 Foreign Affairs 92-3. [FN3] . Kofi Annan, Report of the Secretary-General, 'In Larger Freedom: towards development, security and...

4. 11 J. Int'l Econ. L. 717

Journal of International Economic Law December, 2008 NGO INVOLVEMENT IN THE WTO: A COMPARATIVE PERSPECTIVE Peter Van den Bossche [FN1]

...11 JINTECL 717 11 J. Int'l Econ. L. 717 2008 WL 5009774 JOURNAL OF INTERNATIONAL ECONOMIC LAW Journal of International Economic Law December, 2008 Mini-Symposium on Transparency in the WTO NGO INVOLVEMENT IN THE WTO: A COMPARATIVE PERSPECTIVE Peter Van den Bossche [FN1] Copyright © 2008 by Oxford University Press; Peter Van den Bossche ABSTRACT This article examines the nature and the extent of the involvement ...

...transparency and inclusiveness, NGOs were accommodated under the same roof as the delegates of the WTO Members. [FN41] In May 2008, the WTO Secretariat started a pilot project to grant individual and



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personalized access badges to the WTO buildings for representatives ...

...under exceptional circumstances, during other WTO meetings. [FN42]
The new system was applied during the meeting of Ministers in July 2008. At present, representatives of about 25 NGOs have an NGO Access Badge. If this pilot project is successful, the WTO...

5. **7 Chinese J. Int'l L. 699**

Chinese Journal of International Law November, **2008** The Rise of Peoples' Rights in the Americas: The Saramaka People Decision of the Inter-American Court of Human Rights Lisl Brunner [FNa1]

...7 CHINESEJIL 699 7 Chinese J. Int'l L. 699 2008 WL 4699088
CHINESE JOURNAL OF INTERNATIONAL LAW Chinese Journal of International Law November, 2008 Court and Tribunal The Rise of Peoples' Rights in the Americas: The Saramaka People Decision of the Inter-American Court of Human Rights Lisl Brunner [FNa1] Copyright © 2008 by Oxford University Press; Lisl Brunner Abstract The Saramaka People v. Suriname decision of the Inter-American Court of Human Rights recognized the right of a non-indigenous minority group to the natural resources within its lands. Three factors make the ...

...the decision a topical contribution to current debates on the meaning and scope of these rights. I. Introduction 1. The Inter-American Court of Human Rights recently became the first international tribunal to hold that a non-indigenous minority group has legal rights to the natural ...

...on Human Rights. [FN11] Unable to secure a friendly settlement of the matter, the Commission submitted the case to the Inter-American Court of Human Rights, alleging that Suriname had violated the Saramaka's rights to property (Article 21) and to a legal regime that protects them...

6. **19 Eur. J. Int'l L. 955**

European Journal of International Law November, **2008** HUMAN RIGHTS, INTERNATIONAL ECONOMIC LAW AND CONSTITUTIONAL JUSTICE: A REJOINDER Ernst-Ulrich Petersmann [FNa1]

...19 EURJIL 955 19 Eur. J. Int'l L. 955 2008 WL 5474621 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law November, 2008 EJIL: Debate! HUMAN RIGHTS, INTERNATIONAL ECONOMIC LAW AND CONSTITUTIONAL JUSTICE: A REJOINDER Ernst-Ulrich Petersmann [FNa1] Copyright © 2008 by EJIL; Ernst-Ulrich Petersmann All academics learn from discussion and criticism of their published views. Hence, I congratulated the EJIL editors, Alston in 2002 and Weiler in 2008, when they invited a response to my articles in EJIL Following the insulting EJIL comments by Alston in 2002, this ...



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...against women, labour rights); • to submit to the compulsory jurisdiction of international courts (e.g., the PCIJ, ICJ, ICC, ITLOS, the Inter-American Court of Human Rights); • to acknowledge more generally the democratic legitimacy of 'judicial rule-making' (e.g., prohibiting racial discrimination inside the US); • to protect ...

...Resolution 2/2000 on The Rule of Law in International Trade , ILA Report 2000, at 18. [FN9] . ILA Resolution 5/2008 on Human Rights and International Trade Law , ILA Report 2008. [FN10] . Cf. C. Joerges and E.-U. Petersmann (eds), Constitutionalism, Multilevel Trade Governance and Social Regulation (2006). [FN11] Globalization and...

7. 19 Eur. J. Int'l L. 989

European Journal of International Law November, **2008** PASSING THE BUCK: STATE RESPONSIBILITY FOR PRIVATE MILITARY COMPANIES Carsten Hoppe [FN1]

...19 EURJIL 989 19 Eur. J. Int'l L. 989 2008 WL 5474624 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law November, 2008 Symposium: Private Military Contractors and International Law PASSING THE BUCK: STATE RESPONSIBILITY FOR PRIVATE MILITARY COMPANIES Carsten Hoppe [FN1] Copyright © 2008 by EJIL; Carsten Hoppe Abstract States hire private military or security companies [PMSCs/contractors] in armed conflict and occupation to ...

...control of an area. Having been more restrictive in Bankovic [FN45] its jurisprudence in Issa again approaches that of the Inter-American Court of Human Rights and the Human Rights Committee. There, the ECtHR held that a state may incur responsibility for violation of the ECHR ...

...The jurisprudence relevant to the duty to prevent violations of Articles 4 and 5 of the ACHR stems from the Inter-American Court of Human Rights's (IACHR's) series of cases grappling with the phenomenon of enforced disappearances, most famously the Velásquez Rodríguez case. [FN70] As was...

8. C 77 Fordham L. Rev. 459

Fordham Law Review November, **2008** BRINGING THEORIES OF HUMAN RIGHTS CHANGE HOME Cynthia Soohoo [FN1] Suzanne Stolz [FNaa1]

...77 FDMLR 459 77 Fordham L. Rev. 459 2008 WL 4985408 FORDHAM LAW REVIEW Fordham Law Review November, 2008 Symposium: International Law and the Constitution: Terms of Engagement Panel I: The Contemporary Relevance of International Human Rights for Constitutional ...

...Justice: Case Studies and Limitations BRINGING THEORIES OF HUMAN RIGHTS CHANGE HOME Cynthia Soohoo [FN1] Suzanne Stolz



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[FNaa1] Copyright (c) 2008 Fordham Law Review; Cynthia Soohoo; Suzanne Stolz Introduction A recent poll conducted by The Opportunity Agenda indicates that most Americans ...

...of the consular rights of their nationals on death row, [FN67] and Mexico also sought an advisory opinion from the Inter-American Court for Human Rights. [FN68] In 2004, the ICJ held that the United States had violated its obligations under the VCCR and that fifty...

[9.](#) **C** **77 Fordham L. Rev. 529**

Fordham Law Review November, 2008 THE ROLE OF INTERNATIONAL BODIES IN INFLUENCING U.S. POLICY TO END VIOLENCE AGAINST WOMEN Lenora M. Lapidus [FNa1]

...77 FDMLR 529 77 Fordham L. Rev. 529 2008 WL 4985411 FORDHAM LAW REVIEW Fordham Law Review November, 2008 Symposium: International Law and the Constitution: Terms of Engagement Panel II: The Role of International Bodies in Influencing U.S. Policy ...

...THE ROLE OF INTERNATIONAL BODIES IN INFLUENCING U.S. POLICY TO END VIOLENCE AGAINST WOMEN Lenora M. Lapidus [FNa1] Copyright (c) 2008 Fordham Law Review; Lenora M. Lapidus Introduction On June 27, 2005, the U.S. Supreme Court in Town of Castle Rock ...

...the globe, is the Universal Declaration of Human Rights (UDHR), which celebrates its sixtieth anniversary this year on December 10, 2008. In the wake of the horrors of World War II, the Universal Declaration was created by a newly constituted Commission...

[10.](#) **15 Clinical L. Rev. 55**

Clinical Law Review Fall **2008** "THINK GLOCAL, ACT GLOCAL": THE PRAXIS OF SOCIAL JUSTICE LAWYERING IN THE GLOBAL ERA Lauren Carasik [FNa1]

...15 CLINICLR 55 15 Clinical L. Rev. 55 2008 WL 4918260 CLINICAL LAW REVIEW Clinical Law Review Fall 2008 Article "THINK GLOCAL, ACT GLOCAL": THE PRAXIS OF SOCIAL JUSTICE LAWYERING IN THE GLOBAL ERA Lauren Carasik [FNa1] Copyright (c) 2008 Clinical Law Review, Inc.; Lauren Carasik WESTLAW LAWPRAC INDEX LED---- Law School & Continuing Legal Education Millions of people in the ...

...recent effort to promulgate worker protections came in 2007, when China passed the new Labor Contract Law, effective in January, 2008. This law's passage was seen by some as evidence of measurable progress for a country that has provided little real ...

...from the race to the bottom" [FN25] . Scott Cummings, The Internationalization of Public Interest Law, 57 Duke L.J. 891, 1020



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(2008) [FN26] . Brecher et al., supra note 3, at 10. This resistance has mobilized a diverse set of groups who are...

[11.](#) **C** 40 Colum. Hum. Rts. L. Rev. 19

Columbia Human Rights Law Review Fall **2008** HUMAN RIGHTS AT HOME: DOMESTIC VIOLENCE AS A HUMAN RIGHTS VIOLATION Caroline Bettinger-López [FN1]

...40 CLMHRLR 19 40 Colum. Hum. Rts. L. Rev. 19 2008 WL 5417143 COLUMBIA HUMAN RIGHTS LAW REVIEW Columbia Human Rights Law Review Fall 2008 Human Rights in the United States: A Special Issue Celebrating the 10 th Anniversary of the Human Rights Institute at Columbia ...

...Law School Article HUMAN RIGHTS AT HOME: DOMESTIC VIOLENCE AS A HUMAN RIGHTS VIOLATION Caroline Bettinger-López [FN1] Copyright (c) 2008 Columbia Human Rights Law Review; Caroline Bettinger-López On March 2, 2007, Jessica Lenahan (formerly Gonzales) [FN1] spoke at the ...

...and Central America and the Caribbean. Composed of seven independent human rights experts, the Inter-American Commission, along with the Inter-American Court of Human Rights (a panel of seven judges based in San José, Costa Rica), considers claims of human rights violations and issues written...

[12.](#) 13 Comm. L. & Pol'y 415

Communication Law and Policy Autumn, **2008** LIBERALIZING BRITISH DEFAMATION LAW: A CASE OF IMPORTING THE FIRST AMENDMENT? Kyu Ho Youm [FN1]

...13 COMMPLPOLY 415 13 Comm. L. & Pol'y 415 2008 WL 5151507 COMMUNICATION LAW AND POLICY Communication Law and Policy Autumn, 2008 Article LIBERALIZING BRITISH DEFAMATION LAW: A CASE OF IMPORTING THE FIRST AMENDMENT? Kyu Ho Youm [FN1] Copyright © 2008 by Taylor & Francis Group, LLC; Kyu Ho Youm Regardless of whether American law tends to be too outlying to be ...

...Oregon. [FN1] FREEDOM OF THE PRESS: THE FIRST AMENDMENT-- ITS CONSTITUTIONAL HISTORY AND THE CONTEMPORARY DEBATE 17 (Garrett Epps ed., 2008). See also Jeremy Waldron, Free Speech & the Menace of Hysteria , N.Y. REV. BOOKS , May 29, 2008, at 42 (characterizing the United States as "the safest country on earth in which to criticize political leaders or denounce ...

...2005). See also Adam Liptak, American Exception: Unlike Others, U.S. Defends Freedom to Offend in Speech , N.Y. TIMES , June 12, 2008, at 1 (quoting Canadian author Mark Steyn, "Western governments are



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becoming increasingly comfortable with the regulation of opinion. The First...

[13.](#) **83 Ind. L.J. 1141**

Indiana Law Journal Fall, **2008** FOREWORD: LATINOS AND THE LAW SYMPOSIUM
Richard Delgado, Jean Stefancic [FN1]

...83 INLJ 1141 83 Ind. L.J. 1141 2008 WL 5150174 INDIANA LAW JOURNAL Indiana Law Journal Fall, 2008 Symposium: Latinos and Latinas at the Epicenter of Contemporary Legal Discourses FOREWORD: LATINOS AND THE LAW SYMPOSIUM Richard Delgado Jean Stefancic [FN1] Copyright (c) 2008 Trustees of Indiana University; Richard Delgado, Jean Stefancic MEMORANDUM To: Ourselves Cc: Interested Readers Re: Our Plans and New Year's ...

...an approach that incorporates human rights norms with institutions such as the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, which attempt to enforce those norms. He uses case examples to show three stages in the evolution of international human ...

...same school. Both authors are professors-designate at Seattle University School of Law with appointments scheduled to begin in Fall 2008. [FN1] . See, e.g., Katz v. United States, 389 U.S. 347 (1967) (holding that the Fourth Amendment does not bar warrantless...

[14.](#) **83 Ind. L.J. 1267**

Indiana Law Journal Fall, **2008** THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS: CHALLENGES FOR THE FUTURE Claudio Grossman [FN1]

...83 INLJ 1267 83 Ind. L.J. 1267 2008 WL 5150178 INDIANA LAW JOURNAL Indiana Law Journal Fall, 2008 Symposium: Latinos and Latinas at the Epicenter of Contemporary Legal Discourses Gender and Human Rights THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS: CHALLENGES FOR THE FUTURE Claudio Grossman [FN1] Copyright (c) 2008 Trustees of Indiana University; Claudio Grossman Introduction [FN1] The Inter-American system is a combination of human rights norms and ...

...responsible for supervising compliance with the established rules: the Inter-American Commission on Human Rights [FN4] ("the Commission") and the Inter-American Court of Human Rights [FN5] ("the Court"). The system performs supervisory functions basically through country reports adopted by the Commission which describe the overall ...

...Dawn of the New Century, 8 Tul. J. Int'l & Comp. L. 5, 21 (2000) [FN70] . Rules of Procedure of the Inter-American Court of Human Rights, reprinted in Basic Documents Pertaining to Human Rights



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Corte Interamericana de Derechos Humanos

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Corte Interamericana de Derechos Humanos

in the Inter-American System, OEA/Ser.L/V/I.4 rev.9...

15. **20 Int'l J. Refugee L. 432**

International Journal of Refugee Law October, 2008 PROTECTING THE RIGHT TO HOUSING IN THE AFTERMATH OF NATURAL DISASTER: STANDARDS IN INTERNATIONAL HUMAN RIGHTS LAW Rebecca J. Barber [FN1]

...20 INTJREFL 432 20 Int'l J. Refugee L. 432 2008 WL 4176964 INTERNATIONAL JOURNAL OF REFUGEE LAW International Journal of Refugee Law October, 2008 Article PROTECTING THE RIGHT TO HOUSING IN THE AFTERMATH OF NATURAL DISASTER: STANDARDS IN INTERNATIONAL HUMAN RIGHTS LAW Rebecca J. Barber [FN1] Copyright © 2008 by Oxford University Press; Rebecca J. Barber Abstract In 2006, the United Nations High Commissioner for Refugees reported that an ...

...Council, [FN9] the Commission on Human Rights, [FN10] the International Court of Justice (ICJ), [FN11] and the European [FN12] and Inter-American Courts of Human Rights. [FN13] This paper suggests that the well developed jurisprudence on this latter issue provides important guidance in considering the applicability ...

...certain provisions may be derogated from in times of national emergency' [FN27] The European Court of Human Rights and the Inter-American Court of Human Rights have taken similar approaches. [FN28] While the application of human rights law in situations of armed conflict has been well...

16. **14 L. & Bus. Rev. Am. 679**

Law and Business Review of the Americas Fall 2008 JUST A MATTER OF TIME? EXPANDING THE TEMPORAL JURISDICTION OF THE INTER-AMERICAN COURT TO ADDRESS COLD WAR WRONGS Jeffrey B. Hall [FN1]

...14 LBUSRAM 679 14 L. & Bus. Rev. Am. 679 2008 WL 5147932 LAW AND BUSINESS REVIEW OF THE AMERICAS Law and Business Review of the Americas Fall 2008 Article JUST A MATTER OF TIME? EXPANDING THE TEMPORAL JURISDICTION OF THE INTER-AMERICAN COURT TO ADDRESS COLD WAR WRONGS Jeffrey B. Hall [FN1] Copyright (c) 2008 SMU Dedman School of Law; Jeffrey B. Hall ABSTRACT The Inter-American Court of Human Rights has risen in recent years to play an important role in promoting the rule of law and transitional justice. But ...

...it was the State's temporal limitation that had precluded the argument. See Jo Pasqualucci, The Practice and Procedure of the Inter-American Court of Human Rights 112 (2003). [FN59] . By limiting the Inter-American Commission's ability to consider cases, Chile in effect



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limited the Court's ability ...

...V/II.02, doc 5_Crev. 1 at 376 (2002); Press Release, Inter-American Court of Human Rights, (Jan. 8, 2008), available at http://www.corteidh.or.cr/docs/comunicados/cp_01_08.pdf (last accessed Feb. 10, 2008) (Press Release in Spanish). [FN79] . Phosphates in Morocco (Italy v. France), 1938 P.C.I.J. (ser. A/B) No. 74 (June 14...

[17.](#)

23 St. John's J. Legal Comment. 503

Saint John's Journal of Legal Commentary Fall 2008 REFLUAT STERCUS : A CITIZEN'S VIEW OF CRIMINAL PROSECUTION IN U.S. DOMESTIC COURTS OF HIGH-LEVEL U.S. CIVILIAN AUTHORITY AND MILITARY GENERALS FOR TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT Benjamin G. Davis [FN1]

...23 STJLJC 503 23 St. John's J. Legal Comment. 503 2008 WL 5417087 SAINT JOHNS JOURNAL OF LEGAL COMMENTARY Saint John's Journal of Legal Commentary Fall 2008 Article REFLUAT STERCUS [FN1] : A CITIZEN'S VIEW OF CRIMINAL PROSECUTION IN U.S. DOMESTIC COURTS OF HIGH-LEVEL U.S. CIVILIAN AUTHORITY AND MILITARY GENERALS FOR TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT Benjamin G. Davis [FN1] Copyright (c) 2008 St. John's University; Benjamin G. Davis Table of Contents Page Beyond the word, the thing: torture and cruel inhuman and ...

...application directe), and (3) when deciding on matters, the judges were to conform their decisions to the interpretations of the Inter-American Court of Human Rights. This structure was hoped would help to protect the state from the return of terror as it had been in ...

...apply a test of proportionality as to the length of time a person may be held in preventive detention. The Inter-American Court of Human Rights decided in 1999 in Castillo Petruzzi v. Peru that a 30-day period, 15 days renewable once, of incomunicado preventive...

[18.](#)

41 Vand. J. Transnat'l L. 1141

Vanderbilt Journal of Transnational Law October, 2008 INDIGENOUS SOVEREIGNTY: A REASSESSMENT IN LIGHT OF THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES Siegfried Wiessner [FN1]

...41 VNJTL 1141 41 Vand. J. Transnat'l L. 1141 2008 WL 4858490 VANDERBILT JOURNAL OF TRANSNATIONAL LAW Vanderbilt Journal of Transnational Law October, 2008 Articles INDIGENOUS SOVEREIGNTY: A REASSESSMENT IN LIGHT OF THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES Siegfried Wiessner [FN1] Copyright (c) 2000-2008 Vanderbilt University Law School; Siegfried Wiessner Abstract This Article explores the concept of "indigenous sovereignty"



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against the backdrop of the ...

...of indigenous voices and values--sometimes even in slightly turning back the clock. [FN20] The *Awas Tingni* decision of the Inter-American Court of Human Rights [FN21] and the internationally successful campaign of the Western Shoshone against the taking of their sacred lands [FN22] are just ...

...law, [FN106] the Inter-American Commission submitted the case of an indigenous group in the rainforest of Nicaragua to the Inter-American Court of Human Rights. The tribunal, in its celebrated *Awas Tingni* judgment of August 31, 2001, [FN107] affirmed the existence of an indigenous people's...

19.

19 Eur. J. Int'l L. 655

European Journal of International Law September, 2008 HUMAN DIGNITY AND JUDICIAL INTERPRETATION OF HUMAN RIGHTS Christopher McCrudden [FN1]

...19 EURJIL 655 19 Eur. J. Int'l L. 655 2008 WL 4562163 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law September, 2008 Article HUMAN DIGNITY AND JUDICIAL INTERPRETATION OF HUMAN RIGHTS Christopher McCrudden [FN1] Copyright © 2008 by EJIL; Christopher McCrudden Abstract The Universal Declaration on Human Rights was pivotal in popularizing the use of 'dignity' or ...

...which distinctions are permissible and which are not. [FN243] A conception of dignity can provide that explanation. So too, the Inter-American Court of Human Rights has held that the 'notion of equality springs directly from the oneness of the human family and is linked to ...

...courts have gone further, using dignity to expand the conception of the right to life to meet basic needs. The Inter-American Court of Human Rights, for example, held that the right to life 'includes, not only the right of every human being not to be...

20.

19 Eur. J. Int'l L. 749

European Journal of International Law September, 2008 HUMAN RIGHTS AS INTERNATIONAL CONSTITUTIONAL RIGHTS Stephen Gardbaum [FN1]

...19 EURJIL 749 19 Eur. J. Int'l L. 749 2008 WL 4562167 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law September, 2008 Article HUMAN RIGHTS AS INTERNATIONAL CONSTITUTIONAL RIGHTS Stephen Gardbaum [FN1] Copyright © 2008 by EJIL; Stephen Gardbaum Abstract The Universal Declaration was, of course, the first of the three global international human rights ...



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Corte Interamericana de Derechos Humanos

...strong sense as a condition of membership, remains limited to the ECtHR. With respect to its contentious case load, the Inter-American Court of Human Rights has compulsory jurisdiction only over those states parties which have chosen to accept it; currently 21 out of 24 countries ...

...Israel L Rev (2007) 72. [FN32] . The recent US Sup. Ct. decision in *Boumediene v. Bush*, judgment of 12 June 2008, not yet reported holding by 5 votes to 4 that, as an exception to the general principle, the Constitution protects...

[21.](#)

25 Ariz. J. Int'l & Comp. L. 379

Arizona Journal of International and Comparative Law Summer, 2008
PANEL #5: THE REFORM OF RULE OF LAW, HUMAN RIGHTS, AND
ECONOMIC DEVELOPMENT

...25 AZJICL 379 25 Ariz. J. Int'l & Comp. L. 379 2008 WL 4055371
ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE L Arizona
Journal of International and Comparative Law Summer, 2008 Panel
PANEL #5: THE REFORM OF RULE OF LAW, HUMAN RIGHTS, AND
ECONOMIC DEVELOPMENT Copyright © 2008 by the Arizona Board of
Regents In spite of the economic growth achieved in the region, the
immense poverty and ...

...There is an analysis of regional legislation regarding justice, human
rights and an analysis of the cases coming from the Inter-
American Court of Human Rights that relate to the subject of judicial
independence. That's why I now pass the floor to Mr. Daniel Funes de ...

...countries follow the recommendations of the Inter-American
Commission of Human Rights, and that they obey the decisions from the
Inter-American Court regarding human rights. It is also important that
lawyer bar associations, business organizations, and union organizations
have come with their own views and...

[22.](#)

9 Chi. J. Int'l L. 79

Chicago Journal of International Law Summer 2008 MAKING THE STATE
DO JUSTICE: TRANSNATIONAL PROSECUTIONS AND INTERNATIONAL
SUPPORT FOR CRIMINAL INVESTIGATIONS IN POST-ARMED CONFLICT
GUATEMALA Naomi Roht-Arriaza [FN1]

...9 CHIJIL 79 9 Chi. J. Int'l L. 79 2008 WL 2554820 CHICAGO JOURNAL
OF INTERNATIONAL LAW Chicago Journal of International Law Summer
2008 Articles Symposium: Post-Conflict Studies and State-Building
MAKING THE STATE DO JUSTICE: TRANSNATIONAL PROSECUTIONS
AND INTERNATIONAL SUPPORT FOR CRIMINAL INVESTIGATIONS IN
POST-ARMED CONFLICT GUATEMALA Naomi Roht-Arriaza [FN1]



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Copyright (c) 2008 Chicago Journal of International Law, University of Chicago Law School; Naomi Roht-Arriaza In November 2006, a local trial court ...

...though, as limited to surrender to international courts like the ICC, the ad hoc international criminal tribunals, or even the Inter-American Court of Human Rights (which has no criminal jurisdiction). In dicta, the GCC finds that the crimes alleged are common crimes connected to political ...

...Guatemalan government's commitment to human rights, [FN70] a particularly sensitive point given the installation of a new government in January **2008** as well as ongoing negotiations for an EU-Central American Association Agreement. [FN71] Above all, human rights and humanitarian lawyers...

23.

7 Chinese J. Int'l L. 429

Chinese Journal of International Law July, 2008 Against Enforced Disappearance: The Political Detainees' Case before the Nepal Supreme Court Kishor Uprety [FNa1]

...7 CHINESEJIL 429 7 Chinese J. Int'l L. 429 2008 WL 2752296 CHINESE JOURNAL OF INTERNATIONAL LAW Chinese Journal of International Law July, 2008 Court and Tribunal Against Enforced Disappearance: The Political Detainees' Case before the Nepal Supreme Court Kishor Uprety [FNa1] Copyright © 2008 by Oxford University Press; Kishor Uprety Abstract Enforced disappearances, for political reasons, are still a common practice in many countries ...

...for the disappearance of her son. [FN50] 37. The Nepalese Supreme Court noted that in the above decisions, both the Inter-American Court of Human Rights and the European Court of Human Rights interpreted the responsibility of the State as established by regional conventions. Reminding that ...

...India, through an interpretation of Article 32 of the Constitution, provided compensation to the victim. - that the decisions by the Inter-American Court of Human Rights in the Velasquez Rodriguez v. Honduras Case, and Trujillo Oroja v. Bolivia Case and the decision by the European Court...

24.

29 Comp. Lab. L. & Pol'y J 383

Comparative Labor Law and Policy Journal Summer 2008 GLOBALIZING U.S. EMPLOYMENT STATUTES THROUGH FOREIGN LAW INFLUENCE: MEXICO'S FOREIGN EMPLOYER PROVISION AND RECRUITED MEXICAN WORKERS Kati L. Griffith [FNd1]

...29 CLLPJ 383 29 Comp. Lab. L. & Pol'y J 383 2008 WL 3281096



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COMPARATIVE LABOR LAW AND POLICY JOURNAL Comparative Labor Law and Policy Journal Summer 2008 GLOBALIZING U.S. EMPLOYMENT STATUTES THROUGH FOREIGN LAW INFLUENCE: MEXICO'S FOREIGN EMPLOYER PROVISION AND RECRUITED MEXICAN WORKERS Kati L. Griffith [FNd1] Copyright (c) 2008 Comparative Labor Law and Policy Journal; Kati L. Griffith I. Introduction It is widely acknowledged that Mexican nationals comprise a ...

...work in the United States (hereinafter referred to as "recruited Mexican workers"). [FN3] For instance, it was reported in January 2008 that "Iowa meatpackers actively recruited workers in Mexico" to have enough workers so that they could ship pork "from Iowa ...

...there is an expanding literature on foreign workers' rights adjudication in international bodies such as the International Labor Organization, [FN8] Inter-American Court of Human Rights, [FN9] and the National Office of Administration of the North American Agreement on Free Trade. [FN10] Some have assessed the...

[25.](#)

35 Fla. St. U. L. Rev. 817

Florida State University Law Review Summer, 2008 DEMOCRATIZING THE MEDIA Emily Berman [FN1]

...35 FLSULR 817 35 Fla. St. U. L. Rev. 817 2008 WL 4858874 FLORIDA STATE UNIVERSITY LAW REVIEW Florida State University Law Review Summer, 2008 Article DEMOCRATIZING THE MEDIA Emily Berman [FN1] Copyright (c) 2008 Florida State University Law Review; Emily Berman I. Introduction The concept of intervention in the internal affairs of a sovereign ...

...Nations Democracy Fund, Situating the UN Democracy Fund in the Global Arena, <http://www.un.org/democracyfund/XSituatingDemocracy.htm> (last visited Aug. 25, 2008) ("[D]emocracy lies at the heart of the UN's normative value system and underpins what the organization does at an operational ...

...Nations Department of Peacekeeping Operations, Cambodia: UNTAC Mandate, http://www.un.org/Depts/dpko/dpko/co_mission/untacmandate.html (last visited Aug. 25, 2008) United Nations Department of Peacekeeping Operations, East Timor: UNMISET Mandate, <http://www.un.org/Depts/dpko/missions/unmiset/mandate.html> (last visited Aug. 25, 2008). [FN8] . E.g., Press Release, United Nations Democracy Fund, Secretary-General Sees Free Press an Essential Feature of Democracy (Apr. 23...

[26.](#)

21 Harv. Hum. Rts. J. 301



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Harvard Human Rights Journal Summer 2008 RECOGNITION OF WOMEN'S RIGHTS BEFORE THE INTER-AMERICAN COURT OF HUMAN RIGHTS Karla I. Quintana Osuna [FN1]

...21 HVHRJ 301 21 Harv. Hum. Rts. J. 301 2008 WL 2878346 HARVARD HUMAN RIGHTS JOURNAL Harvard Human Rights Journal Summer 2008 Recent Developments RECOGNITION OF WOMEN'S RIGHTS BEFORE THE INTER-AMERICAN COURT OF HUMAN RIGHTS Karla I. Quintana Osuna [FN1] Copyright (c) 2008 the President and Fellows of Harvard College; Karla I. Quintana Osuna Introduction [FN1] In 2003, former President of the UN Human Rights Committee and current President of the Inter-American Court of Human Rights, Cecilia Medina Quiroga, analyzed the development of women's human rights in the Inter-American System of Human Rights. [FN2] The ...

...the Inter-American Commission of Human Rights ("the Commission") had addressed several cases regarding women. However, the role of the Inter-American Court of Human Rights ("the Court", "the Inter-American Court" or "the Tribunal") had been "prima facie, extremely modest." [FN3] In November 2006, the ...

...future looks promising. [FN1] . The following note outlines the recent developments of women's rights in the case law of the Inter-American Court of Human Rights. For a more in-depth view of the issues the note contemplates see Patricia Palacios Zuloaga, The Path to Gender Justice in the Inter-American Court of Human Rights, LL.M. Long Paper, Harvard Law School, May 2007. [FN2] . Cecilia Medina Quiroga, Derechos Humanos de la Mujer, ¿Dónde estamos ahora...

[27.](#)

31 Hastings Int'l & Comp. L. Rev. 587

Hastings International and Comparative Law Review Summer 2008 CONSTITUTIONAL CHANGES, TRANSITIONAL JUSTICE, AND LEGITIMACY: THE LIFE AND DEATH OF ARGENTINA'S "AMNESTY" LAWS Jose Sebastian Elias [FN1]

...31 HSTICLR 587 31 Hastings Int'l & Comp. L. Rev. 587 2008 WL 2432985 HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW Hastings International and Comparative Law Review Summer 2008 Article CONSTITUTIONAL CHANGES, TRANSITIONAL JUSTICE, AND LEGITIMACY: THE LIFE AND DEATH OF ARGENTINA'S "AMNESTY" LAWS Jose Sebastian Elias [FN1] Copyright (c) 2008 UC Hastings College of the Law; Jose Sebastian Elias I. Introduction Argentina has a long history of authoritarian government, with ...

...The Supreme Court had continued to uphold the Due Obedience and Full-Stop Laws, even after constitutional reform. [FN170] The Inter-American Court of Human Rights had ruled that self-amnesty laws covering crimes against humanity were against the Inter-American Convention of Human Rights. [FN171] ...



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...1949 Peronist Constitution, later abrogated by the so-called 'Revolucion Libertadora' in 1955. U.S. Dep't of State Background Note: Arg. (2008), < <http://www.state.gov/r/pa/ei/bgn/26516.htm#history>>. [FN3] . Between 1976 and 1983, the historic Constitution was subordinated to the...

[28.](#) **36 Hofstra L. Rev. 1271**

Hofstra Law Review Summer 2008 FAMILIES AT RISK: HOW ERRANT ENFORCEMENT AND RESTRICTIONIST INTEGRATION POLICIES THREATEN THE IMMIGRANT FAMILY IN THE EUROPEAN UNION AND THE UNITED STATES Lori A. Nessel [FNa1]

...36 HOFSTR 1271 36 Hofstra L. Rev. 1271 2008 WL 4842240 HOFSTRA LAW REVIEW Hofstra Law Review Summer 2008 Article Local Dimensions of Immigration: Challenges and Opportunities in Our Changing Communities FAMILIES AT RISK: HOW ERRANT ENFORCEMENT AND RESTRICTIONIST ...

...INTEGRATION POLICIES THREATEN THE IMMIGRANT FAMILY IN THE EUROPEAN UNION AND THE UNITED STATES Lori A. Nessel [FNa1] Copyright (c) 2008 Hofstra Law Review Association; Lori A. Nessel [Y]ou know, being with your family, there is nothing that you can compare ...

...rights-based approach to family unity issues and the treatment of undocumented workers is evidenced by recent litigation before the Inter-American Court on Human Rights. Undocumented immigrants and their family members are increasingly seeking rulings from the Inter-American Court in cases involving United States...

[29.](#) **30 Hous. J. Int'l L. 653**

Houston Journal of International Law Summer 2008 TRANSITIONAL JUSTICE: WHEN JUSTICE STRIKES BACK--CASE STUDIES OF DELAYED JUSTICE IN ARGENTINA AND SOUTH KOREA Sang Wook Daniel Han [FNa1] [FNd1]

...30 HOUJIL 653 30 Hous. J. Int'l L. 653 2008 WL 4405180 HOUSTON JOURNAL OF INTERNATIONAL LAW Houston Journal of International Law Summer 2008 Articles TRANSITIONAL JUSTICE: WHEN JUSTICE STRIKES BACK--CASE STUDIES OF DELAYED JUSTICE IN ARGENTINA AND SOUTH KOREA Sang Wook Daniel Han [FNa1] [FNd1] Copyright (c) 2008 Houston Journal of International Law; Sang Wook Daniel Han I. Argentina: 1983-2006 656 II. South Korea: Settling and Reconstructing ...

...rights, but none of them expressly impose a duty to prosecute the alleged offenders of crimes against humanity. [FN180] The Inter-American Court of Human Rights in the Velasquez Rodriguez Case



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[FN181] held that article 1.1 of the American Convention on Human Rights, requiring states ...

...International Covenant on Civil and Political Rights, Status of Ratification, [http:// www2.ohchr.org/english/bodies/ratification/4.htm](http://www2.ohchr.org/english/bodies/ratification/4.htm) (last visited Mar.28, 2008). [FN20] . Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. GAOR, 39th...

[30.](#)

29 Mich. J. Int'l L. 777

Michigan Journal of International Law Summer **2008** THE VICTIMS OF VICTIM PARTICIPATION IN INTERNATIONAL CRIMINAL PROCEEDINGS Charles P. Trumbull IV [FN1]

...29 MIJIL 777 29 Mich. J. Int'l L. 777 2008 WL 5476104 MICHIGAN JOURNAL OF INTERNATIONAL LAW Michigan Journal of International Law Summer 2008 Article THE VICTIMS OF VICTIM PARTICIPATION IN INTERNATIONAL CRIMINAL PROCEEDINGS Charles P. Trumbull IV [FN1] Copyright (c) 2008 University of Michigan Law School; Charles P. Trumbull IV I. The Rise of Victims' Rights 780 A. The Victim Rights ...

...by individual victims. [FN50] Velásquez-Rodríguez changed this understanding of a State's duty to prosecute. [FN51] In that case, the Inter-American Court of Human Rights (IACHR) interpreted Articles 8.1 (right to fair trial), [FN52] 25 (right to a remedy), [FN53] and 1.1 (obligation ...

...the Rome Statute. [FN124] In its opinion, the Chamber noted that both the European Court of Human Rights and the Inter-American Court of Human Rights have interpreted conventions on the right to judicial process to grant victims certain participatory rights during the investigation of alleged...

[31.](#)

C 28 Pace L. Rev. 865

Pace Law Review Summer 2008 DOCTRINES REGARDING "THE FIGHT AGAINST IMPUNITY" AND "THE VICTIM'S RIGHT FOR THE PERPETRATOR TO BE PUNISHED" Jesús-María Silva Sánchez [FN1]

...28 PACELR 865 28 Pace L. Rev. 865 2008 WL 4886594 PACE LAW REVIEW Pace Law Review Summer 2008 Symposium: Victims and the Criminal Justice System Article DOCTRINES REGARDING "THE FIGHT AGAINST IMPUNITY" AND "THE VICTIM'S RIGHT FOR THE PERPETRATOR TO BE PUNISHED" Jesús-María Silva Sánchez [FN1] Copyright (c) 2008 Pace University School of Law; Jesús-María Silva Sánchez I. Introduction Over the course of the last decade, particularly in ...

...impunity is set out in the Preamble to the Statute of the International Criminal Court, the case law of the Inter-American Court of



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Human Rights, [FN6] judgments issued by constitutional courts, and a large body of doctrinal papers. [FN7] Doctrines against impunity have unfolded within ...

...of the latter) breach international conventions on human rights? [FN30] This is the juncture at which material reasons emerge. The Inter-American Court of Human Rights refers to the "victim's right to justice," which is tied to their right to "the investigation, identification and trial of...

32. **27 Penn St. Int'l L. Rev. 1**

Penn State International Law Review Summer 2008 ON ARMED CONFLICT, HUMAN RIGHTS, AND PRESERVING THE RULE OF LAW IN LATIN AMERICA Luz E. Nagle [FN1]

...27 PENNSILR 1 27 Penn St. Int'l L. Rev. 1 2008 WL 5226430 PENN STATE INTERNATIONAL LAW REVIEW Penn State International Law Review Summer 2008 Article ON ARMED CONFLICT, HUMAN RIGHTS, AND PRESERVING THE RULE OF LAW IN LATIN AMERICA Luz E. Nagle [FN1] Copyright (c) 2008 Dickinson School of Law of the Pennsylvania State University; Luz E. Nagle In a very real sense, the world no ...

...Rule of Law is defined." Melissa Thomas, Rule of Law in Western Thought, [http:// go.worldbank.org/EB3RDGI5L0](http://go.worldbank.org/EB3RDGI5L0) (last visited May 14, 2008). Many associate the rule of law with notions of no ex post facto laws, presumption of innocence, dual jeopardy, or ...

...basis of law. See, e.g., Mark Cooray, The Rule of Law <http://www.users.bigpond.com/smartboard/btof/chap180.htm> (last visited May 14, 2008). Mark Ungar defines the rule of law as "comprising an independent effective judiciary, state accountability to the law, and citizen...

33. **27 Penn St. Int'l L. Rev. 89**

Penn State International Law Review Summer 2008 THE EMERGENCE OF TRANSNATIONAL CONSTITUTIONALISM: ITS FEATURES, CHALLENGES AND SOLUTIONS Jiunn-Rong Yeh [FN1]Wen-Chen Chang [FNaa1]

...27 PENNSILR 89 27 Penn St. Int'l L. Rev. 89 2008 WL 5226432 PENN STATE INTERNATIONAL LAW REVIEW Penn State International Law Review Summer 2008 Article THE EMERGENCE OF TRANSNATIONAL CONSTITUTIONALISM: ITS FEATURES, CHALLENGES AND SOLUTIONS Jiunn-Rong Yeh [FN1] Wen-Chen Chang [FNaa1] Copyright (c) 2008 Dickinson School of Law of the Pennsylvania State University; Jiunn-Rong Yeh; Wen-Chen Chang I. Introduction The world of ...

...resolves disputes and perhaps even supervises from within. For instance, there is an Eur.Ct.H.R. in the Council of Europe; an Inter-



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American Court of Human Rights in Organization of American States; a Dispute Settlement Body in the WTO; and judicial committees in numerous international human rights ...

...Lisbon is January 1, 2009. See EUROPA--Treaty of Lisbon, http://europa.eu/lisbon_treaty/index_en.htm (last visited Jul. 28, 2008) (providing updates of this process). [FN3] . See Wen-Chen Chang, Constructing Federalism: The EU and US Models in Comparison, 35...

34. **43 Tex. Int'l L.J. 453**

Texas International Law Journal Summer 2008 QUESTIONING CIVILIAN IMMUNITY
Aaron Xavier Fellmeth [FNa1]

...43 TXILJ 453 43 Tex. Int'l L.J. 453 2008 WL 2817143 TEXAS INTERNATIONAL LAW JOURNAL Texas International Law Journal Summer 2008 Article QUESTIONING CIVILIAN IMMUNITY Aaron Xavier Fellmeth [FNa1] Copyright (c) 2008 Texas International Law Journal; Aaron Xavier Fellmeth The soldier, be he friend or foe, is charged with the protection of ...

...the incitement of sexual violence, under the heading of crimes against humanity. [FN124] Similar decisions have been reached by the Inter-American Court on Human Rights and the European Court of Human Rights. [FN125] The Statute of the Special Court for Sierra Leone establishes jurisdiction over ...

...2006; Lawrence K. Altman & Richard A. Opper, W.H.O. Says Iraq Civilian Death Toll Higher Than Cited, N.Y. Times, Jan. 10, 2008, at A14; Richard Norton-Taylor, Civilians Main Cluster Bomb Victims, Guardian, Nov. 3, 2006; Milton Leitenberg, Deaths in Wars and...

35. **C 40 Tex. Tech L. Rev. 987**

Texas Tech Law Review Summer, 2008 EMPLOYMENT LAW REMEDIES FOR ILLEGAL IMMIGRANTS Jarod S. Gonzalez [FNa1]

...40 TXTLR 987 40 Tex. Tech L. Rev. 987 2008 WL 4150034 TEXAS TECH LAW REVIEW Texas Tech Law Review Summer, 2008 Articles EMPLOYMENT LAW REMEDIES FOR ILLEGAL IMMIGRANTS Jarod S. Gonzalez [FNa1] Copyright (c) 2008 School of Law, Texas Tech University; Jarod S. Gonzalez I. Introduction Illegal immigration is one of the prominent issues in the 2008 presidential and congressional elections. [FN1] A sizable number of American citizens are justifiably upset at the number of immigrants who ...

...as revised by a Senate amendment, estimated that approximately 3.9 million illegal immigrant workers would gain legal status from 2008 to 2017. See id. The CBO also estimated that the bill's increased border and immigration enforcement measures would reduce illegal ...



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...on Laws Enforced by the Wage and Hour Division, <http://www.dol.gov/esa/regs/compliance/whd/whdfs48.pdf> (last visited June 4, 2008). [FN24] . See id. [FN25] . See id. [FN26] . See id. (quoting Hoffman, 535 U.S. at 149). [FN27] . See id. [FN28] . See...

36. **26 Wis. Int'l L.J. 403**

Wisconsin International Law Journal Summer **2008** INTERNET GOVERNANCE AND THE RESPONSIBILITY OF INTERNET SERVICE PROVIDERS Anne Cheung [FN1] Rolf H. Weber [FNaa1]

...26 WIILJ 403 26 Wis. Int'l L.J. 403 **2008** WL 4324481 WISCONSIN INTERNATIONAL LAW JOURNAL Wisconsin International Law Journal Summer 2008 Articles INTERNET GOVERNANCE AND THE RESPONSIBILITY OF INTERNET SERVICE PROVIDERS Anne Cheung [FN1] Rolf H. Weber [FNaa1] Copyright (c) 2008 Regents of the University of Wisconsin; Anne Cheung; Rolf H. Weber I. INTRODUCTION [FN1] Once upon a time, the Internet ...

...United States. [FN86] This habit of relying on ISP for law enforcement matters has also been acquired by Canada. In 2008, the Canadian Federal Court of Appeal has upheld a lower court decision in ordering eBay Canada Ltd. to produce the ...

...actors regarding the right to freedom of expression, however, without expressly addressing this issue. b. The Inter-American Commission and Inter-American Court on Human Rights The former regulation of procedures before the ECHR-organs has also had a significant influence on the Inter-American human...

37. **19 Eur. J. Int'l L. 491**

European Journal of International Law June, 2008 HUMAN RIGHTS AND THE MAGIC OF JUS COGENS Andrea Bianchi [FN1]

...19 EURJIL 491 19 Eur. J. Int'l L. 491 2008 WL 2809113 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law June, 2008 Article HUMAN RIGHTS AND THE MAGIC OF JUS COGENS Andrea Bianchi [FN1] Copyright © 2008 by EJIL; Andrea Bianchi Abstract There is an almost intrinsic relationship between jus cogens and human rights. Peremptory human rights ...

...of its most fervent supporters to see it everywhere. To illustrate this risk, reference could aptly be made to the Inter-American Court of Human Rights' Advisory Opinion on the juridical condition and rights of undocumented migrants. [FN78] The opinion, issued at the request of Mexico ...

...Balances. Why the Calling Sirens of Constitutionalism Should be



Resisted' , in A. Bianchi and A. Keller (eds), Counterterrorism: Democracy's Challenge (2008, forthcoming). [FN29] . See Bianchi, 'Assessing the Effectiveness of the UN Security Council's Anti-terrorism Measures: The Quest for Legitimacy and...

38.

19 Eur. J. Int'l L. 509

European Journal of International Law June, 2008 ATTRIBUTION OF CONDUCT IN PEACE OPERATIONS: THE 'ULTIMATE AUTHORITY AND CONTROL' TEST Kjetil Mujezinovi Larsen [FN1]

...19 EURJIL 509 19 Eur. J. Int'l L. 509 2008 WL 2809114 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law June, 2008 Article ATTRIBUTION OF CONDUCT IN PEACE OPERATIONS: THE 'ULTIMATE AUTHORITY AND CONTROL' TEST Kjetil Mujezinovi Larsen [FN1] Copyright © 2008 by EJIL; Kjetil Mujezinovi Larsen Abstract The article addresses the issue of whether conduct in international peace operations is attributable ...

...the Court's case law, [FN47] as well as in the practice of other international human rights tribunals. For instance, the Inter-American Court of Human Rights stated that the 'sole requirement is to demonstrate that the State authorities supported or tolerated infringement of the rights recognized ...

...considered by the International Law Commission. For reference see: http://untreaty.un.org/ilc/summaries/9_11.htm (last visited on 20 Feb. 2008). Arts 1-3 with commentaries were provisionally adopted by the Commission during its 55th session in 2003: see Official Records...

39.

C 76 Geo. Wash. L. Rev. 1017

George Washington Law Review June, 2008 THE RIGHT OF REPLY AND FREEDOM OF THE PRESS: AN INTERNATIONAL AND COMPARATIVE PERSPECTIVE Kyu Ho Youm [FN1]

...76 GWLR 1017 76 Geo. Wash. L. Rev. 1017 2008 WL 3989555 GEORGE WASHINGTON LAW REVIEW George Washington Law Review June, 2008 Access to the Media--1967 to 2007 and Beyond: A Symposium Honoring Jerome A. Barron's Path-Breaking Article Rights of ...

...THE RIGHT OF REPLY AND FREEDOM OF THE PRESS: AN INTERNATIONAL AND COMPARATIVE PERSPECTIVE Kyu Ho Youm [FN1] Copyright (c) 2008 George Washington Law Review; Kyu Ho Youm In rejecting the right of reply [FN1] as incompatible with the First Amendment ...

...The correction or reply shall not in any case remit other legal liabilities that may have been incurred. [FN49] The Inter-American Court of



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Human Rights, in an advisory opinion, held that the right to reply and make a correction is an enforceable right under the...

[40.](#) **C** **121 Harv. L. Rev. 2110**

Harvard Law Review June, 2008 THE ALIEN TORT STATUTE, FORUM SHOPPING, AND THE EXHAUSTION OF LOCAL REMEDIES NORM

...121 HVLR 2110 121 Harv. L. Rev. 2110 2008 WL 2489658 HARVARD LAW REVIEW Harvard Law Review June, 2008 Notes THE ALIEN TORT STATUTE, FORUM SHOPPING, AND THE EXHAUSTION OF LOCAL REMEDIES NORM Copyright (c) 2008 Harvard Law Review Association I. Introduction In *Sosa v. Alvarez-Machain*, [FN1] the Supreme Court answered a number of questions ...

...states have not universally subjected themselves to scrutiny under this system, participation is high. For example, as of March 5, 2008, 111 countries had authorized the United Nations Human Rights Committee to receive individual communications alleging abuse. See Office of the ...

...Protocol to the International Covenant on Civil and Political Rights, [http:// www2.ohchr.org/english/bodies/ratification/5.htm](http://www2.ohchr.org/english/bodies/ratification/5.htm) (last visited May 12, 2008); see also Optional Protocol to the International Covenant on Civil and Political Rights art. 1, opened for signature Dec. 19...

[41.](#) **C** **83 N.Y.U. L. Rev. 693**

New York University Law Review June, 2008 RETHINKING "EFFECTIVE REMEDIES": REMEDIAL DETERRENCE IN INTERNATIONAL COURTS Sonja B. Starr [FN1]

...83 NYULR 693 83 N.Y.U. L. Rev. 693 2008 WL 2412150 NEW YORK UNIVERSITY LAW REVIEW New York University Law Review June, 2008 Article RETHINKING "EFFECTIVE REMEDIES": REMEDIAL DETERRENCE IN INTERNATIONAL COURTS Sonja B. Starr [FN1] Copyright (c) 2008 New York University Law Review; Sonja B. Starr One of the bedrock principles of contemporary international law is that victims ...

...authorize or require international judicial remedies. For instance, Article 63(1) of the American Convention on Human Rights requires the Inter-American Court of Human Rights to order, "if appropriate, that the consequences of [any Convention violation] be remedied and that fair compensation be paid." [FN20 ...

...to repeat. [FN102] Moreover, the ICTs are temporary institutions, currently required by U.N. Security Council resolutions to finish trials by 2008 and appeals by 2010, [FN103] although proceedings may in fact take a year or two longer. [FN104] Because proceedings typically...



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[42.](#) **39 Vict. U. Wellington L. Rev. 119**

Victoria University of Wellington Law Review June, 2008 Robin Cooke, Human Rights and the Pacific Dimension Hon Justice Michael Kirby AC CMG [FNa1]

...39 VUWLR 119 39 Vict. U. Wellington L. Rev. 119 2008 WL 3876445 VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW Victoria University of Wellington Law Review June, 2008 Robin Cooke, Human Rights and the Pacific Dimension Hon Justice Michael Kirby AC CMG [FNa1] Copyright © 2008 by Victoria University of Wellington Law Review; Hon Justice Michael Kirby AC CMG Lord Cooke's life as lawyer and judge ...

...great turning point in the development of the law of New Zealand. [FN67] It is not entirely unconnected that, in 2008, the United Kingdom will inaugurate its own Supreme Court, divorced from the House of Lords, installed in a new building ...

...in the East. Arguably, this is the most influential court in the world today. In the Americas, there is the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. In Africa, there is the African Court on Human and Peoples' Rights...

[43.](#) **29 Cardozo L. Rev. 2461**

Cardozo Law Review May, 2008 DEFINING ARMED CONFLICT Natasha Balendra [FNa1]

...29 CDZLR 2461 29 Cardozo L. Rev. 2461 2008 WL 2808907 CARDOZO LAW REVIEW Cardozo Law Review May, 2008 Articles DEFINING ARMED CONFLICT Natasha Balendra [FNa1] Copyright (c) 2008 Yeshiva University; Natasha Balendra Contents Introduction 2462 I. The Definition of Armed Conflict in International Law 2468 A. The Geneva ...

...procedural impediments to human rights bodies applying IHL as the lex specialis. In the Las Palmeras case, for instance, the Inter-American Court of Human Rights stated that it only had competence to determine whether the acts in question were compatible with the American Convention and...

[44.](#) **C 92 Minn. L. Rev. 1424**

Minnesota Law Review May, 2008 REMEDIES FOR UNDOCUMENTED NONCITIZENS IN THE WORKPLACE: USING INTERNATIONAL LAW TO NARROW THE HOLDING OF HOFFMAN PLASTIC COMPOUNDS, INC. V. NLRB David Weissbrodt [FNd1]

...92 MNLR 1424 92 Minn. L. Rev. 1424 2008 WL 2515862 MINNESOTA



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LAW REVIEW Minnesota Law Review May, 2008 Symposium the Low-Wage Worker: Legal Rights--Legal Realities Article REMEDIES FOR UNDOCUMENTED NONCITIZENS IN THE WORKPLACE: USING INTERNATIONAL LAW TO NARROW THE HOLDING OF HOFFMAN PLASTIC COMPOUNDS, INC. V. NLRB David Weissbrodt [FNd1] Copyright (c) 2008 Minnesota Law Review Foundation; David Weissbrodt In Hoffman Plastic Compounds, Inc. v. NLRB, the U.S. Supreme Court denied the National ...

...able to recover back pay under the NLRA because he was a noncitizen and not entitled to employment. [FN2] The Inter-American Court of Human Rights and the International Labor Organization (ILO) Freedom of Association Committee have rejected the Hoffman decision and criticized the United States for its discrimination against noncitizens. [FN3] The Inter-American Court of Human Rights and the ILO Committee held that, while a noncitizen may not have the right to enter the United States or ...

...decision in Hoffman inapplicable to Title VII employment cases and would sufficiently narrow the Hoffman decision to comply with the Inter-American Court of Human Rights and the ILO decisions. I. THE HOFFMAN DECISION AND THE RESPONSES OF U.S. AND INTERNATIONAL COURTS The Court in Hoffman...

[45.](#) **31 B.C. Int'l & Comp. L. Rev. 213**

Boston College International and Comparative Law Review Spring, 2008 THE EVOLUTION OF INTERNATIONAL LAW Milena Sterio [FNa1]

...31 BCICLR 213 31 B.C. Int'l & Comp. L. Rev. 213 2008 WL 2508898 BOSTON COLLEGE INTERNATIONAL AND COMPARATIVE LAW R Boston College International and Comparative Law Review Spring, 2008 Article THE EVOLUTION OF INTERNATIONAL LAW Milena Sterio [FNa1] Copyright © 2008 by Boston College Law School; Milena Sterio Abstract: Globalization, characterized by the inter-connectivity of persons, states, and non-state ...

...Effective International Legal Framework in a New Era of Health and Development Aid 31 B.C INT'L & COMP. L. REV 371 (2008) (evaluating status of NGOs in international law). Some, however, view NGOs more as interest groups focused on particular issues than ...

...STORIES 77, 82 (John E. Noyes et al. eds., 2007) (stating that individuals can bring complaints against state parties in Inter-American Court of Human Rights); Sands, supra note 1, at 546-47 (describing how individuals can bring claims against state parties in European Court of...)

[46.](#) **18 Duke J. Comp. & Int'l L. 477**



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Duke Journal of Comparative and International Law Spring 2008
SUPRANATIONAL RULINGS AS JUDGMENTS AND PRECEDENTS Ernest A.
Young [FN1]

...18 DUKEJCIL 477 18 Duke J. Comp. & Int'l L. 477 2008 WL 4843641
DUKE JOURNAL OF COMPARATIVE AND INTERNATIONAL LAW Duke
Journal of Comparative and International Law Spring 2008 Symposium:
Public and Private Law in the Global Adjudication System Article
SUPRANATIONAL RULINGS AS JUDGMENTS AND PRECEDENTS Ernest A.
Young [FN1] Copyright (c) 2008 Duke Journal of Comparative and
International Law; Ernest A. Young Why do domestic courts routinely
enforce arbitral awards rendered by ...

...Journal of Comparative & International Law's symposium on "Public
and Private Law in the Global Adjudicative System," held on Feb. 15,
2008. I am grateful to the Journal for the opportunity to participate, to
John Gotanda, Ralf Michaels, and my co-panelists ...

...E. Carbonneau, Commercial Peace and Political Competition in the
Crosshairs of International Arbitration, 18 Duke J. Comp. & Int'l L. 311
(2008) (asserting that arbitration is supplanting traditional litigation),
with Christopher A. Whytock, Litigation, Arbitration, and the
Transnational Shadow of the Law, 18 Duke J. Comp. & Int'l L. 449
(2008) (questioning the actual dominance of arbitration). [FN4] .
Merriam-Webster Online, [http://www.merriam-
webster.com/dictionary/public%20-law](http://www.merriam-webster.com/dictionary/public%20-law) (last visited Feb. 22, **2008**); see
also Black's Law Dictionary 1230 (6th ed. 1990) (defining "public law" as
"[a] general classification of law, consisting generally...

47. **19 Eur. J. Int'l L. 301**

European Journal of International Law April, 2008 THE LEGAL
REASONING OF ICSID TRIBUNALS -- AN EMPIRICAL ANALYSIS Ole
Kristian Fauchald [FN1]

...19 EURJIL 301 19 Eur. J. Int'l L. 301 2008 WL 2273155 EUROPEAN
JOURNAL OF INTERNATIONAL LAW European Journal of International
Law April, 2008 Symposium: International Economic Law THE LEGAL
REASONING OF ICSID TRIBUNALS -- AN EMPIRICAL ANALYSIS Ole
Kristian Fauchald [FN1] Copyright © 2008 by EJIL; Ole Kristian
Fauchald Abstract This empirical analysis of the use of interpretive
arguments by ad hoc tribunals of ...

...para. 15. [FN221] . There were five decisions referring to the
European Court of Human Rights and two referring to the Inter-
American Court of Human Rights: see *Mondev v. US*, at paras 69, 138,
and 143-144, *Loewen v. US* (award), at para. 165, *Técnicas v...*

48. **22 Geo. Immigr. L.J. 429**



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Georgetown Immigration Law Journal Spring, 2008 OUT OF THE SHADOWS: MIGRANT WOMEN'S REPRODUCTIVE RIGHTS UNDER INTERNATIONAL HUMAN RIGHTS LAW Aliya Haider [FNa1]

...22 GEOILJ 429 22 Geo. Immigr. L.J. 429 2008 WL 4584811 GEORGETOWN IMMIGRATION LAW JOURNAL Georgetown Immigration Law Journal Spring, 2008 Article OUT OF THE SHADOWS: MIGRANT WOMEN'S REPRODUCTIVE RIGHTS UNDER INTERNATIONAL HUMAN RIGHTS LAW Aliya Haider [FNa1] Copyright © 2008 by The Georgetown Immigration Law Journal; Aliya Haider ABSTRACT 430 I. INTRODUCTION 430 II. THE GENDERED FACE OF MIGRATION 432 ...

...parties, the state obligations apply to all persons. Commenting on the principle of non-discrimination as applied to migrants, the Inter-American Court of Human Rights recently stated that: "[T]he principle of equality before the law, equal protection before the law and non-discrimination belongs to ...

...is a Vice President and Assistant General Counsel in the Legal Department at JPMorgan Chase & Co., also in New York. © 2008. Aliya Haider. [FN1] See THE CENTER FOR REPRODUCTIVE RIGHTS, BRIEFING PAPER, DISPLACED & DISREGARDED: REFUGEES & THEIR REPRODUCTIVE RIGHTS , (Oct. 2001), www.reproductiverights.org...

[49.](#)

38 Golden Gate U. L. Rev. 461

Golden Gate University Law Review Spring 2008 REQUIRING EXHAUSTION: AN INTERNATIONAL LAW PERSPECTIVE OF THE ALIEN TORT CLAIMS ACT IN SAREI V. RIO TINTO Steffanie Bevington [FNa1]

...38 GGULR 461 38 Golden Gate U. L. Rev. 461 2008 WL 3976617 GOLDEN GATE UNIVERSITY LAW REVIEW Golden Gate University Law Review Spring 2008 Ninth Circuit Survey Notes REQUIRING EXHAUSTION: AN INTERNATIONAL LAW PERSPECTIVE OF THE ALIEN TORT CLAIMS ACT IN SAREI V. RIO TINTO Steffanie Bevington [FNa1] Copyright (c) 2008 Golden Gate University; Steffanie Bevington Introduction Surrounded by dense rain forest and tropical stillness lies one of the world's largest ...

...of specific domestic remedies that should have been utilized. [FN69] In discussing the rule in The Velásquez Rodríguez Case, the Inter-American Court of Human Rights stated: [W]hen it is shown that remedies are denied for trivial reasons or without an examination of the merits, or ...

...U.S. citizens. See *Kadic v. Karadzic*, 70 F.3d 232, 241 (2d Cir. 1995) [FN20] 28 U.S.C.A. § 1350 (Westlaw 2008). [FN21] . See Chittharanjan Felix Amerasinghe, *Local Remedies in International Law* 22 (Cambridge Univ. Press 2d ed. 2004) (stating that the...



[50.](#) **C** **98 J. Crim. L. & Criminology 811**

Journal of Criminal Law and Criminology Spring 2008 PRETRIAL AND PREVENTIVE DETENTION OF SUSPECTED TERRORISTS: OPTIONS AND CONSTRAINTS UNDER INTERNATIONAL LAW Douglass Cassel [FN1]

...98 JCRLC 811 98 J. Crim. L. & Criminology 811 2008 WL 4916698 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY Journal of Criminal Law and Criminology Spring 2008 Criminal Law PRETRIAL AND PREVENTIVE DETENTION OF SUSPECTED TERRORISTS: OPTIONS AND CONSTRAINTS UNDER INTERNATIONAL LAW Douglass Cassel [FN1] Copyright (c) 2008 Northwestern University, School of Law; Douglass Cassel This article analyzes the grounds, procedures and conditions required by International Human Rights ...

...however, Congress purported to deny them habeas corpus, offering instead an alternative statutory mechanism for limited judicial review. [FN18] In 2008 the Supreme Court ruled that foreign citizens detained as enemy combatants at Guantanamo are constitutionally guaranteed the privilege of habeas ...

...administrative review, to the United States Court of Appeals for the District of Columbia Circuit. [FN20] As of mid-July 2008 some 265 prisoners were still detained at Guantanamo. [FN21] Military Detention of U.S. Citizens. The military also attempted to detain...

[51.](#) **14 L. & Bus. Rev. Am. 397**

Law and Business Review of the Americas Spring 2008 THE GUATEMALAN FEMICIDE: AN EPIDEMIC OF IMPUNITY Natalie Jo Velasco [FN1]

...14 LBUSRAM 397 14 L. & Bus. Rev. Am. 397 2008 WL 2359741 LAW AND BUSINESS REVIEW OF THE AMERICAS Law and Business Review of the Americas Spring 2008 Comments and Casenote THE GUATEMALAN FEMICIDE: AN EPIDEMIC OF IMPUNITY Natalie Jo Velasco [FN1] Copyright (c) 2008 SMU Dedman School of Law; Natalie Jo Velasco SEVENTEEN-year-old Andrea Bacaro was found dead in Guatemala City on ...

...social condition. [FN209] In the Velasquez Rodriguez case in Honduras where the identities of those responsible were not known, the Inter-American Court of Human Rights emphasized the concept of "due diligence" to describe the degree of effort a State must make in order to comply ...

...its international obligations. [FN218] 2. Due Diligence in Fighting Violence Against Women The idea of due diligence outlined by the Inter-American Court of Human Rights in the Honduras case has also been adopted by the international community with the specific intention of



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combating violence against...

[52.](#) **40 N.Y.U. J. Int'l L. & Pol. 893**

New York University Journal of International Law and Politics Spring 2008 BOOK ANNOTATIONS

...40 NYUJILP 893 40 N.Y.U. J. Int'l L. & Pol. 893 2008 WL 2412148 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW A New York University Journal of International Law and Politics Spring 2008 BOOK ANNOTATIONS Copyright (c) 2008 New York University Journal of International Law and Politics Bernstein, Jeremy, Nuclear Weapons: What You Need to Know (Cambridge University Press 2008). Coleman, Katharina P., International Organisations and Peace Enforcement: The Politics of International Legitimacy (Cambridge University Press 2007). Farkas, Richard P ...

...University Press 2007). Nuclear Weapons: What You Need to Know. by Jeremy Bernstein. New York, New York: Cambridge University Press, 2008. Pp. 312. \$27.00 (Hardcover). Reviewed By Matt Haar There are very few physics books that can be described as ...

...the International Criminal Court (ICC); the Special Court for Sierra Leone (SCSL); the European Court of Human Rights (ECHR); the Inter-American Court of Human Rights (IACHR); the World Trade Organization dispute settlement system, and in particular the Appellate Body (WTO AB); the Court of Justice...

[53.](#) **C 20 St. Thomas L. Rev. 604**

Saint Thomas Law Review Spring 2008 RELIGIOUS REPARATIONS FROM THE TRANS-ATLANTIC SLAVE TRADE: FORMING DEMONS, CULTS, AND ZOMBIES TO JUSTIFY BLACK ENSLAVEMENT Danielle Boaz [FNa1]

...20 STTLR 604 20 St. Thomas L. Rev. 604 2008 WL 5064840 SAINT THOMAS LAW REVIEW Saint Thomas Law Review Spring 2008 Symposium Issue: Twelfth Annual Latcrit Conference Critical Localities, Epistemic Communities, Rooted Cosmopolitans, New Hegemonies & Knowledge Processes Featured Contributors RELIGIOUS REPARATIONS ...

...FROM THE TRANS-ATLANTIC SLAVE TRADE: FORMING DEMONS, CULTS, AND ZOMBIES TO JUSTIFY BLACK ENSLAVEMENT Danielle Boaz [FNa1] Copyright (c) 2008 St. Thomas Law Review; Danielle Boaz I. Introduction 605 II. The Historical Source of the Problem 606 A. Christianity as ...

...to other courts that have yet to establish their own body of case-law on this topic such as the Inter-American Court of Human Rights. However, I believe that the European Court of Human Right's decisions



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represent a place where the Americas must not venture...

54. **9 San Diego Int'l L.J. 329**

San Diego International Law Journal Spring 2008 VICTIMS AND PROMISE OF REMEDIES: INTERNATIONAL LAW FAIRYTALE GONE BAD Sanja Djajic [FNa1]

...9 SANDILJ 329 9 San Diego Int'l L.J. 329 2008 WL 2791914 SAN DIEGO INTERNATIONAL LAW JOURNAL San Diego International Law Journal Spring 2008 Articles VICTIMS AND PROMISE OF REMEDIES: INTERNATIONAL LAW FAIRYTALE GONE BAD Sanja Djajic [FNa1] Copyright (c) 2008 San Diego International Law Journal; Sanja Djajic Table of Contents I. Introduction 330 II. Remedies in International Law 330 A ...

...under the Consular Convention or rulings containing international remedies [FN103] ordered by international bodies, such as the ICJ [FN104] and Inter-American Court of Human Rights. [FN105] Both state and federal U.S. courts have routinely denied enforcement of international remedies or granted national remedies for the ...

...on Compensation for Victims of War 31 (2004), available at <http://www.ila-hq.org/pdf/CompensationforVictimsofWar/BackgroundreportAugust2004.pdf> (last visited Feb. 9, 2008) (footnote omitted); see also Int'l Law Assoc. Comm. on Comp. for Victims of War, Compensation for Victims of War, 72...

55. **8 Sustainable Dev. L. & Pol'y 46**

Sustainable Development Law & Policy Spring, 2008 THE FORGOTTEN NORTH: PEOPLES AND LANDS IN PERIL Ursula Kazarian [FNa1]

...8 SUSDL 46 8 Sustainable Dev. L. & Pol'y 46 2008 WL 3910716 SUSTAINABLE DEVELOPMENT LAW AND POLICY Sustainable Development Law & Policy Spring, 2008 Environmental Change in Polar Regions THE FORGOTTEN NORTH: PEOPLES AND LANDS IN PERIL Ursula Kazarian [FNa1] Copyright © 2008 by Sustainable Development Law & Policy; Ursula Kazarian INTRODUCTION Arctic indigenous peoples are extremely susceptible to the immediate impacts of climate ...

...uncertainty as to how the rights of Russia's indigenous groups will be respected in the future. Another example is the Inter-American Court of Human Rights ("IACHR"). Unlike the European human rights system, an individual cannot bring a claim directly into the system; he or she ...

...Cambridge Univ. Press 2005), available at http://www.acia.uaf.edu/PDFs/ACIA_Science_Chapters_Final/ACIA_Ch03_Final.pdf (last visited Apr. 21, 2008). [FN2] INTERGOVERNMENTAL PANEL



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[56.](#) **C** **35 Syracuse J. Int'l. L. & Com. 341**

Syracuse Journal of International Law and Commerce Spring 2008 FOLLOWING DESKAHEH'S LEGACY: RECLAIMING THE CAYUGA INDIAN NATION'S LAND RIGHTS AT THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS Carrie E. Garrow [FNa1]

...35 SYRJILC 341 35 Syracuse J. Int'l. L. & Com. 341 2008 WL 3275663 SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE Syracuse Journal of International Law and Commerce Spring 2008 Symposium: 21st Century International, Foreign and Comparative Law Research Issues Article FOLLOWING DESKAHEH'S LEGACY: RECLAIMING THE CAYUGA INDIAN NATION'S LAND RIGHTS AT THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS Carrie E. Garrow [FNa1] Copyright (c) 2008 Syracuse Journal of International Law and Commerce; Carrie E. Garrow Introduction Deskaheh, Chief of the Younger Bear Clan of the ...

...including the International Labour Organization on Indigenous and Tribal Peoples, Convention No. 169 of 1989; the case law from the Inter-American Court on Human Rights and the Inter-American Commission on Human Rights; and now the newly adopted U.N. Declaration on the Rights of Indigenous ...

...before the Commission must be lodged against a member state of the OAS, such as the United States. [FN56] The Inter-American Court of Human Rights is the autonomous judicial institution of the OAS, "whose purpose is the application and interpretation of the American Convention on...

[57.](#) **C** **43 Tex. Int'l L.J. 185**

Texas International Law Journal Spring 2008 THE SOLITUDE OF LATIN AMERICA: THE STRUGGLE FOR RIGHTS SOUTH OF THE BORDER Angel R. Oquendo [FNa1]

...43 TXILJ 185 43 Tex. Int'l L.J. 185 2008 WL 2690743 TEXAS INTERNATIONAL LAW JOURNAL Texas International Law Journal Spring 2008 Article THE SOLITUDE OF LATIN AMERICA: THE STRUGGLE FOR RIGHTS SOUTH OF THE BORDER Angel R. Oquendo [FNa1] Copyright (c) 2008 Texas International Law Journal; Angel R. Oquendo Una nueva y arrasadora utopía de la vida, donde nadie pueda decidir por ...

...of the sponsoring Organization of American States. Moreover, all signatory Latin American nations have accepted the compulsory jurisdiction of the Inter-American Court of Human Rights. In contrast, the United States has neither ratified the treaty nor recognized the



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tribunal's binding authority. The American Convention is ...

...operate not merely as international law, but also as part of the domestic legal order. By the same token, the Inter-American Court of Human Rights, somewhat like its European counterpart, is gradually becoming a supranational constitutional tribunal. It has taken an increasingly progressive, [FN267] as...

[58.](#) **43 Tex. Int'l L.J. 243**

Texas International Law Journal Spring 2008 UPHOLDING HUMAN RIGHTS IN THE HEMISPHERE: CASTING DOWN IMPUNITY THROUGH THE INTER-AMERICAN COURT OF HUMAN RIGHTS Morse H. Tan [FNa1]

...43 TXILJ 243 43 Tex. Int'l L.J. 243 2008 WL 2690744 TEXAS INTERNATIONAL LAW JOURNAL Texas International Law Journal Spring 2008 Article UPHOLDING HUMAN RIGHTS IN THE HEMISPHERE: CASTING DOWN IMPUNITY THROUGH THE INTER-AMERICAN COURT OF HUMAN RIGHTS Morse H. Tan [FNa1] Copyright (c) 2008 Texas International Law Journal; Morse H. Tan Abstract This article further fills the lacuna in the scholarly literature regarding compliance theory and the Inter-American Court of Human Rights. It builds upon a previous publication by this same author titled "Member State Compliance with the Judgments of the Inter-American Court of Human Rights." Like its predecessor, this Article explores various prominent theoretical models including the managerial model, fairness and legitimacy, transnational legal process ...

...judgments rather than representing an ineluctable, theoretical conflict. This new hybrid model has been developed in the context of the Inter-American Court of Human Rights' early jurisprudence on the merits: the hybrid model finds application in the Court's first decisions in contentious cases, which constitute ...

...Torture, improper incarceration, forced disappearances, and brutal murders: these are the kinds of crimes and human rights violations that the Inter-American Court of Human Rights (hereinafter the "IACHR" and the "Court") combats in the Western Hemisphere. [FN1] As the highest institution in the Inter-American...

[59.](#) **16 Tul. J. Int'l & Comp. L. 419**

Tulane Journal of International and Comparative Law Spring 2008 CHANGES IN MODERN MILITARY CODES AND THE ROLE OF THE MILITARY COMMANDER: WHAT SHOULD THE UNITED STATES LEARN FROM THIS REVOLUTION? Victor Hansen [FNa1]

...16 TLNJICL 419 16 Tul. J. Int'l & Comp. L. 419 2008 WL 1934508 TULANE JOURNAL OF INTERNATIONAL AND COMPARATIVE LA Tulane Journal of International and Comparative Law Spring 2008 Article



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CHANGES IN MODERN MILITARY CODES AND THE ROLE OF THE MILITARY COMMANDER: WHAT SHOULD THE UNITED STATES LEARN FROM THIS REVOLUTION? Victor Hansen [FNa1] Copyright (c) 2008 Tulane Journal of International and Comparative Law; Victor Hansen I. Introduction 419 II. Goals of the System and the Role ...

...highly unlikely that the American Convention would be a significant catalyst for changes to the UCMJ. Though OAS created an Inter-American Court of Human Rights to enforce provisions of the American Convention, the United States has not recognized the jurisdiction of this court. [FN267] In ...

...and other international tribunals, [FN268] it is highly unlikely that the United States would ever recognize the jurisdiction of the Inter-American Court of Human Rights to decide domestic military justice matters. VI. Collateral Consequences of Change Among the various calls for reform to the U.S...

[60.](#) **C** **42 U.S.F. L. Rev. 1045**

University of San Francisco Law Review Spring 2008 THE THIRTEENTH AMENDMENT AND ACCESS TO EDUCATION FOR CHILDREN OF UNDOCUMENTED WORKERS: A NEW LOOK AT PLYLER V. DOE Maria L. Ontiveros [FNa1] Joshua R. Drexler [FNaa1]

...42 USFLR 1045 42 U.S.F. L. Rev. 1045 2008 WL 3920411 UNIVERSITY OF SAN FRANCISCO LAW REVIEW University of San Francisco Law Review Spring 2008 Articles THE THIRTEENTH AMENDMENT AND ACCESS TO EDUCATION FOR CHILDREN OF UNDOCUMENTED WORKERS: A NEW LOOK AT PLYLER V. DOE Maria L. Ontiveros [FNa1] Joshua R. Drexler [FNaa1] Copyright (c) 2008 University of San Francisco School of Law; Maria L. Ontiveros; Joshua R. Drexler IN THE LATE SUMMER OF 2007, public ...

...reports surfaced the following year in Austin, [FN85] as well as in Santa Fe, New Mexico. [FN86] Recent evidence from 2008 suggests that ICE could be stepping up its antagonism of the undocumented population. [FN87] In California, an exemplary student and ...

...children to prevail, the plenary powers doctrine must be overturned. [FN92] Plyler v. Doe, 457 U.S. 202 (1982) Re-imagined (2008) The question presented by these cases is whether, consistent with the Thirteenth Amendment, Texas may deny to undocumented school-age...

[61.](#) **C** **57 Duke L.J. 891**

Duke Law Journal February, 2008 THE INTERNATIONALIZATION OF PUBLIC INTEREST LAW Scott L. Cummings [FNd1]

...57 DUKELJ 891 57 Duke L.J. 891 2008 WL 1954554 DUKE LAW



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JOURNAL Duke Law Journal February, 2008 Article THE INTERNATIONALIZATION OF PUBLIC INTEREST LAW Scott L. Cummings [FNd1] Copyright (c) 2008 Duke Law Journal; Scott L. Cummings Abstract This Article describes and explains the influence of global change on American public ...

...ultimate goal of using internationalism to reclaim the domestic arena once again as a site of progressive change. Copyright (c) 2008 by Scott L. Cummings. [FNd1] . Professor of Law, UCLA School of Law. For their careful reads and thoughtful feedback, I ...

...Ctr. (June 20, 2006); History of the Asian Law Alliance, http://www.asianlawalliance.org/whoweare/who_we_are.htm (last visited Feb. 23, 2008). For Middle Eastern immigrant groups, the Arab-American Anti-Discrimination Committee was established in 1980 and hired its first attorney...

[62.](#)

19 Eur. J. Int'l L. 101

European Journal of International Law February, 2008 IMPORT, EXPORT, AND REGIONAL CONSENT IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS Gerald L. Neuman [FNa1]

...19 EURJIL 101 19 Eur. J. Int'l L. 101 2008 WL 2175290 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law February, 2008 Symposium: Human Rights IMPORT, EXPORT, AND REGIONAL CONSENT IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS Gerald L. Neuman [FNa1] Copyright © 2008 by EJIL; Gerald L. Neuman Abstract The Inter-American Court of Human Rights has elaborated a significant body of human rights jurisprudence through interpretation of regional human rights conventions and the adaptation of ...

...indicia of regional consent could improve the acceptance and effectiveness of the inter-American human rights system 1 Introduction The Inter-American Court of Human Rights, like the European Court of Human Rights, engages in binding adjudication of claims of human rights violations under a regional ...

...the effectiveness of the regional human rights system. The article proceeds by first giving a brief institutional description of the Inter-American Court of Human Rights, then exploring its methodology of regional interpretation. The practice of importing European and global interpretations is illustrated and problematized in...

[63.](#)

19 Eur. J. Int'l L. 161

European Journal of International Law February, 2008 THE INTERACTION BETWEEN HUMAN RIGHTS AND HUMANITARIAN LAW: FRAGMENTATION, CONFLICT, PARALLELISM, OR CONVERGENCE?



Alexander Orakhelashvili [FN1]

...19 EURJIL 161 19 Eur. J. Int'l L. 161 2008 WL 2175292 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law February, 2008 Symposium: Human Rights THE INTERACTION BETWEEN HUMAN RIGHTS AND HUMANITARIAN LAW: FRAGMENTATION, CONFLICT, PARALLELISM, OR CONVERGENCE? Alexander Orakhelashvili [FN1] Copyright © 2008 by EJIL; Alexander Orakhelashvili Abstract The principal question in terms of assessing the interaction between human rights applicable both in ...

...of human rights law and humanitarian law can, in certain cases, face procedural impediments. The Las Palmeras case before the Inter-American Court of Human Rights involved a situation of internal conflict; while the applicant requested the Court to rule that the respondent state had breached ...

...which the deprivation of life is or is not arbitrary. As we have seen, in its preliminary objections judgment the Inter-American Court of Human Rights in Las Palmeras refused to examine the compatibility of the deprivations of life involved in that case from the perspective...

[64.](#)

19 Eur. J. Int'l L. 183

European Journal of International Law February, 2008 THE COMPETENCE OF THE UN HUMAN RIGHTS COUNCIL AND ITS SPECIAL PROCEDURES IN RELATION TO ARMED CONFLICTS: EXTRAJUDICIAL EXECUTIONS IN THE 'WAR ON TERROR' Philip Alston [FN1] Jason Morgan-Foster [FNaa1] William Abresch [FNaaa1]

...19 EURJIL 183 19 Eur. J. Int'l L. 183 2008 WL 2175293 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law February, 2008 Symposium: Human Rights THE COMPETENCE OF THE UN HUMAN RIGHTS COUNCIL AND ITS SPECIAL PROCEDURES IN RELATION TO ARMED CONFLICTS: EXTRAJUDICIAL EXECUTIONS IN THE 'WAR ON TERROR' Philip Alston [FN1] Jason Morgan-Foster [FNaa1] William Abresch [FNaaa1] Copyright © 2008 by EJIL; Philip Alston, Jason Morgan-Foster, William Abresch Abstract Since 2003, as part of its 'war on terror', the ...

...Human Rights only has jurisdiction over complaints arising under the European Convention on Human Rights and its protocols, whereas the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights both have wider jurisdictions. [FN82] The conclusion to be drawn from ...

...State party to derogate from specific provisions of the Covenant.' [FN82] . See generally D. Shelton, Regional Protection of Human Rights (2008). [FN83] Abella v. Argentina, supra note 60 at para. 161. [FN84] . UN Charter, Art. 1(3). This commitment was referenced...



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[65.](#)

9 German L.J. 105

German Law Journal February 1, 2008 NAME CHANGES AS SYMBOLIC REPARATION AFTER TRANSITION: THE EXAMPLES OF GERMANY AND SOUTH AFRICA Mia Swart [FN1]

...9 GERMANLJ 105 9 German L.J. 105 2008 WL 379700 GERMAN LAW JOURNAL German Law Journal February 1, 2008 Article NAME CHANGES AS SYMBOLIC REPARATION AFTER TRANSITION: THE EXAMPLES OF GERMANY AND SOUTH AFRICA Mia Swart [FN1] Copyright © 2008 the German Law Journal, Mia Swart A. Introduction Almost half of all Holocaust victims remain nameless statistics. Just over three ...

...coupled with the lack of prosecutions so far) also strengthen the obligation to make reparations. In the view of the Inter American Court of Human Rights moral damages may result from 'the psychological impact' suffered by the victim or survivors due to the violations, [FN16] or...

[66.](#)

C

86 Tex. L. Rev. 615

Texas Law Review February, 2008 GIVING NATURE CONSTITUTIONAL PROTECTION: A LESS ANTHROPOCENTRIC INTERPRETATION OF ENVIRONMENTAL RIGHTS Joshua J. Bruckerhoff

...86 TXLR 615 86 Tex. L. Rev. 615 2008 WL 353388 TEXAS LAW REVIEW Texas Law Review February, 2008 Note GIVING NATURE CONSTITUTIONAL PROTECTION: A LESS ANTHROPOCENTRIC INTERPRETATION OF ENVIRONMENTAL RIGHTS [FN1] Joshua J. Bruckerhoff Copyright (c) 2008 Texas Law Review Association; Joshua J. Bruckerhoff Is it possible to use constitutional rights to protect the intrinsic value of ...

...the forest. [FN158] Human rights courts have also recognized the interrelationship between indigenous rights and environmental protection. For instance, the Inter-American Court of Human Rights, in Mayagna (Sumo) Awas Tingni Community v. Nicaragua, [FN159] considered a case involving government-sponsored logging of timber on indigenous...

[67.](#)

56 Am. J. Comp. L. 233

American Journal of Comparative Law Winter 2008 PABLO DE GREIFF, ED., THE HANDBOOK OF REPARATIONS (OXFORD AND NEW YORK, OXFORD UNIVERSITY PRESS, 2006) Naomi Roht-Arriaza [FN1]

...56 AMJCL 233 56 Am. J. Comp. L. 233 2008 WL 193041 AMERICAN JOURNAL OF COMPARATIVE LAW American Journal of Comparative Law Winter 2008 Book Reviews PABLO DE GREIFF, ED., THE HANDBOOK OF



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REPARATIONS (OXFORD AND NEW YORK, OXFORD UNIVERSITY PRESS, 2006) Naomi Roht-Arriaza [FNa1] Copyright (c) 2008 American Society of Comparative Law, Inc.; Naomi Roht-Arriaza In the aftermath of massive repression, large-scale human rights violations ...

...run into other kinds of inequalities. For instance, some victims may have access to regional human rights courts (like the Inter-American Court of Human Rights) or national civil compensation systems that award alternative or additional remedies, which may be larger than the lump-sum reparation...

[68.](#)

102 Am. J. Int'l L. 1

American Journal of International Law January, 2008 HORIZONTAL HUMAN RIGHTS LAW John H. Knox [FNa1]

...102 AMJIL 1 102 Am. J. Int'l L. 1 2008 WL 1753309 AMERICAN JOURNAL OF INTERNATIONAL LAW American Journal of International Law January, 2008 HORIZONTAL HUMAN RIGHTS LAW John H. Knox [FNa1] Copyright © 2008 by The American Society of International Law; John H. Knox What duties, if any, does international human rights law establish ...

...inform subsequent agreement and practice, may give greater content and specificity to the duties. Regional tribunals like the European and Inter-American Courts of Human Rights and the new African Court of Human and Peoples' Rights can issue decisions that bind the parties to the underlying ...

...state responsibility doctrine governing protection of aliens from private violence--the 'due diligence' standard." The leading case is from the Inter-American Court of Human Rights. Velásquez Rodríguez v. Honduras, Inter-Am. Ct. H.R. (ser. C) No. 4, para. 172 (July 29, 1988). Not all references...

[69.](#)

C

41 Cornell Int'l L.J. 27

Cornell International Law Journal Winter 2008 FEAR OF DISCOVERY: IMMIGRANT WORKERS AND THE FIFTH AMENDMENT Keith Cunningham-Parmeter [FNd1]

...41 CNLILJ 27 41 Cornell Int'l L.J. 27 2008 WL 644738 CORNELL INTERNATIONAL LAW JOURNAL Cornell International Law Journal Winter 2008 Symposium: Immigration Policy: Who Belongs? Article FEAR OF DISCOVERY: IMMIGRANT WORKERS AND THE FIFTH AMENDMENT Keith Cunningham-Parmeter [FNd1] Copyright (c) 2008 Cornell University; Keith Cunningham-Parmeter Introduction 28 I. Redefining Immigrant-Initiated Employment Litigation 32 A. Hoffman's Expansion to Other Statutory ...



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...FN37] Critics charged that the decision encouraged employers to hire unauthorized immigrants. [FN38] Transnational human rights bodies such as the Inter-American Court of Human Rights and the International Labor Organization held that Hoffman violated international migrants' right of association. [FN39] Employers attempted to expand Hoffman ...

...referring to the "mischief" created by the Hoffman decision but predicting limited impact). [FN38] . See, e.g., Sarah Cleveland et al., Inter-American Court of Human Rights Amicus Curiae Brief: The United States Violates International Law when Labor Law Remedies Are Restricted Based on Workers' Migrant Status...

[70.](#)

41 Cornell Int'l L.J. 143

Cornell International Law Journal Winter 2008 REPRODUCTIVE INJUSTICE: AN ANALYSIS OF NICARAGUA'S COMPLETE ABORTION BAN Jocelyn E. Getgen [FNd1]

...41 CNLILJ 143 41 Cornell Int'l L.J. 143 2008 WL 644744 CORNELL INTERNATIONAL LAW JOURNAL Cornell International Law Journal Winter 2008 Symposium: Immigration Policy: Who Belongs? Note REPRODUCTIVE INJUSTICE: AN ANALYSIS OF NICARAGUA'S COMPLETE ABORTION BAN Jocelyn E. Getgen [FNd1] Copyright (c) 2008 Cornell University; Jocelyn E. Getgen Introduction 144 I. Unsafe Abortion 146 A. The Global Context 146 B. The Latin American ...

...ban, using the Reparations Resolution's framework and initiating reparations proceedings in the Inter-American Commission on Human Rights or the Inter-American Court for Human Rights may prove integral to success in receiving reparations for past and continuing wrongs. [FN242] Article 63 of the American Convention ...

...Schneeweis, ALERT: Nicaraguan Assembly Bans Abortion, MADRE, <http://www.madre.org/print-articles/lac/nicaraguaabortionalert.11.9.06.html> (last visited Jan. 2, 2008). [FN128] . Pew Forum on Religion & Pub. Life, Abortion Laws Around the World 2 (2006). [FN129] . See Ctr. for Reprod. Rights...

[71.](#)

C 22 Geo. Immigr. L.J. 177

Georgetown Immigration Law Journal Winter, 2008 THE HUMAN AND LABOR RIGHTS OF MIGRANTS: VISIONS OF EQUALITY Ryszard Cholewinski [FNa1]

...22 GEOILJ 177 22 Geo. Immigr. L.J. 177 2008 WL 1935017 GEORGETOWN IMMIGRATION LAW JOURNAL Georgetown Immigration Law Journal Winter, 2008 Article THE HUMAN AND LABOR RIGHTS OF MIGRANTS: VISIONS OF EQUALITY Ryszard Cholewinski [FNa1] Copyright © 2008 by The Georgetown Immigration Law Journal; Ryszard Cholewinski Whereas recognition of the inherent dignity and of



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the equal and inalienable ...

...situations affecting the protection of migrant workers in various parts of the world, including the Americas. In September 2003, the Inter-American Court of Human Rights, in response to a request by Mexico, issued a landmark Advisory Opinion on the juridical condition and rights of undocumented ...

...of migrant workers. Regionally, there are specific treaties protecting migrant workers in Europe. In the Americas, two decisions of the Inter-American Court of Human Rights are particularly noteworthy in furthering the rights of migrants. The first [FN55] concerned migrant workers generally, and the second [FN56]...

[72.](#)

39 Geo. J. Int'l L. 407

Georgetown Journal of International Law Winter, 2008 WOMEN WORKERS IN MEXICO: USING THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK TO ACHIEVE LABOR PROTECTION Elizabeth Goergen [FN1]

...39 GEOJIL 407 39 Geo. J. Int'l L. 407 2008 WL 2570204 GEORGETOWN JOURNAL OF INTERNATIONAL LAW Georgetown Journal of International Law Winter, 2008 Note WOMEN WORKERS IN MEXICO: USING THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK TO ACHIEVE LABOR PROTECTION Elizabeth Goergen [FN1] Copyright © 2008 by Georgetown Journal of International Law; Elizabeth Goergen I. INTRODUCTION Working women around the world are subject to discrimination in ...

...human rights issues, provide Member States and other OAS organs with advice on human rights matters, and litigate before the Inter-American Court of Human Rights. [FN79] Labor rights and discrimination have been addressed within the inter-American system since its earliest meetings and conferences. [FN80 ...

...the Commission has considered a case of discrimination against women workers, it may decide to refer the case to the Inter-American Court of Human Rights, also under the OAS. [FN178] The Inter-American Court has well established procedures, and States have a notable record of...

[73.](#)

36 Ga. J. Int'l & Comp. L. 355

Georgia Journal of International and Comparative Law Winter, 2008 MUST TREATY VIOLATIONS BE REMEDIED?: A CRITIQUE OF SANCHEZ-LLAMAS V. OREGON John Quigley [FN1]

...36 GAJICL 355 36 Ga. J. Int'l & Comp. L. 355 2008 WL 2084105 GEORGIA JOURNAL OF INTERNATIONAL AND COMPARATIVE L Georgia



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Journal of International and Comparative Law Winter, 2008 Articles
MUST TREATY VIOLATIONS BE REMEDIED?: A CRITIQUE OF SANCHEZ-LLAMAS V. OREGON John Quigley [FNa1] Copyright (c) 2008 Georgia Journal of International and Comparative Law, Inc.; John Quigley I. Introduction In Sanchez-Llamas v. Oregon, [FN1] a 2006 ...

...any remedy to be given must be found within the provisions of the violated treaty. [FN116] The two courts, the Inter-American Court of Human Rights and the International Court of Justice, each drew the conclusion that failure to inform a foreign national of the right ...

...be remedied. [FN117] Neither took the view that it had to find a remedy provision in the VCCR itself. The Inter-American Court of Human Rights was asked to issue an advisory opinion on consular access in the specific context of imposition of capital punishment on...

[74.](#) **C** **21 Harv. Hum. Rts. J. 47**

Harvard Human Rights Journal Winter 2008 REPARATIONS, SELF-DETERMINATION, AND THE SEVENTH GENERATION Lorie M. Graham [FNa1]

...21 HVHRJ 47 21 Harv. Hum. Rts. J. 47 2008 WL 965811 HARVARD HUMAN RIGHTS JOURNAL Harvard Human Rights Journal Winter 2008 Article REPARATIONS, SELF-DETERMINATION, AND THE SEVENTH GENERATION Lorie M. Graham [FNa1] Copyright (c) 2008 the President and Fellows of Harvard College; Lorie M. Graham I. Seven Generations "In each deliberation, we must consider the ...

...few will be explored here. [FN234] The first is The Mayagna (Sumo) Awas Tingni Community v. Nicaragua, decided by the Inter-American Court of Human Rights. [FN235] In 1998, the Inter-American Commission on Human Rights ("IACHR") filed an application with the Inter-American Court on Human Rights on behalf of the Awas Tingni Indians against the government of Nicaragua. The original claim before the Commission was based ...

...State, Erasing History: Ethnic Cleaning in Kosovo 3 (1999), available at <http://italy.usembassy.gov/pdf/other/kosovo.pdf> (last visited Feb. 8, 2008). [FN116] . See Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v...

[75.](#) **C** **31 Hastings Int'l & Comp. L. Rev. 1**

Hastings International and Comparative Law Review Winter 2008 THE RIGHT TO A DIGNIFIED LIFE (VIDA DIGNA): THE INTEGRATION OF ECONOMIC AND SOCIAL RIGHTS WITH CIVIL AND POLITICAL RIGHTS IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM Jo M. Pasqualucci [FNa1]



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Corte Interamericana de Derechos Humanos

...31 HSTICLR 1 31 Hastings Int'l & Comp. L. Rev. 1 2008 WL 450496 HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW Hastings International and Comparative Law Review Winter 2008 Article THE RIGHT TO A DIGNIFIED LIFE (VIDA DIGNA): THE INTEGRATION OF ECONOMIC AND SOCIAL RIGHTS WITH CIVIL AND POLITICAL RIGHTS IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM Jo M. Pasqualucci [FN1] Copyright (c) 2008 UC Hastings College of the Law; Jo M. Pasqualucci The fundamental right to life includes, not only the right of ...

...except in strictly limited circumstances permitted by law. [FN3] Under its recent controversial interpretation of the right to life, the Inter-American Court of Human Rights [FN4] (hereinafter "Inter-American Court" or "Court") has expanded the scope of the right to include a violation even when ...

...functioning of the Inter-American human rights system is necessary to understand the potential impact of the jurisprudence of the Inter-American Court of Human Rights on the right to life. The Organization of American States ("OAS"), a regional organization composed of the States in the...

[76.](#) **C** **31 Hastings Int'l & Comp. L. Rev. 461**

Hastings International and Comparative Law Review Winter 2008 PEACEKEEPING IN NAME ALONE: ACCOUNTABILITY FOR THE UNITED NATIONS IN HAITI Matt Halling, Blaine Bookey [FN1]

...31 HSTICLR 461 31 Hastings Int'l & Comp. L. Rev. 461 2008 WL 450506 HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW Hastings International and Comparative Law Review Winter 2008 Commentary PEACEKEEPING IN NAME ALONE: ACCOUNTABILITY FOR THE UNITED NATIONS IN HAITI Matt Halling Blaine Bookey [FN1] Copyright (c) 2008 UC Hastings College of the Law; Matt Halling; Blaine Bookey I. Introduction The period from February 29, 2004- the day ...

...right of action. Four legal options are explored: (1) suit in Brazil, (2) suit in Haiti, (3) suit in the Inter-American Court of Human Rights, and (4) direct suit against the United Nations. This section also assesses the feasibility of each option to achieve justice ...

...mechanism of accountability for its peacekeepers. This section is especially pertinent given the extension of MINUSTAH's mandate until October 15, 2008, the rise in peacekeeping operations over the last decade, as well as the wholly inadequate accountability mechanisms so far employed...

[77.](#) **4 J. Int'l L. & Int'l Rel. 1**

Journal of International Law & International Relations Winter, 2008



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International Human Rights Law and the Administration of Justice through Military Tribunals: Preserving Utility While Precluding Impunity Michael R. Gibson [FNa1]

...4 JILIR 1 4 J. Int'l L. & Int'l Rel. 1 2008 WL 1990325 JOURNAL OF INTERNATIONAL LAW AND INTERNATIONAL REL Journal of International Law & International Relations Winter, 2008 International Human Rights Law and the Administration of Justice through Military Tribunals: Preserving Utility While Precluding Impunity Michael R. Gibson [FNa1] Copyright © 2008 by Journal of International Law & International Relations; Michael R. Gibson L1-3 Table of Contents 1. Introduction 1 2. Military ...

...America has generated a large number of cases in national courts, [FN36] as well as several important cases in the Inter-American Court of Human Rights. [FN37] The jurisprudence of the European Court of Human Rights has concentrated on issues of the independence and impartiality of ...

...for Human Rights <<http://www.unhchr.ch/tbs/doc.nsf/newhvsstatby treaty?OpenView&Start=1&Count=250&Expand=3.2>> (last checked 20 January 2008). [FN34] Convention for the Protection of Human Rights and Fundamental Freedoms , 4 November 1950, 213 U.N.T.S. 221, art. 6, Eur...

78. **C** 71-WTR Law & Contemp. Probs. 37

Law and Contemporary Problems Winter 2008 DELEGATING TO INTERNATIONAL COURTS: SELF-BINDING VS. OTHER-BINDING DELEGATION Karen J. Alter [FNa1]

...71-WTR LCPR 37 71-WTR Law & Contemp. Probs. 37 2008 WL 2943154 LAW AND CONTEMPORARY PROBLEMS Law and Contemporary Problems Winter 2008 The Law and Politics of International Delegation Curtis A. Bradley and Judith G. Kelley Special Editors DELEGATING TO INTERNATIONAL COURTS: SELF-BINDING VS. OTHER-BINDING DELEGATION Karen J. Alter [FNa1] Copyright (c) 2008 Law and Contemporary Problems; Karen J. Alter I Introduction One often hears complaints that international courts are undermining national sovereignty ...

...Benelux Court (BCJ) 1965/1974 X Via national court* 137 preliminary references filed (10 rejected) (2006). 42 preliminary references (2006). Inter-American Court of **Human Rights** (IACHR) 1969/1979 Optional Protocol Commission is a gatekeeper. 162 judgments, 19 advisory opinions, and 245 orders for provisional measures ...

...use ICs, suggesting that most states are quite comfortable with the balance of costs to benefits as it stands. Copyright © 2008 by Karen J.



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Alter. This Article is also available at <http://www.law.duke.edu/journals/lcp>. [FNa1] . Associate Professor of Political Science...

[79.](#) **C** **71-WTR Law & Contemp. Probs. 151**

Law and Contemporary Problems Winter 2008 WHEN, WHAT, AND WHY DO STATES CHOOSE TO DELEGATE? Barbara Koremenos [FNa1]

...71-WTR LCPR 151 71-WTR Law & Contemp. Probs. 151 2008 WL 2943158 LAW AND CONTEMPORARY PROBLEMS Law and Contemporary Problems Winter 2008 The Law and Politics of International Delegation Curtis A. Bradley and Judith G. Kelley Special Editors WHEN, WHAT, AND WHY DO STATES CHOOSE TO DELEGATE? Barbara Koremenos [FNa1] Copyright (c) 2008 Law and Contemporary Problems; Barbara Koremenos I Introduction The introductory article in this symposium offers a rich conceptual framework for ...

...Costa Rica (San José Pact), [FN25] two internal bodies are created: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The tasks delegated to these bodies represent internal delegation. However, Article 40, [FN26] which describes the role and functions of ...

...mutual security. Turkey-United States 1952 2361 Security Agreement concerning certain exchanges of secret information. France-Sweden 1973 14951 Copyright © 2008 by Barbara Koremenos. This article is also available at <http://law.duke.edu/journals/lcp>. [FNa1] . Associate Professor of Political Science, University...

[80.](#) **C** **71-WTR Law & Contemp. Probs. 193**

Law and Contemporary Problems Winter 2008 MONITORING COMPLIANCE WITH UNRATIFIED TREATIES: THE ILO EXPERIENCE Laurence R. Helfer [FNa1]

...71-WTR LCPR 193 71-WTR Law & Contemp. Probs. 193 2008 WL 2943159 LAW AND CONTEMPORARY PROBLEMS Law and Contemporary Problems Winter 2008 The Law and Politics of International Delegation Curtis A. Bradley and Judith G. Kelley Special Editors MONITORING COMPLIANCE WITH UNRATIFIED TREATIES: THE ILO EXPERIENCE Laurence R. Helfer [FNa1] Copyright (c) 2008 Law and Contemporary Problems; Laurence R. Helfer I Introduction In The Concept of International Delegation, the introductory article to this ...

...Yet international decisionmakers can themselves expand existing delegations to create or enhance such monitoring powers. An advisory opinion by the Inter-American Court of Human Rights concluding that the nonbinding American Declaration on the Rights and Duties of Man had become binding by its indirect incorporation ...



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...other IOs may wish to consider the benefits of delegating such authority as a way to enhance interstate cooperation. Copyright © 2008 by Laurence R. Helfer. This article is also available at <http://law.duke.edu/journals/lcp>. [FNa1] . Professor of Law and Director...

81. **39 U. Miami Inter-Am. L. Rev. 269**

University of Miami Inter-American Law Review Winter 2008 LEGAL RESEARCH IN THE AMERICAS: WHERE TO BEGIN Robin Schard [FNa1]

...39 UMIAIALR 269 39 U. Miami Inter-Am. L. Rev. 269 2008 WL 4370703 UNIVERSITY OF MIAMI INTER AMERICAN LAW REVIEW University of Miami Inter-American Law Review Winter 2008 Article LEGAL RESEARCH IN THE AMERICAS: WHERE TO BEGIN Robin Schard [FNa1] Copyright (c) 2008 University of Miami; Robin Schard I. Introduction Different languages, different legal systems, similar names but different functions...research can be ...

...it includes no description of the resources. There are also a set of links for regional resources, such as the Inter-American Court of Human Rights. Global Courts (<http://www.globalcourts.com/>) provides links to the highest courts from around the world. Although there are links for many ...

...http://www.nyulawglobal.org/globalex/Foreign_Law_Research1.htm). Marci Hoffman & Mary Rumsey, International and Foreign Legal Research: A Coursebook (Martinus Nijhoff Publishers 2008). [FNa1] . Robin Schard is the Assistant Library Director for Public Services at the University of Miami Law Library. She received...

82. **39 U. Miami Inter-Am. L. Rev. 373**

University of Miami Inter-American Law Review Winter 2008 ¡FUJIMORI EXTRADITABLE!: CHILEAN SUPREME COURT SETS INTERNATIONAL PRECEDENT FOR HUMAN RIGHTS VIOLATIONS Megan Haas [FNa1]

...39 UMIAIALR 373 39 U. Miami Inter-Am. L. Rev. 373 2008 WL 4370706 UNIVERSITY OF MIAMI INTER AMERICAN LAW REVIEW University of Miami Inter-American Law Review Winter 2008 Comment ¡FUJIMORI EXTRADITABLE!: CHILEAN SUPREME COURT SETS INTERNATIONAL PRECEDENT FOR HUMAN RIGHTS VIOLATIONS Megan Haas [FNa1] Copyright (c) 2008 University of Miami; Megan Haas I. Introduction 373 II. Fujimori Follows in the Footsteps of so Many Before Him 375 ...

...As for Latin America courts, these same obligations have been imposed on domestic courts through the diverse cases of the Inter-American Court of Human Rights (Inter-American Court). [FN32] In



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the Barrios Altos case, the Court held that any amnesty law or law impeding the ...

...error is his failure to apply international law, including the international conventions governing human rights and the decisions of the Inter-American Court of Human Rights. [FN104] Alvarez's other major error, the issue on appeal in the Supreme Court, is the erroneous interpretation of the article...

[83.](#) **C** **62 U. Miami L. Rev. 417**

University of Miami Law Review January, 2008 EMERGING INTERNATIONAL LAW CONSTRAINTS ON CONSTITUTIONAL STRUCTURE AND REVISION: A PRELIMINARY APPRAISAL Stephen J. Schnably [FNa1]

...62 UMIALR 417 62 U. Miami L. Rev. 417 2008 WL 2010896 UNIVERSITY OF MIAMI LAW REVIEW University of Miami Law Review January, 2008 Symposium: Article II: The Uses and Abuses of Executive Power Article EMERGING INTERNATIONAL LAW CONSTRAINTS ON CONSTITUTIONAL STRUCTURE AND REVISION ...

...a right to effective access to a court or other independent tribunal in case of their violation. [FN86] As the Inter-American Court of Human Rights has noted, this right may be violated if "the Judicial Power lacks the necessary independence to render impartial decisions or ...

...so, more general formulations of the obligation to provide effective remedies are suggestive. In an advisory opinion in 1990, the Inter-American Court of Human Rights concluded that states have an obligation to provide indigents with free legal counsel where necessary to effectuate a fair hearing...

[84.](#) **65 Wash. & Lee L. Rev. 129**

Washington and Lee Law Review Winter, 2008 TAINTED PROVENANCE: WHEN, IF EVER, SHOULD TORTURE EVIDENCE BE ADMISSIBLE? Michael P. Scharf [FNa1]

...65 WLLR 129 65 Wash. & Lee L. Rev. 129 2008 WL 2044999 WASHINGTON AND LEE LAW REVIEW Washington and Lee Law Review Winter, 2008 Article TAINTED PROVENANCE: WHEN, IF EVER, SHOULD TORTURE EVIDENCE BE ADMISSIBLE? Michael P. Scharf [FNa1] Copyright (c) 2008 Washington and Lee University School of Law; Michael P. Scharf Abstract This Article examines whether there should be exceptions to ...

...the Tuol Sleng evidence is critical for their successful prosecution before the Cambodia Tribunal, which is set to commence in 2008. [FN52] III. An Analysis of Three Possible Grounds for Admitting the Tuol



Sleng Evidence A. An Exception for Preliminary Questions ...

...be adapted to reflect contemporary understanding and evolution of the law. [FN70] Also relevant is the case law of the Inter-American Court of Human Rights, which has applied a lower threshold for finding torture than the European Court of Human Rights did in Ireland v...

85. **32 Am. Indian L. Rev. 293**

American Indian Law Review 2007-2008 WINNER, BEST APPELLATE BRIEF IN THE 2007 NATIVE AMERICAN LAW STUDENT ASSOCIATION MOOT COURT COMPETITION Gabriel Martinez [FNa1]L. Lisa Sandoval [FNaa1]

...32 AMINDLR 293 32 Am. Indian L. Rev. 293 2008 WL 1955863 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2007-2008 Special Features WINNER, BEST APPELLATE BRIEF IN THE 2007 NATIVE AMERICAN LAW STUDENT ASSOCIATION MOOT COURT COMPETITION Gabriel Martinez [FNa1 ...

...rights in the U.S. and wanted to influence this Court in its decision-making process. 2. Organization of American States' Inter-American Court on Human Rights Opinions Should Be Accorded Great Weight In addition to the Commission's opinion specifically on the Makota Nation's land claim, the Court should also look to decisions of the Inter- American Court on Human Rights. Restatement § 112(1) The court has held that "possession of the land should suffice for indigenous communities lacking real ...

...1 The judgment of the United States Court of Appeals for the Tenth Circuit should be affirmed. [FNa1] . J.D. Candidate, 2008, Columbia University School of Law; B.A., 2004, Columbia University. I would like to thank my friends and coaches, Nicole Willis...

86. **C 24 Am. U. Int'l L. Rev. 103**

American University International Law Review 2008 CROSS-CUTTING ISSUES IN THE APPLICATION OF THE GUATEMALAN "NEPA": ENVIRONMENTAL IMPACT ASSESSMENT AND THE RIGHTS OF INDIGENOUS PEOPLES Leonardo A. Crippa [FNa1]

...24 AMUILR 103 24 Am. U. Int'l L. Rev. 103 2008 WL 5460892 AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American University International Law Review 2008 Academy on Human Rights and Humanitarian Law Articles and Essays Analyzing International Human Rights Law and the Protection of the ...

...APPLICATION OF THE GUATEMALAN "NEPA": ENVIRONMENTAL IMPACT ASSESSMENT AND THE RIGHTS OF INDIGENOUS PEOPLES



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Leonardo A. Crippa [FNa1] Copyright (c) 2008 American University International Law Review; Leonardo A. Crippa INTRODUCTION 104 I. COMPARATIVE ANALYSIS OF THE U.S. NEPA AND THE EQUIVALENT ...

...FN87] It also ratified the American Convention on Human Rights on May 25, 1978, and accepted the jurisdiction of the Inter-American Court of Human Rights on March 9, 1987. [FN88] Despite Guatemala's actions, the human rights situation for indigenous peoples on the ground is grave...

[87.](#)

23 Am. U. Int'l L. Rev. 855

American University International Law Review 2008 BUSINESS & HUMAN RIGHTS LAW: DIVERGING TRENDS IN THE UNITED STATES AND FRANCE Anna Triponel [FNa1]

...23 AMUILR 855 23 Am. U. Int'l L. Rev. 855 2008 WL 2794150 AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American University International Law Review 2008 Articles BUSINESS & HUMAN RIGHTS LAW: DIVERGING TRENDS IN THE UNITED STATES AND FRANCE Anna Triponel [FNa1] Copyright (c) 2008 American University International Law Review; Anna Triponel INTRODUCTION 856 I. AMERICAN AND FRENCH METHODS FOR APPLYING HUMAN RIGHTS LAW TO ...

...prevent or respond to an abuse by a private actor." [FN124] This due diligence test was first stated by the Inter-American Court of Human Rights [FN125] and has subsequently been applied by human rights bodies worldwide to the actions of states. [FN126] Plaintiffs can complain ...

...Commission on Human Rights; furthermore, the principles contained therein will be reinforced by views and recommendations to be presented in 2008 to the U.N. Human Rights Council by John Ruggie. [FN241] Therefore, as one source said, the Norms "have room to...

[88.](#)

23 Am. U. Int'l L. Rev. 943

American University International Law Review 2008 SELLING MEDELLÍN: THE ENTOURAGE OF LITIGATION SURROUNDING THE VIENNA CONVENTION ON CONSULAR RELATIONS AND THE WEIGHT OF INTERNATIONAL COURT OF JUSTICE OPINIONS IN THE DOMESTIC SPHERE Robert Greffenius [FNa1]

...23 AMUILR 943 23 Am. U. Int'l L. Rev. 943 2008 WL 2794152 AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American University International Law Review 2008 Comments SELLING MEDELLÍN: THE ENTOURAGE OF LITIGATION SURROUNDING THE VIENNA CONVENTION ON CONSULAR RELATIONS AND THE WEIGHT OF INTERNATIONAL COURT OF JUSTICE OPINIONS IN THE DOMESTIC



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SPHERE Robert Greffenius [FN1] Copyright (c) 2008 American University International Law Review; Robert Greffenius INTRODUCTION 944 I. BACKGROUND 947 A. Article 36 of the Vienna Convention on ...

...responded to the Supreme Court's ruling in *Medellín v. Texas* in the hours following the opinion's release on March 25, 2008. [FN1] In the coming years, experts will debate extensively the significance of *Medellín* and what it means for treaty interpretation ...

...See Posting of Lyle Denniston to SCOTUSblog, <http://www.scotusblog.com/wp/states-win-over-president-on-criminal-law-issue/> (Mar. 25, 2008, 10:10 EST) (providing an initial forum for responses to the Court's controversial decision); Posting of Steve Vladeck to *Opinio Juris*, <http://www.opiniojuris.org/posts/1206467533.shtml> (Mar. 25, 2008, 13:52 EST) (expressing consternation at an interpretation of treaties that seems "thoroughly at odds" with the traditional reading of the Supremacy Clause). [FN2] . See *Medellín v. Texas*, No. 06-984, slip op. at 13 (U.S. Mar. 25, 2008) (Breyer, J., dissenting) (worrying that the Supreme Court has set up irrevocable hurdles barring the domestic application of treaties previously...

89.

23 Berkeley J. Gender L. & Just. 181

Berkeley Journal of Gender, Law & Justice 2008 PAN-AFRICAN STRATEGIES FOR ENVIRONMENTAL PRESERVATION: WHY WOMEN'S RIGHTS ARE THE MISSING LINK Flynn Coleman [FNd1]

...23 BERKJGLJ 181 23 Berkeley J. Gender L. & Just. 181 2008 WL 2702747 BERKELEY JOURNAL OF GENDER LAW AND JUSTICE Berkeley Journal of Gender, Law & Justice 2008 Recent Developments PAN-AFRICAN STRATEGIES FOR ENVIRONMENTAL PRESERVATION: WHY WOMEN'S RIGHTS ARE THE MISSING LINK Flynn Coleman [FNd1] Copyright (c) 2008 Regents of the University of California; Flynn Coleman Introduction The intimate connection between human and environmental rights has been explored ...

...regarding environmental policy, they can assist in reversing environmental degradation and preserving natural resources for future generations. [FNd1] . J.D. Candidate (2008), Boalt Hall, UC Berkeley School of Law. I am grateful to family and friends for their support and valuable comments ...

...FN15] . United Nations Environment Programme, Regional Office for Africa Homepage, http://www.unep.org/roa/amcen/About_AMCEN/ (last visited Jan. 22, 2008). [FN16] Id. [FN17] Id. [FN18] . Section G of the Third Session is entitled "The Role of African Women." AMCEN Res...



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[90.](#)

26 Berkeley J. Int'l L. 1

Berkeley Journal of International Law 2008 TERROR/TORTURE Karima Bennoune [FN1]

...26 BERKJIL 1 26 Berkeley J. Int'l L. 1 2008 WL 2059285 BERKELEY JOURNAL OF INTERNATIONAL LAW Berkeley Journal of International Law 2008 Articles TERROR/TORTURE Karima Bennoune [FN1] Copyright (c) 2008 Copyright for material published in the journal is held by the UC Regents except where otherwise noted.; Karima Bennoune Abstract ...

...the European Court of Human Rights (Osman v. United Kingdom, App. No. 0023452/94, Eur. Ct. H.R., (1998)), and the Inter-American Court of Human Rights (Velásquez-Rodríguez Case, 1988 Inter-Am.Ct.H.R. (Ser. C) No. 4 (July 29, 1988), available at <http://www1.umn.edu/humanrts/iachr/b...>

...issue in future. International Council on Human Rights Policy, Talking About Terrorism - Risks and Choices for Human Rights Organisations (forthcoming 2008). [FN211] . Failing to recognize terrorism as a human rights violation when committed by non-state actors evokes the often-criticized...

[91.](#)

33 Brook. J. Int'l L. 975

Brooklyn Journal of International Law 2008 NEITHER JUSTICE, NOR OASIS: ALGERIA'S AMNESTY LAW Laura Scully [FN1]

...33 BKNJIL 975 33 Brook. J. Int'l L. 975 2008 WL 2808922 BROOKLYN JOURNAL OF INTERNATIONAL LAW Brooklyn Journal of International Law 2008 Symposium: Corporate Liability for Grave Breaches of International Law Co-Sponsored by Brooklyn Law School Dennis J. Block Center for the Study of International Business Law Note NEITHER JUSTICE, NOR OASIS: ALGERIA'S AMNESTY LAW Laura Scully [FN1] Copyright © 2008 by the Brooklyn Journal of International Law; Laura Scully INTRODUCTION The notion that justice shall be done, regardless of its ...

...FN41] Between 1992 and 1998 alone, state security forces disappeared approximately 7000 Algerians. [FN42] C. Attempts at National "Reconciliation": 1999-2008 Efforts responding to the violence have not been limited to the Charter. In January 1995, under the auspices of the ...

...of torture or ill-treatment violate the principle of non-derogability." [FN99] The committee invoked this declaration in its May 2008 concluding observations on Algeria's compliance with CAT. [FN100] Offering strong criticisms, the Committee Against Torture observed that the Charter's provisions...



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92. **46 Colum. J. Transnat'l L. 351**

Columbia Journal of Transnational Law **2008** REMEDIAL APPROACHES TO HUMAN RIGHTS VIOLATIONS: THE INTER-AMERICAN COURT OF HUMAN RIGHTS AND BEYOND Thomas M. Antkowiak [FN1]

...46 CLMJTL 351 46 Colum. J. Transnat'l L. 351 2008 WL 2766912 COLUMBIA JOURNAL OF TRANSNATIONAL LAW Columbia Journal of Transnational Law 2008 Articles REMEDIAL APPROACHES TO HUMAN RIGHTS VIOLATIONS: THE INTER-AMERICAN COURT OF HUMAN RIGHTS AND BEYOND Thomas M. Antkowiak [FN1] Copyright (c) 2008 Columbia Journal of Transnational Law Association, Inc.; Thomas M. Antkowiak A sustained reflection upon remedial obligations and possibilities is particularly ...

...satisfaction and rehabilitation, as well as general assurances of non-repetition. The work first examines the case law of the Inter-American Court of Human Rights, the only international human rights body with binding powers that has consistently ordered equitable remedies in conjunction with compensation. The ...

...355 A. Definition 355 B. Typical remedies ordered 357 C. Relevant International Legal Principles 360 III. Case Law of the Inter-American Court of Human Rights Concerning Non-monetary Remedies 365 A. Background 365 B. Early Reparations Jurisprudence 365 C. Developments in 1998 368 D. Contemporary...

93. **46 Colum. J. Transnat'l L. 563**

Columbia Journal of Transnational Law 2008 RULEMAKING AND ADJUDICATION IN INTERNATIONAL LAW David Zaring [FN1]

...46 CLMJTL 563 46 Colum. J. Transnat'l L. 563 2008 WL 3909258 COLUMBIA JOURNAL OF TRANSNATIONAL LAW Columbia Journal of Transnational Law 2008 Articles RULEMAKING AND ADJUDICATION IN INTERNATIONAL LAW David Zaring [FN1] Copyright (c) 2008 Columbia Journal of Transnational Law Association, Inc.; David Zaring This article posits that the creation and development of international regulatory ...

...of International Criminal Law: Rebuilding National Courts Through Transnational Networks (U. of Pittsburgh Legal Studies Working Paper Series, Paper No. 2008-06), available at <http://ssrn.com/abstract=1105244>. [FN11] . Benedict Kingsbury, Nico Krisch, & Richard Stewart, The Emergence of Global Administrative Law ...

...FN12] . See id. at 16; see also Kenneth W. Abbott, Enriching Rational Choice Institutionalism for the Study of International Law, 2008 U. Ill. L. Rev. 5 (2008) (describing the increasingly important roles of non-state actors in international legal institutions); Daniel Esty, Good Governance



at the Supranational...

94. **22 Emory Int'l L. Rev. 61**

Emory International Law Review **2008** DOMESTIC VIOLENCE, HEALTH, AND INTERNATIONAL LAW Bonita Meyersfeld [FN1]

...22 EMORYILR 61 22 Emory Int'l L. Rev. 61 **2008** WL 4277966 EMORY INTERNATIONAL LAW REVIEW Emory International Law Review **2008** Conference on World Law and World Health Keynote Address DOMESTIC VIOLENCE, HEALTH, AND INTERNATIONAL LAW Bonita Meyersfeld [FN1] Copyright (c) **2008** Emory University School of Law; Bonita Meyersfeld Introduction Worldwide, one in three women has been beaten, coerced into unwanted sexual ...

...repressing crime, or remedying wrong, as the case may be, in the event that such acts nevertheless occur." [FN153] The **Inter-American Court of Human Rights** developed the standard of "due diligence" for states in 1988 by holding: An illegal act which violates human rights and ...

...See Amnesty Int'l & Southall Black Sisters, 'No Recourse' No Safety: The Government's Failure to Protect Women from Violence 6-9 (**2008**), available at http://www.amnesty.org.uk/uploads/documents/doc_18308.pdf. [FN48] . See id. [FN49] . See id. [FN50] . See Report of the Special...

95. **20 Fla. J. Int'l L. 201**

Florida Journal of International Law 2008 OF PRESIDENTS AND PRECEDENTS: THE ROLE OF JUDICIAL REVIEW IN RECENT PRESIDENTIAL ELECTIONS IN PERU, COSTA RICA, AND THE UNITED STATES Juan Francisco Perea [FN1]

...20 FLJIL 201 20 Fla. J. Int'l L. 201 2008 WL 2781555 FLORIDA JOURNAL OF INTERNATIONAL LAW Florida Journal of International Law 2008 Seventh Annual Conference on Legal and Policy Issues in the Americas OF PRESIDENTS AND PRECEDENTS: THE ROLE OF JUDICIAL REVIEW IN RECENT PRESIDENTIAL ELECTIONS IN PERU, COSTA RICA, AND THE UNITED STATES Juan Francisco Perea [FN1] Copyright (c) 2008 Florida Journal of International Law; Juan Francisco Perea I. Introduction There is no decision more important in a democracy than ...

...need for limits on judicial review in democracies. II. Peru In the Constitutional Court Case, decided January 31, 2001, the Inter-American Court of Human Rights finally resolved the Peruvian constitutional crisis of 1997-a crisis that resulted in the impeachment and harassment of three Justices ...

...received exile in Costa Rica. The Inter-American Commission on Human Rights subsequently filed a petition against Peru in the Inter-



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American Court of Human Rights. [FN6] The petition sought to challenge the impeachment and harassment of the three justices as violations of the American Convention...

[96.](#)

8 Hum. Rts. L. Rev. 249

Human Rights Law Review 2008 ABORTION AS A HUMAN RIGHT--INTERNATIONAL AND REGIONAL STANDARDS Christina Zampas [FNa1]Jaime M. Gher [FNaa1]

...8 HUMRLR 249 8 Hum. Rts. L. Rev. 249 2008 WL 2259165 HUMAN RIGHTS LAW REVIEW Human Rights Law Review 2008 Article ABORTION AS A HUMAN RIGHT--INTERNATIONAL AND REGIONAL STANDARDS Christina Zampas [FNa1] Jaime M. Gher [FNaa1] Copyright © 2008 by Oxford University Press; Christina Zampas, Jaime M. Gher Abstract This article focuses on the striking expansion of international and ...

...to women's human right to abortion. The recent ground-breaking pronouncement regarding women's right to abortion issued on 16 April 2008 by the Parliamentary Assembly of the Council of Europe, representing 47 European states whose mission is, in part, to protect ...

...was granted the legal authority to issue recommendations regarding alleged American Convention violations. [FN22] The American Convention also created the Inter-American Court on Human Rights (Inter-American Court), to interpret the Convention and hear individual cases following their consideration by the Inter-American Commission and...

[97.](#)

8 Hum. Rts. L. Rev. 377

Human Rights Law Review 2008 THE CASE OF THE MAYA VILLAGES OF BELIZE: REVERSING THE TREND OF GOVERNMENT NEGLECT TO SECURE INDIGENOUS LAND RIGHTS Maia S. Campbell [FNa1]S. James Anaya [FNaa1]

...8 HUMRLR 377 8 Hum. Rts. L. Rev. 377 2008 WL 2259170 HUMAN RIGHTS LAW REVIEW Human Rights Law Review 2008 Recent Development THE CASE OF THE MAYA VILLAGES OF BELIZE: REVERSING THE TREND OF GOVERNMENT NEGLECT TO SECURE INDIGENOUS LAND RIGHTS Maia S. Campbell [FNa1] S. James Anaya [FNaa1] Copyright © 2008 by Oxford University Press; Maia S. Campbell, S. James Anaya 1. Introduction Six buses that had been travelling over 200 ...

...171 of 2007, available at: <http://www.law.arizona.edu/depts/iplp/advocacy/maya/belize/documents/ClaimFormSantaCruz.pdf> (Santa Cruz) [last accessed 15 February 2008]; Claim Form, Manuel Coy (on behalf of the Maya village of Conejo) and Others v Attorney-General of Belize and ...



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...maya_ belize/documents/ClaimFormSantaCruz.pdf (Santa Cruz)
http:// www.law.arizona.edu/depts/iplp/advocacy/maya_
belize/documents/ClaimFormConejo.pdf (Conejo) [last accessed 15
February 2008]. See Skeleton Argument of the Claimants and
Appendices, Claims Nos. 171 and 172 of 2007, 13 June 2007, detailing the...

[98.](#) **8 Hum. Rts. L. Rev. 739**

Human Rights Law Review **2008** BOOKS RECEIVED

...8 HUMRLR 739 8 Hum. Rts. L. Rev. 739 2008 WL 4992985 HUMAN RIGHTS LAW REVIEW Human Rights Law Review 2008 BOOKS RECEIVED Copyright © 2005 by Oxford Journals Oxford University Press J. Allain, *The Slavery Conventions* (Martinus Nijhoff, Leiden, 2008, xx + 821 pp.) N. Andersson, D. Iagolnitzer and D.G. Collier (eds), *International Justice and Impunity: The Case of the United States* (Clarity Press, Atlanta, 2008, 298 pp.) O. Arakaki, *Refugee Law and Practice in Japan* (Ashgate, Aldershot, 2008, x + 270 pp.) A. Bullard (ed.), *Human Rights in Crisis* (Ashgate, Aldershot, 2008, xii + 160 pp.) A-M.M. Cotter, *Just a Number: An International Legal Analysis on Age Discrimination* (Ashgate, Aldershot, 2008, vi + 352 pp.) J. Doak, *Victims' Rights, Human Rights and Criminal Justice* (Hart Publishing, Oxford, 2008, x + 325 pp.) E. La Haye, *War Crimes in Internal Armed Conflicts* (Cambridge University Press, Cambridge, 2008, xix + 424 pp.) J. McAdam, *Forced Migration, Human Rights and Security* (Hart Publishing, Oxford, 2008, xiv + 302 pp.) V. Peskin, *International Justice in Rwanda and the Balkans* (Cambridge University Press, Cambridge, 2008, xxii + 272 pp.) M.F. Tinta, *The Landmark Rulings of the Inter-American Court of Human Rights on the Rights of the Child* (Martinus Nijhoff, Leiden, 2008, xxiv + 671 pp.) A. Van Engeland and R.M. Rudolph, *From Terrorism to Politics* (Ashgate, Aldershot, 2008, xiv + 217 pp.) A. Vedder (ed.), *NGO Involvement in International Governance and Policy: Sources of Legitimacy* (Martinus Nijhoff, Leiden, 2007, xi + 234 pp.) L. Vickers, *Religious Freedom, Religious Discrimination and the Workplace* (Hart Publishing, Oxford, 2008, xxiv + 240 pp.) L. Westra, K. Bosselmann and R. Westra (eds), *Reconciling Human Existence with Ecological Integrity* (Earthscan, London, 2008, xxvi + 351 pp.)

[99.](#) **18 Ind. Int'l & Comp. L. Rev. 1**

Indiana International and Comparative Law Review 2008 USING INTERNATIONAL AND FOREIGN HUMAN RIGHTS LAW IN PUBLIC INTEREST ADVOCACY Florence Wagman Roisman [FNa1]

...18 INICLR 1 18 Ind. Int'l & Comp. L. Rev. 1 2008 WL 2273070 INDIANA INTERNATIONAL AND COMPARATIVE LAW REVIEW Indiana International and Comparative Law Review 2008 Articles USING INTERNATIONAL AND FOREIGN HUMAN RIGHTS LAW IN PUBLIC



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INTEREST ADVOCACY Florence Wagman Roisman [FNa1] Copyright (c) 2008 Trustees of Indiana University; Florence Wagman Roisman Presented to the Opening Plenary Session of the 2006 National Legal Aid & Defender ...

...and cultural rights." [FN60] There are additional conventions dealing with, inter alia, violence against women. [FN61] The ACHR created the **Inter-American Court of Human Rights** in 1978. [FN62] The "core of international human rights law" is contained in these six instruments: the Charter of the...

[100.](#) **20 J. Envtl. L. 417**

Journal of Environmental Law 2008 PUBLIC INTEREST LITIGATION CONCERNING ENVIRONMENTAL MATTERS BEFORE HUMAN RIGHTS COURTS: A PROMISING FUTURE CONCEPT? Christian Schall [FNa1]

...20 JENVTL 417 20 J. Envtl. L. 417 2008 WL 4819225 JOURNAL OF ENVIRONMENTAL LAW Journal of Environmental Law 2008 Article PUBLIC INTEREST LITIGATION CONCERNING ENVIRONMENTAL MATTERS BEFORE HUMAN RIGHTS COURTS: A PROMISING FUTURE CONCEPT? Christian Schall [FNa1] Copyright © 2008 by Oxford University Press; Christian Schall Abstract This article endeavours to explain the current state of environmental public interest litigation ...

...of public interest litigation. Keywords: public interest litigation, Aarhus Convention, European Court of Human Rights, African Commission on Human Rights, Inter-American Court of Human Rights, third generation human rights 1. Introduction Since the adoption of the Stockholm Declaration [FN1] in 1972-mainly due to threatening ...

...have partly opened their jurisdiction to environmental concerns, the jurisprudence of the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR) remains far from ensuring effective protection of the environment. [FN6] The aim of this article is to explore the...

[101.](#) **20 J. Envtl. L. 475**

Journal of Environmental Law 2008 INTERNATIONAL LAW-SIGNIFICANT ENVIRONMENTAL CASES 2007-08 James Harrison [FNa1]

...20 JENVTL 475 20 J. Envtl. L. 475 2008 WL 4819228 JOURNAL OF ENVIRONMENTAL LAW Journal of Environmental Law 2008 INTERNATIONAL LAW-SIGNIFICANT ENVIRONMENTAL CASES 2007-08 James Harrison [FNa1] Copyright © 2008 by Oxford University Press; James Harrison 1. Trade and Environment 1.1 Brazil-Measures Affecting Imports of Re-treaded Tyres ...

...prices were also dismissed for failure to exhaust local remedies. 2.2



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Case of Claude-Reyes et al v Chile Inter-American Court of Human Rights [FN4] The so-called Río Cóndor Project was an industrial forestry project which would have involved the construction of a ...

...this refusal. An application to the national courts for disclosure of the information was also unsuccessful. The claim before the Inter-American Court of Human Rights related to an alleged violation of Article 13(1) of the Inter-American Convention on Human Rights which provides that...

[102.](#) **C** **40 N.Y.U. J. Int'l L. & Pol. 53**

New York University Journal of International Law and Politics 2008 "THE TANGLED WEB": THE RIGHT OF SELF-DEFENSE AGAINST NON-STATE ACTORS IN THE ARMED ACTIVITIES CASE Stephanie A. Barbour, Zoe A. Salzman [FNa1]

...40 NYUJILP 53 40 N.Y.U. J. Int'l L. & Pol. 53 2008 WL 1878006 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS New York University Journal of International Law and Politics 2008 Institute for International Law and Justice Armed Activities on the Territory of the Congo Democratic Republic of the Congo v ...

...SELF-DEFENSE AGAINST NON-STATE ACTORS IN THE ARMED ACTIVITIES CASE Stephanie A. Barbour Zoe A. Salzman [FNa1] Copyright (c) 2008 New York University Journal of International Law and Politics; Stephanie A. Barbour; Zoe A. Salzman I. Introduction 54 II. Facts ...

...FN237] and customary international law. [FN238] While some international tribunals (the ICTY, the International Criminal Tribunal for Rwanda, and the Inter-American Court of Human Rights) have required that non-State groups meet certain levels of organization and engage in military operations to qualify as a...

[103.](#) **3 N.Y.U. J. L. & Liberty 423**

NYU Journal of Law & Liberty 2008 STRUCTURES OF GOVERNANCE: "FIXING" INTERNATIONAL LAW WITH LESSONS FROM CONSTITUTIONAL AND CORPORATE GOVERNANCE Viet D. Dinh [FNa1]

...3 NYUJLL 423 3 N.Y.U. J. L. & Liberty 423 2008 WL 4370710 NYU JOURNAL OF LAW AND LIBERTY NYU Journal of Law & Liberty 2008 Fora The 2007 Freidrich A. von Hayek Lecture STRUCTURES OF GOVERNANCE: "FIXING" INTERNATIONAL LAW WITH LESSONS FROM CONSTITUTIONAL AND CORPORATE GOVERNANCE Viet D. Dinh [FNa1] Copyright (c) 2008 New York University Journal of Law & Liberty; Viet D. Dinh Introduction To mark the tercentenary of Harvard University in 1936 ...



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...habeas litigation based on the VCCR as he could not show prejudice. [FN57] Canada then obtained a request from the Inter-American Court of Human Rights for the execution to be stayed. Secretary of State Madeline Albright also sent a formal request to the Governor for ...

...barred. [FN81] After the execution of two Mexican nationals in 1997, Mexico sought and received an advisory opinion from the Inter-American Court on Human Rights that the United States had violated its obligations under the VCCR. [FN82] Diplomatic protests were ineffective in stopping more executions...

[104.](#) **C** **48 Santa Clara L. Rev. 605**

Santa Clara Law Review 2008 A VOICE FOR THE FISH? CLIMATE CHANGE LITIGATION AND POTENTIAL CAUSES OF ACTION FOR IMPACTS UNDER THE UNITED NATIONS FISH STOCKS AGREEMENT Dr. William C.G. Burns [FNa1]

...48 SANCLR 605 48 Santa Clara L. Rev. 605 2008 WL 2068738 SANTA CLARA LAW REVIEW Santa Clara Law Review 2008 Article A VOICE FOR THE FISH? CLIMATE CHANGE LITIGATION AND POTENTIAL CAUSES OF ACTION FOR IMPACTS UNDER THE UNITED NATIONS FISH STOCKS AGREEMENT Dr. William C.G. Burns [FNa1] Copyright (c) 2008 School of Law, Santa Clara University; Dr. William C.G. Burns The seas--all the seas--cry for regulation as a ...

...transition to reduce their aggregate greenhouse gas emissions to at least 5% below 1990 levels in the commitment period of 2008 to 2012. [FN87] In addition, parties will establish commitments for subsequent periods through amendments to pertinent provisions of the Protocol ...

...the United Nations and eleven industrial and developing States to work toward a long-term goal for emissions reductions by 2008. [FN101] However, some environmentalists fear that the United States may be seeking to undermine the Kyoto process, especially since the...

[105.](#) **14 Sw. J. L. & Trade Am. 287**

Southwestern Journal of Law and Trade in the Americas 2008 SUPPORTING OR THWARTING THE REVOLUTION? THE INTER-AMERICAN HUMAN RIGHTS SYSTEM AND CRIMINAL PROCEDURE REFORM IN LATIN AMERICA Richard J. Wilson [FNa1]

...14 SWJLTA 287 14 Sw. J. L. & Trade Am. 287 2008 WL 4228367 SOUTHWESTERN JOURNAL OF LAW AND TRADE IN THE AMERI Southwestern Journal of Law and Trade in the Americas 2008 Symposium Abandoning the Inquisitor: Latin America's Criminal Procedure Revolution Part 1 of 2 Articles SUPPORTING OR THWARTING



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THE REVOLUTION? THE INTER-AMERICAN HUMAN RIGHTS SYSTEM AND CRIMINAL PROCEDURE REFORM IN LATIN AMERICA Richard J. Wilson [FN1] Copyright (c) 2008 Southwestern Law School; Richard J. Wilson "The Convention does not endorse any specific criminal procedure system." [FN1] I. Introduction The ...

...States ("OAS") consists of the Inter-American Commission on Human Rights (the "Commission"), with headquarters in Washington, D.C., and the Inter-American Court of Human Rights (the "Court"), which sits in San José, Costa Rica. The OAS was created, and the American Declaration on the Rights ...

...of the Convention and required modification of the domestic norms to comply with human rights norms. [FN167] In March of 2008, the president of Guatemala vetoed legislation to reinstate the death penalty in Guatemala, citing to the prohibition on extension of...

[106.](#) **C** **31 Suffolk Transnat'l L. Rev. 209**

Suffolk Transnational Law Review Symposium 2008 THE MEDELLÍN V. TEXAS SYMPOSIUM: A CASE WORTHY OF COMMENT Valerie Epps: Editor [FN1]

...31 SFKTLR 209 31 Suffolk Transnat'l L. Rev. 209 2008 WL 2506087 SUFFOLK TRANSNATIONAL LAW REVIEW Suffolk Transnational Law Review Symposium 2008 Medell v. Texas: A Symposium Introduction THE MEDELLÍN V. TEXAS SYMPOSIUM: A CASE WORTHY OF COMMENT Valerie Epps: Editor [FN1] Copyright (c) 2008 Suffolk University; Valerie Epps: Editor This Symposium focuses on the case of Medellín v. Texas. [FN1] Why have a Symposium ...

...the VCCR in capital cases including specific references to the Medellín case. He also discusses the Advisory Opinion of the Inter-American Court of Human Rights, [FN26] which has found that failure to provide consular rights to capital criminal defendants violates due process, resulting in the ...

...rights as the ICJ has ruled, and what impact this might have in the Medellín case. She notes that the Inter-American Court of Human Rights, in its Advisory Opinion in 1999, [FN29] ruled that VCCR rights were human rights within the panoply of due process...

[107.](#) **C** **31 Suffolk Transnat'l L. Rev. 227**

Suffolk Transnational Law Review Symposium 2008 THREE NARRATIVES OF MEDELLÍN V. TEXAS Margaret E. McGuinness [FN1]

...31 SFKTLR 227 31 Suffolk Transnat'l L. Rev. 227 2008 WL 2506088 SUFFOLK TRANSNATIONAL LAW REVIEW Suffolk Transnational Law Review Symposium 2008 Medell v. Texas: A Symposium Lead Article



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Corte Interamericana de Derechos Humanos

THREE NARRATIVES OF MEDELLÍN V. TEXAS Margaret E. McGuinness [FNa1] Copyright (c) 2008 Suffolk University; Margaret E. McGuinness I. Introduction Every once in a while, a Supreme Court case comes along that holds ...

...form of a federal habeas corpus challenge, [FN6] diplomatic and political efforts, [FN7] requests for an advisory opinion of the Inter-American Court of Human Rights (IACtHR), [FN8] successful litigation brought by Mexico against the United States at the International Court of Justice (ICJ), [FN9] and ...

...earlier draft, and Paul Litton for helpful conversations about the death penalty. [FN1] *Medellín v. Texas*, 128 S. Ct. 1346 (2008) Because this is the second time *Medellín* has reached the Supreme Court (see *infra* note 10, discussing *Medellín v. Dretke*...

[108.](#) **C 31 Suffolk Transnat'l L. Rev. 301**

Suffolk Transnational Law Review Symposium 2008 MEDELLÍN, AVENA, THE SUPREMACY OF TREATIES, AND RELEVANT EXECUTIVE AUTHORITY Jordan J. Paust

...31 SFKTLR 301 31 Suffolk Transnat'l L. Rev. 301 2008 WL 2506091 SUFFOLK TRANSNATIONAL LAW REVIEW Suffolk Transnational Law Review Symposium 2008 *Medell v. Texas: A Symposium Lead Article MEDELLÍN, AVENA, THE SUPREMACY OF TREATIES, AND RELEVANT EXECUTIVE AUTHORITY* Jordan J. Paust Copyright (c) 2008 Suffolk University; Jordan J. Paust I. Treaty-Based Obligations of the United States 302 A. Obligations of the United States ...

...in *Avena* or the President's choice concerning the means for faithful execution. [FN1] *Medellín v. Texas*, 128 S. Ct. 1346 (2008) [FN2] U.S. Const., art. VI, cl. 2 [FN3] . U.N. Charter art. 94, paras. 1 ("undertakes to comply with the decision ...

...Nationals (*Mex. v. U.S.*), 2004 I.C.J. 12, 106(1)-(2), 153(4) (Mar. 31) I agree with the ICJ, the Inter-American Court of Human Rights, and others that individuals have rights under the Convention. See *id.*; *The Right to Information on Consular Assistance in the...*

[109.](#) **31 Suffolk Transnat'l L. Rev. 377**

Suffolk Transnational Law Review Symposium 2008 INTERNATIONAL LAW, THE UNITED STATES OF AMERICA AND CAPITAL PUNISHMENT William A. Schabas [FNa1]

...31 SFKTLR 377 31 Suffolk Transnat'l L. Rev. 377 2008 WL 2506093 SUFFOLK TRANSNATIONAL LAW REVIEW Suffolk Transnational Law Review Symposium 2008 *Medell v. Texas: A Symposium Lead Article INTERNATIONAL LAW, THE UNITED STATES OF AMERICA AND CAPITAL*



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PUNISHMENT William A. Schabas [FNa1] Copyright (c) 2008 Suffolk University; William A. Schabas *Medellín v. Texas* is the latest act in a judicial drama involving the United States ...

...of capital punishment per se is an important one in international human rights law. In a 1999 Advisory Opinion, the Inter-American Court of Human Rights (Inter-American Court) insisted that failure to respect the right to information about consular assistance, as enshrined in the VCCR ...

...it is not a party to the American Convention, the United States is not subject to the jurisdiction of the Inter-American Court of Human Rights. But the consular rights issues that arose in litigation at the ICJ have also come before the Inter-American Court...

[110.](#) **C** [31 Suffolk Transnat'l L. Rev. 419](#)

Suffolk Transnational Law Review Symposium 2008 THE RIGHT TO CONSULAR NOTIFICATION AS A HUMAN RIGHT Christina M. Cerna [FNa1]

...31 SFKTLR 419 31 Suffolk Transnat'l L. Rev. 419 2008 WL 2506094 SUFFOLK TRANSNATIONAL LAW REVIEW Suffolk Transnational Law Review Symposium 2008 *Medell v. Texas*: A Symposium Lead Article THE RIGHT TO CONSULAR NOTIFICATION AS A HUMAN RIGHT Christina M. Cerna [FNa1] Copyright (c) 2008 Suffolk University; Christina M. Cerna I. Introduction The late Professor Joan Fitzpatrick wrote in 2002 her reflections on U.S. implementation ...

...assumed the character of a human right." Unmentioned in the *LaGrand* Judgment is the well--reasoned Advisory Opinion of the Inter-American Court on Human Rights on *The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law* ...

...of whether the right to consular notification and access is a human right, and how the Advisory Opinion of the Inter-American Court of Human Rights (Inter-American Court) [FN3] influenced the discussion of this right by the ICJ in its two cases dealing with the...

[111.](#) **C** [2008 U. Ill. L. Rev. 71](#)

University of Illinois Law Review 2008 NONCONSENSUAL INTERNATIONAL LAWMAKING Laurence R. Helfer [FNa1]

...2008 UILLR 71 2008 U. Ill. L. Rev. 71 2008 WL 309888 UNIVERSITY OF ILLINOIS LAW REVIEW University of Illinois Law Review 2008 Symposium: Public International Law and Economics NONCONSENSUAL INTERNATIONAL LAWMAKING [FNd1] Laurence R. Helfer [FNa1] Copyright (c) 2008 Board of Trustees of the University of Illinois;



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Corte Interamericana de Derechos Humanos

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Laurence R. Helfer This article documents the rise of nonconsensual international lawmaking ...

...consent principle is by altering the location of particular rules in the hierarchy of international legal norms. For example, the Inter-American Court of Human Rights has held, over the objections of the United States, that the nonbinding American Declaration on the Rights and Duties of ...

...those issues, see Curtis A. Bradley & Judith G. Kelley, *The Concept of International Delegation*, 71 *Law & Contemp. Probs.* (forthcoming Winter 2008), available at <http://ssrn.com/abstract=943044>; Jon Kyl, *Unratified and Unsigned Treaties Still Constrain U.S. Action 2* (May 16, 2006...

112. **29 U. La Verne L. Rev. 88**

University of La Verne Law Review 2008 THE SINS OF THE FATHER: PUNISHING CHILDREN IN THE WAR ON TERROR Melissa A. Jamison [FNa1]

...29 ULVLR 88 29 U. La Verne L. Rev. 88 2008 WL 1877950 UNIVERSITY OF LA VERNE LAW REVIEW University of La Verne Law Review 2008 Symposium: Child Soldiers: Domestic and International Perspectives Article THE SINS OF THE FATHER: PUNISHING CHILDREN IN THE WAR ON TERROR Melissa A. Jamison [FNa1] Copyright (c) 2008 University of La Verne College of Law; Melissa A. Jamison I. Introduction All children throughout the world have the same ...

...As a result, the United States' agenda of convicting Omar is back on track. Colonel Brownback has scheduled May 5, 2008, as the date for voir dire to begin in Omar's trial. [FN220] The United States has also treated Omar like ...

...The Paris Principles, in particular, provide recent guidance on the international community's protection of all children in armed conflicts. The Inter-American Court of Human Rights also has elaborated on the special rights of children, in its advisory opinion on the Legal Status and Human Rights...

113. **53 Vill. L. Rev. 117**

Villanova Law Review 2008 THE GEOGRAPHY OF JUSTICE WORMHOLES: DILEMMAS FROM PROPERTY AND CRIMINAL LAW Hari M. Osofsky [FNa1]

...53 VLLR 117 53 Vill. L. Rev. 117 2008 WL 2125066 VILLANOVA LAW REVIEW Villanova Law Review 2008 Article THE GEOGRAPHY OF JUSTICE WORMHOLES: DILEMMAS FROM PROPERTY AND CRIMINAL LAW Hari M. Osofsky [FNa1] Copyright (c) 2008 Villanova University;



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Hari M. Osofsky Falling into a black hole has become one of the horrors of science fiction. In ...

...descendents are not appropriate for consideration under early-warning measures and urgent procedures" [FN42] The Committee responded in its February 2008 concluding observations: "While noting the explanations provided by the State party with regard to the situation of the Western Shoshone ...

...Danns had no formal avenues for recourse, as the Commission lacks the ability to enforce the judgment directly and the Inter-American Court on Human Rights does not have jurisdiction over the United States. [FN90] The Danns thus remained trapped within U.S. governmental spaces despite international...

[114.](#) **86 Wash. U. L. Rev. 53**

Washington University Law Review 2008 BEYOND INDIGENOUS PROPERTY RIGHTS: EXPLORING THE EMERGENCE OF A DISTINCTIVE CONNECTION DOCTRINE Eric Dannenmaier [FN1]

...86 WAULR 53 86 Wash. U. L. Rev. 53 2008 WL 4726445 WASHINGTON UNIVERSITY LAW REVIEW Washington University Law Review 2008 Article BEYOND INDIGENOUS PROPERTY RIGHTS: EXPLORING THE EMERGENCE OF A DISTINCTIVE CONNECTION DOCTRINE Eric Dannenmaier [FN1] Copyright (c) 2008 Washington University; Eric Dannenmaier Human rights law has begun to offer normative protection for what remains of indigenous lands. Yet ...

...HRC) and Commission on the Elimination of Racial Discrimination (CERD); decisions of the Inter-American Commission on Human Rights and Inter-American Court of Human Rights; the formulation of World Bank Operational Policies; and most recently the adoption of the U.N. Declaration on the Rights of ...

...connection. A. Awas Tingni One of the most prominent assertions of indigenous environmental rights was a 2001 decision of the Inter-American Court of Human Rights in The Mayagna (Sumo) Awas Tingni Community v. Nicaragua. [FN199] The case involved Nicaragua's decision in 1996 to grant a...

[115.](#) **C 59 Hastings L.J. 241**

Hastings Law Journal December, 2007 PRIVATE RIGHTS AND PUBLIC INTERNATIONAL LAW: WHY COMPETITION AMONG INTERNATIONAL ECONOMIC LAW TRIBUNALS IS NOT WORKING Andrea K. Bjorklund [FN1]

...attractive venue for such cases. Although their enforcement mechanisms are similar, the Inter-American Commission on Human



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Rights and the Inter-American Court of Human Rights, have not been as active as the European Court of Human Rights, [FN39] which has heard a number of expropriation ...

...Constante, in *International Economic Law: The State and Future of the Discipline* (Colin Picker et al. eds., Hart Publishing, forthcoming 2008); Raj Bhala, *The Myth About Stare Decisis and International Trade Law* (Part One of a Trilogy), 14 *Am. U. Int'l* ...

...Yannaca-Small, *Parallel Proceedings*, in *Oxford Handbook Of Foreign Investment Law* (Peter Muchlinski et al. eds., Oxford U. Press, forthcoming 2008). [FN98] . When private entities enter into state contracts that contain arbitration clauses with the host government, they do so without...

[116.](#) **C** **86 N.C. L. Rev. 1**

North Carolina Law Review December, 2007 EMPIRICALLY EVALUATING CLAIMS ABOUT INVESTMENT TREATY ARBITRATION Susan D. Franck [FNaa1]

...million. [FN258] This average may not be dissimilar from other international law adjudications. For example, a recent decision by the Inter-American Court of Human Rights required Colombia to pay US\$7.8 million to relatives of twelve judicial workers killed in a massacre by army ...

...See Jason W. Yackee, *Conceptual Difficulties in the Empirical Study of Bilateral Investment Treaties*, 33 *Brooklyn J. Int'l L.* (forthcoming 2008) (Univ. of Wisc. Legal Studies Research Paper No. 1053 at 11-12, available at <http://ssrn.com/abstract=1015088>); U.N. Conference...

[117.](#) **29 Women's Rts. L. Rep. 63**

Women's Rights Law Reporter Winter/Spring 2007-2008 PERMISSION FOR DOMESTIC VIOLENCE: MARITAL RAPE IN GHANAIAN MARRIAGES Nancy Kaymar Stafford [FN1]

...29 WRLR 63 29 Women's Rts. L. Rep. 63 2008 WL 2570211 WOMENS RIGHTS LAW REPORTER Women's Rights Law Reporter Winter/Spring 2007-2008 December 2007 Article PERMISSION FOR DOMESTIC VIOLENCE: MARITAL RAPE IN GHANAIAN MARRIAGES Nancy Kaymar Stafford [FN1] Copyright (c) 2008 Women's Rights Law Reporter, Rutgers, the State University of New Jersey; Nancy Kaymar Stafford "Since rape is a very serious ...

...parties, if the state fails to prevent, investigate, and punish the crime. [FN101] According to a decision rendered by the Inter-American Court of Human Rights, "[t]he exercise of public authority has certain limits which derive from the fact that human rights are inherent



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attributes of ...

...Marriage Vows to Tackle Domestic Abuse, Christian Today, Oct. 3, 2006, <http://www.christiantoday.com/article/church.omits.obey.from.marriage.vows.in.7843.htm> (last visited Mar. 13, 2008). The article uses the Episcopal Church as an example of traditional Christian wedding vows because 68.8% of Ghanaians practice...

[118.](#) **18 Eur. J. Int'l L. 785**

European Journal of International Law November, 2007 TWENTIETH CENTURY INTERNATIONALISM IN LAW Ole Spiermann [FNa1]

...OF INTERNATIONAL LAW European Journal of International Law November, 2007 Article TWENTIETH CENTURY INTERNATIONALISM IN LAW Ole Spiermann [FNa1] Copyright © 2008 by EJIL; Ole Spiermann Abstract The 20th century saw the transformation of international law into a legal discipline concerned with ...

...para. 8. [FN66] Ireland v. United Kingdom , ECHR Series A No. 25 (1978), at para. 239. Similarly, e.g., from the Inter-American Court of Human Rights, Restrictions to the Death Penalty , Advisory Opinion OC-3/83, 70 Int'l LR (1983) 449, at para. 50 and, from...

[119.](#) **C 93 Iowa L. Rev. 277**

Iowa Law Review November, 2007 DOUBLE DENIAL: HOW BOTH THE DOL AND ORGANIZED LABOR FAIL DOMESTIC AGRICULTURAL WORKERS IN THE FACE OF H-2A Alison K. Guernsey [FNa1]

...to protect local workers in the face of H-2A. [FNa1] . J.D. Candidate, The University of Iowa College of Law, 2008; B.A., University of Michigan, Ann Arbor. Thank you to my friends and family for their support throughout law school. Deep ...

...Hector L. Delgado, New Immigrants, Old Unions: Organizing Undocumented Workers in Los Angeles 10 (1993)). [FN259] . Sarah Cleveland et al., Inter-American Court of Human Rights Amicus Curiae Brief: The United States Violates International Law When Labor Law Remedies Are Restricted Based on Workers' Migrant Status...

[120.](#) **24 Ariz. J. Int'l & Comp. L. 609**

Arizona Journal of International and Comparative Law Fall, 2007 PROSPECTS AND CHALLENGES IN THE IMPLEMENTATION OF INDIGENOUS PEOPLES' HUMAN RIGHTS IN INTERNATIONAL LAW: LESSONS FROM THE CASE OF AWAS TINGNI v. NICARAGUA Leonardo J. Alvarado [FNa1]



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...v. NICARAGUA Leonardo J. Alvarado [FN1] Copyright © 2007 by the Arizona Board of Regents; Leonardo J. Alvarado I. INTRODUCTION The Inter-American Court of Human Rights' 2001 decision in the case of the Mayagna (Sumo) Community of Awas Tingni v. Nicaragua is the first judgment by ...

...other indigenous peoples in fully realizing their rights recognized under domestic and international laws. Nonetheless, Awas Tingni's victory in the Inter-American Court of Human Rights has brought the issue of land demarcation of indigenous territories and indigenous peoples' natural resource rights further into the forefront ...

...international legal forums. Part II of this article provides a background and overview of the Awas Tingni decision by the Inter-American Court of Human Rights and the valuable contribution this decision has made to the development of international jurisprudence on indigenous peoples' rights. Part III...

[121.](#) **6 Nw. U. J. Int'l Hum. Rts. 81**

Northwestern University Journal of International Human Rights Fall, 2007 THE MISUSE OF TERRORISM PROSECUTION IN CHILE: THE NEED FOR DISCRETE CONSIDERATION OF MINORITY AND INDIGENOUS GROUP TREATMENT IN RULE OF LAW ANALYSES Noah Bialostozky [FN1]

...States must execute in good faith the treaties they adhere to and the international obligations arising from them. [FN97] The Inter-American Court of Human Rights has explicitly invoked the principle, stating that: "[p]ursuant to international law, all obligations imposed by it must be fulfilled in ...

...protection of human rights in the current geopolitical climate of counterterrorism. [FN1] . JD, Northwestern University School of Law, expected May 2008; B.A. cum laude in Public Policy Studies, Duke University, 2003. This comment was inspired by my work at the ABA ...

...Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331 8 I.L.M. 679 entered into force Jan. 27, 1980. [FN98] . Inter-American Court of Human Rights, International Responsibility for the Promulgation and Enforcement of Laws in violation of the Convention (arts. 1 and 2, American Convention...

[122.](#) **6 Nw. U. J. Int'l Hum. Rts. 104**

Northwestern University Journal of International Human Rights Fall, 2007 ENFORCING ENVIRONMENTAL HUMAN RIGHTS: SELECTED STRATEGIES OF US NGOS Jennifer Cassel [FN1]

...with some success -- encompasses within it environmental rights. In



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Corte Interamericana de Derechos Humanos

the watershed case of *Maya (Sumo) v. Nicaragua*, decided by the Inter-American Court of Human Rights (Inter-American Court) in 2001, the Inter-American Court found that Nicaragua violated the Maya (Sumo)'s right to property ...

...is the submission of petitions to the Inter-American Commission on Human Rights ("IACHR"). [FN65] The IACHR, together with the Inter-American Court on Human Rights ("Inter-American Court"), constitutes the regional system of human rights enforcement in the Americas. [FN66] The IACHR is an autonomous ...

...together indigenous, environmental, and broader human rights issues [which] created a precedent supporting such linkages in the jurisprudence of the Inter-American Court of Human Rights." [FN78] Two other IACHR cases in which CIEL advanced the idea that traditional human rights can be violated by environmental...

123. **19 Pace Int'l L. Rev. 195**

Pace International Law Review Fall 2007 SWINGING BACK AND FORTH BETWEEN IMPUNITY AND IMPEACHMENT: THE STRUGGLE FOR JUSTICE IN LATIN AMERICA AND THE INTERNATIONAL CRIMINAL COURT Alberto L. Zuppi [FN1]

...the clearest examples of the value of the Inter-American human rights institutions. In the case of *Barrios Altos* the Inter-American Court of Human Rights decided that: This Court considers that all amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate ...

...demanded from Mexico authorization for the re-extradition of Cavallo and having obtained it, in the last day of March 2008 with the consent of Cavallo he was extradited again this time to Argentina. Conclusion Besides the problems of reforming the ...

...and one may hope that in the near future human rights violators will not find a place to hide. The Inter-American Court of Human Rights stated in the case *Barrios Altos*: [FN133] [T]hat all amnesty provisions, provisions on prescription and the establishment of measures designated...

124. **30 T. Jefferson L. Rev. 69**

Thomas Jefferson Law Review Fall 2007 INNOCENTS ABROAD: REFLECTIONS ON SUMMER ABROAD LAW PROGRAMS Louise Harmon, Eileen Kaufman [FN1]

...mushrooms throughout the legal academy. By 1995, "103 programs were offered by fifty schools in forty countries." [FN118] And, in 2008, a staggering 237 programs are being offered by 115 different schools in



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forty-nine countries. [FN119] And so we see ...

...631-421-2244 • Fax 631-421-2675 • E-mail: eileenk@tourolaw.edu
LouiseH @tourolaw.edu APPENDIX B ABA-APPROVED SUMMER ABROAD
PROGRAMS 2008 Country Number of Programs (or parts of programs)
Argentina 8 Australia 8 Austria 7 Belgium 5 Brazil 3 Cambodia 1 ...

...Sec. of Legal Educ. & Admissions to the Bar, [hereinafter A.B.A. List],
[http:// www.abanet.org/legaled/studyabroad/foreign.html](http://www.abanet.org/legaled/studyabroad/foreign.html) (last visited
Feb. 9, 2008). In 2008, there are approximately 237 programs,
sponsored by 115 different law schools in 49 different countries. Id.
[FN3] . Although this article...

125. **14 U.C. Davis J. Int'l L. & Pol'y 59**

U.C. Davis Journal of International Law and Policy Fall 2007 A VIENNA
CONVENTION INTERPRETATION OF THE "INTERESTS OF JUSTICE"
PROVISION OF THE ROME STATUTE, THE LEGALITY OF DOMESTIC
AMNESTY AGREEMENTS, AND THE SITUATION IN NORTHERN UGANDA:
A "GREAT QUALITATIVE STEP FORWARD," OR A NORMATIVE RETREAT?
Michael Kourabas [FN1]

...the relevance of international law to the amnesty issue. The article
focuses on the international jurisprudence regarding amnesty from the
Inter-American Court of Human Rights ("IACtHR"). In this section the
American Convention--which founded the IACtHR--is compared to
Africa's analog, the African Charter. The ...

...American Convention on Human Rights ("American Convention") was
adopted. [FN150] The Convention entered into force in 1978, and
created the Inter-American Court of Human Rights. [FN151] As of today,
twenty-five countries have ratified the Convention, [FN152] and twenty-
one countries are subject to the ...

...to the fulfillment of the commitments made by the States Parties to
the Convention' to both the IACHR and the Inter-American Court of
Human Rights, established by Chapter VIII of the ACHR." [FN154] The
main function of the IACtHR is to adjudicate alleged human rights...

126. **12 UCLA J. Int'l L. & Foreign Aff. 359**

UCLA Journal of International Law and Foreign Affairs Fall 2007
WELCOMING ALL TO A TABLE OF PLENTY: THE FREE TRADE AREA AND
THE BOLIVARIAN ALTERNATIVE AS COMPETING MEANS OF ECONOMIC
INTEGRATION IN THE AMERICAS Stephen M. Siptroth [FN1]

...States has two bodies which oversee compliance with human rights
instruments: the Inter-American Commission on Human Rights and the
Inter-American Court of Human Rights. [FN113] These organizations
monitor compliance with the American Declaration of the Rights and



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Duties of Man and the American Convention ...

...Trade Facilitation Alliance (Feb. 2005), <http://web.archive.org/web/20060409203749/http://www.ftaalliance.org/news/archives/2005/02/default.asp> (last visited January 18, 2008). [FN47] . De León, *supra* note 41, at 244. [FN48] . Heinz G. Preusse, *The Future of MERCOSUR*, in *Free Trade in ...*

...Ecuador (Nov. 1, 2002), available at http://www.ftaa-alca.org/SPCOMM/COMMSE_E.ASP (click on "Quito Declaration") (last visited January 18, 2008); FTAA, Ministerial Declaration at Buenos Aires, Argentina (Apr. 7, 2001), available at http://www.ftaa-alca.org/SPCOMM/COMMSE_E.ASP (click on...

127. **39 U. Miami Inter-Am. L. Rev. 67**

University of Miami Inter-American Law Review Fall 2007 WONG KIM ARK AND SENTENCIA QUE DECLARA CONSTITUCIONAL LA LEY GENERAL DE MIGRACIÓN 285-04 IN COMPARATIVE PERSPECTIVE: CONSTITUTIONAL INTERPRETATION, JUS SOLI PRINCIPLES, AND POLITICAL MORALITY Patrick J. Glen [FN1]

...is concrete. Rather, like any constitutional interpretation, it retains a certain fluidity, at least potentially. Nonetheless, at least now in 2008, the same interpretation prevails and there is little reason to think that the Supreme Court will reverse itself on this ...

...to the Inter-American Commission on Human Rights and, because of failures in the friendly settlement process, ultimately to the Inter-American Court of Human Rights, which rendered a decision in the girls' case in September 2005. [FN69] The case came to the Court on the...

128. **C 39 U. Miami Inter-Am. L. Rev. 177**

University of Miami Inter-American Law Review Fall 2007 A RIGHT TO LEAVE, BUT NOWHERE TO GO: RECONCILING AN EMIGRANT'S RIGHT TO LEAVE WITH THE SOVEREIGN'S RIGHT TO EXCLUDE Joy M. Purcell [FN1]

...OAS) is an excellent example of international collaboration. Within the Americas, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights work together to investigate human rights violations and punish violators pursuant to the Charter of the Organization of American States ...

...caught in the same dilemma with a right to leave their county, but nowhere to go. [FN1] . J. D. Candidate 2008, University of Miami School of Law; B.A. in Politics & Latin American Studies 2005, New York University. This article is dedicated...



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[129.](#) **C** **80 S. Cal. L. Rev. 1155**

Southern California Law Review September, 2007 GLOBAL LEGAL PLURALISM Paul Schiff Berman [FNa1]

...Maintenance Organizations first promulgated by a not-for-profit entity). See also Laura A. Dickinson, Outsourcing War and Peace (forthcoming 2008) (proposing such an accreditation scheme for disciplining private military contractors). [FN195] . A particularly useful, succinct summary can be found in ...

...hrw.org/english/docs/2005/06/14/argent11119.htm. Interestingly, the Argentine Court cited as legal precedent a 2001 decision of the Inter-American Court of Human Rights striking down a similar amnesty provision in Peru as incompatible with the American Convention on Human Rights and hence without...

[130.](#) **3 Stan. J. Civ. Rts. & Civ. Liberties 285**

Stanford Journal of Civil Rights & Civil Liberties August, 2007 HUMAN RIGHTS AT HOME: HUMAN RIGHTS AS AN ORGANIZING AND LEGAL TOOL IN LOW-WAGE WORKER COMMUNITIES Rebecca Smith [FNa1]

...countries have ratified the American Convention on Human Rights. [FN52] Fourteen Latin American countries recognize the contentious jurisdiction of the Inter-American Court of Human Rights, and many new Latin American constitutions recognize a special hierarchy with respect to human rights matters. [FN53] In the home ...

...on Migrant Workers, focus more specifically on the human rights of migrant workers, and on their labor rights. The OAS Inter-American Court of Human Rights has issued the strongest statement identifying the labor rights of migrants as fundamental human rights in its Advisory Opinion entitled ...

...and to immigrants rose again in 2004. [FN29] . See Occupational Safety and Health Administration, U.S. Dep't of Labor, OSHA 2003-2008 Strategic Management Plan, available at <http://www.osha.gov/StratPlanPublic/strategicmanagementplan-final.html>. "Immigrant and 'hard-to-reach' workers and employers are also...

[131.](#) **C** **39 N.Y.U. J. Int'l L. & Pol. 791**

New York University Journal of International Law and Politics Summer 2007 THE SHIFT FROM THE CONSENSUAL TO THE COMPULSORY PARADIGM IN INTERNATIONAL ADJUDICATION: ELEMENTS FOR A THEORY OF CONSENT Cesare P.R. Romano [FNa1]

...that gave rise to an expanded constellation of international adjudicative fora. [FN13] The International Court of Justice (ICJ) and the



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Inter-American Court of Human Rights (IACHR) still rely on the classic consensual paradigm. For both of these courts, consent to jurisdiction must be expressly accorded ...

...which jurisdiction is not clearly lacking, it has often been fiercely debated both in and outside the courtroom. [FN100] b. Inter-American Court of Human Rights Membership to the Council of Europe is conditional upon ratification of the region's central human rights treaty: the European Convention ...

...and unquestioned centerpiece of international law, one would have expected the ICJ to take more consideration of Israel's objections. b. **Inter-American Court of Human Rights** In the IACHR context, there are two recent examples of bending the consent principle: the advisory opinions on the Right...

132. **45 Osgoode Hall L.J. 239**

Osgoode Hall Law Journal Summer, 2007 Beyond Self-Congratulation: The Charter at 25 in an International Perspective© Louise Arbour [FNa1]Fannie Lafontaine [FNaa1]

...this article will situate the Canadian human rights evolution in an international context. There, it should be noted that in 2008 we celebrate the 60th anniversary of the Universal Declaration of Human Rights [FN2] a fundamental document which marked the international ...

...by domestic courts, or by regional human rights courts such as the European Court of Human Rights [FN23] and the Inter-American Court of Human Rights, [FN24] allows for a more sustained and rigorous development of the law. [FN25] That said, the dialogue provoked by the ...

...upcoming occasion of the 50th anniversary of the entry into force of the ACHR , which will be celebrated in July 2008, it is timely and important that Canada give serious consideration to ratifying this important treaty, its two additional protocols (on...

133. **26A Stan. Env'tl. L.J. 123**

Stanford Environmental Law Journal June 2007 INTERNATIONAL LIABILITY AS AN INSTRUMENT TO PREVENT AND COMPENSATE FOR CLIMATE CHANGE Michael G. Faure [FNa1]André Nollkaemper [FNd1]

...to reduce the overall emissions of such gases by at least five percent below 1999 levels in the commitment period 2008 to 2012. In this case, there is a clear obligation on the parties that have accepted the Kyoto Protocol. A ...

...acceptable) available at <http://ssrn.com/abstract=959748>. [FN23] .



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That would hold primarily for the European Court of Human Rights, the Inter-American Court of Human Rights and in the future the African Court on Human Rights. [FN24] . Letter from Ariel Dulitzky, Assistant Executive Secretary, Inter-American...

[134.](#) **26A Stan. Envtl. L.J. 181**

Stanford Environmental Law Journal June 2007 CLIMATE CHANGE LITIGATION AS PLURALIST LEGAL DIALOGUE? Hari M. Osofsky [FN1]

...cms06/06-046_0a.pdf (May 2, 2006). [FN60] . Comments on Proposed Light Truck Corporate Average Fuel Economy Standards for MY 2008-2011 and on Draft Environmental Assessment [DOT DMS Docket Number 2005-22223], Nov. 22, 2005, available at <http://ag.ca.gov/newsalerts> ...

...pluralism, see notes 45-53 and accompanying text. [FN109] . Although the United States has not accepted the jurisdiction of the Inter-American Court of Human Rights, its OAS membership gives the Commission authority to hear claims against it. See Statute of the Inter-American Commission on...

[135.](#) **43A Stan. J. Int'l L. 123**

Stanford Journal of International Law June 2007 INTERNATIONAL LIABILITY AS AN INSTRUMENT TO PREVENT AND COMPENSATE FOR CLIMATE CHANGE Michael G. Faure [FN1]André Nollkaemper [FNd1]

...to reduce the overall emissions of such gases by at least five percent below 1999 levels in the commitment period 2008 to 2012. In this case, there is a clear obligation on the parties that have accepted the Kyoto Protocol. A ...

...acceptable) available at <http://ssrn.com/abstract=959748>. [FN23] . That would hold primarily for the European Court of Human Rights, the Inter-American Court of Human Rights and in the future the African Court on Human Rights. [FN24] . Letter from Ariel Dulitzky, Assistant Executive Secretary, Inter-American...

[136.](#) **43A Stan. J. Int'l L. 181**

Stanford Journal of International Law June 2007 CLIMATE CHANGE LITIGATION AS PLURALIST LEGAL DIALOGUE? Hari M. Osofsky [FN1]

...cms06/06-046_0a.pdf (May 2, 2006). [FN60] . Comments on Proposed Light Truck Corporate Average Fuel Economy Standards for MY 2008-2011 and on Draft Environmental Assessment [DOT DMS Docket Number 2005-22223], Nov. 22, 2005, available at <http://ag.ca.gov/newsalerts> ...



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...pluralism, see notes 45-53 and accompanying text. [FN109] . Although the United States has not accepted the jurisdiction of the Inter-American Court of Human Rights, its OAS membership gives the Commission authority to hear claims against it. See Statute of the Inter-American Commission on...

[137.](#) **C** **30 Fordham Int'l L.J. 1449**

Fordham International Law Journal May, 2007 TARGETED SANCTIONS, HUMAN RIGHTS, AND THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITY Elizabeth F. Defeis [FN1]

...School of Law. The author would like to thank her research assistants Stacie Bennett and Kourtney J.A. Knop, Class of 2008, for their assistance. [FN1] . See Council Regulation No. 467/2001, art. 2(1), O.J. L 67 (2001). [FN2] . See Council ...

...that jus cogens covers the right to life in Victims of the Tugboat '13 de Marzo' v. Cuba; and the Inter-American Court of Human Rights found the right to equality before the law and non-discrimination in Advisory Opinion OC-18/03; and a probation...

[138.](#) **5 Nw. U. J. Int'l Hum. Rts. 236**

Northwestern University Journal of International Human Rights Spring, 2007 MINING GOLD IN A CONFLICT ZONE: THE CONTEXT, RAMIFICATIONS, AND LESSONS OF ANGLOGOLD ASHANTI'S ACTIVITIES IN THE DEMOCRATIC REPUBLIC OF THE CONGO Brandon Prosansky [FN1]

...with integrity. [FN128] AGA will continue to fast-track exploration in 2007, and plans to conduct a feasibility study in 2008 that it hopes will allow it to commence construction of a mine in 2009. [FN129] In February 2006, OKIMO said ...

...from such abuses. This approach might be a substitute for seeking to hold AngloGold Ashanti directly accountable. In 1988, the Inter-American Court of Human Rights (IACHR), in the Velásquez Rodríguez Case, in which the complainants sought to hold the state of Honduras accountable for the...

[139.](#) **C** **16 Temp. Pol. & Civ. Rts. L. Rev. 423**

Temple Political and Civil Rights Law Review Spring 2007 LEARNING FROM THE PAST: DESIGNING EFFECTIVE WORKER PROTECTIONS FOR COMPREHENSIVE IMMIGRATION REFORM Arthur N. Read [FN1]

...A.2d 994 (N.H. 2005) Reinforced Earth Co. v. Workers' Comp. App. Bd., 810 A.2d 99 (Pa. 2002) The Inter-American Court of Human Rights issued an advisory opinion (Opinión Consultiva 18) on the treatment of



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unauthorized migrant workers and their labor rights in the ...

...year 2007. See supra note 56 and accompanying text. The issue of the status of the program for fiscal year 2008 and beyond will undoubtedly be before the 110th Congress even if efforts at comprehensive immigration reform fail before September 30...

[140.](#) **C** **101 Am. J. Int'l L. 1**

American Journal of International Law January, 2007 STATE COMPLIANCE WITH THE RECOMMENDATIONS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS, 1994-2004 Frans Viljoen, Lirette Louw [FN1]

...file with authors). [FN92] . With the entry into force of the 1997 version of the Rules of Procedure of the Inter-American Court of Human Rights, provision was made for the first time in Article 23 for the representatives of the victims or their next of ...

...supra note 60, at 233, 238; see also Byrnes, supra note 60, at 151-52; Hathaway, supra note 3, at 2008. [FN131] . Report of the Human Rights Committee, UN GAOR, 51st Sess., Supp. No. 40, vol. 1 at 70, para. 436...

[141.](#) **C** **31 Am. Indian L. Rev. 675**

American Indian Law Review 2006-2007 THE INUIT PETITION AS A BRIDGE? BEYOND DIALECTICS OF CLIMATE CHANGE AND INDIGENOUS PEOPLES' RIGHTS Hari M. Osofsky [FN1]

...States, as a member of the OAS, has an obligation to abide by the recommendations of the Commission, only the Inter-American Court on Human Rights, which does not have jurisdiction over the United States, can create enforceable decisions. [FN65] This difficulty would likely have plagued ...

...The Geography of Climate Change Litigation Part II: Narratives of Nation-States and Thirdspace, 8 Chicago J. Int'l L. (forthcoming 2008) [hereinafter Osofsky, Geography of Climate Change Litigation Part II]. [FN8] . This analysis builds upon the discussion of the Inuit petition ...

...and international law, see S. James Anaya, Indigenous Peoples in International Law (2d ed., 2004). [FN65] . See Statute of the Inter-American Court on Human Rights, art. 1, O.A.S. Res. 448 (IX-0/79), reprinted in Basic Documents, supra note 31. [FN66] . The geography literature explores...

[142.](#) **18 Am. Rev. Int'l Arb. 175**

American Review of International Arbitration 2007 MANDATORY RULES



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OF LAW AND INVESTMENT ARBITRATION Andrea K. Bjorklund [FN1]

...Arbitration 2007 Article Mandatory Rules and Investment Arbitration MANDATORY RULES OF LAW AND INVESTMENT ARBITRATION Andrea K. Bjorklund [FN1] Copyright © 2008 by Hans Smit and Juris Publishing, Inc.; Andrea K. Bjorklund Do mandatory rules play any role at all in investment ...

...country, those rules must be applied whatever the law applicable to the contract." [FN35] Article 9 of EU Regulation 593/2008 (known as Rome 1) circumscribes the relevance of mandatory provisions to "overriding mandatory provisions" of (1) the laws of the ...

...the Recognition and Enforcement of Foreign Arbitral Awards. States party to the New York Convention -- 142 as of 30 April 2008 -- are obliged to enforce agreements to arbitrate when those agreements meet the requirements of the New York Convention. [FN49] While...

[143.](#) **32 Brook. J. Int'l L. 1201**

Brooklyn Journal of International Law 2007 MORALITY v. REALITY: THE STRUGGLE TO EFFECTIVELY FIGHT HIV/AIDS AND RESPECT HUMAN RIGHTS Erica Tracy Kagan [FN1]

...the human rights of those who are involved and affected. [FN1] . B.S., Cornell University (2005); J.D., Brooklyn Law School (expected 2008); Managing Editor of the Brooklyn Journal of International Law (2007-2008). I would like to thank Professor Karen Porter for her guidance and Liz Budnitz for her invaluable encouragement. I am ...

...FN9] . Velásquez Rodríguez Case, 1988 Inter-Am. Ct. H.R. (ser. C) No. 4, at 166-67 (July 29, 1988). The Inter-American Court of Human Rights stated, in dicta, that States must not only have legal structures in place that make the fulfillment of human rights ...

...appropriation of three billion dollars per year for five years, beginning in fiscal year 2004 and continuing through fiscal year 2008. 117 Stat. 711, 745. The Act also authorizes a one billion dollar contribution to the Global Fund in 2004 and commits to contribute "such sums as may be necessary for the fiscal years 2005-2008." Id . at 724-25. The Global Fund was established in January 2002 as an international AIDS trust fund and the...

[144.](#) **34 Ecology L.Q. 1297**

Ecology Law Quarterly 2007 THE ROLE OF INTERNATIONAL TRIBUNALS IN NATURAL RESOURCE DISPUTES IN LATIN AMERICA C. Leah Granger [FN1]

...Table 1: Tribunals Available to Countries Involved in the Disputes and



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Year Joined Argentina Chile Colombia Ecuador Honduras Nicaragua
Uruguay Inter-American Court of Human Rights (IACHR) (founded 1959)
1984 1969 [FNa] /1999 1973/1994 1977 1977 1969 [FNa] /1979/1994
1969 [FNa] /1984 Central American ...

...Agreed to implement Section XI of ITLOS Treaty. As seen in Table 1,
the tribunals accessed in these disputes include the Inter-
American Court of Human Rights, [FN6] part of the Organization of
American States; the Central American Court of Justice, [FN7] part of
the Central American ...

...the parties have sought recourse from international tribunals. Two
separate, but interconnected oil disputes are currently being litigated at
the Inter-American Court of Human Rights (IACHR) and the
International Centre for the Settlement of Investment Disputes (ICSID).
First, the Sarayaku indigenous community has filed a...

[145.](#) **18 Fordham Envtl. L. Rev. 471**

Fordham Environmental Law Review Symposium, 2007 HUMAN RIGHTS
OR ENVIRONMENTAL RIGHTS? A REASSESSMENT Alan Boyle [FNa1]

...be regarded as an unacceptable, if not inhuman, form of punishment
which is no longer acceptable under Art. 2" The Inter-American Court of
Human Rights takes the same approach in interpreting the San Jose
Convention. See Advisory Opinion on the Right to Information on
Consular ...

...holding a similar complaint to be inadmissible for delay). [FN67] .
Taskin, 2004-X 42 Eur. Ct. H.R. 50 1150 The Inter American Court of
Human Rights has taken the same view pursuant to Article 25 of the
Inter American Convention, see Mayagna (Sumo) Awas Tingni Cmty ...

...compensation or other relief in respect of significant harm caused by
such activities carried on in its territory."). [FN133] . The Inter-
American Court of Human Rights has held that "the fundamental
principle of equality and non-discrimination forms part of general
international law, because it is...

[146.](#) **39 Geo. Wash. Int'l L. Rev. 685**

George Washington International Law Review 2007 TRANSNATIONAL
TRIBUNALS AND THE TRANSMISSION OF NORMS: THE HEGEMONY OF
PROCESS Christopher J. Borgen [FNa1]

...caseload of existing tribunals such as the European Court of Human
Rights, the European Court of Justice (ECJ), and the Inter-
American Court for Human Rights dramatically increased. [FN5]
According to Professor Karen Alter, more than 70% of all international
judicial activity (19,568 out of the ...



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...current permanent international human rights courts that are fully operational are the European Court for Human Rights (ECHR) and the Inter-American Court for Human Rights (IACHR). [FN89] a. The European System In comparison to the optional individual complaint mechanism of the ICCPR, State parties to ...

...at Methanex Corp. v. UnitedStatesofAmerica, http://naftaclaims.com/Disputes/USA/Methanex/Methanex_Final_Award.pdf (Aug. 9, 2005). [FN72] . As of March **2008**, the United States has not lost any cases under NAFTA Chapter11. One should note that, as of this writing, the...

[147.](#) **C** **19 Geo. Int'l Envtl. L. Rev. 475**

Georgetown International Environmental Law Review 2007 PARTNERSHIPS FOR SUCCESS IN PROTECTED AREAS: THE PUBLIC INTEREST AND LOCAL COMMUNITY RIGHTS TO PRIOR INFORMED CONSENT (PIC) Anne Perrault [FNa1]Kirk Herbertson [FNd1]Owen J. Lynch [FNr1]

...knowledge; and (3) environmental and social impact assessments. [FN8] Parties to the CBD should promote “[f]ull and effective participation by 2008, of indigenous and local communities, in full respect of their rights consistent with applicable international obligations” in the management of ...

...of judicial remedies will exist, and remedies, if appropriate, will be enforced. For example, in *Awas Tingni v. Nicaragua*, the Inter-American Court of Human Rights determined that Nicaragua failed to provide a mechanism to examine and address the lack of recognition of fundamental rights of ...

...10, para. 142. Subsequent failure by the government to resolve the situation led to the case being heard by the Inter-American Court of Human Rights, which on August 31, 2001, again found in favor of the community, upholding their rights to their traditional lands, demanding...

[148.](#) **C** **22 J. Envtl. L. & Litig. 267**

Journal of Environmental Law and Litigation 2007 INTERNATIONAL LEGAL AVENUES TO ADDRESS THE PLIGHT OF VICTIMS OF CLIMATE CHANGE: PROBLEMS AND PROSPECTS Timo Koivurova [FNa1]

...adopted. [FN7] The Protocol imposed concrete obligations on states to reduce their greenhouse gas emissions during the first commitment period, 2008-2012. [FN8] However, after both the United States and Australia refused to ratify the Protocol, [FN9] it seemed that the ...



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...parties was not available. Furthermore, the United States has not ratified the Inter-American Convention on Human Rights, so the Inter-American Court of Human Rights was also unavailable. The IACHR appeared to be the most appropriate body to handle the petition because it had previously ...

...FN151] Upon this basis, the petition also invokes the case practice of the IACHR and the case law of the Inter-American Court of Human Rights because both have discussed the individual rights enshrined in the American Declaration. [FN152] According to the IACHR's case practice, "the...

[149.](#) **C** **10 N.Y.U. J. Legis. & Pub. Pol'y 555**

NYU Journal of Legislation and Public Policy 2006-2007 SOLUTIONS, NOT SCAPEGOATS: ABATING SWEATSHOP CONDITIONS FOR ALL LOW-WAGE WORKERS AS A CENTERPIECE OF IMMIGRATION REFORM
Rebecca Smith, Catherine Ruckelshaus [FN1]

...www.bls.gov/news.release/pdf/cfoi.pdf. [FN41] . See Occupational Safety and Health Admin., U.S. Dep't of Labor, OSHA Strategic Management Plan 2003-2008, at 6, available at <http://www.osha.gov/StratPlanPublic/strategicmanagementplan-final.html> ("Immigrant and 'hard-to-reach' workers and employers are also becoming ...

...v. Waymouth Farms, Inc., 664 N.W.2d 324, 326 (2003) , and cases cited in Sarah Cleveland, Beth Lyon & Rebecca Smith, Inter-American Court of Human Rights Amicus Curiae Brief: The United States Violates International Law When Labor Law Remedies Are Restricted Based on Workers' Migrant Status ...

...Poverty Law Ctr., supra note 114, at 15. [FN156] Id. at 18. [FN157] Id. at 19. [FN158] . In 2003, the Inter-American Court of Human Rights issued an advisory opinion (Advisory Opinion OC-18/03) on the treatment of unauthorized migrant workers and their labor rights...

[150.](#) **5 Santa Clara J. Int'l L. 390**

Santa Clara Journal of International Law 2007 PANEL: RECENT DEVELOPMENTS IN NAFTA AND CAFTA

...factual situation that you are bringing an arbitration under the NAFTA. Andrea Bjorklund: There is a recent case from the Inter-American Court of Human Rights, the Reyes case, which has established the principle of right of access to information. [FN26] This may have a broader ...

...of competency and a push towards mandatory certification. As of today, there is no mandatory bar affiliation in Mexico. In 2008 there is going to be recognition of degrees between U.S., Mexico and Canada. So



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if you have a law degree...

[151.](#) **C** **59 Okla. L. Rev. 681**

Oklahoma Law Review Winter 2006 DEFENDING THE POLYGON: THE EMERGING HUMAN RIGHT TO COMMUNAL PROPERTY Thomas T. Ankersen [FN1]Thomas K. Ruppert [FNaa1]

...tribunals. Procedurally the Inter-American human rights system has another unusual aspect. Complainants do not have direct access to the Inter-American Court of Human Rights. Complaints are first lodged with the Inter-American Commission on Human Rights. [FN196] If the Commission does not feel that ...

...resolved in a reasonable time after issuance of the Commission's report, then the Commission may recommend the case to the Inter-American Court of Human Rights. [FN197] The Court then retains discretion to accept or reject the case. [FN198] The cases below represent both reports of ...

...Nicaragua [FN208] In the case known popularly as *Awas Tingni*, the indigenous right to communal property was squarely presented. The Inter-American Court for Human Rights ruled that the government of Nicaragua had violated the right to property of the *Awas Tingni*, an indigenous group on...

[152.](#) **C** **81 N.Y.U. L. Rev. 1766**

New York University Law Review November, 2006 "DEAD MEN TELL NO TALES": RULE 92 BIS--HOW THE AD HOC INTERNATIONAL CRIMINAL TRIBUNALS UNNECESSARILY SILENCE THE DEAD Ari S. Bassin [FN1]

...62. Other international adjudicatory bodies, such as the International Court of Justice, the European Court of Human Rights, and the Inter-American Court of Human Rights, do not provide the requisite guidance because they only have jurisdiction over states and none is able to impose criminal ...

...are urging both Tribunals to begin to aggressively focus on the end-game and conclude their work by 2007 or 2008...."); Geoffrey Nice QC & Philippe Vallières-Roland, *Procedural Innovations in War Crimes Trials*, 3 J. Int'l Crim. Just. 354, 355 (2005...

[153.](#) **14 No. 1 Hum. Rts. Brief 44**

Human Rights Brief Fall, 2006 UPDATES FROM THE REGIONAL HUMAN RIGHTS SYSTEMS Anna Cabot [FN1]Suzanne Shams [FNaa1]Mihir Mankad [FNaaa1]

...American Convention on Human Rights (Convention) was adopted.



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The Convention further defined the role of the Commission and created the Inter-American Court of Human Rights (Inter-American Court). According to the Convention, once the Commission determines a case is admissible and meritorious, it will make ...

...of Justice, which, after long delay, never actualized. The ACHPR will join the European Court of Human Rights and the Inter-American Court of Human Rights as the third major regional mechanism to deliberate on human rights violations. The ACHPR adds a much needed enforcement mechanism ...

...will move into the seat formerly occupied by the International Criminal Tribunal for Rwanda, which is expected to conclude in 2008. These small steps will hopefully lead to larger ones. Africans and the rest of the world are watching the advancement...

[154.](#) **C** **8 San Diego Int'l L.J. 179**

San Diego International Law Journal Fall 2006 LINKING GLOBAL WARMING TO INUIT HUMAN RIGHTS Marguerite E. Middaugh

...the Kyoto Protocol, which requires developed countries to reduce green house gas (GHG) emissions 5-8% below 1990 levels by 2008-2012. [FN82] The United States is one of only two developed nations in the world that is not a signature ...

...also contribute to the understanding of human rights within the system. The American Convention on Human Rights (Convention) enables the Inter-American Court of Human Rights (Court) to exercise jurisdiction over parties to the Convention, while states that have not ratified the Convention, like the United...

[155.](#) **C** **23 Ariz. J. Int'l & Comp. L. 347**

Arizona Journal of International and Comparative Law Spring 2006 RESTRUCTURING HYBRID COURTS: LOCAL EMPOWERMENT AND NATIONAL CRIMINAL JUSTICE REFORM Etelle R. Higonet [FNa1]

...and Sierra Leone. [FN251] . These include, among others, the Iran-U.S. Claims Tribunal, the European Court of Human Rights, the Inter-American Court of Human Rights, the Court of Justice of the European Communities, the ICJ, the GATT/WTO Tribunals, and various arbitral bodies. See generally ...

...to protect or for whom they are purportedly working to provide justice. Id [FN331] . The ICTY will end operations in 2008 and the ICTR in 2010. See Jan Repa, US Wants No Permanent Tribunals BBC NEWS , Mar. 1, 2002, available at ...

...Richard Prosper told a congressional hearing that The Hague tribunals



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for former Yugoslavia and Rwanda should be wound up by 2008. Mr. Prosper suggested that in many cases war-crimes suspects could be tried by local courts." Id...

[156.](#) **19 Harv. Hum. Rts. J. 283**

Harvard Human Rights Journal Spring, 2006 MOIWANA VILLAGE: THE INTER-AMERICAN COURT AND THE "CONTINUING VIOLATION" DOCTRINE Pablo A. Ormachea [FNa1]

...2006 by the President and Fellows of Harvard College; Pablo A. Ormachea INTRODUCTION In *Moiwana Village v. Suriname* [FN1] the Inter-American Court of Human Rights asserted indirect jurisdiction over a state violation of human rights, even though the violation occurred before Suriname accepted jurisdiction and ...

...American Convention on Human Rights (the international treaty from which the Court derives its authority). [FN2] In exercising jurisdiction, the Inter-American Court of Human Rights technically managed to stay within the limits its founding documents imposed by rejecting direct adjudicatory authority over the incident while ...

...many oppose the doctrine, and in the last section, I discuss the practical limitations to this substantial power that the Inter-American Court of Human Rights has put in place. I. INTER-AMERICAN ADJUDICATORY SYSTEM On November 29, 1986, "members of the armed forces of Suriname...

[157.](#) **12 L. & Bus. Rev. Am. 291**

Law and Business Review of the Americas Spring 2006 FOURTH SUMMIT OF THE AMERICAS PLAN OF ACTION

...the intent of addressing middle-income countries in the hemisphere. 55. To develop, within the framework of the OAS, before 2008, the study of a literacy program, taking into account successful experiences in order to advance towards the eradication of illiteracy ...

...actions to achieve, among other objectives, greater adhesion to the legal instruments, an effective observance of the decisions by the Inter-American Court of Human Rights and due consideration of the recommendations of the Inter-American Commission of Human Rights, and the improvement of access of...

[158.](#) **C 12 Buff. Hum. Rts. L. Rev. 139**

Buffalo Human Rights Law Review 2006 HUMAN RIGHTS BEGIN AT HOME: A POLICY ANALYSIS OF LITIGATING INTERNATIONAL HUMAN RIGHTS IN U.S. STATE COURTS Anna Maria Gabrielidis [FNa1]



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...the International Criminal Court (ICC), the International Court of Justice (ICJ), the Inter-American Commission on Human Rights (IACHR), the Inter-American Court of Human Rights (IACtHR), and the U.N. Human Rights Committee (HRC) - either lack an enforcement mechanism or may lack jurisdiction to hear cases ...

...may be limited because of the U.S.' withdrawal from such cases. C. Inter-American Commission on Human Rights and the Inter-American Court of Human Rights In the Inter-American process cases begin at the IACHR after the victim has exhausted all local remedies. After analyzing ...

...wage floor at \$8.50 an hour, which would increase to \$9.50 in January 2006 and \$10.50 in 2008." [FN312] Santa Fe City Councilor Carol Robertson Lopez stated that "the living wage is an indicator of when we've given...

[159.](#) **C** **30 N.Y.U. Rev. L. & Soc. Change 483**

New York University Review of Law and Social Change 2006 TESTING HUMAN RIGHTS: THE IMPACT OF HIGH-STAKES TESTS ON ENGLISH LANGUAGE LEARNERS' RIGHT TO EDUCATION IN NEW YORK CITY Janet M. Hostetler [FNa1]

...currently phasing in exit exams are Arizona (2006), California (2006), Idaho (2006), Maryland (2009), Oklahoma (2012), Utah (2006), and Washington (2008). Id. at 13 fig.1. [FN27] Id. at 14, 15 tbl.1. [FN28] . Rights at Risk, supra note 24, at ...

...Advisory Opinion, OC-10/89, July 14, 1989, Inter-Am Ct. H.R. Series A, No. 10 P 17. Nonetheless, the Inter-American Court on Human Rights and the OAS General Assembly have recognized the Declaration as a source of binding obligation on all member states. Id...

[160.](#) **C** **22 Ariz. J. Int'l & Comp. L. 691**

Arizona Journal of International and Comparative Law Fall, 2005 DOCTRINAL ANACHRONISM?: REVISITING THE PRACTICABLY IRRIGABLE ACREAGE STANDARD IN LIGHT OF INTERNATIONAL LAW FOR THE RIGHTS OF INDIGENOUS PEOPLES Dana Smith [FNa1]

...is the era when the Indian tribes risk the same fate for their water resources." [FN1] I. INTRODUCTION The year 2008 will mark the 100th anniversary of the Winters v. United States [FN2] decision and its implicit promise to protect the ...

...Convention establishes a two-tiered system to enforce human rights: the Inter-American Commission on Human Rights [FN274] and the Inter-American Court of Human Rights. [FN275] The Inter-American Commission monitors human rights violations in member states [FN276]



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and processes petitions on cases of alleged...

[161.](#) **17 Int'l J. Refugee L. 461**

International Journal of Refugee Law September, 2005 THE EUROPEAN UNION QUALIFICATION DIRECTIVE: THE CREATION OF A SUBSIDIARY PROTECTION REGIME Jane McAdam [FN1]

...it should be noted that article 37 requires Member States to propose any amendments to the Directive by 10 April 2008, and that article 15 is listed as a priority in this respect. The insertion of such a rendez-vous clause ...

...vous clause in article 37 (formerly 35) requires Member States to propose any amendments to the Directive by 10 April 2008, with priority given to articles 15, 26 and 33. 5.5 Social welfare (Article 28) [FN253] Article 28 on social ...

...Hartman 'Temporary Refuge: Emergence of a Customary Norm' (1986) 26 VJIL 551, 573. [FN143] Rodriguez v. Honduras (29 July 1988) Inter-American Court of Human Rights Series C No 4. [FN144] . Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (CP) 'Summary Record of...

[162.](#) **4 Chinese J. Int'l L. 183**

Chinese Journal of International Law June, 2005 The International Tribunal for the Law of the Sea: Activities in 2004 Philippe Gautier [FN1]

...Vukas, Vice-President Croatia 30 September 2005 Judges Hugo Caminos Argentina 30 September 2011 Vicente Marotta Rangel Brazil 30 September 2008 Alexander Yankov Bulgaria 30 September 2011 Soji Yamamoto Japan 30 September 2005 Anatoly Lazarevich Kolodkin Russian Federation 30 September 2008 Choon-Ho Park Republic of Korea 30 September 2005 Paul Bamela Engo Cameroon 30 September 2008 Thomas A. Mensah Ghana 30 September 2005 P. Chandrasekhara Rao India 30 September 2008 Joseph Akl Lebanon 30 September 2008 David Anderson United Kingdom 30 September 2005 Rüdiger Wolfrum Germany 30 September 2008 Tullio Treves Italy 30 September 2011 Mohamed Mouldi Marsit Tunisia 30 September 2005 Tafsir Malick Ndiaye Senegal 30 September 2011 José Luis Jesus Cape Verde 30 September 2008 Guangjian Xu China 30 September 2011 Jean-Pierre Cot France 30 September 2011 Anthony Amos Lucky Trinidad and Tobago 30 ...

...institutions: WTO, ICJ, IHO, IMO, ILO, Intergovernmental Oceanographic Commission of UNESCO, International Seabed Authority, European Court of Human Rights and Inter-American Court of Human Rights. [FN34] . To be eligible, interns need to be nationals of a developing country included in the list of aid recipients...



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[163.](#) **C** **8 Chap. L. Rev. 153**

Chapman Law Review Spring 2005 PROMOTING ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES Jon M. Van Dyke [FN1]

...Tribunals came to an end as of December 31, 2004. [FN76] All trials in the Tribunals must be completed by 2008, and all appeals completed by 2010. [FN77] Cases that cannot be completed by then must be transferred to local courts ...

...that the right to an effective remedy is a continuing one that cannot be waived. The seminal case of the Inter-American Court of Human Rights is the Velasquez Rodriguez Case, Case No. 4, Inter-Am. C.H.R. (Ser. C) P 174 (1988), reprinted in 28 I.L.M ...

...63(b), available at <http://www.chanrobles.com/legal4agrarianlaw.htm> (last visited Mar. 1, 2005). In the Velasquez Rodriguez Case, for instance, the Inter-American Court of Human Rights explained that the duty to investigate human rights abuses and compensate the victims of these abuses continues despite "changes of..."

[164.](#) **36 Geo. J. Int'l L. 195**

Georgetown Journal of International Law Winter, 2005 THE OCCUPATION OF IRAQ Gregory H. Fox [FN1]

...a new Iraqi subsidiary bank. [FN122] The CPA initially limited the number of wholly foreign-owned banks to six until 2008, but the limitation was dropped in a revised Banking Law issued on the eve of the CPA's dissolution. [FN123] Once ...

...ECHR (2002). [FN418] See, e.g., Barrios Altos Case, Inter-Am. Ct. H.R. (ser. C) No. 75, ¶¶ 45-49 (2001) (Inter-American Court of Human Rights finds Peruvian amnesty laws to violate provisions of American Convention on Human Rights); Velásquez Rodríguez Case, Inter-Am. Ct. H.R. ...

[165.](#) **C** **2004 J. Disp. Resol. 355**

Journal of Dispute Resolution 2005 RWANDAN GACACA: AN EXPERIMENT IN TRANSITIONAL JUSTICE Maya Goldstein-Bolocan [FN1]

...supra note 39, at 219. This heterogeneous approach seems to be confirmed by the Velasquez-Rodriguez judgment, in which the Inter-American Court of Human Rights holistically defined justice to encompass the needs of the victims, as well as the imperative to reform state institutions to prevent future abuses. In that case, the Inter-American Court of Human Rights stated that a state is bound to fulfill



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the following obligations in response to the commission of a gross violation ...

...to be completed by the end of 2004, while all trials and appeals are expected to be terminated by, respectively, 2008 and 2010. See ICTR, Fact Sheet No. 1, supra note 99. [FN102] . On the jurisdiction of the ICTR, see Statute...

[166.](#) **C** **38 New Eng. L. Rev. 1009**

New England Law Review Summer 2004 AMERICA'S SCAPEGOATS: THE UNDOCUMENTED WORKER AND HOFFMAN PLASTIC COMPOUNDS, INC. V. NATIONAL LABOR RELATIONS BOARD Sara R. Bollerup

...U.S. economy and retirement of the "baby boom generation over the next 30 years." [FN258] Government data indicated that "by **2008** the U.S. economy will have some 161 million jobs but only 154 million workers to fill them," with the majority ...

...following the issuing of the Hoffman decision, the government of Mexico filed a request for an advisory opinion with the Inter-American Court of Human Rights in Costa Rica on the question of whether the decision violated international law. See Sarah Cleveland, Beth Lyon, & Rebecca Smith...

[167.](#) **C** **9 UCLA J. Int'l L. & Foreign Aff. 1**

UCLA Journal of International Law and Foreign Affairs Spring-Summer 2004 HUMAN RIGHTS AND TRADE: INCONSISTENT APPLICATION OF TREATY LAW IN THE UNITED STATES Connie de la Vega [FN1]

...plaintiff. [FN104] . See Stephan, supra note 76. [FN105] In re Cross-Border Trucking Services, Secretariat File No. USA-MEX-98-2008-01 (NAFTA Arb. Panel, Feb. 6, 2001) , available at <http://www.naftaclaims.com>. For a history of this dispute, see Jason C ...

...Consular Relations (Paraguay v. United States), 37 I.L.M. 810 (Apr. 9, 1997) Mexico also sought an advisory opinion from the Inter-American Court of Human Rights in 1997 after two of its foreign nationals were executed in United States. The court unanimously ruled that Article 36 ...

...adhered to. The Right to Information on Consular Assistance in the Framework of the Guarantees of Due Process of Law, Inter-American Court of Human Rights, Advisory Opinion OC-16/99 of October 1, 1999. [FN174] . U.N. Charter, pmb. [FN175] . U.N. Charter art. 1(3). [FN176...



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168. **3 Chinese J. Int'l L. 241**

Chinese Journal of International Law 2004 The International Tribunal for the Law of the Sea: Activities in 2003 Philippe Gautier [FNa1]

...concluded with the Intergovernmental Oceanographic Commission of UNESCO, the International Seabed Authority, the European Court of Human Rights and the Inter-American Court of Human Rights. IV. Organizational developments in 2003 18. As mentioned above, [FN24] Mr Anthony Amos Lucky was elected at a special Meeting ...

...Vukas, Vice-President Croatia 30 September 2005 Judges Hugo Caminos Argentina 30 September 2011 Vicente Marotta Rangel Brazil 30 September 2008 Alexander Yankov Bulgaria 30 September 2011 Soji Yamamoto Japan 30 September 2005 Anatoly Lazarevich Kolodkin Russian Federation 30 September 2008 Choon-Ho Park Republic of Korea 30 September 2005 Paul Bamela Engo Cameroon 30 September 2008 Thomas A. Mensah Ghana 30 September 2005 P. Chandrasekhara Rao India 30 September 2008 Joseph Akl Lebanon 30 September 2008 David Anderson United Kingdom 30 September 2005 Rüdiger Wolfrum Germany 30 September **2008** Tullio Treves Italy 30 September 2011 Mohamed Mouldi Marsit Tunisia 30 September 2005 Tafsir Malick Ndiaye Senegal 30 September 2011 José Luis Jesus Cape Verde 30 September **2008** Guangjian Xu China 30 September 2011 Jean-Pierre Cot France 30 September 2011 19. Under article 15, paragraph 3, of ...

...water. It will eventually be replaced by a sloping stone revetment wall but this will be done only at around 2008, in the last phase, and not immediately” , see ITLOS/PV.03/03, p. 15. [FN69] . See ITLOS/PV.03/05...

169. **C 42 Colum. J. Transnat'l L. 263**

Columbia Journal of Transnational Law 2004 GUANTÁNAMO Diane Marie Amann [FNa1]

...violated, if not the European Convention's ban against torture, its equally nonderogable ban against inhuman and degrading treatment. [FN281] The Inter-American Court of Human Rights embraced that decision in 1997, ruling in Loayza Tamayo that “incommunicado detention, being exhibited through the media wearing a degrading ...

...Provisional Ruling Council that “arrogates to itself the role of Complainant, prosecutor and judge in its own cause.” [FN298] The Inter-American Court of Human Rights condemned military trials in a trio of milestone opinions in the late 1990s. Two cases involved civilians against whom military ...

...Human Rights, Advisory Opinion, OC-10/89, July 14, 1989, ser. A, no. 10 (Inter-Am. Ct. H.R. 1990) , the Inter-American Court of



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Human Rights asserted authority to render opinions applicable to all OAS members that voted for the American Declaration--even those, like the...

[170.](#) **C** **10 U.C. Davis J. Int'l L. & Pol'y 75**

U.C. Davis Journal of International Law and Policy Fall 2003 LABOR, ENVIRONMENTAL STANDARDS AND WORLD TRADE LAW Frank Emmert [FN1]

...figure of \$235 billion for the farm subsidies paid by its member countries in 2002, see OECD Agricultural Outlook 2003-2008, (OECD ed., 2003). The difference does not mean that the subsidies have gone down substantially between 2001 and 2002 but ...

...was signed and ratified by the following states (those marked with * are also subject to the compulsory jurisdiction of the Inter-American Court of Human Rights in San Jose, Costa Rica): *Argentina, *Barbados, *Bolivia, *Brazil, *Chile, *Columbia, *Costa Rica, Dominica, *The Dominican Republic, *Ecuador, *El Salvador...

[171.](#) **C** **51 UCLA L. Rev. 35**

UCLA Law Review October, 2003 THE RULE OF LAW: MEXICO'S APPROACH TO EXPROPRIATION DISPUTES IN THE FACE OF INVESTMENT GLOBALIZATION Patrick Del Duca [FN1]

...also associated with its 1994 membership in the Organization for Economic Cooperation and Development [FN448] and its 1998 acceptance of Inter-American Court for Human Rights jurisdiction following its 1980 ratification of the American Convention on Human Rights (American Convention). [FN449] Mexico has 224 federal laws ...

...mechanism. [FN463] The impact on expropriation and investment disputes of Mexico's adherence to the American Convention and its acceptance of Inter-American Court for Human Rights jurisdiction to decide disputes in respect to the American Convention remains to be seen. The parts that follow lay out ...

...by arbitration, [FN506] the American Convention contemplates judicial resolution of disputes. Mexico's adherence to this Convention, its acceptance of the Inter-American Court for Human Rights' jurisdiction to apply the Convention, and the 1999 Supreme Court decision, with its opening to a limited dualist doctrine of...

[172.](#) **1 J. Int'l Crim. Just. 197**

Journal of International Criminal Justice April, 2003 CURRENT DEVELOPMENTS AT THE AD HOC INTERNATIONAL CRIMINAL TRIBUNALS Daryl A. Mundis [FN1]



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...taken to expedite the pace of ICTY trials, with the goal of completing all trial-related activities (excluding appeals) by 2008. [FN205] In order to achieve this goal, the President, Prosecutor and Registrar of the ICTY prepared a joint report outlining ...

...FN144] Ibid ., para. 327. The Trial Chamber noted that this approach is supported by the jurisprudence of the European and Inter-American Courts of Human Rights and national legal systems. See *ibid*, footnote 857 and the sources cited therein. [FN145] *Prosecutor v. Slobodan Milos evi* , Decision...

[173.](#) **C** 102 Colum. L. Rev. 1832

Columbia Law Review November, 2002 OVERLEGALIZING HUMAN RIGHTS: INTERNATIONAL RELATIONS THEORY AND THE COMMONWEALTH CARIBBEAN BACKLASH AGAINST HUMAN RIGHTS REGIMES Laurence R. Helfer [FNa1]

...have the choice of whether to ratify the Protocol to Abolish the Death Penalty, or to recognize the jurisdiction of **Inter-American Court of Human Rights**. [FN27] Variations in obligation also exist among the decisions of international tribunals. Some decisions, such as those of the Inter ...

...not ratify the American Convention until 1978, Trinidad until 1991 (at which time it also accepted the jurisdiction of the Inter-American Court of Human Rights [FN140]), and Guyana has yet to ratify the treaty. [FN141] As a result of these ratifications, individuals who believed that ...

...even when they were parties to the treaties. And Trinidad openly flouted the internationally binding provisional measures orders of the Inter-American Court of Human Rights by hanging defendants who had filed petitions with the Inter-American Commission prior to the effective date of the state's...

[174.](#) **C** 50 Cath. U. L. Rev. 591

Catholic University Law Review Spring 2001 THE COOPERATIVE AND INTEGRATIVE MODELS OF INTERNATIONAL JUDICIAL COMITY: TWO ILLUSTRATIONS USING TRANSNATIONAL DISCOVERY AND BREARD SCENARIOS Molly Warner Lien [FNa1]

...supranational tribunals, however, is growing. These tribunals include the Dispute Settlement Bodies of the World Trade Organization (WTO), [FN171] the Inter-American Court of Human Rights, [FN172] the dispute resolution mechanisms under Chapters 11, 19, and 20 of NAFTA, [FN173] and, should the United States ratify ...



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...entry to all Mexican trucking services, see NAFTA Arbitration Panel, In re Cross Border Trucking Services, USA_MEX No. 98-2008-01 (Feb. 6, 2001). [FN174] . See Rome Statute on the International Criminal Court, U.N. Diplomatic Conference of Plenipotentiaries on the...

[175.](#) **C** **5 Minn. J. Global Trade 219**

Minnesota Journal of Global Trade Winter 1996 RESOLVING THE TRADE AND ENVIRONMENT CONFLICT: THE WTO AND NGO CONSULTATIVE RELATIONS William M. Reichert

...612 n.2. The European Court of Justice accepts amicus curiae, as does the European Court of Human Rights. The Inter-American Court of Human Rights has extensive amicus participation, and has even begun to accept NGO oral participation. Id. at 628-640. [FN90] . Unofficial mediation ...

...conservation, developing countries could avoid at least \$1.4 trillion in power supply expansion costs between now and the year 2008." Id. at 2657. Moreover, as of 1988, Western NGOs were donating more than \$4.4 billion annually to developing countries...

[176.](#) **C** **23 Int'l J. Legal Info. 217**

International Journal of Legal Information Winter, 1995 INDIGENOUS PEOPLES AND INTERNATIONAL ORGANIZATIONS: ISSUES AND RESPONSES Steven C. Perkins [FN1]

...Human Rights, and traces the evolution of the Inter-American Commission on Human Rights and the case law of the Inter-American Court of Human Rights. The Inter-american Indian Institute publishes several periodicals which are invaluable for Indian studies in the Americas. These are America ...

...Road London SW9 7DE United Kingdom *National Aboriginal and Islanders Legal Services Secretariat of Australia. P.O. Box 143 Chippendal NSW 2008 Australia *National Indian Youth Council 318 Elm St., SE Albuquerque, NM 87102 *Nordic Saami Council SF-99980 Ohcejohka (Utsjoki) Finland...

[177.](#) **C** **42 U. Kan. L. Rev. 605**

University of Kansas Law Review Spring, 1994 SUPRANATIONAL LAW: HOW THE MOVE TOWARD MULTILATERAL SOLUTIONS IS CHANGING THE CHARACTER OF "INTERNATIONAL" LAW John W. Head [FN1]

...of America, the Government of Canada and the Government of the United Mexican States, done Dec. 8-17, 1992, arts. 2008-19, reprinted in 1 N.AM. FREE TRADE AGREEMENTS (Oceana) Booklet 3, at 309-14 (April 1993). The NAFTA entered into ...



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...Tariff Eliminations Under NAFTA, 11 Int'l Trade Rep. (BNA) No. 1, at 16 (Jan. 5, 1994). [FN326] . For example, the Inter-American Court of Human Rights was established under the American Convention on Human Rights, Nov. 22, 1969, arts. 52-69, 9 I.L.M. 673, 690-93...

[178.](#) **C** **100 Yale L.J. 2645**

Yale Law Journal June, 1991 LEGITIMACY, ACCOUNTABILITY, AND PARTNERSHIP: A MODEL FOR ADVOCACY ON THIRD WORLD ENVIRONMENTAL ISSUES David A. Wirth [FNa]

...conservation, developing countries could avoid at least \$1.4 trillion in power supply expansion costs between now and the year 2008. [FN46] Unfortunately, multilateral development banks have a poor record for financing projects focusing on energy efficiency, energy conservation, and renewable ...

...Courts, 12 FORDHAM INT'L L.J. 361 (1989) (discussing procedures of European Court of Human Rights, European Court of Justice, and Inter-American Court of Human Rights). [FN72] . While practice from organization to organization varies, these mechanisms share a number of characteristics. First, they are generally composed...



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1. **32 Fordham Int'l L.J. 298**

Fordham International Law Journal December, 2008 INDIGENOUS LAND RIGHTS AND THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: IMPLICATIONS FOR MAORI LAND CLAIMS IN NEW ZEALAND Sarah M. Stevenson [FN1]

...M. Stevenson INTRODUCTION The rights of indigenous peoples worldwide were recognized and affirmed by the international community on September 13, **2007**, when the General Assembly of the United Nations ("U.N.") adopted, by overwhelming majority, the Universal Declaration on the Rights of ...

...Political Rights ("ICCPR") and the Convention on the Elimination of all forms of Racial Discrimination ("CERD"). [FN126] For example, the **Inter-American Court on Human Rights** has located the indigenous right to property, communally held and without formal title, in both international human rights norms and ...

...rights of indigenous peoples. The Supreme Court of Belize used the Declaration as a statement of international law in October **2007**, only one month after its adoption, in holding that the government must recognize Mayans customary rights to land. [FN162] Although...

2. **20 Int'l J. Refugee L. 533**

International Journal of Refugee Law December, 2008 EMBRACING THE 'RESPONSIBILITY TO PROTECT': A REPERTOIRE OF MEASURES INCLUDING ASYLUM FOR POTENTIAL VICTIMS Brian Barbour [FN1] Brian Gorlick [FNaa1]

...of Human Rights [FN98] • The African Commission on Human and Peoples' Rights [FN99] • Inter-American Commission on Human Rights [FN100] • Inter-American Court of Human Rights [FN101] International protection in the form of a system of binding legal instruments and mechanisms codified in international human rights ...

...development of R2P and picked up where Kofi Annan left off as a strong proponent of the concept. In May 2007, the Secretary-General appointed Francis Deng, a Sudanese human rights expert, as the new Special Adviser for the Prevention of Genocide, succeeding Juan Méndez. [FN110] On 11 December 2007, the Secretary-General appointed Edward Luck as Special Adviser on the Responsibility to Protect. Both Ed Luck and Francis Deng ...

...n. 4, at para. 2.29. [FN7] . See, e.g., Carsten Stahn, 'Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?' (2007) American Journal of International Law The subject of this article arose based upon work UNHCR has undertaken along with colleagues...



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[3.](#) **11 J. Int'l Econ. L. 717**

Journal of International Economic Law December, 2008 NGO INVOLVEMENT IN THE WTO: A COMPARATIVE PERSPECTIVE Peter Van den Bossche [FNa1]

...NOT DISPLAYABLE Figure 1. Breakdown by category of the on-line registered participants for the 2006 Public Forum [FN47] The 2007 WTO Public Forum on 'How Can the WTO Help Harness Globalization?' was held at the WTO in Geneva on 4 and 5 October 2007. [FN48] In his opening remarks, Director-General Pascal Lamy stated: Today, I am proud to announce that 1750 participants from ...

...numbers, and thank you for helping us make this year's event successful. [FN49] The topics on the agenda of the 2007 Public Forum that civil society selected (the grass-roots approach) fell into four broad categories: (i) global governance; (ii) coherence ...

...an annual report of its work for the General Council outlining its activities. [FN55] However, in its Global Accountability Report 2007, One World Trust noted that the WTO's 'transparency capabilities are the weakest' in its accountability dimension. [FN56] D. Opportunities for...

[4.](#) **7 Chinese J. Int'l L. 699**

Chinese Journal of International Law November, 2008 The Rise of Peoples' Rights in the Americas: The Saramaka People Decision of the Inter-American Court of Human Rights Lisl Brunner [FNa1]

...Law November, 2008 Court and Tribunal The Rise of Peoples' Rights in the Americas: The Saramaka People Decision of the Inter-American Court of Human Rights Lisl Brunner [FNa1] Copyright © 2008 by Oxford University Press; Lisl Brunner Abstract The Saramaka People v. Suriname decision of the Inter-American Court of Human Rights recognized the right of a non-indigenous minority group to the natural resources within its lands. Three factors make the ...

...the decision a topical contribution to current debates on the meaning and scope of these rights. I. Introduction 1. The Inter-American Court of Human Rights recently became the first international tribunal to hold that a non-indigenous minority group has legal rights to the natural ...

...on Human Rights. [FN11] Unable to secure a friendly settlement of the matter, the Commission submitted the case to the Inter-American Court of Human Rights, alleging that Suriname had violated the Saramaka's rights to property (Article 21) and to a legal regime that protects them...



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[5.](#) **19 Eur. J. Int'l L. 989**

European Journal of International Law November, 2008 PASSING THE BUCK: STATE RESPONSIBILITY FOR PRIVATE MILITARY COMPANIES Carsten Hoppe [FNa1]

...control of an area. Having been more restrictive in Bankovic [FN45] its jurisprudence in Issa again approaches that of the Inter-American Court of Human Rights and the Human Rights Committee. There, the ECtHR held that a state may incur responsibility for violation of the ECHR ...

...The jurisprudence relevant to the duty to prevent violations of Articles 4 and 5 of the ACHR stems from the Inter-American Court of Human Rights's (IACHR's) series of cases grappling with the phenomenon of enforced disappearances, most famously the Velásquez Rodríguez case. [FN70] As was ...

...Responsibility' , in S. Chesterman and C. Lehnardt (eds), From Mercenaries to Market: the Rise and Regulation of Private Military Companies (2007), at 139; Spinedi, 'Private Contractors: responsabilité internationale des entreprises ou attribution à l'Etat de la conduite des personnes privées?' , 7...

[6.](#) **77 Fordham L. Rev. 459**

Fordham Law Review November, 2008 BRINGING THEORIES OF HUMAN RIGHTS CHANGE HOME Cynthia Soohoo [FNa1]Suzanne Stolz [FNaa1]

...of the consular rights of their nationals on death row, [FN67] and Mexico also sought an advisory opinion from the Inter-American Court for Human Rights. [FN68] In 2004, the ICJ held that the United States had violated its obligations under the VCCR and that fifty ...

...forums in which to provoke [FN167] "transnational interactions that generate legal interpretations" of U.S. human rights obligations. For instance, in 2007, over 120 U.S. social justice activists traveled to Geneva to participate in a review of U.S. compliance with the Convention ...

...Rights is also available to U.S. activists as a site for thematic hearings and for consideration of individual petitions. In 2007, the Center for Reproductive Rights briefed the Commission about disparities in access to reproductive health services in the United States...

[7.](#) **77 Fordham L. Rev. 529**

Fordham Law Review November, 2008 THE ROLE OF INTERNATIONAL BODIES IN INFLUENCING U.S. POLICY TO END VIOLENCE AGAINST WOMEN Lenora M. Lapidus [FNa1]

...to respond in any way to her confidential communication about the



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human rights violations suffered by Jessica Gonzales. In February **2007**, during a session of the Commission on the Status of Women at the United Nations in New York, the ACLU ...

...human rights violations suffered by Jessica Gonzales in her report to the United Nations Human Rights Council on March 19, **2007**. [FN36] This report discussed eighty-three communications the Special Rapporteur had transmitted to forty-four member states in 2006. In ...

...intersection of race and gender. [FN70] The United States signed CERD in 1966 and ratified it in 1994. In May 2007, the United States submitted its fourth, fifth and sixth periodic reports in a single document. [FN71] In response, the ACLU...

8. **15 Clinical L. Rev. 55**

Clinical Law Review Fall 2008 "THINK GLOCAL, ACT GLOCAL": THE PRAXIS OF SOCIAL JUSTICE LAWYERING IN THE GLOBAL ERA Lauren Carasik [FN1]

...Recent events have focused the international spotlight on the abysmal conditions for laborers in China. The public outcry at the 2007 events at the Shanxi brickyard slavery scandal, where adults and children were kidnapped and forced to work in conditions of ...

...defuse conflict and deflect attention from the central government. [FN252] The most recent effort to promulgate worker protections came in 2007, when China passed the new Labor Contract Law, effective in January, 2008. This law's passage was seen by some as ...

...Extreme Poverty and Human Rights--A Mission Report on the United States 3 (Soc. Sci. Research Network, Working Paper Series, 2007), available at <http://ssrn.com/abstract=961230>. [FN3] . Jeremy Brecher, Tim Costello & Brendan Smith, Globalization from Below: The Power of Solidarity...

9. **C 40 Colum. Hum. Rts. L. Rev. 19**

Columbia Human Rights Law Review Fall 2008 HUMAN RIGHTS AT HOME: DOMESTIC VIOLENCE AS A HUMAN RIGHTS VIOLATION Caroline Bettinger-López [FN1]

...RIGHTS VIOLATION Caroline Bettinger-López [FN1] Copyright (c) 2008 Columbia Human Rights Law Review; Caroline Bettinger-López On March 2, 2007, Jessica Lenahan (formerly Gonzales) [FN1] spoke at the Inter-American Commission on Human Rights in Washington, D.C. about why she ...

...and Central America and the Caribbean. Composed of seven independent human rights experts, the Inter-American Commission,



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along with the Inter-American Court of Human Rights (a panel of seven judges based in San José, Costa Rica), considers claims of human rights violations and issues written ...

...its report on the merits and proceedings end at the Commission level, the Commission can submit a case to the Inter-American Court on Human Rights. However, the case must be against a state party to the American Convention on Human Rights that has also acceded, through the Optional Protocol to the Convention, to the jurisdiction of the Inter-American Court on Human Rights. [FN57] The Court will consider the case and ultimately issue an order that is legally binding and directly enforceable. Because the United States is not a party to these treaties, however, the Inter-American Court of Human Rights is not an available venue to petitioners in cases against the U.S. Instead, the Commission is the end of the...

[10.](#)

13 Comm. L. & Pol'y 415

Communication Law and Policy Autumn, 2008 LIBERALIZING BRITISH DEFAMATION LAW: A CASE OF IMPORTING THE FIRST AMENDMENT? Kyu Ho Youm [FNa1]

...from the rest of the Western world'' [FN3] See ANTHONY LEWIS, FREEDOM FOR THE THOUGHT THAT WE HATE ix-xv (2007). [FN4] ERIC BARENDT, FREEDOM OF SPEECH vi (2d ed. 2005). [FN5] RODNEY A. SMOLLA, FREE SPEECH IN AN OPEN SOCIETY ...

...Political Reporting Has Fundamentally Changed: Understanding the Revolutionary New Era of English Defamation Law , 40 CONN. L. REV . 167, 167 (2007) (citations omitted). [FN12] . James C. Goodale, Big Media Gets Help from an Unexpected Source , N.Y.L.J., Dec. 1, 2006, at 1 ...

...the Sullivan rule was applied). [FN16] See IT'S A CRIME: HOW INSULT LAWS STIFLE PRESS FREEDOM 177 (Marilyn Greene ed., 2007). See also Horacio Verbitsky, Restricting News Through Insult Laws, in NEW CODE WORDS FOR CENSORSHIP: MODERN LABELS FOR CURBS ON...

[11.](#)

83 Ind. L.J. 1141

Indiana Law Journal Fall, 2008 FOREWORD: LATINOS AND THE LAW SYMPOSIUM Richard Delgado, Jean Stefancic [FNa1]

...an approach that incorporates human rights norms with institutions such as the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, which attempt to enforce those norms. He uses case examples to show three stages in the evolution of international human ...



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...Angela P. Harris, Stephanie M. Wildman, & Jean Stefancic, *Race and Races: Cases and Resources for a Diverse America* (2d ed. **2007**) (analyzing histories and legal fortunes of several groups of color and white ethnics). [FN7] . Latino graduation rate is only about ...

...Kara Keeter & Abigail Ames, *Promoting Latino Student Achievement and Development through the ASCA National Model, Professional School Counseling*, June 1, 2007, at 464. The African American rate is considerably higher. See Thomas C. Williams, Editorial, *Black Culture Beyond Hip-Hop*, *Wash. Post*, May 28, 2007, at A17 ("[T]he African American high school graduation rate has stagnated at 70 percent for the past three decades." [FN8...]

12.

83 Ind. L.J. 1267

Indiana Law Journal Fall, 2008 THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS: CHALLENGES FOR THE FUTURE Claudio Grossman [FN1]

...responsible for supervising compliance with the established rules: the Inter-American Commission on Human Rights [FN4] ("the Commission") and the Inter-American Court of Human Rights [FN5] ("the Court"). The system performs supervisory functions basically through country reports adopted by the Commission which describe the overall ...

...revised version of the Josephine Onoh Lecture given by the author at the University of Hull Law School in November 2007. [FN2] . Organization of American States Official Res., Adopted by the Ninth International Conference of American States, OEA/ser.L./V./II ...

...Rights System, in *International Law Stories* 81-84 (John E. Noyes, Laura A. Dickinson & Mark W. Janis eds., Foundation Press 2007). The petition system has not always been the favored or the most efficient means to address human rights violations in...

13.

20 Int'l J. Refugee L. 432

International Journal of Refugee Law October, 2008 PROTECTING THE RIGHT TO HOUSING IN THE AFTERMATH OF NATURAL DISASTER: STANDARDS IN INTERNATIONAL HUMAN RIGHTS LAW Rebecca J. Barber [FN1]

...The paper draws on examples from the Indian Ocean tsunami (2004), the Pakistan earthquake (2005) and the South Asian floods (2007), and identifies specific elements of government obligations that are of particular importance in ensuring the right to adequate housing in ...

...the world. Conversely, the number of people threatened by natural disaster has increased threefold in the past three decades. In 2007 alone, tens of millions of people were affected by floods in countries all



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Corte Interamericana de Derechos Humanos

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over the world. [FN5] The number of ...

...Council, [FN9] the Commission on Human Rights, [FN10] the International Court of Justice (ICJ), [FN11] and the European [FN12] and Inter-American Courts of Human Rights. [FN13] This paper suggests that the well developed jurisprudence on this latter issue provides important guidance in considering the applicability...

14. **14 L. & Bus. Rev. Am. 679**

Law and Business Review of the Americas Fall 2008 JUST A MATTER OF TIME? EXPANDING THE TEMPORAL JURISDICTION OF THE INTER-AMERICAN COURT TO ADDRESS COLD WAR WRONGS Jeffrey B. Hall [FN1]

...COLD WAR WRONGS Jeffrey B. Hall [FN1] Copyright (c) 2008 SMU Dedman School of Law; Jeffrey B. Hall ABSTRACT The Inter-American Court of Human Rights has risen in recent years to play an important role in promoting the rule of law and transitional justice. But ...

...B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*, (Routledge 2001); *The Economist*, *Slaking a Thirst for Justice*, Apr. 12, 2007, available at http://www.economist.com/world/la/displaystory.cfm?story_id=9017531 (requires premium subscription). [FN3] . For purposes of this Article, transitional ...

...the Court can be found in the Annual Reports of the Court at <http://www.corteidh.or.cr/informes.cfm> (last accessed Aug. 3, 2007). [FN8] . The European Court of Human Rights plays a similar role with respect to the States of the former Eastern...

15. **23 St. John's J. Legal Comment. 503**

Saint John's Journal of Legal Commentary Fall 2008 REFLUAT STERCUS : A CITIZEN'S VIEW OF CRIMINAL PROSECUTION IN U.S. DOMESTIC COURTS OF HIGH-LEVEL U.S. CIVILIAN AUTHORITY AND MILITARY GENERALS FOR TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT Benjamin G. Davis [FN1]

...III, U.S. Dep't of State Legal Adviser, Remarks at the Hague, Netherlands: *The United States and International Law* (June 6, 2007) (emphasis added), available at <http://www.state.gov/s/l/rls/86123.htm>. Citation # 3 "From the moment a soldier enlists, we inculcate ...

...be held accountable." - Army Major General Antonio M. Taguba (Ret'd.). Seymour M. Hersh, *The General's Report*, *New Yorker*, June 25, 2007 (emphasis added), available at http://www.newyorker.com/reporting/2007/06/25/070625fa_fact_hersh



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printable=true. Citation # 4 "From that moment [January 11, 2002], well before previous accounts have ...

...government." Barton Gellman & Jo Becker, Angler: The Cheney Vice Presidency, Pushing the Envelope on Presidential Power, Wash. Post, June 25, 2007 (emphasis added), available at http://blog.washingtonpost.com/cheney/chapters/pushing_the_envelope_on_presi/index.html. Introduction This article examines criminal prosecution...

16. **41 Vand. J. Transnat'l L. 1141**

Vanderbilt Journal of Transnational Law October, 2008 INDIGENOUS SOVEREIGNTY: A REASSESSMENT IN LIGHT OF THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES Siegfried Wiessner [FN1]

...development of customary international law in the field. The Article proceeds to analyze the scope and legal effect of the 2007 UN Declaration on the Rights of Indigenous Peoples. It lays out various understandings of indigenous self-government under the rubric ...

...on Indigenous Peoples 1149 IV. The Rise of Indigenous Peoples and the Formation of Customary International Law 1152 V. The 2007 UN Declaration on the Rights of Indigenous Peoples 1159 VI. Indigenous Self-Government and "Tribal Sovereignty" 1166 VII. Toward Authentic Indigenous Sovereignty 1170 VIII. Conclusion 1176 September 13, 2007. Indigenous peoples around the world breathe a sigh of relief. They have snatched victory from the jaws of defeat, as ...

...as customary international law in the field. The Article will then explore the development, content, and legal effect of the 2007 UN Declaration on the Rights of Indigenous Peoples in Part V; lay out various understandings of indigenous self-government under...

17. **19 Eur. J. Int'l L. 655**

European Journal of International Law September, 2008 HUMAN DIGNITY AND JUDICIAL INTERPRETATION OF HUMAN RIGHTS Christopher McCrudden [FN1]

...1989), [FN98] the Rights of Migrant Workers (1990), [FN99] Protection against Forced Disappearance, [FN100] and the Rights of Disabled Persons (2007) [FN101] have all included references to dignity, asserting the centrality of dignity to human rights in general and (often) its ...

...which distinctions are permissible and which are not. [FN243] A conception of dignity can provide that explanation. So too, the Inter-American Court of Human Rights has held that the 'notion of equality springs directly from the oneness of the human family and is linked to ...



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...courts have gone further, using dignity to expand the conception of the right to life to meet basic needs. The **Inter-American Court of Human Rights**, for example, held that the right to life 'includes, not only the right of every human being not to be...

[18.](#) **19 Eur. J. Int'l L. 749**

European Journal of International Law September, 2008 HUMAN RIGHTS AS INTERNATIONAL CONSTITUTIONAL RIGHTS Stephen Gardbaum [FN1]

...strong sense as a condition of membership, remains limited to the ECtHR. With respect to its contentious case load, the Inter-American Court of Human Rights has compulsory jurisdiction only over those states parties which have chosen to accept it; currently 21 out of 24 countries ...

...of this article was presented at an outstanding and comprehensive book workshop on international constitutionalism held on 6-7 December 2007 at Temple University School of Law and will appear in the resulting collection, J.L. Dunoff and J.P. Trachtman (eds), Ruling ...

...Intersection of Human Rights Law & the Law of Non-international Armed Conflict in an Extraterritorial Context' , 40 Israel L Rev (2007) 72. [FN32] . The recent US Sup. Ct. decision in *Boumediene v. Bush* , judgment of 12 June 2008, not yet reported...

[19.](#) **25 Ariz. J. Int'l & Comp. L. 379**

Arizona Journal of International and Comparative Law Summer, 2008 PANEL #5: THE REFORM OF RULE OF LAW, HUMAN RIGHTS, AND ECONOMIC DEVELOPMENT

...There is an analysis of regional legislation regarding justice, human rights and an analysis of the cases coming from the Inter-American Court of Human Rights that relate to the subject of judicial independence. That's why I now pass the floor to Mr. Daniel Funes de ...

...countries follow the recommendations of the Inter-American Commission of Human Rights, and that they obey the decisions from the Inter-American Court regarding human rights. It is also important that lawyer bar associations, business organizations, and union organizations have come with their own views and ...

...the last eight months, [FN7] we have been living through semi-authoritarianism, which may be further enhanced on September 30, 2007, with the Ecuadoran Special Constituent Assembly elections, where 130 delegates will be elected to rewrite the Constitution. [FN8] Second, Latin...



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[20.](#) **9 Chi. J. Int'l L. 79**

Chicago Journal of International Law Summer 2008 MAKING THE STATE DO JUSTICE: TRANSNATIONAL PROSECUTIONS AND INTERNATIONAL SUPPORT FOR CRIMINAL INVESTIGATIONS IN POST-ARMED CONFLICT GUATEMALA Naomi Roht-Arriaza [FNa1]

...FN4] After over a year in detention, the defendants were freed when Guatemala's Constitutional Court ("GCC") decided on December 12, 2007 that it would not honor Spanish arrest warrants or extradition requests. [FN5] The court held that Spanish courts did not ...

...the courts moved towards extradition, at the very least, that might embarrass the prosecutors' office into action. Indeed, in July 2007 the prosecutors' office began threatening to call witnesses in the Spanish Embassy massacre case of 1980, in what seemed to ...

...the case back to the lower court. [FN50] The trial court again found jurisdiction, and the appeals court, in October 2007, agreed. [FN51] The court recognized that the extradition treaty was binding, that Spanish jurisdiction was proper, and that the crimes...

[21.](#) **7 Chinese J. Int'l L. 429**

Chinese Journal of International Law July, 2008 Against Enforced Disappearance: The Political Detainees' Case before the Nepal Supreme Court Kishor Uprety [FNa1]

...deter State agencies from orchestrating and encouraging such acts through orders and decisions. In that vein, Nepal's Supreme Court, in 2007, breaking the long tradition of a conservative and passive approach to justice, issued a verdict of significant proportion which could ...

...the country's political governance, both from the municipal as well as international law perspectives. I. Introduction 1. In early August 2007, the Supreme Court of Nepal wrote to the Office of the Attorney General (OAG) instructing it to immediately take measures to implement a verdict it had issued two months earlier. Indeed, on 1 June 2007, responding to 83 habeas corpus petitions, a division bench of Honourable Justices Khila Raj Regmi and Kalyan Shrestha [FN1] issued ...

...also envisaged compensation and interim recourses. - because Article 88 (2) of the 1990 Constitution and Article 107(2) of the 2007 Interim Constitution allow the Nepalese Supreme Court to render appropriate orders to provide full justice, the Court could, after evaluating...



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[22.](#) **29 Comp. Lab. L. & Pol'y J 383**

Comparative Labor Law and Policy Journal Summer 2008 GLOBALIZING U.S. EMPLOYMENT STATUTES THROUGH FOREIGN LAW INFLUENCE: MEXICO'S FOREIGN EMPLOYER PROVISION AND RECRUITED MEXICAN WORKERS Kati L. Griffith [FNd1]

...there is an expanding literature on foreign workers' rights adjudication in international bodies such as the International Labor Organization, [FN8] Inter-American Court of Human Rights, [FN9] and the National Office of Administration of the North American Agreement on Free Trade. [FN10] Some have assessed the ...

...2006, at A2. [FN3] . Claire Osborn, In search of able fingers, tailors turn south, Austin American-Statesman (Texas), Nov. 27, 2007, at D1 (acknowledging that some U.S. employers and their recruiters seek out workers in Mexico); Natali T. Del Conti, Disposable ...

...Look to International and Foreign Law on Unauthorized Immigrant Worker Rights, 29 U. Pa. J. Int'l L. 169, 172-73 (2007) (arguing that domestic courts in the United States "can and should consider international and foreign law when adjudicating the rights...)

[23.](#) **35 Fla. St. U. L. Rev. 817**

Florida State University Law Review Summer, 2008 DEMOCRATIZING THE MEDIA Emily Berman [FNa1]

...these conceptual elements of the CMC framework are the problems that the CMC has faced in practice. As of May 2007, the CMC had not received or initiated any complaints under the mandatory Codes of Practice, and its rules are routinely ...

...FN8] . E.g., Press Release, United Nations Democracy Fund, Secretary-General Sees Free Press an Essential Feature of Democracy (Apr. 23, 2007) ("Free press discharges the vital work of informing and educating the voting public without fear, harassment or censorship"); Organization for ...

...Defamation with the Relevant Case-law of the European Court of Human Rights, Doc. No. CDMC(2006)028, 6 (Feb. 7, 2007) [hereinafter Alignment of Laws of Defamation] ("Without open public debate there can be no pluralism, tolerance and broadmindedness which, in...

[24.](#) **21 Harv. Hum. Rts. J. 301**

Harvard Human Rights Journal Summer 2008 RECOGNITION OF WOMEN'S RIGHTS BEFORE THE INTER-AMERICAN COURT OF HUMAN RIGHTS Karla I. Quintana Osuna [FNa1]

...WL 2878346 HARVARD HUMAN RIGHTS JOURNAL Harvard Human



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Rights Journal Summer 2008 Recent Developments RECOGNITION OF WOMEN'S RIGHTS BEFORE THE **INTER-AMERICAN COURT OF HUMAN RIGHTS** Karla I. Quintana Osuna [FN1] Copyright (c) 2008 the President and Fellows of Harvard College; Karla I. Quintana Osuna Introduction [FN1] In 2003, former President of the UN Human Rights Committee and current President of the **Inter-American Court of Human Rights**, Cecilia Medina Quiroga, analyzed the development of women's human rights in the Inter-American System of Human Rights. [FN2] The ...

...the Inter-American Commission of Human Rights ("the Commission") had addressed several cases regarding women. However, the role of the Inter-American Court of Human Rights ("the Court", "the Inter-American Court" or "the Tribunal") had been "prima facie, extremely modest." [FN3] In November 2006, the ...

...This two-pronged approach can help ensure that women's rights are a priority and not just a theoretical afterthought. In 2007, with three female justices on the bench and one of them as the President for the first time in the...

25. **31 Hastings Int'l & Comp. L. Rev. 587**

Hastings International and Comparative Law Review Summer 2008 CONSTITUTIONAL CHANGES, TRANSITIONAL JUSTICE, AND LEGITIMACY: THE LIFE AND DEATH OF ARGENTINA'S "AMNESTY" LAWS Jose Sebastian Elias [FN1]

...The Supreme Court had continued to uphold the Due Obedience and Full-Stop Laws, even after constitutional reform. [FN170] The Inter-American Court of Human Rights had ruled that self-amnesty laws covering crimes against humanity were against the Inter-American Convention of Human Rights. [FN171 ...

...social justice, which would occupy the center of his thought. See, e.g., Ricardo M. Zuccherino, *Historia Constitucional Argentina* 483-84 (2007) (translated by author). Thus, the populist themes Alfonsín was using in his campaign recognize as antecedents both Yrigoyen and Perón ...

...The authority of res iudicata has been seriously affected by the decision. See *Corta Suprema de Justicia [CSJN]*, 7/13/2007, "Mazzeo, Julio Lilo y otros," available at < www.csjn.gov.ar > (this decision is not yet paginated in the official Fallos report). The...

26. **36 Hofstra L. Rev. 1271**

Hofstra Law Review Summer 2008 FAMILIES AT RISK: HOW ERRANT ENFORCEMENT AND RESTRICTIONIST INTEGRATION POLICIES THREATEN THE IMMIGRANT FAMILY IN THE EUROPEAN UNION AND THE UNITED STATES Lori A. Nessel [FN1]



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...rights-based approach to family unity issues and the treatment of undocumented workers is evidenced by recent litigation before the Inter-American Court on Human Rights. Undocumented immigrants and their family members are increasingly seeking rulings from the Inter-American Court in cases involving United States ...

...entitled to a backpay remedy when their guaranteed labor rights were violated, [FN84] an advisory opinion was sought from the Inter-American Court on Human Rights. Rather than focusing solely on the illegality of the workers' immigration status, the court stated that, "the migratory status of ...

...which tries to prepare potential migrants for things they will see in the Netherlands, including nudity and homosexuality. In April 2007, a similar test was introduced in Denmark. In March 2007 the German and British governments announced their intent to institute a language test abroad. France has also expressed a commitment...

[27.](#)

30 Hous. J. Int'l L. 653

Houston Journal of International Law Summer 2008 TRANSITIONAL JUSTICE: WHEN JUSTICE STRIKES BACK--CASE STUDIES OF DELAYED JUSTICE IN ARGENTINA AND SOUTH KOREA Sang Wook Daniel Han [FN1] [FNd1]

...rights, but none of them expressly impose a duty to prosecute the alleged offenders of crimes against humanity. [FN180] The Inter-American Court of Human Rights in the Velasquez Rodriguez Case [FN181] held that article 1.1 of the American Convention on Human Rights, requiring states ...

...monarchy to democracy and its use of the TRC); George Schöpflin, Turkey's Crisis and the European Union, openDemocracy, July 23, 2007, http://www.opendemocracy.net/democracy_power/future_turkey/elections_2007 (reviewing the state of Turkish democracy after the Armenian genocide). [FN289] . See van Zyl, Promoting Transitional Justice, *supra* note 261...

[28.](#)

29 Mich. J. Int'l L. 777

Michigan Journal of International Law Summer 2008 THE VICTIMS OF VICTIM PARTICIPATION IN INTERNATIONAL CRIMINAL PROCEEDINGS Charles P. Trumbull IV [FN1]

...by individual victims. [FN50] Velásquez-Rodríguez changed this understanding of a State's duty to prosecute. [FN51] In that case, the Inter-American Court of Human Rights (IACHR) interpreted Articles 8.1 (right to fair trial), [FN52] 25 (right to a remedy), [FN53] and 1.1 (obligation ...



...the Rome Statute. [FN124] In its opinion, the Chamber noted that both the European Court of Human Rights and the Inter-American Court of Human Rights have interpreted conventions on the right to judicial process to grant victims certain participatory rights during the investigation of alleged ...

...other four judges, concluding that the victims' personal interests were affected by the appeal. [FN167] Citing several decisions by the Inter-American Court on Human Rights and the European Court on Human Rights, Judge Song stated that "victims of serious crimes have a special interest that...

[29.](#) **C** **28 Pace L. Rev. 865**

Pace Law Review Summer 2008 DOCTRINES REGARDING "THE FIGHT AGAINST IMPUNITY" AND "THE VICTIM'S RIGHT FOR THE PERPETRATOR TO BE PUNISHED" Jesús-María Silva Sánchez [FNa1]

...impunity is set out in the Preamble to the Statute of the International Criminal Court, the case law of the Inter-American Court of Human Rights, [FN6] judgments issued by constitutional courts, and a large body of doctrinal papers. [FN7] Doctrines against impunity have unfolded within ...

...of the latter) breach international conventions on human rights? [FN30] This is the juncture at which material reasons emerge. The Inter-American Court of Human Rights refers to the "victim's right to justice," which is tied to their right to "the investigation, identification and trial of ...

...154, marg. no. 111. [FN11] . See also Jorge Viñuales, Impunity: Elements for an Empirical Concept, 25 Law & Ineq. 115, 117 (2007) [FN12] . This tends to occur when crimes are committed in the context of a political regime that causes them or...

[30.](#) **27 Penn St. Int'l L. Rev. 1**

Penn State International Law Review Summer 2008 ON ARMED CONFLICT, HUMAN RIGHTS, AND PRESERVING THE RULE OF LAW IN LATIN AMERICA Luz E. Nagle [FNa1]

...Uruguay's military dictatorship from 1973 to 1985). See generally Rene Harder Horst, The Stroessner Regime and Indigenous Resistance in Paraguay (2007) (discussing the Stroessner dictatorship from 1954-1989); Paul H. Lewis, Guerrillas and Generals: The "Dirty War" in Argentina (2001) (discussing ...

...in Latin American Criminal Procedure: Diffusion of Legal Ideas from the Periphery, 55 Am. J. Comp. L. 617, 617-19 (2007) (characterizing



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the network of reformers as a “Southern activist expert network”). [FN85] . It is not easy to measure or define ...

...Convention, 18 Berkeley J. Int'l L. 53 (2000) ; Edward Kleemans, Organized Crime, Transit Crime, and Racketeering, 35 Crime & Just. 163 (2007) [FN103] . See Garry Leech, Bush Administration Fails to Acknowledge Existence of Paramilitary Groups in Columbia, Mar. 17, 2008, [http:// www.colombiajournal.org...](http://www.colombiajournal.org...)

[31.](#)

27 Penn St. Int'l L. Rev. 89

Penn State International Law Review Summer 2008 THE EMERGENCE OF TRANSNATIONAL CONSTITUTIONALISM: ITS FEATURES, CHALLENGES AND SOLUTIONS Jiunn-Rong Yeh [FN1]Wen-Chen Chang [FNaa1]

...resolves disputes and perhaps even supervises from within. For instance, there is an Eur.Ct.H.R. in the Council of Europe; an **Inter-American Court of Human Rights** in Organization of American States; a Dispute Settlement Body in the WTO; and judicial committees in numerous international human rights ...

...the two-year ratification process had passed, the heads of member states signed the Treaty of Lisbon on December 13, **2007** as a proposal to reform the existing EU structure. Many provisions in the Treaty of Lisbon are reflective of the ...

...e.g., Nicholas Tsagourias, Introduction--Constitutionalism: A Theoretical Roadmap, in Transnational Constitutionalism: International and European Models 1-14 (Nicholas Tsagourias ed., **2007**). This edited volume invited scholars to reflect on transnational constitutional features and the development of the European constitutional regime. [FN11...]

[32.](#)

43 Tex. Int'l L.J. 453

Texas International Law Journal Summer 2008 QUESTIONING CIVILIAN IMMUNITY Aaron Xavier Fellmeth [FN1]

...the incitement of sexual violence, under the heading of crimes against humanity. [FN124] Similar decisions have been reached by the Inter-American Court on Human Rights and the European Court of Human Rights. [FN125] The Statute of the Special Court for Sierra Leone establishes jurisdiction over ...

...Depth: Iraq: Casualties in the Iraq War, <http://www.cbc.ca/news/background/iraq/casualties.html> (reporting civilian deaths as of Feb. 5, 2007, at 55,664 to 61,369); Iraq Body Count, supra note 2 (reporting civilian deaths as of Feb. 6, 2008, at 81,020 ...

...in the conflict. [FN7] . See Sabrina Tavernise, Iraqi Death Toll



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Exceeded 34,000 in 2006, U.N. Says, N.Y. Times, Jan. 16, 2007, at A1. [FN8] . Hurst, supra note 6. [FN9] . Alfred de Montesquiou, U.N. Says Sudan Terrorizing Civilians, AP Newswire, Nov. 18...

33. C 40 Tex. Tech L. Rev. 987

Texas Tech Law Review Summer, 2008 EMPLOYMENT LAW REMEDIES FOR ILLEGAL IMMIGRANTS Jarod S. Gonzalez [FN1]

...FN6] In spite of the IRCA and its enforcement regime, however, the undocumented worker problem persists. [FN7] In 2006 and 2007, the United States Congress exerted considerable efforts to pass comprehensive federal legislation that would provide a pathway toward legalized immigration ...

...New Mexico, and a News Scholars Workshop Session at the Southeastern Association of Law Schools Annual Meeting on August 3, 2007, in Amelia Island, Florida. Thanks to those who participated in these presentations. [FN2] . See Maria Pabon Lopez, The Intersection of ...

...of IRCA. Id. [FN7] . See 8 U.S.C. § 1324a(a) (e) (f) (2000). [FN8] . See Comprehensive Immigration Reform Act of 2007, S. 1639, 110th Cong. (2007); Comprehensive Immigration Reform Act of 2006, S. 2611, 109th Cong. (2007). [FN9] . See S. 1639; S. 2611. [FN10] . See Congressional Budget Office, Cost Estimate: Senate Amendment 1150 to S.1348, The Comprehensive Immigration Reform Act of 2007 (2007), available at http://www.cbo.gov/ftpdocs/81xx/doc8179/SA1150_June4.pdf [hereinafter CBO Cost Estimate]. [FN11] . See id. [FN12] . See id. The Congressional Budget Office's (CBO) analysis of the Comprehensive Immigration Reform Act of 2007, as revised by a Senate amendment, estimated that approximately 3.9 million illegal immigrant workers would gain legal status from...

34. 26 Wis. Int'l L.J. 403

Wisconsin International Law Journal Summer 2008 INTERNET GOVERNANCE AND THE RESPONSIBILITY OF INTERNET SERVICE PROVIDERS Anne Cheung [FN1]Rolf H. Weber [FNaa1]

...the European Commission's guidelines on ISPs' disclosure of personal data and the U.S. Global Online Freedom Act of 2006 and 2007 will also be included. This article argues that in consideration of the degree of knowledge that ISPs possess and the ...

...enables netizens to access the Internet and allows them to afford anonymity in the virtual world. As of March 19, 2007, 16.9 percent of the world's 6.6 billion people have become netizens. [FN17] In other words, 1.1 billion ...



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...ISPs. In more countries than just China, the reliance on ISPs by state authorities has also increased. For instance, in 2007, Google was alleged to have handed information of its user, who had posted insulting images of god Shiva on its...

[35.](#) **19 Eur. J. Int'l L. 491**

European Journal of International Law June, 2008 HUMAN RIGHTS AND THE MAGIC OF JUS COGENS Andrea Bianchi [FN1]

...of its most fervent supporters to see it everywhere. To illustrate this risk, reference could aptly be made to the Inter-American Court of Human Rights' Advisory Opinion on the juridical condition and rights of undocumented migrants. [FN78] The opinion, issued at the request of Mexico ...

...Western Reserve J Int'l L (2006) 175. [FN75] . J. Goldsmith, *The Terror Presidency: Law and Judgment Inside the Bush Administration* (2007). [FN76] . See Second Periodic Report of the United States of America to the Committee against Torture (UN Doc CAT/C ...

...Doc CAT/C/USA/CO/2, 18 May 2006). [FN78] *Juridical Condition and Rights of the Undocumented Migrants* , Advisory Opinion, Inter-American Court of Human Rights (ser. A) No. 18 (2003). See the case-note by Cleveland in 99 AJIL (2005) 460. [FN79] . See *Juridical Condition...*

[36.](#) **19 Eur. J. Int'l L. 509**

European Journal of International Law June, 2008 ATTRIBUTION OF CONDUCT IN PEACE OPERATIONS: THE 'ULTIMATE AUTHORITY AND CONTROL' TEST Kjetil Mujezinovi Larsen [FN1]

...the Court's case law, [FN47] as well as in the practice of other international human rights tribunals. For instance, the Inter-American Court of Human Rights stated that the 'sole requirement is to demonstrate that the State authorities supported or tolerated infringement of the rights recognized ...

...v. France , and App. No. 78166/01 *Ruzhdi Saramati v. France, Germany and Norway* , Grand Chamber decision of 2 May 2007 (hereinafter *Behrami/Saramati* [FN2] . In this article, the term 'actions' also includes omissions, i.e., the failure to act. [FN3] . The decision has been followed up in later cases. In the Court's decision of 5 July 2007 in App. No. 6974/05 *Kasumaj v. Greece* , which concerned the occupation by Greek KFOR forces of two plots of ...

...i]n the light of' that decision, the application had to be declared inadmissible. See also the decision of 28 Aug. 2007 in App No 31446/02



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Gaji v. Germany , which concerned the refusal of German KFOR troops to pay rent for...

[37.](#) **C** **76 Geo. Wash. L. Rev. 1017**

George Washington Law Review June, 2008 THE RIGHT OF REPLY AND FREEDOM OF THE PRESS: AN INTERNATIONAL AND COMPARATIVE PERSPECTIVE Kyu Ho Youm [FN1]

...1017 2008 WL 3989555 GEORGE WASHINGTON LAW REVIEW George Washington Law Review June, 2008 Access to the Media--1967 to 2007 and Beyond: A Symposium Honoring Jerome A. Barron's Path-Breaking Article Rights of Reply in Comparative Law THE RIGHT OF ...

...convention became effective on August 24, 1962, after six signatories had deposited their instruments of ratification. [FN45] As of August 2007, a total of twenty-three states, including France, had ratified it. [FN46] Montenegro was the latest to sign on to ...

...The correction or reply shall not in any case remit other legal liabilities that may have been incurred. [FN49] The Inter-American Court of Human Rights, in an advisory opinion, held that the right to reply and make a correction is an enforceable right under the...

[38.](#) **C** **121 Harv. L. Rev. 2110**

Harvard Law Review June, 2008 THE ALIEN TORT STATUTE, FORUM SHOPPING, AND THE EXHAUSTION OF LOCAL REMEDIES NORM

...David H. Moore, Sosa, Customary International Law, and the Continuing Relevance of Erie, 120 Harv. L. Rev. 869, 881-910 (2007) [FN3] Sosa, 542 U.S. at 725 CIL, or the "law of nations," is the corpus of international law that "results ...

...Scarborough, Rules of Decision for Issues Arising Under the Alien Tort Statute, 107 Colum. L. Rev. 457, 459 n.16 (2007) "Most individual ATS defendants are judgment proof...and attempts to sue them often run into jurisprudential obstacles such as sovereign ...

...novel causes of action. See, e.g., Khulumani v. Barclay Nat'l Bank Ltd., 504 F.3d 254, 258, 260 (2d Cir. 2007) (per curiam) (holding that jurisdiction exists under the ATS to hear a novel claim of aiding and abetting liability against...

[39.](#) **C** **83 N.Y.U. L. Rev. 693**

New York University Law Review June, 2008 RETHINKING "EFFECTIVE REMEDIES": REMEDIAL DETERRENCE IN INTERNATIONAL COURTS Sonja B. Starr [FN1]

...authorize or require international judicial remedies. For instance,



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Article 63(1) of the American Convention on Human Rights requires the Inter-American Court of Human Rights to order, "if appropriate, that the consequences of [any Convention violation] be remedied and that fair compensation be paid." [FN20 ...

...and acquitted on all charges and released in September 2006, after more than eight years in detention. [FN145] In September 2007, the Appeals Chamber denied his request for compensation for this prolonged detention, instead upholding the Trial Chamber's \$2000 award for ...

...few other courts' case law suggests some of the range of variation. Here, I focus mainly on the European and Inter-American Courts of Human Rights (ECHR and IACHR, respectively), two supranational courts that hear individual complaints against states for violation of the respective regional human...

40. **39 Vict. U. Wellington L. Rev. 119**

Victoria University of Wellington Law Review June, 2008 Robin Cooke, Human Rights and the Pacific Dimension Hon Justice Michael Kirby AC CMG [FN1]

...in the East. Arguably, this is the most influential court in the world today. In the Americas, there is the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. In Africa, there is the African Court on Human and Peoples' Rights ...

...the most important human rights treaties and their incorporation in domestic law and enforcement within the region. Indeed, in mid-2007, of those states and self-governing entities in the Pacific, Australia and New Zealand are the only nation states that ...

...1996, the Asia Pacific region had only four national human rights institutions accredited according to international standards. [FN86] By mid-2007, there are 17 such bodies. The level of co-operation between these institutions, under the auspices of the Asia-Pacific...

41. **29 Cardozo L. Rev. 2461**

Cardozo Law Review May, 2008 DEFINING ARMED CONFLICT Natasha Balendra [FN1]

...London. A previous version of this Article was presented at the New International Law Conference in Oslo, Norway, in March 2007. I wish to thank Professors Eyal Benvenisti, Radhika Coomaraswamy, Kevin Davis, Benedict Kingsbury, Guy Goodwin-Gill, Martti Koskenniemi, Liam Murphy ...

...Regulation of Hostilities: The Need to Recognize a Hybrid Category of Armed Conflict, 40 Vand. J. Transnat'l L. 295, 307 (2007) [FN20] . See



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Additional Protocols, supra note 3, art. 1(2) ("This Protocol shall not apply to situations of internal disturbances ...

...procedural impediments to human rights bodies applying IHL as the *lex specialis*. In the Las Palmeras case, for instance, the Inter-American Court of Human Rights stated that it only had competence to determine whether the acts in question were compatible with the American Convention and...

[42.](#) **C** **92 Minn. L. Rev. 1424**

Minnesota Law Review May, 2008 REMEDIES FOR UNDOCUMENTED NONCITIZENS IN THE WORKPLACE: USING INTERNATIONAL LAW TO NARROW THE HOLDING OF HOFFMAN PLASTIC COMPOUNDS, INC. V. NLRB David Weissbrodt [FNd1]

...able to recover back pay under the NLRA because he was a noncitizen and not entitled to employment. [FN2] The Inter-American Court of Human Rights and the International Labor Organization (ILO) Freedom of Association Committee have rejected the Hoffman decision and criticized the United States for its discrimination against noncitizens. [FN3] The Inter-American Court of Human Rights and the ILO Committee held that, while a noncitizen may not have the right to enter the United States or ...

...decision in Hoffman inapplicable to Title VII employment cases and would sufficiently narrow the Hoffman decision to comply with the Inter-American Court of Human Rights and the ILO decisions. I. THE HOFFMAN DECISION AND THE RESPONSES OF U.S. AND INTERNATIONAL COURTS The Court in Hoffman ...

...VII relief on the basis of the plaintiff's immigration status. Two prominent international bodies have examined the Hoffman decision. The Inter-American Court of Human Rights and the ILO Committee on Freedom of Association both issued opinions strongly critical of Hoffman. A. Title VII of the...

[43.](#) **31 B.C. Int'l & Comp. L. Rev. 213**

Boston College International and Comparative Law Review Spring, 2008 THE EVOLUTION OF INTERNATIONAL LAW Milena Sterio [FNa1]

...R. TRIMBLE, INTERNATIONAL LAW 2 (3d ed. 1999)). [FN19] See BARRY E. CARTER ET AL., INTERNATIONAL LAW 14 (5th ed. 2007) (noting that traditional concept of international law "was generally one of law between nation states" [FN20] See id . at 298 ...

...nation-states" [FN22] See Paul Schiff Berman, A Pluralist Approach to International Law , 32 YALE J. INT'L L. 301, 312 (2007) [FN23] See id (concluding that we need "a more fine-grained, nuanced understanding



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of the way legal norms are passed ...

...Development of the Inter-American Human Rights System, in INTERNATIONAL LAW STORIES 77, 82 (John E. Noyes et al. eds., 2007) (stating that individuals can bring complaints against state parties in Inter-American Court of Human Rights); Sands, *supra* note 1, at 546-47 (describing how individuals can bring claims against state parties in European Court of...)

44. **18 Duke J. Comp. & Int'l L. 477**

Duke Journal of Comparative and International Law Spring 2008 SUPRANATIONAL RULINGS AS JUDGMENTS AND PRECEDENTS Ernest A. Young [FN1]

...the Law of Nations, and Citations of Foreign Law: The Lessons of History, 95 Cal. L. Rev. 1335, 1342-43 (2007) (describing efforts by members of Congress to limit the judiciary's use of foreign law). [FN32] 543 U.S. 551 (2005) [FN33 ...

...Rev. 59, 107 [FN54] . See generally Mark L. Movsesian, Judging International Judgments, 48 Va. J. Int'l L. 65, 101-08 (2007) (reading the dissent as embracing a more deferential "comity model" of interpretive authority). [FN55] . See Ernest A. Young, Treaties as ...

...Alford, *supra* note 2, at 707. [FN77] . John Gotanda, Damages in Private International Law, 326 Recueil des Cours 73, 91 (2007) [FN78] . See, e.g., *Gilmer v. Interstate/Johnson Lane Corp.*, 500 U.S. 20, 28-29 (1991) (permitting arbitration for an age...

45. **19 Eur. J. Int'l L. 301**

European Journal of International Law April, 2008 THE LEGAL REASONING OF ICSID TRIBUNALS -- AN EMPIRICAL ANALYSIS Ole Kristian Fauchald [FN1]

...ARB/05/22. BIT Tanzania--UK Provisional measures 1, 2006 (Procedural Order No 1); Provisional measures 2, 2006, 46 ILM (2007) 15. *Camuzzi v. Argentina 1* (*Camuzzi International SA v. Argentine Republic (1)*) , ICSID Case ARB/03/2. BIT Argentina--Belgium ...

...Seychelles (*CDC Group plc v. Republic of Seychelles*) , ICSID Case ARB/02/14. Contract; Annulment proceedings 2005, 11 ICSID Rep (2007) 237. *Cement Shipping v. Egypt* (*Middle East Cement Shipping and Handling Co SA v. Arab Republic of Egypt*) , ICSID Case ...

...LP v. Argentine Republic) , ICSID Case ARB/01/3. BIT Argentina--US Decision on jurisdiction 1, 2004, 11 ICSID Rep (2007) 273; Decision on jurisdiction 2, 2004, 11 ICSID Rep (2007) 295. *Fedax v. Venezuela* (*Fedax NV v. Republic of Venezuela*) , ICSID Case ARB/96/3. BIT



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Venezuela--Netherlands Award, 1998...

[46.](#) **22 Geo. Immigr. L.J. 429**

Georgetown Immigration Law Journal Spring, 2008 OUT OF THE SHADOWS: MIGRANT WOMEN'S REPRODUCTIVE RIGHTS UNDER INTERNATIONAL HUMAN RIGHTS LAW Aliya Haider [FN1]

...numbered almost 191 million, 115 million of whom lived in developed countries and 75 million in developing countries. [FN16] In **2007**, the total migrant number rose to about 200 million, leading some to note that were these persons to constitute a ...

...parties, the state obligations apply to all persons. Commenting on the principle of non-discrimination as applied to migrants, the **Inter-American Court of Human Rights** recently stated that: “[T]he principle of equality before the law, equal protection before the law and non-discrimination belongs to ...

...lack of information or services for migrant women and the spread of HIV among migrant women in China. [FN108] In **2007**, it was reported that HIV rates in countries like India and South Africa, where the rates are already high, will...

[47.](#) **38 Golden Gate U. L. Rev. 461**

Golden Gate University Law Review Spring 2008 REQUIRING EXHAUSTION: AN INTERNATIONAL LAW PERSPECTIVE OF THE ALIEN TORT CLAIMS ACT IN SAREI V. RIO TINTO Steffanie Bevington [FN1]

...of specific domestic remedies that should have been utilized. [FN69] In discussing the rule in The Velásquez Rodríguez Case, the Inter-American Court of Human Rights stated: [W]hen it is shown that remedies are denied for trivial reasons or without an examination of the merits, or ...

...1116, 1123 (C.D. Cal. 2002) aff'd in part, rev'd in part, vacated in part 487 F.3d 1193 (9th Cir. 2007) reh'g en banc granted 499 F.3d 923 (9th Cir. 2007) (quoting First Am. Compl. ¶ 6)). [FN2] Id. [FN3] Id. at 1121. [FN4] Id. at 1122. [FN5] Id. at 1123 ...

...1126 (quoting First Am. Compl. ¶ 6). [FN13] Sarei v. Rio Tinto, PLC, 487 F.3d 1193, 1223 (9th Cir. 2007) reh'g en banc granted 499 F.3d 923 (9th Cir. 2007) [FN14] . The term “law of nations” is coterminous with international law. See Black’s Law Dictionary 365 (7th ed. 2001). The...

[48.](#) **C 98 J. Crim. L. & Criminology 811**

Journal of Criminal Law and Criminology Spring 2008 PRETRIAL AND



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Corte Interamericana de Derechos Humanos

PREVENTIVE DETENTION OF SUSPECTED TERRORISTS: OPTIONS AND CONSTRAINTS UNDER INTERNATIONAL LAW Douglass Cassel [FNa1]

...derogable. [FN130] This view is in accord with the language of the ACHR [FN131] and with the jurisprudence of the Inter-American Court of Human Rights. [FN132] Even if the right of access to a court is non-derogable, States may nonetheless attempt to derogate from ...

...619, 619-20 (1st Cir. 2004) [FN2] United States v. Moussaoui, 483 F.3d 220, 223 n.1 (4th Cir. 2007) [FN3] . See Adam Liptak, Impressions of Terrorism, Drawn from Court Files, N.Y. Times, Feb. 19, 2008, at A15. [FN4] . See, e.g., Philip Shenon, Ex-Prosecutor 'Crossed Over the Line,' Jury is Told, N.Y. Times, Oct. 31, 2007, at A16. [FN5] . See United States v. Moussaoui, 382 F.3d 453 (4th Cir. 2004) cert. denied 544 U.S. 931 ...

...at A1. [FN13] . Glaberson & Lichtblau, supra note 11. [FN14] . See, e.g., Boumediene v. Bush, 127 S. Ct. 1478, 1479-80 (2007) (Breyer, J., dissenting from denial of cert.) (noting that petitioner prisoners are "natives of Algeria, and citizens of Bosnia, seized...)

[49.](#)

14 L. & Bus. Rev. Am. 397

Law and Business Review of the Americas Spring 2008 THE GUATEMALAN FEMICIDE: AN EPIDEMIC OF IMPUNITY Natalie Jo Velasco [FNa1]

...social condition. [FN209] In the Velasquez Rodriguez case in Honduras where the identities of those responsible were not known, the Inter-American Court of Human Rights emphasized the concept of "due diligence" to describe the degree of effort a State must make in order to comply ...

...its international obligations. [FN218] 2. Due Diligence in Fighting Violence Against Women The idea of due diligence outlined by the Inter-American Court of Human Rights in the Honduras case has also been adopted by the international community with the specific intention of combating violence against ...

...Constitution, supra note 171, art. 200. [FN176] . Amnesty Int'l, Mexico and Guatemala: Stop the Killings of Women, at 2, Jan. 2007, <http://www.amnestyusa.org/news/document.do?id=ENGUSA20070130001>. [FN177] . CGRS Update, supra note 18, at 22. [FN178] Id. [FN179] . Guatemalan Constitution, supra...

[50.](#)

40 N.Y.U. J. Int'l L. & Pol. 893

New York University Journal of International Law and Politics Spring 2008 BOOK ANNOTATIONS



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...Cambridge University Press 2008). Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy* (Cambridge University Press 2007). Farkas, Richard P., *Democratization in the Balkans: Prescription for a Badly Scarred Body Politic* (Northeastern University Press 2006). Jacobs, Francis G., *The Sovereignty of Law: The European Way* (Cambridge University Press 2007). Malone, David M., *The International Struggle Over Iraq: Politics in the UN Security Council, 1980-2005* (Oxford University Press 2006). Morgan, Ed, *The Aesthetics of International Law* (University of Toronto Press 2007). Moustafa, Tamir, *The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt* (Cambridge University Press 2007). Müllerson, Rein, *Central Asia: a Chessboard and Player in the New Great Game* (Columbia University Press 2007). Terris, Daniel, Cesare P.R. Romano, and Leigh Swigart, *The International Judge: An Introduction to the Men and Women Who Decide the World's Cases* (Brandeis University Press 2007). Yihdego, Zeray, *The Arms Trade and International Law* (Hart Publishing 2007). Zhinsheng, Gao, *A China More Just* (Broad Press 2007). Zürcher, Christoph, *The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus* (New York University Press 2007). *Nuclear Weapons: What You Need to Know.* by Jeremy Bernstein. New York, New York: Cambridge University Press, 2008. Pp. 312 ...

...Organisations and Peace Enforcement: The Politics of International Legitimacy. By Katharina P. Coleman. New York, New York: Cambridge University Press, 2007. Pp. 325. \$40.00 (paperback). Reviewed By Olivia Maginley In August 1998, under the auspices of the Southern African Development ...

...to detail. *The Sovereignty of Law: The European Way.* By Francis G. Jacobs. New York, New York: Cambridge University Press, 2007. Pp. v, 163. \$28.99 (paperback). Reviewed By Sarah Levitt Prior to the modern era of judicial review, a singular...

[51.](#) **C** [20 St. Thomas L. Rev. 604](#)

Saint Thomas Law Review Spring 2008 RELIGIOUS REPARATIONS FROM THE TRANS-ATLANTIC SLAVE TRADE: FORMING DEMONS, CULTS, AND ZOMBIES TO JUSTIFY BLACK ENSLAVEMENT Danielle Boaz [FNa1]

...to other courts that have yet to establish their own body of case-law on this topic such as the Inter-American Court of Human Rights. However, I believe that the European Court of Human Right's decisions represent a place where the Americas must not venture ...

...Skeleton Key (Universal Pictures 2005). [FN60] Id. [FN61] . Voodoo Dawn (Spartan 2000). [FN62] . Tales of Voodoo Box Set (Ventura Distribution 2007). [FN63] . Zombie Nation (Lion's Gate 2006). [FN64] . Santeria: The Soul Possessed (Lion's Gate 2005). [FN65] . Paul Farmer, *The Uses of...*



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52. **9 San Diego Int'l L.J. 329**

San Diego International Law Journal Spring 2008 VICTIMS AND PROMISE OF REMEDIES: INTERNATIONAL LAW FAIRYTALE GONE BAD Sanja Djajic [FNa1]

...the ICJ judgment in the Application of Convention on the Prohibition and Prevention the Crime of Genocide of February 26, 2007, it may be useful to look into the consequences and reactions of national courts with respect to the ordered remedies ...

...under the Consular Convention or rulings containing international remedies [FN103] ordered by international bodies, such as the ICJ [FN104] and Inter-American Court of Human Rights. [FN105] Both state and federal U.S. courts have routinely denied enforcement of international remedies or granted national remedies for the ...

...the national arena and refused to interpret domestic law in light of the U.S.'s international obligations. Consequently, on April 30, 2007, the U.S. Supreme Court granted certiorari to review the decision of the state court. [FN123] The issue in this case...

53. **8 Sustainable Dev. L. & Pol'y 46**

Sustainable Development Law & Policy Spring, 2008 THE FORGOTTEN NORTH: PEOPLES AND LANDS IN PERIL Ursula Kazarian [FNa1]

...uncertainty as to how the rights of Russia's indigenous groups will be respected in the future. Another example is the Inter-American Court of Human Rights ("IACHR"). Unlike the European human rights system, an individual cannot bring a claim directly into the system; he or she ...

...Apr. 21, 2008). [FN2] INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, FOURTH ASSESSMENT REPORT, CLIMATE CHANGE IMPACTS, ADAPTATION & VULNERABILITY 653, 671-72 (2007), available at <http://www.ipcc-wg2.org/> (follow "The Full Working Group II Contribution to the Fourth Assessment Report Available Here" ; then ...

...Ice Cap Melting, Satellite Images Show Volume of Sea Ice At Summer's End Was Half That of 2003 , Dec. 13, 2007, available at http://www.cbsnews.com/stories/2007/12/13/tech/main3613698.shtml?source=RSSattr=HOME_3613698 (last visited Apr. 14, 2008). [FN12] See IPCC, *supra* note 2. [FN13...]

54. **C 35 Syracuse J. Int'l. L. & Com. 341**

Syracuse Journal of International Law and Commerce Spring 2008 FOLLOWING DESKAHEH'S LEGACY: RECLAIMING THE CAYUGA INDIAN NATION'S LAND RIGHTS AT THE INTER-AMERICAN COMMISSION ON



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HUMAN RIGHTS Carrie E. Garrow [FNa1]

...including the International Labour Organization on Indigenous and Tribal Peoples, Convention No. 169 of 1989; the case law from the Inter-American Court on Human Rights and the Inter-American Commission on Human Rights; and now the newly adopted U.N. Declaration on the Rights of Indigenous ...

...before the Commission must be lodged against a member state of the OAS, such as the United States. [FN56] The Inter-American Court of Human Rights is the autonomous judicial institution of the OAS, "whose purpose is the application and interpretation of the American Convention on ...

...FN95] Id. para. 144. [FN96] . See Kathryn Fort, The (In)equalities of Federal Indian Law, 54 -APR Fed. Law. 32, 35 (2007) [hereinafter Fort, (In)equalities]. See also Kathryn E. Fort, Creating Title Where None Existed: Laches and Indian Treaty Claims (Dec. 20, 2007) (draft on file with the author.) [hereinafter Fort, Creating Title]. [FN97] . Fort, Creating Title, supra note 96, at 9. [FN98...]

[55.](#)

43 Tex. Int'l L.J. 243

Texas International Law Journal Spring 2008 UPHOLDING HUMAN RIGHTS IN THE HEMISPHERE: CASTING DOWN IMPUNITY THROUGH THE INTER-AMERICAN COURT OF HUMAN RIGHTS Morse H. Tan [FNa1]

...LAW JOURNAL Texas International Law Journal Spring 2008 Article UPHOLDING HUMAN RIGHTS IN THE HEMISPHERE: CASTING DOWN IMPUNITY THROUGH THE **INTER-AMERICAN COURT OF HUMAN RIGHTS** Morse H. Tan [FNa1] Copyright (c) 2008 Texas International Law Journal; Morse H. Tan Abstract This article further fills the lacuna in the scholarly literature regarding compliance theory and the **Inter-American Court of Human Rights**. It builds upon a previous publication by this same author titled "Member State Compliance with the Judgments of the **Inter-American Court of Human Rights**." Like its predecessor, this Article explores various prominent theoretical models including the managerial model, fairness and legitimacy, transnational legal process ...

...judgments rather than representing an ineluctable, theoretical conflict. This new hybrid model has been developed in the context of the **Inter-American Court of Human Rights'** early jurisprudence on the merits: the hybrid model finds application in the Court's first decisions in contentious cases, which constitute ...

...Torture, improper incarceration, forced disappearances, and brutal murders: these are the kinds of crimes and human rights violations that the **Inter-American Court of Human Rights** (hereinafter the "IACHR" and the "Court") combats in the Western Hemisphere. [FN1] As the highest institution in the Inter-American...



[56.](#) **16 Tul. J. Int'l & Comp. L. 419**

Tulane Journal of International and Comparative Law Spring 2008
CHANGES IN MODERN MILITARY CODES AND THE ROLE OF THE
MILITARY COMMANDER: WHAT SHOULD THE UNITED STATES LEARN
FROM THIS REVOLUTION? Victor Hansen [FNa1]

...highly unlikely that the American Convention would be a significant catalyst for changes to the UCMJ. Though OAS created an Inter-American Court of Human Rights to enforce provisions of the American Convention, the United States has not recognized the jurisdiction of this court. [FN267] In ...

...and other international tribunals, [FN268] it is highly unlikely that the United States would ever recognize the jurisdiction of the Inter-American Court of Human Rights to decide domestic military justice matters. VI. Collateral Consequences of Change Among the various calls for reform to the U.S ...

...Equilibrium: The Evolution of U.S. Attitudes Toward International Criminal Courts and Tribunals, 18 Eur. J. Int'l L. 277, 295-97 (2007) [FN269] . Dir. of Military Prosecutions v. The Court Martial Admin. & the Chief Military Judge [2006] F.C. 1532. Although the case was overruled in Director of Military Prosecutions v. The Court Martial Administration & the Chief Military Judge, [2007] F.C.A. 390, it still illustrates the consequences that can occur when the traditional role of the convening authority is divided...

[57.](#) **C 42 U.S.F. L. Rev. 1045**

University of San Francisco Law Review Spring 2008 THE THIRTEENTH AMENDMENT AND ACCESS TO EDUCATION FOR CHILDREN OF UNDOCUMENTED WORKERS: A NEW LOOK AT PLYLER V. DOE Maria L. Ontiveros [FN1] Joshua R. Drexler [FNaa1]

...c) 2008 University of San Francisco School of Law; Maria L. Ontiveros; Joshua R. Drexler IN THE LATE SUMMER OF 2007, public school officials in North Chicago turned away Latino school children seeking to register for the fall. [FN1] The officials ...

...after the state's board of education threatened to withhold funding. [FN76] As discussed in the introduction to this Article, in 2007 a school district in northern Chicago also attempted to turn away children based on similar grounds. Other challenges have taken ...

...United States. Amici briefs have documented the human rights abuses to which they are often subjected. Sarah Cleveland et al., Inter-American Court of Human Rights Amicus Curiae Brief: The United States Violates International Law When Labor Law Remedies are Restricted Based on Workers' Migrant Status...



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[58.](#) **C** **57 Duke L.J. 891**

Duke Law Journal February, 2008 THE INTERNATIONALIZATION OF PUBLIC INTEREST LAW Scott L. Cummings [FNd1]

...See Brief for Petitioners El-Banna et al., *Al Odah v. United States*, No. 06-1196 (U.S. filed Aug. 24, 2007) [FN6] . In 2002, the Center for Constitutional Rights "filed a petition with the Inter-American Commission for Human Rights seeking ...

...for permanent status; refugees and asylees; and those granted withholding of deportation. See 45 C.F.R. § 1626.5(a) (e) (2007). Legal services groups could use non-federal funds to provide assistance to ineligible immigrants; many groups, however, fearing reprisal from ...

...Movement (1993). [FN79] . See Marah Carter Stith, *Immigration Control: A Catholic Dilemma?*, 84 U. Det. Mercy L. Rev. 73, 89 (2007) [FN80] . Catholic Legal Immigration Network, Inc., *About Us*, <http://www.cliniclegal.org/Aboutus.html> (last visited Feb. 23, 2008). [FN81] . Among these groups...

[59.](#) **19 Eur. J. Int'l L. 101**

European Journal of International Law February, 2008 IMPORT, EXPORT, AND REGIONAL CONSENT IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS Gerald L. Neuman [FNa1]

...OF INTERNATIONAL LAW European Journal of International Law February, 2008 Symposium: Human Rights IMPORT, EXPORT, AND REGIONAL CONSENT IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS Gerald L. Neuman [FNa1] Copyright © 2008 by EJIL; Gerald L. Neuman Abstract The Inter-American Court of Human Rights has elaborated a significant body of human rights jurisprudence through interpretation of regional human rights conventions and the adaptation of ...

...indicia of regional consent could improve the acceptance and effectiveness of the inter-American human rights system 1 Introduction The Inter-American Court of Human Rights, like the European Court of Human Rights, engages in binding adjudication of claims of human rights violations under a regional ...

...the effectiveness of the regional human rights system. The article proceeds by first giving a brief institutional description of the Inter-American Court of Human Rights, then exploring its methodology of regional interpretation. The practice of importing European and global interpretations is illustrated and problematized in...



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[60.](#) **19 Eur. J. Int'l L. 161**

European Journal of International Law February, 2008 THE INTERACTION BETWEEN HUMAN RIGHTS AND HUMANITARIAN LAW: FRAGMENTATION, CONFLICT, PARALLELISM, OR CONVERGENCE? Alexander Orakhelashvili [FNa1]

...of human rights law and humanitarian law can, in certain cases, face procedural impediments. The Las Palmeras case before the Inter-American Court of Human Rights involved a situation of internal conflict; while the applicant requested the Court to rule that the respondent state had breached ...

...which the deprivation of life is or is not arbitrary. As we have seen, in its preliminary objections judgment the Inter-American Court of Human Rights in Las Palmeras refused to examine the compatibility of the deprivations of life involved in that case from the perspective ...

...article is a revised version of the presentation given by the author at the New York University on 20 Feb. 2007 as part of the NYU International Human Rights Law Colloquium. For their comments and feedback the author would like to...

[61.](#) **19 Eur. J. Int'l L. 183**

European Journal of International Law February, 2008 THE COMPETENCE OF THE UN HUMAN RIGHTS COUNCIL AND ITS SPECIAL PROCEDURES IN RELATION TO ARMED CONFLICTS: EXTRAJUDICIAL EXECUTIONS IN THE 'WAR ON TERROR' Philip Alston [FN1] Jason Morgan-Foster [FNaa1] William Abresch [FNaaa1]

...governments, [FN45] the Special Rapporteur on the topic, [FN46] and the Legal Office of the United Nations Secretariat. [FN47] In 2007, the Special Rapporteur of the ILC introduced a new draft Article 6 bis , entitled 'The law applicable in armed conflict ...

...Human Rights only has jurisdiction over complaints arising under the European Convention on Human Rights and its protocols, whereas the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights both have wider jurisdictions. [FN82] The conclusion to be drawn from ...

...broader evolution specifically affected the mandate of the Special Rapporteur on extrajudicial executions. As the Special Rapporteur concluded in his 2007 review of the overall process of task expansion: The result is a process of organic evolution which ensures that mandates...

[62.](#) **9 German L.J. 105**

German Law Journal February 1, 2008 NAME CHANGES AS SYMBOLIC



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REPARATION AFTER TRANSITION: THE EXAMPLES OF GERMANY AND SOUTH AFRICA Mia Swart [FN1]

...coupled with the lack of prosecutions so far) also strengthen the obligation to make reparations. In the view of the Inter American Court of Human Rights moral damages may result from 'the psychological impact' suffered by the victim or survivors due to the violations, [FN16] or ...

...For an overview of developments see 'Conference: Reparations in the Inter-American System' 56 American University Law Review 1375 - 1464 (2007) [FN14] Velasquez Rodriguez Case , Judgment of July 29, 1988, Inter-Am.Ct.H.R. (Ser. C) No. 4 (1988). [FN15] Id [FN16] Velásquez ...

...AND EXPERIENCING THE MODERN METROPOLIS , 92 (Neil Leach ed., 2001). [FN68] . Niren Tolsi, Renaming History MAIL & GUARDIAN , 12, 29 June 2007. available at: http://www.mg.co.za/articlePage.aspx?articleid=312659&area=/insight/insight__national/ [FN69] . 'Potch name-change fight hots up' 6 March 2007 WWW.NEWS24.COM , available at: http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2079344,00.html. In Potschefstroom the town council has...

63. **C** 86 Tex. L. Rev. 615

Texas Law Review February, 2008 GIVING NATURE CONSTITUTIONAL PROTECTION: A LESS ANTHROPOCENTRIC INTERPRETATION OF ENVIRONMENTAL RIGHTS Joshua J. Bruckerhoff

...the forest. [FN158] Human rights courts have also recognized the interrelationship between indigenous rights and environmental protection. For instance, the Inter-American Court of Human Rights, in Mayagna (Sumo) Awas Tingni Community v. Nicaragua, [FN159] considered a case involving government-sponsored logging of timber on indigenous ...

...explaining how environmental pollution in Ecuador displaced the Sumac Pamba community from their place of origin); Earthjustice, Environmental Rights Report 2007, at 7 (2007), <http://www.earthjustice.org/library/references/2007-environmental-rights-report.pdf> ("Environmental degradation also implicates the right to culture. Some of the most glaring examples of cultural deprivations ...

...Costa Rica art. 50, translated in 5 Constitutions of the Countries of the World 10 (Rüdiger Wolfrum et al. eds., 2007). [FN68] . This Note proposes an environmental rights amendment in section III(C)(2). [FN69] . See Neil A.F. Popovic, Pursuing Environmental...



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[64.](#)

102 Am. J. Int'l L. 1

American Journal of International Law January, 2008 HORIZONTAL HUMAN RIGHTS LAW John H. Knox [FNa1]

...inform subsequent agreement and practice, may give greater content and specificity to the duties. Regional tribunals like the European and Inter-American Courts of Human Rights and the new African Court of Human and Peoples' Rights can issue decisions that bind the parties to the underlying ...

...for Human Rights, the principal human rights arm of the UN Secretariat, amounts to less than \$86 million for 2006-2007, with another \$85 million from voluntary contributions. [FN222] These resources are inadequate to monitor fewer than two hundred governments effectively ...

...socialist philosophy" [FN68] See, e.g. , Sheryl Gay Stolberg, Opposition Undercuts Troops, Cheney Says of Spending Bill , N.Y. TIMES , Mar. 13, 2007, at A10; Michelle Mittelstadt, Ashcroft: Critics of New Terror Measures Undermine Effort DALLAS MORNING NEWS , Dec. 7, 2001, available in...

[65.](#)

C 41 Cornell Int'l L.J. 27

Cornell International Law Journal Winter 2008 FEAR OF DISCOVERY: IMMIGRANT WORKERS AND THE FIFTH AMENDMENT Keith Cunningham-Parmeter [FNd1]

...FN37] Critics charged that the decision encouraged employers to hire unauthorized immigrants. [FN38] Transnational human rights bodies such as the Inter-American Court of Human Rights and the International Labor Organization held that Hoffman violated international migrants' right of association. [FN39] Employers attempted to expand Hoffman ...

...referring to the "mischief" created by the Hoffman decision but predicting limited impact). [FN38] . See, e.g., Sarah Cleveland et al., Inter-American Court of Human Rights Amicus Curiae Brief: The United States Violates International Law when Labor Law Remedies Are Restricted Based on Workers' Migrant Status ...

...5 (C.D. Cal. Apr. 9, 2002) Reyes v. Van Elk, Ltd., 56 Cal. Rptr. 3d 68, 75 (Cal. Ct. App. 2007) Coma Corp. v. Kansas Dept. of Labor, 154 P.3d 1080, 1087 (Kan. 2007) City Plan Dev., Inc. v. Office of Labor Comm'r, 117 P.3d 182, 189-90 (Nev. 2005) Pineda v. Kel-Tech Const., Inc., 832 N.Y.S.2d 386, 394 (N.Y. App. Div. 2007) Garcia v. Pasquareto, 812 N.Y.S.2d 216, 217 (N.Y. App. Div. 2004) Gomez v. Falco, 792 N.Y.S.2d 769 (N.Y...

[66.](#)

41 Cornell Int'l L.J. 143



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Cornell International Law Journal Winter 2008 REPRODUCTIVE INJUSTICE: AN ANALYSIS OF NICARAGUA'S COMPLETE ABORTION BAN Jocelyn E. Getgen [FNd1]

...for victims of rape or incest, or to save the health and life of the mother. [FN70] On September 13, 2007, the legislature reaffirmed this prohibition by rejecting a proposal to legalize therapeutic abortion [FN71] and voting in favor of a ...

...law on November 17, 2006, amidst protests from women's rights organizations and the medical community. [FN96] Then, on September 13, 2007, the legislature reaffirmed the ban when it rejected a vote to legalize therapeutic abortion [FN97] and voted in favor of ...

...a coalition of organizations devoted to human rights, women's rights, and physician's rights, initiated the constitutional challenge on January 8, 2007 and expects the Nicaraguan Supreme Court to render its decision in the coming months. [FN115] If the Nicaraguan Supreme Court...

[67.](#) **C** **22 Geo. Immigr. L.J. 177**

Georgetown Immigration Law Journal Winter, 2008 THE HUMAN AND LABOR RIGHTS OF MIGRANTS: VISIONS OF EQUALITY Ryszard Cholewinski [FN1]

...situations affecting the protection of migrant workers in various parts of the world, including the Americas. In September 2003, the Inter-American Court of Human Rights, in response to a request by Mexico, issued a landmark Advisory Opinion on the juridical condition and rights of undocumented ...

...of migrant workers. Regionally, there are specific treaties protecting migrant workers in Europe. In the Americas, two decisions of the Inter-American Court of Human Rights are particularly noteworthy in furthering the rights of migrants. The first [FN55] concerned migrant workers generally, and the second [FN56] ...

...principle between citizens and non-citizens as required in international human rights and labor law. [FN83] In addition, in October 2007, the European Commission, as part of its December 2005 policy plan on legal migration, [FN84] proposed a General Framework Directive...

[68.](#) **39 Geo. J. Int'l L. 407**

Georgetown Journal of International Law Winter, 2008 WOMEN WORKERS IN MEXICO: USING THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK TO ACHIEVE LABOR PROTECTION Elizabeth Goergen [FN1]



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...human rights issues, provide Member States and other OAS organs with advice on human rights matters, and litigate before the **Inter-American Court of Human Rights**. [FN79] Labor rights and discrimination have been addressed within the inter-American system since its earliest meetings and conferences. [FN80 ...

...the Commission has considered a case of discrimination against women workers, it may decide to refer the case to the Inter-American Court of Human Rights, also under the OAS. [FN178] The Inter-American Court has well established procedures, and States have a notable record of ...

...offense. Ideally, during the investigation by the Committee, a particular case might be found that could be brought before the Inter-American Court of Human Rights. Mexico accepted the Court's contentious or compulsory jurisdiction in December 1998, so a claim could be filed with the Inter...

[69.](#) **C** **21 Harv. Hum. Rts. J. 47**

Harvard Human Rights Journal Winter 2008 REPARATIONS, SELF-DETERMINATION, AND THE SEVENTH GENERATION Lorie M. Graham [FN1]

...few will be explored here. [FN234] The first is The Mayagna (Sumo) Awas Tingni Community v. Nicaragua, decided by the Inter-American Court of Human Rights. [FN235] In 1998, the Inter-American Commission on Human Rights ("IACHR") filed an application with the Inter-American Court on Human Rights on behalf of the Awas Tingni Indians against the government of Nicaragua. The original claim before the Commission was based ...

...also Degiyah'goh Resources: Worldview of the Haudenosaunee, What is the Seventh Generation, http://www.degiyagoh.net/worldview_haudenosaunee.htm (last visited Dec. 21, 2007). Today, this mandate is a governing ethic of many indigenous nations, particularly in the areas of environmental protection and resource ...

...FN16] . Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007). The Declaration was adopted by a vote of 143 in favor and 4 against (Australia, Canada, New Zealand, and the...

[70.](#) **C** **31 Hastings Int'l & Comp. L. Rev. 1**

Hastings International and Comparative Law Review Winter 2008 THE RIGHT TO A DIGNIFIED LIFE (VIDA DIGNA): THE INTEGRATION OF ECONOMIC AND SOCIAL RIGHTS WITH CIVIL AND POLITICAL RIGHTS IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM Jo M. Pasqualucci



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[FNa1]

...except in strictly limited circumstances permitted by law. [FN3] Under its recent controversial interpretation of the right to life, the Inter-American Court of Human Rights [FN4] (hereinafter “Inter-American Court” or “Court”) has expanded the scope of the right to include a violation even when ...

...functioning of the Inter-American human rights system is necessary to understand the potential impact of the jurisprudence of the Inter-American Court of Human Rights on the right to life. The Organization of American States (“OAS”), a regional organization composed of the States in the ...

...parties to the treaty (States parties). [FN26] It empowers two bodies, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, to enforce the rights enshrined in the Convention. The Convention also details specific procedures these two enforcement organs must follow...

[71.](#) **C** **31 Hastings Int'l & Comp. L. Rev. 461**

Hastings International and Comparative Law Review Winter 2008
PEACEKEEPING IN NAME ALONE: ACCOUNTABILITY FOR THE UNITED NATIONS IN HAITI Matt Halling, Blaine Bookey [FNa1]

...right of action. Four legal options are explored: (1) suit in Brazil, (2) suit in Haiti, (3) suit in the Inter-American Court of Human Rights, and (4) direct suit against the United Nations. This section also assesses the feasibility of each option to achieve justice ...

...exhaustive list of alleged human rights violations; additional information can be provided by the authors upon request. On February 1, 2007, during a raid in Cité Soleil, U.N. soldiers engaged in indiscriminate shooting, resulting in the deaths of Stephanie Lubin, seven ...

...Alexandra Lubin, four. [FN27] Moreover, during the incident, the soldiers shot and wounded the children's parents. [FN28] On January 25, 2007, MINUSTAH again led an operation in Cité Soleil. [FN29] The United Nations claims that the operation was “to take over...

[72.](#) **4 J. Int'l L. & Int'l Rel. 1**

Journal of International Law & International Relations Winter, 2008
International Human Rights Law and the Administration of Justice through Military Tribunals: Preserving Utility While Precluding Impunity
Michael R. Gibson [FNa1]

...America has generated a large number of cases in national courts,



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[FN36] as well as several important cases in the Inter-American Court of Human Rights. [FN37] The jurisprudence of the European Court of Human Rights has concentrated on issues of the independence and impartiality of ...

...Rights and the International Commission of Jurists in Geneva in January 2004 and November 2006, and in Brasilia in November 2007, in which the author participated. [FN4] . See Draft Principles, *ibid.* at 2 (Summary), which details the procedural history of development ...

...Commission on Human Rights , 1st Sess., UN Doc. A/HRC/DEC/1/102 (2006) at para. 5. As of November 2007, consideration of the Draft Principles by the Human Rights Council was still pending as the recently established Council has been...

[73.](#) **C** **71-WTR Law & Contemp. Probs. 37**

Law and Contemporary Problems Winter 2008 DELEGATING TO INTERNATIONAL COURTS: SELF-BINDING VS. OTHER-BINDING DELEGATION Karen J. Alter [FN1]

...Benelux Court (BCJ) 1965/1974 X Via national court* 137 preliminary references filed (10 rejected) (2006). 42 preliminary references (2006). Inter-American Court of Human Rights (IACHR) 1969/1979 Optional Protocol Commission is a gatekeeper. 162 judgments, 19 advisory opinions, and 245 orders for provisional measures ...

...7 awaiting trial (2006). International Criminal Court (ICC) 1998/2002 X 4 situations under investigation; six warrants for arrest issued (2007). Caribbean Court of Justice (CCJ) 2001/2005 X Began operation April 2005. International Criminal Tribunal for Sierra Leone (ICTSL) 2002 ...

...the General Secretariat from pursuing infringements, and it meant that the ATJ's sanctioning system was finally usable. As of June 2007, the ATJ has found sixty-one formal infringements of Andean rules, leading to thirty authorizations of retaliation. [FN62] In contrast...

[74.](#) **C** **71-WTR Law & Contemp. Probs. 151**

Law and Contemporary Problems Winter 2008 WHEN, WHAT, AND WHY DO STATES CHOOSE TO DELEGATE? Barbara Koremenos [FN1]

...Costa Rica (San José Pact), [FN25] two internal bodies are created: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The tasks delegated to these bodies represent internal delegation. However, Article 40, [FN26] which describes the role and functions of ...

...Koremenos et al., *supra* note 4, at 776. [FN7] *Id.* at 775. [FN8] . Barbara Koremenos, *The Continent of International Law* (2007)



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[hereinafter Koremenos, Continent]. In Continent, I add the following possible cooperation problems: encouraging positive externalities, discouraging negative externalities, deadlock, and ...

...Koremenos, If Only Half of International Agreements Have Dispute Resolution Provisions, Which Half Needs Explaining?, 36 J. Legal Stud. 189 (2007) [hereinafter Koremenos, Which Half?], multiple examples of the operationalization of these cooperation problems are given, as well as elaboration on...

[75.](#) **C** **71-WTR Law & Contemp. Probs. 193**

Law and Contemporary Problems Winter 2008 MONITORING COMPLIANCE WITH UNRATIFIED TREATIES: THE ILO EXPERIENCE Laurence R. Helfer [FN1]

...Yet international decisionmakers can themselves expand existing delegations to create or enhance such monitoring powers. An advisory opinion by the Inter-American Court of Human Rights concluding that the nonbinding American Declaration on the Rights and Duties of Man had become binding by its indirect incorporation ...

...Only Half of International Agreements Have Dispute Resolution Provisions, Which Half Needs Explaining?, 36 J. Legal Stud. 189, 194-207 (2007) [FN119] . See Anne Peters, International Dispute Settlement: A Network of Cooperational Duties, 14 Eur. J. Int'l L. 1, 20-21...

[76.](#) **39 U. Miami Inter-Am. L. Rev. 269**

University of Miami Inter-American Law Review Winter 2008 LEGAL RESEARCH IN THE AMERICAS: WHERE TO BEGIN Robin Schard [FN1]

...Pérez-Perdomo, The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America (Stanford University Press 2007) will assist the uninitiated in understanding how civil law systems operate. In particular, chapter IV, entitled The Sources of Law ...

...published annually by the George Washington University Law School International Law Review has a section (Section 5.08 in the 2007 edition) on Latin America. Despite its name, this guide does list many general resources in print and some internet sites ...

...it includes no description of the resources. There are also a set of links for regional resources, such as the Inter-American Court of Human Rights. Global Courts (<http://www.globalcourts.com/>) provides links to the highest courts from around the world. Although there are links for many...



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[77.](#) **39 U. Miami Inter-Am. L. Rev. 373**

University of Miami Inter-American Law Review Winter 2008 ¡FUJIMORI EXTRADITABLE!: CHILEAN SUPREME COURT SETS INTERNATIONAL PRECEDENT FOR HUMAN RIGHTS VIOLATIONS Megan Haas [FNa1]

...his initial arrest in Chile, the Chilean Supreme Court finally seals Fujimori's fate with this unappealable decision. On September 21, 2007, the Court reversed a Chilean magistrate's original decision rejecting the Peruvian extradition request [FN3] and granted the request for seven ...

...As for Latin America courts, these same obligations have been imposed on domestic courts through the diverse cases of the Inter-American Court of Human Rights (Inter-American Court). [FN32] In the Barrios Altos case, the Court held that any amnesty law or law impeding the ...

...error is his failure to apply international law, including the international conventions governing human rights and the decisions of the Inter-American Court of Human Rights. [FN104] Alvarez's other major error, the issue on appeal in the Supreme Court, is the erroneous interpretation of the article...

[78.](#) **C 62 U. Miami L. Rev. 417**

University of Miami Law Review January, 2008 EMERGING INTERNATIONAL LAW CONSTRAINTS ON CONSTITUTIONAL STRUCTURE AND REVISION: A PRELIMINARY APPRAISAL Stephen J. Schnably [FNa1]

...Power Article EMERGING INTERNATIONAL LAW CONSTRAINTS ON CONSTITUTIONAL STRUCTURE AND REVISION: A PRELIMINARY APPRAISAL Stephen J. Schnably [FNa1] Copyright (c) 2007 University of Miami Law Review; Stephen J. Schnably Introduction 418 I. The Emerging International Law Norms Regarding Structural Constitutional Issues ...

...a right to effective access to a court or other independent tribunal in case of their violation. [FN86] As the Inter-American Court of Human Rights has noted, this right may be violated if "the Judicial Power lacks the necessary independence to render impartial decisions or ...

...so, more general formulations of the obligation to provide effective remedies are suggestive. In an advisory opinion in 1990, the Inter-American Court of Human Rights concluded that states have an obligation to provide indigents with free legal counsel where necessary to effectuate a fair hearing...



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79. **65 Wash. & Lee L. Rev. 129**

Washington and Lee Law Review Winter, 2008 TAINTED PROVENANCE: WHEN, IF EVER, SHOULD TORTURE EVIDENCE BE ADMISSIBLE? Michael P. Scharf [FN1]

...be adapted to reflect contemporary understanding and evolution of the law. [FN70] Also relevant is the case law of the Inter-American Court of Human Rights, which has applied a lower threshold for finding torture than the European Court of Human Rights did in Ireland v ...

...Mary College of Law who provided helpful feedback during a workshop at which the Article was presented on November 1, 2007. [FN1] A & Others v. Sec'y of State for the Home Dep't [2005] UKHL 71, [2006] 2 A.C. 221, 100 (appeal ...

...Amendment Due Process Clause. Id. at 286. [FN16] . Military Commissions Act of 2006, 10 U.S.C.S. § 948r (LexisNexis 2006 & Supp. 2007). While evidence from torture is prohibited, the statute permits evidence derived from "cruel, inhuman, or degrading" techniques, provided that the...

80. **32 Am. Indian L. Rev. 293**

American Indian Law Review 2007-2008 WINNER, BEST APPELLATE BRIEF IN THE 2007 NATIVE AMERICAN LAW STUDENT ASSOCIATION MOOT COURT COMPETITION Gabriel Martinez [FN1]L. Lisa Sandoval [FNaa1]

...32 AMINDLR 293 32 Am. Indian L. Rev. 293 2008 WL 1955863 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2007-2008 Special Features WINNER, BEST APPELLATE BRIEF IN THE 2007 NATIVE AMERICAN LAW STUDENT ASSOCIATION MOOT COURT COMPETITION Gabriel Martinez [FN1] L. Lisa Sandoval [FNaa1] Copyright (c) 2007 American Indian Law Review; Gabriel Martinez, L. Lisa Sandoval Questions Presented 1. The land claim issues before the Court are ...

...East Coast. United States Army, Named Campaigns of Indian Wars, [http:// www.army.mil/cmh-pg/reference/iwcmp.htm](http://www.army.mil/cmh-pg/reference/iwcmp.htm) (last visited Jan. 3, 2007). Assuredly, President Adams, as a "representative[] of the United States" set out to settle these disputes over land and resources ...

...rights in the U.S. and wanted to influence this Court in its decision-making process. 2. Organization of American States' Inter-American Court on Human Rights Opinions Should Be Accorded Great Weight In addition to the Commission's opinion specifically on the Makota Nation's land claim, the Court should also look to decisions of the Inter- American Court on Human Rights. Restatement § 112(1) The court has held that "possession of the land should suffice for indigenous



communities lacking real...

[81.](#) **C** **24 Am. U. Int'l L. Rev. 103**

American University International Law Review 2008 CROSS-CUTTING ISSUES IN THE APPLICATION OF THE GUATEMALAN "NEPA": ENVIRONMENTAL IMPACT ASSESSMENT AND THE RIGHTS OF INDIGENOUS PEOPLES Leonardo A. Crippa [FN1]

...Rights Council in its First Session of June 2006, [FN83] but also by the U.N. General Assembly in the September, 2007 session. [FN84] Moreover, within the Organization of American States (OAS), Guatemala not only chaired the Working Group in charge of ...

...FN87] It also ratified the American Convention on Human Rights on May 25, 1978, and accepted the jurisdiction of the Inter-American Court of Human Rights on March 9, 1987. [FN88] Despite Guatemala's actions, the human rights situation for indigenous peoples on the ground is grave ...

...bodies have made strong statements regarding the rights of indigenous peoples to their lands and natural resources. For example, the Inter-American Court of Human Rights has built consistent case law on this matter by recognizing indigenous peoples' collective property rights to land. [FN115] In Mayagna...

[82.](#) **23 Am. U. Int'l L. Rev. 855**

American University International Law Review 2008 BUSINESS & HUMAN RIGHTS LAW: DIVERGING TRENDS IN THE UNITED STATES AND FRANCE Anna Triponel [FN1]

...the degree to which new human rights claims are being advanced in relation to the private sector." [FN2] In March 2007, the debate evolved significantly as U.N. Special Representative John Ruggie presented his report "Business and Human Rights: Mapping International Standards ...

...prevent or respond to an abuse by a private actor." [FN124] This due diligence test was first stated by the Inter-American Court of Human Rights [FN125] and has subsequently been applied by human rights bodies worldwide to the actions of states. [FN126] Plaintiffs can complain ...

...Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts, U.N. Doc. A/HRC/4/35 (Feb. 19, 2007) (prepared by John Ruggie, Special Representative of the Secretary-General) [hereinafter Ruggie Report]. [FN4] Id. P 24. [FN5] . See ECOSOC...



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83. **23 Am. U. Int'l L. Rev. 943**

American University International Law Review 2008 SELLING MEDELLÍN: THE ENTOURAGE OF LITIGATION SURROUNDING THE VIENNA CONVENTION ON CONSULAR RELATIONS AND THE WEIGHT OF INTERNATIONAL COURT OF JUSTICE OPINIONS IN THE DOMESTIC SPHERE Robert Greffenius [FN1]

...Erie doctrine as a theory that could finally allow for the settlement of this issue conclusively. [FN1] . J.D. Candidate, May 2007, American University, Washington College of Law; A.B. Political Science and English, 2004, Washington University in St. Louis. Thank you first ...

...Constitution, it still regulates procedure regardless of the outcome-determinative effect). [FN75] . See Glenn Harlan Reynolds, Looking Ahead: October Term 2007, *Cato Sup. Ct. Rev.* 2006-2007, at 335, 342 (describing the nature of the legal questions in Medellín and the likelihood of a multitude of ...

...Posting of Lyle Denniston to SCOTUSblog, <http://www.scotusblog.com/wp/uncategorized/analysis-how-to-say-no-to-the-president/> (Oct. 10, 2007, 14:19 EST) (providing a forum for others to discuss their thoughts on the Medellín oral arguments, viewed by some...

84. **23 Berkeley J. Gender L. & Just. 181**

Berkeley Journal of Gender, Law & Justice 2008 PAN-AFRICAN STRATEGIES FOR ENVIRONMENTAL PRESERVATION: WHY WOMEN'S RIGHTS ARE THE MISSING LINK Flynn Coleman [FN1]

...See also Convention on the Elimination of All Forms of Discrimination against Women art. 14, Sept. 3, 1981, CEDAW/C/2007/III/1 [hereinafter CEDAW] (focusing particularly on rural women). [FN3] . I recognize that researching and drawing conclusions about all women ...

...be utilized for environmental rights claims including the European Commission on Human Rights, the European Court of Human Rights, the Inter-American Court on Human Rights, and the Inter-American Commission on Human Rights. See generally Jorge Daniel Taillant, Environmental Advocacy and the Inter-American Human ...

...Picolotti & Jorge Daniel Taillant eds., 2003). [FN36] . Linda Drucker, Recent Development, Governmental Liability for "Disappearances": A Landmark Ruling by the Inter-American Court of Human Rights, 25 *Stan. J. Int'l L.* 289, 291 (1989) [FN37] . Jerome Shestack, Case of the Disappeared: In Foreign Countries, Missing Persons...

85. **26 Berkeley J. Int'l L. 1**

Berkeley Journal of International Law 2008 TERROR/TORTURE Karima Bennoune



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[FN1]

...non-state actor terrorism from the victims' perspective, and this reframes the politics of the definitional debate. [FN113] In February 2007, the General Assembly's Ad Hoc Committee on Terrorism met to work further on the draft Convention. [FN114] Delegates, including the ...

...a working group to finalize the draft Convention at the sixty-second session of the General Assembly beginning in September 2007. [FN116] In any case, just because governments have not yet agreed upon the article defining terrorism in the draft Comprehensive ...

...the families of victims of terrorism--recently said at the International Conference Against Terrorism, held in Paris on Sept. 11, 2007, "neither the cowardice of institutions, nor their simple condemnations of terrorist acts, will end fundamentalist violence, in the absence of...

[86.](#)

33 Brook. J. Int'l L. 975

Brooklyn Journal of International Law 2008 NEITHER JUSTICE, NOR OASIS: ALGERIA'S AMNESTY LAW Laura Scully [FN1]

...state has a duty to prosecute and punish perpetrators. [FN112] Consistent with these communications, the committee considered Algeria in October 2007 [FN113] and picked apart the Charter, stating that the Algerian state should: Take all appropriate measures to guarantee that grave ...

...the worst war crimes (namely those in Common Article 3 of the Geneva Conventions). [FN137] B. Inter-American System The Inter-American Court of Human Rights ("Inter-American Court") has long been at the forefront in framing the duties of states vis-à-vis massive human ...

...recent positions should also be considered, which suggest greater continuity between U.N. principles and practice regarding amnesties. [FN168] In March 2007, in a report delivered to the Security Council, the Secretary General reminded President Hamid Karzai that his Action Plan on...

[87.](#)

46 Colum. J. Transnat'l L. 351

Columbia Journal of Transnational Law 2008 REMEDIAL APPROACHES TO HUMAN RIGHTS VIOLATIONS: THE INTER-AMERICAN COURT OF HUMAN RIGHTS AND BEYOND Thomas M. Antkowiak [FN1]

...2766912 COLUMBIA JOURNAL OF TRANSNATIONAL LAW Columbia Journal of Transnational Law 2008 Articles REMEDIAL APPROACHES TO HUMAN RIGHTS VIOLATIONS: THE INTER-AMERICAN COURT OF



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...satisfaction and rehabilitation, as well as general assurances of non-repetition. The work first examines the case law of the Inter-American Court of Human Rights, the only international human rights body with binding powers that has consistently ordered equitable remedies in conjunction with compensation. The ...

...355 A. Definition 355 B. Typical remedies ordered 357 C. Relevant International Legal Principles 360 III. Case Law of the Inter-American Court of Human Rights Concerning Non-monetary Remedies 365 A. Background 365 B. Early Reparations Jurisprudence 365 C. Developments in 1998 368 D. Contemporary...

88. **46 Colum. J. Transnat'l L. 563**

Columbia Journal of Transnational Law 2008 RULEMAKING AND ADJUDICATION IN INTERNATIONAL LAW David Zaring [FN1]

...with the United States' foreign policy objectives. [FN145] There has been no Senate action on the treaty, although in May 2007, the president urged the Senate to approve it. [FN146] The ITLOS is accordingly an example of a rarely used international ...

...process. [FN176] And ICSID tribunals are being used more and more as time goes on. As of the beginning of 2007, 136 cases had been concluded under ICSID's auspices, [FN177] while 125 cases remained pending resolution. [FN178] Individual ICSID awards have ...

...Amanda Leiter, Janet Koven Levit, Anne-Marie Slaughter, Peter Spiro, and participants at workshops at Wharton, Vanderbilt, Temple, and the 2007 Law and Society Annual Meeting. Thanks also to Shima Jalalipour, Melanie Busby McKay and Megan Reed for research assistance, and...

89. **22 Emory Int'l L. Rev. 61**

Emory International Law Review 2008 DOMESTIC VIOLENCE, HEALTH, AND INTERNATIONAL LAW Bonita Meyersfeld [FN1]

...repressing crime, or remedying wrong, as the case may be, in the event that such acts nevertheless occur." [FN153] The Inter-American Court of Human Rights developed the standard of "due diligence" for states in 1988 by holding: An illegal act which violates human rights and ...

...853/. [FN182] . See infra note 185 and accompanying text. [FN183] . See Argentine Mothers Mark 30 Years, BBC News, Apr. 30, 2007,



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<http://news.bbc.co.uk/2/hi/americas/6608871.stm>. [FN184] . Juan E. Mendez & Jose Miguel Vivanco, Disappearances and the Inter-American Court: Reflections ...

...supra note 3. [FN216] . Alpa Parmar & Alice Sampson, Evaluating Domestic Violence Initiatives, 47 Brit. J. Criminology 671, 674 (2007...

[90.](#)

8 Hum. Rts. L. Rev. 249

Human Rights Law Review 2008 ABORTION AS A HUMAN RIGHT--INTERNATIONAL AND REGIONAL STANDARDS Christina Zampas [FNa1]Jaime M. Gher [FNaa1]

...was granted the legal authority to issue recommendations regarding alleged American Convention violations. [FN22] The American Convention also created the Inter-American Court on Human Rights (Inter-American Court), to interpret the Convention and hear individual cases following their consideration by the Inter-American Commission and ...

...because a pregnant woman is, 'the person primarily concerned by the pregnancy and its continuation or termination' [FN186] In March 2007, the ECtHR decided for the first time in *Tysia c v Poland* that Article 8 procedural obligations require Poland to ...

...to health and life and of article 12 of the Convention' [FN267] On a positive note, CEDAW subsequently recognised in 2007 Colombia's efforts to enhance women's health, including sexual and reproductive health, by liberalising its abortion law in cases of 'serious...

[91.](#)

8 Hum. Rts. L. Rev. 377

Human Rights Law Review 2008 THE CASE OF THE MAYA VILLAGES OF BELIZE: REVERSING THE TREND OF GOVERNMENT NEGLECT TO SECURE INDIGENOUS LAND RIGHTS Maia S. Campbell [FNa1]S. James Anaya [FNaa1]

...part of Belize since well before dawn arrived at the courthouse in Belize City in the morning of 3 April 2007. Out poured upwards of 300 people from several Maya villages. They gathered with banners and Maya ritual in a show ...

...related matters, consolidated the two lawsuits into one proceeding soon after the filing and from 18 June to 21 June 2007 conducted the trial of the case. The four-day trial unfolded a story of people and land, and of a ...

...judgment that challenges and seeks to reverse entrenched governmental opposition to Maya communal existence and land tenure. On 18 October 2007, the Supreme Court of Belize rendered its judgment



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in the Conejo and Santa Cruz lawsuits (the Maya Villages case), ruling...

[92.](#)

8 Hum. Rts. L. Rev. 739

Human Rights Law Review 2008 BOOKS RECEIVED

...in Rwanda and the Balkans (Cambridge University Press, Cambridge, 2008, xxii + 272 pp.) M.F. Tinta, The Landmark Rulings of the Inter-American Court of Human Rights on the Rights of the Child (Martinus Nijhoff, Leiden, 2008, xxiv + 671 pp.) A. Van Engeland and R.M. Rudolph, From ...

...2008, xiv + 217 pp.) A. Vedder (ed.), NGO Involvement in International Governance and Policy: Sources of Legitimacy (Martinus Nijhoff, Leiden, 2007, xi + 234 pp.) L. Vickers, Religious Freedom, Religious Discrimination and the Workplace (Hart Publishing, Oxford, 2008, xxiv + 240 pp.) L...

[93.](#)

18 Ind. Int'l & Comp. L. Rev. 1

Indiana International and Comparative Law Review 2008 USING INTERNATIONAL AND FOREIGN HUMAN RIGHTS LAW IN PUBLIC INTEREST ADVOCACY Florence Wagman Roisman [FN1]

...and cultural rights." [FN60] There are additional conventions dealing with, inter alia, violence against women. [FN61] The ACHR created the Inter-American Court of Human Rights in 1978. [FN62] The "core of international human rights law" is contained in these six instruments: the Charter of the ...

...Davis, Human Rights in the Trenches: Using International Human Rights Law in "Everyday" Legal Aid Cases, 41 Clearinghouse Rev. 414 (2007) [FN51] . See Allard K. Lowenstein, International Human Rights Clinic, Yale Law School, on behalf of Poverty and Race Research Action...

[94.](#)

20 J. Envtl. L. 417

Journal of Environmental Law 2008 PUBLIC INTEREST LITIGATION CONCERNING ENVIRONMENTAL MATTERS BEFORE HUMAN RIGHTS COURTS: A PROMISING FUTURE CONCEPT? Christian Schall [FN1]

...of public interest litigation. Keywords: public interest litigation, Aarhus Convention, European Court of Human Rights, African Commission on Human Rights, Inter-American Court of Human Rights, third generation human rights 1. Introduction Since the adoption of the Stockholm Declaration [FN1] in 1972-mainly due to threatening ...

...have partly opened their jurisdiction to environmental concerns, the jurisprudence of the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR) remains far from



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ensuring effective protection of the environment. [FN6] The aim of this article is to explore the ...

...Times Newspapers Ltd [2001] 2 AC 127, 239 (Lord Hobhouse) Jameel v Wall Street Journal Europe Sprl [2006] UKHL 44, [2007] 1 AC 359, [31] (Lord Bingham) , [49] (Lord Hoffmann), [138] (Lord Scott), [147] (Baroness Hale). [FN12] Oshlack v Richmond River...

[95.](#) **20 J. EIntl. L. 475**

Journal of Environmental Law 2008 INTERNATIONAL LAW-SIGNIFICANT ENVIRONMENTAL CASES 2007-08 James Harrison [FNa1]

...Envtl. L. 475 2008 WL 4819228 JOURNAL OF ENVIRONMENTAL LAW Journal of Environmental Law 2008 INTERNATIONAL LAW-SIGNIFICANT ENVIRONMENTAL CASES 2007-08 James Harrison [FNa1] Copyright © 2008 by Oxford University Press; James Harrison 1. Trade and Environment 1.1 Brazil-Measures ...

...prices were also dismissed for failure to exhaust local remedies. 2.2 Case of Claude-Reyes et al v Chile Inter-American Court of Human Rights [FN4] The so-called Río Cóndor Project was an industrial forestry project which would have involved the construction of a ...

...this refusal. An application to the national courts for disclosure of the information was also unsuccessful. The claim before the Inter-American Court of Human Rights related to an alleged violation of Article 13(1) of the Inter-American Convention on Human Rights which provides that...

[96.](#) **C 40 N.Y.U. J. Int'l L. & Pol. 53**

New York University Journal of International Law and Politics 2008 "THE TANGLED WEB": THE RIGHT OF SELF-DEFENSE AGAINST NON-STATE ACTORS IN THE ARMED ACTIVITIES CASE Stephanie A. Barbour, Zoe A. Salzman [FNa1]

...FN237] and customary international law. [FN238] While some international tribunals (the ICTY, the International Criminal Tribunal for Rwanda, and the Inter-American Court of Human Rights) have required that non-State groups meet certain levels of organization and engage in military operations to qualify as a ...

...wedded to the state system." [FN244] [FNa1] . Stephanie A. Barbour, LL.M. (International Legal Studies) New York University School of Law 2007; LL.B. University of Dublin Trinity College 2006. Zoe A. Salzman, Candidate for LL.M. (International Legal Studies) New York University School of Law 2008, Institute for International Law and Justice Fellow; J.D. New York University School of Law 2007. The authors are grateful to Joseph Weiler, Benedict Kingsbury, Isabel Feichtner, Surabhi



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Ranganathan, Tara Mikkilineni, and the participants of the Institute for International Law and Justice Writing Project on *DRC v. Uganda*, 2006-2007, for helpful comments on earlier drafts of this work. Any errors or omissions remain our own. [FN1] Armed Activities on ...

...and murder, especially in the country's East. Government troops commit atrocities as well." Simon Robinson, *Inside Congo*, *Time*, Jan. 29, 2007, at 42. In 2006, the Human Rights Council reviewed a report (E/CN.4/2006/113) by the Independent Expert...

[97.](#)

3 N.Y.U. J. L. & Liberty 423

NYU Journal of Law & Liberty 2008 STRUCTURES OF GOVERNANCE: "FIXING" INTERNATIONAL LAW WITH LESSONS FROM CONSTITUTIONAL AND CORPORATE GOVERNANCE Viet D. Dinh [FN1]

...L. & Liberty 423 2008 WL 4370710 NYU JOURNAL OF LAW AND LIBERTY NYU Journal of Law & Liberty 2008 Fora The 2007 Freidrich A. von Hayek Lecture STRUCTURES OF GOVERNANCE: "FIXING" INTERNATIONAL LAW WITH LESSONS FROM CONSTITUTIONAL AND CORPORATE GOVERNANCE Viet D ...

...habeas litigation based on the VCCR as he could not show prejudice. [FN57] Canada then obtained a request from the Inter-American Court of Human Rights for the execution to be stayed. Secretary of State Madeline Albright also sent a formal request to the Governor for ...

...barred. [FN81] After the execution of two Mexican nationals in 1997, Mexico sought and received an advisory opinion from the Inter-American Court on Human Rights that the United States had violated its obligations under the VCCR. [FN82] Diplomatic protests were ineffective in stopping more executions...

[98.](#)

C 48 Santa Clara L. Rev. 605

Santa Clara Law Review 2008 A VOICE FOR THE FISH? CLIMATE CHANGE LITIGATION AND POTENTIAL CAUSES OF ACTION FOR IMPACTS UNDER THE UNITED NATIONS FISH STOCKS AGREEMENT Dr. William C.G. Burns [FN1]

...that the United States may be prepared to re-engage the world community. At the G8 Summit in June of 2007, the United States joined the other States in adopting an "Agenda for Global Growth and Stability," which included a section ...

...Union (EU), Canada and Japan to reduce emissions by at least half of 1990 levels by 2050. [FN100] Later in 2007, President Bush invited the EU, the United Nations and eleven industrial and developing States to work toward a long-term ...



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...under the Endangered Species Act. This includes the Supreme Court's recent decision in *Massachusetts v. EPA*, 127 S. Ct. 1438 (2007) rev'g 415 F.3d 50 (D.C. Cir. 2007) In *Massachusetts v. EPA*, twelve states and several cities and nongovernmental organizations filed an action against the U.S. Environmental Protection...

[99.](#) **14 Sw. J. L. & Trade Am. 287**

Southwestern Journal of Law and Trade in the Americas 2008 SUPPORTING OR THWARTING THE REVOLUTION? THE INTER-AMERICAN HUMAN RIGHTS SYSTEM AND CRIMINAL PROCEDURE REFORM IN LATIN AMERICA Richard J. Wilson [FNa1]

...States ("OAS") consists of the Inter-American Commission on Human Rights (the "Commission"), with headquarters in Washington, D.C., and the Inter-American Court of Human Rights (the "Court"), which sits in San José, Costa Rica. The OAS was created, and the American Declaration on the Rights ...

...under its powers to perform in loco or on-site visits of member states at their invitation. [FN63] In June 2007, it issued its report on the visit, *Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia* ...

...through trial and imprisonment or liberty requires adequate structures, regardless of the inquisitorial or accusatorial nature of the process. [FN7] . Inter-American Court on Human Rights, *Organization of American States, Basic Documents Pertaining to Human Rights in the Inter-American System*, OAS/ser.L/V/I.4...

[100.](#) **C 31 Suffolk Transnat'l L. Rev. 209**

Suffolk Transnational Law Review Symposium 2008 THE MEDELLÍN V. TEXAS SYMPOSIUM: A CASE WORTHY OF COMMENT Valerie Epps: Editor [FNa1]

...the VCCR in capital cases including specific references to the Medellín case. He also discusses the Advisory Opinion of the Inter-American Court of Human Rights, [FN26] which has found that failure to provide consular rights to capital criminal defendants violates due process, resulting in the ...

...rights as the ICJ has ruled, and what impact this might have in the Medellín case. She notes that the Inter-American Court of Human Rights, in its Advisory Opinion in 1999, [FN29] ruled that VCCR rights were human rights within the panoply of due process ...

...20050228-18.html. [FN15] . Brief for Respondent at 36-42, *Medellín v. Texas*, 128 S. Ct. 1346 (2008) (No. 06-984), 2007 WL 2428387 [FN16] Id. at 9-42. [FN17] . Margaret McGuinness, *Three Narratives of*



Medellín v. Texas, 31 Suffolk Transnat'l L...

[101.](#) **C** **31 Suffolk Transnat'l L. Rev. 227**

Suffolk Transnational Law Review Symposium 2008 THREE NARRATIVES OF MEDELLÍN V. TEXAS Margaret E. McGuinness [FNa1]

...form of a federal habeas corpus challenge, [FN6] diplomatic and political efforts, [FN7] requests for an advisory opinion of the Inter-American Court of Human Rights (IACtHR), [FN8] successful litigation brought by Mexico against the United States at the International Court of Justice (ICJ), [FN9] and ...

...31) [FN10] Medellín v. Dretke, 544 U.S. 660 (2005) (per curium); Medellín v. Texas, No. 06-985 (Tex. Crim. App. 2007) [FN11] . See Adam Liptak, At 60% of Total, Texas is Bucking Execution Trend, N.Y. Times, Dec. 26, 2007, at A1. Of the forty-two executions in the United States last year, twenty-six were in Texas. Id. The ...

...Margaret E. McGuinness, Sanchez-Llamas, American Human Rights Exceptionalism and the VCCR Norm Portal, 11 Lewis & Clark L. Rev. 47 (2007) [hereinafter Sanchez-Llamas] (discussing how VCCR line of cases can be seen as reflecting contestations of American Exceptionalism). [FN14] . Memorandum...

[102.](#) **C** **31 Suffolk Transnat'l L. Rev. 301**

Suffolk Transnational Law Review Symposium 2008 MEDELLÍN, AVENA, THE SUPREMACY OF TREATIES, AND RELEVANT EXECUTIVE AUTHORITY Jordan J. Paust

...1174-76 (Bruno Simma, et al., eds. 2002); Thomas Buergenthal & Sean D. Murphy, Public International Law 90-92 (West Group 2007) (1990); Louis Henkin, Provisional Measures, U.S. Treaty Obligations, and the States, 92 Am. J. Int'l L. 679, 680 (1998) "Under ...

...Nationals (Mex. v. U.S.), 2004 I.C.J. 12, 106(1)-(2), 153(4) (Mar. 31) I agree with the ICJ, the Inter-American Court of Human Rights, and others that individuals have rights under the Convention. See id.; The Right to Information on Consular Assistance in the ...

...ILSA J. Int'l & Comp. L. 403, 404 (2005) ; see also Jogi v. Voges, 480 F.3d 822, 829 (7th Cir. 2007) Cornejo v. County of San Diego, 504 F.3d 853, 864-73 (9th Cir. 2007) (Nelson, J., dissenting) (Article 36(1)(b) speaks rather clearly in rights-conferring language ... the drafters of the treaty included...

[103.](#) **31 Suffolk Transnat'l L. Rev. 377**

Suffolk Transnational Law Review Symposium 2008 INTERNATIONAL



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LAW, THE UNITED STATES OF AMERICA AND CAPITAL PUNISHMENT
William A. Schabas [FN1]

...of capital punishment per se is an important one in international human rights law. In a 1999 Advisory Opinion, the Inter-American Court of Human Rights (Inter-American Court) insisted that failure to respect the right to information about consular assistance, as enshrined in the VCCR ...

...annual resolutions in the UNCHR continued until that body's replacement with the Human Rights Council in 2006. [FN91] In November 2007, a new stage was reached in the UN when a General Assembly resolution calling for a moratorium on capital punishment ...

...penalty, the United States was not among the signatories. When the resolution was adopted by the Third Committee in November 2007, and by the plenary General Assembly in December 2007, the United States voted against it, but made no particular comment or explanation of vote. One of the strongest features...

[104.](#) **C** **31 Suffolk Transnat'l L. Rev. 419**

Suffolk Transnational Law Review Symposium 2008 THE RIGHT TO CONSULAR NOTIFICATION AS A HUMAN RIGHT Christina M. Cerna [FN1]

...assumed the character of a human right." Unmentioned in the LaGrand Judgment is the well--reasoned Advisory Opinion of the Inter-American Court on Human Rights on The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law ...

...of whether the right to consular notification and access is a human right, and how the Advisory Opinion of the Inter-American Court of Human Rights (Inter-American Court) [FN3] influenced the discussion of this right by the ICJ in its two cases dealing with the ...

...rule, are at the root of the problem. Judge Cançado Trindade, a Brazilian Judge, at the time President of the Inter-American Court of Human Rights, was of the view, in his opinion, in Advisory Opinion No. 16, that the right to consular assistance had crystallized...

[105.](#) **C** **2008 U. Ill. L. Rev. 71**

University of Illinois Law Review 2008 NONCONSENSUAL INTERNATIONAL LAWMAKING Laurence R. Helfer [FN1]

...consent principle is by altering the location of particular rules in the hierarchy of international legal norms. For example, the Inter-American Court of Human Rights has held, over the objections of the



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United States, that the nonbinding American Declaration on the Rights and Duties of ...

...government negotiators to explore different treaty design elements to improve the prospect of effective cooperation among the world's nations. [FNd1] . © 2007, Laurence R. Helfer. [FNa1] . Professor of Law and Director, International Legal Studies Program, Vanderbilt University Law School. Thanks to Anne ...

...Case of International Investment Protection 15 (Univ. of St. Gallen Law School, Law & Econ. Research Paper Series, Working Paper No. 2007-29, 2007), available at <http://ssrn.com/abstract=1020959> (describing the "problem [that] arises through delegation and progressive interpretation" where "states thought of...)

106. **29 U. La Verne L. Rev. 88**

University of La Verne Law Review 2008 THE SINS OF THE FATHER: PUNISHING CHILDREN IN THE WAR ON TERROR Melissa A. Jamison [FNa1]

...detainees held since January 11, 2002. [FN61] • 470- Detainees released from Guantanamo. [FN62] • 305- Detainees remaining at Guantanamo by December 2007. [FN63] • 30- Countries whose citizens are detainees at Guantanamo. [FN64] • 25- Percentage of detainees currently held who are considered eligible ...

...suicide, at Guantanamo. [FN74] • 20 to 33- Percent of detainees on anti-depressants. [FN75] • 3- Detainees charged, as of November 2007. [FN76] • 0- Trials completed. [FN77] b. Life for the Detainees at Guantanamo Bay In addition to the growing number of ...

...be of the highest intelligence value have fewer privileges and also spend most of their time in interrogations. [FN91] In 2007, the United States opened an entirely new--and very permanent--Camp Six at Guantanamo Bay. [FN92] Built by Halliburton Co...

107. **53 Vill. L. Rev. 117**

Villanova Law Review 2008 THE GEOGRAPHY OF JUSTICE WORMHOLES: DILEMMAS FROM PROPERTY AND CRIMINAL LAW Hari M. Osofsky [FNa1]

...of law and the State party's obligations under the Convention" on the Elimination of Racial Discrimination. [FN41] In its April 2007 periodic report to the Committee, the United States "maintain[ed] its position that the issues raised by certain Western Shoshone ...

...Danns had no formal avenues for recourse, as the Commission lacks the ability to enforce the judgment directly and the Inter-



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American Court on Human Rights does not have jurisdiction over the United States. [FN90] The Danns thus remained trapped within U.S. governmental spaces despite international ...

...certiorari petition, the case against him was made on completely different grounds, upon which he was convicted on August 16, 2007. [FN117] Judge Luttig's response to this final move helps to describe the shifting contours of the wormhole: For, as the...

[108.](#) **86 Wash. U. L. Rev. 53**

Washington University Law Review 2008 BEYOND INDIGENOUS PROPERTY RIGHTS: EXPLORING THE EMERGENCE OF A DISTINCTIVE CONNECTION DOCTRINE Eric Dannenmaier [FN1]

...of an estimated 200 million indigenous people. [FN3] The most recent statement of international law regarding indigenous peoples, the September 2007 U.N. Declaration on Indigenous Rights, acknowledges that indigenous peoples have, among other rights: the "right to the full enjoyment, as ...

...HRC) and Commission on the Elimination of Racial Discrimination (CERD); decisions of the Inter-American Commission on Human Rights and Inter-American Court of Human Rights; the formulation of World Bank Operational Policies; and most recently the adoption of the U.N. Declaration on the Rights of ...

...distinctive social, cultural, and spiritual relationship with traditional lands and natural resources. This is evident in instruments such as the 2007 U.N. Declaration on Indigenous Rights, in institutional guidelines such as the World Bank's operational policies, and in claims made by...

[109.](#) **C 59 Hastings L.J. 241**

Hastings Law Journal December, 2007 PRIVATE RIGHTS AND PUBLIC INTERNATIONAL LAW: WHY COMPETITION AMONG INTERNATIONAL ECONOMIC LAW TRIBUNALS IS NOT WORKING Andrea K. Bjorklund [FN1]

...59 HSTLJ 241 59 Hastings L.J. 241 2007 WL 4801234 HASTINGS LAW JOURNAL Hastings Law Journal December, 2007 Articles PRIVATE RIGHTS AND PUBLIC INTERNATIONAL LAW: WHY COMPETITION AMONG INTERNATIONAL ECONOMIC LAW TRIBUNALS IS NOT WORKING Andrea K. Bjorklund [FN1] Copyright (c) 2007 UC Hastings College of the Law; Andrea K. Bjorklund Introduction It is a buyer's market for foreign investors seeking remedies ...

...attractive venue for such cases. Although their enforcement mechanisms are similar, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, have not been as



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active as the European Court of Human Rights, [FN39] which has heard a number of expropriation ...

...do under Article 71. [FN116] Pursuant to the terms of the ICSID Convention, the withdrawal will be effective on November 3, 2007, six months from the date notice was given. [FN117] The ICSID Convention provides the framework under which an arbitration will...

[110.](#) **C** **35 J.L. Med. & Ethics 534**

Journal of Law, Medicine and Ethics Winter 2007 THE PROLIFERATION OF HUMAN RIGHTS IN GLOBAL HEALTH GOVERNANCE Lance Gable [FN1]

...35 JLMEDETH 534 35 J.L. Med. & Ethics 534 2007 WL 4472899 JOURNAL OF LAW MEDICINE AND ETHICS Journal of Law, Medicine and Ethics Winter 2007 December 2007 Symposium Global Health Law, Ethics, and Policy Guest Edited by Lawrence O. Gostin and James G. Hodge, Jr. Symposium Article ...

...Health Law, Policy, and Rights-Based Norms THE PROLIFERATION OF HUMAN RIGHTS IN GLOBAL HEALTH GOVERNANCE Lance Gable [FN1] Copyright © 2007 by American Society of Law, Medicine & Ethics, Inc.; Lance Gable As our world becomes increasingly interconnected, threats to global public ...

...Europe. [FN68] In one case, for example, MDRI was able to utilize the threat of litigation in front of the Inter-American Court of Human Rights to encourage the Paraguayan government to change their policies and procedures in a psychiatric hospital to comply with human rights...

[111.](#) **26 Med. & L. 829**

Medicine and Law December, 2007 PSYCHIATRIC NURSING CARE IN BRAZIL: LEGAL AND ETHICAL ASPECTS Carla A. Arena Ventura [FN1] Isabel Amélia Costa Mendes [FNaa1] Maria Auxiliadora Trevizan [FNaaa1]

...26 MEDLAW 829 26 Med. & L. 829 2007 WL 4705007 MEDICINE AND LAW Medicine and Law December, 2007 Nursing Law PSYCHIATRIC NURSING CARE IN BRAZIL: LEGAL AND ETHICAL ASPECTS Carla A. Arena Ventura [FN1] Isabel Amélia Costa Mendes [FNaa1] Maria Auxiliadora Trevizan [FNaaa1] Copyright © 2007 by Yozmot; Carla A. Arena Ventura, Isabel Amélia Costa Mendes, Maria Auxiliadora Trevizan Abstract: Human rights, considered as rights inherent ...

...European and American sphere and even establish sanctions for non-compliance through the European Court of Human Rights and the Inter-American Court of Human Rights, respectively. The most recent World Conference on this theme was held in Vienna in 1993 and was also



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organized by...

[112.](#) **C** **86 N.C. L. Rev. 1**

North Carolina Law Review December, 2007 EMPIRICALLY EVALUATING CLAIMS ABOUT INVESTMENT TREATY ARBITRATION Susan D. Franck [FNaa1]

...86 NCLR 1 86 N.C. L. Rev. 1 2007 WL 4751921 NORTH CAROLINA LAW REVIEW North Carolina Law Review December, 2007 Article EMPIRICALLY EVALUATING CLAIMS ABOUT INVESTMENT TREATY ARBITRATION [FNa1] Susan D. Franck [FNaa1] Copyright (c) 2007 North Carolina Law Review Association; Susan D. Franck As a blossoming field of study, empirical legal scholarship can offer valuable ...

...million. [FN258] This average may not be dissimilar from other international law adjudications. For example, a recent decision by the Inter-American Court of Human Rights required Colombia to pay US\$7.8 million to relatives of twelve judicial workers killed in a massacre by army ...

...now Congo) 0 1 0 Totals 83 [FN380] 82 137 [FN381] Note: * = Member States from the OECD. [FNa1] . Copyright (c) 2007 by Susan D. Franck. [FNaa1] . Assistant Professor of Law, University of Nebraska Law College. The American Society of International Law...

[113.](#) **16 Tul. J. Int'l & Comp. L. 5**

Tulane Journal of International and Comparative Law Winter 2007 THE EUROPEAN COURT OF HUMAN RIGHTS--REFLECTIONS OF A PAST PRESIDENT Luzius Wildhaber [FNa1]

...16 TLNJICL 5 16 Tul. J. Int'l & Comp. L. 5 2007 WL 4404274 TULANE JOURNAL OF INTERNATIONAL AND COMPARATIVE LA Tulane Journal of International and Comparative Law Winter 2007 December 2007 Article THE EUROPEAN COURT OF HUMAN RIGHTS--REFLECTIONS OF A PAST PRESIDENT Luzius Wildhaber [FNa1] Copyright (c) 2007 Tulane Journal of International and Comparative Law; Luzius Wildhaber I. Some Introductory Comments on the History of Human Rights 5 ...

...were allowed to join the Council of Europe relatively quickly, raising the number of Member States to forty-seven (in 2007) compared to twenty-two at the time of joining. [FN31] Ratification of the Convention seemed to be like a confirmation ...

...concerning interim measures. [FN60] Referring to recent decisions of other international tribunals, such as the International Court of Justice, the Inter-American Court of Human Rights, and the Human Rights Committee of the United Nations, it stated that, henceforth, "[a] failure



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by a Contracting State to...

[114.](#) **29 Women's Rts. L. Rep. 63**

Women's Rights Law Reporter Winter/Spring 2007-2008 PERMISSION FOR DOMESTIC VIOLENCE: MARITAL RAPE IN GHANAIAN MARRIAGES Nancy Kaymar Stafford [FN1]

...63 29 Women's Rts. L. Rep. 63 2008 WL 2570211 WOMENS RIGHTS LAW REPORTER Women's Rights Law Reporter Winter/Spring 2007-2008 December 2007 Article PERMISSION FOR DOMESTIC VIOLENCE: MARITAL RAPE IN GHANAIAN MARRIAGES Nancy Kaymar Stafford [FN1] Copyright (c) 2008 Women's Rights Law ...

...can go to jail for trying to fulfill his conjugal obligations to his wife." [FN1] I. INTRODUCTION On February 22, 2007, the Ghanaian Parliament passed the long awaited Domestic Violence Act ("DV Act"). [FN2] Unfortunately, the DV Act, as passed, fails ...

...parties, if the state fails to prevent, investigate, and punish the crime. [FN101] According to a decision rendered by the Inter-American Court of Human Rights, "[t]he exercise of public authority has certain limits which derive from the fact that human rights are inherent attributes of...

[115.](#) **18 Eur. J. Int'l L. 785**

European Journal of International Law November, 2007 TWENTIETH CENTURY INTERNATIONALISM IN LAW Ole Spiermann [FN1]

...18 EURJIL 785 18 Eur. J. Int'l L. 785 2007 WL 4868446 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law November, 2007 Article TWENTIETH CENTURY INTERNATIONALISM IN LAW Ole Spiermann [FN1] Copyright © 2008 by EJIL; Ole Spiermann Abstract The 20th century saw ...

...para. 8. [FN66] Ireland v. United Kingdom , ECHR Series A No. 25 (1978), at para. 239. Similarly, e.g., from the Inter-American Court of Human Rights, Restrictions to the Death Penalty , Advisory Opinion OC-3/83, 70 Int'l LR (1983) 449, at para. 50 and, from...

[116.](#) **C 93 Iowa L. Rev. 277**

Iowa Law Review November, 2007 DOUBLE DENIAL: HOW BOTH THE DOL AND ORGANIZED LABOR FAIL DOMESTIC AGRICULTURAL WORKERS IN THE FACE OF H-2A Alison K. Guernsey [FN1]

...93 IALR 277 93 Iowa L. Rev. 277 2007 WL 4555772 IOWA LAW REVIEW Iowa Law Review November, 2007 Note DOUBLE DENIAL: HOW BOTH THE DOL AND ORGANIZED LABOR FAIL DOMESTIC



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AGRICULTURAL WORKERS IN THE FACE OF H-2A Alison K. Guernsey [FNa1] Copyright (c) **2007** University of Iowa (Iowa Law Review); Alison K. Guernsey ABSTRACT: The Department of Labor ("DOL") is not complying with the ...

...Office of Immigration Statistics, U.S. Dep't. of Homeland Sec., Temporary Admissions of Nonimmigrants to the United States: 2006, at 2 (2007), available at http://www.dhs.gov/xlibrary/assets/statistics/publications/NI_FR_2006_508_final.pdf (indicating that 180,503 authorized temporary seasonal workers ...

...offers 'higher wages and long-term employment.'" Farm Labor Shortages, Rural Migration News (U.C. Davis Migration Center, Davis, Cal.), Jan. 2007, available at http://migration.ucdavis.edu/rmn/more.php?id=1182_0_4_0 (quoting Bradshaw). Bradshaw said that she wants to have...

[117.](#) **C** **101 Am. J. Int'l L. 760**

American Journal of International Law October, 2007 INTERNATIONALLY WRONGFUL ACTS IN DOMESTIC COURTS André Nollkaemper [FNa1]

...101 AMJIL 760 101 Am. J. Int'l L. 760 2007 WL 4860220 AMERICAN JOURNAL OF INTERNATIONAL LAW American Journal of International Law October, 2007 INTERNATIONALLY WRONGFUL ACTS IN DOMESTIC COURTS André Nollkaemper [FNa1] Copyright © 2007 by The American Society of International Law; André Nollkaemper This article explores the relevance of the law of international responsibility ...

...affirmative relief, whether in a domestic or an international court such as the European Court of Human Rights and the Inter-American Court of Human Rights. The second category of cases in which a domestic court may be able to determine that an act has breached ...

...operate in a different legal order may be inferred from a decision of the German Constitutional Court on May 8, 2007. There the Court determined that Argentina could not invoke the principle of necessity (part of the law of international responsibility...

[118.](#) **24 Ariz. J. Int'l & Comp. L. 609**

Arizona Journal of International and Comparative Law Fall, 2007 PROSPECTS AND CHALLENGES IN THE IMPLEMENTATION OF INDIGENOUS PEOPLES' HUMAN RIGHTS IN INTERNATIONAL LAW: LESSONS FROM THE CASE OF AWAS TINGNI v. NICARAGUA Leonardo J. Alvarado [FNa1]

...24 AZJICL 609 24 Ariz. J. Int'l & Comp. L. 609 2007 WL 5022750 ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE L Arizona



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Corte Interamericana de Derechos Humanos

Journal of International and Comparative Law Fall, 2007 Article PROSPECTS AND CHALLENGES IN THE IMPLEMENTATION OF INDIGENOUS PEOPLES' HUMAN RIGHTS IN INTERNATIONAL LAW: LESSONS FROM THE CASE OF AWAS TINGNI v. NICARAGUA Leonardo J. Alvarado [FNa1] Copyright © 2007 by the Arizona Board of Regents; Leonardo J. Alvarado I. INTRODUCTION The **Inter-American Court of Human Rights'** 2001 decision in the case of the Mayagna (Sumo) Community of Awas Tingni v. Nicaragua is the first judgment by ...

...other indigenous peoples in fully realizing their rights recognized under domestic and international laws. Nonetheless, Awas Tingni's victory in the Inter-American Court of Human Rights has brought the issue of land demarcation of indigenous territories and indigenous peoples' natural resource rights further into the forefront ...

...international legal forums. Part II of this article provides a background and overview of the Awas Tingni decision by the Inter-American Court of Human Rights and the valuable contribution this decision has made to the development of international jurisprudence on indigenous peoples' rights. Part III...

[119.](#) **C** **95 Cal. L. Rev. 1879**

California Law Review October, 2007 PUBLIC INTEREST LAWYERS AND RESISTANCE MOVEMENTS Sameer M. Ashar [FNd1]

...95 CALR 1879 95 Cal. L. Rev. 1879 2007 WL 4812632 CALIFORNIA LAW REVIEW California Law Review October, 2007 Symposium: Race, Economic Justice, and Community Lawyering in the New Century PUBLIC INTEREST LAWYERS AND RESISTANCE MOVEMENTS Sameer M. Ashar [FNd1] Copyright (c) 2007 California Law Review, Inc.; Sameer M. Ashar Introduction A major strand of social justice activism, both within and outside the ...

...Yale Law School [FN82] collaborated on petitions with worker centers on behalf of workers before international organizations, such as the Inter-American Court of Human Rights, and tribunals created under procedures set out in trade-based treaties, such as the labor side agreement to the North ...

...some small way, evokes faith in our potential to achieve justice in an otherwise callous and heartbreaking historical moment. Copyright © 2007 California Law Review, Inc. California Law Review, Inc. (CLR) is a California nonprofit corporation. CLR and the authors are solely...

[120.](#) **C** **44 Cal. W. L. Rev. 1**

California Western Law Review Fall 2007 AMERICAN REPARATIONS THEORY AND PRACTICE AT THE CROSSROADS Eric K. Yamamoto [FNa1] Sandra Hye Yun Kim [FNaa1] Abigail M. Holden [FNaaa1]



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...yet struggling democracy, fostering healing through reparations is key to its legitimacy. [FN21] B. The Tulsa Race Riots and the Inter-American Court of Human Rights Democratic legitimacy is also at issue in the Inter-American Court of Human Rights. Survivors of the 1921 Tulsa Race Riots charged that the United States and its state and local governments violated human ...

...\$88,000). [FN35] With the ascension of reparations supporter Congressman John Conyers to the chair of the House Judiciary Committee in 2007, [FN36] and with Virginia's 2007 call for racial reconciliation [FN37] through its legislative statement of regret over the harms of African American slavery and exploitation...

121. **C** 15 Cardozo J. Int'l & Comp. L. 277

Cardozo Journal of International and Comparative Law Fall 2007 CAN THE IRAQI SPECIAL TRIBUNAL FURTHER RECONCILIATION IN IRAQ? Anna Triponel [FN1]

...15 CDZJICL 277 15 Cardozo J. Int'l & Comp. L. 277 2007 WL 4919526 CARDOZO JOURNAL OF INTERNATIONAL AND COMPARATIVE L Cardozo Journal of International and Comparative Law Fall 2007 Article CAN THE IRAQI SPECIAL TRIBUNAL FURTHER RECONCILIATION IN IRAQ? Anna Triponel [FN1] Copyright (c) 2007 Yeshiva University; Anna Triponel Abstract This article aims to answer the question of whether the Iraqi Special Tribunal has the ...

...interpreting the ICCPR, has found that states have a duty to prosecute [FN44] and has condemned blanket amnesties. [FN45] The Inter-American Court of Human Rights has also stated that each party to the American Convention has a duty "to use the means at its disposal ...

...International, Iraqi Special Tribunal-Fair Trials Not Guaranteed (2005), [http://web.amnesty.org/library/pdf/MDE140072005ENGLISH/\\$File/MDE1400705.pdf](http://web.amnesty.org/library/pdf/MDE140072005ENGLISH/$File/MDE1400705.pdf) (last visited Apr. 27, 2007). [FN17] . Steven R. Ratner, New Democracies, Old Atrocities: An Inquiry in International Law, 87 Geo. L. J. 707, 707 (1999)...



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212 Bioethics 214 Children and Immigration 214 Children and Teenagers
215 Domestic Violence 221 ...

...Laura E. Back, Improperly Performed Abortion as Fetal Homicide: An
Uneasy Coexistence Becomes More Difficult, 18 Hastings Women's L.J.
117 (2007) Roe v. Wade established a woman's right to terminate her
pregnancy, but difficulties such as money, opposition from parents, and
...

...Kammy Mizga, & Lynn D'Orio, Battered Women, Homicide Convictions,
and Sentencing: The Case for Clemency, 18 Hastings Women's L. J. 31
(2007) While governments across the globe have condemned violence
against women, almost all have failed to show the political will to...

[123.](#) **C 22 Conn. J. Int'l L. 357**

Connecticut Journal of International Law Fall, 2007 SHARI'AH, ISLAMIC
LAW AND ARAB BUSINESS ETHICS Frederick V. Perry [FNd1]

...22 CTJIL 357 22 Conn. J. Int'l L. 357 2007 WL 2926892
CONNECTICUT JOURNAL OF INTERNATIONAL LAW Connecticut Journal
of International Law Fall, 2007 Article SHARI'AH, ISLAMIC LAW AND
ARAB BUSINESS ETHICS [FN1] Frederick V. Perry [FNd1] Copyright (c)
2007 Connecticut Journal of International Law; Frederick V. Perry What
is law, and what function does it have in our lives ...

...As for the concept of law in general international law, an advisory
opinion on the meaning of "laws" by the Inter-American Court of
Human Rights interpreted the term "laws" as used in the American
Convention on Human Rights-where the Convention refers to laws of ...

...billion Muslims in the world. See also Islam.com, Introduction to
Islam, available at [http:// www.islam.com/introislam.htm](http://www.islam.com/introislam.htm) (last visited
Jan. 24, 2007). [FN9] . Islam.com, Introduction to Islam, available at
[http:// www.islam.com/introislam.htm](http://www.islam.com/introislam.htm) (last visited Jan. 24, 2007).
[FN10] . LexicOrient.com, Encyclopedia of the Orient: Islam, available at
<http://lexicorient.com/e.o/islam.htm> (last visited Jan. 24, 2007). [FN11]
. James A. Beverley, Understanding Islam 37-38 (2001). [FN12] . \$6b
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[124.](#) **35 Denv. J. Int'l L. & Pol'y 413**

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GLOBALIZATION, COMMUNITIES AND HUMAN RIGHTS: COMMUNITY-
BASED PROPERTY RIGHTS AND PRIOR INFORMED CONSENT Daniel
Barstow Magraw, Lauren Baker [FN1]

...35 DENJILP 413 35 Denv. J. Int'l L. & Pol'y 413 2007 WL 5160141
DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY Denver Journal
of International Law and Policy Summer/Fall 2007 2006 Sutton
Colloquium Articles GLOBALIZATION, COMMUNITIES AND HUMAN
RIGHTS: COMMUNITY-BASED PROPERTY RIGHTS AND PRIOR INFORMED
CONSENT Daniel Barstow Magraw Lauren Baker [FN1] Copyright (c)
2007 Denver Journal of International Law and Policy, University of
Denver (Colorado Seminary) College of Law; Daniel Barstow Magraw;
Lauren Baker ...

...can be addressed by using standard human rights mechanisms in
international law. For example, the *Awas Tingni* case in the Inter-
American Court of Human Rights addressed the violations of the right to
property of the community by the Nicaraguan State, when Nicaragua
granted a concession ...

...tailings were removed and the State has taken some initial efforts to
provide medical assistance to community members as of 2007. [FN42]
Sometimes, however, it is not possible to apply standard human rights
doctrine or, in other instances, standard human rights...

[125.](#) **18 Duke J. Comp. & Int'l L. 77**

Duke Journal of Comparative and International Law Fall 2007
INTERNATIONAL HUMAN RIGHTS LAW IN INVESTMENT ARBITRATION:
EVIDENCE OF INTERNATIONAL LAW'S UNITY James D. Fry [FN1]

...18 DUKEJCIL 77 18 Duke J. Comp. & Int'l L. 77 2007 WL 5233022
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Journal of Comparative and International Law Fall 2007 Article
INTERNATIONAL HUMAN RIGHTS LAW IN INVESTMENT ARBITRATION:
EVIDENCE OF INTERNATIONAL LAW'S UNITY James D. Fry [FN1]
Copyright (c) 2007 Duke Journal of Comparative and International Law;
James D. Fry Arbitration is justice blended with charity. - Nachman of
Bratslav Introduction ...

...as the *Tecmed* case. This case is relevant for a number of reasons.
First, the *Tecmed* tribunal looked to an Inter-American Court of
Human Rights case to inform itself about the finer points of
expropriation. In determining whether a certain type of expropriation
took place ...

...beyond mere appearances and establish the real situation behind the
situation that was denounced." This approach was required by the



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Inter-American Court of Human Rights in Ivcher Bronstein v. Peru, which involved an individual's right to private property. [FN27] The Tecmed tribunal appears to have...

[126.](#) **2 Fed. Cts. L. Rev. 133**

Federal Courts Law Review Fall 2007 A REVIEW OF APPELLATE COURTS: STRUCTURES, FUNCTIONS, PROCESSES, AND PERSONNEL (2D ED. LEXISNEXIS 2006) (1994) BY DANIEL J. MEADOR, THOMAS E. BAKER, AND JOAN E. STEINMAN Michael E. Tigar [FN1]

...2 FEDCTLR 133 2 Fed. Cts. L. Rev. 133 2007 WL 4218844 FEDERAL COURTS LAW REVIEW Federal Courts Law Review Fall 2007 A Compilation of Articles Published Electronically from 2006-2007 Part II: Book Review-Appellate Court A REVIEW OF APPELLATE COURTS: STRUCTURES, FUNCTIONS, PROCESSES, AND PERSONNEL (2D ED. LEXISNEXIS 2006) (1994) BY DANIEL J. MEADOR, THOMAS E. BAKER, AND JOAN E. STEINMAN Michael E. Tigar [FN1] Copyright (c) 2007 Federal Courts Law Review; Michael E. Tigar Allow me to introduce myself, and then to introduce you to a book ...

...alternatives to national tribunals, particularly in the enforcement of human rights. The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights are important institutions in the Western Hemisphere. The international criminal tribunals for Yugoslavia and Rwanda (ICTY and ICTR) were created...

[127.](#) **15 No. 1 Hum. Rts. Brief 11**

Human Rights Brief Fall, 2007 ASSESSING REGIONAL COOPERATION: NEW TRENDS BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS AND THE EUROPEAN COURT OF JUSTICE Fernanda Nicola [FN1] Ingrid Nifosi-Sutton [FN1]

...15 No. 1 HUMRTB 11 15 No. 1 Hum. Rts. Brief 11 2007 WL 4477494 HUMAN RIGHTS BRIEF Human Rights Brief Fall, 2007 ASSESSING REGIONAL COOPERATION: NEW TRENDS BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS AND THE EUROPEAN COURT OF JUSTICE Fernanda Nicola ...

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Human Rights Brief Fall, 2007 UPDATES FROM THE REGIONAL HUMAN RIGHTS SYSTEMS Natalie M. Huls [FNa1] Sara Ramey [FNa2]

...15 No. 1 HUMRTB 50 15 No. 1 Hum. Rts. Brief 50 2007 WL 4477500 HUMAN RIGHTS BRIEF Human Rights Brief Fall, 2007 Column UPDATES FROM THE REGIONAL HUMAN RIGHTS SYSTEMS Natalie M. Huls [FNa1] Sara Ramey [FNa2] Copyright © 2006 by Human Rights ...

...Ms. Makhuri nearly lost their lives, while Ms. Goygova lost her mother and brother. In three decisions on October 4, 2007, the Court held Russia liable, and ordered the country to pay more than 150,000 Euros (US\$212,475) in compensation to ...

...The applicants also received varying amounts of non-pecuniary damages and expenses. INTER-AMERICAN SYSTEM ESCUÉ ZAPATA VS. COLOMBIA The Inter-American Court of Human Rights (the Court) decided the case of Escué Zapata vs. Colombia on July 4, 2007. The Court held that the Republic of Colombia violated Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7...

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...PESHAWAR PROFESSOR ANOOSH KHAN GIVES LECTURE ON TEACHING GENDER AND HUMAN RIGHTS IN THE NWFP OF PAKISTAN During the fall 2007 semester, the Center hosted Visiting Scholar Professor Anoosh Khan of the University of Peshawar, Pakistan. Professor Khan gave a well ...

...defenders in Guatemala -- an increase of more than 370 percent in the last six years. In the first half of 2007, the Guatemala Human Rights Commission registered more than 160 attacks, which would put



Guatemala on track for a record year...

130. 14 ILSA J. Int'l & Comp. L. 99

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TARGETED KILLINGS AND THE SOLDIERS' RIGHT TO LIFE Solon
Solomon [FNa1]

...14 ILSAJICL 99 14 ILSA J. Int'l & Comp. L. 99 2007 WL 5185466 ILSA
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Contributors Articles & Essays TARGETED KILLINGS AND THE SOLDIERS'
RIGHT TO LIFE Solon Solomon [FNa1] Copyright (c) 2007 International
Law Students Association; Solon Solomon Abstract Targeted killings are
a major, albeit controversial, policy in the modern war against ...

...eventually the obligation to prosecute persons responsible for a loss of
life. [FN65] Thus, in the Velasquez Rodriguez case, the Inter-
American Court of Human Rights clarified that a state can be found
imputable of a human rights violation not because the violation itself
could be ...

...Assembly, U.N. Doc. A/ES-10/186 (July 30, 2002), available at <http://www.un.org/peace/jenin/> (last visited Sept. 4, 2007). [FN2] . See id. ¶
57. According to the Israeli government the number of civilian casualties
amounted to fourteen deaths. [FN3...]

131. C 17 J. Transnat'l L. & Pol'y 1

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THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS: TOWARDS A MORE EFFECTIVE
CONTROL MECHANISM? Patricia Egli [FNa1]

...17 JTLP 1 17 J. Transnat'l L. & Pol'y 1 2007 WL 5190153 JOURNAL OF
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FUNDAMENTAL FREEDOMS: TOWARDS A MORE EFFECTIVE CONTROL
MECHANISM? Patricia Egli [FNa1] Copyright (c) 2007 Journal of
Transnational Law and Policy; Patricia Egli I. Introduction The European
Convention for the Protection of Human Rights and ...

...number of parties to the European Convention, from eight when it
came into force in 1953, to forty-seven in 2007. Since 1989, an
increasing number of Eastern and Central European states have been
admitted to the Council of Europe, all ...

...continue to have, an important influence on legal reform in these
states still in transition to democracy. [FN23] Hence in 2007, the



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Convention system was open to no fewer than 800 million people in Europe. [FN24] Another contributing factor to the...

132. **40 N.Y.U. J. Int'l L. & Pol. 1**

New York University Journal of International Law and Politics Fall 2007
ECONOMIC AND SOCIAL JUSTICE FOR SOCIETIES IN TRANSITION
Louise Arbour [FNa1]

...40 NYUJILP 1 40 N.Y.U. J. Int'l L. & Pol. 1 2007 WL 4687974 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW A New York University Journal of International Law and Politics Fall 2007 Essay ECONOMIC AND SOCIAL JUSTICE FOR SOCIETIES IN TRANSITION Louise Arbour [FNa1] Copyright (c) 2007 New York University Journal of International Law and Politics; Louise Arbour I. Introduction: The Roots of Transitional Justice 1 II ...

...Rights, and the Global Human Rights Regime: Setting the Record Straight (Human Rights & Human Welfare Working Papers, Paper No. 40, 2007), available at http://www.du.edu/gsis/hrhw/working/2006/40-whelan_donnelly-2006-rev.pdf. [FN12] . See International Covenant on Civil and ...

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AN INSTITUTIONAL HIERARCHY TO COMBAT THE FRAGMENTATION OF INTERNATIONAL LAW: HAS THE ILC MISSED AN OPPORTUNITY?
Christian Leathley [FNa1]

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...Body, [FN117] the North American Free Trade Association (NAFTA) tribunals, [FN118] the European Court of Human Rights (ECHR), [FN119] the Inter-American Court of Human Rights (IACHR), [FN120] the Iran-U.S. Claims Tribunal, [FN121] multiple ad hoc tribunals, [FN122] and the European Court of Justice (ECJ ...



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...on its progress every year since its inception. See International Law Commission, <http://www.un.org/law/ilc/> (last visited June 27, 2007) [hereinafter ILC website]. [FN2] . Int't Law Comm'n, Report of the International Law Commission on the Work of its Fifty-Fourth...

[134.](#) **6 Nw. U. J. Int'l Hum. Rts. 24**

Northwestern University Journal of International Human Rights Fall, 2007 CHAPTER VII AS EXCEPTION: SECURITY COUNCIL ACTION AND THE REGULATIVE IDEAL OF EMERGENCY Jared Schott [FN1]

...6 NWUJIHR 24 6 Nw. U. J. Int'l Hum. Rts. 24 2007 WL 4978137 NORTHWESTERN UNIVERSITY JOURNAL OF INTERNATIONAL H Northwestern University Journal of International Human Rights Fall, 2007 Article CHAPTER VII AS EXCEPTION: SECURITY COUNCIL ACTION AND THE REGULATIVE IDEAL OF EMERGENCY Jared Schott [FN1] Copyright © 2007 Northwestern University School of Law, Northwestern University Journal of International Human Rights; Jared Schott I. RE-CONCEPTUALIZING SECURITY COUNCIL POWERS In April 2007, the Security Council met to discuss the security implications of global climate change. Framed by a British appeal for consideration ...

...Scholar, New York University School of Law; Legal Advisor for the Permanent Mission of Palau to the United Nations; LL.M., 2007, New York University School of Law; J.D., 2006, New York University School of Law, BA, 1999, Stanford University. An incredible ...

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[135.](#) **6 Nw. U. J. Int'l Hum. Rts. 81**

Northwestern University Journal of International Human Rights Fall, 2007 THE MISUSE OF TERRORISM PROSECUTION IN CHILE: THE NEED FOR DISCRETE CONSIDERATION OF MINORITY AND INDIGENOUS GROUP TREATMENT IN RULE OF LAW ANALYSES Noah Bialostozky [FN1]

...6 NWUJIHR 81 6 Nw. U. J. Int'l Hum. Rts. 81 2007 WL 4978138



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2007 Note and Comment THE MISUSE OF TERRORISM PROSECUTION
IN CHILE: THE NEED FOR DISCRETE CONSIDERATION OF MINORITY
AND INDIGENOUS GROUP TREATMENT IN RULE OF LAW ANALYSES
Noah Bialostozky [FN1] Copyright © **2007** Northwestern University
School of Law, Northwestern University Journal of International Human
Rights; Noah Bialostozky I. INTRODUCTION Chile's misuse of the ...

...States must execute in good faith the treaties they adhere to and the
international obligations arising from them. [FN97] The Inter-
American Court of Human Rights has explicitly invoked the principle,
stating that: “[p]ursuant to international law, all obligations imposed by
it must be fulfilled in ...

...at 18 (citing Principales Razones de Arauco-Malleco: Recuperar
ahora el Territorio Usurpado WEFTUN , [http:// www.weftun.cjb.net/](http://www.weftun.cjb.net/)
(last visited Aug. 16, 2007)). [FN11] . In attempting to quell CAM
protest actions, the police response has often been abusive. Chilean
police have often failed...

[136.](#) **6 Nw. U. J. Int'l Hum. Rts. 104**

Northwestern University Journal of International Human Rights Fall,
2007 ENFORCING ENVIRONMENTAL HUMAN RIGHTS: SELECTED
STRATEGIES OF US NGOS Jennifer Cassel [FN1]

...6 NWUJIHR 104 6 Nw. U. J. Int'l Hum. Rts. 104 2007 WL 4978139
NORTHWESTERN UNIVERSITY JOURNAL OF INTERNATIONAL H
Northwestern University Journal of International Human Rights Fall,
2007 Note and Comment ENFORCING ENVIRONMENTAL HUMAN
RIGHTS: SELECTED STRATEGIES OF US NGOS Jennifer Cassel [FN1]
Copyright © 2007 Northwestern University School of Law, Northwestern
University Journal of International Human Rights; Jennifer Cassel
INTRODUCTION The connection between environmental damage ...

...with some success -- encompasses within it environmental rights. In
the watershed case of Maya (Sumo) v. Nicaragua , decided by the Inter-
American Court of Human Rights (Inter-American Court) in 2001, the
Inter-American Court found that Nicaragua violated the Maya (Sumo)'s
right to property ...

...annual “Environmental Rights Reports” to the UN Human Rights
Commission (now Council) from 2001 until 2005, and then again in
2007. [FN47] The Environmental Rights Reports inform the UN Human
Rights Commission about the status of environmental rights as they
have...



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Pace International Law Review Fall 2007 SWINGING BACK AND FORTH BETWEEN IMPUNITY AND IMPEACHMENT: THE STRUGGLE FOR JUSTICE IN LATIN AMERICA AND THE INTERNATIONAL CRIMINAL COURT Alberto L. Zuppi [FNa1]

...19 PACEILR 195 19 Pace Int'l L. Rev. 195 2007 WL 5688045 PACE INTERNATIONAL LAW REVIEW Pace International Law Review Fall 2007 Articles SWINGING BACK AND FORTH BETWEEN IMPUNITY AND IMPEACHMENT: THE STRUGGLE FOR JUSTICE IN LATIN AMERICA AND THE INTERNATIONAL CRIMINAL COURT Alberto L. Zuppi [FNa1] Copyright (c) 2007 Pace University School of Law; Alberto L. Zuppi I. Introduction: Latin American Struggle for Democracy The dreadful experiences endured in ...

...was an element of pressure that contributed to the final decision of the Argentine Supreme Court. [FN88] In July of 2007, the Supreme Court of Argentina declared unconstitutional the presidential pardons conceded by President Menem benefiting members of the past military ...

...the clearest examples of the value of the Inter-American human rights institutions. In the case of Barrios Altos the Inter-American Court of Human Rights decided that: This Court considers that all amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate...

[138.](#) **C 60 Rutgers L. Rev. 67**

Rutgers Law Review Fall 2007 PROTECTING PERSONHOOD: LEGAL STRATEGIES TO COMBAT THE USE OF STRIP SEARCHES ON YOUTH IN DETENTION Jessica R. Feierman [FNa1] Riya S. Shah [FNaa1]

...60 RULR 67 60 Rutgers L. Rev. 67 2007 WL 5188175 RUTGERS LAW REVIEW Rutgers Law Review Fall 2007 Symposium 2007 The Promise of In re Gault: Promoting and Protecting the Right to Counsel in Counsel in Juvenile Court PROTECTING PERSONHOOD ...

...COMBAT THE USE OF STRIP SEARCHES ON YOUTH IN DETENTION Jessica R. Feierman [FNa1] Riya S. Shah [FNaa1] Copyright (c) 2007 Rutgers University, The State University of New Jersey; Jessica R. Feierman; Riya S. Shah The impact of In re Gault ...

...to address the issue of strip searches of youth in detention was Smook v. Minnehaha County. [FN69] On March 26, 2007, the Supreme Court denied certiorari. [FN70] The underlying Eighth Circuit case was the second (after N.G.) federal appellate decision in...

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Saint Thomas Law Review Fall 2007 SANCHEZ-LLAMAS V. OREGON: A MISSED OPPORTUNITY IN TREATY INTERPRETATION Steven G. Stransky [FN1]

...20 STTLR 25 20 St. Thomas L. Rev. 25 2007 WL 4965873 SAINT THOMAS LAW REVIEW Saint Thomas Law Review Fall 2007 General Issue Article SANCHEZ-LLAMAS V. OREGON: [FN1] A MISSED OPPORTUNITY IN TREATY INTERPRETATION Steven G. Stransky [FN1] Copyright (c) 2007 St. Thomas Law Review; Steven G. Stransky I. Introduction 25 II. Background 28 A. The Vienna Convention on Consular Relations ...

...to advance "the development of friendly relations among nations, irrespective of their differing constitutional and social systems." [FN22] As of 2007, more than 160 countries are bound by the seventy-nine articles enumerated within the VCCR. [FN23] Furthermore, the text of ...

...judicial remedy. [FN177] The Department of State has even argued this position in front of two separate international tribunals: the Inter-American Court of Human Rights [FN178] and the ICJ. [FN179] In *Li*, the First Circuit Court of Appeals directly confronted the issue of whether the...

140. **9 San Diego Int'l L.J. 5**

San Diego International Law Journal Fall 2007 PUBLIC INTERNATIONAL LAW AND THE WTO: A RECKONING OF LEGAL POSITIVISM AND NEOLIBERALISM S.G. Sreejith [FN1]

...9 SANDILJ 5 9 San Diego Int'l L.J. 5 2007 WL 4648649 SAN DIEGO INTERNATIONAL LAW JOURNAL San Diego International Law Journal Fall 2007 Article PUBLIC INTERNATIONAL LAW AND THE WTO: A RECKONING OF LEGAL POSITIVISM AND NEOLIBERALISM S.G. Sreejith [FN1] Copyright (c) 2007 San Diego International Law Journal; S.G. Sreejith Table of Contents I. Introduction 6 II. International Law and the Common Skepticism ...

...81-100 (1998). [FN38] . Thomas Cottier, Preparing for Structural Reform within the WTO, 10 J. Int'l Econ. L. 497, 498 (2007) (suggesting structural and functional reform). [FN39] . See generally Jackson, *supra* note 1. [FN40] . For more information on the advantages of ...

...Trade Organization, Legal Texts--The WTO Agreements, http://www.wto.org/english/docs_e/legal_e/legal_e.htm (last visited Oct. 16, 2007). [FN141] . Robert Howse, The Legitimacy of the World Trade Organization, in *The Legitimacy of International Organizations* 355, 357-59 (Jean...



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141. **35 Syracuse J. Int'l. L. & Com. 1**

Syracuse Journal of International Law and Commerce Fall 2007
INTERNATIONAL STATE RESPONSIBILITY FOR ACTS OF NON-STATE
ACTORS: THE RECENT STANDARDS SET BY THE INTERNATIONAL
COURT OF JUSTICE IN GENOCIDE AND WHY THE WTO APPELLATE BODY
SHOULD NOT EMBRACE THEM Alberto Alvarez-Jimenez [FN1]

...35 SYRJILC 1 35 Syracuse J. Int'l. L. & Com. 1 2007 WL 4940088
SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE
Syracuse Journal of International Law and Commerce Fall 2007 Articles
INTERNATIONAL STATE RESPONSIBILITY FOR ACTS OF NON-STATE
ACTORS: THE RECENT STANDARDS SET BY THE INTERNATIONAL
COURT OF JUSTICE IN GENOCIDE AND WHY THE WTO APPELLATE BODY
SHOULD NOT EMBRACE THEM Alberto Alvarez-Jimenez [FN1] Copyright
(c) 2007 Syracuse Journal of International Law and Commerce; Alberto
Alvarez-Jimenez Introduction The recent International Court of Justice's
(ICJ) judgment in ...

...FN1] . Application of the Convention on the Prevention and
Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Mont.)
2007 I.C.J. (General List 91) (Judgment) (Feb. 26), available at
[http://www.icj-cij.org/docket/index.php?](http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=f4&case=91&code=bhy&p3=4)

[p1=3&p2=3&k=f4&case=91&code=bhy&p3=4](http://www.un.org/icty/tadic/appeal/judgment/tad-aj990715e.pdf). (last visited Oct. 3,
2007) [hereinafter Genocide]. [FN2] Prosecutor v. Du [Ko Tadi], Case
No. IT-94-1-A, Judgment, Appeals Chamber, (July 15, 1999) available at
[http:// www.un.org/icty/tadic/appeal/judgment/tad-aj990715e.pdf](http://www.un.org/icty/tadic/appeal/judgment/tad-aj990715e.pdf) (last
visited Oct. 3, 2007) [hereinafter Tadic]. [FN3] . See infra Part III for a
detailed explanation for such rejection. [FN4] . Appellate Body Report,
United States ...

...17, WT/DS2/AB/R (May 20, 1996) available at [http://
docsonline.wto.org/gen_search.asp?searchmode=simple](http://docsonline.wto.org/gen_search.asp?searchmode=simple) (last visited
Oct. 3, 2007) [hereinafter US--Gasoline]. With this statement, the AB
was following what the ICJ had pointed out, "[A]n international
instrument has...

142. **30 T. Jefferson L. Rev. 69**

Thomas Jefferson Law Review Fall 2007 INNOCENTS ABROAD:
REFLECTIONS ON SUMMER ABROAD LAW PROGRAMS Louise Harmon,
Eileen Kaufman [FN1]

...30 TJLR 69 30 T. Jefferson L. Rev. 69 2007 WL 5151558 THOMAS
JEFFERSON LAW REVIEW Thomas Jefferson Law Review Fall 2007 Article
INNOCENTS ABROAD: REFLECTIONS ON SUMMER ABROAD LAW
PROGRAMS [FN1] Louise Harmon Eileen Kaufman [FN1] Copyright (c)
2007 Thomas Jefferson Law Review Association; Louise Harmon; Eileen
Kaufman INTRODUCTION Every summer, approximately 4,000 United
States law students get ready ...



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...have been based in Europe, with England being the most common destination as host of forty-one programs. [FN169] Until 2007, Italy and France had been the two next most common destinations, but now China has overtaken Italy. China has twenty ...

...The United States Department of Education has recognized the Council as the national accrediting agency since 1952. Preface to A.B.A 2007-2008 Standards for Approval of Law Schools, <http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Preface.pdf>. [FN122] Id. The 1921 standards were quite...

143. **14 U.C. Davis J. Int'l L. & Pol'y 59**

U.C. Davis Journal of International Law and Policy Fall 2007 A VIENNA CONVENTION INTERPRETATION OF THE "INTERESTS OF JUSTICE" PROVISION OF THE ROME STATUTE, THE LEGALITY OF DOMESTIC AMNESTY AGREEMENTS, AND THE SITUATION IN NORTHERN UGANDA: A "GREAT QUALITATIVE STEP FORWARD," OR A NORMATIVE RETREAT? Michael Kourabas [FN1]

...14 UCDJILP 59 14 U.C. Davis J. Int'l L. & Pol'y 59 2007 WL 4955174 UC DAVIS JOURNAL OF INTERNATIONAL LAW AND POLICY U.C. Davis Journal of International Law and Policy Fall 2007 Article A VIENNA CONVENTION INTERPRETATION OF THE "INTERESTS OF JUSTICE" PROVISION OF THE ROME STATUTE, THE LEGALITY OF DOMESTIC AMNESTY ...

...AND THE SITUATION IN NORTHERN UGANDA: A "GREAT QUALITATIVE STEP FORWARD," OR A NORMATIVE RETREAT? Michael Kourabas [FN1] Copyright (c) 2007 Regents of the University of California; Michael Kourabas I. Introduction 60 A. The "Interests of Justice" Provision in Article 53 ...

...the relevance of international law to the amnesty issue. The article focuses on the international jurisprudence regarding amnesty from the Inter-American Court of Human Rights ("IACtHR"). In this section the American Convention--which founded the IACtHR--is compared to Africa's analog, the African Charter. The...

144. **12 UCLA J. Int'l L. & Foreign Aff. 359**

UCLA Journal of International Law and Foreign Affairs Fall 2007 WELCOMING ALL TO A TABLE OF PLENTY: THE FREE TRADE AREA AND THE BOLIVARIAN ALTERNATIVE AS COMPETING MEANS OF ECONOMIC INTEGRATION IN THE AMERICAS Stephen M. Siptroth [FN1]

...12 UCLAJILFA 359 12 UCLA J. Int'l L. & Foreign Aff. 359 2007 WL 5681614 UCLA JOURNAL OF INTERNATIONAL LAW AND FOREIGN AFFA UCLA Journal of International Law and Foreign Affairs Fall 2007 Comment WELCOMING ALL TO A TABLE OF PLENTY: THE FREE TRADE



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AREA AND THE BOLIVARIAN ALTERNATIVE AS COMPETING MEANS OF ECONOMIC INTEGRATION IN THE AMERICAS Stephen M. Siptroth [FN1] Copyright (c) **2007** Regents of the University of California; Stephen M. Siptroth This comment deals with efforts at economically integrating the Americas. It ...

...the summer of 2006 Venezuela made a bid to formally join MERCOSUR as a full member. [FN39] As of July 2007, Venezuela's entry into MERCOSUR had not been ratified by the leaders of Brazil or Paraguay. [FN40] MERCOSUR was founded to ...

...States has two bodies which oversee compliance with human rights instruments: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. [FN113] These organizations monitor compliance with the American Declaration of the Rights and Duties of Man and the American Convention...

[145.](#) **39 U. Miami Inter-Am. L. Rev. 67**

University of Miami Inter-American Law Review Fall 2007 WONG KIM ARK AND SENTENCIA QUE DECLARA CONSTITUCIONAL LA LEY GENERAL DE MIGRACIÓN 285-04 IN COMPARATIVE PERSPECTIVE: CONSTITUTIONAL INTERPRETATION, JUS SOLI PRINCIPLES, AND POLITICAL MORALITY Patrick J. Glen [FN1]

...39 UMIAIALR 67 39 U. Miami Inter-Am. L. Rev. 67 2007 WL 5136254 UNIVERSITY OF MIAMI INTER AMERICAN LAW REVIEW University of Miami Inter-American Law Review Fall 2007 Articles WONG KIM ARK AND SENTENCIA QUE DECLARA CONSTITUCIONAL LA LEY GENERAL DE MIGRACIÓN 285-04 IN COMPARATIVE PERSPECTIVE: CONSTITUTIONAL INTERPRETATION, JUS SOLI PRINCIPLES, AND POLITICAL MORALITY Patrick J. Glen [FN1] Copyright (c) 2007 University of Miami; Patrick J. Glen I. Introduction 68 II. Comparative Constitutionalism and the Principle of Jus Soli: The Fourteenth ...

...to the Inter-American Commission on Human Rights and, because of failures in the friendly settlement process, ultimately to the Inter-American Court of Human Rights, which rendered a decision in the girls' case in September 2005. [FN69] The case came to the Court on the...

[146.](#) **C 39 U. Miami Inter-Am. L. Rev. 177**

University of Miami Inter-American Law Review Fall 2007 A RIGHT TO LEAVE, BUT NOWHERE TO GO: RECONCILING AN EMIGRANT'S RIGHT TO LEAVE WITH THE SOVEREIGN'S RIGHT TO EXCLUDE Joy M. Purcell [FN1]

...39 UMIAIALR 177 39 U. Miami Inter-Am. L. Rev. 177 2007 WL 5136257 UNIVERSITY OF MIAMI INTER AMERICAN LAW REVIEW University of Miami Inter-American Law Review Fall 2007 Notes A RIGHT



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TO LEAVE, BUT NOWHERE TO GO: RECONCILING AN EMIGRANT'S RIGHT TO LEAVE WITH THE SOVEREIGN'S RIGHT TO EXCLUDE Joy M. Purcell [FN1] Copyright (c) 2007 University of Miami; Joy M. Purcell I. Introduction 177 II. The Concept of a Right to Emigrate 181 A. The ...

...OAS) is an excellent example of international collaboration. Within the Americas, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights work together to investigate human rights violations and punish violators pursuant to the Charter of the Organization of American States ...

...Law 67 (Kluwer Law International 2001). [FN29] . History of the United Nations. <http://www.un.org/aboutun/unhistory> (last visited Oct. 27, 2007). [FN30] . Most Allied governments began to institute changes in their relations with foreign states and created new governmental agencies, committees...

[147.](#) **C** 29 U. Pa. J. Int'l L. 169

University of Pennsylvania Journal of International Law Fall 2007 TIPPING THE BALANCE: WHY COURTS SHOULD LOOK TO INTERNATIONAL AND FOREIGN LAW ON UNAUTHORIZED IMMIGRANT WORKER RIGHTS Beth Lyon [FN1]

...29 UPAJIL 169 29 U. Pa. J. Int'l L. 169 2007 WL 4644686 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW University of Pennsylvania Journal of International Law Fall 2007 Article TIPPING THE BALANCE: WHY COURTS SHOULD LOOK TO INTERNATIONAL AND FOREIGN LAW ON UNAUTHORIZED IMMIGRANT WORKER RIGHTS Beth Lyon [FN1] Copyright (c) 2007 Trustees of the University of Pennsylvania; Beth Lyon All migrant workers, irrespective of their status, should be assured conditions of ...

...in these closely decided cases. Within a year of the U.S. Supreme Court decision, both the Organization of American States Inter-American Court of Human Rights and the United Nations International Labour Organization had been presented with these developments and had issued opinions affirming equal labor ...

...FN54] and even this weak requirement has rarely been enforced in the decades since the law passed. [FN55] In fall 2007, the Social Security Administration issued regulations that, for the first time, appeared to put some teeth into this requirement. [FN56...

[148.](#) **40 Vand. J. Transnat'l L. 1071**

Vanderbilt Journal of Transnational Law October, 2007 THE LIMITS OF INTERNATIONAL HUMAN RIGHTS LAW AND THE ROLE OF FOOD SOVEREIGNTY IN PROTECTING PEOPLE FROM FURTHER TRADE LIBERALIZATION UNDER THE DOHA ROUND NEGOTIATIONS Wenonah



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Hauter [FN1]

...40 VNJTL 1071 40 Vand. J. Transnat'l L. 1071 2007 WL 4778595 VANDERBILT JOURNAL OF TRANSNATIONAL LAW Vanderbilt Journal of Transnational Law October, 2007 From Hand to Mouth, via the Lab and the Legislature: International and Domestic Regulations to Secure the Food Supply A Symposium sponsored by the Journal of Transnational Law, Vanderbilt University Law School, February 16, 2007 THE LIMITS OF INTERNATIONAL HUMAN RIGHTS LAW AND THE ROLE OF FOOD SOVEREIGNTY IN PROTECTING PEOPLE FROM FURTHER TRADE LIBERALIZATION UNDER THE DOHA ROUND NEGOTIATIONS Wenonah Hauter [FN1] Copyright (c) 2000-2007 Vanderbilt University Law School; Wenonah Hauter Table of Contents I. Introduction 1072 II. Food Insecurity and the Consequences of Further ...

...to switch to less nutritious white bread, Gruma and ADM still win, while Mexican consumers lose. [FN66] On January 18, 2007, Mexican President Calderón announced an agreement with business leaders capping tortilla prices. [FN67] But Calderón's price cap is a voluntary "gentleman's agreement." [FN68] A 2007 study by the lower house of Mexico's National Congress showed that many tortilla makers were ignoring Calderón's edict. [FN69] B ...

...demand injunctions or reparations. [FN167] The Commission has only decided one case involving the Protocol's right to food. [FN168] The Inter-American Court of Human Rights, on the other hand, can demand reparations from violating states under the Protocol of San Salvador, but can only hear...

149. **18 Eur. J. Int'l L. 631**

European Journal of International Law September, 2007 ON WHAT CONDITIONS CAN A STATE BE HELD RESPONSIBLE FOR GENOCIDE? Paola Gaeta [FN1]

...18 EURJIL 631 18 Eur. J. Int'l L. 631 2007 WL 4251679 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law September, 2007 Symposium: Genocide, Human Rights and the ICJ ON WHAT CONDITIONS CAN A STATE BE HELD RESPONSIBLE FOR GENOCIDE? Paola Gaeta [FN1] Copyright © 2007 by EJIL; Paola Gaeta Abstract In the Genocide case the ICJ placed a broad interpretation on the obligation to prevent ...

...standard), without taking advantage of some measures that other courts, such as the European Court of Human Rights or the Inter-American Court of Human Rights, had resorted to when faced with a lack of cooperation by the respondent state with regard to allegations of serious ...

...and Punishment of the Crime of Genocide (Bosnia and Herzegovina v.



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Serbia and Montenegro) , International Court of Justice, 26 Feb. **2007**, available at: www.icj-cij.org/docket/files/91/13685.pdf (visited 29 April **2007**) (hereinafter: ' Genocide judgment'). [FN2] . The ICJ itself has taken this stand: see Case Concerning Armed Activities On the Territory of...

[150.](#) **18 Eur. J. Int'l L. 695**

European Journal of International Law September, 2007 BREACH OF THE OBLIGATION TO PREVENT AND REPARATION THEREOF IN THE ICJ'S GENOCIDE JUDGMENT Andrea Gattini [FNa1]

...18 EURJIL 695 18 Eur. J. Int'l L. 695 2007 WL 4251682 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law September, 2007 Symposium: Genocide, Human Rights and the ICJ BREACH OF THE OBLIGATION TO PREVENT AND REPARATION THEREOF IN THE ICJ'S GENOCIDE JUDGMENT Andrea Gattini [FNa1] Copyright © 2007 by EJIL; Andrea Gattini Abstract In its judgment of 26 February 2007 in the Case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide, the ...

...suffered by the surviving heirs or successors of the Srebrenica victims 1 Introductory Remarks In its judgment of 26 February 2007 in the Case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia ...

...taken it also has little experience in all aspects of classical reparation. [FN86] A look at the jurisprudence of the Inter-American Court of Human Rights could have provided a useful source of inspiration. [FN87] 4 Conclusions 'When they have to condemn a State, international courts...

[151.](#) **5 J. Int'l Crim. Just. 889**

Journal of International Criminal Justice September, 2007 EVIDENTIARY ISSUES IN THE ICJ'S GENOCIDE JUDGMENT Andrea Gattini [FNa1]

...5 JINTCRJ 889 5 J. Int'l Crim. Just. 889 2007 WL 3369476 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE Journal of International Criminal Justice September, 2007 Symposium EVIDENTIARY ISSUES IN THE ICJ'S GENOCIDE JUDGMENT Andrea Gattini [FNa1] Copyright © 2007 by Oxford University Press; Andrea Gattini Abstract Despite the commitment by the International Court of Justice (ICJ or the Court ...

...momentous legal conclusions with a remarkable paucity of (at least direct) evidence, [FN3] in the recent judgment of 26 February 2007 in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia ...

...systems. A notable example of the latter can be found in the



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Vélasquez Rodríguez case decided in 1988 by the **Inter-American Court of Human Rights**: there it was said that the special seriousness of the finding (in that case, the practice of disappearances) required the...

[152.](#) **C** **80 S. Cal. L. Rev. 1155**

Southern California Law Review September, 2007 GLOBAL LEGAL PLURALISM Paul Schiff Berman [FNa1]

...80 SCALR 1155 80 S. Cal. L. Rev. 1155 2007 WL 3196354 SOUTHERN CALIFORNIA LAW REVIEW Southern California Law Review September, 2007 Articles GLOBAL LEGAL PLURALISM Paul Schiff Berman [FNa1] Copyright (c) 2007 University of Southern California; Paul Schiff Berman ABSTRACT This Article grapples with the complexities of law in a world of ...

...Sally Engle Merry, International Law and Sociolegal Scholarship: Toward a Spatial Global Legal Pluralism, Stud. in L. Pol. & Soc'y (forthcoming 2007) [hereinafter Merry, Spatial Legal Pluralism]; Sally Engle Merry, Legal Pluralism, 22 L. & Soc'y Rev. 869, 870 (1988) [hereinafter Merry, Legal ...

...e.g., Hari M. Osofsky, Climate Change Litigation as Pluralist Legal Dialogue?, 43 Stan. J. Int'l L. 181, 187 n.19 (2007) (arguing that the term "multiscalar" more accurately captures the variety of normative communities with input at different "levels" of the...

[153.](#) **C** **56 Am. U. L. Rev. 1375**

American University Law Review August, 2007 REPARATIONS IN THE INTER-AMERICAN SYSTEM: A COMPARATIVE APPROACH

...56 AMULR 1375 56 Am. U. L. Rev. 1375 2007 WL 2460824 AMERICAN UNIVERSITY LAW REVIEW American University Law Review August, 2007 Conference REPARATIONS IN THE INTER-AMERICAN SYSTEM: A COMPARATIVE APPROACH Table of Contents I. Introduction: Dean Claudio Grossman 1376 II ...

...the transcript of the conference Reparations in the Inter-American System: A Comparative Approach that took place on March 6, 2007 at American University Washington College of Law. This publication will enhance the understanding of what we call the law of ...

...on reparations in the European regional system focuses on four cases. Two of these cases were decided between 2004 and 2007 before the European Court of Justice, or the bad brother, and the other two were decided in 2004 before the...



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154. **19 Fla. J. Int'l L. 335**

Florida Journal of International Law August, 2007 THE HIV/AIDS PANDEMIC AND HUMAN RIGHTS: A CONTINUUM APPROACH Ellen M. Walker [FNa1]

...19 FLJIL 335 19 Fla. J. Int'l L. 335 2007 WL 4946292 FLORIDA JOURNAL OF INTERNATIONAL LAW Florida Journal of International Law August, 2007 Article THE HIV/AIDS PANDEMIC AND HUMAN RIGHTS: A CONTINUUM APPROACH Ellen M. Walker [FNa1] Copyright (c) 2007 Florida Journal of International Law; Ellen M. Walker I. Introduction The pandemic of the Human Immunodeficiency Virus and Acquired Immunodeficiency ...

...change to TRIPS Article 31(f) has been made permanent and is expected to come into force before December 1, 2007. 2. The WTO Ministerial Declaration of November 14, 2001 [FN106] The Doha Declaration underscored the need to implement and interpret ...

...of TRIPS Article 31(f), to enter into force in accordance with WTO Agreement Article X(3) by December 1, 2007. [FN124] The waiver and amendment allow any Member State to use compulsory licenses to export pharmaceuticals to eligible importing members...

155. **C 75 Geo. Wash. L. Rev. 1200**

George Washington Law Review August, 2007 EXTRAORDINARY RENDITION, TORTURE, AND OTHER NIGHTMARES FROM THE WAR ON TERROR Leila Nadya Sadat [FN1]

...75 GWLR 1200 75 Geo. Wash. L. Rev. 1200 2007 WL 3045579 GEORGE WASHINGTON LAW REVIEW George Washington Law Review August, 2007 Symposium on the New Face of Armed Conflict: Enemy Combatants after Hamdan v. Rumsfeld EXTRAORDINARY RENDITION, TORTURE, AND OTHER NIGHTMARES FROM THE WAR ON TERROR Leila Nadya Sadat [FN1] Copyright (c) 2007 George Washington Law Review; Leila Nadya Sadat Introduction Men in black arrived . . . and he remembers one shouting at him through ...

...a country other than the United States. See, e.g., Extraordinary Rendition, http://en.wikipedia.org/wiki/Extraordinary_rendition (last visited June 14, 2007). [FN5] . For an earlier treatment of some of the legal and policy issues raised by the U.S. rendition program, see ...

...on Terror Detainee Legislation, http://www.sourcewatch.org/index.php?title=war_on_Terror_detainee_legislation (last visited June 16, 2007). [FN12] . The executive branch shall construe Title X in Division A of the Act, relating to detainees, in a manner...



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Corte Interamericana de Derechos Humanos

[156.](#) **C** **75 Geo. Wash. L. Rev. 1333**

George Washington Law Review August, 2007 RENDERED MEANINGLESS: EXTRAORDINARY RENDITION AND THE RULE OF LAW Margaret L. Satterthwaite [FN1]

...75 GWLR 1333 75 Geo. Wash. L. Rev. 1333 2007 WL 3045581 GEORGE WASHINGTON LAW REVIEW George Washington Law Review August, 2007 Symposium on the New Face of Armed Conflict: Enemy Combatants after Hamdan v. Rumsfeld RENDERED MEANINGLESS: EXTRAORDINARY RENDITION AND THE RULE OF LAW Margaret L. Satterthwaite [FN1] Copyright (c) 2007 George Washington Law Review; Margaret L. Satterthwaite Introduction In recent years, the practice of "extraordinary rendition" by the U.S. government ...

...has committed any offence or that his activities constitute a threat to the security of Canada." [FN32] On January 26, 2007, the Prime Minister of Canada released a letter of apology to Arar and announced that the government of Canada would ...

...a broader set of U.S. officials and agents were being sought for the abduction of Abu Omar. [FN55] In February 2007, Abu Omar was released from prison in Egypt. [FN56] His release came only weeks after a detailed letter he wrote...

[157.](#) **3 Stan. J. Civ. Rts. & Civ. Liberties 285**

Stanford Journal of Civil Rights & Civil Liberties August, 2007 HUMAN RIGHTS AT HOME: HUMAN RIGHTS AS AN ORGANIZING AND LEGAL TOOL IN LOW-WAGE WORKER COMMUNITIES Rebecca Smith [FN1]

...3 STNJCRCL 285 3 Stan. J. Civ. Rts. & Civ. Liberties 285 2007 WL 2679220 STANFORD JOURNAL OF CIVIL RIGHTS AND CIVIL LIBERTY Stanford Journal of Civil Rights & Civil Liberties August, 2007 Article HUMAN RIGHTS AT HOME: HUMAN RIGHTS AS AN ORGANIZING AND LEGAL TOOL IN LOW-WAGE WORKER COMMUNITIES Rebecca Smith [FN1] Copyright (c) 2007 Board of Trustees of the Leland Stanford Junior University; Rebecca Smith Randy Alexander is a middle-aged former textile worker ...

...a lack of bargaining power for vulnerable workers, have been neglected. A. Federal Wage and Hour Rights. Abuses up. In 2007, the federal minimum wage is at its lowest level in fifty-one years. [FN12] Yet in 2002, the United States ...

...actions decreased by 36%, while the number of businesses increased from 7.8 million to 8.3 million. [FN23] In 2007, the Department of Labor's budget used to enforce wage and hour laws will be 6.1% percent less than before...



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[158.](#) **3 Stan. J. Civ. Rts. & Civ. Liberties 377**

Stanford Journal of Civil Rights & Civil Liberties August, 2007 THINKING AND ACTING BEYOND BORDERS: AN EVALUATION OF DIVERSE STRATEGIES TO CHALLENGE VIGILANTE VIOLENCE ON THE U.S.-MEXICO BORDER Ray Ybarra [FNa1]

...3 STNJCRCL 377 3 Stan. J. Civ. Rts. & Civ. Liberties 377 2007 WL 2679223 STANFORD JOURNAL OF CIVIL RIGHTS AND CIVIL LIBERTY Stanford Journal of Civil Rights & Civil Liberties August, 2007 Note THINKING AND ACTING BEYOND BORDERS: AN EVALUATION OF DIVERSE STRATEGIES TO CHALLENGE VIGILANTE VIOLENCE ON THE U.S.-MEXICO BORDER Ray Ybarra [FNa1] Copyright (c) 2007 Board of Trustees of the Leland Stanford Junior University; Ray Ybarra No significa que por lo hecho que no seamos ...

...in fact released strong language related to the situation on the U.S.-Mexico border. An advisory opinion issued by the Inter-American Court of Human Rights in 2003 strongly condemns the inhumane border policy: The death of almost two thousand Mexican and some Central American migrants ...

...AZ, and graduated Summa Cum Laude from Arizona State University in 2002. He graduated from Stanford Law School in May 2007. [FN1] "Just because we are not from there, it does not mean that we can't exercise our human rights, rather...

[159.](#) **38 Vict. U. Wellington L. Rev. 217**

Victoria University of Wellington Law Review August, 2007 The Democratic Challenge of Incorporation: International Human Rights Treaties and National Constitutions Joanna Harrington [FNa1]

...38 VUWLR 217 38 Vict. U. Wellington L. Rev. 217 2007 WL 4306997 VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW Victoria University of Wellington Law Review August, 2007 The Democratic Challenge of Incorporation: International Human Rights Treaties and National Constitutions Joanna Harrington [FNa1] Copyright © 2007 by Victoria University of Wellington Law Review; Joanna Harrington According to Canadian Supreme Court Justice Claire L'Heureux-Dubé, the global ...

...with comparable instruments, such as the United Nations Committee on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the European Commission on Human Rights, and the European Court of Human Rights, and in appropriate cases, reports of specialised...



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[160.](#) **101 Am. J. Int'l L. 701**

American Journal of International Law July, 2007 HUMAN RIGHTS IN CRIMINAL PROCEEDINGS. BY STEFAN TRECHSEL. OXFORD, NEW YORK: OXFORD UNIVERSITY PRESS, 2005. PP. CX, 611. INDEX. \$175, £89.95, CLOTH; \$65, £35, PAPER David Weissbrodt

...101 AMJIL 701 101 Am. J. Int'l L. 701 2007 WL 3247348 AMERICAN JOURNAL OF INTERNATIONAL LAW American Journal of International Law July, 2007 Recent Books on International Law Edited by Richard B. Bilder Book Review HUMAN RIGHTS IN CRIMINAL PROCEEDINGS. BY STEFAN TRECHSEL ...

...2005. PP. CX, 611. INDEX. \$175, £89.95, CLOTH; \$65, £35, PAPER David Weissbrodt University of Minnesota Law School Copyright © 2007 by The American Society of International Law; David Weissbrodt Stefan Trechsel's Human Rights in Criminal Proceedings presents a comprehensive survey ...

...that he has chosen to examine, and he gives particular attention to the interpretive jurisprudence of the European Court, the Inter-American Court of Human Rights, and the Human Rights Committee. Trechsel structures his survey in a straightforward manner, proceeding from guarantees of general applicability to...

[161.](#) **C 21 Geo. Immigr. L.J. 521**

Georgetown Immigration Law Journal Summer, 2007 EGALITARIANISM AND EXCLUSION: U.S. GUEST WORKER PROGRAMS AND A NON-SUBORDINATION APPROACH TO THE LABOR-BASED ADMISSION OF NONPROFESSIONAL FOREIGN NATIONALS Andrew J. Elmore [FN1]

...21 GEOILJ 521 21 Geo. Immigr. L.J. 521 2007 WL 4707637 GEORGETOWN IMMIGRATION LAW JOURNAL Georgetown Immigration Law Journal Summer, 2007 Article EGALITARIANISM AND EXCLUSION: U.S. GUEST WORKER PROGRAMS AND A NON-SUBORDINATION APPROACH TO THE LABOR-BASED ADMISSION OF NONPROFESSIONAL FOREIGN NATIONALS Andrew J. Elmore [FN1] Copyright © 2007 by The Georgetown Immigration Law Journal; Andrew J. Elmore ABSTRACT Comprehensive immigration reform has been a top legislative priority for ...

...equality in the workplace exists irrespective of immigration status. [FN21] In Advisory Opinion OC-18, issued in 2003 by the Inter-American Court of Human Rights, the court considered whether the denial of domestic law rights to undocumented workers violates international law. [FN22] The court held ...

...acknowledge financial support from the Skadden Foundation, and thank its writing stipend committee of Susan Butler Plum and Leti Volpp. © 2007, Andrew J. Elmore. [FN1] . According to the Department of



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Homeland Security, in fiscal year 2006 the U.S. granted nearly 400,000...

[162.](#) **38 Geo. J. Int'l L. 803**

Georgetown Journal of International Law Summer, 2007 ON POWER, PARTICIPATION AND AUTHORITY: THE INTERNATIONAL CRIMINAL COURT'S INITIAL APPELLATE JURISPRUDENCE Jason Manning [FNa1]

...38 GEOJIL 803 38 Geo. J. Int'l L. 803 2007 WL 5025572 GEORGETOWN JOURNAL OF INTERNATIONAL LAW Georgetown Journal of International Law Summer, 2007 Note ON POWER, PARTICIPATION AND AUTHORITY: THE INTERNATIONAL CRIMINAL COURT'S INITIAL APPELLATE JURISPRUDENCE Jason Manning [FNa1] Copyright © 2007 by Georgetown Journal of International Law; Jason Manning C1-5 TABLE OF CONTENTS L2-4,T4 INTRODUCTION 804 I. L2 ...

...lower chamber's final judgment. The Court's first case, The Prosecutor v. Thomas Lubanga Dyilo , was committed for trial in January 2007 following Pre-Trial Chamber I's confirmation of the charges, and the Appeals Chamber will not be called upon to review ...

...The Decision on the Application relies on inapposite jurisprudence from the European Court of Human Rights (hereinafter "ECHR") and the Inter-American Court of Human Rights (hereinafter "IACHR"). It states, "the European Court of Human Rights has applied article 6(1) of the European Convention on...

[163.](#) **C 25 Law & Ineq. 467**

Law and Inequality: A Journal of Theory and Practice Summer 2007 INTERNATIONAL HUMAN RIGHTS LAW: PRINCIPLED, DOUBLE, OR ABSENT STANDARDS? Dinah Shelton [FNa1]

...25 LAWINEQ 467 25 Law & Ineq. 467 2007 WL 1903977 LAW AND INEQUALITY A JOURNAL OF THEORY AND PRACTIC Law and Inequality: A Journal of Theory and Practice Summer 2007 Volume XXV Commemorative Symposium Law and Inequality: The Next 25 Years INTERNATIONAL HUMAN RIGHTS LAW: PRINCIPLED, DOUBLE, OR ABSENT STANDARDS? Dinah Shelton [FNa1] Copyright (c) 2007 Law and Inequality: A Journal of Theory & Practice; Dinah Shelton Introduction Every legal system draws lines and makes distinctions in ...

...member states but also has responsibility for monitoring compliance with the human rights treaties adopted by the OAS. [FN62] The Inter-American Court on Human Rights, along with the Commission, monitors compliance with the obligations of state parties to the American Convention on Human Rights. [FN63 ...

...obligation not to extradite someone who might face torture [FN121] is



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implicit in Article 3 of the ECHR. [FN122] The Inter-American Court of Human Rights also frequently uses other international court decisions and international human rights instruments to interpret and apply Inter-American norms. It...

164. C 20 N.Y. Int'l L. Rev. 1

New York International Law Review Summer, 2007 ENTRENCHED EMERGENCIAS AND THE "WAR ON TERROR": TIME TO REFORM THE DEROGATION PROCEDURE IN INTERNATIONAL LAW? Edel Hughes [FNa1]

...20 NYILR 1 20 N.Y. Int'l L. Rev. 1 2007 WL 2359597 NEW YORK INTERNATIONAL LAW REVIEW New York International Law Review Summer, 2007 Article ENTRENCHED EMERGENCIAS AND THE "WAR ON TERROR": TIME TO REFORM THE DEROGATION PROCEDURE IN INTERNATIONAL LAW? Edel Hughes [FNa1] Copyright © 2007 by New York State Bar Association; Edel Hughes I. Introduction The implementation of a civil state of emergency is a ...

...20 years). But see Human Rights Watch, Is Derogation Warranted? <http://hrw.org/backgrounders/eca/uk/4.htm> (last visited Feb. 18, 2007) (suggesting that States are given great latitude to determine the duration of a public emergency, thus courts refrain from placing ...

...the substance of the Commission's decision on derogation). See generally [Atlapedia.com, http://www.atlapedia.com/online/countries/ireland.htm](http://www.atlapedia.com/online/countries/ireland.htm) (last visited Feb. 5, 2007) (describing the turbulent era of the 1960s and early 1970s in Ireland, during which religious feuds led to widespread violence throughout the country); The Troubles, [Wikipedia.com, http://en.wikipedia.org/wiki/The_Troubles](http://en.wikipedia.org/wiki/The_Troubles) (last visited Feb. 5, 2007) (Characterizing the 30-year period from the 1960s to 1990s as "The Troubles" because of the constant state of violence...

165. C 39 N.Y.U. J. Int'l L. & Pol. 791

New York University Journal of International Law and Politics Summer 2007 THE SHIFT FROM THE CONSENSUAL TO THE COMPULSORY PARADIGM IN INTERNATIONAL ADJUDICATION: ELEMENTS FOR A THEORY OF CONSENT Cesare P.R. Romano [FNa1]

...39 NYUJILP 791 39 N.Y.U. J. Int'l L. & Pol. 791 2007 WL 2970507 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW A New York University Journal of International Law and Politics Summer 2007 Article THE SHIFT FROM THE CONSENSUAL TO THE COMPULSORY PARADIGM IN INTERNATIONAL ADJUDICATION: ELEMENTS FOR A THEORY OF CONSENT Cesare P.R. Romano [FNa1] Copyright (c) 2007 New York University Journal of International Law and Politics; Cesare P.R. Romano I. Introduction 792 II. The Shift From the ...



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...that gave rise to an expanded constellation of international adjudicative fora. [FN13] The International Court of Justice (ICJ) and the Inter-American Court of Human Rights (IACHR) still rely on the classic consensual paradigm. For both of these courts, consent to jurisdiction must be expressly accorded ...

...which jurisdiction is not clearly lacking, it has often been fiercely debated both in and outside the courtroom. [FN100] b. Inter-American Court of Human Rights Membership to the Council of Europe is conditional upon ratification of the region's central human rights treaty: the European Convention...

[166.](#) **45 Osgoode Hall L.J. 239**

Osgoode Hall Law Journal Summer, 2007 Beyond Self-Congratulation: The Charter at 25 in an International Perspective© Louise Arbour [FNaa1]Fannie Lafontaine [FNaa1]

...45 OSGHLJ 239 45 Osgoode Hall L.J. 239 2007 WL 2478552 OSGOODE HALL LAW JOURNAL Osgoode Hall Law Journal Summer, 2007 Article Beyond Self-Congratulation: The Charter at 25 in an International Perspective© Louise Arbour [FNaa1] Fannie Lafontaine [FNaa1] Copyright © 2007 by Louise Arbour & Fannie Lafontaine On the occasion of the 25th anniversary of the Canadian Charter of Rights and Freedoms ...

...by domestic courts, or by regional human rights courts such as the European Court of Human Rights [FN23] and the Inter-American Court of Human Rights, [FN24] allows for a more sustained and rigorous development of the law. [FN25] That said, the dialogue provoked by the ...

...Convention on the Rights of Persons with Disabilities when it was opened for signature in New York on 30 March 2007. [FN60] Ratifying treaties is not only a symbolic gesture of Canada's commitment to human rights. It also sends a powerful...

[167.](#) **C 30 Suffolk Transnat'l L. Rev. 271**

Suffolk Transnational Law Review Summer 2007 RECONCILING PEACE WITH JUSTICE: A COOPERATIVE DIVISION OF LABOR Anita Fröhlich [FNaa1]

...30 SFKTLR 271 30 Suffolk Transnat'l L. Rev. 271 2007 WL 2138622 SUFFOLK TRANSNATIONAL LAW REVIEW Suffolk Transnational Law Review Summer 2007 Lead Article RECONCILING PEACE WITH JUSTICE: A COOPERATIVE DIVISION OF LABOR Anita Fröhlich [FNaa1] Copyright (c) 2007 Suffolk University; Anita Fröhlich In the editorial notice to its July 2006 CrisisWatch report, the International Crisis Group noted: "In



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...

...Rights - do not explicitly provide a duty to investigate and prosecute; such a duty is implied. [FN63] For example, the Inter-American Court of Human Rights interpreted the provision in Article 1 of the American Convention of Human Rights, as implicating a duty to investigate and ...

...added). [FN107] . Inter-Am. C.H.R. Res.1/03 (Oct. 24, 2003), available at <http://www.cidh.org/int.crimes.resolution.htm> (last visited March 5, 2007). [FN108] . See Gabi Müller-Ballin, Die Nürnberger Prozesse 1945-49, Bz-Materialien, Band 1, (June 1995), <http://www.bz.nuernberg.de/bzshop/publikationen...>

168. **47 Va. J. Int'l L. 839**

Virginia Journal of International Law Summer 2007 A BLURRING OF THE BOUNDARIES: THE APPLICATION OF INTERNATIONAL HUMANITARIAN LAW BY HUMAN RIGHTS BODIES Christine Byron [FN1]

...47 VAJIL 839 47 Va. J. Int'l L. 839 2007 WL 2707218 VIRGINIA JOURNAL OF INTERNATIONAL LAW Virginia Journal of International Law Summer 2007 Article A BLURRING OF THE BOUNDARIES: THE APPLICATION OF INTERNATIONAL HUMANITARIAN LAW BY HUMAN RIGHTS BODIES Christine Byron [FN1] Copyright (c) 2007 Virginia Journal of International Law Association; Christine Byron Introduction 840 I. Traditional Enforcement Mechanisms of Humanitarian Law 842 II. The ...

...the European Court of Human Rights 851 C. The Approach of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights 856 D. Conclusions to the Application of International Humanitarian Law 865 III. Jurisdiction of Human Rights Bodies over Parties to ...

...is responsible for implementing the European Convention of Human Rights; and the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, which are responsible for implementing the American Convention on Human Rights. Thirdly, because the possible contribution of these human rights...

169. **53 Wayne L. Rev. 785**

Wayne Law Review Summer, 2007 ESSAY: THE TRANSITION FROM THE INQUISITORIAL TO THE ACCUSATORIAL SYSTEM OF TRIAL PROCEDURE: WHY SOME LATIN AMERICAN LAWYERS HESITATE Leonard L. Cavise [FN1]

...53 WAYNLR 785 53 Wayne L. Rev. 785 2007 WL 5083539 WAYNE LAW REVIEW Wayne Law Review Summer, 2007 Article ESSAY: THE TRANSITION FROM THE INQUISITORIAL TO THE ACCUSATORIAL



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Corte Interamericana de Derechos Humanos

SYSTEM OF TRIAL PROCEDURE: WHY SOME LATIN AMERICAN LAWYERS HESITATE ...

...based human rights lawyers to litigate, party-fashion, in the Inter-American Commission on Human Rights in Washington and the Inter-American Court of Human Rights in San Jose, Costa Rica. These twenty-one lawyers were from Honduras, Guatemala, El Salvador and Chiapas, Mexico. The principal ...

...defenders, Guatemala, for professors and lawyers on the rules of evidence, Costa Rica, for attorneys planning to litigate in the Inter-American Court for Human Rights, and Chiapas, Mexico for human rights lawyers. [FN50] V. METHODOLOGY The project objective started from the premise that countries in...

[170.](#) **C** **32 Yale J. Int'l L. 301**

Yale Journal of International Law Summer 2007 A PLURALIST APPROACH TO INTERNATIONAL LAW Paul Schiff Berman [FNd1]

...32 YJIL 301 32 Yale J. Int'l L. 301 2007 WL 2320639 YALE JOURNAL OF INTERNATIONAL LAW Yale Journal of International Law Summer 2007 Fifth Annual Young Scholars Conference the "New" New Haven School: International Law--Past, Present & Future Article A PLURALIST APPROACH TO INTERNATIONAL LAW Paul Schiff Berman [FNd1] Copyright (c) 2007 Yale Journal of International Law, Inc.; Paul Schiff Berman I. Introduction 301 II. Process and Pluralism: The New Haven School ...

...in these efforts, but it is significant that the Argentine Court cited as legal precedent a 2001 decision of the Inter-American Court of Human Rights striking down a similar amnesty provision in Peru as incompatible with the American Convention on Human Rights and hence without ...

...Research Scholar, Princeton University Program in Law and Public Affairs. This Article is based on remarks delivered on March 10, 2007 at The Yale Journal of International Law Fifth Annual Young Scholars Conference: The "New" New Haven School: International Law--Past...

[171.](#) **C** **107 Colum. L. Rev. 1049**

Columbia Law Review June, 2007 GOOD (NATIVE) GOVERNANCE Angela R. Riley [FN1]

...107 CLMLR 1049 107 Colum. L. Rev. 1049 2007 WL 1654144 COLUMBIA LAW REVIEW Columbia Law Review June, 2007 Article GOOD (NATIVE) GOVERNANCE Angela R. Riley [FN1] Copyright (c) 2007 Directors of The Columbia Law Review Association, Inc.; Angela R. Riley American Indian nations are largely unconstrained by the U.S. ...



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...legal systems to reach similar results. One case in particular has garnered much attention. In the fall of 2001, the Inter-American Court on Human Rights decided *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*. [FN493] The Awas Tingni, an indigenous group, sought legal recognition of their ...

...discussion of illiberalism and the relevant literature, see Angela R. Riley, (Tribal) Sovereignty and Illiberalism, 95 Cal. L. Rev. (forthcoming 2007) (manuscript at 9-15, on file with the Columbia Law Review) [hereinafter Riley, Illiberalism]. [FN2] . Although tribes are mentioned in...

[172.](#) **5 N.Z. J. Pub. & Int'l L. 9**

New Zealand Journal of Public and International Law June, 2007 Institutionalised Legalisation and the Asia-Pacific "Region" José E Alvarez [FNa1]

...5 NZJPIL 9 5 N.Z. J. Pub. & Int'l L. 9 2007 WL 5008011 NEW ZEALAND JOURNAL OF PUBLIC AND INTERNATIONAL LA New Zealand Journal of Public and International Law June, 2007 14th Annual Australian and New Zealand Society of International Law Conference: Pacific Perspectives on International Law Article Institutionalised Legalisation and the Asia-Pacific "Region" José E Alvarez [FNa1] Copyright © 2007 by New Zealand Centre for Public Law and contributors; José E Alvarez Widely held assumptions that the "Asia-Pacific region ...

...developments such as the North American Free Trade Agreement (NAFTA), with its five distinct forms of dispute settlement, and the Inter-American Court of Human Rights. Dead last in terms of "legalisation" and perilously close to their "ideal type" of "anarchy" in Table 1, was the ...

...the ICC, see Multilateral Treaties Deposited With The Secretary-General <
untreaty.un.org/english/bible/englishinternetbible/partI/chapterXVIII/treaty11.asp> (accessed 7 May 2007). [FN24] . For a survey of ostensible alternatives to formal IOs and international law, see Eyal Benvenisti "Substituting International Law" in...

[173.](#) **5 N.Z. J. Pub. & Int'l L. 169**

New Zealand Journal of Public and International Law June, 2007 The Contribution of Human Rights as an Additional Perspective on Climate Change Impacts within the Pacific Stephen Tully [FNa1]

...5 NZJPIL 169 5 N.Z. J. Pub. & Int'l L. 169 2007 WL 5008017 NEW ZEALAND JOURNAL OF PUBLIC AND INTERNATIONAL LA New Zealand



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Corte Interamericana de Derechos Humanos

Journal of Public and International Law June, **2007** 14th Annual Australian and New Zealand Society of International Law Conference: Pacific Perspectives on International Law Article The Contribution of Human Rights as an Additional Perspective on Climate Change Impacts within the Pacific Stephen Tully [FN1] Copyright © **2007** by New Zealand Centre for Public Law and contributors; Stephen Tully The adverse impacts of climate change include temperature variations ...

...UNFCCC Climate Change and Small Island Developing States (Bonn, 2005) 15 <unfccc.int/resource/docs/publications/cc_sids.pdf> (accessed 8 May 2007). [FN37] . ECOSOC "Report of the Ministerial Conference on Environment and Development in Asia and the Pacific" (29 March 2005) E ...

...Change" (Palau, 3-5 October 1999), annex 3, para 7 <www.dfat.gov.au/geo/spacific/regional_orgs/spf30_communique.pdf> (accessed 8 May 2007). [FN57] . Commonwealth Scientific and Industrial Research Organisation "More Floods, Population: More Costs at the Coast" (5 June 2003) Press Release No 2003/94 <www.csiro.au/files/mediarelease/mr2003/Prextreme.htm> (accessed 8 May 2007). [FN58] . Dr Brian Fisher (Executive Director, ABARE) (8 June 1996) The Weekend Australian 8. [FN59] . Leonard Nurse and others "Small...

174. **26A Stan. Env'tl. L.J. 3**

Stanford Environmental Law Journal June 2007 CLIMATE CHANGE, THE UNITED STATES, AND THE IMPACTS OF ARCTIC MELTING: A CASE STUDY IN THE NEED FOR ENFORCEABLE INTERNATIONAL ENVIRONMENTAL HUMAN RIGHTS Randall S. Abate [FN1]

...26A STENVLJ 3 26A Stan. Env'tl. L.J. 3 2007 WL 2602130 STANFORD ENVIRONMENTAL LAW JOURNAL Stanford Environmental Law Journal June 2007 Symposium: Climate Change Liability and the Allocation of Risk CLIMATE CHANGE, THE UNITED STATES, AND THE IMPACTS OF ARCTIC MELTING: A CASE STUDY IN THE NEED FOR ENFORCEABLE INTERNATIONAL ENVIRONMENTAL HUMAN RIGHTS Randall S. Abate [FN1] Copyright (c) 2007 Board of Trustees of the Leland Stanford Junior University; Randall S. Abate I. Introduction 4 II. Domestic and International Recognition ...

...these changes have attracted the attention of thousands of members of the scientific community, who have joined together in designating 2007 the International Polar Year. [FN10] These climate change impacts that the Arctic and low-lying island nations are experiencing are ...

...bodies that work to promote and protect human rights: the Inter-American Commission on Human Rights (the Commission) and the Inter-American Court of Human Rights (the Court). [FN220] Both bodies are governed by the Organization of American States (OAS). [FN221]



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The OAS was formed in...

[175.](#) **26A Stan. Env'tl. L.J. 123**

Stanford Environmental Law Journal June 2007 INTERNATIONAL LIABILITY AS AN INSTRUMENT TO PREVENT AND COMPENSATE FOR CLIMATE CHANGE Michael G. Faure [FNa1] André Nollkaemper [FNd1]

...26A STENVLJ 123 26A Stan. Env'tl. L.J. 123 2007 WL 2602133 STANFORD ENVIRONMENTAL LAW JOURNAL Stanford Environmental Law Journal June 2007 Symposium: Climate Change Liability and the Allocation of Risk INTERNATIONAL LIABILITY AS AN INSTRUMENT TO PREVENT AND COMPENSATE FOR CLIMATE CHANGE Michael G. Faure [FNa1] André Nollkaemper [FNd1] Copyright (c) 2007 Board of Trustees of the Leland Stanford Junior University; Michael G. Faure; André Nollkaemper I. Introduction 124 II. Basic Models ...

...Limited (Shell Nigeria) and the Nigerian National Petroleum Corporation (NNPC) to end flaring in the Iwherekan community (Nigeria) by April 2007 and to appear in court in person on May 31 with a detailed plan to this effect. Press Release, Climate ...

...available at <http://www.ipcc.ch/pub/un/syrenng/spm.pdf>. These findings have been confirmed since their original publication. IPCC, Climate Change 2007: The Physical Science Basis, Summary for Policymakers 10 (2007), available at http://ipcc-wg1.ucar.edu/wg1/docs/WG1AR4_SPM_Approved_05Feb.pdf (stating that "[m]ost of the observed increase in globally...

[176.](#) **26A Stan. Env'tl. L.J. 181**

Stanford Environmental Law Journal June 2007 CLIMATE CHANGE LITIGATION AS PLURALIST LEGAL DIALOGUE? Hari M. Osofsky [FNa1]

...26A STENVLJ 181 26A Stan. Env'tl. L.J. 181 2007 WL 2602134 STANFORD ENVIRONMENTAL LAW JOURNAL Stanford Environmental Law Journal June 2007 Symposium: Climate Change Liability and the Allocation of Risk CLIMATE CHANGE LITIGATION AS PLURALIST LEGAL DIALOGUE? Hari M. Osofsky [FNa1] Copyright (c) 2007 Board of Trustees of the Leland Stanford Junior University; Hari M. Osofsky I. Introduction 182 II. Legal Pluralist Dialogues 189 ...

...nongovernmental entities. [FN1] The national significance of climate change litigation in the United States is increasingly apparent. On April 2, 2007, the U.S. Supreme Court issued a landmark ruling in Massachusetts v. EPA, a case challenging the U.S. Environmental Protection Agency's ...

...involving the auto industry. Most notably, Massachusetts v. EPA, which was decided by the U.S. Supreme Court on April 2, 2007, [FN55]



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focuses on increasing federal regulation of the auto industry's emissions. California--together with eleven other states, a U.S. territory...

[177.](#) **43A Stan. J. Int'l L. 3**

Stanford Journal of International Law June 2007 CLIMATE CHANGE, THE UNITED STATES, AND THE IMPACTS OF ARCTIC MELTING: A CASE STUDY IN THE NEED FOR ENFORCEABLE INTERNATIONAL ENVIRONMENTAL HUMAN RIGHTS Randall S. Abate [FN1]

...43A STJIL 3 43A Stan. J. Int'l L. 3 2007 WL 2602260 STANFORD JOURNAL OF INTERNATIONAL LAW Stanford Journal of International Law June 2007 Symposium: Climate Change Liability and the Allocation of Risk CLIMATE CHANGE, THE UNITED STATES, AND THE IMPACTS OF ARCTIC MELTING: A CASE STUDY IN THE NEED FOR ENFORCEABLE INTERNATIONAL ENVIRONMENTAL HUMAN RIGHTS Randall S. Abate [FN1] Copyright (c) 2007 Board of Trustees of the Leland Stanford Junior University; Randall S. Abate I. Introduction 4 II. Domestic and International Recognition ...

...these changes have attracted the attention of thousands of members of the scientific community, who have joined together in designating 2007 the International Polar Year. [FN10] These climate change impacts that the Arctic and low-lying island nations are experiencing are ...

...bodies that work to promote and protect human rights: the Inter-American Commission on Human Rights (the Commission) and the Inter-American Court of Human Rights (the Court). [FN220] Both bodies are governed by the Organization of American States (OAS). [FN221] The OAS was formed in...

[178.](#) **43A Stan. J. Int'l L. 123**

Stanford Journal of International Law June 2007 INTERNATIONAL LIABILITY AS AN INSTRUMENT TO PREVENT AND COMPENSATE FOR CLIMATE CHANGE Michael G. Faure [FN1] André Nollkaemper [FN1]

...43A STJIL 123 43A Stan. J. Int'l L. 123 2007 WL 2602263 STANFORD JOURNAL OF INTERNATIONAL LAW Stanford Journal of International Law June 2007 Symposium: Climate Change Liability and the Allocation of Risk INTERNATIONAL LIABILITY AS AN INSTRUMENT TO PREVENT AND COMPENSATE FOR CLIMATE CHANGE Michael G. Faure [FN1] André Nollkaemper [FN1] Copyright (c) 2007 Board of Trustees of the Leland Stanford Junior University; Michael G. Faure; André Nollkaemper I. Introduction 124 II. Basic Models ...

...Limited (Shell Nigeria) and the Nigerian National Petroleum Corporation (NNPC) to end flaring in the Iwherakan community (Nigeria) by April 2007 and to appear in court in person on May 31 with a detailed plan to this effect. Press Release, Climate ...



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...available at <http://www.ipcc.ch/pub/un/syrenng/spm.pdf>. These findings have been confirmed since their original publication. IPCC, *Climate Change 2007: The Physical Science Basis, Summary for Policymakers* 10 (2007), available at http://ipcc-wg1.ucar.edu/wg1/docs/WG1AR4_SPM_Approved_05Feb.pdf (stating that "[m]ost of the observed increase in globally...

[179.](#) **43A Stan. J. Int'l L. 181**

Stanford Journal of International Law June 2007 CLIMATE CHANGE LITIGATION AS PLURALIST LEGAL DIALOGUE? Hari M. Osofsky [FN1]

...43A STJIL 181 43A Stan. J. Int'l L. 181 2007 WL 2602264 STANFORD JOURNAL OF INTERNATIONAL LAW Stanford Journal of International Law June 2007 Symposium: Climate Change Liability and the Allocation of Risk CLIMATE CHANGE LITIGATION AS PLURALIST LEGAL DIALOGUE? Hari M. Osofsky [FN1] Copyright (c) 2007 Board of Trustees of the Leland Stanford Junior University; Hari M. Osofsky I. Introduction 182 II. Legal Pluralist Dialogues 189 ...

...nongovernmental entities. [FN1] The national significance of climate change litigation in the United States is increasingly apparent. On April 2, 2007, the U.S. Supreme Court issued a landmark ruling in *Massachusetts v. EPA*, a case challenging the U.S. Environmental Protection Agency's ...

...involving the auto industry. Most notably, *Massachusetts v. EPA*, which was decided by the U.S. Supreme Court on April 2, 2007, [FN55] focuses on increasing federal regulation of the auto industry's emissions. California--together with eleven other states, a U.S. territory...

[180.](#) **C 30 Fordham Int'l L.J. 1449**

Fordham International Law Journal May, 2007 TARGETED SANCTIONS, HUMAN RIGHTS, AND THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITY Elizabeth F. Defeis [FN1]

...30 FDMILJ 1449 30 Fordham Int'l L.J. 1449 2007 WL 2967117 FORDHAM INTERNATIONAL LAW JOURNAL Fordham International Law Journal May, 2007 Developments in European Union Law Dedicated to CFI President Bo Vesterdorf Article TARGETED SANCTIONS, HUMAN RIGHTS, AND THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITY Elizabeth F. Defeis [FN1] Copyright (c) 2007 Fordham University School of Law; Elizabeth F. Defeis INTRODUCTION In response to the increasing rise of terrorist activities throughout the ...

...3533, P 276; Kadi, [2005] E.C.R. II-3649, P 225. [FN26] . See 45 Am. Jur. 2d International Law § 1 (2007) (defining jus cogens). [FN27] . See infra notes 56-63 and accompanying text. [FN28] . See Yusuf, [2005]



E.C.R. II-3533, P ...

...that jus cogens covers the right to life in Victims of the Tugboat '13 de Marzo' v. Cuba; and the **Inter-American Court of Human Rights** found the right to equality before the law and non-discrimination in Advisory Opinion OC-18/03; and a probation...

181. **5 J. Int'l Crim. Just. 339**

Journal of International Criminal Justice May, 2007 ON SOME MERITS OF THE ISRAELI JUDGMENT ON TARGETED KILLINGS Antonio Cassese [FN1]

...5 JINTCRJ 339 5 J. Int'l Crim. Just. 339 2007 WL 1774073 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE Journal of International Criminal Justice May, 2007 Editorial Comment Are 'Targeted Killings' Unlawful? The Israeli Supreme Court's Response ON SOME MERITS OF THE ISRAELI JUDGMENT ON TARGETED KILLINGS Antonio Cassese [FN1] Copyright © 2007 by Oxford University Press; Antonio Cassese Abstract The recent judgment by the Israeli Supreme Court on targeted killings is a ...

...of 24 February 2005, and Isayeva v. Russia , judgment of 24 February 2005. See also some cases brought before the Inter-American Court of Human Rights: Bámaca-Velásquez v. Guatemala , judgment of 25 November 2000; Las Palmeras v. Colombia , judgment of 6 December 2001; Mapiripán Massacre...

182. **5 J. Int'l Crim. Just. 421**

Journal of International Criminal Justice May, 2007 NATIONAL IMPLEMENTATION OF ICC CRIMES Julio Bacio Terracino [FN1]

...5 JINTCRJ 421 5 J. Int'l Crim. Just. 421 2007 WL 1774081 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE Journal of International Criminal Justice May, 2007 Symposium National Implementation of the ICC Statute (Part II) (Edited by L. Vierucci) NATIONAL IMPLEMENTATION OF ICC CRIMES Impact on National Jurisdictions and the ICC Julio Bacio Terracino [FN1] Copyright © 2007 by Oxford University Press; Julio Bacio Terracino Abstract The national implementation of the International Criminal Court (ICC) Statute has proven ...

...[http:// web.amnesty.org/pages/icc-implementation-eng](http://web.amnesty.org/pages/icc-implementation-eng); and Human Rights Watch, <http://www.hrw.org/campaigns/icc/implementation.htm> (sites visited 17 January 2007). [FN3] . J.K. Kleffner, 'The Impact of Complementarity on National Implementation of Substantive International Criminal Law' , 1 Journal of International Criminal ...

...Statute (2nd edn., 2003), at 14, online at:



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http://www.icclr.law.ubc.ca/Publications/Reports/ICC%20Reports/Manual_2nd.ed.mar21.03.pdf (visited 17 January 2007). [FN6] . Australia, International Criminal Court Act 2002, No. 41, 2002, and ICC (Consequential Amendments) Act 2002, No. 42, 2002; Republic...

183. **5 J. Int'l Crim. Just. 480**

Journal of International Criminal Justice May, 2007 THE IMPLEMENTATION OF THE ICC STATUTE IN ARGENTINA Alejandro E. Alvarez [FNa1]

...5 JINTCRJ 480 5 J. Int'l Crim. Just. 480 2007 WL 1774084 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE Journal of International Criminal Justice May, 2007 Symposium National Implementation of the ICC Statute (Part II) (Edited by L. Vierucci) THE IMPLEMENTATION OF THE ICC STATUTE IN ARGENTINA Alejandro E. Alvarez [FNa1] Copyright © 2007 by Oxford University Press; Alejandro E. Alvarez Abstract Argentina ratified the International Criminal Court (ICC) Statute in November 2000 and ...

...Ernesto Sabato. [FN2] . The text of 2002 Bill can be consulted at: [http:// web.amnesty.org/pages/icc-implementationeng](http://web.amnesty.org/pages/icc-implementationeng) (visited 23 February 2007). [FN3] . See, in particular. Amnesty International, Argentina. Recomendaciones con relación al Proyecto de Ley de Adaptación del Estatuto de Roma ...

...s/nulidad , 4 May 2000. [FN27] . Cámara Nacional en lo Criminal y Correccional Federal, decision of 15 May, 2001. The Inter-American Court of Human Rights also confirmed that statutes of limitations for serious human rights violations are against the Inter-American Convention on Human Rights...

184. **5 J. Int'l Crim. Just. 493**

Journal of International Criminal Justice May, 2007 GREAT EXPECTATIONS Marco Roscini [FNa1]

...5 JINTCRJ 493 5 J. Int'l Crim. Just. 493 2007 WL 1774085 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE Journal of International Criminal Justice May, 2007 Symposium National Implementation of the ICC Statute (Part II) (Edited by L. Vierucci) GREAT EXPECTATIONS The Implementation of the Rome Statute in Italy Marco Roscini [FNa1] Copyright © 2007 by Oxford University Press; Marco Roscini Abstract This article first explores whether Italy is under an obligation to implement the ...

...the Permanent Court of International Justice in the Exchange of Greek and Turkish Populations case (1925) [FN13] and of the Inter-American Court of Human Rights in the Garrido and Baigorria case of



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1998. [FN14] Be that as it may, the obligation to ensure that crimes...

[185.](#) **C** **13 Ann. Surv. Int'l & Comp. L. 103**

Annual Survey of International and Comparative Law Spring, 2007
ASSERTING PERMANENT SOVEREIGNTY OVER ANCESTRAL LANDS: THE
BAKWERI LAND LITIGATION AGAINST CAMEROON Ndiva Kofele-Kale
[FNa1]

...13 ANNSICL 103 13 Ann. Surv. Int'l & Comp. L. 103 2007 WL
2286443 ANNUAL SURVEY OF INTERNATIONAL AND COMPARATIVE LAW
Annual Survey of International and Comparative Law Spring, 2007
Article ASSERTING PERMANENT SOVEREIGNTY OVER ANCESTRAL
LANDS: THE BAKWERI LAND LITIGATION AGAINST CAMEROON Ndiva
Kofele-Kale [FNa1] Copyright © 2007 by Golden Gate University; Ndiva
Kofele-Kale ABSTRACT The Article focuses on the recently concluded
Bakweri land case against Cameroon ...

...the amounts owed in damages and compensation for the time the
properties in question were held in usufruct. [FN88] The Inter-
American Court of Human Rights has also tackled the issue of remedies
for human rights abuses. In the landmark case of Velásquez Rodríguez
[FN89] the ...

...restrictive interpretation of the exhaustion rule is favored by the
European Court of Human Rights [FN197] as well as the Inter-
American Court of Human Rights, particularly in its judgments in the so-
called Honduran cases [FN198] Leading publicists have also embraced a
broad construction of...

[186.](#) **C** **24 Ariz. J. Int'l & Comp. L. 499**

Arizona Journal of International and Comparative Law Spring, 2007
THE RIGHT OF INDIGENOUS PEOPLES TO POLITICAL PARTICIPATION AND
THE CASE OF YATAMA v. NICARAGUA Maia Sophia Campbell [FNa1]

...24 AZJICL 499 24 Ariz. J. Int'l & Comp. L. 499 2007 WL 2846925
ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE L Arizona
Journal of International and Comparative Law Spring, 2007 Note
THE RIGHT OF INDIGENOUS PEOPLES TO POLITICAL PARTICIPATION AND
THE CASE OF YATAMA v. NICARAGUA Maia Sophia Campbell [FNa1]
Copyright © 2007 by the Arizona Board of Regents; Maia Sophia
Campbell "[T]he right of self-determination may be satisfied where a
people ...

...votes were cast. [FN3] Failing to reach any redress in Nicaraguan
domestic courts, the YATAMA party sought relief from the Inter-
American Court of Human Rights. The ruling of the Inter-American Court
of Human Rights in the case of YATAMA v. Nicaragua is a landmark legal
precedent for guaranteeing indigenous peoples the right to political ...



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...international law on this subject, especially in the Latin American region. II. YATAMA V. NICARAGUA In YATAMA v. Nicaragua , the **Inter-American Court of Human Rights** held that the right to political participation protected by the American Convention on Human Rights obligates states to adopt special...

[187.](#) **38 Colum. Hum. Rts. L. Rev. 477**

Columbia Human Rights Law Review Spring 2007 LOU HENKIN, TRANSITIONAL JUSTICE, AND THE PREVENTION OF GENOCIDE Juan Méndez [FNa1]

...38 CLMHRLR 477 38 Colum. Hum. Rts. L. Rev. 477 2007 WL 2774271 COLUMBIA HUMAN RIGHTS LAW REVIEW Columbia Human Rights Law Review Spring 2007 40th Anniversary Special Issue Dedicated to Columbia University Professor Louis Henkin The Future of Human Rights Law: A Tribute to Louis Henkin LOU HENKIN, TRANSITIONAL JUSTICE, AND THE PREVENTION OF GENOCIDE Juan Méndez [FNa1] Copyright (c) 2007 Columbia Human Rights Law Review; Juan Méndez It's an immense honor and a privilege to have been invited to participate ...

...has been taken into account many times by decisions of the Inter-American Commission on Human Rights, [FN3] by the Inter-American Court of Human Rights, [FN4] and also in many parts of Latin America by domestic courts that, though they don't cite Lou Henkin's writings ...

...Kofi Annan appointed Juan Méndez as his Special Advisor on the Prevention of Genocide. His term ends on March 31, 2007. Press Release Secretary-General, Juan E. Méndez of Argentina Appointed Special Adviser on the Prevention of Genocide, U.N. Doc. SG...

[188.](#) **45 Duq. L. Rev. 523**

Duquesne Law Review Spring, 2007 STABILITY, ACTIVISM AND TRADITION: THE JURISPRUDENCE OF COSTA RICA'S CONSTITUTIONAL CHAMBER Robert S. Barker [FNa1]

...45 DUQLR 523 45 Duq. L. Rev. 523 2007 WL 1892053 DUQUESNE LAW REVIEW Duquesne Law Review Spring, 2007 Symposium Issue Articles STABILITY, ACTIVISM AND TRADITION: THE JURISPRUDENCE OF COSTA RICA'S CONSTITUTIONAL CHAMBER Robert S. Barker [FNa1] Copyright © 2007 Duquesne University; Robert S. Barker I. Introduction 523 II. Juridical - Historical Background 525 III. The 1989 Reforms 526 IV. Judicial ...

...Convention on Human Rights, proceeded to declare that when interpreting that Convention, the Chamber would give to opinions of the Inter-American Court of Human Rights - even advisory opinions - the



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same value as the text of the Convention itself. In 1995, the Chamber said: if the ...

...FN36] The Government of Costa Rica, at the initiative of the leadership of the Legislative Assembly, then requested from the Inter-American Court of Human Rights an advisory opinion on the compatibility of the Personnel Law with the American Convention. The Government also requested an opinion...

189. **18 Eur. J. Int'l L. 367**

European Journal of International Law April, 2007 NAOMI ROHT-ARRIAZA. THE PINOCHET EFFECT: TRANSNATIONAL JUSTICE IN THE AGE OF HUMAN RIGHTS. PHILADELPHIA: UNIVERSITY OF PENNSYLVANIA, 2005. PP. 272. \$55. ISBN 978-0-8122-3845-7. ROGER BURBACH. THE PINOCHET AFFAIR: STATE TERRORISM AND GLOBAL JUSTICE. LONDON: ZED BOOKS, 2004. PP. 192. £14.95. ISBN 1-84277-435-2. JUAN GUZMÁN TAPIA. EN EL BORDE DEL MUNDO: MEMORIAS DEL JUEZ QUE PROCESÓ A PINOCHET. BARCELONA: EDITORIAL ANAGRAMA, 2005. PP. 240. €14. ISBN 84-339-2570-9 Sonia Cardenas

...18 EURJIL 367 18 Eur. J. Int'l L. 367 2007 WL 2319884 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law April, 2007 Book Review NAOMI ROHT-ARRIAZA. THE PINOCHET EFFECT: TRANSNATIONAL JUSTICE IN THE AGE OF HUMAN RIGHTS. PHILADELPHIA: UNIVERSITY OF PENNSYLVANIA ...

...€14. ISBN 84-339-2570-9 Sonia Cardenas Department of Political Science, Trinity College, Connecticut (USA) Email: Sonia.Cardenas@trincoll.edu Copyright © 2007 by EJIL; Sonia Cardenas The death of Augusto Ugarte Pinochet on 10 December 2006, Human Rights Day, triggered debates around ...

...international law. It cited the Inter-American Convention on Forced Disappearances, signed by Chile; the Barrios Altos case of the Inter-American Court of Human Rights, finding that forced disappearances constitute crimes against humanity; and Pinochet's 1980 constitution, ironically granting human rights treaties constitutional status. In...

190. **75 Fordham L. Rev. 2375**

Fordham Law Review April, 2007 GLOBAL CITIZENSHIP Kwame Anthony Appiah [FNa1]

...75 FDMLR 2375 75 Fordham L. Rev. 2375 2007 WL 1405955 FORDHAM LAW REVIEW Fordham Law Review April, 2007 Symposium: New Dimensions of Citizenship Keynote Address GLOBAL CITIZENSHIP Kwame Anthony Appiah [FNa1] Copyright (c) 2007 Fordham Law Review; Kwame Anthony Appiah So far as we know, the first person to claim that he was a ...



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...hoped for, a world of complex, overlapping sovereignties. The shared authority of parents within the family, the powers of the Inter-American Court of Human Rights, the regulations of the International Accounting Standards Board enforced by the administrative law of many nations, the rulings of the ...

...at 6 (1992). [FN13] . Arcaini.com, Map of the Modern Italian Dialects, <http://www.arcaini.com/ITALY/ItalianLanguage/MapModernDialects1.htm> (last visited Mar. 20, 2007). [FN14] . Ethnologue.com, Languages of Japan, http://www.ethnologue.com/show_country.asp?name=JP (last visited Mar. 7, 2007). [FN15] "L'oubli, et je dirai même l'erreur historique, sont un facteur essentiel de la création d'une nation, et c'est ainsi..."

[191.](#) **C** **95 Geo. L.J. 945**

Georgetown Law Journal April, 2007 THE COURTS AT A CROSSROADS: A CONSUMER PERSPECTIVE OF THE JUDICIAL SYSTEM James F. Henry [FNa1]

...95 GEOLJ 945 95 Geo. L.J. 945 2007 WL 1621401 GEORGETOWN LAW JOURNAL Georgetown Law Journal April, 2007 Conference Fair and Independent Courts: A Conference on the State of the Judiciary THE COURTS AT A CROSSROADS: A CONSUMER PERSPECTIVE OF THE JUDICIAL SYSTEM James F. Henry [FNa1] Copyright © 2007 by Georgetown University and The Georgetown Law Journal; James F. Henry ABSTRACT Responsibility for the flaws and potential of our ...

...might be resolved, or crimes prosecuted, in the European Court of International Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, the Court of Justice of the Andean Communities, the Tribunal of the Law of the Sea, the International Labor Organization ...

...the EM Clark Foundation (then focused on justice issues and the disenfranchised); member of the New York and Michigan bars. © 2007, James F. Henry. The author gratefully acknowledges the assistance of Russ Bleemer, editor of Alternatives , the newsletter of CPR, and...

[192.](#) **C** **28 Hamline J. Pub. L. & Pol'y 517**

Hamline Journal of Public Law and Policy Spring 2007 SAREI V. RIO TINTO AND THE EXHAUSTION OF LOCAL REMEDIES RULE IN THE CONTEXT OF THE ALIEN TORT CLAIMS ACT: SHORT-TERM JUSTICE, BUT AT WHAT COST? Rosica (Rose) Popova [FN1]

...28 HAMJPLP 517 28 Hamline J. Pub. L. & Pol'y 517 2007 WL 1447859 HAMLIN JOURNAL OF PUBLIC LAW AND POLICY Hamline Journal of Public Law and Policy Spring 2007 Current Public Law and Policy Issues



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SAREI V. RIO TINTO AND THE EXHAUSTION OF LOCAL REMEDIES RULE IN THE CONTEXT OF THE ALIEN TORT CLAIMS ACT: SHORT-TERM JUSTICE, BUT AT WHAT COST? Rosica (Rose) Popova [FN1] Copyright (c) **2007** Hamline Journal of Public Law and Policy; Rosica (Rose) Popova Each State . . . undertakes to ensure that any person whose rights ...

...at 182. [FN63] . Sarei, Brief of Amici Curiae, supra note 16, at *9-10; In the Velásquez Rodríguez case, the Inter-American Court of Human Rights stated that the “generally recognized principles of international law” article 46(1)(a) of the American Convention on Human Rights ...

...of State, Background Note: Papua New Guinea, Sept. 2006, <http://www.state.gov/r/pa/ei/bgn/2797.htm> (last visited Mar. 2, 2007). PNG has several thousand separate communities divided by language, customs, and tradition. Id. Some of these communities have engaged in...

[193.](#) **C** **20 Harv. Hum. Rts. J. 89**

Harvard Human Rights Journal Spring, 2007 PLAYING BY OUR OWN RULES: HOW U.S. MARGINALIZATION OF INTERNATIONAL HUMAN RIGHTS LAW LED TO TORTURE Jamie Mayerfeld [FN1]

...20 HVHRJ 89 20 Harv. Hum. Rts. J. 89 2007 WL 1941791 HARVARD HUMAN RIGHTS JOURNAL Harvard Human Rights Journal Spring, 2007 Article PLAYING BY OUR OWN RULES: HOW U.S. MARGINALIZATION OF INTERNATIONAL HUMAN RIGHTS LAW LED TO TORTURE Jamie Mayerfeld [FN1] Copyright © 2007 by the President and Fellows of Harvard College; Jamie Mayerfeld James Harding (Financial Times): “Mr. President, I want to return ...

...the attacks of September 11 weakened public opposition to torture, and that the Republican majority that controlled Congress until January 2007 chose, for both strategic and ideological reasons, to keep loose reins on the executive branch. However, we expect the law ...

...psychological damage. See Cristián Correa, Waterboarding Prisoners and Torture: A Lesson from the Chilean Experience HUM. RTS. BRIEF (forthcoming Feb. 2007). My point is that the evil of ill treatment is compounded when its duration is extended. [FN21] See infra text...

[194.](#) **14 No. 3 Hum. Rts. Brief 2**

Human Rights Brief Spring, 2007 THE PUSH & PULL OF GLOBALIZATION: HOW THE GLOBAL ECONOMY MAKES MIGRANT WORKERS VULNERABLE TO EXPLOITATION Neha Misra [FN1]

...14 No. 3 HUMRTB 2 14 No. 3 Hum. Rts. Brief 2 2007 WL 2125000



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HUMAN RIGHTS BRIEF Human Rights Brief Spring, **2007** Perspectives on Migration, Labor and Globalization THE PUSH & PULL OF GLOBALIZATION: HOW THE GLOBAL ECONOMY MAKES MIGRANT WORKERS VULNERABLE TO EXPLOITATION Neha Misra [FN1] Copyright © **2007** by Human Rights Brief; Neha Misra "If you look at the global economy from the perspective of people, its biggest ...

...conventions hollow. [FN14] Other core labor standards, however, may be used to protect migrant workers. For example, in 2003 the Inter-American Court of Human Rights issued an advisory opinion, entitled, "Legal Status and Rights of Undocumented Migrants." The Court stated that employment and labor rights...

195. **14 No. 3 Hum. Rts. Brief 33**

Human Rights Brief Spring, 2007 FENCING OUT THE NEIGHBORS: LEGAL IMPLICATIONS OF THE U.S.-MEXICO BORDER SECURITY FENCE Marta Tavares [FN1]

...14 No. 3 HUMRTB 33 14 No. 3 Hum. Rts. Brief 33 2007 WL 2125010 HUMAN RIGHTS BRIEF Human Rights Brief Spring, 2007 FENCING OUT THE NEIGHBORS: LEGAL IMPLICATIONS OF THE U.S.-MEXICO BORDER SECURITY FENCE Marta Tavares [FN1] Copyright © 2007 by Human Rights Brief; Marta Tavares INTRODUCTION T he southwestern United States-Mexico border spans nearly 2,000 miles (roughly 3,000 kilometers ...

...Article 2, Implementation at the National Level, U.N. Doc. HRI\GEN\1\Rev.1 at 4 (1994), ¶ 1. [FN14] . Inter-American Court of Human Rights, Advisory Opinion OC-18/03 of September 17, 2003, ¶ 81. [FN15] . Human Rights Committee, General Comment 15, The position ...

...Pierre Claude and Burns H. Weston, 2006). [FN34] . David Hunter, James Salzman & Durwood Zaelke, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY , 1373 (2007). [FN35] . Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights "Protocol...

196. **14 No. 3 Hum. Rts. Brief 57**

Human Rights Brief Spring, 2007 CENTER NEWS/FACULTY AND STAFF UPDATES

...14 No. 3 HUMRTB 57 14 No. 3 Hum. Rts. Brief 57 2007 WL 2125019 HUMAN RIGHTS BRIEF Human Rights Brief Spring, 2007 Column CENTER NEWS/FACULTY AND STAFF UPDATES Copyright © 2007 by Human Rights Brief CENTER NEWS NATIONAL SECURITY AND HUMAN RIGHTS: LESSONS LEARNED FROM ISRAEL AND THE U.S. On January 31, 2007, the Center, in conjunction with the New Israel Fund, co-



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hosted the first annual panel discussion in honor of the ...

...in Israel; IRAC--the Israel Religious Action Center and others. HUMAN RIGHTS IMPACT OF CHINA'S INVESTMENT IN AFRICA In February 2007, the Center hosted a roundtable discussion on the human rights implications of China's expanding investment in Africa. The program discussed ...

...on the Elimination of all forms of Racial Discrimination (ICERD), to which the United States is obligated. On February 9, 2007, the Center for Human Rights and Humanitarian law, in conjunction with WCL student groups the Black Law Students' Association, the...

197. **5 Int'l J. Const. L. 211**

International Journal of Constitutional Law April, 2007 THE JUDICIARY AND INDIGENOUS RIGHTS IN GUATEMALA Rachel Sieder [FN1]

...5 INTLJCL 211 5 Int'l J. Const. L. 211 2007 WL 1288016 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW International Journal of Constitutional Law April, 2007 Symposium Courts and the Marginalized: Comparative Perspectives THE JUDICIARY AND INDIGENOUS RIGHTS IN GUATEMALA Rachel Sieder [FN1] Copyright © 2007 by Oxford University Press and New York University School of Law; Rachel Sieder In Latin America, indigenous peoples constitute a ...

...right to be involved in genuine consultations on the matter. [FN84] In 2001, in the celebrated Awas Tingni case, the Inter-American Court of Human Rights confirmed that indigenous peoples have collective rights not just to the land they occupy but also to its resources. [FN85 ...

...Indigenous and Tribal Peoples in Independent Countries), available at <http://http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=691275> (last visited Jan. 21, 2007). [FN2] . A number of petitions signaled in this paper have been taken before the Inter-American human rights bodies. See...

198. **5 Int'l J. Const. L. 242**

International Journal of Constitutional Law April, 2007 CLAIMING INDIVIDUAL RIGHTS THROUGH A CONSTITUTIONAL COURT: THE EXAMPLE OF GAYS IN COSTA RICA Bruce M. Wilson [FN1]

...5 INTLJCL 242 5 Int'l J. Const. L. 242 2007 WL 1288016 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW International Journal of Constitutional Law April, 2007 Symposium Courts and the Marginalized: Comparative Perspectives CLAIMING INDIVIDUAL RIGHTS THROUGH A CONSTITUTIONAL COURT: THE EXAMPLE OF GAYS IN COSTA RICA Bruce M. Wilson [FN1] Copyright © 2007 by Oxford



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University Press and New York University School of Law; Bruce M. Wilson In 1989, a newly created Constitutional ...

...case having exhausted available remedies in Costa Rica, the litigant, Yashin Castrillo Fernández, has said he will appeal to the Inter-American Court of Human Rights, [FN81] a court whose decisions Costa Rica has historically accepted as binding. [FN82] Third, the president of the Sala IV ...

...Edge Kanyongolo & Siri Gloppen, Law and Poverty in Malawi: Toward Progressive Linkages , 5 INT'L J. CONST . L. (I•CON) 258 (2007) (in this issue). [FN28] See Javier Cuoso, The Judicialization of Chilean Politics: The Rights Revolution that Never Was, in THE...

[199.](#) **12 J. Conflict & Security L. 223**

Journal of Conflict & Security Law Spring, 2007 THE RIGHT TO CHALLENGE THE LAWFULNESS OF DETENTION: AN INTERNATIONAL PERSPECTIVE ON US DETENTION OF SUSPECTED TERRORISTS Fiona de Londras [FN1]

...12 JCSECL 223 12 J. Conflict & Security L. 223 2007 WL 4252893 JOURNAL OF CONFLICT AND SECURITY LAW Journal of Conflict & Security Law Spring, 2007 Article THE RIGHT TO CHALLENGE THE LAWFULNESS OF DETENTION: AN INTERNATIONAL PERSPECTIVE ON US DETENTION OF SUSPECTED TERRORISTS Fiona de Londras [FN1] Copyright © 2007 by Oxford University Press; Fiona de Londras Abstract The attacks on the World Trade Centre and the Pentagon on 11th ...

...and does not appear in the decisions and considerations of the UN HRC, UN Working Group on Arbitrary Detention or Inter-American Court of Human Rights, the deference shown to member states in these ECHR cases reflects the traditional judicial deference shown towards the executive in ...

...fuller account see, e.g. de Londras, 'In the Shadow of Hamdan v Rumsfeld : Habeas Corpus Rights of Guantánamo Bay Detainees' (2007) 17 Irish Criminal Law Journal 8 [FN10] . See Yoo, War by Other Means: An Insider's View of the War on...

[200.](#) **C 11 Lewis & Clark L. Rev. 47**

Lewis & Clark Law Review Spring 2007 SANCHEZ-LLAMAS, AMERICAN HUMAN RIGHTS EXCEPTIONALISM AND THE VCCR NORM PORTAL Margaret E. McGuinness [FN1]

...11 LCLR 47 11 Lewis & Clark L. Rev. 47 2007 WL 1181673 LEWIS AND CLARK LAW REVIEW Lewis & Clark Law Review Spring 2007 Paper Symposium: Domestic Enforcement of Public International Law after



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Sanchez-Llamas v. Oregon Symposium Articles SANCHEZ-LLAMAS, AMERICAN HUMAN RIGHTS EXCEPTIONALISM AND THE VCCR NORM PORTAL Margaret E. McGuinness [FNa1] Copyright (c) **2007** Lewis & Clark Law School; Margaret E. McGuinness This Essay examines Sanchez-Llamas v. Oregon within the line of cases challenging ...

...death penalty through enforcement of the VCCR, including bringing cases to supranational courts. The 1999 advisory opinion issued by the Inter-American Court of Human Rights (IACtHR) against the United States at the request of Mexico [FN48] and the cases brought against the United States by ...

...and Foreign Affairs 70 (1990). But see David Sloss, Judicial Deference and Treaties, 62 N.Y.U. Ann. Surv. Am. L. (forthcoming 2007), available at [http:// law.slu.edu/sloss/publications.htm](http://law.slu.edu/sloss/publications.htm) (manuscript at 3) (noting that between 1789 to 1838, in cases raising treaty interpretation...

[201.](#) **C** **11 Lewis & Clark L. Rev. 135**

Lewis & Clark Law Review Spring 2007 THE HYBRID STATE-CORPORATE ENTERPRISE AND VIOLATIONS OF INDIGENOUS LAND RIGHTS: THEORIZING CORPORATE RESPONSIBILITY AND ACCOUNTABILITY UNDER INTERNATIONAL LAW Lillian Aponte Miranda [FNa1]

...11 LCLR 135 11 Lewis & Clark L. Rev. 135 2007 WL 1181677 LEWIS AND CLARK LAW REVIEW Lewis & Clark Law Review Spring 2007 Articles THE HYBRID STATE-CORPORATE ENTERPRISE AND VIOLATIONS OF INDIGENOUS LAND RIGHTS: THEORIZING CORPORATE RESPONSIBILITY AND ACCOUNTABILITY UNDER INTERNATIONAL LAW Lillian Aponte Miranda [FNa1] Copyright (c) 2007 Lewis & Clark Law School; Lillian Aponte Miranda Despite the significant achievements of the contemporary indigenous rights movement, the protection of ...

...Nations Committee on the Elimination of Racial Discrimination, [FN41] the Organization of American States Commission on Human Rights, [FN42] the Inter-American Court of Human Rights, [FN43] and the International Labor Organization. [FN44] Indisputably, the international legal order's acceptance of indigenous land rights as human rights ...

...bodies and regional human rights courts. For example, in the case of Mayagna (Sumo) Awas Tingni Community v. Nicaragua, the Inter-American Court of Human Rights found that the state of Nicaragua had an affirmative duty to prevent corporate actors engaged in hybrid state-corporate enterprises...

[202.](#) **C** **28 Mich. J. Int'l L. 575**

Michigan Journal of International Law Spring 2007 STATE INTELLIGENCE GATHERING: CONFLICT OF LAWS Charles H.B. Garraway [FNa1]



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...28 MIJIL 575 28 Mich. J. Int'l L. 575 2007 WL 2070269 MICHIGAN JOURNAL OF INTERNATIONAL LAW Michigan Journal of International Law Spring 2007 Symposium State Intelligence Gathering and International Law Article STATE INTELLIGENCE GATHERING: CONFLICT OF LAWS Charles H.B. Garraway [FN1] Copyright (c) 2007 University of Michigan Law School; Charles H.B. Garraway I. Introduction 575 II. The Law of War 576 III. Human Rights ...

...Secrets and Lies: Intelligence Activities and the Rule of Law in Times of Crisis, 28 Mich. J. Int'l L. 553 (2007) ; James E. Baker, What's International Law Got to Do with It? Transnational Law and the Intelligence Mission, 28 Mich. J. Int'l L. 639 (2007) ; Jeffrey H. Smith, Keynote Address, 28 Mich. J. Int'l L. 543 (2007) ; Francesca Bignami, Towards a Right to Privacy in Transnational Intelligence Networks, 28 Mich. J. Int'l L. 663 (2007) [FN27] . Universal Declaration of Human Rights, supra note 22, art. 5. For an expanded form of this provision, see ICCPR ...

...1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123 (distinguishing the roles of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights). [FN73] . See the African Charter of Human and Peoples' Rights, part II, ch. I, Jun. 27, 1981, OAU Doc. CAB...

203. **5 Nw. U. J. Int'l Hum. Rts. 236**

Northwestern University Journal of International Human Rights Spring, 2007 MINING GOLD IN A CONFLICT ZONE: THE CONTEXT, RAMIFICATIONS, AND LESSONS OF ANGLOGOLD ASHANTI'S ACTIVITIES IN THE DEMOCRATIC REPUBLIC OF THE CONGO Brandon Prosansky [FN1]

...5 NWUJIHR 236 5 Nw. U. J. Int'l Hum. Rts. 236 2007 WL 2893605 NORTHWESTERN UNIVERSITY JOURNAL OF INTERNATIONAL H Northwestern University Journal of International Human Rights Spring, 2007 Note and Comment MINING GOLD IN A CONFLICT ZONE: THE CONTEXT, RAMIFICATIONS, AND LESSONS OF ANGLOGOLD ASHANTI'S ACTIVITIES IN THE DEMOCRATIC REPUBLIC OF THE CONGO Brandon Prosansky [FN1] Copyright © 2007 Northwestern University School of Law, Northwestern University Journal of International Human Rights; Brandon Prosansky "We mine gold. We sell gold ...

...commercial and social responsibilities in the north eastern DRC with integrity. [FN128] AGA will continue to fast-track exploration in 2007, and plans to conduct a feasibility study in 2008 that it hopes will allow it to commence construction of a ...

...Viktor Kasongo noted that he wanted to correct what the DRC government deemed an "imbalance of interests." [FN140] In March 2007, the DRC mines minister, Martin Kabwelulu, announced plans to



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review the AGA contract, which AGA supports. [FN141] The Lutundula Parliamentary...

204. **51 St. Louis U. L.J. 895**

Saint Louis University Law Journal Spring 2007 REVISITING TISON V. ARIZONA: THE CONSTITUTIONALITY OF IMPOSING THE DEATH PENALTY ON DEFENDANTS WHO DID NOT KILL OR INTEND TO KILL Melanie A. Renken [FNa1]

...51 STLULJ 895 51 St. Louis U. L.J. 895 2007 WL 1653565 SAINT LOUIS UNIVERSITY LAW JOURNAL Saint Louis University Law Journal Spring 2007 Comments REVISITING TISON V. ARIZONA: THE CONSTITUTIONALITY OF IMPOSING THE DEATH PENALTY ON DEFENDANTS WHO DID NOT KILL OR INTEND TO KILL Melanie A. Renken [FNa1] Copyright (c) 2007 Saint Louis University School of Law; Melanie A. Renken Introduction A man stalks a playground where young children are enjoying ...

...Statute. International Criminal Court: The States Parties to the Rome Statute, <http://www.icc-cpi.int/asp/statesparties.html> (last visited Mar. 28, 2007). One author predicts that the Rome Statute will have a far-reaching effect beyond its application on an international level ...

...Prevalence of Plea Bargains in Death Penalty Cases, <http://www.deathpenaltyinfo.org/article.php?did=2093> (scroll to article) (last visited Mar. 28, 2007). Of the cases that ended in plea agreements, 131 of the defendants killed multiple victims; meanwhile, 196 of the 274...

205. **C 34 Syracuse J. Int'l. L. & Com. 621**

Syracuse Journal of International Law and Commerce Spring 2007 GUIDE TO SOURCES IN INTERNATIONAL AND COMPARATIVE DISABILITY LAW Wendy Scott [FNa1]

...34 SYRJILC 621 34 Syracuse J. Int'l. L. & Com. 621 2007 WL 2154395 SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE Syracuse Journal of International Law and Commerce Spring 2007 Symposium: The United Nations Convention on the Rights of Persons with Disabilities Article GUIDE TO SOURCES IN INTERNATIONAL AND COMPARATIVE DISABILITY LAW Wendy Scott [FNa1] Copyright (c) 2007 Syracuse Journal of International Law and Commerce; Wendy Scott Contents Introduction Scope I. SOURCES A. International Law: United Nations History ...

...for signature by all States and by regional integration organizations at United Nations Headquarters in New York on March 30, 2007. Convention on the Rights of Persons with Disabilities <http://www.un.org/disabilities/convention/> This United Nations web



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page is dedicated to ...

...bodies that deal with human rights within the Inter-American system: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. International Norms and Standards, Part III. The Regional Human Rights System, 2, The Americas <http://www.un.org/esa/socdev/enable/comp302.htm...>

[206.](#) **C** **16 Temp. Pol. & Civ. Rts. L. Rev. 423**

Temple Political and Civil Rights Law Review Spring 2007 LEARNING FROM THE PAST: DESIGNING EFFECTIVE WORKER PROTECTIONS FOR COMPREHENSIVE IMMIGRATION REFORM Arthur N. Read [FNa1]

...16 TMPPCRLR 423 16 Temp. Pol. & Civ. Rts. L. Rev. 423 2007 WL 2813151 TEMPLE POLITICAL AND CIVIL RIGHTS LAW REVIEW Temple Political and Civil Rights Law Review Spring 2007 Symposium: Immigration Reform and Policy in the Current Politically Polarized Climate Article LEARNING FROM THE PAST: DESIGNING EFFECTIVE WORKER PROTECTIONS FOR COMPREHENSIVE IMMIGRATION REFORM Arthur N. Read [FNa1] Copyright (c) 2007 Temple Political & Civil Rights Law Review; Arthur N. Read Introduction On the eve of the opening of the 110th Congress ...

...rights, appeared far brighter than they did at any time during the previous two Congressional sessions. Unfortunately, by late April 2007, those prospects appear far dimmer. Including labor protections in comprehensive immigration reform legislation requires progressive Congressional leadership to channel strident ...

...with any of these issues in September 2006 as part of the Department of Defense Appropriations Act for Fiscal Year 2007, [FN68] Congress attached a further provision as section 1074 of the National Defense Authorization Act for Fiscal Year 2007, which continued the exemption of returning H-2B workers who had worked in any of the previous three fiscal years. [FN69] Based on the number of H-2B and H-2R workers employed in FY2004, 2005, and 2007, the author estimates that up to 160,000 workers are eligible to be H-2R workers in the current fiscal year...

[207.](#) **C** **29 T. Jefferson L. Rev. 189**

Thomas Jefferson Law Review Spring 2007 SEEKING JUSTICE AT THE INTERNATIONAL CRIMINAL COURT: VICTIMS' REPARATIONS Linda M. Keller [FNa1]

...29 TJLR 189 29 T. Jefferson L. Rev. 189 2007 WL 1598970 THOMAS JEFFERSON LAW REVIEW Thomas Jefferson Law Review Spring 2007 Proceedings of the Scholarly Conference Taking Reparations Seriously SEEKING JUSTICE AT THE INTERNATIONAL CRIMINAL COURT: VICTIMS'



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Corte Interamericana de Derechos Humanos

REPARATIONS Linda M. Keller [FN1] Copyright (c) 2007 Thomas Jefferson Law Review Association; Linda M. Keller I. INTRODUCTION The International Criminal Court ("ICC") represents a major achievement in ...

...2002--after a sufficient number of countries had ratified the treaty. There are 104 states parties as of January 1, 2007. (The United States is not one of them.) [FN11] The ICC has jurisdiction only over crimes committed after the entry ...

...Secretariat will be funded by the regular ICC budget. [FN52] A. Voluntary Contributions to the VTF As of January 22, 2007, the VTF had received voluntary contributions in the amount of EUR 2,370,000. [FN53] The bulk of the contributions recently have...

208. **16 UCLA Women's L.J. 229**

UCLA Women's Law Journal Winter/Spring 2007 GENDER, TRUTH & TRANSITION Fionnuala Ní Aoláin, Catherine Turner [FN1]

...16 UCLAWLJ 229 16 UCLA Women's L.J. 229 2007 WL 2260206 UCLA WOMENS LAW JOURNAL UCLA Women's Law Journal Winter/Spring 2007 Article GENDER, TRUTH & TRANSITION Fionnuala Ní Aoláin Catherine Turner [FN1] Copyright (c) 2007 Regents of the University of California; Fionnuala Ní Aoláin; Catherine Turner The [South African Truth and Reconciliation] Commission's work relied ...

...Palestinian national struggle). [FN62] . See generally, Eilish Rooney Engendering Transitional Justice: Questions of Absence and Silence, L. in Context (forthcoming 2007) (outlining the complex theoretical relationship between transitional justice discourse and intersectionality). [FN63] . As Angela Hegarty critically notes, truth processes should ...

...at 27-28. [FN70] . Kirk Simpson, Victims of Political Violence: A Habermasian Model of Truth Recovery, J. Hum. Rts. (forthcoming 2007). [FN71] . Hayner, *supra* note 4, at 28. [FN72] *Id.* [FN73] *Id.* [FN74] *Id.* at 24-31. [FN75] . Indeed the Report...

209. **101 Am. Soc'y Int'l L. Proc. 84**

American Society of International Law Proceedings March 28-31, 2007 REMARKS ON SOCIAL JUSTICE ADVOCACY IN THE UNITED STATES Aryeh Neier [FN1]

...101 ASILPROC 84 101 Am. Soc'y Int'l L. Proc. 84 2007 WL 5747132 AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS American Society of International Law Proceedings March 28-31, 2007 Social Justice Advocacy in the United States: What Role for International Law? REMARKS ON SOCIAL JUSTICE ADVOCACY IN THE UNITED STATES Aryeh Neier [FN1] Copyright © 2007 by The American Society of



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Corte Interamericana de Derechos Humanos

International Law; Aryeh Neier Let me start out by saying that I am bearish on ...

...courts that lack jurisdiction over the United States. The United States is not a party to the jurisdiction of the Inter-American Court of Human Rights. The United States has not ratified the treaty for the International Criminal Court. None of the ad hoc international criminal...

[210.](#) **101 Am. Soc'y Int'l L. Proc. 97**

American Society of International Law Proceedings March 28-31, 2007 THE RESILIENCE OF NATIONALITY Gerald L. Neuman [FNa1]

...101 ASILPROC 97 101 Am. Soc'y Int'l L. Proc. 97 2007 WL 5747137 AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS American Society of International Law Proceedings March 28-31, 2007 Roundtable on Citizenship THE RESILIENCE OF NATIONALITY Gerald L. Neuman [FNa1] Copyright © 2007 by The American Society of International Law; Gerald L. Neuman Is nationality "less salient" and nationality practice more "constrained" by ...

...Rights, and its Article 20(2) (quoted *infra*) provides a specific rule, at least for one configuration. In 2005 the Inter-American Court of Human Rights delivered an important judgment, the Yean and Bosico Children case, [FN1] about two girls born to poor single mothers of ...

...Court did make, either. The Dominican Republic reportedly paid the Yean and Bosico children their modest damage awards in March 2007, [FN2] and it had already confirmed their nationality in an effort to settle the case in 2001. However, the Dominican...

[211.](#) **101 Am. Soc'y Int'l L. Proc. 215**

American Society of International Law Proceedings March 28-31, 2007 INTRODUCTORY REMARKS BY THEODOR MERON

...101 ASILPROC 215 101 Am. Soc'y Int'l L. Proc. 215 2007 WL 5747169 AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS American Society of International Law Proceedings March 28-31, 2007 Breaking Developments in International Law: A Conversation on the ICJ's Opinion in Bosnia and Herzegovina v. Serbia and Montenegro INTRODUCTORY REMARKS BY THEODOR MERON [FNa1] Copyright © 2007 by The American Society of International Law The panel was convened at 4:30 p.m., Thursday, March 29, by its ...

...evidence test is considered too low, would the test of clear and convincing evidence, such as that followed by the Inter-American Court of Human Rights in the Velasquez-Rodriguez merits judgment, not better serve the goals of the convention? Or, perhaps the court's own standard...



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[212.](#) **101 Am. Soc'y Int'l L. Proc. 229**

American Society of International Law Proceedings March 28-31, 2007
REMARKS BY ANNE-MARIE SLAUGHTER

...101 ASILPROC 229 101 Am. Soc'y Int'l L. Proc. 229 2007 WL 5747173
AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS American
Society of International Law Proceedings March 28-31, 2007 The Future
of International Law REMARKS BY ANNE-MARIE SLAUGHTER [FNd1]
Copyright © 2007 by The American Society of International Law Thank
you. It is wonderful to be here and to see lots of ...

...Trindade. He is known to you as this year's winner of the Butcher
Medal. He comes to us from the Inter-American Court on Human Rights.
He has been the Executive Director of the Inter-American Institute on
Human Rights and the Legal Advisor on Foreign...

[213.](#) **101 Am. Soc'y Int'l L. Proc. 229**

American Society of International Law Proceedings March 28-31, 2007
MEMBERS' RECEPTION AND PLENARY PANEL, GEORGETOWN
UNIVERSITY LAW CENTER

...101 ASILPROC 229 101 Am. Soc'y Int'l L. Proc. 229 2007 WL 5747171
AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS American
Society of International Law Proceedings March 28-31, 2007 The Future
of International Law MEMBERS' RECEPTION AND PLENARY PANEL,
GEORGETOWN UNIVERSITY LAW CENTER Copyright © 2007 by The
American Society of International Law The reception began at 6:30
p.m., and the panel was convened at ...

...Damrosch of Columbia Law School; Hisashi Owada of the International
Court of Justice; and Antonio Augusto Cançado Trindade of the Inter-
American Court of Human Rights...

[214.](#) **101 Am. Soc'y Int'l L. Proc. 238**

American Society of International Law Proceedings March 28-31, 2007
REMARKS BY ANTÔNIO AUGUSTO CANÇADO TRINDADE

...101 ASILPROC 238 101 Am. Soc'y Int'l L. Proc. 238 2007 WL 5747177
AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS American
Society of International Law Proceedings March 28-31, 2007 The Future
of International Law REMARKS BY ANTÔNIO AUGUSTO CANÇADO
TRINDADE [FNa1] Copyright © 2007 by The American Society of
International Law Thank you, Dean Slaughter, and may I thank the
American Society of International Law for the kind invitation to
participate in this panel of its 2007 Annual Meeting, focusing on The
Future of International Law It is a great pleasure and a privilege for me



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to ...

...to the International Law of Human Rights. In order to address it, I shall refer to the work of the Inter-American Court of Human Rights, which I had the honor to preside for half a decade (1999-2004), and the lessons ensuing therefrom. One would ...

...very recently, cases of massacres, which have lately been taken into the cognizance of an international tribunal such as the Inter-American Court of Human Rights. In the case of our counterpart in the European continent, where the European Convention does require the claim of being...

[215.](#) **101 Am. Soc'y Int'l L. Proc. 423**

American Society of International Law Proceedings March 28-31, 2007
INTRODUCTORY REMARKS BY JOHN CERONE

...101 ASILPROC 423 101 Am. Soc'y Int'l L. Proc. 423 2007 WL 5747228
AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS American
Society of International Law Proceedings March 28-31, 2007
Strengthening Human Rights Mechanisms around the World
INTRODUCTORY REMARKS BY JOHN CERONE [FNd1] Copyright © 2007
by The American Society of International Law The panel was convened
at 9:00 a.m., Saturday, March 31, by its ...

...who introduced the panelists: Ngonlardje Mbaidjol of the Office of the
High Commissioner for Human Rights; Cecilia Medina of the Inter-
American Court of Human Rights; Fatsah Ouguergouz of the African
Court of Human Rights; and Christos Rozakis of the European Court of
Human Rights. [FNa1...]

[216.](#) **6 Chinese J. Int'l L. 1**

Chinese Journal of International Law March, 2007 The Humanization of
Consular Law: The Impact of Advisory Opinion No. 16 (1999) of the
Inter-American Court of Human Rights on International Case-Law and
Practice Antônio Augusto Cançado Trindade [FNa1]

...6 CHINESEJIL 1 6 Chinese J. Int'l L. 1 2007 WL 1230858 CHINESE
JOURNAL OF INTERNATIONAL LAW Chinese Journal of International Law
March, 2007 Article The Humanization of Consular Law: The Impact of
Advisory Opinion No. 16 (1999) of the Inter-American Court of
Human Rights on International Case-Law and Practice Antônio Augusto
Cançado Trindade [FNa1] Copyright © 2007 by Oxford University Press;
Antônio Augusto Cançado Trindade Abstract This paper first introduces
the process of the humanization of international ...

...of this development: the humanization of consular law, with special
reference to the Advisory Opinion No. 16 (1999) of the Inter-



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American Court of Human Rights. The paper focuses on three specific points: (1) Consular Law beyond the purely inter-State outlook; (2) the right to ...

...development in the domain of Consular Law. Thus, in my Concurring Opinion in the Advisory Opinion No. 16 of the Inter-American Court of Human Rights [IACtHR] on the Right to Information on Consular Assistance in the Framework of the Due Process of Law (01.10...

[217.](#) **6 Chinese J. Int'l L. 17**

Chinese Journal of International Law March, 2007 The Understanding and Interpretation of the ICCPR in the Context of China's Possible Ratification Shiyun Sun [FN1]

...6 CHINESEJIL 17 6 Chinese J. Int'l L. 17 2007 WL 1230859 CHINESE JOURNAL OF INTERNATIONAL LAW Chinese Journal of International Law March, 2007 Article The Understanding and Interpretation of the ICCPR in the Context of China's Possible Ratification Shiyun Sun [FN1] Copyright © 2007 by Oxford University Press; Shiyun Sun Abstract China signed the International Covenant on Civil and Political Rights in 1998 and ...

...Convention on Human Rights, the two most typical regional human rights conventions, the European Court of Human Rights and the Inter-American Court of Human Rights are able to make legally binding decisions. Consequently, their interpretations of the two Conventions, respectively, are also legally binding. [FN14...

[218.](#) **C 95 Geo. L.J. 591**

Georgetown Law Journal March, 2007 CALLING THE UNITED STATES' BLUFF: HOW SOVEREIGN IMMUNITY UNDERMINES THE UNITED STATES' CLAIM TO AN EFFECTIVE DOMESTIC HUMAN RIGHTS SYSTEM Denise Gilman [FN1]

...95 GEOLJ 591 95 Geo. L.J. 591 2007 WL 1099667 GEORGETOWN LAW JOURNAL Georgetown Law Journal March, 2007 Article CALLING THE UNITED STATES' BLUFF: HOW SOVEREIGN IMMUNITY UNDERMINES THE UNITED STATES' CLAIM TO AN EFFECTIVE DOMESTIC HUMAN RIGHTS SYSTEM Denise Gilman [FN1] Copyright © 2007 by Georgetown University and The Georgetown Law Journal; Denise Gilman The State has a legal duty to take reasonable steps ...

...that intergovernmental body. [FN165] The American Convention builds upon and develops the standards found in the American Declaration. [FN166] The Inter-American Court of Human Rights (the Inter-American Court), which serves as the final authoritative body interpreting the American Declaration and the American Convention, [FN167 ...



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...payment of compensation by officials without resources and had not taken actions to ensure that payment was made. [FN179] The Inter-American Court of Human Rights agreed and found that Peru was liable under international human rights law to provide proper compensation. [FN180] Nor does international...

[219.](#) **18 Eur. J. Int'l L. 145**

European Journal of International Law February, 2007 MAX HUBER AS ARBITRATOR: THE PALMAS (MIANGAS) CASE AND OTHER ARBITRATIONS Daniel-Erasmus Khan [FNa1]

...18 EURJIL 145 18 Eur. J. Int'l L. 145 2007 WL 1812623 EUROPEAN JOURNAL OF INTERNATIONAL LAW European Journal of International Law February, 2007 Symposium: The European Tradition in International Law--Max Huber MAX HUBER AS ARBITRATOR: THE PALMAS (MIANGAS) CASE AND OTHER ARBITRATIONS Daniel-Erasmus Khan [FNa1] Copyright © 2007 by EJIL; Daniel-Erasmus Khan 'International law, like law in general, has the object of assuring the coexistence of different ...

...Works of Art Removed from German Territory at the End of the Second World War' , 7 EJIL (1996) 69 and Inter-American Court of Human Rights, Advisory Opinion No. 16/99 of 1 Oct. 1999 (Solicitada pelos Estados Unidos Mexicanos o direito à informação sobre a...

[220.](#) **C 101 Am. J. Int'l L. 1**

American Journal of International Law January, 2007 STATE COMPLIANCE WITH THE RECOMMENDATIONS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS, 1994-2004 Frans Viljoen, Lurette Louw [FNa1]

...101 AMJIL 1 101 Am. J. Int'l L. 1 2007 WL 1089798 AMERICAN JOURNAL OF INTERNATIONAL LAW American Journal of International Law January, 2007 STATE COMPLIANCE WITH THE RECOMMENDATIONS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS, 1994-2004 Frans Viljoen Lurette Louw [FNa1] Copyright © 2007 by The American Society of International Law; Frans Viljoen, Lurette Louw Current discourse on international human rights leaves little room ...

...file with authors). [FN92] . With the entry into force of the 1997 version of the Rules of Procedure of the Inter-American Court of Human Rights, provision was made for the first time in Article 23 for the representatives of the victims or their next of...



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[221.](#) **C** **56 DePaul L. Rev. 539**

DePaul Law Review Winter **2007** ECONOMIC EMERGENCY AND THE RULE OF LAW Bernadette Meyler [FN1]

...56 DPLLR 539 56 DePaul L. Rev. 539 2007 WL 1346682 DEPAUL LAW REVIEW DePaul Law Review Winter 2007 Symposium Is the Rule of Law Waning in America? Twelfth Annual Clifford Symposium on Tort Law and Social Policy Article ECONOMIC EMERGENCY AND THE RULE OF LAW Bernadette Meyler [FN1] Copyright (c) 2007 DePaul University; Bernadette Meyler Introduction Answering the question of whether the rule of law is waxing or waning might depend ...

...Lawyers: The Role of Lawyers in Promoting the Rule of Law in Emerging Market Democracies, 56 DePaul L. Rev. 401 (2007) , with Kim Lane Scheppele, Law in a Time of Emergency: States of Exception and the Temptations of 9/11, 6 ...

...specifies particular rights that are nonderogable. See supra note 68. When interpreting this article in the Castillo Petruzzi case, the Inter-American Court of Human Rights determined that the judicial guarantees of habeas corpus and amparo could not be eliminated during times of emergency. Castillo Petruzzi...

[222.](#) **C** **30 Fordham Int'l L.J. 296**

Fordham International Law Journal January 2007 RE-IMAGINING INTERNATIONAL LAW: AN EXAMINATION OF RECENT TRENDS IN THE RECEPTION OF INTERNATIONAL LAW INTO NATIONAL LEGAL SYSTEMS IN AFRICA Richard Frimpong Oppong [FN1]

...30 FDMILJ 296 30 Fordham Int'l L.J. 296 2007 WL 843013 FORDHAM INTERNATIONAL LAW JOURNAL Fordham International Law Journal January 2007 Article RE-IMAGINING INTERNATIONAL LAW: AN EXAMINATION OF RECENT TRENDS IN THE RECEPTION OF INTERNATIONAL LAW INTO NATIONAL LEGAL SYSTEMS IN AFRICA Richard Frimpong Oppong [FN1] Copyright (c) 2007 Fordham University School of Law; Richard Frimpong Oppong INTRODUCTION Africa is becoming more "international law-friendly"; [FN1] the initial hostility ...

...International Criminal Court for the Former Yugoslavia, the European Court of Justice, the European Court of Human Rights, and the Inter-American Court of Human Rights. [FN135] The use to which decisions from these international tribunals are put ranges from mere reference to direct application. [FN136 ...

...Conference and the Development of Private International Law in Africa: A Plea for Cooperation, 8 Y.B. Private Int'l L. (forthcoming 2007). There are currently only three African members of the Hague Conference on Private International Law: Egypt, Morocco, and South



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Africa...

[223.](#) **38 Geo. J. Int'l L. 323**

Georgetown Journal of International Law Winter, 2007 REHABILITATION OR REVENGE: PROSECUTING CHILD SOLDIERS FOR HUMAN RIGHTS VIOLATIONS Nienke Grossman [FNa1]

...38 GEOJIL 323 38 Geo. J. Int'l L. 323 2007 WL 1552282 GEORGETOWN JOURNAL OF INTERNATIONAL LAW Georgetown Journal of International Law Winter, 2007 Article REHABILITATION OR REVENGE: PROSECUTING CHILD SOLDIERS FOR HUMAN RIGHTS VIOLATIONS Nienke Grossman [FNa1] Copyright © 2007 by Georgetown Journal of International Law; Nienke Grossman INTRODUCTION International law provides no explicit guidelines for whether or at what ...

...to eighteen may not join armed opposition groups although they may join the state's armed forces voluntarily. As of March 2007, 122 states were signatories, and 110 were parties to the Optional Protocol to the CRC. [FN57] The I.L.O. Convention Concerning ...

...future, but we are also the present. [FN209] [FNa1] . Associate, Foley Hoag LLP, B.A., Harvard College; J.D., Harvard Law School. © 2007, Nienke Grossman. I wish to thank Claudio Grossman, Martha Minow, Anne-Marie Slaughter, and Ezequiel Steiner for helpful comments on...

[224.](#) **14 Geo. J. on Poverty L. & Pol'y 13**

Georgetown Journal on Poverty Law and Policy Winter, 2007 USING LAW TO REDUCE VULNERABILITY TO NATURAL DISASTERS John Handmer, Elsie Loh, Wei Choong [FNa1]

...14 GEOJPLP 13 14 Geo. J. on Poverty L. & Pol'y 13 2007 WL 2126347 GEORGETOWN JOURNAL ON POVERTY LAW AND POLICY Georgetown Journal on Poverty Law and Policy Winter, 2007 Symposium Issue Our Eyes Are Watching: The Impact of Natural Disasters on Impoverished Communities Article USING LAW TO REDUCE VULNERABILITY ...

...NATURAL DISASTERS John Handmer Elsie Loh Wei Choong [FNa1] Centre for Risk and Community Safety RMIT University, Melbourne, Australia Copyright © 2007 by Georgetown Journal on Poverty Law and Policy; John Handmer, Elsie Loh, Wei Choong ABSTRACT That natural events have a ...

...as established by Charter of the United Nations art 7, 92-96, June 26, 1945, 59 Stat. 1031, and the Inter-American Court of Human Rights, as established by American Convention on Human Rights art. 33, 52-69, July 18, 1978, 1144 T.S. No. 36 [FN28...



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[225.](#) **C** **48 Harv. Int'l L.J. 1**

Harvard International Law Journal Winter 2007 LOUIS B. SOHN: ARCHITECT OF THE MODERN INTERNATIONAL LEGAL SYSTEM Daniel Barstow Magraw [FN1]

...48 HVILJ 1 48 Harv. Int'l L.J. 1 2007 WL 735748 HARVARD INTERNATIONAL LAW JOURNAL Harvard International Law Journal Winter 2007 Tribute to Louis B. Sohn LOUIS B. SOHN: ARCHITECT OF THE MODERN INTERNATIONAL LEGAL SYSTEM Daniel Barstow Magraw [FN1] Copyright © 2007 by the President and Fellows of Harvard College; Daniel Barstow Magraw Professor Louis B. Sohn (1914-2006) was not only ...

...the same message and ranging far beyond UNCLOS III. One of Louis's students, Thomas Buergenthal, formerly a judge on the Inter-American Court of Human Rights and now a judge on the International Court of Justice, wrote that Louis's influence on our lives has been profound ...

...1945. U.N. Charter. [FN2] . Harold Hongju Koh, Louis B. Sohn: Present at the Creation , 48 HARV. INT'L L.J . 14-15 (2007) [FN3] GRENVILLE CLARK & LOUIS B. SOHN, WORLD PEACE THROUGH WORLD LAW (2d ed. 1960). [FN4] . Koh, supra note 2, at...

[226.](#) **C** **30 Hastings Int'l & Comp. L. Rev. 231**

Hastings International and Comparative Law Review Winter 2007 A MORAL IMPERATIVE: THE HUMAN RIGHTS IMPLICATIONS OF CLIMATE CHANGE Sara C. Aminzadeh [FN1]

...30 HSTICLR 231 30 Hastings Int'l & Comp. L. Rev. 231 2007 WL 965025 HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW Hastings International and Comparative Law Review Winter 2007 Note A MORAL IMPERATIVE: THE HUMAN RIGHTS IMPLICATIONS OF CLIMATE CHANGE Sara C. Aminzadeh [FN1] Copyright (c) 2007 UC Hastings College of the Law; Sara C. Aminzadeh I. Introduction Climate change is increasingly identified as one of the ...

...which the OAS adopted in 1969 and which came into force in 1978. [FN45] The Inter-American Commission and the Inter-American Court of Human Rights are the bodies charged with implementing the American Convention. [FN46] Individuals may file petitions alleging human rights violations with the ...

...the issue of climate change in the United States. [FN1] . J.D. candidate, University of California, Hastings College of the Law, 2007. I would like to thank my parents, Fred and Kathleen Aminzadeh for their support of my interest in international environmental...



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[227.](#) **14 No. 2 Hum. Rts. Brief 2**

Human Rights Brief Winter, 2007 IN MEMORIUM: BRIAN DOUGLAS TITTEMORE Robert Goldman [FNa1]

...14 No. 2 HUMRTB 2 14 No. 2 Hum. Rts. Brief 2 2007 WL 1222622 HUMAN RIGHTS BRIEF Human Rights Brief Winter, 2007 IN MEMORIUM: BRIAN DOUGLAS TITTEMORE Robert Goldman [FNa1] Copyright © 2006 by Human Rights Brief; Robert Goldman I am very grateful ...

...and approval by the Commission, and, subsequently, managing the litigation of these cases when the Commission referred them to the Inter-American Court of Human Rights. Brian's hard work culminated in the June 2002 landmark judgment of the Inter-American Court of Human Rights in the Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago Case , in which the Court affirmed the Commission's...

[228.](#) **14 No. 2 Hum. Rts. Brief 21**

Human Rights Brief Winter, 2007 WATERBOARDING PRISONERS AND JUSTIFYING TORTURE: LESSONS FOR THE U.S. FROM THE CHILEAN EXPERIENCE Cristián Correa [FNa1]

...14 No. 2 HUMRTB 21 14 No. 2 Hum. Rts. Brief 21 2007 WL 1222626 HUMAN RIGHTS BRIEF Human Rights Brief Winter, 2007 WATERBOARDING PRISONERS AND JUSTIFYING TORTURE: LESSONS FOR THE U.S. FROM THE CHILEAN EXPERIENCE Cristián Correa [FNa1] Copyright © 2006 by Human ...

...his junta. Bolstered by the insistence of relatives of victims of human rights crimes and a recent decision of the Inter-American Court of Human Rights, Bachelet's Administration is proposing a law that will either counteract or revoke amnesty. THE BUSH ADMINISTRATION'S USE AND JUSTIFICATION OF ...

...to agents who used torture. Even though the amnesty law passed by Pinochet's regime is now being challenged by the Inter-American Court of Human Rights and by the Chilean government and congress, it posed a serious obstacle to the investigation and processing of cases of...

[229.](#) **14 No. 2 Hum. Rts. Brief 60**

Human Rights Brief Winter, 2007 UPDATES FROM THE REGIONAL HUMAN RIGHTS SYSTEMS Anna Cabot [FNa1]Suzanne Shams [FNaa1]

...14 No. 2 HUMRTB 60 14 No. 2 Hum. Rts. Brief 60 2007 WL 1222633 HUMAN RIGHTS BRIEF Human Rights Brief Winter, 2007 Column UPDATES FROM THE REGIONAL HUMAN RIGHTS SYSTEMS Anna Cabot [FNa1] Suzanne Shams [FNaa1] Copyright © 2006 by Human Rights Brief ...



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Corte Interamericana de Derechos Humanos

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...Convention on Human Rights (American Convention) was adopted. The Convention further defined the role of the Commission and created the Inter-American Court of Human Rights (Inter-American Court or Court). According to the Convention, once the Commission determines a case is admissible and meritorious, it...

[230.](#) **14 No. 2 Hum. Rts. Brief 70**

Human Rights Brief Winter, 2007 CENTER NEWS/FACULTY AND STAFF UPDATES

...14 No. 2 HUMRTB 70 14 No. 2 Hum. Rts. Brief 70 2007 WL 1222638 HUMAN RIGHTS BRIEF Human Rights Brief Winter, 2007 Column CENTER NEWS/FACULTY AND STAFF UPDATES Copyright © 2006 by Human Rights Brief CENTER NEWS 7TH ANNUAL HUMAN RIGHTS FILM ...

...Organization Against Torture (Geneva, Oct. 24, 2006); reported to the Netherlands Human Rights Quarterly on the case law of the Inter-American Court on Human Rights regarding international responsibility of States and reparations (Oct. 20, 2006); participated in a videoconference with the U.S. Embassy in Venezuela ...

...J. Int'l L . 49 (2006-07) , which were later published as an article in 15 Mich. St. J. Int'l L . (2007). On January 27, 2007, she participated in a conference entitled "Transitional Justice: The Politics of Accountability in Post-Conflict Societies," where she joined former...

[231.](#) **29 Loy. L.A. Int'l & Comp. L. Rev. 153**

Loyola of Los Angeles International and Comparative Law Review Winter 2007 TRUE FICTION: COMPETING THEORIES OF INTERNATIONAL LEGAL LEGITIMACY AND A COURT'S BATTLE WITH RATIONE TEMPORIS T. Russell Gibson [FNa1]

...29 LYLAICLR 153 29 Loy. L.A. Int'l & Comp. L. Rev. 153 2007 WL 1378476 LOYOLA OF LOS ANGELES INTERNATIONAL AND COMPARATIV Loyola of Los Angeles International and Comparative Law Review Winter 2007 Notes and Comments TRUE FICTION: COMPETING THEORIES OF INTERNATIONAL LEGAL LEGITIMACY AND A COURT'S BATTLE WITH RATIONE TEMPORIS T. Russell Gibson [FNa1] Copyright (c) 2007 Loyola Law School; T. Russell Gibson Men being, as has been said, by nature, all free, equal, and independent, no ...

...one human rights treaty, the American Convention on Human Rights ("American Convention" or "Convention"). This treaty conveys power on the Inter-American Court of Human Rights ("the Court") to hear claims brought by the Inter-American Commission on Human Rights ("the Commission"). One such claim was ...



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...approximately 440,000 people. See generally CountryReport.org, Suriname Country Information, <http://www.countryreports.org/country.aspx?countryid=229&countryName=Suriname> (last visited Jan. 30, 2007). [FN8] Id. at 9-11. [FN9] Id. at 31. [FN10] Id. [FN11] Id. [FN12] . Amnesty Int'l, Suriname: Government Commitments and...

232. **20 N.Y. Int'l L. Rev. 1**

New York International Law Review Winter, 2007 THE ASEAN ENHANCED DISPUTE SETTLEMENT MECHANISM: DOING IT THE "ASEAN WAY" Joel Vander Kooi [FN1]

...20 NYILR 1 20 N.Y. Int'l L. Rev. 1 2007 WL 978366 NEW YORK INTERNATIONAL LAW REVIEW New York International Law Review Winter, 2007 Article THE ASEAN ENHANCED DISPUTE SETTLEMENT MECHANISM: DOING IT THE "ASEAN WAY" Joel Vander Kooi [FN1] Copyright © 2007 by New York State Bar Association; Joel Vander Kooi Introduction In November 2004, the Association of Southeast Asian Nations (ASEAN ...

...and a possibility of judicially created law are not inextricably linked); see also Mary C. Parker, Note, "Other Treaties": The Inter-American Court of Human Rights Defines Its Advisory Jurisdiction , 33 AM. U. L. REV . 211, 217 n.29 (1983) (arguing that the International Court of...

233. **C 20 N.Y. Int'l L. Rev. 57**

New York International Law Review Winter, 2007 VIOLENCE AGAINST WOMEN AND INTERNATIONAL LAW: THE FUNDAMENTAL RIGHT TO STATE PROTECTION FROM DOMESTIC VIOLENCE Rebecca Adams [FN1]

...20 NYILR 57 20 N.Y. Int'l L. Rev. 57 2007 WL 978368 NEW YORK INTERNATIONAL LAW REVIEW New York International Law Review Winter, 2007 Article VIOLENCE AGAINST WOMEN AND INTERNATIONAL LAW: THE FUNDAMENTAL RIGHT TO STATE PROTECTION FROM DOMESTIC VIOLENCE Rebecca Adams [FN1] Copyright © 2007 by New York State Bar Association; Rebecca Adams "Violence against women is perhaps the most shameful human rights violation. And ...

...reconceptualized as torture under international law); see also William Paul Simmons, Remedies for the Women of Ciudad Judrez Through the Inter-American Court of Human Rights , 4 NW. U. J. INT'L HUM. RTS . 492, at 11 (2006) (arguing that by holding states accountable for failing to ...

...Killing N.Y. TIMES , July 30, 1988, at A1 (discussing the result of the landmark Velasquez Rodriquez case, in which the Inter-American Court



of Human Rights, for the first time, issued a direct verdict against a government (the Honduran government) for human rights violations). [FN309] See...

[234.](#) **C** **47 Va. J. Int'l L. 525**

Virginia Journal of International Law Winter 2007 NUNCA MÁS OR DÉJÀ VU? Charles H. Brower II [FN1] [FNd1]

...47 VAJIL 525 47 Va. J. Int'l L. 525 2007 WL 1476520 VIRGINIA JOURNAL OF INTERNATIONAL LAW Virginia Journal of International Law Winter 2007 Essay NUNCA MÁS OR DÉJÀ VU? Charles H. Brower II [FN1] [FNd1] Copyright (c) 2007 Virginia Journal of International Law Association; Charles H. Brower II Known as an ethnic melting pot, [FN1] the country possessed ...

...them in unregistered facilities, and subjected them to coercive interrogation. [FN41] When passing judgment in the Velásquez Rodríguez case, the Inter-American Court of Human Rights implied that the "systematic" pattern of disappearances under review might embody a crime against humanity. [FN42] Second, in the Akayesu...

[235.](#) **C** **31 Am. Indian L. Rev. 257**

American Indian Law Review 2006-2007 KEYNOTE ADDRESS: INDIGENOUS PEOPLES AND THEIR MARK ON THE INTERNATIONAL LEGAL SYSTEM S. James Anaya [FN1]

...31 AMINDLR 257 31 Am. Indian L. Rev. 257 2007 WL 2999197 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Symposium: Lands, Liberties, and Legacies: Indigenous Peoples and International Law KEYNOTE ADDRESS: INDIGENOUS PEOPLES AND THEIR MARK ON THE INTERNATIONAL LEGAL SYSTEM S. James Anaya [FN1] Copyright (c) 2007 American Indian Law Review; S. James Anaya Thank you very much Dean Burnett, I am truly humbled by that introduction ...

...analysis. The Commission has cited various other things, including the UN Draft Declaration on the Rights of Indigenous Peoples. The Inter-American Court of Human Rights has also relied on these drafts in its adjudication of cases concerning indigenous peoples. The interpretation of the right to ...

...been done before. But, as Carrie taught me long ago, that's not a good reason for not doing anything. (c) 2007 S. James Anaya [FN1] . James J. Lenoir Professor International Human Rights Law and Policy, The University of Arizona Rogers College...



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236. C 31 Am. Indian L. Rev. 291

American Indian Law Review 2006-2007 CHANGING TERRITORIALITY, FADING SOVEREIGNTY, AND THE DEVELOPMENT OF INDIGENOUS RIGHTS Austen L. Parrish [FNa1]

...31 AMINDLR 291 31 Am. Indian L. Rev. 291 2007 WL 2999199 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Theoretical Approaches to International Indigenous Rights CHANGING TERRITORIALITY, FADING SOVEREIGNTY, AND THE DEVELOPMENT OF INDIGENOUS RIGHTS Austen L. Parrish [FNa1] Copyright (c) 2007 American Indian Law Review; Austen L. Parrish Introduction For much of the nineteenth and twentieth centuries, the international community resisted ...

...case, found that the collective rights of indigenous groups prevailed over the individual rights of the group's members. [FN91] The Inter-American Court of Human Rights, in another seminal decision (*Awas Tingni v. Nicaragua*), recognized the territorial rights of indigenous people, [FN92] and so too did ...

...not alienate their most ardent supporters. Unless careful, indigenous groups may find their new voice in international law lost. (c) 2007 Austen L. Parrish [FNa1] . Irwin R. Buchalter Professor of Law, Southwestern Law School. J.D., Columbia University, 1997; B.A., University of...

237. 31 Am. Indian L. Rev. 315

American Indian Law Review 2006-2007 THE NEW DISCOVERY DOCTRINE: SOME THOUGHTS ON PROPERTY RIGHTS AND TRADITIONAL KNOWLEDGE Rebecca M. Bratspies [FNa1]

...31 AMINDLR 315 31 Am. Indian L. Rev. 315 2007 WL 2999200 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Theoretical Approaches to International Indigenous Rights THE NEW DISCOVERY DOCTRINE: SOME THOUGHTS ON PROPERTY RIGHTS AND TRADITIONAL KNOWLEDGE Rebecca M. Bratspies [FNa1] Copyright (c) 2007 American Indian Law Review; Rebecca M. Bratspies The recent commercial success of products developed with resort to the knowledge of ...

...countries have ratified ILO Convention 169. International Labour Organisation, ILOLEX: Conventions, <http://www.ilo.org/ilolex/english/convdisp.htm> (last visited Jan. 20, 2007). [FN32] . Sabrina Safrin, *Hyperownership in a Time of Biotechnological Promise: The International Conflict to Control the Building Blocks of Life* ...

...Union for the Protection of New Varieties of Plants, <http://www.upov.int/en/publications/conventions/1991/act1991.htm>



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(last visited Jan. 20, 2007). [FN35] . Even under the TRIPS Agreement, United States law continues to permit the imposition of sanctions against countries that in...

238. **31 Am. Indian L. Rev. 401**

American Indian Law Review 2006-2007 INDIGENOUS RIGHTS IN MODERN INTERNATIONAL LAW FROM A CRITICAL THIRD WORLD PERSPECTIVE Seth Gordon [FN1]

...31 AMINDLR 401 31 Am. Indian L. Rev. 401 2007 WL 2999203 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Theoretical Approaches to International Indigenous Rights INDIGENOUS RIGHTS IN MODERN INTERNATIONAL LAW FROM A CRITICAL THIRD WORLD PERSPECTIVE Seth Gordon [FN1] Copyright (c) 2007 American Indian Law Review; Seth Gordon I. Introduction The United Nations declared the year 1993 as "The International Year of ...

...indigenous peoples are not. In the Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, [FN122] heard by the Inter-American Court of Human Rights, it was argued "that, as a matter of customary international law, indigenous peoples have property rights in conformity with their...

239. **C 31 Am. Indian L. Rev. 553**

American Indian Law Review 2006-2007 HOW THE ORGANIZATION OF AMERICAN STATES TOOK THE LEAD: THE DEVELOPMENT OF INDIGENOUS PEOPLES' RIGHTS IN THE AMERICAS Megan Mooney [FN1]

...31 AMINDLR 553 31 Am. Indian L. Rev. 553 2007 WL 2999210 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Regional Issues in the International Indigenous Rights Movement HOW THE ORGANIZATION OF AMERICAN STATES TOOK THE LEAD: THE DEVELOPMENT OF INDIGENOUS PEOPLES' RIGHTS IN THE AMERICAS Megan Mooney [FN1] Copyright (c) 2007 American Indian Law Review; Megan Mooney Introduction Indigenous peoples have suffered half a millennium of marginalization, discrimination and genocide at ...

...American Convention on Human Rights. [FN4] Instead, through the jurisprudence of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, the OAS has adopted the view that the individual rights and collective, or group, rights, identified as the three distinct ...

...2(C). [FN44] . Theodore Macdonald, Program on Nonviolent Sanctions & Cultural Survival, Weatherhead Ctr. for Int'l Affairs, Nicaraguan Indians and the Inter-American Court of Human Rights: The Awas Tingni Land Demarcation Case: Focus on Compliance, <http://>



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www.wcfia.harvard.edu/ponsacs/research/NicaraguanIndians.htm (last visited Jan. 24, 2007). [FN45] . Andrew Huff, Indigenous Land Rights and the New Self Determination, 16 Colo. J. Int'l Envtl. L. & Pol'y 295, 296...

[240.](#)

31 Am. Indian L. Rev. 573

American Indian Law Review 2006-2007 USING INTERNATIONAL HUMAN RIGHTS MECHANISMS TO PROMOTE AND PROTECT RIGHTS OF INDIAN NATIONS AND TRIBES IN THE UNITED STATES: AN OVERVIEW Robert T. Coulter [FN1]

...31 AMINDLR 573 31 Am. Indian L. Rev. 573 2007 WL 2999211 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Application of International Law to the Problems of Indigenous Peoples • International Indigenous Advocacy Generally USING INTERNATIONAL HUMAN RIGHTS MECHANISMS TO ...

...AND PROTECT RIGHTS OF INDIAN NATIONS AND TRIBES IN THE UNITED STATES: AN OVERVIEW Robert T. Coulter [FN1] Copyright (c) 2007 American Indian Law Review; Robert T. Coulter Introduction International law and international legal procedures offer a number of opportunities for ...

...going basis. [FN24] Despite the elimination of the Commission on Human Rights, the Special Rapporteur's mandate was extended until June 2007. The Human Rights Council has not, at this writing, decided whether to re-create or replace the Special Rapporteur. Mexican...

[241.](#)

31 Am. Indian L. Rev. 593

American Indian Law Review 2006-2007 THE DANN LITIGATION AND INTERNATIONAL HUMAN RIGHTS LAW: THE PROCEEDINGS AND DECISION OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS Brian D. Tittmore [FN1]

...31 AMINDLR 593 31 Am. Indian L. Rev. 593 2007 WL 2999212 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Application of International Law to the Problems of Indigenous Peoples • The Dann Case THE DANN LITIGATION AND INTERNATIONAL HUMAN RIGHTS LAW: THE PROCEEDINGS AND DECISION OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS Brian D. Tittmore [FN1] Copyright (c) 2007 American Indian Law Review; Brian D. Tittmore I. Introduction It is apparent from this symposium's presentations and other public accounts ...

...human rights issues, provides Member States and other OAS organs with advice on human rights matters, litigates cases before the Inter-American Court of Human Rights, and undertakes promotional initiatives in the area of human rights protection. [FN17] As the Commission is a



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part-time body ...

...the human rights challenges facing the Miskito indigenous population of Nicaragua. [FN20] More recently, the Commission, as well as the **Inter-American Court of Human Rights**, has issued decisions through the individual petition system that address the human rights of indigenous peoples. Notable among these decisions...

242. **31 Am. Indian L. Rev. 619**

American Indian Law Review 2006-2007 UNITED STATES CALLED TO TASK ON INDIGENOUS RIGHTS: THE WESTERN SHOSHONE STRUGGLE AND SUCCESS AT THE INTERNATIONAL LEVEL Julie Ann Fishel [FN1]

...31 AMINDLR 619 31 Am. Indian L. Rev. 619 2007 WL 2999214 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Application of International Law to the Problems of Indigenous Peoples • The Dann Case UNITED STATES CALLED TO TASK ON INDIGENOUS RIGHTS: THE WESTERN SHOSHONE STRUGGLE AND SUCCESS AT THE INTERNATIONAL LEVEL Julie Ann Fishel [FN1] Copyright (c) 2007 American Indian Law Review; Julie Ann Fishel This government needs to be accountable for the actions it takes. Both here ...

...a party to the OAS Charter, the United States is legally bound to promote the observance of human rights. The Inter-American Court on Human Rights has declared that the rights affirmed in the American Declaration on the Rights and Duties of Man (American Declaration) are ...

...Pub. L. No. 79-726, 60 Stat. 1049. [FN18] . Quoted in Corpwatch, Barrick's Dirty Secrets: An Alternative Annual Report 14 (2007), available at http://protestbarrick.net/downloads/barrick_report.pdf. [FN19] . U.S. Ambassador Luigi R. Einaudi, Statement Strengthening Support for Human Rights at...

243. **C 31 Am. Indian L. Rev. 675**

American Indian Law Review 2006-2007 THE INUIT PETITION AS A BRIDGE? BEYOND DIALECTICS OF CLIMATE CHANGE AND INDIGENOUS PEOPLES' RIGHTS Hari M. Osofsky [FN1]

...31 AMINDLR 675 31 Am. Indian L. Rev. 675 2007 WL 2999217 AMERICAN INDIAN LAW REVIEW American Indian Law Review 2006-2007 Application of International Law to the Problems of Indigenous Peoples • The Indigenous Rights Movement in Other Contexts THE INUIT PETITION AS A BRIDGE? BEYOND DIALECTICS OF CLIMATE CHANGE AND INDIGENOUS PEOPLES' RIGHTS Hari M. Osofsky [FN1] Copyright (c) 2007 American Indian Law Review; Hari M. Osofsky I. Introduction The rapid pace of climate change in the Arctic poses serious ...



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...between climate change and human rights. [FN3] The Commission agreed to this broader hearing, which took place on March 1, 2007, and is currently deliberating. [FN4] Although a positive decision from the Commission on the specific claims brought by the Inuit ...

...petition argues forms a key part of the U.S. failure to adequately control its greenhouse gas emissions. [FN18] In February 2007, President Bush presented his first State of the Union address that discussed the need "to confront the serious challenge of...

[244.](#) **18 Am. Rev. Int'l Arb. 175**

American Review of International Arbitration 2007 MANDATORY RULES OF LAW AND INVESTMENT ARBITRATION Andrea K. Bjorklund [FNa1]

...18 AMRIARB 175 18 Am. Rev. Int'l Arb. 175 2007 WL 5877094 AMERICAN REVIEW OF INTERNATIONAL ARBITRATION American Review of International Arbitration 2007 Article Mandatory Rules and Investment Arbitration MANDATORY RULES OF LAW AND INVESTMENT ARBITRATION Andrea K. Bjorklund [FNa1] Copyright © 2008 by ...

...contractual undertakings. [FN108] The Methanex tribunal suggested that discrimination on the basis of race could violate jus cogens [FN109] The Inter-American Court of Human Rights has also concluded, in an advisory opinion, that "the principle of equality before the law, equal protection before the law ...

...SCHREUER, THE ICSID CONVENTION: A COMMENTARY 558-631 (2001). [FN7] See, e.g. , James Crawford, Treaty and Contract in Investment Arbitration: 2007 Freshfields Lecture TRANSNAT'L DISP. MGMT . (Provisional Issue January 2008); Anne K. Hoffmann, Counterclaims by the respondent state in investment arbitrations...

[245.](#) **23 Am. U. Int'l L. Rev. 1**

American University International Law Review 2007 REPARATIONS IN INTERNATIONAL HUMAN RIGHTS LAW PROLOGUE Claudio Grossman [FNa1]

...23 AMUILR 1 23 Am. U. Int'l L. Rev. 1 2007 WL 4838284 AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American University International Law Review 2007 Academy on Human Rights and Humanitarian Law Articles and Essays Analyzing Reparations in International Human Rights Law REPARATIONS IN INTERNATIONAL HUMAN RIGHTS LAW PROLOGUE Claudio Grossman [FNa1] Copyright (c) 2007 American University International Law Review; Claudio Grossman It is my great pleasure to provide the prologue for this issue of the American University International Law Review, which features the winning papers of the 2007 Human Rights Award, sponsored by the



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Academy on Human Rights and Humanitarian Law ("Academy") of the Washington College of Law ...

...insightful papers from around the world, and we greatly value the outstanding contributions of the participants. The winner of the 2007 Award in English is Lisa J. Laplante, of the United States, for her article, The Law of Remedies and the ...

...United Kingdom, for her article, Dissuasive Measures and the "Society as a Whole": A Working Theory of Reparations in the Inter-American Court of Human Rights, and to Fernando Felipe Basch of Argentina, for his article, The Doctrine of the Inter-American Court of Human Rights Regarding States' Duty to Punish Human Rights Violations and Its Dangers. The winner of the 2007 Award in Spanish is Juan Pablo Pérez-León Acevedo, of Peru, for his article, Las Reparaciones en el Derecho Internacional...

[246.](#) **23 Am. U. Int'l L. Rev. 7**

American University International Law Review 2007 LAS REPARACIONES EN EL DERECHO INTERNACIONAL DE LOS DERECHOS HUMANOS, DERECHO INTERNACIONAL HUMANITARIO Y DERECHO PENAL INTERNACIONAL Juan Pablo Pérez-León Acevedo [FNa1]

...23 AMUILR 7 23 Am. U. Int'l L. Rev. 7 2007 WL 4838286 AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American University International Law Review 2007 Academy on Human Rights and Humanitarian Law Articles and Essays Analyzing Reparations in International Human Rights Law LAS REPARACIONES EN ...

...INTERNACIONAL DE LOS DERECHOS HUMANOS, DERECHO INTERNACIONAL HUMANITARIO Y DERECHO PENAL INTERNACIONAL Juan Pablo Pérez-León Acevedo [FNa1] Copyright (c) 2007 American University International Law Review; Juan Pablo Pérez-León Acevedo INTRODUCCIÓN 8 I. LA OBLIGACIÓN DE REPARAR 8 A. En ...

...monto de la indemnización debida a la parte lesionada" [FN6] . Ver Jo M. Pasqualucci, The Practice and Procedure of the Inter-American Court of Human Rights [La Práctica y Procedimiento de la Corte Interamericana de Derechos Humanos] 233-34 (2003). [FN7] . Ver Vargas Areco v. Paraguay...

[247.](#) **C 23 Am. U. Int'l L. Rev. 51**

American University International Law Review 2007 THE LAW OF REMEDIES AND THE CLEAN HANDS DOCTRINE: EXCLUSIONARY REPARATION POLICIES IN PERU'S POLITICAL TRANSITION Lisa J. Laplante [FNa1]

...23 AMUILR 51 23 Am. U. Int'l L. Rev. 51 2007 WL 4838287



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AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American University International Law Review **2007** Academy on Human Rights and Humanitarian Law Articles and Essays Analyzing Reparations in International Human Rights Law THE LAW OF REMEDIES AND THE CLEAN HANDS DOCTRINE: EXCLUSIONARY REPARATION POLICIES IN PERU'S POLITICAL TRANSITION Lisa J. Laplante [FN1] Copyright (c) **2007** American University International Law Review; Lisa J. Laplante INTRODUCTION 52 I. THE INTERNATIONAL RIGHT TO REPARATIONS 54 A. Reparations as ...

...the Inter-American System of Human Rights, including the Inter-American Commission on Human Rights ("Inter-American Commission") and the Inter-American Court of Human Rights ("Inter-American Court"). [FN3] While neither of these international human rights bodies has ruled directly on the issue, their decisions ...

...of the principal pillars of human rights and humanitarian law. [FN108] The authors rely principally on the jurisprudence of the Inter-American Court of Human Rights, observing that "the Court has never suspended or modified its [reparations] determination based on the status or conduct of the...

[248.](#) **23 Am. U. Int'l L. Rev. 91**

American University International Law Review 2007 LA JURISPRUDENCIA DE LA CORTE INTERAMERICANA DE DERECHOS HUMANOS EN MATERIA DE REPARACIONES Y LOS CRITERIOS DEL PROYECTO DE ARTÍCULOS SOBRE RESPONSABILIDAD DEL ESTADO POR HECHOS INTERNACIONALMENTE ILÍCITOS Julio José Rojas Báez [FN1]

...23 AMUILR 91 23 Am. U. Int'l L. Rev. 91 2007 WL 4838288 AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American University International Law Review 2007 Academy on Human Rights and Humanitarian Law Articles and Essays Analyzing Reparations in International Human Rights Law LA JURISPRUDENCIA DE ...

...CRITERIOS DEL PROYECTO DE ARTÍCULOS SOBRE RESPONSABILIDAD DEL ESTADO POR HECHOS INTERNACIONALMENTE ILÍCITOS Julio José Rojas Báez [FN1] Copyright (c) 2007 American University International Law Review; Julio José Rojas Báez INTRODUCCIÓN 92 I. MARCO LEGAL DE LAS REPARACIONES EN EL SISTEMA ...

...Americana. Mientras ello ocurre, la Corte Interamericana tiene la responsabilidad, ahora con nueva composición desde el 1 de enero de 2007, de continuar su avance progresista en su misión de supervisar a los Estados Partes en la Convención Americana. El proceso...

[249.](#) **23 Am. U. Int'l L. Rev. 127**

American University International Law Review 2007 DISSUASIVE



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MEASURES AND THE "SOCIETY AS A WHOLE": A WORKING THEORY OF REPARATIONS IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS
Judith Schönsteiner [FN1]

...23 AMUILR 127 23 Am. U. Int'l L. Rev. 127 2007 WL 4838289
AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American
University International Law Review 2007 Academy on Human Rights
and Humanitarian Law Articles and Essays Analyzing Reparations in
International Human Rights Law DISSUASIVE MEASURES AND THE
"SOCIETY AS A WHOLE": A WORKING THEORY OF REPARATIONS IN THE
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Review; Judith Schönsteiner INTRODUCTION 128 I. INDIVIDUALS AS
BENEFICIARIES OF REPARATION AWARDS 131 A. The Individual ...

...162 INTRODUCTION Addressing non-monetary remedies to the
"society as a whole" is an underlying rationale of jurisprudence in the
Inter-American Court of Human Rights ("Inter-American Court");
measures awarded in this context are intended to serve dissuasive
purposes. "Society as a whole" is a ...

...Non-monetary Measures: Some Remarks in Light of the Assanidze,
Broniowski and Sejdovic Cases, 7 Hum. Rts. L. Rev. 396 (2007) [FN2] .
See, e.g., Pueblo Bello Massacre v. Colombia, 2006 Inter-Am. Ct. H.R.
(ser. C) No. 140, ¶ 217 (Jan...

250. **23 Am. U. Int'l L. Rev. 195**

American University International Law Review 2007 THE DOCTRINE OF
THE INTER-AMERICAN COURT OF HUMAN RIGHTS REGARDING STATES'
DUTY TO PUNISH HUMAN RIGHTS VIOLATIONS AND ITS DANGERS
Fernando Felipe Basch [FN1]

...23 AMUILR 195 23 Am. U. Int'l L. Rev. 195 2007 WL 4838291
AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW American
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International Human Rights Law THE DOCTRINE OF THE INTER-
AMERICAN COURT OF HUMAN RIGHTS REGARDING STATES' DUTY TO
PUNISH HUMAN RIGHTS VIOLATIONS AND ITS DANGERS Fernando
Felipe Basch [FN1] Copyright (c) 2007 American University
International Law Review; Fernando Felipe Basch INTRODUCTION 196 I.
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...THE DUTY TO PUNISH DOCTRINE WITHIN THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS A. The Inter-American System and the Inter-American Court of Human Rights' Jurisdiction The Inter-American system of human rights protection is comparable to other international and European systems designed to protect...

[251.](#) **C** **28 Berkeley J. Emp. & Lab. L. 107**

Berkeley Journal of Employment and Labor Law 2007 LATINO WORKERS AND HUMAN RIGHTS IN THE AFTERMATH OF HURRICANE KATRINA Laurel E. Fletcher [FNd1]Phuong Pham [FNdd1]Eric Stover [FNddd1]Patrick Vinck [FNdddd1]

...28 BERKJELL 107 28 Berkeley J. Emp. & Lab. L. 107 2007 WL 1668119 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW Berkeley Journal of Employment and Labor Law 2007 Article LATINO WORKERS AND HUMAN RIGHTS IN THE AFTERMATH OF HURRICANE KATRINA Laurel E. Fletcher [FNd1] Phuong Pham [FNdd1] Eric Stover [FNddd1] Patrick Vinck [FNdddd1] Copyright (c) 2007 The Regents of the University of California; Laurel E. Fletcher; Phuong Pham; Eric Stover; Patrick Vinck This Article describes a ...

...result in an underclass of exploited workers. U.S. immigration laws are at odds with national and international labor standards. The Inter-American Court of Human Rights, the highest human rights tribunal in the Americas, recently held that labor rights must be extended to all workers regardless ...

...Death Toll from Katrina Likely Higher than 1,300, MSNBC, Feb. 10, 2006, <http://www.msnbc.msn.com/id/11281267> (last visited Feb. 13, 2007); La. Dep't of Health, Reports of Missing and Deceased (April 26, 2006) (on file with authors). [FN4] . See, e.g., Kristen...

[252.](#) **C** **25 Berkeley J. Int'l L. 283**

Berkeley Journal of International Law 2007 GIVING AMNESTIES A SECOND CHANCE Charles P. Trumbull IV [FNa1]

...25 BERKJIL 283 25 Berkeley J. Int'l L. 283 2007 WL 2215474 BERKELEY JOURNAL OF INTERNATIONAL LAW Berkeley Journal of International Law 2007 Article GIVING AMNESTIES A SECOND CHANCE Charles P. Trumbull IV [FNa1] Copyright © 2007 Copyright for material published in the journal is held by the UC Regents except where otherwise noted.; Charles P. Trumbull ...



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Corte Interamericana de Derechos Humanos

Referencias Antología

Corte Interamericana de Derechos Humanos

...been able to identify any customary international law with respect to amnesties. This subsection briefly examines three opinions from the **Inter-American Court of Human Rights**, the International Crime Tribunal for the former Yugoslavia (ICTY), and the Special Court for Sierra Leone (SCSL). Although these opinions disapprove of amnesties, they do not establish that amnesties are per se illegal. In *Velasquez Rodriguez v. Honduras*, the **Inter-American Court of Human Rights** ruled that the high number of forced disappearances in Honduras was a violation of Honduras's duty under Article 1(1) ...

...only that Honduras could not, through amnesty or otherwise, eliminate the victims' right to seek reparations. [FN92] In 2000, the Inter-American Court of Human Rights considered whether Peru had violated the American Convention on Human Rights by enacting Amnesty Law No. 26479, which "exonerated members...

[253.](#) **C** 25 Berkeley J. Int'l L. 268

Berkeley Journal of International Law 2007 MOIWANA VILLAGE V. SURINAME: A PORTAL INTO RECENT JURISPRUDENTIAL DEVELOPMENTS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS Thomas M. Antkowiak [FN1]

...25 BERKJIL 268 25 Berkeley J. Int'l L. 268 2007 WL 2215473 BERKELEY JOURNAL OF INTERNATIONAL LAW Berkeley Journal of International Law 2007 Articles MOIWANA VILLAGE V. SURINAME: A PORTAL INTO RECENT JURISPRUDENTIAL DEVELOPMENTS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS Thomas M. Antkowiak [FN1] Copyright (c) 2007 Copyright for material published in the journal is held by the UC Regents except where otherwise noted.; Thomas M. Antkowiak ...

...government destroyed the cultural tradition . . . of the Maroon people in Moiwana," declared Andre Ajintoena during a public hearing before the Inter-American Court of Human Rights in the case of *Moiwana Village v. Suriname*. [FN1] Mr. Ajintoena is a leader of the Maroon community known as ...

...of rights violations in the Americas, beginning, of course, with the long-suffering Moiwana survivors. [FN1] . Former Senior Staff Attorney, Inter-American Court of Human Rights. Visiting Scholar and Supervising Attorney at the International Human Rights Clinic of the George Washington University Law School. J.D. Columbia...

[254.](#) 32 Brook. J. Int'l L. 1201

Brooklyn Journal of International Law 2007 MORALITY v. REALITY: THE STRUGGLE TO EFFECTIVELY FIGHT HIV/AIDS AND RESPECT HUMAN RIGHTS Erica Tracy Kagan [FN1]



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...32 BKNJIL 1201 32 Brook. J. Int'l L. 1201 2007 WL 2930614
BROOKLYN JOURNAL OF INTERNATIONAL LAW Brooklyn Journal of
International Law 2007 Symposium: Bankruptcy in the Global Village the
Second Decade Co-Sponsored by the Brooklyn Law School Center for
the Study ...

...Note MORALITY v. REALITY: THE STRUGGLE TO EFFECTIVELY FIGHT
HIV/AIDS AND RESPECT HUMAN RIGHTS Erica Tracy Kagan [FNa1]
Copyright © 2007 by Brooklyn Journal of International Law; Erica Tracy
Kagan INTRODUCTION T he United States considers itself a leader in the
worldwide ...

...FNa1] . B.S., Cornell University (2005); J.D., Brooklyn Law School
(expected 2008); Managing Editor of the Brooklyn Journal of
International Law (2007-2008). I would like to thank Professor Karen
Porter for her guidance and Liz Budnitz for her invaluable
encouragement. I...

[255.](#) **C** **13 Buff. Hum. Rts. L. Rev. 87**

Buffalo Human Rights Law Review 2007 STATE RESPONSIBILITY FOR
EXTRATERRITORIAL HUMAN RIGHTS VIOLATIONS Damira
Kamchibekova [FNa1]

...13 BFHRLR 87 13 Buff. Hum. Rts. L. Rev. 87 2007 WL 3349293
BUFFALO HUMAN RIGHTS LAW REVIEW Buffalo Human Rights Law
Review 2007 Article STATE RESPONSIBILITY FOR EXTRATERRITORIAL
HUMAN RIGHTS VIOLATIONS Damira Kamchibekova [FNa1] Copyright
(c) 2007 Buffalo Human Rights Law Review; Damira Kamchibekova I.
Introduction In the era of globalization and the war against terrorism,
states ...

...controversial ruling in *Bankovic v. Belgium*. [FN5] Section B analyzes
the jurisprudence of other international human rights tribunals, such as
Inter-American Court of Human Rights and UN Committee on Human
Rights. Section C addresses the implications that follow from the
Bankovic case at the domestic ...

...to uphold the Convention's protections. *Bankovic* arguably limited this
assertion to *espace juridique* of the Convention. To date in the Inter-
American Court of Human Rights there was no case concerning
extraterritorial conduct outside of the regional system. [FN326] In any
event, the strong argument against...

[256.](#) **38 Case W. Res. J. Int'l L. 217**

Case Western Reserve Journal of International Law 2006-2007 TRUTH
COMMISSIONS: BETWEEN IMPUNITY AND PROSECUTION TRANSCRIPT
OF THE FREDERICK K. COX INTERNATIONAL LAW CENTER LECTURE IN
GLOBAL LEGAL REFORM Judge Thomas Buergenthal [FNd1]



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Corte Interamericana de Derechos Humanos

...38 CWRJIL 217 38 Case W. Res. J. Int'l L. 217 2007 WL 1946690 CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW Case Western Reserve Journal of International Law 2006-2007 Transcript TRUTH COMMISSIONS: BETWEEN IMPUNITY AND PROSECUTION TRANSCRIPT OF THE FREDERICK K. COX INTERNATIONAL LAW CENTER LECTURE IN GLOBAL LEGAL REFORM [FNa1] Judge Thomas Buergenthal [FNd1] Copyright © 2006-2007 Case Western Reserve Journal of International Law; Judge Thomas Buergenthal TRANSCRIPT: Before speaking about truth commissions in general, I thought ...

...I were the two remaining members. Some people who knew of my prior service as judge and president of the Inter-American Court of Human Rights, joked that the Commission was composed of two politicians and a judge to keep them honest; others warned me that ...

...war crimes. Today there exist only three human rights courts in the world?the European Court of Human Rights, the Inter-American Court of Human Rights, and the relatively new African Court of Human and Peoples' Rights. In addition to these three regional courts?as yet...

[257.](#) **34 Ecology L.Q. 1297**

Ecology Law Quarterly 2007 THE ROLE OF INTERNATIONAL TRIBUNALS IN NATURAL RESOURCE DISPUTES IN LATIN AMERICA C. Leah Granger [FNa1]

...34 ECLQ 1297 34 Ecology L.Q. 1297 2007 WL 5065656 ECOLOGY LAW QUARTERLY Ecology Law Quarterly 2007 Comment THE ROLE OF INTERNATIONAL TRIBUNALS IN NATURAL RESOURCE DISPUTES IN LATIN AMERICA C. Leah Granger [FNa1] Copyright (c) 2007 The Regents of the University of California; C. Leah Granger This Comment explores the role played by various types of ...

...Table 1: Tribunals Available to Countries Involved in the Disputes and Year Joined Argentina Chile Colombia Ecuador Honduras Nicaragua Uruguay Inter-American Court of Human Rights (IACHR) (founded 1959) 1984 1969 [FNa] /1999 1973/1994 1977 1977 1969 [FNa] /1979/1994 1969 [FNa] /1984 Central American ...

...Agreed to implementSection XI of ITLOS Treaty. As seen in Table 1, the tribunals accessed in these disputes include the Inter-American Court of Human Rights, [FN6] part of the Organization of American States; the Central American Court of Justice, [FN7] part of the Central American...

[258.](#) **18 Fordham Env'tl. L. Rev. 471**

Fordham Environmental Law Review Symposium, 2007 HUMAN RIGHTS OR ENVIRONMENTAL RIGHTS? A REASSESSMENT Alan Boyle [FNa1]



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...18 FDMEELREV 471 18 Fordham Env'tl. L. Rev. 471 2007 WL 5151644 FORDHAM ENVIRONMENTAL LAW REVIEW Fordham Environmental Law Review Symposium, 2007 Symposium Article HUMAN RIGHTS OR ENVIRONMENTAL RIGHTS? A REASSESSMENT Alan Boyle [FNa1] Copyright © 2007 Fordham Environmental Law Review; Alan Boyle I. INTRODUCTION Environmental rights do not fit neatly into any single category or "generation ...

...Essex Court Chambers, London. This article is based on a paper given at Fordham University Law School on March 2, 2007, and the author is grateful to the organizers and participants for the opportunity to discuss some of the issues. Research ...

...2006); J.Merrills, Environmental Rights, in OXFORD HANDBOOK OF INTERNATIONAL ENVIRONMENTAL LAW 663 (D. Bodansky, J. Brunnee and E. Hey eds, 2007). [FN2] . See Philip Alston, Conjuring Up New Human Rights: A Proposal for Quality Control, 78 AM. J. INT'L L. 607...

[259.](#)

18 Fordham Env'tl. L. Rev. 513

Fordham Environmental Law Review Symposium, **2007** CLIMATE CHANGE, HUMAN RIGHTS, AND THE RIGHT TO BE COLD Joanna Harrington [FNa1]

...18 FDMEELREV 513 18 Fordham Env'tl. L. Rev. 513 2007 WL 5151645 FORDHAM ENVIRONMENTAL LAW REVIEW Fordham Environmental Law Review Symposium, 2007 Symposium Article CLIMATE CHANGE, HUMAN RIGHTS, AND THE RIGHT TO BE COLD Joanna Harrington [FNa1] Copyright © 2007 Fordham Environmental Law Review; Joanna Harrington I. INTRODUCTION In December 2005, the Inuit Circumpolar Conference ("ICC") (renamed the Inuit Circumpolar ...

...rejection that the Commission would not proceed to hear the claims made in the ICC's petition. However, on March 1, 2007, the Commission held a public hearing on the subject of "Human Rights and Global Warming" that was broadcast to the ...

...such a transition to occur. According to documents made public by Earthjustice, it would appear that the hearing in March 2007 came about as a result of a December 2006 request made by the three organizations responsible for the petition, namely the ICC, Earthjustice and the Center for International Environmental Law. This request was then renewed in mid-January 2007 and later granted by the Commission through a letter dated February 1, 2007, subsequently made public by Earthjustice. [FN8] Included within the Commission's letter were excerpts from the Commission's Rules of Procedure indicating...



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260. **39 Geo. Wash. Int'l L. Rev. 685**

George Washington International Law Review 2007 TRANSNATIONAL TRIBUNALS AND THE TRANSMISSION OF NORMS: THE HEGEMONY OF PROCESS Christopher J. Borgen [FN1]

...39 GWILR 685 39 Geo. Wash. Int'l L. Rev. 685 2007 WL 5386849 GEORGE WASHINGTON INTERNATIONAL LAW REVIEW George Washington International Law Review 2007 Article TRANSNATIONAL TRIBUNALS AND THE TRANSMISSION OF NORMS: THE HEGEMONY OF PROCESS Christopher J. Borgen [FN1] Copyright (c) 2007 George Washington University; Christopher J. Borgen Introduction The 1990s was a time of rapid change in international relations. The Cold ...

...caseload of existing tribunals such as the European Court of Human Rights, the European Court of Justice (ECJ), and the Inter-American Court for Human Rights dramatically increased. [FN5] According to Professor Karen Alter, more than 70% of all international judicial activity (19,568 out of the ...

...as NAFTA, and under ad hoc situations. [FN53] Established in 1966, ICSID has been ratified as of the beginning of 2007 by 143 States across the political, economic, and geographic spectrum. [FN54] There has been a rapid increase in investor-State...

261. **C 19 Geo. Int'l Env'tl. L. Rev. 475**

Georgetown International Environmental Law Review 2007 PARTNERSHIPS FOR SUCCESS IN PROTECTED AREAS: THE PUBLIC INTEREST AND LOCAL COMMUNITY RIGHTS TO PRIOR INFORMED CONSENT (PIC) Anne Perrault [FN1] Kirk Herbertson [FNd1] Owen J. Lynch [FNr1]

...19 GEOIELR 475 19 Geo. Int'l Env'tl. L. Rev. 475 2007 WL 2085363 GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW Georgetown International Environmental Law Review 2007 Article PARTNERSHIPS FOR SUCCESS IN PROTECTED AREAS: THE PUBLIC INTEREST AND LOCAL COMMUNITY RIGHTS TO PRIOR INFORMED CONSENT (PIC) Anne Perrault [FN1] Kirk Herbertson [FNd1] Owen J. Lynch [FNr1] Copyright © 2007 by Georgetown International Environmental Law Review; Anne Perrault, Kirk Herbertson, Owen J. Lynch C1-3 CONTENTS I. Introduction 476 II ...

...of judicial remedies will exist, and remedies, if appropriate, will be enforced. For example, in *Awas Tingni v. Nicaragua*, the Inter-American Court of Human Rights determined that Nicaragua failed to provide a mechanism to examine and address the lack of recognition of fundamental rights of ...

...staff members at the Clayoquot Alliance for Research, Education and Training, at: <http://>



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www.clayoquotalliance.uvic.ca/PDFs/CLARETStdConV1Jun03.pdf (last visited May 24, 2007). B. CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON RESEARCH ORDINANCE Context: Conducting research in communities Adopted by: Confederated Tribes of...

[262.](#) **10 Gonz. J. Int'l L. 202**

Gonzaga Journal of International Law 2006-2007 WHAT CAUSED THE MULTIPLICITY OF INTERNATIONAL COURTS AND TRIBUNALS? Firew Kebede Tiba [FNa1]

...10 GONZJIL 202 10 Gonz. J. Int'l L. 202 2007 WL 141928 GONZAGA JOURNAL OF INTERNATIONAL LAW Gonzaga Journal of International Law 2006-2007 Article WHAT CAUSED THE MULTIPLICITY OF INTERNATIONAL COURTS AND TRIBUNALS? Firew Kebede Tiba [FNa1] Copyright (c) 2006-2007 Gonzaga Journal of International Law; Firew Kebede Tiba Cite as: Firew Kebede Tiba, What Caused the Multiplicity of International Courts ...

...some of these efforts. The strongest influence of the European system is felt in the human rights field where the Inter-American Court of Human Rights and Commission are inspired by their European counterparts, despite the fact that the Inter-American Court does not allow for...

[263.](#) **37 Hong Kong L. J. 407**

Hong Kong Law Journal 2007 Basic Law and Constitutional Review: The First Decade Johannes Chan SC [FNa1]

...37 HKLJ 407 37 Hong Kong L. J. 407 2007 WL 3030927 HONG KONG LAW JOURNAL Hong Kong Law Journal 2007 Special Issue Commemorating the 10th Anniversary of the Hong Kong Special Administrative Region Basic Law and Constitutional Review: The First Decade Johannes Chan SC [FNa1] Copyright © 2007 by Sweet & Maxwell Asia; Johannes Chan SC The author argues that by and large, fundamental rights have been upheld in ...

...jurisdictions, the courts have freely referred to decisions from the European Court of Human Rights, [FN9] Human Rights Committee, [FN10] Inter-American Court of Human Rights, [FN11] and International Court of Justice. [FN12] They are also receptive to soft law such as General Comments and Concluding ...

...P. J. Yap, "10 Years of the Basic Law: The Rise, Retreat and Resurgence of Judicial Power in Hong Kong" , (2007) 36:2 Common Law World Review 166. [FN41] See A. Chen, "The Basic Law and the Protection of Property Rights" (1993) 23 HKLJ 31 In *Harvest Good Investment Co Ltd v Secretary for Justice* , HCAL 32/2006 (16 July 2007), Hartmann J held that the more narrow meaning of expropriation



in the Chinese text should be adopted. In coming to...

[264.](#) **7 Hum. Rts. L. Rev. 73**

Human Rights Law Review 2007 REFORMING THE SPECIAL PROCEDURES AND MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS Hurst Hannum [FN1]

...7 HUMRLR 73 7 Hum. Rts. L. Rev. 73 2007 WL 1072277 HUMAN RIGHTS LAW REVIEW Human Rights Law Review 2007 Special Issue: Reform of the UN Human Rights Machinery Article REFORMING THE SPECIAL PROCEDURES AND MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS Hurst Hannum [FN1] Copyright © 2007 by Oxford University Press; Hurst Hannum 1. The Context After a great deal of lobbying by Human Rights Watch, Amnesty ...

...2006, and additional sessions have been or will be held in September--October 2006, November-- December 2006 and March--April 2007 for a total of 12 weeks of meetings in its first year. [FN3] It is expected that a package of reforms to 'rationalise' the work of the former Commission will be adopted at the Council's spring or summer 2007 session. The Council has two major organisational tasks before it, in addition to its ongoing consideration of substantive issues. [FN4 ...

...on complaints regarding violations of the American Convention on Human Rights, whilst binding judgments on violations are given by the Inter-American Court of Human Rights. [FN67] . Under the African Charter on Human and Peoples' Rights, the African Commission may examine individual petitions if a simple...

[265.](#) **7 Hum. Rts. L. Rev. 251**

Human Rights Law Review 2007 THE NEED FOR A WORLD COURT OF HUMAN RIGHTS Manfred Nowak [FN1]

...7 HUMRLR 251 7 Hum. Rts. L. Rev. 251 2007 WL 1072284 HUMAN RIGHTS LAW REVIEW Human Rights Law Review 2007 Special Issue: Reform of the UN Human Rights Machinery Article THE NEED FOR A WORLD COURT OF HUMAN RIGHTS Manfred Nowak [FN1] Copyright © 2007 by Oxford University Press; Manfred Nowak 1. Relationship between the Human Rights Council and the World Court On 15 March ...

...was only achieved with the entry into force of the Protocol 11 to the ECHR on 1 November 1998. The Inter-American Court of Human Rights was established in 1979 by the American Convention on Human Rights 1969 (ACHR), OAS No. 36. [FN6] . Protocol to the ...

...al. v the Republika Srpska ('Srebrenica cases') Case nos. CH/01/8365 et al. , 7 March 2003; 14 IHRR 250 (2007) The Chamber ordered the Republika Srpska to provide the victims with the following remedies and



reparations: 'to release all information...

[266.](#) **7 Hum. Rts. L. Rev. 441**

Human Rights Law Review 2007 LOOKING BEYOND THE BANCOULT CASES: INTERNATIONAL LAW AND THE PROSPECT OF RESETTLING THE CHAGOS ISLANDS Stephen Allen [FNa1]

...7 HUMRLR 441 7 Hum. Rts. L. Rev. 441 2007 WL 2327887 HUMAN RIGHTS LAW REVIEW Human Rights Law Review 2007 Article LOOKING BEYOND THE BANCOULT CASES: INTERNATIONAL LAW AND THE PROSPECT OF RESETTLING THE CHAGOS ISLANDS Stephen Allen [FNa1] Copyright © 2007 by Oxford University Press; Stephen Allen Abstract During the 1960s, the US government entered into an agreement with the UK ...

...Secretary appealed against the Divisional Court's decision in Bancoult 2 The Court of Appeal delivered its judgment on 23 May 2007 (Secretary of State for Foreign and Commonwealth Affairs v R (Bancoult) [2007] EWCA 498). In dismissing the appeal, the court held that the two Orders in Council enacted in 2004 constituted an ...

...para. 102. The Foreign Secretary appealed against the Divisional Court's decision in Bancoult 2 The appeal was heard in February 2007. [FN55] . This was not an issue raised when considerable sums of money were spent by the UK government in the...

[267.](#) **7 Hum. Rts. L. Rev. 681**

Human Rights Law Review 2007 NOMADIC TERRITORIES: A HUMAN RIGHTS APPROACH TO NOMADIC PEOPLES' LAND RIGHTS Jérémie Gilbert [FNa1]

...7 HUMRLR 681 7 Hum. Rts. L. Rev. 681 2007 WL 4249997 HUMAN RIGHTS LAW REVIEW Human Rights Law Review 2007 Article NOMADIC TERRITORIES: A HUMAN RIGHTS APPROACH TO NOMADIC PEOPLES' LAND RIGHTS Jérémie Gilbert [FNa1] Copyright © 2007 by Oxford University Press; Jérémie Gilbert Abstract In most societies nomadic peoples face discrimination. At the heart of this discrimination ...

...group' [FN83] In its 2001 landmark decision in the case of Mayagna (Sumo) Awas Tingni Community v Nicaragua [FN84] the Inter-American Court of Human Rights (IACtHR) affirmed the right of the indigenous community to collective ownership of their lands and natural resources. Important consequences for ...

...also Gilbert, Historical Indigenous Peoples' Land Claims: A Comparative and International Approach to the Common Law Doctrine on Indigenous Title' , (2007) 56 International and Comparative Law Quarterly 583; and Bennett and Powell, 'Aboriginal Title in South Africa



Revisited' (1999) 15 South...

[268.](#) **7 Hum. Rts. L. Rev. 774**

Human Rights Law Review 2007 CATCHING UP WITH THE PAST: RECENT DECISIONS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS ADDRESSING GROSS HUMAN RIGHTS VIOLATIONS PERPETRATED DURING THE 1970-1980S Claudia Martin [FN1]

...7 HUMRLR 774 7 Hum. Rts. L. Rev. 774 2007 WL 4250002 HUMAN RIGHTS LAW REVIEW Human Rights Law Review 2007 United Nations and Regional Human Rights Systems: Recent Development CATCHING UP WITH THE PAST: RECENT DECISIONS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS ADDRESSING GROSS HUMAN RIGHTS VIOLATIONS PERPETRATED DURING THE 1970-1980S Claudia Martin [FN1] Copyright © 2007 by Oxford University Press; Claudia Martin 1. Introduction In recent judgments, the Inter-American Court of Human Rights (hereinafter 'Inter-American Court' or 'Court') has decided cases involving gross violations of human rights perpetrated during periods of political ...

...english/Sigs/b-32.html. [FN6] . See, inter alia, *Moiwana Community v Suriname* IACtHR Series C 124 (2005); 14 IHRR 454 (2007) ; and *Plan de Sánchez Massacre v Guatemala* IACtHR Series C 105 (2004); 13 IHRR 986 (2006) [FN7] . Decree Law No ...

...optional' See also *Alfonso Martin del Campo Dodd v Mexico* , Preliminary Objections, IACtHR Series C 113 (2004); 14 IHRR 425 (2007) at para. 68. [FN16] *Ivcher-Bronstein v Peru* , Competence, IACtHR Series C 54 (1999); and *Constitutional Court v Peru* Competence...

[269.](#) **C 2 Intercultural Hum. Rts. L. Rev. 41**

Intercultural Human Rights Law Review 2007 THE WESTERN SHOSHONE STRUGGLE: OPENING DOORS FOR INDIGENOUS RIGHTS Julie Ann Fishel [FN1]

...2 ICHUMRLR 41 2 Intercultural Hum. Rts. L. Rev. 41 2007 WL 5527721 INTERCULTURAL HUMAN RIGHTS LAW REVIEW Intercultural Human Rights Law Review 2007 Sovereignty and Sustainable Development of Indigenous Peoples Seventh Tribal Sovereignty Symposium January 27, 2006 THE WESTERN SHOSHONE STRUGGLE: OPENING DOORS FOR INDIGENOUS RIGHTS Julie Ann Fishel [FN1] Copyright (c) 2007 Intercultural Human Rights Law Review; Julie Ann Fishel The struggle of the Western Shoshone Nation is the struggle of all ...

...and a party to the OAS Charter, the U.S. is legally bound to promote the observance of human rights. The Inter-American Court on



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Human Rights has declared that the rights affirmed in the American Declaration on the Rights and Duties of Man ("American Declaration") are ...

...Committee on the Elimination of Racial Discrimination on the Early Warning and Urgent Action Procedure Decision 1(68), Feb. 7, 2007 (Prepared with the assistance of the University of Arizona Indigenous Peoples Law and Policy Program) and attached documentation, available at...

270. 2 Intercultural Hum. Rts. L. Rev. 249
Intercultural Human Rights Law Review 2007 REGIONAL HUMAN RIGHTS COURTS AND INTERNAL ARMED CONFLICTS Michele D'Avolio [FN1]

...2 ICHUMRLR 249 2 Intercultural Hum. Rts. L. Rev. 249 2007 WL 5527727 INTERCULTURAL HUMAN RIGHTS LAW REVIEW Intercultural Human Rights Law Review 2007 Articles REGIONAL HUMAN RIGHTS COURTS AND INTERNAL ARMED CONFLICTS Michele D'Avolio [FN1] Copyright (c) 2007 Intercultural Human Rights Law Review; Michele D'Avolio I. Introduction This article explores the role of regional human rights courts in ...

...the Isaveya [FN3] cases, the Inter-American Commission of Human Rights' ("IAComHR") decision in the Abella [FN4] case, and the Inter-American Court of Human Rights' ("IACtHR") decisions in the Las Palmeras [FN5] and Bamaca Velasquez [FN6] cases. These cases provide a framework to examine the ...

...IHL, and certainly beyond anything that has been established with regard to internal armed conflicts. B. Inter-American Commission and Inter-American Court of Human Rights Similar to the ECtHR's experience, both the Inter-American Commission of Human Rights ("IAComHR") and the Inter-American Court of Human Rights ("IACtHR") have had occasion to address claims that have arisen during internal armed conflicts. The seminal case that came out...

[271.](#) **C** 22 J. Envtl. L. & Litig. 267

Journal of Environmental Law and Litigation 2007 INTERNATIONAL LEGAL AVENUES TO ADDRESS THE PLIGHT OF VICTIMS OF CLIMATE CHANGE: PROBLEMS AND PROSPECTS Timo Koivurova [FN1]

...22 JENVLL 267 22 J. Envtl. L. & Litig. 267 2007 WL 4774884 JOURNAL OF ENVIRONMENTAL LAW AND LITIGATION Journal of Environmental Law and Litigation 2007 Article INTERNATIONAL LEGAL AVENUES TO ADDRESS THE PLIGHT OF VICTIMS OF CLIMATE CHANGE: PROBLEMS AND PROSPECTS Timo Koivurova [FN1] Copyright (c) 2007 University of Oregon; Timo Koivurova I. Taking Climate Change to International



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Legal Proceedings 270 A. Climate Regime 272 B. General ...

...parties was not available. Furthermore, the United States has not ratified the Inter-American Convention on Human Rights, so the Inter-American Court of Human Rights was also unavailable. The IACHR appeared to be the most appropriate body to handle the petition because it had previously ...

...FN151] Upon this basis, the petition also invokes the case practice of the IACHR and the case law of the Inter-American Court of Human Rights because both have discussed the individual rights enshrined in the American Declaration. [FN152] According to the IACHR's case practice, "the...

272. **28 Just. Sys. J. 109**

Justice System Journal 2007 COURTS CROSSING BORDERS: BLURRING THE LINES OF SOVEREIGNTY, EDITED BY MARY L. VOLCANSEK AND JOHN F. STACK, JR. DURHAM, NC: CAROLINA ACADEMIC PRESS, 2005. 252 PP. Wendy L. Martinek

...28 JUSTSYSJ 109 28 Just. Sys. J. 109 2007 WL 928705 JUSTICE SYSTEM JOURNAL Justice System Journal 2007 Review Section Book Review COURTS CROSSING BORDERS: BLURRING THE LINES OF SOVEREIGNTY, EDITED BY MARY L. VOLCANSEK AND JOHN F. STACK, JR. DURHAM, NC: CAROLINA ACADEMIC PRESS, 2005. 252 PP. Wendy L. Martinek Copyright © 2007 by The National Center for State Courts; Wendy L. Martinek Central to the concept of sovereignty is autonomy from external ...

...this time in the context of the New World and both the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights. Stack's reading of the history of the Americas leads him to characterize the area as one with "an almost obsessive...

273. **C 10 N.Y.U. J. Legis. & Pub. Pol'y 555**

NYU Journal of Legislation and Public Policy 2006-2007 SOLUTIONS, NOT SCAPEGOATS: ABATING SWEATSHOP CONDITIONS FOR ALL LOW-WAGE WORKERS AS A CENTERPIECE OF IMMIGRATION REFORM Rebecca Smith, Catherine Ruckelshaus [FNa1]

...10 NYUJLPP 555 10 N.Y.U. J. Legis. & Pub. Pol'y 555 2007 WL 3319432 NYU JOURNAL OF LEGISLATION AND PUBLIC POLICY NYU Journal of Legislation and Public Policy 2006-2007 Symposium Issue Immigration Reform: Balancing Enforcement and Integration Article SOLUTIONS, NOT SCAPEGOATS: ABATING SWEATSHOP CONDITIONS FOR ALL LOW-WAGE WORKERS AS A CENTERPIECE OF IMMIGRATION REFORM Rebecca Smith Catherine Ruckelshaus [FNa1] Copyright (c) 2006-2007 New York University Journal of Legislation and Public Policy;



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Corte Interamericana de Derechos Humanos

Rebecca Smith; Catherine Ruckelshaus I. Introduction Across the country, low-wage ...

...approximately one federal Wage and Hour investigator for every 110,000 workers covered by Fair Labor Standards Act (FLSA). [FN15] By 2007, the U.S. Department of Labor's (DOL) budget dedicated to enforcing wage and hour laws will be 6.1% less in ...

...he was arrested by immigration authorities on his employer's report. [FN101] In advance of Congressional consideration of immigration reform in 2007, the U.S. government also stepped up its worksite enforcement program. The enforcement budget has increased 42% since President Bush took...

274. **7 Pepp. Disp. Resol. L.J. 215**

Pepperdine Dispute Resolution Law Journal 2007 WHO KILLED THE FRIENDLY SETTLEMENT? THE DECLINE OF NEGOTIATED RESOLUTIONS AT THE EUROPEAN COURT OF HUMAN RIGHTS Gregory S. Weber [FN1]

...7 PEPDRLJ 215 7 Pepp. Disp. Resol. L.J. 215 2007 WL 3044461 PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL Pepperdine Dispute Resolution Law Journal 2007 Contents WHO KILLED THE FRIENDLY SETTLEMENT? THE DECLINE OF NEGOTIATED RESOLUTIONS AT THE EUROPEAN COURT OF HUMAN RIGHTS Gregory S. Weber [FN1] Copyright (c) 2007 Pepperdine University School of Law; Gregory S. Weber "The friendly settlement process is perhaps the centre-piece of the Convention ...

...of would-be Hollywood producers and directors are merely waiting for the program's actual demise. As of the start of 2007, the practice is still officially alive, with no calls for the Court to emulate the CARB's decision to kill the ...

...of Europe in Brief: Member States (2004), available at http://www.coe.int/T/e/Com/about_coe/ (last visited Apr. 10, 2007). These include: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany...

275. **5 Santa Clara J. Int'l L. 390**

Santa Clara Journal of International Law 2007 PANEL: RECENT DEVELOPMENTS IN NAFTA AND CAFTA

...5 SANCJIL 390 5 Santa Clara J. Int'l L. 390 2007 WL 2505997 SANTA CLARA JOURNAL OF INTERNATIONAL LAW Santa Clara Journal of International Law 2007 International Law Weekend - West Conference: Proceedings and Articles PANEL: RECENT DEVELOPMENTS IN NAFTA AND CAFTA Copyright (c) 2007 Santa Clara Journal Andrea K. Bjorklund,



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Corte Interamericana de Derechos Humanos

Moderator [FN1] The North American Free Trade Agreement (NAFTA) [FN1] was hardly the first ...

...factual situation that you are bringing an arbitration under the NAFTA. Andrea Bjorklund: There is a recent case from the Inter-American Court of Human Rights, the Reyes case, which has established the principle of right of access to information. [FN26] This may have a broader...

[276.](#) **5 Santa Clara J. Int'l L. 462**

Santa Clara Journal of International Law 2007 PANEL: CLIMATE CHANGE

...5 SANCJIL 462 5 Santa Clara J. Int'l L. 462 2007 WL 2506001 SANTA CLARA JOURNAL OF INTERNATIONAL LAW Santa Clara Journal of International Law 2007 International Law Weekend - West Conference: Proceedings and Articles PANEL: CLIMATE CHANGE Copyright (c) 2007 Santa Clara Journal Wil Burns, Moderator [FN1] My name is Wil Burns and I am a senior fellow here at ...

...makes those nations subject to the Inter-American human rights institutions, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The United States' failure to ratify the American Convention might be an obstacle to bringing a petition like ours against ...

...the Declaration and the Convention. International environmental law is also relevant to interpreting the United States' human rights obligations. The Inter-American Court on Human Rights has said that human rights treaties are live documents - that one must consider how rights are evolving - and that a...

[277.](#) **C 47 Santa Clara L. Rev. 201**

Santa Clara Law Review 2007 UNSAFE IN AMERICA: A REVIEW OF THE U.S.-CANADA SAFE THIRD COUNTRY AGREEMENT Andrew F. Moore [FN1]

...47 SANCLR 201 47 Santa Clara L. Rev. 201 2007 WL 1746324 SANTA CLARA LAW REVIEW Santa Clara Law Review 2007 Article UNSAFE IN AMERICA: A REVIEW OF THE U.S.-CANADA SAFE THIRD COUNTRY AGREEMENT Andrew F. Moore [FN1] Copyright (c) 2007 School of Law, Santa Clara University; Andrew F. Moore I. Introduction On December 23, 2004, over four hundred men, women ...

...FN555] The Federal Court agreed to hear the case in June 2006. [FN556] Oral arguments were heard on February 5, 2007. [FN557] B. Regional Remedies The STCA may also be challenged at the regional and international levels. The regional and international ...



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...two mechanisms that monitor human rights in the Americas are the Inter-American Commission on Human Rights (Commission), and the Inter-American Court on Human Rights. [FN559] However, the **Inter-American Court on Human Rights** depends upon the consent of the parties before it can exercise its jurisdiction, [FN560] and neither Canada nor the United...

[278.](#) **C** **37 Seton Hall L. Rev. 661**

Seton Hall Law Review 2007 INTERNATIONAL HUMAN RIGHTS: AN OVERVIEW: ANNUAL VANDERBILT ADDRESS TO THE NEW JERSEY ALUMNI OF HARVARD LAW SCHOOL The Honorable James R. Zazzali [FN1]

...37 SHLR 661 37 Seton Hall L. Rev. 661 2007 WL 1576329 SETON HALL LAW REVIEW Seton Hall Law Review 2007 INTERNATIONAL HUMAN RIGHTS: AN OVERVIEW: ANNUAL VANDERBILT ADDRESS TO THE NEW JERSEY ALUMNI OF HARVARD LAW SCHOOL The Honorable James R. Zazzali [FN1] Copyright (c) 2007 Seton Hall University School of Law; The Honorable James R. Zazzali The more I read the papers, The less I ...

...of the globe, a landscape where protection of human rights is not as encouraging as in Europe. First is the Inter-American Court on Human Rights created in 1979 to cover the Western Hemisphere. [FN62] Based in Costa Rica, [FN63] the court has heard two hundred ...

...Richard Bilder, 100 Am. J. Int'l L. 503, 504 (2006) (reviewing Jo M. Pasqualucci, *The Practice and Procedure of the Inter-American Court of Human Rights* (2003)). [FN64] . See Inter-American Court on Human Rights, *Jurisprudence: Decisions and Judgments*, <http://www.corteidh.or.cr/casos.cfm?&CFID=153840&CFTOKEN=36534461> (last visited Dec. 13, 2006) (listing all of the Inter-American Court on Human Rights Tribunal's cases). [FN65] . Bertrand G. Ramcharan, *Evolution of Human Rights Norms and Machinery* (2006), <http://www.scu.edu/ethics/practicing/focusareas/global...>

[279.](#) **C** **2007 U. Chi. Legal F. 359**

University of Chicago Legal Forum 2007 THE NON-LEGAL ROLE OF INTERNATIONAL HUMAN RIGHTS LAW IN ADDRESSING IMMIGRATION Lesley Wexler [FN1]

...2007 UCHILF 359 2007 U. Chi. Legal F. 359 2007 WL 3333452 UNIVERSITY OF CHICAGO LEGAL FORUM University of Chicago Legal Forum 2007 Immigration Law and Policy Articles THE NON-LEGAL ROLE OF INTERNATIONAL HUMAN RIGHTS LAW IN ADDRESSING IMMIGRATION Lesley Wexler [FN1] Copyright © 2007 University of



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Chicago; Lesley Wexler Current domestic and international law relating to immigration, particularly that favored by countries that draw ...

...Bhabha, Reforming Immigration Policy, 24 Boston Rev (Summer 2005), available at <<http://bostonreview.net/BR30.3/bhabha.html>> (last visited Jan 12, 2007). [FN2] . For example, the recent Protocol to Prevent, Suppress and Punish Trafficking in Persons utilizes a law enforcement approach. See ...

...Dec 12, 2000), available at <http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_raff_eng.pdf> (last visited Jan 22, 2007). [FN3] . Sandesh Sivakumaran, The Rights of Migrant Workers One Year On: Transformation or Consolidation?, 36 Georgetown J Intl L 113...

[280.](#) **C** **10 Yale Hum. Rts. & Dev. L.J. 88**

Yale Human Rights and Development Law Journal 2007 LIABILITY OF SECONDARY ACTORS UNDER THE ALIEN TORT STATUTE: AIDING AND ABETTING AND ACQUIESCENCE TO TORTURE IN THE CONTEXT OF THE FEMICIDES OF CIUDAD JUÁREZ William Paul Simmons [FNd1]

...10 YHRDLJ 88 10 Yale Hum. Rts. & Dev. L.J. 88 2007 WL 2319847 YALE HUMAN RIGHTS AND DEVELOPMENT LAW JOURNAL Yale Human Rights and Development Law Journal 2007 Article LIABILITY OF SECONDARY ACTORS UNDER THE ALIEN TORT STATUTE: AIDING AND ABETTING AND ACQUIESCENCE TO TORTURE IN THE CONTEXT OF THE FEMICIDES OF CIUDAD JUÁREZ William Paul Simmons [FNd1] Copyright (c) 2007 Yale Human Rights and Development Law Journal; William Paul Simmons Since 1993, more than 400 women have been murdered in ...

...national government of Mexico [FN3] and these will most likely lead to action by the Commission and, eventually, by the Inter-American Court of Human Rights. However, the Inter-American Commission and Court have both been faulted for their lengthy procedures, and the Commission, especially, has ...

...24, 2005, available at <http://www.cidh.org/annualrep/2005eng/toc.htm>. [FN4] . For an in-depth discussion of potential remedies in the Inter-American Court of Human Rights, see William Paul Simmons, Remedies for the Women of Ciudad Juárez through the Inter-American Court of Human Rights, 4 Nw. U.J. Int'l Hum. Rts. 492 (2006) Almost three years elapsed from the time of the first petitions in...

[281.](#) **C** **10 Yale Hum. Rts. & Dev. L.J. 141**

Yale Human Rights and Development Law Journal 2007 ON THE INDIVISIBILITY OF RIGHTS: TRUTH COMMISSIONS, REPARATIONS, AND THE RIGHT TO DEVELOPMENT Lisa J. Laplante [FNd1]



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...10 YHRDLJ 141 10 Yale Hum. Rts. & Dev. L.J. 141 2007 WL 2319848
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Rights and Development Law Journal 2007 Note from the Field ON THE
INDIVISIBILITY OF RIGHTS: TRUTH COMMISSIONS, REPARATIONS,
AND THE RIGHT TO DEVELOPMENT Lisa J. Laplante [FNd1] Copyright (c)
2007 Yale Human Rights and Development Law Journal; Lisa J. Laplante
While academics debate the ranking of rights, information from the ...

...began to recognize their separate right to reparations. For discussion,
see Jo M. Pasqualucci, *The Practice and Procedure of the Inter-
American Court of Human Rights* 235-39 (2003). [FN28] . See, e.g.,
Martha Minow, *The Hope for Healing: What Can Truth Commissions Do?*,
in *Truth v ...*

...of Peace Promotion, General Department of the Displaced and Culture
of Peace, Minister of Women and Social Development (Mar. 30, 2007)
(on file with autor). [FN89] . See generally Lisa J. Laplante & Miryam
Rivera Holguin, *The Peruvian Truth Commission's Mental Health
Reparations...*

[282.](#) **35 Denv. J. Int'l L. & Pol'y 1**

Denver Journal of International Law and Policy Winter 2006
INTERNATIONAL NUCLEAR LAW: AN INTRODUCTION Ved P. Nanda, Jon
M. Van Dyke

...Policy Winter 2006 December 2006 Article INTERNATIONAL NUCLEAR
LAW: AN INTRODUCTION Ved P. Nanda Jon M. Van Dyke Copyright (c)
2007 Denver Journal of International Law and Policy, University of
Denver (Colorado Seminary) College of Law; Ved P. Nanda; Jon M ...

...judicial decisions in national courts as well as in regional tribunals,
including the European Court of Human Rights and the Inter-
American Court of Human Rights. She also refers to the General
Comments of the Human Rights Committees established under the
International Covenant on Civil and...

[283.](#) **35 Denv. J. Int'l L. & Pol'y 129**

Denver Journal of International Law and Policy Winter 2006 HUMAN
RIGHTS AND THE ENVIRONMENT: WHAT SPECIFIC ENVIRONMENTAL
RIGHTS HAVE BEEN RECOGNIZED? Dinah Shelton [FNaa1]

...2006 Article HUMAN RIGHTS AND THE ENVIRONMENT: WHAT
SPECIFIC ENVIRONMENTAL RIGHTS HAVE BEEN RECOGNIZED? [FNaa1]
Dinah Shelton [FNaa1] Copyright (c) 2007 Denver Journal of
International Law and Policy, University of Denver (Colorado Seminary)
College of Law; Dinah Shelton As early as ...



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...respect to their environmental and natural resources. The case of Mayagna (Sumo) Awas Tingni Community v. Nicaragua, decided by the Inter-American Court of Human Rights, involved the protection of Nicaraguan forests in lands traditionally owned by the Awas Tingni. [FN164] The case originated as an...

284. C 18 Fla. J. Int'l L. 745

Florida Journal of International Law December, 2006 TOWARD DEMOCRATIC CONSOLIDATION? THE ARGENTINE SUPREME COURT, JUDICIAL INDEPENDENCE, AND THE RULE OF LAW Christopher J. Walker [FN1]

...Judicial Independence Enough to (Re-)Build the Rule of Law in Argentina?, 14 Sw. J. L. & Trade Am. (forthcoming Sept. 2007), available at <http://ssrn.com/abstract=922393>. [FN9] . Lawrence M. Friedman, A History of American Law 232 (2d ed. 1985) (internal ...

...which they are made. [FN73] . Avner Greif, Institutions and the Part to Economic Modernity: Lessons from Medieval Trade 3 (forthcoming 2007). [FN74] . Iaryczower et al., supra note 60, at 713. [FN75] . Chavez, supra note 43 (arguing that divided government between two ...

...organizations' efforts to uncover the truth and hold the guilty accountable-including efforts by the U.N. Convention Against Torture, the Inter-American Court on Human Rights, and the American Convention on Human Rights. See Schwartz, supra note 131, at 327. It should be noted, though, that...

285. C 39 N.Y.U. J. Int'l L. & Pol. 171

New York University Journal of International Law and Politics Winter 2006 RETHINKING THE "LESS AS MORE" THESIS: SUPRANATIONAL LITIGATION OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS IN THE AMERICAS Tara J. Melish [FN1]

...types of litigation, and an uncritical reliance on one piece of isolated obiter dictum in a recent decision of the Inter-American Court of Human Rights ("Court"). The corresponding error is addressed in two parts, each directed at demonstrating why autonomous social rights claims are no ...

...hereinafter Social Rights Jurisprudence]. This author has two chapters in that book, analyzing the social rights jurisprudence of, respectively, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. [FN2] . James L. Cavallaro & Emily J. Schaffer, Less as More: Rethinking Supranational ...

...rights as autonomous rights. For discussion of these jurisdictional



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requisites, see Protecting, *supra* note 7, at 75-110; Melish, The Inter-American Court of **Human Rights**: Beyond Progressivity, in *Social Rights Jurisprudence*, *supra* note 1. [FN99] . It is for this reason that Cavallaro and Schaffer's attempts...

[286.](#) **C** **39 N.Y.U. J. Int'l L. & Pol. 345**

New York University Journal of International Law and Politics Winter 2006 REJOINDER: JUSTICE BEFORE JUSTICIABILITY: INTER-AMERICAN LITIGATION AND SOCIAL CHANGE James L. Cavallaro [FNa1]Emily Schaffer [FNaa1]

...of Human Rights. [FNaa1] . Attorney, Bromberg & Sunstein LLP. A.B., Stanford University, 1995, J.D., Harvard Law School, 2001. Harvard Henigson Fellow, Inter-American Court of Human Rights and Global Justice Center, Rio de Janeiro, Brazil, 2003-2004. The authors would like thank Professor Ryan Goodman, Director of ...

...More" Thesis: Supranational Litigation of Economic, Social, and Cultural Rights in the Americas, 39 N.Y.U. J. Int'l L. & Pol. 171 (2007) [hereinafter, Melish, Rethinking]. [FN2] . James L. Cavallaro & Emily J. Schaffer, *Less as More: Rethinking Supranational Litigation of Economic and Social ...*

...for Human Rights and Global Justice Working Paper Series No. 2 (2006), at 50 (version available online May 2006-January 2007; on file with authors). [FN43] . She writes in this regard: "The Court's manifest discomfort with its article 26 dictum has...

[287.](#) **C** **59 Okla. L. Rev. 681**

Oklahoma Law Review Winter 2006 DEFENDING THE POLYGON: THE EMERGING HUMAN RIGHT TO COMMUNAL PROPERTY Thomas T. Ankersen [FNa1]Thomas K. Ruppert [FNaa1]

...tribunals. Procedurally the Inter-American human rights system has another unusual aspect. Complainants do not have direct access to the Inter-American Court of Human Rights. Complaints are first lodged with the Inter-American Commission on Human Rights. [FN196] If the Commission does not feel that ...

...resolved in a reasonable time after issuance of the Commission's report, then the Commission may recommend the case to the Inter-American Court of Human Rights. [FN197] The Court then retains discretion to accept or reject the case. [FN198] The cases below represent both reports of ...

...Nicaragua [FN208] In the case known popularly as *Awas Tingni*, the indigenous right to communal property was squarely presented. The Inter-American Court for Human Rights ruled that the government of



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Nicaragua had violated the right to property of the Awas Tingni, an indigenous group on...

[288.](#) **C** **81 N.Y.U. L. Rev. 1766**

New York University Law Review November, 2006 "DEAD MEN TELL NO TALES": RULE 92 BIS--HOW THE AD HOC INTERNATIONAL CRIMINAL TRIBUNALS UNNECESSARILY SILENCE THE DEAD Ari S. Bassin [FN1]

...62. Other international adjudicatory bodies, such as the International Court of Justice, the European Court of Human Rights, and the Inter-American Court of Human Rights, do not provide the requisite guidance because they only have jurisdiction over states and none is able to impose criminal ...

...have and are urging both Tribunals to begin to aggressively focus on the end-game and conclude their work by 2007 or 2008...."); Geoffrey Nice QC & Philippe Vallières-Roland, Procedural Innovations in War Crimes Trials, 3 J. Int'l Crim. Just. 354...

[289.](#) **23 Ariz. J. Int'l & Comp. L. 543**

Arizona Journal of International and Comparative Law Fall, 2006 THE DEMARCATION OF INDIGENOUS PEOPLES' TRADITIONAL LANDS: COMPARING DOMESTIC PRINCIPLES OF DEMARCATION WITH EMERGING PRINCIPLES OF INTERNATIONAL LAW Andrew Erueti [FN1]

...indigenous peoples of the "low lands" (including the Amazonian Basin and the Caribbean region). Id [FN21] . As noted by the Inter-American Court of Human Rights: "For indigenous communities, relations to the land are not merely a matter of possession and production but a material and ...

...Seabed in M ORI PROPERTY RIGHTS IN THE FORESHORE AND SEABED: THE LAST FRONTIER (Claire Charters & Andrew Erueti eds., forthcoming May 2007); see also Shaunnagh Dorsett, An Australian Comparison on Native Title to the Foreshore and Seabed in M ORI PROPERTY RIGHTS IN ...

...and Northern Affairs Canada, Peace and Friendship Treaties, http://www.ainc-inac.gc.ca/ps/clm/atr/pft_e.html (last visited Jan. 21, 2007) (Peace and Friendship Treaties were aimed at promoting peace between the British and Canadian Aboriginal peoples and did not involve...

[290.](#) **C** **20 Emory Int'l L. Rev. 473**

Emory International Law Review Fall 2006 PROSECUTING OFFENSES AGAINST THE LAW OF NATIONS IN THE UNITED STATES Johan D. van der Vyver [FN1]



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...not as organs of state action--must be confined to transgressions of criminal proscriptions under customary international law only. The Inter-American Court of Human Rights, in an advisory opinion pertaining to the reinstatement of the death penalty in Peru, thus noted that "individual responsibility may ...

...sentence, thereby becoming the first person convicted by the ad hoc tribunals to be released. He died on January 22, 2007 at the age of 83. [FN9] . See National Defense Authorization Act for Fiscal Year 1996, Pub. L. No. 104-106...

[291.](#) **35 Ga. J. Int'l & Comp. L. 175**

Georgia Journal of International and Comparative Law Fall, 2006 A BREAK WITH THE PAST OR JUSTICE IN PIECES: DIVERGENT PATHS ON THE QUESTION OF AMNESTY IN ARGENTINA AND COLOMBIA Douglas Jacobson [FNa1]

...of its decision to hold the amnesty laws unconstitutional on the reasoning of the Barrios Altos case decided by the Inter-American Court of Human Rights. [FN107] This case dealt with the state-sponsored execution of fifteen individuals suspected of being subversives in Lima, Peru in ...

...7-1 margin in June 2005. [FN119] Argentina, like Peru, ratified the American Convention and accepted the jurisdiction of the Inter-American Court on Human Rights; however, by 1990, no one had been punished for human rights violations. [FN120] Empowered by the establishment of "truth commissions ...

...ruling of no legal effect by the Inter-American Court very possible. [FNa1] . J.D., University of Georgia, School of Law, 2007; M.A., American University, School of International Service, 1998; B.A., University of Texas, 1993. [FN1] . Nunca Mas, Report of CONADEP, Part...

[292.](#) **14 No. 1 Hum. Rts. Brief 52**

Human Rights Brief Fall, 2006 CENTER NEWS/FACULTY AND STAFF UPDATES

...Endowment for Democracy in June 2006, to develop human rights legal education programs in Bolivia, Mexico and Venezuela for 2006-2007. Claudia Martin also published The Prohibition of Torture and Ill-Treatment in the Inter-American Human Rights System: A Handbook ...

...Endowment for Democracy in June 2006, to develop human rights legal education programs in Bolivia, Mexico and Venezuela for 2006-2007. In addition, he organized and coordinated with Claudia Martin the



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Summer Program of the Academy on Human Rights and Humanitarian ...

...11, 2006). Diego Rodriguez-Pinzón was selected as Ad Hoc Judge by the State of Ecuador to sit in the Inter-American Court on Human Rights in the Chaparro Alvarez and Lapo Iñiguez Case filed by the Inter-American Commission against that State; presented Measures to...

[293.](#) **C** **28 Mich. J. Int'l L. 49**

Michigan Journal of International Law Fall 2006 TRANSITIONAL JUSTICE IN TIMES OF CONFLICT: COLOMBIA'S LEY DE JUSTICIA Y PAZ Lisa J. Laplante [FNa1] Kimberly Theidon [FNaa1]

...JUSTICE IN TIMES OF CONFLICT: COLOMBIA'S LEY DE JUSTICIA Y PAZ Lisa J. Laplante [FNa1] Kimberly Theidon [FNaa1] Copyright (c) 2007 University of Michigan Law School; Lisa J. Laplante; Kimberly Theidon I. Introduction 50 II. The Origins of War 53 III ...

...Truth 87 3. The Right to Reparations 94 B. Putting the Law to the Test 97 1. Judgment of the Inter-American Court of Human Rights on Law 975/05 97 2. Challenging the Law: Balance Between Peace and Justice in Gallón Giraldo 99 V. Conclusion ...

...the Joint Principles establish that "[s]tates must take appropriate action to give effect to the right to know." [FN199] The Inter-American Court of Human Rights has held that victim-survivors or their next-of-kin have the right to have human rights violations identified and...

[294.](#) **28 Mich. J. Int'l L. 175**

Michigan Journal of International Law Fall 2006 REGIONAL PROJECTS REQUIRE REGIONAL PLANNING: HUMAN RIGHTS IMPACTS ARISING FROM INFRASTRUCTURE PROJECTS Abby Rubinson [FNa1]

...2006 Student Note REGIONAL PROJECTS REQUIRE REGIONAL PLANNING: HUMAN RIGHTS IMPACTS ARISING FROM INFRASTRUCTURE PROJECTS Abby Rubinson [FNa1] Copyright (c) 2007 University of Michigan Law School; Abby Rubinson I. Introduction 175 II. Background 179 A. Initiative for the Integration of Regional ...

...parties that have ratified them. [FN38] All twelve South American countries have ratified the ICCPR and the ICESCR. [FN39] The Inter-American Court of Human Rights and Inter-American Commission on Human Rights have broadly interpreted the rights enshrined in these human rights covenants. [FN40] Additionally ...

...viable, IBAMA will grant the Licença Prévia, followed by the Licença de Instalação, which allows construction to begin in August 2007." [FN128]



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Thus, despite the significant potential of the licensing process as a regulatory system, its role in the Madeira projects...

295. **39 N.Y.U. J. Int'l L. & Pol. 75**

New York University Journal of International Law and Politics Fall 2006
EMANCIPATORY POLITICS AND REBELLIOUS PRACTICES:
INCORPORATING GLOBAL HUMAN RIGHTS IN FAMILY VIOLENCE LAWS
IN PERU Michelle A. McKinley [FN1]

...The Commission conducts an investigation of the merits of the complaints, and may submit the case for adjudication by the Inter American Court of Human Rights. The Inter American Court of Human Rights has jurisdiction over all cases submitted to the Commission. See Maria da Penha Maia Fernandes v. Brazil, Case 12.051 ...

...five-year national plan against gender-based violence (Plan Nacional Contra la Violencia hacia la Mujer para el Período 2002-2007) was approved in 2001. See Plan Nacional Contra la Violencia hacia la Mujer 2002-2007, D.O. El Peruano--N.L., D.S. 017, 7699 N.L. 207156, 21 de Julio de 2001 (Peru), available at <http://www.elperuano.com.pe/gesponl...>

296. **5 Nw. U. J. Int'l Hum. Rts. 71**

Northwestern University Journal of International Human Rights Fall, 2006
SOVEREIGNTY, POWER, AND HUMAN RIGHTS TREATIES: AN
ECONOMIC ANALYSIS JoonBeom Pae [FN1]

...For example, in the Inter-American system, member states show an ambivalent attitude toward the increase of the power of Inter-American Court of Human Rights. [FN181] States might worry that as the institution becomes stronger, it may threaten their own autonomy or even worse, their ...

...benefits, but is not costless. Thus, ideally rhetoric favoring institutionalization should not be disregarded, but be scrutinized. [FN1] . JoonBeom Pae, 2007 J.D. Candidate, Northwestern University School of Law; B.S. summa cum laude in Economics, Seoul National University, 1997. I would like ...

...communicating gross violations of human rights among its members. Cecilia Medina, The Inter-American Commission on Human Rights and The Inter-American Court of Human Rights: Reflections on a Joint Venture , 12 Hum. Rts. Q. 439, 440 (1990), in INTERNATIONAL HUMAN RIGHTS IN CONTEXT, LAW, POLITICS...



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[297.](#) **5 Nw. U. J. Int'l Hum. Rts. 96**

Northwestern University Journal of International Human Rights Fall, 2006 A RETURN FROM EXILE IN SIGHT? THE CHAGOSSIANs AND THEIR STRUGGLE Christian Nauvel [FNa1]

...generally do not have the power to render binding decisions. Exceptions are regional institutions such as the European and the Inter-American Courts of Human Rights, which were set up to ensure enforcement of the UDHR. The former might well be a good option. The International ...

...Note I have helped but a little in this respect, I will consider it a success. [FNa1] . Christian J. Nauvel, 2007 J.D. Candidate, Northwestern University School of Law; B.S. magna cum laude in Physics and Political Science, Bates College, 2002. I...

[298.](#) **C 42 Tex. Int'l L.J. 1**

Texas International Law Journal Fall 2006 IS SECULARISM POSSIBLE IN A MAJORITY-MUSLIM COUNTRY?: THE TURKISH EXAMPLE Adrien Katherine Wing [FNd1]Ozan O. Varol [FNdd1]

...Cynthia Lockett, Shaun Naidu, Ruben Pagan, Jonathan Stagg, and Andrea Suzuki. [FNdd1] . J.D. Candidate, University of Iowa College of Law 2007; B.A. Cornell University 2003. I am indebted to my parents, Tacettin and Yurdanur, for their encouragement, love, and support, and ...

...abuses against the Greek minorities in Turkey); Irum Taqi, Note, Adjudicating Disappearance Cases in Turkey: An Argument for Adopting the Inter-American Court of Human Rights' Approach, 24 Fordham Int'l L.J. 940, 943 (2001) (discussing "the problem of disappearances in Turkey"); Meishya Yang, Note, The Court...

[299.](#) **16 Transnat'l L. & Contemp. Probs. 333**

Transnational Law and Contemporary Problems Fall 2006 THE COLOMBIAN LAW OF JUSTICE AND PEACE: ONE STEP FURTHER FROM PEACE AND ONE STEP CLOSER TO IMPUNITY? Javaria Ahmad [FNa1]

...OF JUSTICE AND PEACE: ONE STEP FURTHER FROM PEACE AND ONE STEP CLOSER TO IMPUNITY? Javaria Ahmad [FNa1] Copyright (c) 2007 Transnational Law and Contemporary Problems, University of Iowa College of Law; Javaria Ahmad I. The State of Affairs in Colombia ...

...the Law of Justice and Peace 342 B. The American Convention on Human Rights and its Significance 342 C. The Inter-American Court of Human Rights: A Few "Open Doors" 346 1. The Masacre de Mapiripán Case 347 2. The Barrios Alto Case 348 3. The ...



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Corte Interamericana de Derechos Humanos

...the disabled and the right to collective memory. [FN18] Further, it deceptively distinguishes itself from the amnesty laws that the Inter-American Court of Human Rights (IACHR) has held invalid, as in the cases of Barrios Alto, [FN19] and Velasquez Rodriguez, [FN20] discussed in further detail...

[300.](#) **C** **38 U. Miami Inter-Am. L. Rev. 185**

University of Miami Inter-American Law Review Fall 2006 SOVEREIGNTY OF AVES ISLAND: AN ARGUMENT AGAINST COMPULSORY, STANDARDIZED ARBITRATION OF MARITIME BOUNDARY DISPUTES SUBJECT TO REVIEW BY THE INTERNATIONAL COURT OF JUSTICE M. Scott Garrison [FN1]

...all states affected, and set a precedent for diplomatic resolution of disputes in the future. [FN223] [FN1] . C.P.A.; J.D. Candidate 2007, American University Washington College of Law; M.A.C.C. 2003, Baylor University; B.B.A. 2002, Baylor University. I thank the editors and staff ...

...as well); see also Maksoud, *supra* note 27 (reporting that Venezuela plans to complete its liquid natural gas pipeline in 2007). [FN30] . See Toothaker, *supra* note 6 (voicing the objections of Caribbean states against Venezuela's claim of sovereignty to Aves Island ...

...International Tribunals: A Response to Professors Posner and Yoo, 93 Calif. L. Rev. 899, 924 (2005) (pointing out that the Inter-American Court of Human Rights has heard thousands of cases and is experiencing successful compliance rates with its awards). The Court is a permanent "quasi...

[301.](#) **C** **15 Pac. Rim L. & Pol'y J. 703**

Pacific Rim Law and Policy Journal September, 2006 IF I HAD A HAMMER: THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES AS ANOTHER TOOL TO PROTECT INDIGENOUS RIGHTS TO LAND Heather Bowman [FN1]

...an adhering country, indigenous peoples should use this tool to improve plans, mitigation, and project review. [FN1] . Juris Doctor expected, 2007, University of Washington School of Law. The author would like to thank Professor Robert Anderson, Jim Bowman, and the editorial ...

...c], Emerging Norms Concerning Land and Territory. The Inter-American Human Rights Committee, the U.N. Human Rights Committee, and the Inter-American Court of Human Rights have expressly recognized the special relationship indigenous peoples have with their lands. *Id.* § 5.07[3][c][i]. The ...



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...group of villagers are to be relocated in the second half of 2006, with all resettlement completed by September of 2007. See Nam Theun 2, Semi-Annual Progress Report: Period July to December 2005, Document No. NTPC B091802000001A, 37 (Jan. 15...

[302.](#) **11 J. Conflict & Security L. 179**

Journal of Conflict & Security Law Summer, 2006 INTERNATIONAL ACCOUNTABILITY FOR VIOLATIONS OF THE IUS IN BELLO: THE IMPACT OF THE ICRC STUDY ON CUSTOMARY INTERNATIONAL HUMANITARIAN LAW Dieter Fleck [FNa1]

...great energies. The forthcoming 29th International Conference of the Red Cross and Red Crescent, to be held in Geneva in 2007, should be encouraged to launch a new initiative to foster continuous review of the state of implementation of humanitarian protection ...

...the Elimination of Discrimination against Women (CEDAW); the Committee Against Torture (CAT); the European Court on Human Rights (ECtHR); the Inter-American Court of Human Rights (IACtHR); the Inter-American Commission on Human Rights (IACHR) and the African Commission on Human Rights and Peoples' Rights (ACHPR...

[303.](#) **C 27 Mich. J. Int'l L. 1185**

Michigan Journal of International Law Summer 2006 SANCHEZ-LLAMAS V. OREGON AND ARTICLE 36 OF THE VIENNA CONVENTION ON CONSULAR RELATIONS: THE SUPREME COURT, THE RIGHT TO CONSUL, AND REMEDIATION Mark J. Kadish [FNa1] Charles C. Olson [FNaa1]

...RELATIONS: THE SUPREME COURT, THE RIGHT TO CONSUL, AND REMEDIATION Mark J. Kadish [FNa1] Charles C. Olson [FNaa1] Copyright (c) 2007 University of Michigan Law School; Mark J. Kadish; Charles C. Olson I. Introduction 1186 II. Decisions Prior to Sanchez-Llamas ...

...in Sanchez-Llamas, international tribunals have interpreted Article 36 as providing an individual right which, if violated, requires remediation. The Inter-American Court of Human Rights issued an Advisory Opinion sought by Mexico against the United States in 1999, finding that Article 36 created individual rights ...

...n.209, available at http://www.icj-cij.org/icjwww/idocket/imus/imuspleadings/imus_ipleadings_20030620_memorial_04.pdf. [FN305] . Effective July 1, 2007, Georgia law requires that "[w]hen any person charged with a felony or with driving under the influence ... is confined, for...

[304.](#) **15 Temp. Pol. & Civ. Rts. L. Rev. 651**



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Temple Political and Civil Rights Law Review Summer 2006 DERIVING SUPPORT FROM INTERNATIONAL LAW FOR THE RIGHT TO COUNSEL IN CIVIL CASES Sarah Paoletti [FN1]

...individual from violations of fundamental rights. As with the United Nations' Human Rights Committee's consideration of Anthony Currie's communication, the Inter-American Court on Human Rights addressed the right to civil legal aid in the context of exhaustion of domestic remedies. [FN47] The Inter-American Commission ...

...should make efforts to ensure de facto equal access to the courts. [FN68] Finally, in the Inter-American System, the Inter-American Court on Human Rights in its Advisory Opinion on the Political and Juridical Rights of Undocumented Migrants [FN69] held that the principle of equality ...

...law is clearly implicated, as it was in the cases and comments of the Human Rights Committee discussed above. In 2007, the United States is expected to submit its report on compliance with the CERD. [FN80] As advocates begin to formulate...

[305.](#) **C** **23 Ariz. J. Int'l & Comp. L. 347**

Arizona Journal of International and Comparative Law Spring 2006 RESTRUCTURING HYBRID COURTS: LOCAL EMPOWERMENT AND NATIONAL CRIMINAL JUSTICE REFORM Etelle R. Higonet [FN1]

...in order to promote the effective representation of defendants in war crimes proceedings before the WCC . By the end of 2007, it is estimated that OKO will have trained approximately 350 lawyers." [FN221] In the Bosnia hybrid, the international staff may ...

...and Sierra Leone. [FN251] . These include, among others, the Iran-U.S. Claims Tribunal, the European Court of Human Rights, the Inter-American Court of Human Rights, the Court of Justice of the European Communities, the ICJ, the GATT/WTO Tribunals, and various arbitral bodies. See generally...

[306.](#) **C** **29 Fordham Int'l L.J. 812**

Fordham International Law Journal April, 2006 THE IMPACT OF U.N. HUMAN RIGHTS COMMISSION REFORM ON THE GROUND: INVESTIGATING EXTRAJUDICIAL EXECUTIONS OF HONDURAN STREET CHILDREN Caroline McHale [FN1]

...8, 1977, protects individuals, including children, from torture and arbitrary deprivation of the right to life. [FN32] According to the Inter-American Court of Human Rights ("IACHR"), when a right enumerated in the American Convention is violated, a duty on the part of States arises to ...



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...sense of justice for some of the neediest and most vulnerable victims of extrajudicial executions--street children. [FNa1] . J.D. Candidate, **2007**, Fordham University School of Law; Writing & Research Editor, Volume XXX, Fordham International Law Journal; B.A., 2003, Barnard College of Columbia ...

...and do not know their rights); see also Selina Kossen, Five Murdered Street Children in Guatemala: A Precedent Before the Inter-American Court of Human Rights, 6 Hum. Rts. Br. 11, 11 (1999) (stating that street children often come from unstable and impoverished families and suffer...

[307.](#) **12 L. & Bus. Rev. Am. 291**

Law and Business Review of the Americas Spring 2006 FOURTH SUMMIT OF THE AMERICAS PLAN OF ACTION

...to ensure, by 2010, completion of quality primary school education for all children, and promote the setting of goals, before 2007, for the completion of quality middle-school education. 50. To strengthen, within national health systems, primary health care actions as ...

...actions to achieve, among other objectives, greater adhesion to the legal instruments, an effective observance of the decisions by the Inter-American Court of Human Rights and due consideration of the recommendations of the Inter-American Commission of Human Rights, and the improvement of access of ...

...request the General Secretariat of the OAS to present for the consideration of the political bodies of the Organization, before 2007, an inter-American program including the exchange of experiences and best practices to strengthen in our countries mechanisms for the...

[308.](#) **C 31 T. Marshall L. Rev. 253**

Thurgood Marshall Law Review Spring, 2006 RESTORATIVE JUSTICE, SLAVERY, AND THE AMERICAN SOUL, A POLICY-ORIENTED INTERCULTURAL HUMAN RIGHTS APPROACH TO THE QUESTION OF REPARATIONS Michael F. Blevins, J.D., M. Div.

...Everyone has the right to simple and prompt recourse for protection against acts that violate his [sic] fundamental rights" [FN153] The [Inter-] American Court of Human Rights landmark case on the right to an effective remedy is The Velasquez Rodriguez Case [FN154] , which held that the Convention ...

...look at the Federal budget (2.2 trillion for FY 2006 and 2.77 trillion proposed by the Administration for 2007) [FN223] , as we look at what, for example, tobacco defendants in 1998 agreed to pay in compensation



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(over \$246 billion...

[309.](#) **5 Chinese J. Int'l L. 39**

Chinese Journal of International Law March, 2006 Reforming the United Nations: What about the International Court of Justice? ABILA Committee on Intergovernmental Settlement of Disputes

...the ECHR figures are 12 out of 45, while at the ECJ 2 out of 25 are women. Even the Inter-American Court of Human Rights and the WTO Appellate Body boast one female judge out of seven. The Statutes of the most recently created international ...

...made. [FNaa1] . Project on International Courts and Tribunals, Center on International Cooperation, New York University. As of academic year 2006-2007 Associate Professor, Loyola Law School, Los Angeles. Email: cesare.romano @nyu.edu. Dr Romano received the "Laurea" from the Università degli Studi...

[310.](#) **C 40 U. Rich. L. Rev. 657**

University of Richmond Law Review March, 2006 LEAVING GUANTÁNAMO: THE LAW OF INTERNATIONAL DETAINEE TRANSFERS Robert M. Chesney [FNa1]

...that norm to conform to the more particular provisions of IHL. [FN213] The same approach also was employed by the Inter-American Court of Human Rights in another much-discussed case, *Abella v. Argentina*. [FN214] Although uncertainty remains with respect to whether the *lex specialis* rule ...

...S. Comm. on Armed Servs., 109th Cong. 3 (July 14, 2005), available at <http://armed-services.senate.gov/statemnt/2005/July/McGarrah%2007-14-05.pdf> (testimony of Rear Admiral James M. McGarrah, Director, Office of the Admin. Review of Detention of Enemy Combatants ...

...see also Stephen I. Vladeck, *Non-Self-Executing Treaties and the Suspension Clause After St. Cyr*, 113 *Yale L. J.* 2007 (2004) (anticipating the broad significance of *St. Cyr* for the non-self-execution debate). [FN143] . See *Ogbudimkpa v. Ashcroft*, 342...

[311.](#) **C 91 Cornell L. Rev. 303**

Cornell Law Review January, 2006 WORLD HABEAS CORPUS Vicki C. Jackson [FNd1]

...American Convention on Human Rights. [FN235] At least twenty countries in the Americas have accepted the compulsory jurisdiction of the Inter-American Court of Human Rights. [FN236] Both a



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commission and the court help enforce this convention. [FN237]
Individuals may complain to the commission, and the ...

...J.D. expected 2006, Jason Cohen, Georgetown University Law Center, J.D. 2004, and Laura Collier, Georgetown University Law Center, J.D. expected 2007, and thank the curators of the collections at the Chicago Historical Society and the Hoover Institution at Stanford University for ...

...by the Ninth International Conference of American States (1948), available at <http://www.cidh.oas.org/Basicos/basic2.htm>. [FN236] . See Statute of the Inter-American Court on Human Rights art. 2, O.A.S. Res. 448 (1979), available at <http://www.cidh.oas.org/Basicos/basic17.htm>; Signatures and Current State of Ratifications, American Convention...

[312.](#) **C** **22 Am. U. Int'l L. Rev. 35**

American University International Law Review 2006 ASPIRATIONAL PRINCIPLES OR ENFORCEABLE RIGHTS? THE FUTURE FOR SOCIO-ECONOMIC RIGHTS IN NATIONAL LAW Ellen Wiles [FN1]

...under the direction of the politically constituted United Nations Economic and Social Council. [FN18] Additionally, regional courts such as the Inter-American Court of Human Rights and the European Court of Human Rights have been set up to adjudicate disputes over civil and political rights, whereas ...

...College London), University Scholarship; Bar Vocational Course (Inns of Court School of Law), Princess Royal Scholarship; Barrister (Crown Office Row, 2007). The Author would like to thank Colm O'Connell for his helpful comments on this article. [FN1] . Universal Declaration of Human...

[313.](#) **C** **24 Berkeley J. Int'l L. 401**

Berkeley Journal of International Law 2006 TOWARDS A POLITICAL THEORY OF INTERNATIONAL COURTS AND TRIBUNALS David D. Caron [FN1]

...open ended docket, on the other hand, has an indefinite life span. An example of such an institution is the Inter-American Court of Human Rights whose jurisdiction includes not only existing cases, but also future ones. In this sense, the court with the open ended ...

...joy is his students. [FN1] . David D. Caron, A Political Theory of International Courts and Tribunals, Recueil des Cours (forthcoming, 2007) (hereinafter "Lectures"). [FN2] . See Jackson H. Ralston, International Arbitration, from Athens to Locarno (1929). [FN3] . Although some histories would trace ...



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...Tribunals (PICT). Project on International Courts and Tribunals, Synoptic Charts, http://www.pict-pcti.org/publications/synoptic_chart.html (last visited Jan. 3, 2007). [FN7] . Examples of other distinctions include criminal vs. civil, nested vs. free-standing, jurisprudentially insular vs. integrated. For further discussion...

314. C 24 Berkeley J. Int'l L. 463

Berkeley Journal of International Law 2006 FINDING AN IMPETUS FOR INSTITUTIONAL CHANGE AT THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS Rebecca Wright [FN1]

...the Inter-American Court's lack of financial sources noted that, "in order to make up some financial shortfalls the IACHR [Inter-American Court of Human Rights] has requested and obtained specific funds from member states of the OAS [Organization of American States] and from friendly countries ...

...amended domestic laws following decisions by the Inter-American Court. See Jo M. Pasqualucci, *The Practice and Procedure of the Inter-American Court of Human Rights* 8-9 (2003). [FN13] . The European Human Rights system was established in 1953 when the Convention for the Protection of ...

...because human rights treaties are rarely enforced. Oona Hathaway, *Do Human Rights Treaties Make a Difference?*, 111 *Yale L.J.* 1935, 2007 (2002) [FN143] . At present, such monitoring (and consequent sanctions) is not undertaken in a consistent manner. One example is that...

315. 6 Hum. Rts. L. Rev. 447

Human Rights Law Review 2006 THE UN HUMAN RIGHTS NORMS FOR CORPORATIONS: THE PRIVATE IMPLICATIONS OF PUBLIC INTERNATIONAL LAW David Kinley [FN1] Rachel Chambers [FNaa1]

...Other Business Enterprises, 22 February 2006, E/CN.4/2006/97 ('Interim Report'). The SRSG's Final Report is due mid-2007 at the end of his two-year tenure. [FN9] . Weissbrodt and Kruger suggest that a number of human rights abuses ...

...of cases, including *Van Der Musselle v Belgium* A 70 (1983); (1984) 6 EHRR 163 at para. 32; and the Inter-American Court of Human Rights has relied on the Draft UN Declaration on the Rights of Indigenous Peoples: see, for example, the Concurring Opinion of...

316. 45 J. Cath. Legal Stud. 11

Journal of Catholic Legal Studies 2006 TRIPTYCH: SECTARIAN DISPUTES, INTERNATIONAL LAW, AND TRANSNATIONAL TRIBUNALS IN



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DRINAN'S CAN GOD AND CAESAR COEXIST? Christopher J. Borgen [FNd1]

...discussion is the establishment of an international tribunal to resolve conflicts over religious rights, much as the ECHR and the Inter-American Court on Human Rights ("IACHR") do for human rights more generally. [FN15] A tribunal focusing on the international law of religious rights has never ...

...Weakness, Policy Rev., No. 113 (June and July 2002) , available at <http://www.hoover.org/publications/policyreview/3460246.html> (last visited Jan. 23, 2007). Kagan's argument (in part based on observations of Robert Cooper) is that Europe represents a "post-modern world" in which ...

...G.A. Res. 2200A (XXI), art. 2, (Dec. 16, 1966), available at http://www.unhchr.ch/html/menu3/b/a_opt.htm. [FN136] . See Inter-American Court of Human Rights, http://www.corteidh.or.cr/index_ing.html (last visited Jul. 27, 2006); Organization of American States, American Convention on Human Rights, Nov. 22...

317. 21 J. Envtl. L. & Litig. 157

Journal of Environmental Law and Litigation 2006 PUTTING THE "SUSTAINABLE" BACK IN SUSTAINABLE DEVELOPMENT: RECOGNIZING AND ENFORCING INDIGENOUS PROPERTY RIGHTS AS A PATHWAY TO GLOBAL ENVIRONMENTAL SUSTAINABILITY Matthew F. Jaksa [FN1]

...peoples, they are at the absolute center of an intricate web of social, cultural, and economic rights. [FN192] As the Inter-American Court of Human Rights has explained: [T]he close ties of indigenous people with the land must be recognized and understood as the fundamental basis ...

...nations of the Americas. [FN200] Working through the Inter-American Commission on Human Rights (based in Washington, D.C.) and the Inter-American Court of Human Rights (based in San José, Costa Rica), the IAHRs provides recourse to people in the Americas who have suffered human-rights ...

...ch. 119, 24 Stat. 388 (1887) (repealed by Pub. L. No. 106-462, § 106(a)(1), 114 Stat. 1991, 2007 (2000)), until 1934 when the policy was officially ended by the Indian Reorganization Act (IRA), ch. 576, 48 Stat. 984...

318. 2 J. Nat'l Security L. & Pol'y 111

Journal of National Security Law & Policy 2006 COMBATING IMPUNITY AND ENFORCING ACCOUNTABILITY AS A WAY TO PROMOTE PEACE AND



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STABILITY -- THE ROLE OF INTERNATIONAL WAR CRIMES TRIBUNALS
Mark S. Ellis [FN1]

...and away from granting amnesties for human rights violations. In the case of *Barrios Altos v. Peru*, for example, the Inter-American Court on Human Rights held that "all amnesty provisions, provisions on prescription, and the establishment of measures designed to eliminate responsibility are inadmissible, because ...

...Taliban, *Wash. Post*, Mar. 20, 2002, at A33. [FN218] . See *Afghan Assembly Grants Immunity for War Crimes*, *Reuters*, Feb. 1, 2007. [FN219] . Interview with Bartram Brown, *supra* note 5. [FN220] . Interview with David Tolbert, *supra* note 5. [FN221] . Interview with Justice...

[319.](#) **C** **30 N.Y.U. Rev. L. & Soc. Change 483**

New York University Review of Law and Social Change 2006 TESTING HUMAN RIGHTS: THE IMPACT OF HIGH-STAKES TESTS ON ENGLISH LANGUAGE LEARNERS' RIGHT TO EDUCATION IN NEW YORK CITY Janet M. Hostetler [FN1]

...At least one more test in reading and math must be given in grades ten through twelve. Beginning in the 2007-08 school year, students must also be tested in science at least three times between grades three and twelve." James ...

...Advisory Opinion, OC-10/89, July 14, 1989, Inter-Am Ct. H.R. Series A, No. 10 P 17. Nonetheless, the Inter-American Court on Human Rights and the OAS General Assembly have recognized the Declaration as a source of binding obligation on all member states. Id...

[320.](#) **C** **82 N.D. L. Rev. 811**

North Dakota Law Review 2006 TEACHING DECOLONIZATION: REACQUISITION OF INDIAN LANDS WITHIN AND WITHOUT THE BOX--AN ESSAY G. William Rice [FN1]

...which to chose. There are, of course, the traditional international forums such as the International Court of Justice, [FN138] the Inter-American Court of Human Rights and others. In addition, there are various arbitration models, such as that provided by the World Bank for investors in ...

...Sebastian and Sancius for the Discoverie of New and Unknowen Lands, [http:// www.yale.edu/lawweb/avalon/cabot01.htm](http://www.yale.edu/lawweb/avalon/cabot01.htm) (last visited Jan. 2, 2007) (citing Richard A. Riddle, *Memoir of Sebastian Cabot 74-75 (1831)*). In return, Cabot was granted the exclusive right to ...

...Project at Yale Law School, Charter to Sir Walter Raleigh: 1584,



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<http://www.yale.edu/lawweb/avalon/raleigh.htm> (last visited Jan. 2, 2007). [FN6] Fletcher v. Peck, 10 U.S. (6 Cranch) 87, 142 (1810) (holding that “fee title” being in the State of...

[321.](#) **C** **100 Nw. U. L. Rev. 231**

Northwestern University Law Review Special Issue 2006 LEGAL CLINICS AND THE BETTER TRAINED LAWYER (REDUX) : A HISTORY OF CLINICAL EDUCATION AT NORTHWESTERN Thomas F. Geraghty [FNa1]

...Central and South America, Professor Cassel has publicized human rights abuses and encouraged complainants to take their cases before the Inter-American Court on Human Rights. Professor Cassel's scholarship and his engagement with the press on important human rights issues [FN69] has created a foundation from ...

...Associate Dean for Clinical Education; Director, Bluhm Legal Clinic. Thanks to David Sanders, Northwestern University School of Law, Class of 2007, and the members of the Northwestern University Law Review staff for their assistance with this Essay. Thanks also to my...

[322.](#) **C** **2006 Sup. Ct. Rev. 59**

Supreme Court Review 2006 THE FEDERAL JUDICIAL POWER AND THE INTERNATIONAL LEGAL ORDER Curtis A. Bradley [FNa1]

...COURT REVIEW Supreme Court Review 2006 THE FEDERAL JUDICIAL POWER AND THE INTERNATIONAL LEGAL ORDER Curtis A. Bradley [FNa1] Copyright © 2007 by the University of Chicago; Curtis A. Bradley Richard Falk famously argued that domestic courts should operate as “agents of ...

...the jurisdiction of these various institutions. Some, like the ICJ, can hear disputes only between nation-states. Others, like the Inter-American Court on Human Rights, are open to disputes between states and private parties. Moreover, different states often have differing jurisdictional relationships with the same ...

...Israel's construction of a security barrier in occupied Palestine. [FN179] Although the United States is not a party to the Inter-American Court on Human Rights, that Court has issued a number of advisory opinions relating to practices in the United States, including U.S. compliance with...

[323.](#) **C** **84 Wash. U. L. Rev. 717**

Washington University Law Review 2006 SHOW ME THE GREEN: CIVIL RICO ACTIONS AGAINST EMPLOYERS WHO KNOWINGLY HIRE UNDOCUMENTED WORKERS Julie Lam [FNa1]



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...undocumented." [FN57] Further, at the request of the Mexican government shortly after the Supreme Court's opinion in Hoffman Plastic, the Inter-American Court of Human Rights issued an unanimous advisory opinion ruling that international principles of nondiscrimination and equal protection prohibited discriminating against undocumented workers with ...

...II.A. [FN197] . See supra Part I. [FNa1] . B.A. Economics and International Relations (2004), College of William and Mary; J.D. Candidate (2007), Washington University School of Law. I would like to thank Professor Stephen H. Legomsky for his valuable insights...

[324.](#) **C** **45 Washburn L.J. 233**

Washburn Law Journal Fall 2005 FINDING CONSENSUS WHILE FOOTNOTING THE "OPINIONS OF MANKIND": ROPER V. SIMMONS AND THE PROPER ROLE OF INTERNATIONAL CONSENSUS IN UNITED STATES EIGHTH AMENDMENT JURISPRUDENCE [ROPER V. SIMMONS, 125 S. CT. 1183 (2005)] Michael J. Shultz [FNa1]

...other than in the materials used to erect the Supreme Court building. [FNa1] . B.S. 2003, Kansas State University; J.D. Candidate 2007, Washburn University School of Law. I would like to thank the Washburn Law Journal editorial board, particularly Roarke Gordon and ...

...Rwanda and Yugoslavia). [FN212] . Slaughter, supra note 82, at 37. For example, both the Supreme Court of Zimbabwe and the Inter-American Court of Human Rights frequently cite decisions from the European Court of Human Rights. Id. Additionally, constitutional courts in a number of new democracies...

[325.](#) **C** **45 Harv. Int'l L.J. 563**

Harvard International Law Journal Summer, 2004 FROM NUREMBERG TO THE HAGUE: THE FUTURE OF INTERNATIONAL CRIMINAL JUSTICE. EDITED BY PHILIPPE SANDS. CAMBRIDGE UNIVERSITY PRESS: NEW YORK, 2003. PP 192. \$20.00 (PAPER) Adam M. Smith [FNa1]

...been various international human rights courts established that could provide a modicum of guidance. Yet these courts, such as the Inter-American Court of Human Rights and the European Court of Human Rights, were of only limited help to the drafters. [FN40] These bodies are quite ...

...under U.S. Pressure , N.Y. TIMES , Aug. 2, 2003, at A6. [FN57] . H.R. Res. 4775, 107th Cong. (2002) (enacted) at sec. 2007. [FN58] The International Criminal Court: For Us or Against Us? ECONOMIST , Nov. 22, 2003, at 27. [FN59] ROME STATUTE supra...



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[326.](#) **C** **51 UCLA L. Rev. 35**

UCLA Law Review October, 2003 THE RULE OF LAW: MEXICO'S APPROACH TO EXPROPRIATION DISPUTES IN THE FACE OF INVESTMENT GLOBALIZATION Patrick Del Duca [FN1]

...also associated with its 1994 membership in the Organization for Economic Cooperation and Development [FN448] and its 1998 acceptance of Inter-American Court for Human Rights jurisdiction following its 1980 ratification of the American Convention on Human Rights (American Convention). [FN449] Mexico has 224 federal laws ...

...mechanism. [FN463] The impact on expropriation and investment disputes of Mexico's adherence to the American Convention and its acceptance of Inter-American Court for Human Rights jurisdiction to decide disputes in respect to the American Convention remains to be seen. The parts that follow lay out ...

...by arbitration, [FN506] the American Convention contemplates judicial resolution of disputes. Mexico's adherence to this Convention, its acceptance of the Inter-American Court for Human Rights' jurisdiction to apply the Convention, and the 1999 Supreme Court decision, with its opening to a limited dualist doctrine of...

[327.](#) **C** **20 Ariz. J. Int'l & Comp. L. 359**

Arizona Journal of International and Comparative Law Summer, 2003 RECIPROCITY UNMASKED: THE ROLE OF THE MEXICAN GOVERNMENT IN DEFENSE OF ITS FOREIGN NATIONALS IN UNITED STATES DEATH PENALTY CASES Michael Fleishman [FN1]

...of its provisions. It details the cases of Ángel Breard, Karl and Walter LaGrand, and the Advisory Opinion of the Inter-American Court of Human Rights sought by Mexico. These decisions form the basis for much of the current litigation regarding the Vienna Convention and are ...

...executions of both Mario Benjamin Murphy and Irineo Tristán Montoya by submitting a request for an advisory opinion from the Inter-American Court of Human Rights. [FN191] Conscious of the procedural hurdles faced in the American courts, Mexico took the unprecedented step of protecting its nationals ...

...of the treaty falls within the compulsory jurisdiction of the ICJ, and each is bound by the ICJ. [FN195] The Inter-American Court of Human Rights did not issue its ruling until November of 1999, the details of which will be discussed in greater detail infra...



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[328.](#) **C** **97 Am. J. Int'l L. 38**

American Journal of International Law January, 2003 SUBSIDIARITY AS A STRUCTURAL PRINCIPLE OF INTERNATIONAL HUMAN RIGHTS LAW Paolo G. Carozza [FN1]

...Tindemans BULL . CE 12/75, cited in Endo, supra note 10, at 2017. [FN70] See Endo, supra note 10, at 2007-2004. Delors's ideas about subsidiarity were explicitly and pervasively personalist, influenced especially by the twentieth-century French intellectual Emmanuel Mounier ...

...Human Rights, Reports of Judgments and Decisions, Series A, and at <<http://www.echr.coe.int/Eng/Judgments.htm>>. For the jurisprudence of the Inter-American Court of Human Rights, see the Court's Web site at <<http://www.corteidh.or.cr/index-ingles.html>>. [FN128] . Convention on the Rights of the Child, Nov. 20 ...

...the issue, can be found in BREMS supra note 140. [FN148] . Obviously, the European Court of Human Rights and the Inter-American Court of Human Rights are exceptions. [FN149] . ICCPR, supra note 45, Art. 14(1). [FN150] . ICESCR, supra note 45, Art. 2. [FN151] See, e.g...

[329.](#) **C** **21 Penn St. Int'l L. Rev. 115**

Penn State International Law Review Fall 2002 HUMAN RIGHTS AND LEGAL EDUCATION IN THE WESTERN HEMISPHERE: LEGAL PAROCHIALISM AND HOLLOW UNIVERSALISM Larry Catá Backer [FN1]

...are generally enforceable through a system of quasi-judicial proceedings before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights and in the national courts of the signatory states. [FN23] Indeed, supra-national entities have appeared at the forefront of ...

...and Color, 16 Vt. L. Rev. 913 (1992) ; Alex M. Johnson, Jr., The New Voice of Color, 100 Yale L.J. 2007 (1991) ; citing Charles R. Lawrence III, If He Hollers Let Him Go: Regulating Racist Speech on Campus, 1990 Duke L.J...

[330.](#) **C** **3 J. App. Prac. & Process 589**

Journal of Appellate Practice and Process Fall, 2001 APPEALS IN THE AD HOC INTERNATIONAL CRIMINAL TRIBUNALS: STRUCTURE, PROCEDURE, AND RECENT CASES Mark A. Drumbl, Kenneth S. Gallant [FN1]

...growing quickly. Assuming all accused are apprehended, it is estimated that their trials will not be completed before the year 2007. [FN59] To this must be added the time it takes for appeals to be adjudged, given that nearly all trial ...



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...War Crimes Tribunals; Judges Describe Obstacles <<http://www.un.org/News/Press/docs/1999/19991108.ga9652.doc.html>> (Nov. 8, 1999). [FN83] . For example, the Inter-American Court of Human Rights and the European Court of Human Rights are wholly independent institutions dealing with protection of individual rights under regional treaties...

[331.](#) **C** **13 Hamline L. Rev. 507**

Hamline Law Review Summer, 1990 DISAPPEARANCES AND THE INTER-AMERICAN COURT: REFLECTIONS ON A LITIGATION EXPERIENCE Juan E. Mendez [FN1]Jose Miguel Vivanco [FN2]

...create substantive and procedural standards in international law. A major battle in the struggle against disappearances was recently won. The Inter-American Court of Human Rights, [FN2] a judicial body of the Organization of American States (OAS), heard three significant cases between 1986 and 1989 involving ...

...the protection of fundamental freedoms in the Inter-American system are the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights. Both bodies are empowered by the American Convention on Human Rights to protect and promote human rights. The Commission is ...

...such issues as the independence of the judiciary, refugee rights, and the rights of indigenous populations. B. The Court The Inter-American Court of Human Rights is an autonomous judicial institution of the Inter-American system. The Court's purpose is to apply and interpret the Convention...