

Contents

Acknowledgements

xxxi

PART A: INTRODUCTORY NOTIONS AND BACKGROUND TO INTERNATIONAL HUMAN RIGHTS MOVEMENT

1. Human Rights Concepts and Discourse	3
A. GLOBAL SNAPSHOTS	3
Stories from the Press: What Relevance to Human Rights Issues?	4
B. THE GLOBAL FRAMEWORK FOR CONTEMPORARY HUMAN RIGHTS DISCOURSE: CAPITAL PUNISHMENT, INTERACTIONS AMONG STATES, EXCEPTIONALISM	17
1. <i>The Rapidly Changing Law on Capital Punishment</i>	18
Amnesty International, Facts and Figures on the Death Penalty	18
State v. Makwanyane	23
Roper v. Simmons	35
2. <i>Should National Courts Look to Foreign Decisions and International Law about Human Rights Issues Even When Not Formally Bound?</i>	42
The Relevance of Foreign Legal Materials in US Constitutional Cases: A Conversation between Justice Antonin Scalia and Justice Stephen Breyer	42
3. <i>Exceptionalism and Unilateralism: Recent US Approaches to International Law and Human Rights</i>	46
Steiker, Capital Punishment and American Exceptionalism	46
Rubinfeld, Unilateralism and Constitutionalism	50
2. The Human Rights Movement: Background and Birth	58
Comment on International Dimension of Human Rights Movement	58
A. LAWS OF WAR AND CUSTOMARY INTERNATIONAL LAW	61
The Paquete Habana	62
Comment on the Humanitarian Law of War	69
Comment on the Role of Custom	71
Akehurst's Modern Introduction to International Law	75
Schachter, International Law in Theory and Practice	78
Koskenniemi, The Pull of the Mainstream	82
B. STATE RESPONSIBILITY, GENERAL PRINCIPLES AND NATURAL LAW	85
Comment on the Law of State Responsibility	85
Comment on the <i>Chattin</i> Case	89
Schachter, International Law in Theory and Practice	94
C. INTERWAR MINORITIES REGIME AND THE ROLE OF TREATIES	96
Comment on the Minorities Regime after the First World War	96

Minority Schools in Albania	99
Comment on Further Aspects of the Minority Treaties	105
Comment on Treaties	106
D. JUDGMENT AT NUREMBERG	115
Comment on the Nuremberg Trial	115
Judgment of Nuremberg Tribunal	118
Views of Commentators	125
Henkin, International Law: Politics, Values and Functions	130
E. BIRTH OF THE MOVEMENT: THE UN CHARTER AND THE UDHR	133
Comment on the Charter, UDHR and Origins of the Human Rights Movement	134
Glendon, A World Made New	139
Lauterpacht, International Law and Human Rights	144
PART B: NORMATIVE FOUNDATION OF INTERNATIONAL HUMAN RIGHTS	
3. Civil and Political Rights	151
A. THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: INTRODUCTION	151
Comment on Relationships between the Universal Declaration and the ICCPR	151
Van Boven, Distinguishing Criteria of Human Rights	157
B. SIGNIFICANCE FOR HUMAN RIGHTS MOVEMENT OF CHANGING CHARACTER OF CUSTOMARY INTERNATIONAL LAW AND OF 'SOFT LAW'	160
Roberts, Traditional and Modern Approaches to Customary International Law: A Reconciliation	162
Shelton, Introduction: Law, Non-Law, and the Problem of 'Soft Law'	165
Jennings and Watts, Oppenheim's International Law	167
Charlesworth and Chinkin, The Gender of <i>Jus Cogens</i>	169
Restatement (Third), The Foreign Relations Law of the United States	172
C. WOMEN'S RIGHTS AND CEDAW	175
1. <i>Background to CEDAW: Socio-Economic Context, Discrimination and Abuse</i>	176
Initial Report of Guatemala Submitted to the CEDAW Committee	176
Comment on Women's Social and Economic Conditions	179
2. <i>CEDAW: Provisions and Committee</i>	183
Comment on CEDAW's Substantive Provisions	183
Comment on Types of State Duties Imposed by Human Rights Treaties	185
Nickel, How Human Rights Generate Duties to Protect and Provide	190
Comment on the Committee on the Elimination of Discrimination against Women	192
Concluding Comments of CEDAW Committee	193
Ertürk, Report on Mission to the Russian Federation	203

General Recommendation No. 25 of CEDAW Committee	206
General Recommendation No. 23 of CEDAW Committee	207
Comment on Efforts towards US Ratification of CEDAW	210
3. <i>The Public/Private Divide: Discrimination and Violence</i>	
<i>by Nonstate Actors</i>	213
Velásquez Rodríguez Case	214
Ms. A.T. v. Hungary	217
Engle, After the Collapse of the Public/Private Distinction: Strategizing Women's Rights	222
D. TORTURE REVISITED	224
International Instruments Prohibiting Torture	226
Bentham on Torture	228
Ireland v. United Kingdom	231
Public Committee against Torture in Israel v. Government of Israel	234
Levinson, Torture: A Collection	243
Comment on US Government Policy and Recent Legislation Bearing on the Question of Torture	252
Conclusions and Recommendations of Committee against Torture Relating to Report Submitted by the United States	260
4. Economic and Social Rights	263
A. SOCIO-ECONOMIC CONTEXT AND HISTORICAL BACKGROUND	263
Social and Economic Statistics	264
Comment on Historical Origins of Economic and Social Rights	269
Excerpts from the ICESCR	273
Comment on Aspects of ICESCR	275
Concluding Observations of the ESCR Committee: Albania	278
B. COMPETING PERSPECTIVES ON ESR	280
1. <i>Comment on Governmental Ambivalence</i>	280
2. <i>Philosophical Perspectives</i>	283
Neier, Social and Economic Rights: A Critique	283
Kelley, A Life of One's Own: Individual Rights and the Welfare State	285
Plant, Social and Economic Rights Revisited	288
White, Social Rights and the Social Contract — Political Theory and the New Welfare Politics	289
Kant, the Doctrine of Virtue	291
3. <i>Religious Perspectives</i>	293
C. THE PROBLEM OF RESOURCES	294
1. <i>'Available Resources'</i>	295
Weiner, Child Labour in Developing Countries: The Indian Case	296
Diverse Views	297
Gauri, Social Rights and Economics: Claims to Health Care and Education in Developing Countries	300
Committee on Economic, Social and Cultural Rights, General Comment No. 3 (1990)	302

Committee on Economic, Social and Cultural Rights, General Comment No. 11 (1999)	303
2. <i>The Fiscal Dimension of Determining 'Available Resources'</i> Views on Resources	305 306
3. <i>Is Poverty a Violation of Human Rights?</i> Perspectives on Poverty	308 308
Pogge, Recognized and Violated by International Law: The Human Rights of the Global Poor	311
D. GIVING CONTENT TO ESR: JUSTICIABILITY	313
Committee on Economic, Social and Cultural Rights, General Comment No. 9 (1998)	314
Fabre, Constitutionalizing Social Rights	315
Sunstein, Against Positive Rights	317
Sunstein, Designing Democracy: What Constitutions Do	319
1. <i>India: 'Directive Principles'</i>	321
Olga Tellis v. Bombay Municipal Corporation	323
Report of Special Rapporteur on the Right to Food, Jean Ziegler, Mission to India	324
Rajagopal, Socio-Economic Rights and the Indian Supreme Court	326
2. <i>South Africa: A Model Social Rights Constitution?</i>	327
Soobramoney v. Minister of Health (Kwazulu-Natal)	329
Government of South Africa v. Grootboom	333
Treatment Action Campaign v. Minister of Health	339
3. <i>The United States: Education Rights</i>	347
Campaign for Fiscal Equity v. State of New York	348
4. <i>Europe: Constitutional Social Justice</i>	352
Fabre, Social Rights in European Constitutions	352
Z and Others v. The United Kingdom	354
Comment on Deshaney v. Winnebago County Department of Social Services	355
E. GIVING CONTENT TO ESR: INTERNATIONAL MONITORING	358
1. <i>General Comment: A Case Study of the Right to Water</i> Viewpoints	358 358
2. <i>A Complaints Procedure under the ICESCR?</i> Viewpoints	362 362
3. <i>Instruments Adopted by International Organizations Outside of the Human Rights Framework</i>	366
Food and Agriculture Organization, Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security	366
4. <i>Advocacy by Non-Governmental Organizations</i>	368
Roth, Defending Economic, Social and Cultural Rights	368
F. THE RELATIONSHIP BETWEEN THE TWO SETS OF RIGHTS	370
Human Rights Watch, Broken People: Caste Violence against India's 'Untouchables'	370
Sen, Freedoms and Needs	371

5. National Security, Terrorism and Limitations on Human Rights	375
A. TERRORISM AND HUMAN RIGHTS: DEFINITIONS AND RELATIONSHIPS	375
B. 11 SEPTEMBER 2001: A TURNING POINT	380
C. THE LEGAL FRAMEWORK: PUBLIC EMERGENCIES, DEROGATIONS AND THE LAWS OF WAR	385
Fitzpatrick, Human Rights in Crisis: The International System for Protecting Rights during States of Emergency	386
Human Rights Committee, States of Emergency, General Comment 29	389
Comment on Relationships between International Human Rights and Humanitarian Law	395
International Committee of the Red Cross, International Humanitarian Law and Other Legal Regimes: Interplay in Situations of Violence	401
International Law Commission, Report of the Study Group Finalized by Martti Koskenniemi, Fragmentation of International Law	402
D. REGULATING DETENTION	404
1. <i>Case Study: Guantánamo Detainees — Process for Determining Status and Grounds for Detention</i>	404
Inter-American Commission on Human Rights, Detainees in Guantánamo Bay, Request for Precautionary Measures	406
Response of the United States to Request for Precautionary Measures, Detainees in Guantánamo Bay	408
Inter-American Commission on Human Rights, Reiteration of Precautionary Measures Regarding Detainees in Guantánamo	410
Inter-American Commission on Human Rights, Detainees in Guantánamo Bay, Reiteration and Further Amplification of Precautionary Measures	411
Detainee Treatment Act of 2005	413
2. <i>Case Study: Indefinite Detention in Europe</i>	416
A and Others v. Secretary of State for the Home Department	418
E. GUARANTEEING FAIR TRIALS	432
Inter-American Commission on Human Rights, Report on Terrorism and Human Rights	434
Human Rights Committee, Administration of Justice, General Comment No. 13	436
Incal v. Turkey	437
Comment on Military Judges and Military Courts after Incal and 11 September	444
United States Military Commission Act of 2006	447
Neuman, Counter-Terrorist Operations and the Rule of Law	453
F. NATIONAL SECURITY AND ECONOMIC AND SOCIAL RIGHTS	456
Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory	461

PART C: RIGHTS, DUTIES AND DILEMMAS OF UNIVERSALISM

6. Rights or Duties as Organizing Concepts	475
A. IDEAS ABOUT RIGHTS AND THE EFFECTS OF RIGHTS RHETORIC	476
Weston, Human Rights	476
Kamenka, Human Rights, Peoples' Rights	479
Kennedy, A Critique of Adjudication	481
Sunstein, Rights and their Critics	484
Klare, Legal Theory and Democratic Reconstruction	488
Kennedy, The Dark Side of Virtue	491
B. DUTY-BASED SOCIAL ORDERS	496
Comment on Duties	496
Cover, Obligation: A Jewish Jurisprudence of the Social Order	496
Kenyatta, Facing Mount Kenya: The Tribal Life of the Gikuyu	499
Comment on Duty Provisions of National Constitutions	501
Comment on Comparisons between Rights and Duties in the African Charter and in Other Human Rights Instruments	504
Mutua, Human Rights and the African Fingerprint	507
Comment on Some Characteristics of the Liberal Political Tradition	512
7. Conflict in Culture, Tradition and Practices: Challenges to Universalism	517
A. UNIVERSALISM AND CULTURAL RELATIVISM	517
Comment on the Universalist-Relativist Debate	517
Hatch, Culture and Morality: The Relativity of Values in Anthropology	521
Merry, Human Rights and Gender Violence	524
American Anthropological Association, Statement on Human Rights	528
← An-Na'im, Human Rights in the Muslim World	531
B. DISSONANCE AND CONFLICT: ILLUSTRATIONS	540
1. <i>Gender</i>	541
Higgins, Anti-Essentialism, Relativism, and Human Rights	542
Views of Commentators about Female Genital Mutilation	546
← Coomaraswamy, Report on Cultural Practices in the Family That Are Violent Towards Women	565
2. <i>Religion</i>	569
a. Comparative Perspectives among States	570
Durham, Perspectives on Religious Liberty: A Comparative Framework	570
Shelton and Kiss, A Draft Model Law on Freedom of Religion	575
Lynch v. Donnelly	577
Andrews, German Churches, Ever Giving, Ask to Receive	582
Constitution of Iran	583
b. International Law Perspectives	590
← General Comment No. 22 of the Human Rights Committee	590
Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	593
Sullivan, Advancing the Freedom of Religion or Belief	595

c. Proselytism	600
Kokkinakis v. Greece	600
Mutua, Human Rights, Religion, and Proselytism	607
Berman, Religious Rights in Russia at a Time of Tumultuous Transition: A Historical Theory	611
Stanley, Pope Tells India His Church Has Right to Evangelize	613
3. <i>Dress and Symbols, Immigration and Multiculturalism</i>	616
Crossette, Testing the Limits of Tolerance as Cultures Mix	616
Savage, Europe and Islam, Crescent Waxing, Cultures Clashing	619
Sciolino, Ban Religious Attire in Schools, French Panel Says	622
Sahin v. Turkey	625
Multani v. Commission Scolaire Marguerite-Bourgeoys	634
Goldman v. Weinberger	636
4. <i>Freedom of Speech</i>	639
Comment on Hate Speech	639
Faurisson v. France	645
Schauer, The Exceptional First Amendment	652
Comment on Blasphemy Cases	655
Newspaper Reports on Muslim Reaction to Cartoons about Mohammed	660
Dworkin, Even Bigots and Holocaust Deniers Must Have Their Say	663

PART D: INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS

8. Design and Functions of International Institutions, and Issues of Sovereignty	669
A. CHARACTERISTICS OF IGOS WITHIN THE HUMAN RIGHTS MOVEMENT	670
Steiner, International Protection of Human Rights	671
Alvarez, International Institutions as Law Makers	679
B. SOVEREIGNTY AND DOMESTIC JURISDICTION	689
Krasner, Sovereignty: Organized Hypocrisy	690
Abi-Saab, The Changing World Order and the International Legal Order	693
Steiner, The Youth of Rights	695
Falk, Sovereignty and Human Dignity: The Search for Reconciliation	696
Haass, Sovereignty: Existing Rights, Evolving Responsibilities	698
Comment on Domestic Jurisdiction	700
Spiro, The New Sovereignists	703
Bradley and Goldsmith, My Prerogative	706
Goodman and Jinks, Toward an Institutional Theory of Sovereignty	707
C. INSTITUTIONAL DESIGN: BUILDING GLOBAL STRUCTURES TO INFLUENCE STATES	709
Schermers and Blokker, International Institutional Law: Unity within Diversity	710
Koremenos, Lipson and Snidal, The Rational Design of International Institutions	713

Wendt, Driving with the Rearview Mirror: On the Rational Science of Institutional Design	718
Goldsmith and Krasner, The Limits of Idealism	722
Goodman and Jinks, How to Influence States	725
9. The United Nations Human Rights System	735
Comment on Conceptions of Enforcement	735
A. THE UN SYSTEM: CHARTER-BASED INSTITUTIONS	737
Comment on Charter Organs	737
Zangrando, ER and Black Civil Rights	743
Anderson, Eyes off the Prize	744
B. TECHNIQUES FOR RESPONDING TO VIOLATIONS	746
1. <i>Fact-Finding</i>	747
Valticos, Foreword	747
Comment on Frameworks for Fact-Finding	749
Reports by the Special Rapporteur on Torture, Manfred Nowak	750
2. <i>The 1503 Procedure: Pros and Cons of Confidentiality</i>	754
Case Study of Saudi Arabia under the 1503 Procedure	755
3. <i>The 1235 Procedure</i>	759
ECOSOC Resolution 1235 (XLII) (1967)	759
Comment on the 1235 Procedure and its Potential Outcomes	760
Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, Vitit Muntarbhorn	762
C. THE THEMATIC 'SPECIAL PROCEDURES' OF THE COMMISSION AND COUNCIL	765
Comment on Special Procedures	765
1. <i>Annual Reports and the Development of Jurisprudence</i>	769
Report of the Special Rapporteur on Adequate Housing, Miloon Kothari	769
Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin	771
2. <i>Country Fact-Finding Missions</i>	774
Draft Manual of the United Nations Human Rights Special Procedures	774
Report of the Special Rapporteur on the Question of Torture, Theo van Boven	775
Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston	779
3. <i>Sending Communications</i>	782
Draft Manual of the United Nations Human Rights Special Procedures	782
Report of the Special Representative of the Secretary-General [on Human Rights Defenders], Hina Jilani	784
Working Group on Arbitrary Detention, Opinion No. 31/2006	787
D. THE UN HUMAN RIGHTS COUNCIL	791
1. <i>Background</i>	791
Comment on Events Leading to Council	791
2. <i>Establishing the Human Rights Council</i>	799
General Assembly Resolution 60/251 (2006)	799

Alston, Promoting the Accountability of Members of the New UN Human Rights Council	803
OHCHR, Suggested Elements for Voluntary Pledges and Commitments by Candidates	805
3. <i>Universal Periodic Review</i>	806
United Nations Human Rights Council, Resolution 5/1 on Institutional Building	806
4. <i>The Council's Response to Violations</i>	811
Comment on Israel	812
Views about Darfur	815
Statements Made at the Special Session on Darfur	819
E. THE ROLE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS	824
High Commissioner for the Promotion and Protection of All Human Rights	824
Gaer, 'Book Review'	826
Ni Aoláin, Looking Ahead: Strategic Priorities and Challenges for the United Nations High Commissioner for Human Rights	829
High Commissioner's Strategic Management Plan, 2006–2007	830
Report of the UNHCHR on the Situation of Human Rights and the Activities of Her Office, Nepal	832
Human Rights Watch, Response to Criticism of the UN High Commissioner for Human Rights	834
F. THE SECURITY COUNCIL AND THE RESPONSIBILITY TO PROTECT	835
Comment on Earlier Work of Security Council	835
Views on the Responsibility to Protect	838
10. Treaty Bodies: The ICCPR Human Rights Committee	844
A. POWERS, FUNCTIONS AND PERFORMANCE OF THE ICCPR COMMITTEE	845
1. <i>Introduction</i>	845
Comment on the Formal Organization of the ICCPR Committee	845
2. <i>State Reporting</i>	850
Comment on Reports of States	850
Buergenthal, The Human Rights Committee	852
Comment on Procedures in Examining Reports	853
Case Study: Report of the USA to the ICCPR Committee, July 2006	855
Dialogue between the Human Rights Committee and the Delegation of the USA	857
Concluding Observations of the Human Rights Committee, USA	862
Concluding Observations of the Human Rights Committee, the Democratic Republic of Congo	867
Concluding Observations of the Human Rights Committee, Report on Kosovo by UNMIK	870
3. <i>General Comments</i>	873
Alston, The Historical Origins of the Concept of 'General Comments' in Human Rights Law	873

Comment on Evolution of General Comments	877
Illustrations of General Comments	878
Comment on Some Controversies Addressed in GCs	886
4. <i>Individual Communications</i>	891
Comment on Communications	891
Comment on Remedies and Interim Measures	895
Baban v. Australia	900
Singarasa v. Sri Lanka	902
K.N.L.H. v. Peru	906
Toonen v. Australia	910
Comment on Outcome of the Communications Procedures	913
Steiner, Individual Claims in a World of Massive Violations	916
B. COMMENT ON THE OVERALL UN HUMAN RIGHTS	
TREATY BODY SYSTEM	918
Table on Treaty Bodies	920
Concept Paper on the High Commissioner's Proposal for a Unified Standing Treaty Body	922
11. Regional Arrangements	925
A. COMPARISON OF UNIVERSAL AND REGIONAL SYSTEMS	925
Claude, Swords into Plowshares	927
Hummer and Schweitzer, Article 52	929
Regional Promotion and Protection of Human Rights	930
B. THE EUROPEAN CONVENTION SYSTEM	933
1. <i>Introduction and Overview</i>	933
Moravcsik, The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe	934
Comment on Admission to Membership and Content of Rights	936
2. <i>The European Court and its Procedures</i>	938
Comment on the Dramatic Evolution of the ECHR System	939
European Court of Human Rights, Survey of Activities 2006	943
3. <i>The Interstate Procedure: Article 33</i>	946
Hoffmeister, Case Note: Cyprus v. Turkey	948
4. <i>The Court's Jurisdiction</i>	951
Banković and Others v. Belgium and Others	952
Issa and Others v. Turkey	957
R (Al-Skeini) v. Secretary of State for Defence	959
5. <i>The European Court in Action: Some Illustrative Cases</i>	964
a. Issues of Sexuality	965
Handyside Case	965
Norris v. Ireland	968
Lustig-Prean and Beckett v. United Kingdom	972
b. Democracy and Political Participation	980
United Communist Party of Turkey v. Turkey	981
Refah Partisi (The Welfare Party) and Others v. Turkey	985
Ždanoka v. Latvia	993

6. <i>The Convention and the Court at the National Level</i>	1001
Hoffmeister, Germany: Status of European Convention on Human Rights in Domestic Law	1001
Implementation of Judgments of the European Court of Human Rights	1003
Comment on the Pilot-Judgment Procedure	1005
7. <i>The Continuing Need for Reform</i>	1007
Caflisch, The Reform of the European Court of Human Rights: Protocol No. 14 and Beyond	1007
Wildhaber, A Constitutional Future for the European Court of Human Rights?	1010
Leach, Access to the European Court of Human Rights: From a Legal Entitlement to a Lottery?	1011
8. <i>The Broader European Institutional Context: The EU and the OSCE</i>	1014
9. <i>Other Human Rights Conventions Adopted by the Council of Europe</i>	1018
Comment on Three Conventions	1018
C. THE INTER-AMERICAN SYSTEM	1020
1. <i>Background and Institutions</i>	1020
Comment on Development of the Inter-American System	1020
Comment on Rights Recognized in the American Declaration and Convention	1022
Medina, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights	1023
Harris, Regional Protection of Human Rights: The Inter-American Achievement	1026
2. <i>The Standards to be Applied to Different States</i>	1029
Inter-American Court of Human Rights, Advisory Opinion OC-10/89, July 14, 1989	1030
3. <i>The Commission at Work: Complaints and State Reports</i>	1033
Farer, The Rise of the Inter-American Human Rights Regime	1034
Annual Report of the Inter-American Commission on Human Rights 2006	1040
4. <i>The Court in Action</i>	1042
Velásquez Rodríguez Case	1042
Sawhoyamaya Indigenous Community v. Paraguay	1049
The Miguel Castro Castro Prison v. Peru	1057
D. THE AFRICAN SYSTEM	1062
Comment on the African Union	1063
Comment on Institutional Implementation: The African Commission	1065
Heyns and Killander, The African Regional Human Rights System	1066
Odinkalu, The Individual Complaints Procedures of the African Commission on Human and Peoples' Rights	1070
Report of the Fact-Finding Mission to Zimbabwe	1073
Lawyers for Human Rights v. Swaziland	1074
Curtis Francis Doebbler v. Sudan	1076
Interights on Behalf of Safia Yakubu Husaini <i>et al.</i> v. Nigeria	1079
Comment on Protocol for an African Court on Human and Peoples' Rights	1081

**PART E: STATES AS PROTECTORS AND ENFORCERS
OF HUMAN RIGHTS**

12. Vertical Interpenetration: International Human Rights Law within States' Legal and Political Orders	1087
A. DOMESTIC INTERNALIZATION OF HUMAN RIGHTS TREATIES	1087
Heyns and Viljoen, The Impact of the United Nations Human Rights Treaties on the Domestic Level	1088
Leary, International Labour Conventions and National Law	1095
Comment on Monism and Dualism	1096
Simma <i>et al.</i> , The Role of German Courts in the Enforcement of International Human Rights	1099
Oeter, International Human Rights and National Sovereignty in Federal Systems	1100
Iwasawa, International Law, Human Rights Law and Japanese Law	1101
Ewing, The Human Rights Act and Parliamentary Democracy	1103
Adjami, African Courts, International Law, and Comparative Case Law	1106
Committee on Economic, Social and Cultural Rights, General Comment No. 9	1110
Kirby, The Role of International Standards in Australian Courts	1111
Minister of State for Immigration and Ethnic Affairs v. Ah Hin Teoh	1113
Illustrations of National Executive Views about Methods of Compliance	1117
Comment on Treaties in the United States	1119
Comment on National Human Rights Institutions	1123
B. CONDITIONING CONSENT: RATIFICATION WITH RESERVATIONS	1124
Comment on Reservations to CEDAW	1125
Sohn and Buergenthal, International Protection of Human Rights	1131
Comment on Background to Submission of ICCPR to Senate	1134
Senate Hearings on International Human Rights Treaties	1135
Proposals by Bush Administration of Reservations to ICCPR	1139
Comment on Effects of Reservations with Respect to Other State Parties	1143
Human Rights Committee, General Comment No. 24	1144
Comment on Severability	1147
Kennedy v. Trinidad and Tobago	1148
Goodman, Human Rights Treaties, Invalid Reservations, and State Consent	1151
13. Horizontal Interpenetration: Transnational Influence and Enforcement of Human Rights	1156
Comment on Interstate Sanctions	1157
A. UNIVERSAL JURISDICTION	1161
Comment on the <i>Eichmann</i> Trial	1163
Lahav, Judgment in Jerusalem	1165
Comment on <i>Ex Parte</i> Pinochet and Universal Jurisdiction	1167
Case Concerning the Arrest Warrant of 11 April 2000	1169

B. US CIVIL LITIGATION AND GLOBAL COMPARISONS	1177
Lutz and Sikkink, The Justice Cascade	1178
Stephens, Individuals Enforcing International Law	1182
Sosa v. Alvarez-Machain	1184
Torture Victim Protection Act	1199
Senate Report on the Torture Victim Protection Act	1201
Comment on Criminal Prosecution under Convention against Torture	1203
Coliver, Green and Hoffman, Holding Human Rights Violators Accountable by Using International Law in US Courts	1205
Chibundu, Making Customary International Law through Municipal Adjudication	1208
Comment on Foreign Policy Impact	1212
Presbyterian Church of Sudan v. Talisman	1217
C. SOVEREIGN AND OFFICIAL IMMUNITY	1222
Comment on <i>Ex Parte</i> Pinochet and Immunity	1224
Al-Adsani v. United Kingdom	1226
Case Concerning the Arrest Warrant of 11 April 2000	1233
Prosecutor v. Charles Taylor, Special Court for Sierra Leone	1237

PART F: CURRENT TOPICS

14. Massive Human Rights Tragedies: Prosecutions and Truth Commissions	1243
A. INTERNATIONAL CRIMINAL TRIBUNALS FOR THE FORMER YUGOSLAVIA AND RWANDA	1244
Minow, Between Vengeance and Forgiveness	1244
Koskenniemi, Between Impunity and Show Trials	1245
Security Council Resolutions on Establishment of an International Tribunal for the Former Yugoslavia	1248
Report of the Secretary-General under Security Council Resolution 808	1249
Statute of the International Tribunal for the Former Yugoslavia	1251
Comment on Background to the Tadic Litigation before the International Criminal Tribunal for the Former Yugoslavia	1256
Prosecutor v. Tadic	1261
Comment on Significance of Nationality	1269
Statute of the International Tribunal for Rwanda	1273
Prosecutor v. Akayesu	1275
Crossette, Inquiry Says UN Inertia in '94 Worsened Genocide in Rwanda	1288
Alvarez, Crimes of States/Crimes of Hate: Lessons from Rwanda	1289
B. THE INTERNATIONAL CRIMINAL COURT	1291
Rome Statute of the International Criminal Court	1292
Roth, The Court the US Doesn't Want	1298
Grossman, Under secretary for Political Affairs, American Foreign Policy and the International Criminal Court	1302

Security Council Resolution on Situation in Sudan and Explanations of Vote	1306
C. HYBRID TRIBUNALS: THE CASE OF SIERRA LEONE	1310
Statute of the Special Court for Sierra Leone	1310
International Center for Transitional Justice, The Special Court for Sierra Leone	1313
Stafford, A Model War Crimes Court: Sierra Leone	1316
D. ALTERNATIVE JUSTICE SYSTEMS: RWANDA'S GACACA COURTS	1319
Organic Law Establishing the Organization, Competence and Functioning of Gacaca Courts	1320
Amnesty International, Rwanda: The Troubled Course of Justice	1323
Republic of Rwanda, Reply to Amnesty International's Report	1325
Amnesty International, Rwanda — Gacaca: A Question of Justice	1327
E. PEACE VERSUS JUSTICE?	1331
Boot, Commentary, When 'Justice' and 'Peace' Don't Mix	1332
Snyder and Vinjamuri, Trials and Errors	1333
Cobban, Think Again: International Courts	1335
Sikkink and Walling, Do Human Rights Trials Improve Human Rights?	1338
Robinson, Serving the Interests of Justice	1341
F. TRUTH COMMISSIONS	1344
Steiner, Introduction to Truth Commissions	1345
Tepperman, Truth and Consequences	1348
Views on Functions and Utility of Truth Commissions	1351
Promotion of National Unity and Reconciliation Act of South Africa, 1995	1353
Report of Truth and Reconciliation Commission of South Africa	1357
Decisions of Amnesty Committee, Truth and Reconciliation Commission	1362
Comment on Relationships between Truth Commissions and Criminal Tribunals	1368
Hayner, Unspeakable Truths: Confronting State Terror and Atrocity	1369
Prosecutor v. Norman	1372
Final Report of the Truth and Reconciliation Commission of Sierra Leone: Witness to Truth	1379
15. Non-State Actors and Human Rights	1385
A. TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS	1387
Khan, Understanding Corporate Complicity: Extending the Notion beyond Existing Laws	1389
Human Rights Watch, 'Race to the Bottom': Corporate Complicity in Chinese Internet Censorship	1392
Leisinger, On Corporate Responsibility for Human Rights	1394
Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights	1398
Howen, Business, Human Rights and Accountability	1402
Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises	1406

B. ARMED OPPOSITION GROUPS	1414
Sivakumaran, Binding Armed Opposition Groups	1415
Cockayne, The Global Reorganization of Legitimate Violence: Military Entrepreneurs and the Private Face of International Humanitarian Law	1416
Clapham, Human Rights Obligations of Non-State Actors in Conflict Situations	1418
C. INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS	1420
Anderson, The Ottawa Convention Banning Landmines, The Role of International Non-Governmental Organizations and the Idea of International Civil Society	1424
Jaques, Strengthening Democratic Governance: The Role of Civil Society	1427
International Non-Governmental Organizations' Accountability Charter	1429
'Amnesty International', in One World Trust, 2006 Global Accountability Index	1431
16. Human Rights, Development and Climate Change	1433
A. HUMAN RIGHTS AND DEVELOPMENT	1433
Sen, Development as Freedom	1434
UNDP, Human Rights and Development	1437
The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding among UN Agencies	1438
Alston, Ships Passing in the Night	1440
B. THE RIGHT TO DEVELOPMENT	1442
Declaration on the Right to Development	1443
Abi-Saab, The Legal Formulation of a Right to Development	1445
Bedjaoui, The Right to Development	1447
Donnelly, In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development	1449
UN Human Rights Council, Report of the Working Group on the Right to Development	1450
C. ENVIRONMENT, DEVELOPMENT AND HUMAN RIGHTS	1453
Intergovernmental Panel on Climate Change, Climate Change 2007: Impacts, Adaptation and Vulnerability	1454
Beckett, Climate Change: 'The Gathering Storm'	1456
Christian Aid, Human Tide: The Real Migration Crisis	1457
Center for International Environmental Law, Inuit Case	1458
<i>Documents Supplement</i>	1463
<i>Annex on Citations to Human Rights Instruments</i>	1465
<i>Index of Topics</i>	1473
<i>Index of Names</i>	1489