Table of Cases*

INTERNATIONAL

Ad hoc Arbitrations
Eritrea Ethiopia Claims Commission
Western Front, Aerial Bombardment and Related Claims, 19 December 2005, 180, 181–182, 187

European Court of Human Rights
Akhmatkhanovy v. Russia, Application No. 20147/07, 2010, 306 n. 80
Al-Saadoon and Mufdhi v. United Kingdom, Application No. 61498/08, 627–628
Banković et al. v. Belgium, Application No. 52207/99, 2001, 195 n. 154, 217, 319 n. 30
Demopoulos v. Turkey, Application Nos. 46113/99, 13751/02, 13466/03, 14163/04, 10200/04, 19993/04, 21819/04, 2010, 477
Dubayev and Bersnukayeva v. Russia, Application Nos. 30613/05 and 30615/05, 2010, 306 n. 80
Dudgeon v. United Kingdom, Application No. 7525/76, 1981, 240 n. 108
Dzhabirailova and Dzhabirailova v. Russia, Application No. 15563/06, 2010, 306 n. 80
Gelayevy v. Russia, Application No. 20216/07, 2010, 306 n. 80
Guluyeva and Others v. Russia, Application No. 1675/07, 2010, 306 n. 80
Ilyasova v. Russia, Application No. 26966/06, 2010, 306 n. 80
Jordan v. United Kingdom, Application No. 24746/94, 2001, 229, 238
Klein v. Russia, Application No. 24268/08, 2010, 470–471
Kononov v. Latvia, Application No. 36376/04
2008, 218, 571–574
2010, 562 n. 339
McCann v. United Kingdom, Application No. 18984/91, 1995, 79 n. 74, 229, 238
McKerr v. United Kingdom, 2001, 79 n. 74
Nachova v. Bulgaria, 2004, 229
Refah Partisi (Welfare Party) v. Turkey, 2003, 236
Saadi v. Italy, Application No. 37201/06, 2008, 236
Shakhabova v. Russia, Application No. 39685/06, 2010, 306 n. 81
Smith and Grady v. United Kingdom, 2002, 240 n. 108
Stewart v. United Kingdom, Application No. 10044/82, 1984, 229
Suleymanova v. Russia, Application No. 9191/06, 2010, 305–306
Tumayeva v. Russia, Application No. 9960/05, 2010, 306 n. 80

*The table of cases was compiled by Mrs C.C. Diepeveen, Middelburg, The Netherlands.

M.N. Schmitt et al. (eds.), *Yearbook of International Humanitarian Law Volume 13, 2010*, DOI: 10.1007/978-90-6704-811-8,

© Stichting T.M.C. Asser Instituut, The Hague, and the author 2011

https://doi.org/10.1007/978-90-6704-811-8 Published online by Cambridge University Press

Inter-American Commission on Human Rights
Abella (La Tablada) v. Argentina, 1997, 30 n. 116, 117 n. 98, 162 n. 153, 217 n. 15, 221, 222

Inter-American Court of Human Rights
Bamaca Velasquez v. Guatemala (2002), 217

International Court of Justice
Advisory Opinions
Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 2004, 20 n. 78, 23 n.83, 104, 216 n. 11, 218 n. 19, 249 n. 12, 252, 262 n. 71, 264 n. 80, 318 n. 24
Legality of the Threat or Use of Nuclear Weapons, 1996, 39 n. 151, 139 n. 33, 180 n. 29, 218, 231 n. 73, 316 n. 20
Reservations on the Genocide Convention, 1951, 220 n. 28

Judgments
Armed Activities on the Territory of Congo (Democratic Republic of Congo v. Uganda), 2005, 20 n. 78, 22 n. 81, 23 n. 83, n. 84, 103 n. 29, n. 33, 104–105, 108, 139 n. 33, 148 n. 85, 156 n. 123, 161 n. 148, 216 n. 11, 315 n. 11, n. 16, 316 n. 20, 318 n. 24, 429 n. 181
Corfu Channel case (United Kingdom v. Albania), 1949, 23 n. 87, 316 n. 19
Jurisdictional Immunities of the State (Germany v. Italy), 22 December 2009, 531–538
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. US), 1984, 19, 24 n. 90, 25, 103, 108, 109, 110 n. 67, 139 n. 33, 154 n. 111, 315 n. 11, 316 n. 20
Oil Platforms (Iran v. United States), 2003, 233, 316 n. 20

International Criminal Tribunal for the Former Yugoslavia
Prosecutor v. Blaškić, Case No. IT-95-14, 3 March 2000, 188, 189, 201–202
Prosecutor v. Boškoski, Case No. IT-04-82-T
10 July 2008, 109 n. 64, 121 n. 123, 162 n. 154, 163 n. 155, n. 163, 164 n. 164, n. 165, n. 166
19 May 2010, 163 n. 163
Prosecutor v. Brđanin, Case No. IT-99-36-T, 1 September 2004, 262 n. 69
Prosecutor v. Delalić et al, Case No. IT-96-21-T, 16 November 1998, 110 n. 65, 114 n. 83, 339 n. 6, 427 n. 171
Prosecutor v. Galić, Case No. IT-98-T, 5 December 2003, 141 n. 48, n. 49, 168 n. 187, 202
Prosecutor v. Haradinaj, Case No. IT-04-84-T, 3 April 2008, 162 n. 154
Prosecutor v. Jelisić, Case No. IT-95-10-A, 5 July 2001, 481
Prosecutor v. Kordić and Čerkez, Case No. IT-95-14/2-A, 17 December 2004, 164 n. 164, 188, 189, 205
Prosecutor v. Krnojelac, Case No. IT-97-25A, 17 September 2003, 262 n. 69
Prosecutor v. Krstić, Case No. IT-98-33-T, 2 August 2001, 262 n. 69
Prosecutor v. Kunarac et al, Case No. IT-96-23 and 23/1, 12 June 2002, 156 n. 123, 162 n. 153
Prosecutor v. Kupreškić, Case No. IT-95-16-T, 14 January 2000, 117, 179 n. 25, 234–235, 237
Prosecutor v. Naletilić, Case No. IT-98-34-T, 31 March 2003, 268 n. 95, 271 n. 108
Prosecutor v. Simić, Case No. IT-95-9-T, 17 October 2003, 256 n. 38
Prosecutor v. Stakić, Case No. IT-97-24-T, 31 July 2003, 262 n. 69
Prosecutor v. Strugar, Case No. IT-01-42/1, 31 January 2005, 117 n. 99
Prosecutor v. Tadić, Case No. IT-94-T
2 October 1995, 30, 156 n. 122, 162 n. 153, 427 n. 171
7 May 1997, 24 n. 90, 25, 109–110, 114 n. 83
Case No. IT-94-A, 15 July 1999, 107–109, 427 n. 175

International Criminal Tribunal for Rwanda
Prosecutor v. Akayesu, Case No. ICTR-96-4-T, 2 September 1998, 163 n. 156
Prosecutor v. Bagosora, Case No. ICTR-98-41-T, 18 December 2008, 481

https://doi.org/10.1007/978-90-6704-811-8 Published online by Cambridge University Press

Prosecutor v. Musema, Case No. ICTR-96-13-T, 27 January 2000, 427 n. 171
Prosecutor v. Rutaganda, Case No. ICTR-96-3, 6 December 1999, 155 n. 121, 162 n. 152
Prosecutor v. Semanza, Case No. ICTR-97-20-T, 15 May 2003, 155 n. 121

Permanent Court of Justice
S.S. Lotus (France v. Turkey), 1927, 406

United Nations War Crimes Commission
United States v. Wilhelm List et al (Hostages Trial), 1949, 142 n. 50, 143–144, 145 n. 68, 146 n. 73, 233–234

NATIONAL

Australia
High Court
Republic of Croatia v. Snedden [2010], 457–459
Supreme Court
Rosenberg v. Percival (2001), 233
Federal Court
Vasiljkovic v. Brendan O'Connor [2010], 457–459
Full Court of the Federal Court
Habib v. Commonwealth of Australia [2010], 455
Zentai v. Honourable Brendan O'Connor (no. 2)[2010], 455–457
Zentai v. Honourable Brendan O'Connor (no. 3)[2010], 455–457
Zentai v. Honourable Brendan O'Connor (no. 4)[2010], 456–457

Canada
Supreme Court
Amnesty International Canada v. Chief of the Defense Staff for the Canadian Forces (2008), 93 n. 116

Colombia
High Court
Prosecutor v. Edwar Cobos Téllez and Uber Enrique Banquéz Martínez, 29 June 2010, 471–473
Prosecutor v. Iván Laverde Zapata, 2 December, 471–473, 2010,
Criminal Court of Bogota
Louís Alfonso Plazas Vega case, 9 June 2010, 474–475

Finland
District Court
Prosecutor v. Bazaramba case No. R 09/404, 480–481

France
State Council
Agathe Kanziga, Widow Habyarimana v. OFPRA, 16 October 2009, 491–492
M.K. case, 14 June 2010, 491–492
Administrative Tribunal Paris
Kaplan et al. case, 25 June 2010, 490–491
Criminal Court Paris
Callixte Mbarushimana case, 20 December 2010, 489–490
Juan Manuel Contreras Sepulveda et al., 17 December 2010, 492
Manuel Noriega Case, 7 July 2010, 492

Israel
Supreme Court/High Court
Abdelnasser Fathi Sadek Agbaria v. the State Attorney and Others, HCJ 3634/10, 9 December 2010, 530–531
Abdelrahman Shaib Rajab and Others v. Government of Israel, 2010, 528
Abu Aita v. The Military Commander, 1983, 253 n. 28, 254 n. 30, 277
Abu Awad v. The Military Commander, 1979, 256, 262, 263 n. 75, 274
Abu Hilo v. Government of Israel, 1972, 254 n. 30
Abu-Ras v. IDF Galilee Commander, 1951, 278 n. 129
Adalah – The Legal Center for Arab Minority Rights in Israel v. GOC Central Command, 2005, 75
Afu v. IDF Commander of the West Bank, 1988, 251 n. 20, 256, 257 n. 43, n. 45, 260, 262, 269 n. 100, 271 n. 110, 274

https://doi.org/10.1007/978-90-6704-811-8 Published online by Cambridge University Press

Ajuri v. IDF Commander in the West Bank, 2002, 69 n. 30, 70 n. 34, 73, 250 n. 15, 252 n. 22, 264 n. 78, 276 n. 124
Akiva Hacohen and Others v. Military Commander in the West Bank, 2010, 525
Al-Teen v. The Minister of Defence, 1973, 271 n. 110
Alkatov v. Shahin, 1971, 66 n. 15
Almandi v. Minister of Defense, 2002, 73 n. 45, 76 n. 59
Alsake v. State of Israel, 2001, 73 n. 44
Amsterdam v. Minister of the Treasury, 1952, 66 n. 15
Anonymous v. Minister of Defense, 2000, 66 n. 15
Association for Civil Rights in Israel v. Central Commander, 1989, 70 n. 34
Association for Civil Rights in Israel v. The Minister of Defence, 1993, 254 n. 30, 263 n. 75
Ayyub v. Minister of Defence (Beth El case), 1978, 251 n. 19
Azzam v. the Military Commander of the West Bank, 2009, 246–248, 249, 257, 263
Barakeh, M.K. v. the Minister of Defense, 2002, 76 n. 59, n. 61
al-Bassiouni v. the Prime Minister and Minister of Defence, 2007 and 2008, 77 n. 66, 80 n. 78, 81–82, 402, 428, 437
Beilin v. the Prime Minister of Israel, 2006, 86 n. 100
Beit Sahour Municipal Council and Others v. Prime Minister, 2010, 526–527
Beit Sourik Village Council v. the Government of Israel, 2004, 70 n. 34, 73, 238–239, 252 n. 22, 526
Berner-Kadish v. Minister of Interior, 2000, 278 n. 129
'Betzedek' Organization v. Government of Israel, 1994, 78 n. 69
The Christian Society for the Holy Places v. Minister of Defence, 1972, 277 n. 127
Cna'an v. IDF Military Commander in Judea and Samaria, 2001, 73 n. 42
El-Adluni v. The Military Commander of the West Bank, 2008, 253, 263 n. 77
Funk-Schlesinger v. Minister of the Interior, 1963, 278 n. 129
Goldman v. Ministry of Interior, 2005, 278 n. 129
Hakeem Kanani and Others v. The Israel Prison Service, 2010, 525
Hamdan v. The Southern Military Commander, 2007, 264 n. 79
Hamoked v. The Military Commander of the West Bank (pending), 249 n. 10
Ibrahim Saidi and Others v. Minister of Defense and Others, 2010, 527
Ibrahim v. IDF Military Commander in the West Bank, 2002, 73 n. 43
Irgun Nifgai Terror v. Government of Israel, 1993, 78 n. 69
Israel v. Neighbourhood Committee of Sheikh Sa'ed, 2010, 527–528
Ja'amait Asca/Gamiyat El-Iskan Cooperative Society v. IDF Commander in Judea and Samaria, 1983, 70 n. 34, 274 n. 115, 279 n. 133, 431 n. 194
'Kach' Party v. Hillel - Chairman of the Knesset, 1985, 91 n. 112
Kahuji v. the Military Commander, 2010, 278 n. 131
Kashta v. the Military Commander (pending), 278 n. 131
Kawasme v. Minister of Defence, 1982, 253 n. 28, 254 n. 30, 260 n. 63, 263 n. 75
Mara'abe v. Prime Minister of Israel, 2005, 76 n. 59, 249 n. 12, 252 n. 22
Mes'ha Village Council and Others v. Minister of Defense and Others, 526–527
Mhamad Naif Shakir and Others v. Military Commander of West Bank and Others, 2010, 527–528
MMT Mateh Mutkafei Terror v. the Prime Minister, 1999, 78 n. 69
Na'amat v. Minister of the Interior, 2002, 278 n. 129
National Circles Association v. Minister of Police, 1970, 91 n. 112
Physicians for Human Rights v. Doron Almog, O.C. Southern Command, 2003, 87 n. 102
Physicians for Human Rights v. IDF Commander in Gaza, 2004, 70 n. 34, 84 n. 97, 89 n. 104
Physicians for Human Rights v. Minister of Defense (pending), 83–84

https://doi.org/10.1007/978-90-6704-811-8 Published online by Cambridge University Press

Physicians for Human Rights v. the Prime Minister of Israel, 2009, 77 n. 66, 82–83, 428
Polack v. Government of Israel, 1998, 78 n. 69
Public Committee Against Torture v. Israel (Targeted Killings case), 14 December 2006, 45, 74 n. 50, 76–79, 90, 99 n. 13, 117 n. 94, 141 n. 48, 159 n. 138, 252–253, 262 n. 70, 319, 431 n. 194
Ressler v. Minister of Defense, 1988, 90 n. 107, 91 n. 112
Sajadyia/Sejdiah v. Minister of Defence, 1988, 251 n. 20, 260 n. 62, 525
Salem v. The Military Commander (pending), 278 n. 131
Sharon v. Knesset Committee, 1981, 91 n. 112
Sheinbein v. Attorney General, 1999, 66 n. 15
Al-Taliya v. Minister of Defense, 1979, 70
Temple Mount Faithful v. the Prime Minister, 1993, 78 n. 69
Tzadok v. Seri, 1956, 278 n. 129
Ward v. Military Commander of the West Bank, 2006, 279–280
Yesh Din v. The Military Commander, 2010, 253, 263 n. 75, 524–525

Army Military Court
Military Prosecutor v. Lieutenant Colonel A and Staff Sergeant B, 5/08, 15 July 2010, 529–530
Military Prosecutor v. Staff Sergeants A and B, 150/10, 3 October and 21 November 2010, 529

Italy

Constitutional Court
Judgement No. 249, 8 July 2010, 552–554

Supreme Court of Cassation
Ferrini case, 2004, 562 n339
Order No. 10636, 3 May 2010, 548–550

Court of Appeal Naples
X v. Minister of the Interior, 17 March 2010, 540–542

Court of Appeal Trento
Judgement No.48, 31 March 2010, 547–548

Assize Court of Bari
Prosecutor v. Giovanni Piero Spinelli and Salvatore Stefio, 16 July 2010, 538–540

Tribunal of Agrigento
Cap Anamur case, 15 February 2010, 542–546

Justice of the Peace of Bari
Order No. 812, 24 May 2010, 550–552
Order No. 945, 11 June 2010, 550–552

Lithuania

Kaunas Regional Court
Jevdoksijus Sokolovas case, 2 July 2010, 581

Vilnius Regional Court
Markelis Bulatovas case, 11 June 2010, 581

Palestinian Authority

Supreme Court
2 October 2010, 273 n. 113

South Africa

Constitutional Court
Koyabe v. Minister for Home Affairs, 2010, 587

Supreme Court of Appeal
Arse v. Minister of Home Affairs, 2010, 589
Jeebhai v. Minister of Home Affairs, 2009, 588
Ulde v. Minister of Home Affairs, 2009, 588

Cape High Court
410 Voortrekker Road Property Holdings CC v. Minister of Home Affairs, 2010, 589–590
Intercape Ferreira Mainline v. Minister of Home Affairs, 2010, 589
Kiliko v. Minister of Home Affairs, 2006, 589
Residents of Joe Slovo Community v. Thubelisha Homes and others, 2009, 592

Johannesburg High Court
Aruforse v. Minister of Home Affairs, 2010, 588–589

Pretoria High Court
Von Abo v. Government of South Africa, 2008, 590–591

Spain

Supreme Court
Couso case, 2010, 592–594
Targeted Killing of Salah Shehadeh (Gaza case), 2010, 596

National Court
Ashraf Camp (Iraq) case, 2010, 597–598
Extraditions to Morocco case, 2009, 608
Gaza Freedom Flotilla case, 2010, 596–597

https://doi.org/10.1007/978-90-6704-811-8 Published online by Cambridge University Press

Irfan Yurtsever extradition case, 2010, 609
Jorge Alberto Soza extradition case, 2010, 607
Juan Manuel Carranza Laurente extradition case, 607–608
Julio Alberto Poch extradition case, 2010, 607
Repression in China before Beijing Olympic Games case, 2010, 594–596
Veselin Vlahovic extradition case, 2010, 606–607
Vielmann case, 2010, 598–599

United Kingdom
Supreme Court
R (JS) (Sri Lanka) v. Secretary of State for Home Department (2010), 634–635
R (on the application of Smith) (FC) (Respondent) v. Secretary of State for Defence (Apellant) and another (2010), 226–227, 632–633
House of Lords
R (Al-Jedda) (FC) v. Secretary of State for Defence (2007), 93 n. 116, 221 n. 30, 633 n. 526
R (Al Skeini et al.) v. Secretary of State for Defence (2007), 221 n. 20
R (Amin) v. Secretary of State for the Home Department (2003), 228
R (Gentle) v. Prime Minister (2008), 227–228
High Court
R (Evans) v. Secretary of State for Defence (2010), 629–631
R (Mousa) v. Secretary of State for Defence, 633–634
Court of Appeal
R (Smith) v. Secretary of State (2009), 227, 228 n. 58, 229
Al-Jedda v. Secretary of State of Defence (2010), 631–632

United States
Supreme Court
Baker v. Carr (1962), 91 n. 112
Boumedienne v. Bush (2008), 88 n. 103, 93 n. 117
The Brig Army Warwick et al case (The Prize cases), 1863, 52 n. 217
Contra Maqaleh v. Gates (2010), 88 n. 103
Crockett v. Reagan (1983), 64 n. 9
Ex parte Quirin (1942), 144 n. 61
Gilligan v. Morgan (1973), 64 n. 9
Goldwater v. Carter (1979), 64 n. 9
Hamdan v. Rumsfeld (2006), 40 n. 154, 93 n. 118, 110 n. 68, 319 n. 32
Holder v. Humanitarian Law Project, 561 US (2010), 130 S. Ct. 2705, 644–646
Mora v. McNamara (1967), 64 n. 9
The Paquette Habana (1900), 224
Prize Cases (1863), 390, 423
Rasul v. Bush (2004), 88 n. 103, 93 n. 117
Samantar v. Yousuf, 560 US (2010), 130 S. Ct 2278, 644
Court of Appeals
ACLU v. NSA (2007), 91 n. 111
United States v. Ahmed Ressam (2001), 370
Court of Appeal for the Armed Forces
United States v. Flores (2011) 69 M.J. 366, 653–654
United States v. Girouard (2010) 2010 WL 3529415, 657–658
United States v. Graner (2010) 69 M.J. 104, 654
United States v. Harman (2010) 68 M.J. 325, 655
United States v. Hutchins (2011) 68 M.J. 282, 660
United States v. Maynulet (2010) 68 M.J. 374, 655–656
United States v. Smith (2010) 68 M.J. 316, 656–657
Navy Marine Corps Court of Criminal Appeals
United States v. Hutchins (2010) 68 M.J. 623, 658–659
District Court California North
Jewel v. NSA (2010), 91 n. 111
District Court of Columbia
al-Aulaqi v. Obama (2010), 9 n. 16, 10 n. 24, 14, 32 n. 126, 33, 34 n. 135, 35 n. 141, 43, 90 n. 109, n. 110
El-Shifa Pharmaceutical Industries Company v. United States (2005), 92 n. 115
District Court New York South
Amnesty Interational USA v. McConnell (2009), 91 n. 111
Air Force Court
United States v. Flores (2010), 651, 653
Courts Martial
United States v. Keefe, Huertas, and McCabe (2010), 660
United States v. Miller (2011), 658
United States v. Stevens (2010), 658

https://doi.org/10.1007/978-90-6704-811-8 Published online by Cambridge University Press