

# **International Law**

**Sixth Edition**



# International Law

Sixth Edition

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*For all our students, past and future, in the hope  
and belief that the development of a just system  
of international law can contribute to a better  
world for everyone.*



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- Gabcíkovo-Nagymaros Project (Hungary v. Slovakia)**, 1997 I.C.J. 7, 110–116, 118, 321, 322, 332
- Garcia (U.S. v.)** 182 Fed. Appx. 873 (11th Cir. 2006), 280–283
- Garcia-Mir v. Meese**, 788 F.2d 1446 (11th Cir. 1986), 12
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- Germany v. Italy, Greece intervening, see Jurisdictional Immunities of the State**
- Germany v. Netherlands, see North Sea Continental Shelf Cases**
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- Gonzales, v. Thomas, 547 U.S. 183 (2006) (per curiam), 468
- Gonzalez (U.S. v.), 776 F.2d 931 (11th Cir. 1985), 283
- Governo degli Stati Uniti di America c. Soc. I.R.S.A. [1963] Foro Ital. 1405, 47 *Revista de Diritto Internazionale* 484 (May 13, 1963), 221
- Gulf of Maine Area Case (Canada v. U.S.) 1984 I.C.J. 246, 263, 476
- Hatch v. Baez, 7 Hun. 596 (1876), 196
- Head Money Cases, 112 U.S. 580 (1884), 123
- Hellenic Lines, Ltd. v. Moore, 345 F.2d 978 (D.C. Cir. 1965), 183
- Herero People's Reparation Corp. v. Deutsche Bank, A.G., 370 F.3d 1192 (D.C. Cir. 2004), 283
- Hernandez (U.S. v.), 106 F.Supp. 2d 1317 (S.D. Fla. 2000), 240
- Hilton v. Guyot, 159 U.S. 113 (1895), 10
- Hudoyberganova v. Uzbekistan, 12 Int'l Hum. Rt. Rep. 345 (2005), 431
- Hungary v. Slovakia, see Gabcíkovo-Nagymaros Project**
- Humberto Alvarez-Machain (U.S. v.), see U.S. v. Alvarez-Machain**
- In re Arbitration Between the Republic of the Philippines and the People's Republic of China, see Arbitration Between the Republic of the Philippines and the People's Republic of China**
- INS v. Aguirre-Aguirre, 526 U.S. 415 (1999), 467–468, 470

- INS v. Cardoza-Fonseca, 480 U.S. 421 (1987), 469
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- Italy (Gentini) v. Venezuela, Mixed Claims Commission, 1903, 36
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- Jimenez v. Aristeguieta, 311 F.2d 547 (5th Cir. 1962), 196
- Jones v. Saudi Arabia, [2006] UKHL 26, 212, 214
- Jones and Others v The United Kingdom, App nos. 34356/06 and 40528/06 (ECtHR, 14 January 2014), 214, 435
- Jurisdictional Immunities of the State (Germany v. Italy, Greece intervening)**, 2012 I.C.J. 99, 26, 223–227
- Kadic v. Karadzic, 70 F.3d 232 (2d Cir. 1995), 16
- Kasikili/Sedudu Island (Botswana v. Namibia), 1999 I.C.J. 1045, 65, 85
- Ker v. Illinois, 119 U.S. 436 (1886), 163, 167, 171
- Khulumani v. Barclay National Bank, Ltd., 504 F.3d 245 (2nd Cir. 2007) (per curiam), 17
- Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2nd Cir. 2010), 379
- Kiobel v. Royal Dutch Petroleum Co., 569 U.S. 108 (2013), 24, 379
- Knab v. Republic of Georgia, (D.D.C. 1998), 181–185
- LaGrand Case (Germany v. U.S.), 2001 I.C.J. 466, 86, 99, 107, 496, 497
- Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria, Equatorial Guinea intervening) 2002 I.C.J. 303, 13, 264
- Land, Island and Maritime Frontier Dispute (El Salvador v. Honduras, Nicaragua intervening) 1990 I.C.J. 92 & 1992 I.C.J. 351 & 2003 I.C.J. 392, 63, 263, 476
- Larsen (U.S. v.), 952 F.2d 1099 (9th Cir. 1991), 142
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276, Advisory Opinion**, 1971 I.C.J. 16, 107–109, 351
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion**, 2004 I.C.J. 136, 57, 126–127
- Legal Status of Eastern Greenland, (Denmark v. Norway) 1933 P.C.I.J. (ser. A/B) No. 53 at 194 (April 5), 53, 56, 72
- Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion**, 1996 I.C.J. 226, 37, 155, 317, 324–327, 509, 521–523, 592
- Legality of Use of Force, (Yugoslavia v. Spain), 1999 I.C.J. 761, 543; (Yugoslavia v. U.S.), 1999 I.C.J. 916, 543; (Serbia and Montenegro v. Belgium), 2004 I.C.J. 279, 543; (Serbia and Montenegro v. Canada), 2004 I.C.J. 429, 543; (Serbia and Montenegro v. France), 2004 I.C.J. 575, 543; (Serbia and Montenegro v. Germany), 2004 I.C.J. 720, 543; (Serbia and Montenegro v. Italy), 2004 I.C.J. 865, 543; (Serbia and Montenegro v. Netherlands), 2004 I.C.J. 1011, 543; (Serbia

- and Montenegro v. Portugal), 2004 I.C.J. 1160, 543; (Serbia and Montenegro v. United Kingdom), 2004 I.C.J. 1307, 543
- Leyla Sahin v. Turkey, European Court of Human Rights (2005)**, 410–341
- Libyan Arab Jamahiriya v. Chad, 1994 I.C.J. 6, 85
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- Llantoy Huamán v. Peru, Human Rights Committee (2005)**, 396–401
- Logan v. Dupuis, 990 F.Supp. 26 (D.D.C. 1997), 183
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- MacAllister (U.S. v.), 160 F.3d 1304 (11th Cir. 1998), 144
- Malaysia v. Singapore, 2008 I.C.J. 12**, 36, 51–55, 59, 63
- Mandla v. Dowell, [1983] All E. Rep. 548, 420
- Marino-Garcia (U.S. v.), 679 F.2d 1373 (11th Cir. 1982), 283
- Maritime Delimitation and Territorial Questions (Qatar v. Bahrain), 1995 I.C.J. 6, 86
- Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway) 1993 I.C.J. 38, 72, 263
- Maritime Delimitation in the Black Sea (Romania v. Ukraine), 2009 I.C.J. 61, 264
- Martinez-Hidalgo (U.S. v.), 993 F.2d 1052 (3d Cir. 1993), 283
- Masetti Case, decision of 17 Nov. 1947 in *Massimario della Seconda della Cassazione*, 1947 No. 2569, 564
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- Medellin v. Texas, 552 U.S. 491 (2008), 13, 100, 101, 463
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- Mexico v. U.S., 2009 I.C.J. 3, 100, 107
- Metropolitan Church of Bessarabia and Others v. Moldova, ECHR (2001), 428, 435
- Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. U.S.), 1984 I.C.J. 392, and 1986 I.C.J. 14**, 475, 484–494, 508, 509, 512–520, 532
- Mine Workers (U.S. v.), 330 U.S. 258 (1947), 171
- Mol Inc. v. People’s Republic of Bangladesh, 736 F.2d 1326 (9th Cir. 1984), 221
- Monetary Gold Removed from Rome in 1943 Case, 1954 I.C.J. 19, 491
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- Nat’l Cable & Telecomms. Ass’n v. Brand X Internet Services, 545 U.S. 967 (2005), 468
- N.D. and N.T. v. Spain (Applications nos. 8675/15 and 8697/15) European Court of Human Rights, judgment, 3 October 2017**, 434–436
- Negusie v. Holder, 555 U.S. 511 (2009)**, 465–472, 572
- Netherlands v. U.S., see Island of Palmas (Miangas) Case**
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- Nicaragua v. Honduras, see Territorial and Maritime Dispute in the Caribbean Sea
- North Sea Continental Shelf Cases (Federal Republic of Germany v. Denmark) (Federal Republic of Germany v. Netherlands) 1969 I.C.J. 3, 28–34, 38, 263
- Northern Securities Co. v. U.S., 193 U.S. 197 (1904), 171
- Norwegian Loans (France v. Norway) 1957 I.C.J. 9, 480, 481–483
- Nottebohm Case (Liechtenstein v. Guatemala), 1955 I.C.J. 4, 187, 228, 278, 355–360
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- Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile), 2018 I.C.J. \_\_\_ (1 October), 252
- Oil Platforms (Islamic Republic of Iran v. United States) 2003 I.C.J. 161, 523–527
- Odeh (U.S. v.), 548 F.3d 276 (2d Cir. 2008), 145
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- Orozco-Prada (U.S. v.), 732 F.2d 1076 (2d Cir. 1984), 143
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- Pizzarusso (U.S. v.), 388 F.2d 89 (2d Cir. 1968), 142
- Portugal v. India, see Right of Passage Case
- Prosecutor v. Oman Hassan Ahmad al-Bashir, No. ICC-02/05-01/09, 6 July 2017, 215
- Prosecutor v. Al Mahdi, Case no. ICC-01/12-01/15, Judgement of the Trial Chamber, 27 September 2016, International Criminal Court, 572–576
- Prosecutor v. Dusko Tadic’, Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction, 1995 I.C.T.Y. No. IT-94-1-AR 72 reprinted at 35 I.L.M. 32 (1996), Opinion and Judgment, Case No. IT-94-1-T, reprinted at 36 I.L.M. 908 (1997), 498
- Prosecutor v. Dusko Tadic’, Appeal Judgment, Case No IT-94-1-A, ICL 93 (ICTY 1999), 15th July 1999, 498, 499
- Prosecutor v. Furundzija, Case No. 17-95-17/1-T (Judgment of the Trial Chamber, 10 Dec. 1998, 26, 192
- Prosecutor v. Drazen Erdemović, 1997 I.C.T.Y. No. IT-96-22, 472, 554–571
- Prosecutor v. Aloys Simba, 2005 I.C.T.R. No. 01-76-T, 578–586
- Qatar v. Bahrain, 1995 I.C.J. 6, 86

- Quebec Secession**, see **Reference re Secession of Quebec**
- Queen v. Griffiths** [1891] 2 Q.B., 147
- Questions Relating to the Obligation to Prosecute or Extradite** (Belgium v. Senegal), 2012 I.C.J. 422, 26, 83, 106, 145
- Rauscher** (U.S. v.), 119 U.S. 407 (1886), 163, 164, 165, 166, 167, 168, 169, 170
- Reference re Secession of Quebec**, 2 S.C.R. 217 (1998), 12, 339–350, 351, 376
- Regina v. Bartle and the Commissioner for the Metropolis and others Ex Parte Pinochet, House of Lords, U.K.**, (1999) 2 A11 E. R. 97, 189–198, 212
- Regina v. Dudley and Stephens**, 14 Q.B.D. 273 (1884), 570, 571
- Regina (On the Application of Begum) v. Headteacher and Governors of Denbigh High School** ([2004] EWHC 1389 (Admin)), 420
- Reid v. Covert**, 354 U.S. 1 (1957), 242
- Rendon** (U.S. v.), 354 F.3d 1320 (11th Cir. 2003), 283
- Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion**, 1949 I.C.J. 174, 363–371
- Request for Interpretation of Judgment of 31 March 2004** (Mexico v. U.S.) 2009 I.C.J. 3, 14, 100
- Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion**, 1951 I.C.J. 15, 75–81, 120
- Riffo and Daughters v. Chile**, **Inter-American Court of Human Rights** (2012), 440–454
- Right of Passage Case**, (Portugal v. India) 1960 I.C.J. 6, 25
- Rights of Minorities in Polish Upper Silesia** (Germany v. Poland), 1928 P.C.I.J. (ser. A) No. 15, Germany v. Poland, 496
- Romania v. Ukraine**, see **Maritime Delimitation in the Black Sea**
- Rweyemamu v. Cote**, 520 F.3d 198 (2d Cir. 2008), 16
- Sahin v. Turkey, European Court of Human Rights** (2005), 410–431
- Saiga Case**, see **The M/V “Saiga” Case**
- Sale v. Haitian Ctrs. Council, Inc.**, 509 U.S. 155 (1993), 141
- Samantar v. Yousuf**, 560 U.S. 305 (2010), 208, 214
- SAS v. France**, 2014-III Eur. Ct. H.R. 341, (July 1, 2014), 431
- Schooner Exchange v. McFaddon**, 11 U.S. (7 Cranch) 116 (1812), 216
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- Secession, Quebec**, see **Reference re Secession of Quebec**
- Serif v. Greece**, ECHR (1999), 424, 428
- Simba**, see **Prosecutor v. Aloys Simba**
- Sisal Sales Corp.** (U.S. v.), 274 U.S. 268 (1927), 133
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- Smith and Grady v. U.K.**, ECHR (1999), 429
- Sosa v. Alvarez-Machain**, 542 U.S. 692 (2004), 17, 172
- South China Sea Arbitration**, see **Arbitration Between the Republic of the Philippines and the People’s Republic of China**
- Sovereignty Over Pedra Branca/Pulau Batu Pateh, Middle Rocks and South Ledge** (Malaysia v. Singapore) 2008 I.C.J. 12, 36, 51–55
- St. Vincent and the Grenadines v. Guinea**, see **The M/V “Saiga” Case**
- S.S. I’m Alone Case**, III U.N.R.I.A.A. 1609 (1935), 304



- Stalag Luft III Case, XI Law Reports 33, 569
- Stanley (U.S. v.), 483 U.S. 669 (1987), 21
- Tabion v. Mufti, 73 F.3d 535 (4th Cir. 1996), 174
- Tadic Case, see Prosecutor v. Dusko Tadic'
- Taveras v. Taveraz, 477 F.3d 767 (6th Cir. 2007), 16
- Techt v. Hughes**, 229 N.Y. 222 (1920), 122–124
- Temple of Preah Vihear (Cambodia v. Thailand), 1962 I.C.J. 6, 36, 104
- Temple of Preah Vihear (Cambodia v. Thailand), Request for Interpretation of the Judgment of 15 June 1962, 2013 I.C.J. 281, 104
- Territorial and Maritime Dispute (Nicaragua v. Colombia), 2012 I.C.J. 624, 50
- Territorial and maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras), 2007 I.C.J. 659, 50, 263
- Territorial Dispute (Libyan Arab Jamahiriya v. Chad), 1994 I.C.J. 6, 85
- The Apollon, 22 U.S. (9 Wheat.) 362 (1824), 170
- The Land and Maritime Boundary between Cameroon and Nigeria, Equatorial Guinea intervening), 2002 I.C.J. 303, 264
- The Caroline Incident**, 2 Moore, Dig. of Int'l Law 412 (1906) (not a case), 506–507
- The Lotus Case, (France v. Turkey), 1927 P.C.I.J. (ser. A) No. 10, 284
- The M/V/ "Saiga" Case (Saint Vincent and the Grenadines v. Guinea)**, 1999 ITLOS No.2, 278, 289–307
- The Nottebohm Case**, see Nottebohm Case
- The Paquete Habana**, 175 U.S. 677 (1900), 6–11, 12, 37, 244, 464
- The Red Crusader, 35 I.L.R. 485 (1917), 304–305
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- The Schooner Exchange v. McFaddon, 11 U.S. 116 (1812), 216
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- The Sunday Times v. U.K. (No. 1) Judgment of 26 April 1979, Series A, No. 30, 422
- Thomsen v. Cayser, 243 U.S. 66 (1917), 133
- Trail Smelter Case (U.S. v. Canada)**, 3 U.N. Rep. Int'l Arbitral Awards 1938 (1941), 315–317, 320
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- U.S. v. Aluminum Co. of America**, 148 F.2d 416 (2d Cir. 1945), 131–133, 143
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- U.S. v. Benitez, 741 F.2d 1312 (11th Cir. 1984), 143
- U.S. v. Bin Laden**, 92 F. Supp. 2d (S.D.N.Y. 2000), 140–145
- U.S. v. Birch, 470 F.2d 808 (4th Cir. 1972), 140
- U.S. v. Bowman, 260 U.S. 94 (1922), 138, 142

- U.S. v. Brandt, 2 Trials of War Criminals Before the Nuremberg Military Tribunal Under Control Council No. 10 181 (1949), 18
- U.S. v. Cadena, 585 F.2d 1252 (5th Cir. 1978), 242
- U.S. v. Campa, 419 F.3d 1219 (11th Cir. 2005) rev'd en banc, 529 F.3d 980 (11th Cir. 2008), cert. den., 557 U.S. 904 (2009), 240
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- U.S. v. Garcia, 182 Fed. Appx. 873 (11th Cir. 2006), 280–283**
- U.S. v. Gonzalez, 776 F.2d 931 (11th Cir. 1985), 283
- U.S. v. Hernandez, 106 F. Supp. 2d 1317 (S.D. Fla. 2000), 240
- U.S. v. Humberto Alvarez-Machain, 504 U.S. 655 (1992), 139, 161–172, 463**
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- U.S. v. Odeh, 548 F.3d 276 (2d Cir. 2008), 145
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- U.S. v. Zehe, 601 F. Supp. 196 (D.Mass. 1985), 143
- U.S. Diplomatic and Consular Staff in Tehran (U.S. v. Iran), 1980 I.C.J. 3, 175–180, 277**
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- Vasquez-Velasco (U.S. v.), 15 F.3d 833 (9th Cir. 1994), 144
- Verdugo-Urquidez (U.S. v.), 939 F.2d 1341 (9th Cir. 1991), 162, 168
- Verdugo-Urquidez (U.S. v.), 494 U.S. 259 (1990), 242
- Victory Transport, Inc. v. Comisaria General de Abastecimiento y Transportes, 336 F.2d 354 (2d Cir. 1964), 221

- Vietnam Ass'n for Victims of Agent Orange v. Dow Chemical Co., 517 F.3d 104 (2d Cir. 2008), 17
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