



Universiteit
Leiden
The Netherlands

Europe and extraterritorial asylum

Heijer, M. den

Citation

Heijer, M. den. (2011, April 7). *Europe and extraterritorial asylum. Meijers-reeks.* Retrieved from <https://hdl.handle.net/1887/16699>

Version: Not Applicable (or Unknown)

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/16699>

Note: To cite this publication please use the final published version (if applicable).

Bibliography

I MONOGRAPHS AND EDITED VOLUMES

- Battjes H, *European Asylum Law and International Law*, Leiden/Boston: Martinus Nijhoff (2006)
- Boeles P et al, *European Migration Law*, Antwerp/Oxford/Portland: Intersentia (2009)
- Bossuyt MJ, *Guide to the 'Travaux Préparatoires' of the International Covenant on Civil and Political Rights*, Dordrecht: Martinus Nijhoff (1987)
- Brownlie I, *Systems of the Law of Nations: State Responsibility*, Part I, Oxford: Clarendon Press (1983)
- *Principles of Public International Law*, 6th Ed., Oxford University Press (2003)
- Bruin R (ed), *Niemandsland, opvang van vluchtelingen in de regio*, Amsterdam: Amnesty International Nederland (2003)
- Bynkershoek, van C, *De Foro Legatorum Liber Singularis* (1744), translated by G.J. Laing, Oxford: Clarendon Press (1946)
- Chesterman S, *Just War or Just Peace? Humanitarian intervention and international law*, Oxford University Press (2001)
- Churchill RR and Lowe AV, *The Law of the Sea*, Juris Publishing, Manchester University Press (1999)
- Coomans F and Kamminga MT (eds), *Extraterritorial Application of Human Rights Treaties*, Antwerp: Intersentia (2004)
- Cornelisse G, *Immigration Detention and Human Rights. Rethinking Territorial Sovereignty*, Leiden/Boston: Martinus Nijhoff (2010)
- Craven M, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development*, Oxford: Clarendon (1998)
- Crawford J, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries*, Cambridge University Press (2002)
- Cremona M (ed), *Developments in EU External Relations Law*, Oxford University Press (2008)
- Dashwood A and Maresceau M (eds), *Law And Practice Of EU External Relations; Salient Features Of A Changing Landscape*, Cambridge University Press (2008)
- Denza E, *Diplomatic law: commentary on the Vienna Convention on diplomatic relations*, Oxford University Press (2008)
- Detrick S, *The United Nations Convention on the Rights of the Child: A Guide to the "Travaux Préparatoires"*, Dordrecht: Martinus Nijhoff (1992)
- Eagleton C, *The Responsibility of States in International Law*, New York University Press (1928)

- Evans M (ed), *International Law*, Oxford University Press (2003)
- Feller E et al (eds), *Refugee Protection in International Law. UNHCR's Global Consultations on International Protection*, Cambridge University Press (2003)
- Gardiner RK, *Treaty Interpretation*, Oxford University Press (2008)
- Gondek M, *The Reach of Human Rights in a Globalising World: Extraterritorial Application of Human Rights Treaties*, Antwerp: Intersentia (2009)
- Goodwin-Gill GS and McAdam J, *The Refugee in International Law*, Oxford University Press (2007)
- Gowlland-Debbas V (ed), *Multilateral Treaty-Making: The Current Status of Challenges to and Reforms Needed in the International Legislative Process*, The Hague: Martinus Nijhoff (2000)
- Grahl-Madsen A, *The Status of Refugees in International Law*, Vol. II, Leiden: Sijthoff (1972)
- *Territorial Asylum*, Stockholm/London/New York: Almqvist & Wiksell International (1980)
- Groenendijk K, Guild E and Minderhoud P (eds), *In Search of Europe's Borders*, The Hague: Kluwer (2002)
- Grotius H, *Mare Liberum* (1608), translated by R. Van Deman Magoffin, New York: Oxford University Press (1916)
- *De Jure Belli ac Pacis* (1625), translated by A.C. Campbell, Kitchener: Batoche Books (2001)
- Guilfoyle D, *Shipping Interdiction and the Law of the Sea*, Cambridge University Press (2009)
- Hannum H, *The Right to Leave and Return in International Law and Practice*, Dordrecht/Boston/Lancaster: Martinus Nijhoff (1987)
- Hathaway JC, *The Law of Refugee Status*, Toronto/Vancouver: Butterworths (1991)
- *The Rights of Refugees under International Law*, Cambridge University Press (2005)
- Higgins R, *Problems & Process. International Law and How We Use It*, Oxford: Clarendon Press (1994)
- Hobbes T, *Leviathan. Or The Matter, Form and Power of a Commonwealth Ecclesiastical and Civil* (1651), translated by A. Martinich, Peterborough: Broadview Press (2002)
- Jennings R and Watts A (eds), *Oppenheim's International Law*, Vol. I, 9th Ed., London: Longman (1992)
- Jonge, de K, *Dagboek uit Pretoria*, Amsterdam: van Gennep (1987)
- Joseph S et al, *The International Covenant on Civil and Political Rights: Cases, Commentary and Materials*, 2nd Ed., Oxford University Press (2004)
- Kapteyn PJG, McDonnell AM, Mortelmans KJM, Timmermans CWA and Geelhoed LA, *The Law of the European Union and the European Communities*, Alphen aan den Rijn: Kluwer Law International (2008)
- Lauterpacht H, *International Law and Human Rights*, reprint Hamden: Archon Books (1968)
- Lawson RA, *Het EVRM en de Europese Gemeenschappen. Bouwstenen voor een aansprakelijkheidsregime voor het optreden van internationale organisaties*, Deventer: Kluwer (1999)

Lee LT, *Consular Law and Practice*, Oxford: Clarendon Press (1991)

Malanczuk P (ed), *Akehurst's modern introduction to international law*, 7th Ed., London: Routledge (1997)

McAdam J (ed), *Forced Migration, Human Rights and Security*, Oxford: Hart Publishing (2008)

Meijers H, *The Nationality of Ships*, Den Haag: Martinus Nijhoff (1967)

Meron T, *The Humanization of International Law*, Leiden/Boston: Martinus Nijhoff (2006)

Mowbray A, *The Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights*, Oxford: Hart Publishing (2004)

Murty BS, *The International Law of Diplomacy, The Diplomatic Instrument and World Public Order*, Dordrecht/Boston/London: Martinus Nijhoff (1989)

Noll G, *Negotiating Asylum. The EU Acquis, Extraterritorial Protection and the Common Market of Deflection*, The Hague/Boston/London: Martinus Nijhoff (2000)

Nowak M, *U.N. Covenant on Civil and Political Rights, CCPR Commentary*, 2nd Ed., Kehl am Rhein: Engel (2005)

— and McArthur E, *The United Nations Convention Against Torture. A Commentary*, Oxford University Press (2008)

O'Connell DP, *The International Law of the Sea*, Vol. I, Oxford: Clarendon Press (1982)

Przetacznik F, *Protection of officials of foreign states according to International law*, Dordrecht: Martinus Nijhoff (1983)

Rayfuse RG, *Non-Flag State Enforcement in High Seas Fisheries*, Leiden/Boston: Martinus Nijhoff (2004)

Rijpma JJ, *Building Borders: The Regulatory Framework for the Management of the External Borders of the European Union*, dissertation Florence (2009)

Robinson N, *Convention Relating to the Status of Refugees, Its History, Contents and Interpretation*, New York: Institute of Jewish Affairs (1953)

Ryan B and Mitsilegas V (eds), *Extraterritorial Immigration Control*, Leiden/Boston: Martinus Nijhoff (2010)

Shaw M, *International Law*, 5th Ed., Cambridge University Press (2003)

— *International Law*, 6th Ed., Cambridge University Press (2008)

Shue H, *Basic Rights: Subsistence, Affluence, and us Foreign Policy*, Princeton University Press (1980)

Sinha SP, *Asylum and International Law*, The Hague: Martinus Nijhoff (1971)

Skogly SI, *Beyond National Borders: States' Human Rights Obligations in International Cooperation*, Antwerpen/Oxford: Intersentia (2006)

Triepel H, *Völkerrecht und Landesrecht*, Leipzig: Siebeck (1899)

Vattel, de E, *Le Droit des Gens ou Principes de la Loi Naturelle* (1758), translated by C.G. Fenwick, Washington: Carnegie Institution (1916)

Weis P, *The Refugee Convention, 1951. The Travaux Préparatoires Analysed with a Commentary by the Late Dr Paul Weis*, Cambridge University Press (1995)

Wouters K, *International Legal Standards for the Protection from Refoulement*, Antwerp: Intersentia (2009)

II ARTICLES IN JOURNALS, PAPERS AND CONTRIBUTIONS TO EDITED VOLUMES

- Akehurst M, 'Jurisdiction in International Law', 46 *British Yearbook of International Law* (1972) p. 145
- Albahari M, 'Death and the Moral State: Making Borders and Sovereignty at the Southern Edges of Europe', The Center for Comparative Immigration Studies Working Paper No. 136, San Diego (2006)
- Alschner S, 'Knocking at the Doors of "Fortress Europe": Migration and Border Control in Southern Spain and Eastern Poland', The Center for Comparative Immigration Studies Working Paper No. 126, San Diego (2005)
- Alston P and Quinn G, 'The Nature and Scope of States Parties' Obligations under the International Covenant on Economic, Social and Cultural Rights', 9 *Human Rights Quarterly* (1987) p. 156
- Anderson HE, 'The Nationality of Ships and Flags of Convenience: Economics, Politics, and Alternatives', 21 *Tulane Maritime Law Journal* (1996) p. 139
- Anzilotti D, 'La Responsabilité Internationale des États: A Raison des Dommages Soufferts par des Étrangers', 13 *Revue Générale de Droit Public* (1906) p. 289
- Ataner A, 'Refugee Interdiction and the Outer Limits of Sovereignty', 3 *Journal of Law and Equality* (2004), p. 7
- Barnes R, 'Refugee Law at Sea', 53 *ICLQ* (2004) p. 47
- Battjes H, 'The Soering Threshold: Why Only Fundamental Values Prohibit Refoulement in the ECRH Case Law', 11 *EJML* (2009) p. 205
- Bigo B and Guild E, 'Policing at Distance: Schengen Visa Policies', in: Bigo B and Guild E, *Controlling Frontiers: Free Movement Into and Within Europe*, London: Ashgate (2005) p. 233
- Boivin A, 'Complicity and beyond: International law and the transfer of small arms and light weapons', 87 *International Review of the Red Cross* (2005) p. 467
- Bostock CMJ, 'The International Legal Obligations owed to the Asylum-seekers on the MV Tampa', 14 *IJRL* (2002) p. 279
- Brehm M, 'The Arms Trade and States' Duty to Ensure Respect for Humanitarian and Human Rights Law', 12 *Journal of Conflict & Security Law* (2008) p. 359
- Broberg MP, 'The European Commission's Extraterritorial Powers in Merger Control, The Court of First Instance's Judgment in Gencor v. Commission', 49 *ICLQ* (2000) p. 172
- Brouwer A and Kumin J, 'Interception and Asylum: When Migration Control and Human Rights Collide', 21 *Refuge: Canada's periodical on refugees* (2003) p. 6
- Carrera S, 'The EU Border Management Strategy FRONTEX and the Challenges of Irregular Immigration in the Canary Islands', CEPS Working Document No. 261 (2007)

- and Merlino M, 'Undocumented Immigrants and Rights in the EU Addressing the Gap between Social Science Research and Policy-making in the Stockholm Programme?', Brussels: Centre for European Policy Studies (CEPS) (2009)
- Cassese A, 'The Nicaragua and Tadić Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia', 18 *EJIL* (2007) p. 649
- Clayton G, 'The UK and Extraterritorial Immigration Control: Entry Clearance and Juxtaposed Control', in: Ryan B and Mitsilegas V (eds), *Extraterritorial Immigration Control*, Leiden/Boston: Martinus Nijhoff (2010) p. 397
- Coffey K, 'The Due Process Right To Seek Asylum in the United States: The Immigration Dilemma and Constitutional Controversy', 19 *Yale Law and Policy Review* (2001) p. 303
- Cole CV, 'Is There Safe Refuge in Canadian Missions Abroad?', 9 *IJRL* (1997) p. 654
- Conforti B, 'Exploring the Strasbourg case-Law: Reflections on State Responsibility for the Breach of Positive Obligations', in: Fitzmaurice M and Sarooshi S (eds), *Issues of State Responsibility before International Judicial Institutions*, Oxford: Hart Publishing (2004) p. 129
- Coomans F, 'Some Remarks on the Extraterritorial Application of the International Covenant on Economic Social and Cultural Rights', in: Coomans F and Kamminga MT (eds), *Extraterritorial Application of Human Rights Treaties*, Antwerp: Intersentia (2004) p. 183
- Cornelisse G, 'European Vessels, African Territorial Waters and 'Illegal Emigrants': The Right to Leave and the Principle of (Il)legality in a Global Regime of Mobility', Challenge Working Paper, published online <www.libertysecurity.org> (2008)
- Courtland Robinson W, 'The Comprehensive Plan of Action for Indochinese Refugees, 1989–1997: Sharing the Burden and Passing the Buck', 17 *Journal of Refugee Studies* (2004) p. 319
- Crawford J, 'Revising the Draft Articles on State Responsibility', 10 *EJIL* (1999) p. 435
- and Olleson S, 'The Nature and Forms of International Responsibility', in: Evans M (ed), *International Law*, 5th Ed., Oxford University Press (2003) p. 445
- Cuttitta P, 'The changes in the fight against illegal immigration in the Euro-Mediterranean area and in Euro-Mediterranean relations', CHALLENGE working paper (2007)
- D'Amato A, 'The Invasion of Panama Was a Lawful Response to Tyranny', 84 *AJIL* (1990) p. 516
- Davidson RA, 'Spaces of Immigration "Prevention": Interdiction and the Nonplace', 33 *Diacretics* (2003) p. 3
- Davies M, 'Obligations and Implications for Ships Encountering Persons in Need of Assistance at Sea', 12 *Pacific Rim Law & Policy Journal* (2003) p. 109
- Dennis MJ, 'Application of Human Rights Treaties Extraterritorially in Times of Armed Conflict and Military Occupation', 99 *AJIL* (2005) p. 119
- Devine DJ, 'Ships in distress – a judicial contribution from the South Atlantic', 20 *Marine Policy* (1996) p. 229
- Donnelly J, 'Cultural Relativism and Universal Human Rights', 6 *Human Rights Quarterly* (1984) p. 400
- Doussa, von J, 'Human Rights and Offshore Processing', in: Blay S, Burn J and Keyzer P (eds), *Offshore Processing of Asylum-seekers: The Search for Legitimate Parameters*, Broadway: Halstead Press (2008)

- Dummett A, 'The Transnational Migration of People seen from within a Natural Law Perspective', in: Barry B and Goodin RE (eds), *Free Movement. Ethical Issues in the Transnational Migration of People and of Money*, New York: Harvester Wheatsheaf (1992) p. 169
- El-Enany N, 'Who is the New European Refugee?', LSE Legal Studies Working Paper No. 19/2007 (2007)
- Evans MD, 'State Responsibility and the European Convention on Human Rights: Role and Realm', in: Fitzmaurice M and Sarooshi D (eds), *Issues of State Responsibility before International Judicial Institutions*, Oxford: Hart Publishing (2004) p. 139
- Feller E, 'Carrier Sanctions and International Law', 1 *IJRL* (1989) p. 48
- Ferris E, 'Internal Displacement and the Right to Seek Asylum', 27 *Refugee Survey Quarterly* (2008) p. 76
- Fischer-Lescano A, Löhr T and Tohidipur T, 'Border Controls at Sea: Requirements under International Human Rights and Refugee Law', 21 *IJRL* (2009) p. 256
- Francis A, 'Bringing Protection Home: Healing the Schism Between International Obligations and National Safeguards Created by Extraterritorial Processing', 20 *IJRL* (2008) p. 273
- Frelick B, 'Preventive Protection' and the Right to Seek Asylum: A Preliminary Look at Bosnia and Croatia', 4 *IJRL* (1992) p. 439
- "Abundantly Clear: Refoulement", 19 *Georgetown Immigration Law Journal* (2004) p. 245
- Friedberg JJ, 'Convergence of Law in an Era of Political Integration: The Wood Pulp Case and the Alcoa Effects Doctrine', 52 *University of Pittsburgh law review* (1990) p. 289
- Fry JD, 'Coercion, Causation and the Fictional Elements of Indirect State Responsibility', 40 *Vanderbilt Journal of Transnational Law* (2007) p. 611
- Gammeltoft-Hansen T and Gammeltoft-Hansen H, 'The Right to Seek – Revisited. On the UN Human Rights Declaration Article 14 and Access to Asylum Procedures in the EU', 10 *EJML* (2008) p. 439
- García Andrade P, 'Extraterritorial Strategies to Tackle Irregular Immigration by Sea: A Spanish Perspective', in: B. Ryan and V. Mitsilegas (eds), *Extraterritorial Immigration Control. Legal Challenges*, Leiden/Boston: Martinus Nijhoff (2010) p. 311
- Garlick M, 'The EU Discussions on Extraterritorial Processing: Solution or Conundrum?', 18 *IJRL* (2006) p. 601
- Gibney MJ and Hansen R, 'Asylum Policy in the West: Past Trends, Future Possibilities', United Nations University Discussion Paper No. 2003/68, World Institute for Development Economics Research (2003)
- Gilbert B, 'The Practice of Asylum in Legations and Consulates of the United States', 3 *AJIL* (1909) p. 562
- Gondek M, 'Extraterritorial application of the European Convention on Human Rights: Territorial Focus in the Age of Globalization?', 52 *Netherlands International Law Review* (2005) p. 349
- Goodwin-Gill GS, 'The Haitian Refoulement Case: A Comment', 6 *IJRL* (1994) p. 103
- 'Article 31 of the 1951 Convention Relating to the Status of Refugees: non-penalization, detention, and protection', in: Feller E, Türk V and Nicholson F (eds), *Refugee*

- Protection in International Law. UNHCR's Global Consultations on International Protection*, Cambridge University Press (2003) p. 185
- 'The Extraterritorial Processing of Claims to Asylum or Protection: The Legal Responsibilities of States and International Organisations', in: Blay S, Burn J and Keyzer P (eds), *Offshore Processing of Asylum-seekers: The Search for Legitimate Parameters*, Broadway: Halstead Press (2008)
- Graefrath B, 'Complicity in the Law of International State Responsibility', 29 *Revue Belge de Droit International* (1996) p. 370
- Grahl-Madsen A, 'Commentary of the Refugee Convention 1951 (Articles 2-11, 13-37)' (1963), re-published by UNHCR Department of International Protection, Geneva (1997)
- Grewcock M, 'Systems of Exclusion: The Rudd Government and the 'End' of the Pacific Solution', 19 *Current Issues in Criminal Justice* (2008) p. 363
- Griebel J and Plücken M, 'New Developments Regarding the Rules of Attribution? The International Court of Justice's Decision in *Bosnia v. Serbia*', 21 *Leiden Journal of International Law* (2008) p. 601
- Guilfoyle D, 'Maritime Interdiction of Weapons of Mass Destruction', 12 *Journal of Conflict & Security Law* (2007) p. 1
- Guiraudon V, 'Before the EU Border: Remote Control of the "Huddled Masses"', in: Groenendijk K, Guild E and Minderhoud P (eds), *In Search of Europe's Borders*, The Hague: Kluwer (2002) p. 191
- Haas, de H 'Irregular Migration from West Africa to the Maghreb and the European Union: An Overview of Recent Trends', IOM Migration Research Series, IOM Geneva (2008)
- Hailbronner K, 'The Concept of 'Safe Country' and Expeditious Asylum Procedures: A Western European Perspective', 5 *IJRL* (1993) p. 31
- Hamood S, 'EU-Libya Cooperation on Migration: A Raw Deal for Refugees and Migrants?' 21 *Journal of Refugee Studies* (2008) p. 19
- Happold M, 'Bankovic v Belgium and the Territorial Scope of the European Convention on Human Rights', 3 *Human Rights Law Review* (2003) p. 77
- Harvey C and Barnidge RP, 'Human Rights, Free Movement, and the Right to Leave in International Law', 19 *IJRL* (2007) p. 1
- Hathaway JC, 'The False Panacea of Offshore Deterrence', 26 *Forced Migration Review* (2006) p. 56
- Heijer, den M, 'Whose Rights and Which Rights? The continuing Story of Non-Refoulement under the European Convention on Human Rights', 10 *EJML* (2008), p. 277
- and Wouters K, 'The Marine I Case: a Comment', 22 *IJRL* (2010), p. 1
- Henkin L, 'Notes from the President', *ASIL Newsletter* (September-October 1993), p. 1
- 'An Agenda for the Next Century: The Myth and Mantra of State Sovereignty', 35 *Virginia Journal of International Law* (1994) p. 115
- Hessbruegge JA, 'The Historical Development of the Doctrines of Attribution and Due Diligence in International Law', 36 *N.Y.U. Journal of International Law and Politics* (2004) p. 265
- Higgins R, 'The Right in International Law of an Individual to Enter, Stay in and Leave a Country', 49 *International Affairs* (1973) p. 341
- Hilpold P, 'Humanitarian Intervention: Is There a Need for a Legal Reappraisal?', 12 *EJIL* (2001) p. 437

- Hoof, van GJH, 'The Legal Nature of Economic, Social and Cultural Rights: a Rebuttal of Some Traditional Views', in: Alston P and Tomasevski K (eds), *The Right to Food*, Dordrecht: Martinus Nijhoff (1984) p. 97
- Ignatius S, 'Haitian Asylum-Seekers: Their Treatment as a Measure of the INS Asylum Officer Corps', *7 Georgetown Immigration Law Journal* (1993) p. 119
- Juss S, 'Free Movement and the World Order', *16 IJRL* (2004) p. 289
- Kavaldjieva S, 'Jurisdiction of the European Court of Human Rights: Exorbitance in Reverse?', *37 Georgetown Journal of International Law* (2006) p. 507
- Kenney, Jr FJ and Tasikas V, 'The Tampa Incident: IMO Perspectives and Responses on the Treatment of Persons Rescued at Sea', *12 Pacific Rim Law & Policy Journal* (2003) p. 143
- Kerr D, 'The Red Queen's Law : judicial review and offshore processing after 'Plaintiff S157/?2001', in: Blay S, Burn J and Keyzer P (eds), *Offshore Processing of Asylum-seekers: The Search for Legitimate Parameters*, Broadway: Halstead Press (2008)
- Kesby A, 'The Shifting and Multiple Border and International Law', *27 Oxford Journal of Legal Studies* (2007) p. 101
- Kjaerum M, 'Article 14', in: Eide A et al (eds), *The Universal Declaration of Human Rights. A Commentary*, Oslo: Scandinavian University Press and Oxford University Press (1992) p. 216
- Kneebone S, 'The Pacific Plan: The Provision of 'Effective Protection', *18 IJRL* (2006), p. 696
- 'The Legal and Ethical Implications of Extraterritorial Processing of Asylum-seekers: The 'Safe Third Country' Concept', in: McAdam J (ed), *Forced Migration, Human Rights and Security*, Oxford: Hart Publishing (2008) p. 129
- 'Controlling Migration by Sea: The Australian Case', in: B. Ryan and V. Mitsilegas (eds), *Extraterritorial Immigration Control. Legal Challenges*, Leiden/Boston: Martinus Nijhoff (2010) p. 347
- Koh HH, 'The Human Face of the Haitian Interdiction Program', *33 Virginia Journal of International Law* (1993) p. 483
- 'America's Offshore Refugee Camps', *29 University of Richmond Law Review* (1994) p. 139
- 'Reflections on Refoulement and Haitian Centers Council', *35 Harvard International Law Journal* (1994) p. 1
- 'The "Haiti Paradigm" in United States Human Rights Policy', *103 Yale Law Journal* (1994) p. 2391
- Künnemann R, 'Extraterritorial Application of the International Covenant on Economic Social and Cultural Rights', in: Coomans F and Kamminga MT (eds), *Extraterritorial Application of Human Rights Treaties*, Antwerp: Intersentia (2004) p. 201
- Lauterpacht E and Betlehem D, 'The scope and content of the principle of non-refoulement: Opinion', in: Feller E et al (eds), *Refugee Protection in International Law. UNHCR's Global Consultations on International Protection*, Cambridge University Press (2003), p. 87
- Lavanex S, 'EU external governance in "Wider Europe"', *11 Journal of European Public Policy* (2004) p. 680

- Lawson RA, 'Out of Control – State Responsibility and Human Rights: Will the ILC's Definition of the 'Act of State' meet the Challenges of the 21st Century?', in Castermans M, Van Hoof F & Smith J (eds), *The Role of the Nation State in the 21st Century – Essays in Honour of Peter Baehr* (1998) p. 91
- 'Life after Bankovic: On the Extraterritorial Application of the European Convention on Human Rights', in: Coomans F and Kamminga MT (eds), *Extraterritorial Application of Human Rights Treaties*, Antwerp: Intersentia (2004) p. 83
- Legault LH, 'Canadian Practice in International Law during 1979 as Reflected Mainly in Public Correspondence and Statements of the Department of External Affairs', 18 *Canadian Yearbook of International Law* (1980) p. 301
- Legomsky S, 'The USA and the Caribbean Interdiction Program', 18 *IJRL* (2006) p. 677
- Linderfalk U, 'State Responsibility and the Primary-Secondary Rules Terminology – The Role of Language for an Understanding of the International Legal System', 78 *Nordic Journal of International Law* (2009) p. 53
- Lowe AV, 'International Law and the Effects Doctrine in the European Court of Justice', 48 *The Cambridge Law Journal* (1989) p. 9
- 'Responsibility for the conduct of other states', 101 *Kokusaiho Gaiko Zassi/Japanese Journal of International Law* (2002) p. 1
- 'Jurisdiction', in: Evans M (ed), *International Law*, Oxford University Press (2003)
- Mann FA, 'The Doctrine of Jurisdiction in International Law', 111 *Recueil des Cours de l'Académie de Droit International* (1964) p. 1
- 'The Doctrine of International Jurisdiction Revisited After Twenty Years', 186 *Recueil des Cours de l'Académie de Droit International* (1984) p. 9
- Mathew P, 'Australian Refugee Protection in the Wake of the Tampa', 96 *AJIL* (2002) p. 661
- McDougal MS, Burke WT and Vlasic IA, 'The Maintenance of Public Order at Sea and the Nationality of Ships', 54 *AJIL* (1960) p. 25
- Meron T, 'Applicability of Multilateral Conventions to Occupied Territories', 72 *AJIL* (1978) p. 542
- Milanović M, 'State Responsibility for Genocide', 17 *EJIL* (2006) p. 553
- 'From Compromise to Principle: Clarifying the Concept of State Jurisdiction in Human Rights Treaties', 8 *Human Rights Law Review* (2008) p. 411
- Minderhoud P and Scholten S, 'Regulating Immigration Control: Carrier Sanctions in the Netherlands' 10 *EJML* (2008) p. 123
- Moreno Lax V, 'Must EU Borders have Doors for Refugees? On the Compatibility of Schengen Visas and Carriers' Sanctions with EU Member States' Obligations to Provide International Protection to Refugees', 10 *EJML* (2008) p. 315
- Morgenstern F, 'Extra-Territorial' Asylum', 25 *BYIL* (1948) p. 236
- 'The Right of Asylum', 26 *BYIL* (1949) p. 327
- 'Diplomatic Asylum', 67 *The Law Quarterly Review* (1951) p. 362
- Nafziger JAR, 'The General Admission of Aliens Under International Law', 77 *AJIL* (1983) p. 804
- Nahapetian K, 'Confronting State Complicity in International Law', 7 *UCLA Journal of International Law & Foreign Affairs* (2002) p. 99
- Neal AW, 'Securitization and Risk at the EU Border: The Origins of Frontex', 47 *Journal of Common Market Studies* (2009) p. 353

- Nicholson F, 'Implementation of the Immigration (Carriers' Liability) Act 1987: Privatising Immigration Functions at the Expense of International Obligations?', 46 *ICLQ* (1997) p. 586
- Noll G, 'Visions of the Exceptional: Legal and Theoretical Issues Raised by Transit Processing Centres and Protection Zones', 5 *EJML* (2003) p. 303
- 'Seeking Asylum at Embassies: A Right to Entry under International Law?', 17 *IJRL* (2005) p. 542
- Nolte G and Aust HP, 'Equivocal Helpers – Complicit States, Mixed Messages and International Law', 58 *ICLQ* (2009) p. 1
- Noyes JE and Smith BD, 'State Responsibility and the Principle of Joint and Several Liability', 13 *Yale Journal of International Law* (1988) p. 225
- O'Boyle M, 'The European Convention on Human Rights and Extraterritorial Jurisdiction: A Comment on 'Life After Bankovic', in: Coomans F and Kamminga MT (eds), *Extraterritorial Application of Human Rights Treaties*, Antwerp: Intersentia (2004) p. 125
- O'Nions H, 'The Erosion of the Right to Seek Asylum', 2 *Web Journal of Current Legal Issues* (2006)
- Orakhelashvili A, 'Restrictive Interpretation of the Human Rights Treaties in the Recent Jurisprudence of the European Court of Human Rights', 14 *EJIL* (2003) p. 529
- Pallis M, 'Obligations of States towards Asylum-seekers at Sea: Interactions and Conflicts Between Legal Regimes', 14 *IJRL* (2002) p. 329
- Palombella G, 'The rule of law beyond the state: Failures, promises and theory', 7 *International Journal of Constitutional Law* (2009) p. 442
- Pascale, di A, 'Migration Control at Sea: The Italian Case', in: Ryan B and Mitsilegas V (eds), *Extraterritorial Immigration Control*, Leiden/Boston: Martinus Nijhoff (2010), p. 281
- Paspalanova P, 'Undocumented vs. Illegal Migrant: Towards Terminological Coherence', 4 *Migraciones Internacionales* (2008) p. 79
- Peers S, 'Revising EU Border Control Rules: A Missed Opportunity?', Statewatch, published online <www.statewatch.org> (2005)
- Porcino P, 'Toward Codification of Diplomatic Asylum', 8 *New York University Journal of International Law and Politics* (1976) p. 435
- Pugash JZ, 'The Dilemma of the Sea Refugee: Rescue Without Refuge', 18 *Harvard International Law Journal* (1977) p. 577
- Quigley J, 'Complicity in International Law: A New Direction in the Law of State Responsibility', 57 *BYIL* (1986) p. 77
- Reisman WM, Sovereignty and Human Rights in Contemporary International Law, 84 *AJIL* (1990) p. 866
- Riveles S, 'Diplomatic Asylum as a Human Right: The Case of the Durban Six', 11 *Human Rights Quarterly* (1989) p. 139
- Robertson A and Demetriou M, '"But that was in Another Country ...": The Extraterritorial Application of US Antitrust Laws in the US Supreme Court', 43 *ICLQ* (1994) p. 417

- Rossetto AM, 'Diplomatic Asylum in the United States and Latin America: A Comparative Analysis', 13 *Brooklyn Journal of International Law* (1987) p. 111
- Roxstrom E, Gibney M and Einarsen T, 'The NATO Bombing Case (Bankovic et al. v. Belgium et al.) and the Limits of Western Human Rights Protection', 23 *Boston University International Law Journal* (2005) p. 55
- Rozakis C, 'The Territorial Scope of Human Rights Obligations: the Case of the European Convention on Human Rights', Report Venice Commission, Strasbourg (2005), No. CDL-UD(2005)022rep
- Ruth A and Trilsch M, 'International Decisions: Bankovic v Belgium (Admissibility)', 97 *AJIL* (2003) p. 168
- Ryan B, 'Extraterritorial Immigration Control: What Role for Legal Guarantees?', in: Ryan B and Mitsilegas V (eds), *Extraterritorial Immigration Control*, Leiden/Boston: Martinus Nijhoff (2010), p. 3
- Sartori ME, 'The Cuban Migration Dilemma: an Examination of the United States' Policy of Temporary Protection in Offshore Safe Havens', 15 *Georgetown Immigration Law Journal* (2001) p. 319
- Scheinin M, 'Extraterritorial Effect of the International Covenant on Civil and Political Rights', in: Coomans F and Kamminga MT (eds), *Extraterritorial Application of Human Rights Treaties*, Antwerp: Intersentia (2004), p. 73
- Shacknove AE, 'Who Is a Refugee?', 95 *Ethics* (1985) p. 274
- Shearer A, 'Problems of Jurisdiction and Law Enforcement against Delinquent Vessels', 35 *ICLQ* (1986) p. 320
- Shue H, 'The Interdependence of Duties', in: Alston P and Tomasevski K (eds), *The Right to Food*, Dordrecht: Martinus Nijhoff (1984) p. 83
- Simma B, 'How Distinctive Are Treaties Representing Collective Interest? The Case of Human Rights Treaties', in: Gowlland-Debbas V (ed), *Multilateral Treaty-Making: The Current Status of Challenges to and Reforms Needed in the International Legislative Process*, The Hague: Martinus Nijhoff (2000) p. 83
- Simon J, 'Irregular Transit Migration in the Mediterranean – some facts, figures and insights', in: N. Nyberg Sorensen (ed), 'Mediterranean Transit Migration' (Report), Danish Institute for International Studies (2004)
- Spijkerboer T, 'The Human Costs of Border Control', 9 *EJML* (2007) p. 127
- Spinedi M, 'On the Non-Attribution of the Bosnian Serbs' conduct to Serbia', 5 *Journal of International Criminal Justice* (2007) p. 829
- Stevens D, 'The Asylum and Immigration Act 1996: Erosion of the Right to Seek Asylum', 61 *The Modern Law Review* (1998) p. 207
- Talmon S, 'A Plurality of Responsible Actors: International Responsibility for Acts of the Coalition Provisional Authority in Iraq', in: Shiner P and Williams A, *The Iraq War and International Law*, Oxford: Hart Publishing (2008) p. 185
- Taylor S, 'The Pacific Solution or a Pacific Nightmare?: The Difference Between Burden Shifting and Responsibility Sharing', 6 *Asia Pacific Law and Policy Journal* (2005) p. 1
- 'Offshore Barriers to Asylum-seeker Movement: The Exercise of Power without Responsibility?', in: McAdam J (ed), *Forced Migration, Human Rights and Security*, Oxford: Hart Publishing (2008) p. 93

- ‘Australia’s Pacific Solution Mark II: The Lessons to be Learned’, in: Blay S, Burn J and Keyzer P (eds), *Offshore Processing of Asylum-seekers: The Search for Legitimate Parameters*, Broadway: Halstead Press (2008)
- and Rafferty-Brown BR, ‘Waiting for Life to Begin: the Plight of Asylum Seekers Caught by Australia’s Indonesian Solution’, 22 *IJRL* (2010) p. 558
- Trevisanut S, ‘The Principle of Non-Refoulement at Sea and the Effectiveness of Asylum Protection’, 12 *Max Planck Yearbook of United Nations Law* (2008) p. 222

- Vries, de K, ‘An Assessment of ‘Protection in Regions of Origin’ in relation to European Asylum Law’, 9 *EJML* (2007) p. 83

- Wasem RE (Congressional research Service), ‘Cuban Migration to the United States: Policy and Trends’, CRS Report for Congress (2009)
- ‘US Immigration Policy on Haitian Migrants’, CRS Report for Congress (2010)
- Weinzierl R, ‘Human Rights at the EU’s common external maritime border, Recommendations to the EU legislature’, German Institute for Human Rights: Policy Paper No. 11 (2008)
- White N, ‘The Tragic Plight of HIV-Infected Haitian Refugees at Guantánamo Bay’, 28 *Liverpool Law Review* (2007) p. 249
- Willheim E, ‘MV Tampa: The Australian Response’, 15 *IJRL* (2003) p. 159
- Wyman JH, ‘Vengeance Is Whose: The Death Penalty and Cultural Relativism in International Law’, 6 *Journal of Transnational Law & Policy* (1997) p. 543

Table of cases

I PERMANENT COURT OF INTERNATIONAL JUSTICE

- *Certain questions relating to settlers of German origin in the territory ceded by Germany to Poland*, Advisory opinion, 10 September 1923, PCIJ Series B, No. 6
- *S.S. 'Lotus' (France v Turkey)*, Judgment, 7 September 1927, PCIJ Series A. No. 10

II INTERNATIONAL COURT OF JUSTICE

- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, Judgment, 26 February 2007, General List No. 91
- *Application of the International Convention on the Elimination of all Forms of Racial Discrimination (Georgia v Russian Federation) (Provisional Measures)*, Order, 15 October 2008, ICJ Reports 2008, p. 353
- *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)*, Judgment, 19 December 2005, ICJ Reports 2005, p. 168
- *Barcelona Traction, Light and Power Company, Limited*, Judgment, 5 February 1970, ICJ Reports 1970, p. 3
- *Certain Phosphate Lands in Nauru (Nauru v Australia) (Preliminary Objections)*, Judgment, 26 June 1992, ICJ Reports 1992, p. 240
- *Colombian-Peruvian asylum case*, Judgment, 20 November 1950, ICJ Reports 1950, p. 266
- *Corfu Channel case*, Judgment, 9 April 1949, ICJ Reports 1949, p. 4
- *Haya de la Torre case*, Judgment, 13 June 1951, ICJ Reports 1951, p. 71
- *Land, Island and Maritime Frontier Dispute (El Salvador v Honduras) (Application to Intervene)*, Judgment, 13 September 1990, ICJ Reports 1990, p. 92
- *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, 21 June 1971, ICJ Reports 1971, p. 16
- *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, ICJ Reports 2004, p. 136
- *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, ICJ Reports 1996, p. 226 (8 July 1996)
- *Military and Paramilitary Activities in und against Nicaragua (Nicaragua v United States of America) (Merits)*, Judgment, 27 June 1986, ICJ Reports 1986, p. 14
- *Monetary gold removed from Rome in 1943 (Preliminary Question)*, Judgment, 25 June 1954, ICJ Reports 1954, p. 19
- *Request for interpretation of the Judgment of November 20th, 1950, in the asylum case*, Judgment, 27 November 1950, ICJ Reports, p. 395

- *United States Diplomatic and Consular Staff in Tehran*, Judgment, 24 May 1980, ICJ Reports 1980, p. 3

III INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

- *Prosecutor v Tadić*, Appeal Judgment, 15 July 1999, no. IT-94-1-A

IV EUROPEAN COMMISSION OF HUMAN RIGHTS

- *Bendréus v Sweden*, no. 31653/96 (8 September 1997)
- *Chrystomos, Papachrysostomou and Loizidou v Turkey*, nos. 15299/89, 15300/89, 15318/89 (8 July 1993)
- *Cyprus v Turkey*, nos. 6780/74, 6950/75 (26 May 1975)
- *Cyprus v Turkey*, no. 8007/77 (10 July 1978)
- *Freda v Italy*, no. 8916/80 (7 October 1980)
- *Hess v United Kingdom*, no. 6231/73 (28 May 1975)
- *I.H. v Austria*, no. 10533/83 (4 October 1989)
- *Nordblad v Sweden*, no. 19076/91 (13 October 1993)
- *Peltonen v Finland*, no. 19583/92 (20 February 1995)
- *Ramirez v France*, no. 28780/95 (24 June 1996)
- *Rasheed Haje Tugar v Italy*, no. 22869/93 (18 October 1995)
- *Reinette v France*, no. 14009/88 (2 October 1989)
- *S.S., A.M. and Y.S.M. v Austria*, no. 19066/91 (5 April 1993)
- *Stocké v Germany* (Report), no. 11755/85 (12 October 1989)
- *Vearncombe v United Kingdom and Germany*, no. 12816/87 (18 January 1989)
- *W.M. v Denmark*, no. 17392/90 (12 October 1989)
- *X. and Y. v Switzerland*, nos. 7289/75, 7349/76 (14 July 1977)
- *X. v Federal Republic of Germany*, no. 1611/62 (25 September 1965)
- *X. v United Kingdom*, no. 7547/76 (15 December 1977)

V EUROPEAN COURT OF HUMAN RIGHTS

- *Adali v Turkey*, no. 38187/97 (31 March 2005)
- *Akkoc v Turkey*, nos. 22947/93, 22948/93 (10 October 2000)
- *Aksu v Turkey*, nos. 4149/04, 41029/04 (27 July 2010)
- *Al-Nashif v Bulgaria*, no. 50963/99 (20 June 2002)
- *Al-Saadoon and Mufdhi v the United Kingdom* (dec.), no. 61498/08 (30 June 2009)
- *Al-Saadoon and Mufdhi v the United Kingdom*, no. 61498/08 (2 March 2010)
- *Amuur v France*, no. 19776/92 (10 June 1996)
- *Andrejeva v Latvia*, no. 55707/00 (18 February 2009)
- *Andreou v Turkey*, no. 45653/99 (3 June 2008)
- *Andreou Papi v Turkey*, no. 16094/90 (26 September 2002)
- *Ashingdane v United Kingdom*, no. 8225/78 (28 May 1985)
- *Assanidze v Georgia*, no. 71503/01 (8 April 2004)
- *Banković a.o. v Belgium a.o.*, no. 52207/99 (12 December 2001)
- *Bartik v Russia*, no. 55565/00 (21 December 2006)
- *Baumann v France*, no. 33592/96 (22 May 2001)

- *Behrami and Behrami v France and Saramati v France, Germany and Norway*, nos. 71412/01, 78166/01 (2 May 2007)
- *Ben El Mahi a.o. v Denmark*, no. 5853/06 (11 December 2006)
- *Berrehab v the Netherlands*, no. 10730/84 (21 June 1988)
- *Bosphorus v Ireland*, no. 45036/98 (30 June 2005)
- *C.G. a.o. v Bulgaria*, no. 1365/07 (24 April 2008)
- *Carson a.o. v the United Kingdom*, no. 42184/05 (4 November 2008)
- *Chahal v United Kingdom*, no. 22414/93 (15 November 1996)
- *Cyprus v Turkey*, no. 25781/94 (10 May 2001)
- *Djavit An v Turkey*, no. 20652/92 (20 February 2003)
- *Drozd and Janousek v France and Spain*, no. 12747/87 (26 June 1992)
- *Eugenia Michaelidou Developments Ltd. a.o. v Turkey*, no. 16163/90 (31 July 2003)
- *Földes and Földesné Hajlik v Hungary*, no. 41463/02 (31 October 2006)
- *Galić v the Netherlands*, no. 22617/07 (9 June 2009)
- *Gentilhomme a.o. v France*, nos. 48205/99, 48207/99, 48209/99 (14 May 2002)
- *Guzzardi v Italy*, no. 7367/76 (6 November 1980)
- *H.L.R. v France*, no. 24573/94 (29 April 1997)
- *H.M. v Switzerland*, no. 39187/98 (26 February 2002)
- *Haydarie a.o. v the Netherlands*, no. 8876/04 (20 October 2005)
- *Ilascu a.o. v Moldova and Russia*, no. 48787/99 (8 July 2004)
- *Ireland v United Kingdom*, no. 5310/71 (18 January 1978)
- *Isaak v Turkey* (dec.), no. 44587/98 (28 September 2006)
- *Isaak v Turkey*, no. 44587/98 (24 June 2008)
- *Issa a.o. v Turkey*, no. 31821/96 (16 November 2004)
- *Jabari v Turkey*, no. 40035/98 (11 July 2000)
- *Kelly a.o. v the United Kingdom*, no. 30054/96 (4 May 2001)
- *Kovačič a.o. v Slovenia*, nos. 44574/98, 45133/98, 48316/99 (9 October 2003)
- *Lavents v Latvia*, no. 58442/00 (28 November 2002)
- *L.C.B. v the United Kingdom*, no. 23413/94 (9 June 1998)
- *Loizidou v Turkey* (Preliminary Objections), no. 15318/89 (23 March 1995)
- *Loizidou v Turkey*, no. 15318/89 (18 December 1996)
- *Luordo v Italy*, no. 32190/96 (17 July 2003)
- *Mahdid and Haddar v Austria*, no. 74762/01 (8 December 2005)
- *Mahmut Kaya v Turkey*, no. 22535/93 (28 March 2000)
- *Malone v the United Kingdom*, no. 8691/79 (2 August 1984)
- *Manoilescu and Dobrescu v Romania and Russia*, no. 60861/00 (3 March 2005)
- *Markovic v Italy*, no. 1398/03 (14 December 2006)
- *Martin v the United Kingdom*, no. 40426/98 (25 October 2006)
- *Mastromatteo v Italy*, no. 37703/97 (24 October 2002)
- *Mayeka and Mitunga v Belgium*, no. 13178/03 (12 October 2006)
- *Medvedyev a.o. v France*, no. 3394/03 (10 July 2008)
- *Medvedyev a.o. v France* [GC], no. 3394/03 (29 March 2010)
- *Mikolenko v Estonia*, no. 10664/05 (8 October 2009)
- *Minasyan and Semerjyan v Armenia*, no. 27651/05 (23 June 2009)
- *Muskhadzhiyeva a.o. v Belgium*, no. 41442/07 (19 January 2010)
- *N. v the United Kingdom*, no. 26565/05 (27 May 2008)
- *Napijalo v Croatia*, no. 66485/01 (13 November 2003)
- *Nolan and K. v Russia*, no. 2512/04 (12 February 2009)
- *Öcalan v Turkey*, no. 46221/99 (12 March 2003)
- *Öcalan v Turkey* [GC], no. 46221/99 (12 May 2005)
- *Olsson v Sweden* (No. 1), appl. 10465/83 (24 March 1988)

- *Osman v the United Kingdom*, no. 23452/94 (28 October 1998)
- *Pad a.o. v Turkey*, no. 60167/00 (28 June 2007)
- *Rantsev v Cyprus and Russia*, no. 25965/04 (7 January 2010)
- *Riener v Bulgaria*, appl. 46343/99 (23 May 2006)
- *Rigopoulos v Spain*, no. 37388/97 (12 January 1999)
- *Rodrigues da Silva and Hoogkamer v the Netherlands*, no. 50435/99 (31 January 2006)
- *Saadi v the United Kingdom*, no. 13229/03 (29 January 2008)
- *Saddam Hussein v Albania a.o.*, no. 23276/04 (14 March 2006)
- *Soering v the United Kingdom*, no. 14038/88 (7 July 1989)
- *Solomou a.o. v Turkey*, no. 36832/97 (24 June 2008)
- *Stephens v Cyprus, Turkey and the UN*, no. 45267/06 (11 December 2008)
- *Stochlak v Poland*, no. 38273/02 (22 September 2009)
- *Streletz, Kessler and Krenz v Germany*, nos. 34044/96, 35532/97, 44801/98 (22 March 2001)
- *Tarnopolskaya a.o. v Russia*, no. 11093/07 (9 July 2009)
- *Treska v Albania and Italy*, no. 26937/04 (29 June 2006)
- *Tuquabo-Tekle v the Netherlands*, no. 60665/00 (1 December 2005)
- *Weber and Saravia v Germany*, no. 54934/00 (29 June 2006)
- *Women on Waves v Portugal*, no. 31276/05 (3 February 2009)
- *Xhavara a.o. v Italy and Albania*, no. 39473/98 (11 January 2001)
- *Z. a.o. v the United Kingdom*, no. 29392/95 (10 May 2001)
- *Zouboulidis v Greece* (No. 2), no. 36963/06 (25 June 2009)

VI COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES/EUROPEAN UNION

- *A. Ahlström Osakeyhtiö a.o. v Commission (Wood Pulp I)*, Joined Cases 89/85, 104/85, 114/85, 116/85, 117/85, 125/85 to 129/85 (27 September 1988)
- *Commission v French Republic*, Case 167-73 (4 April 1974)
- *Commission v Ireland (Sea fisheries)*, Case 71/77 (16 February 1978)
- *Ingrid Boukhalfa v Bundesrepublik Deutschland*, Case C-214/94 (30 April 1996)
- *Mário Lopes da Veiga v Staatssecretaris van Justitie*, Case 9/88 (27 September 1989)
- *Parliament v Council*, Case C-540/03 (27 June 2006)
- *R.L. Aldewereld v Staatssecretaris van Financiën*, Case C-60/93 (29 June 1994)
- *SARL Prodest v Caisse Primaire d'Assurance Maladie de Paris*, Case 237/83 (12 July 1987)
- *Wachauf*, 5/88 (13 July 1989)

VII COURT OF FIRST INSTANCE

- *Gencor v Commission*, Case T-102/96 (25 March 1999)

VIII HUMAN RIGHTS COMMITTEE

- *A. v Australia*, no. 560/1993 (30 April 1997)
- *Ali Aqsar Bakhtiyari and Roqaiha Bakhtiyari v. Australia*, no. 1069/2002 (6 November 2003)
- *C. v Australia*, no. 900/1999 (28 October 2002)
- *Celepli v Sweden*, no. 465/91 (18 July 1994)

- *Celiberti de Caseriego v Uruguay*, no. 56/1979 (29 July 1981)
- *Francesco Madafferri and Anna Maria Immacolata Madafferri v Australia*, no. 1011/2001 (26 August 2004)
- *Ibrahima Gueye et al. v France*, no. 196/1983 (3 April 1989)
- *Jalloh v the Netherlands*, no. 794/1998 (26 March 2002)
- *Lichtensztejn v Uruguay*, no. 77/1980 (31 March 1983)
- *Lopez Burgos v Uruguay*, no. 52/1979 (29 July 1981)
- *Loubna El Ghar v Libyan Arab Jamahiriya*, no. 1107/2002 (15 November 2004)
- *Mohammed Alzery v Sweden*, no. 1416/2005 (10 November 2006)
- *Montero v Uruguay*, no. 106/1981 (31 March 1983)
- *Munaf v Romania*, no. 1539/2006 (30 July 2009)
- *Nunez v Uruguay*, no. 108/1981 (22 July 1983)
- *Omar Sharif Baban v Australia*, no. 1014/2001 (18 September 2003)
- *Peltonen v Finland*, no. 492/1992 (29 July 1994)
- *Vidal Martins v Uruguay*, no. 57/1979 (23 March 1982)

IX COMMITTEE AGAINST TORTURE

- *J.H.A. v Spain (Marine I)*, no. 323/2007 (21 November 2008)

X INTER-AMERICAN COURT OF HUMAN RIGHTS

- *The Effect of Reservations on the Entry into Force of the American Convention on Human Rights (Arts. 74 and 75)*, Advisory Opinion, OC-2/82, Series A No. 2 (24 September 1982)

XI INTER-AMERICAN COMMISSION OF HUMAN RIGHTS

- *Alejandre et al v Cuba*, Case. 11.589, report no. 86/99 (29 September 1999)
- *Coard et al v the United States*, Case 10.951, report no. 109/99 (29 September 1999)
- *Disabled Peoples' International et al v the United States*, Case 9.213 (22 September 1987)
- *Salas et al v United States*, Case 10.573, report no. 31/93 (14 October 1993)
- *The Haitian Centre for Human Rights et al v United States (Haitian Interdiction)*, Case 10.675, report no. 51/96 (13 March 1997)
- *Victor Saldano v Argentina*, report no. 38/99 (11 March 1999)

XII INTERNATIONAL TRIBUNALS

- General Claims Commission – United States and Mexico 2 April 1929, *Kate A. Hoff, Administratrix of the Estate of Samuel B. Allison, Deceased (USA.) v United Mexican States*, 4 UNRIAA p. 444
- Ad Hoc International Arbitral Tribunal 11 March 1941, *Trail smelter case (United States v Canada)*, 3 UNRIAA p. 1905
- Iran-United States Claims Tribunal 2 November 1987, *Kenneth P. Yeager v The Islamic Republic of Iran*, Partial Award No. 324-10199-1, reprinted in 17 Iran-United States Claims Tribunal Reports p. 92
- Permanent Court of Arbitration 30 January 2007, *The Channel Tunnel Group Ltd and France-Manche S.A. v United Kingdom and France (Eurotunnel)*, Partial Award

xiii NATIONAL COURTS

Australia

- Federal Court of Australia 11 September 2001, *Victorian Council for Civil Liberties Incorporated v Minister for Immigration & Multicultural Affairs*, [2001] FCA 1297
- Federal Court of Australia 18 September 2001, *Ruddock v Vadarlis*, [2001] FCA 1329
- High Court of Australia 31 August 2005, *Ruhani v Director of Police [No. 2]*, [2005] HCA 43

United Kingdom

- Court of Appeal (England and Wales) 20 May 2003, *R (European Roma Rights Center) v Secretary of State for the Home Department*, [2003] EWCA Civ 666
- Court of Appeal (England and Wales) 18 October 2004, *R (B and others) v Secretary of State for Foreign and Commonwealth Affairs*, [2004] EWCA Civ 1344
- Court of Appeal (England and Wales) 21 January 2009, *R (on the application of (1) Faisal Attiyah Nassar Al-Saadoon (2) Khalaf Hussain Mufdhi) v Secretary of State for Defence*, [2009] EWCA Civ 7
- High Court (England and Wales) 19 December 2008, *Al-Saadoon & Anor, R (on the application of) v Secretary of State for Defence*, [2008] EWHC 3098 (Admin)
- House of Lords 9 December 2004, *Regina v Immigration Officer at Prague Airport and another ex parte European Roma Rights Centre and others*, [2004] UKHL 55
- House of Lords 13 June 2007, *Al-Skeini and Others v Secretary of State for Defence*, [2007] UKHL 26
- Judicial Committee of the Privy Council 20 April 1948, *Naim Molvan v Attorney General for Palestine (The "Asya")*, [1948] AC 351

United States

- US District Court for the Eastern District of New York 7 April 1992, *Haitian Centers Council, Inc v Sale*, 823 F.Supp. 1028
- US Court of Appeals (11th Circuit) 9 July 1982, *United States v Marino-Garcia*, 679 F.2d 1373
- US Court of Appeals (11th Circuit) 18 January 1995, *Cuban American Bar Association (CABA) v Cristopher*, 43 F.3d 1412; *Haitian Refugee Center, Inc. v Christopher*, 43 F.3d 1431
- US Court of Appeals (D.C. Circuit) 7 April 2009, *Kiyemba v Obama*, 561 F.3d 509
- US Supreme Court 21 June 1993, *Sale v Haitian Centers Council*, [1993] 509 US 155
- US Supreme Court 28 June 2004, *Rasul v Bush*, [2004] 542 US 466
- US Supreme Court 12 June 2008, *Munaf v Geren*, [2008] 553 U. S. —
- US Supreme Court 12 June 2008, *Boumediene v Bush*, [2008] 553 US 723

Index

A

act of state / 65, 69
agent of the state, see *state agent*
aid and assistance / 101-110, 198, 306
Albania / 54, 92, 160, 224, 253
Algeria / 168, 179, 203, 226
Andorra / 92, 243
antitrust / 200
arguable claim / 261
asylum
 · application / 255, 315, 178, 178, 194, 205, 214-216, 226, 232
 · consular / 126
 · diplomatic / 113, 116-129, 169
 · territorial / 115-116
Asylum Procedures Directive / 185, 205, 214, 230, 232
attribution / 69-100, 267-270, 292-294
Australia / 169-170, 221, 229, 248, 280-284
Austria / 157

B

boarding / 253, 263, 266
boat people / 221, 242
border checks / 206-214
border controls / 204-214
border crossing point / 205, 207
border guard / 189-193, 205-209, 267-268
border surveillance / 206-214

C

capacity building / 101, 178, 180
Cape Verde / 224-225, 269
carrier sanctions / 75, 184-187
carrier's liability, see *carrier sanctions*
Christmas Island / 229, 280-285, 287-291

coast watching / 101, 245
coastal state / 128, 229-231
collaborative conduct, see *joint conduct*
Common European Asylum System / 176, 185, 199, 214
common organ / 95-97
complete dependence / 72-74
complicity, also see *aid and assistance* / 83, 101-110
consulate / 122, 124, 127, 169
contiguous zone / 233-234
country of origin / 133, 141, 145, 150, 161, 274, 279, 295
criminal jurisdiction / 237, 239-242, 262
criminal liability / 267, 192
criminal responsibility / 68
Cuba / 28, 45, 58, 142, 277-283
culpa / 83-84, 106
customary international law / 80, 103, 121, 123
Cyprus / 39-40, 46-47, 52, 78-81

D

de facto state organ / 70-74
de jure state organ / 70-74
declared countries / 281, 283-284
deprivation of liberty, also see *detention* / 46, 239, 241, 260, 262-266, 271, 282-292
 · continued / 289
 · mandatory / 287, 290
 · offshore / 287, 290-291
discrimination / 55, 147, 154, 202
disembarkation / 212, 227, 243, 247-252, 258
distress / 143, 223, 243-252

- diversion / 253, 255, 263, 307, 164, 191
 document advisors, also see *immigration liaison officers* / 188
 drafting history / 31, 62, 132-133, 137-139, 146, 148, 151, 188
 drug trafficking / 50, 234, 239, 253, 259
 Dublin Regulation / 215
 due diligence, also see *positive obligations* / 55, 83-90, 93, 103, 108, 189
 Durban Six / 121-122, 170
 duty to protect, also see *positive obligations* / 41, 109, 115, 130, 148-149
- E**
 earthquake / 279
 East Timor / 281
 economic well-being / 163
 effective remedies / 261-262, 266
 effects doctrine / 200
 embarkation / 161, 191, 247
 embassy / 42, 54, 66, 120, 122, 127, 150, 203
 emigration / 29, 158, 177
 enforcement jurisdiction / 240
 entry conditions / 176, 183, 184, 204-206, 208, 209, 212
 escort / 211, 222, 230, 233, 236, 241, 253, 263
 European Asylum Support Office / 180, 217
 European Corps of Border Guards / 190
 European Pact on Immigration and Asylum / 179
 excised territories / 280-284
 executive jurisdiction, see *enforcement jurisdiction* / 26
 exit visa / 155
 expel, also see *expulsion* / 134, 137
 expulsion / 131, 134, 137, 139, 141, 147, 161
 external asylum policy / 195-198
 external dimension / 175, 177-198, 215, 217
 external processing / 53, 95, 180, 258, 274-296
 extradition / 115, 116, 148-149, 152, 172
- F**
 family life / 164
 fault / 84, 106
 Finland / 155
 flag state / 234, 235, 240, 241, 260
 France / 26, 30, 50, 92-93, 122, 136, 168, 259, 260
 free navigation / 223, 229
 Frontex / 90, 94, 178-180, 182, 190-194, 199, 207, 210-214, 267-268
- G**
 genocide / 86-87, 184
 Global Approach to Migration / 178-179
 Guantánamo Bay / 28, 142, 229, 277-279, 282, 287, 291-293
Guardia Civil / 28, 227
- H**
habeas corpus / 263, 286
 Hague Programme / 177-179, 195
 Haiti / 58, 129, 140, 221, 257, 277-279
 high seas, also see *international waters* / 58, 92, 133, 160-161, 233-237, 241-242, 253, 260
 hostage / 66
 hot pursuit / 28, 233
 human smuggling, also see *migrant smuggling* / 237
 human trafficking / 237, 240
 humanitarian intervention / 123
- I**
 immigration detention, also see *detention* / 281-288
 immigration liaison officers / 176, 179-182, 187-189
 immigration officers, also see *immigration liaison officers* / 91, 129, 147, 164, 167, 184
 immunity / 54, 124-128, 235
 Indonesia / 257, 296
Institut de Droit International / 118
 Integrated Border Management / 180-194

- intent / 105-106
interception, see *interdiction*
interdiction / 129, 194, 213, 221-271, 295
international humanitarian law / 23, 36, 37, 76, 84
international maritime law / 23, 114, 128, 194, 211, 222, 227-252, 266
international organisation / 68, 70, 95, 199, 274
international protection / 12-13, 165, 176, 183, 184, 192-195, 205
international responsibility, also see *state responsibility* / 65-66, 68, 72, 75, 78, 80-82
international waters, also see *high seas* / 42, 160, 227, 234-239, 242, 253
inviolability / 126-128
Iraq / 29, 33, 50, 98, 108, 144, 150, 168-169
Italy / 54, 92, 108, 160, 224, 243, 245, 253, 261
- J**
Japan / 122
joint conduct / 94-100
joint organs / 67, 97, 111
joint processing, also see *external processing* / 178
jurisdictional clause / 55, 57, 58
jurisdictional link / 22, 35, 41, 45, 46, 49, 52, 53, 59, 111, 237, 294, 296
Justice and Home Affairs / 179, 228
- K**
Kennebunkport Order / 257, 282
- L**
laissez-passer / 156
law of the sea, see *international maritime law*
law on state responsibility, see *state responsibility*
lawyer / 260, 262
legation / 116
legislative jurisdiction / 26, 143, 200, 239
legislative history, see *drafting history*
- legitimate aim / 160, 162-164, 262
lex specialis / 36, 131, 166
Libya / 179, 224-226, 243, 246, 256
Liechtenstein / 42, 92
local integration / 196, 275
- M**
Marine I / 143, 227, 253, 261, 265
Mauritania / 143, 224, 225, 227
Memorandum of Understanding / 293
migrant interdiction, see *interdiction*
migrant smuggling / 179, 239-242
mixed flows / 176, 180, 193
Moldova / 35, 36, 53, 78-79, 94
Morocco / 22, 279, 223-224
MV Clementine Maersk / 243
MV Tampa / 221, 263, 280
- N**
natural person / 65, 69, 70
Nauru / 280-281, 284, 285, 287, 290, 293
necessity / 163, 165, 262
negotiating history, see *drafting history*
The Netherlands / 122, 203
Nicaragua / 72, 76
no-screening policy / 285
non-governmental organisation (NGO) / 266
non-intervention / 26, 119, 123, 167, 172, 174, 201
non-refoulement, see *prohibition of refoulement*
- O**
object and purpose / 39, 58, 139-141, 145, 148, 203, 218
occupation / 35-36, 38-39, 78, 89, 98
offshore entry person / 229, 281, 283-284
offshore processing, see *external processing*
operational plan / 191, 194, 212, 225, 268
- P**
Pacific Solution / 222, 280, 284
Pacific Strategy, see *Pacific Solution*
Papua New Guinea / 221, 280, 296

- passport, also see *travel document* / 27, 43-44, 61, 154-156
- patientia* / 83-84
- persona non grata* / 127
- piracy / 237, 239-240
- place of safety / 244, 247-252
- Portugal / 254
- positive obligations / 38, 52-55, 66, 83-90, 101, 108, 294
- pre-clearance / 161, 167, 210, 217
- prescriptive jurisdiction, see *legislative jurisdiction*
- private party / 65
- prohibition of *refoulement* / 114, 131, 137, 193, 223, 254-258
- proportionality / 163, 165, 166, 262, 288-289
- Protected Entry Procedure / 198
- public order / 39, 164, 209
- push-back / 225-226, 261
- Q**
- Qualification Directive / 214-215
- quality of law / 162, 261
- R**
- Rapid Border Intervention Team / 191
- readmission / 177, 180, 181, 295, 297
- Reception Conditions Directive / 214-215
- receptus* / 83-84
- refoulement, see *prohibition of refoulement*
- Regional Protection Programme / 178-180, 196, 198, 274
- remedies, see *effective remedies*
- repatriation, also see *readmission* / 53, 58, 143, 181, 189, 196, 227, 258, 275
- rescue / 178, 211-212, 277, 242-252, 263, 265
- resettlement / 178, 196-197
- restitution / 51, 54
- right
- of asylum / 114, 152, 185, 205
 - of innocent passage / 230-231
 - to grant asylum / 114, 115, 118
 - to interdict / 229
- to leave a country / 115, 152-166, 258-262
- to liberty / 156, 253, 259, 262-266, 287-292
- to obtain asylum / 114, 129
- to seek asylum / 113-115, 150-152, 165-166
- Rome Statute / 68
- rule of law / 121, 148, 175, 176, 276
- rule of non-intervention, see *non-intervention*
- Russia / 35, 53-55, 57, 79-80, 99
- S**
- safety equipment / 245, 248
- Schengen / 176, 181-184, 199, 204-214
- Schengen Borders Code / 204-214
- search and rescue / 211, 227-228, 235, 242-247
- Secondary rules of international law / 65-66
- Senegal / 28, 44, 143, 224-225, 256, 269
- shiprider model / 225, 232, 267-270
- slave trade / 237, 239
- smuggling, see *human smuggling*
- sovereignty / 23, 25, 115-124, 167-173
- Soviet Union / 120, 205
- Spain / 92-93, 143, 224-225, 227, 243, 254, 269
- state agent / 39, 42, 55, 72, 75, 110
- state organ / 70-74
- state sovereignty, see *sovereignty*
- state responsibility / 65-112
- stateless vessel / 235-241
- status determination / 53, 151, 187, 191, 223, 229, 257, 271, 275, 292-293
- Stockholm programme / 179-180, 192-193
- summary returns / 255, 279
- surveillance, see *border surveillance*
- Sweden / 94, 155, 156, 280
- Switzerland / 92
- T**
- Tampere Programme / 177
- Tehran hostage crisis / 121
- teleological / 145
- territorial sea, see *territorial waters*

territorial sovereignty / 23, 33, 36, 62, 70, 113-116, 118-124, 171-172, 232, 292

territorial waters / 229-233

terrorist / 22, 283, 286-287

trafficking, see *human trafficking*

transit zone / 205, 214, 264

travaux préparatoires, see *drafting history*

travel ban / 154

travel document, also see *passport* / 27, 154-156, 182, 184-186, 209, 242

TRNC / 78-79

V

victim-requirement / 49, 270

Vietnam / 222, 242

visa / 27, 182-184

VRS / 73, 87, 89

Y

Yugoslavia / 73, 76, 86, 89, 205

U

unauthorized entry / 287-288, 290

United Kingdom / 50, 92, 98-99, 129, 144, 149, 168-173, 237

United States / 28, 48, 58, 72-73, 107, 122, 129, 171, 200, 222, 237, 277-279

Curriculum vitae

MAARTEN DEN HEIJER

Born in Voorburg, the Netherlands, on the 3rd of August 1979

Education

LL.M., Leiden University, 2005

M.A., Political Science, Leiden University, 2003

VWO, Erasmus College, Zoetermeer, 1997

Professional experience

- PhD candidate, Institute of Immigration Law, Leiden University, 2006-2010
- Lecturer and researcher, Institute of Immigration Law and Europa Instituut, Leiden University, 2005-2006

Memberships & Activities

- Member Appeals Board Dutch Foundation for Refugee Students UAF, 2009-present
- Member of Standing committee of experts on international immigration, refugee and criminal law (Meijers Committee), 2007-present
- Contributor to the *NJCM-Bulletin* (Dutch Journal for Human Rights), 2006-present
- Award for best masters' dissertation in the field of immigration law in the Netherlands in 2006 (*Hanneke Steenbergen thesis award*)

Selected publications

- Heijer, M. den, 'Europe beyond its Borders: Refugee and Human Rights Protection in Extraterritorial Immigration Control', in: B. Ryan and V. Mitsilegas (eds): *Extraterritorial Immigration Control: Legal Challenges* (Leiden/Boston: Martinus Nijhoff 2010), 169-198
- Heijer, M. den & K. Wouters, 'The *Marine I* Case: a Comment', 22 *International Journal of Refugee Law* (2010), 1-19
- Boeles, P., M. den Heijer, G.G. Lodder and C.W. Wouters, *European Migration Law* (Antwerpen: Intersentia 2009)
- Heijer, M. den, 'Whose Rights and Which Rights? The Continuing Story of Non-Refoulement under the European Convention on Human Rights', 10 *European Journal of Migration & Law* (2008), 277-314

In de boekenreeks van de Graduate School of Legal Studies van de Faculteit der Rechtsgeleerdheid, Universiteit Leiden, zijn in 2009 en 2010 verschenen:

- MI-156 N.M. Dane, *Overheidsaansprakelijkheid voor schade bij legitiem strafvorderlijk handelen*, (diss. Leiden), Tilburg: Celsus juridische uitgeverij 2009, ISBN 978 90 8863 034 7
- MI-157 G.J.M. Verburg, *Vaststelling van smartengeld*, (diss. Leiden) Deventer: Kluwer 2009
- MI-158 J. Huang, *Aviation Safety and ICAO*, (diss. Leiden) 2009 ISBN-13 978 90 4113 115 7
- MI-159 J.L.M. Gribnau, A.O. Lubbers & H. Vording (red.), *Terugkoppeling in het belastingrecht*, Amersfoort: Sdu Uitgevers 2008, ISBN 978 90 6476 326 7
- MI-160 J.L.M. Gribnau, *Soevereiniteit en legitimiteit: grenzen aan (fiscale) regelgeving*, (oratie Leiden), Sdu Uitgevers 2009, ISBN 978 90 6476 325 0
- MI-161 S.J. Schaafsma, *Intellectuele eigendom in het conflictrechte. De verborgen conflictregel in het beginsel van nationale behandeling* (diss. Leiden), Deventer: Kluwer 2009, ISBN 978 90 13 06593 0
- MI-162 P. van Schijndel, *Identiteitsdiefstal*, Leiden: Jongbloed 2009
- MI-163 W.B. van Bockel, *The ne bis in idem principle in EU law*, (diss. Leiden), Amsterdam: Ipskamp 2009, ISBN 978 90 90 24382 5
- MI-164 J. Cartwright, *The English Law of Contract: Time for Review?*, (oratie Leiden), Leiden 2009
- MI-165 W.I. Koelewijn, *Privacy en politiegegevens. Over geautomatiseerde normatieve informatieuitwisseling*, (diss. Leiden), Leiden: Leiden University Press 2009, ISBN 9 789087 280703
- MI-166 S.R.M.C. Guèvremont, *Vers un traitement équitable des étrangers extracommunautaires en séjour régulier. Examen des directives sur le regroupement familial et sur les résidents de longue durée*, (diss. Leiden), Zutphen: Wöhrmann Printing Service 2009, ISBN 978 90 8570 419 5
- MI-167 A.G. Castermans, I.S.J. Houben, K.J.O. Jansen, P. Memelink & J.H. Nieuwenhuis (red.), *Het zwijgen van de Hoge Raad*, Deventer: Kluwer 2009, ISBN 978 90 13 07029 3
- MI-168 P.M. Schuyt, *Verantwoorde straftoeteling*, (diss. Leiden), Deventer: Kluwer 2009, ISBN 978 90 1307 156 6
- MI-169 P.P.J. van der Meij, *De driehoeksverhouding in het strafrechtelijk vooronderzoek*, (diss. Leiden), Deventer: Kluwer 2010, ISBN 978 90 1407 158 0
- MI-170 M.V. Polak (red.), *Inbedding van Europese procesrechtelijke normen in de Nederlandse rechtsorde*, Nijmegen: Ars Aequi Libri 2010, ISBN 978 90 6916 714 5
- MI-171 E. Koops, *Vormen van subsidiariteit. Een historisch-comparistische studie naar het subsidiariteitsbeginsel bij pand, hypothek en borgtocht*, (diss. Leiden), Den Haag: Boom Juridische uitgevers 2010, ISBN 978 90 8728 070 3
- MI-172 H.H. Kielman, *Politieke gegevensverwerking. Naar een effectieve waarborging*, (diss. Leiden) Zutphen: Wöhrmann Print Service 2010, ISBN 978 90 8570 503 1
- MI-173 K. Siewicz, *Towards an Improved regulatory Framework of Free Software. Protecting user freedoms in a world of software communities and eGovernments*, (diss. Leiden) Warszawa (Polen): Sowa 2010, ISBN 978 83 930580 0 6
- MI-174 L. Mommers, H. Franken, J. van den Herik, F. van der Klaauw, G.-J. Zwenne (red.) *Het binneste buiten*, Liber amicorum A.H.J. Schmidt, Leiden: eLaw@leiden 2010, ISBN 978 90 815196 1 8
- MI-175 R. Ong, *Mobile Communication and the Protection of Children*, (diss. Leiden), Leiden: Leiden University Press 2010, ISBN 978 90 8728 080 2
- MI-176 M.P. Lycklama à Nijeholt, *Goodwill and value creation of acquisitions*, (diss. Leiden), Zutphen: Ipskamp 2010, ISBN 978 90 9025 290 2
- MI-177 M.K.G. Tjepkema, *Nadeelcompensatie op basis van het égalitébeginsel. Een onderzoek naar nationaal, Frans en Europees recht*, (diss. Leiden), Deventer: Kluwer 2010 ISBN, 978 90 8728 098 7
- MI-178 J.H. Crijns, *De strafrechtelijke overeenkomst. De rechtsbetrekking met het Openbaar Ministerie op het grensvlak van publiek- en privaatrecht*, (diss. Leiden), Deventer: Kluwer 2010, ISBN 978 90 1307 662 2
- MI-179 M.B. Voulon, *Automatisch contracteren*, (diss. Leiden), Leiden: Leiden University Press 2010, ISBN 978 90 8728 098 7

- MI-180 B.J. de Vos, *Horizontale werking van grondrechten. Een kritiek*, (diss. Leiden), Apeldoorn: Maklu 2010
- MI-181 S. van Wingerden, D. Alberda, M. Moerings, B. Wartna & J. van Wilsem, *Recidive en nazorg. Een onderzoek onder oud-bewoners van Exodus, DOOR, Moria & Ontmoeting*, Den Haag: Boom Juridische uitgevers 2010, ISBN 978 90 8974 316 9
- MI-182 J. Vis, *Ondernemend Waarderen : Waarderend Ondernemen. De subjectiviteit van het begrip economische waarde*, (diss. Leiden), Apeldoorn: Maklu 2010, ISBN 987 90 466 0364 2
- MI-183 J.M.J. van Rijn van Alkemade & J. Uzman (red.), *Soevereiniteit of pluralisme? Nederland en Europa na het Lissabon-Urteil*, Nijmegen: Wolf Legal Publishers 2011, ISBN ???????
- MI-184 G.K. Schoep, C.P.M. Cleirij, J.P. van der Leun & P.M. Schuyt (red.), *Vervlechting van domeinen. Opstellen aangeboden aan prof. mr. J.L. de Wijkerslooth*, Deventer: Kluwer 2010, ISBN 978 90 1307 879 4
- MI-185 Th. Doreleijers, J. ten Voorde & M. Moerings (red.), *Strafrecht en Forensische Psychiatrie voor 16- tot 23-jarigen*, Den Haag: Boom Juridische uitgevers 2010, ISBN 978 90 8974 356 5
- MI-186 C. Jiménez Monroy, *Legal and Institutional Aspects of Latin-American Space Cooperation AQUARELSat: The Water Monitoring Constellation*, (diss. Leiden) Zutphen: Wöhrmann Print Service 2010, ISBN 978 90 8570 595 6
- MI-187 M.A.H. van der Woude, *Wetgeving in een Veiligheidscultuur, Totstandkoming van antiterroristiwetgeving in Nederland bezien vanuit maatschappelijke en (rechts)politieke context*, (diss. Leiden), Den Haag: Boom Juridische uitgevers 2010, ISBN 978 90 8974 379 4
- MI-188 A.G. Castermans, K.J.O. Jansen, M.W. Knigge, P. Memelink & J.H. Nieuwenhuis, *40 jaar practicum. Rondom onroerend goed*, Deventer: Kluwer 2010, ISBN 978 90 13 08228 9
- MI-189 M.R. Bruning, M.P. de Jong, T. Liefaard, P.M. Schuyt, J.E. Doek & T.A.H. Doreleijers, *Wegwijs in het jeugdsanctierecht. Onderzoek naar het juridisch kader voor de zwaarste jeugdsancties in theorie en praktijk*, Nijmegen: Wolf Legal Publishers 2011, ISBN 978-90-5850-621-4
- MI-190 J.P. van der Leun, E.R. Muller, N. van der Schee, P.M. Schuyt & M.A.H. van der Woude, *De vogel vrij. Liber amicorum prof.dr.mr. Martin Moerings*, Den Haag: Boom Lemma Uitgevers 2011, ISBN 978 90 5961 657 7
- MI-191 M. den Heijer, *Europe and Extraterritorial Asylum* (diss. Leiden) 2011

Zie voor de volledige lijst van publicaties: www.law.leidenuniv.nl/onderzoek