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## **Proving discriminatory violence at the European Court of Human Rights**

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## Bibliography

### I. Monographs, edited volumes and reports

- Ambrus M, *Enforcement Mechanisms of the Racial Equality Directive and Minority Protection* (PhD Thesis Erasmus University Rotterdam), The Hague: Eleven International Publishing 2011
- Amerasinghe C, *Evidence in International Litigation*, Leiden: Martinus Nijhoff Publishers 2005
- Bates E, *The Evolution of the European Convention on Human Rights. From its Inception to the Creation of a Permanent Court of Human Rights*, New York: Oxford University Press 2010
- Bowring J, *The Works of Jeremy Bentham* (Vol. VI), Edinburgh: William Tait 1843
- Burgogue-Larsen L and Úbeda de Torres A, *The Inter-American Court of Human Rights. Case Law and Commentary*, New York: Oxford University Press 2011
- Busstra M, *The Implications of the Racial Equality Directive for Minority Protection within the European Union* (PhD Thesis Erasmus University Rotterdam), The Hague: Eleven International Publishing 2011
- Capotorti F, (1977) *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, 1991
- Council of Europe, *Practical Guide on Admissibility Criteria*, Strasbourg: Council of Europe 2014 (online)
- Council of Europe, *Collected edition of the Travaux Préparatoires of the European Convention on Human Rights/Council of Europe Vol. I*, The Hague: Martinus Nijhoff Publishers 1975
- Council of Europe, *Collected edition of the Travaux Préparatoires of the European Convention on Human Rights/Council of Europe Vol. VII*, Dordrecht: Martinus Nijhoff Publishers 1985
- Council of Europe Treaty Series – No. 194, *Explanatory Report to Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention*, Strasbourg 13.V.2004
- Craig R, *Systemic Discrimination in Employment and the Promotion of Ethnic Equality*, Leiden/Boston: Martinus Nijhoff Publishers 2007
- Crawford J, *First Report on State Responsibility*, 1 May 1998, A/CN.4/490/Add.1
- Demougin D and Fluet C, *Deterrence vs Judicial Error: A Comparative View of Standards of Proof*, Montreal: Cirano 2004
- Dennis I, *The Law of Evidence*, London: Sweet & Maxwell 1999
- ECRI, *ECRI General Policy Recommendation No. 1: On Combating Racism, Xenophobia, Antisemitism and Intolerance*, Strasbourg: ECRI 1996
- ECRI, *Annual Report on ECRI's Activities covering the period from 1 January to 31 December 2012*, Strasbourg: ECRI 2013
- Ellis E and Watson P, *EU Anti-Discrimination Law*, Oxford: Oxford University Press 2012
- Foster C, *Science and the Precautionary Principle in International Courts and Tribunals. Expert Evidence, Burden of Proof and Finality*, Cambridge: Cambridge University Press 2011
- FRA and CoE, *Handbook on European Non-Discrimination Law*, Luxembourg: Publications Office of the European Union 2011
- FRA, *Racism, discrimination, intolerance and extremism: learning from experiences in Greece and Hungary (FRA Report)*, Luxembourg: Publications Office of the European Union 2013
- FRA, *Opinion of the European Union Agency for Fundamental Rights on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime*, FRA Opinion – 02/2013 – Framework Decision on Racism and Xenophobia, Vienna 2013
- FRA, *Current migration situation in the EU: hate crime*, november 2016 (online)

- Gardner T and Anderson T, *Criminal law*, Belmont: Thomson Wadsworth 2009
- Garner B (ed), *Black's Law Dictionary*, St. Paul: West Publishing Co. 2006
- Gerards J, *Judicial Review in Equal Treatment Cases*, Leiden/Boston: Martinus Nijhoff Publishers 2005
- Greer S, *The margin of appreciation: interpretation and discretion under the European Convention on Human Rights*, Strasbourg: Council of Europe Publishing 2000 (online)
- Greer S, *The European Convention on Human Rights. Achievements, Problems and Prospects*, New York: Cambridge University Press 2006
- Hall N, *Hate Crime*, Abingdon: Routledge 2013
- Harris D, O'Boyle M, Bates E and Buckley C, Harris, O'Boyle & Warbrick. *Law of the European Convention on Human Rights*, New York: Oxford University Press 2014
- Hirsch Ballin E, *Tegen de stroom. Over mensen en ideeën die hoop geven in benarde tijden*, Amsterdam/Antwerp: Em. Querido's Uitgeverij BV 2016
- Hodson L, *NGOs and the Struggle for Human Rights in Europe*, Oxford: Hart Publishing Ltd 2011
- Howard E, *The EU Race Directive. Developing the protection against racial discrimination within the EU*, Abingdon: Routledge 2010
- Interlaken Follow-up, *Principle of Subsidiarity. Note by the Jurisconsult*, 8 July 2010 (online)
- Jacobs J and Potter K, *Hate Crimes. Criminal Law and Identity Politics*, New York: Oxford University Press 1998
- Kazazi M, *Burden of Proof and Related Issues. A Study on Evidence Before International Tribunals*, The Hague: Kluwer Law International 1996
- Keane A and McKeown P, *The Modern Law of Evidence*, New York: Oxford University Press 2014
- Kokott J, *The Burden of Proof in Comparative and International Human Rights Law. Civil and Common Law Approaches with Special Reference to the American and German Legal Systems*, The Hague: Kluwer Law International 1998
- Langbein J, *The Origins of Adversary Criminal Trial*, New York: Oxford University Press 2003
- Lawrence F, *Punishing Hate. Bias Crimes under American Law*, Cambridge/London: Harvard University Press 2002
- Lawson R and Schermers H, *Leading cases of the European Court of Human Rights*, Nijmegen: Ars Aequi Libri 1999
- Leach P, Paraskeva C and Uzelac G, *International human rights & fact-finding. An analysis of the fact-finding missions conducted by the European Commission and Court of Human Rights*, London Metropolitan University: Report by the Human Rights and Social Justice Research Institute 2009
- Leach P, *Taking a Case to the European Court of Human Rights*, New York: Oxford University Press 2011
- Loucaides L, *Essays on the Developing Law of Human Rights*, Dordrecht/Boston/London: Martinus Nijhoff Publishers 1995
- Mueller C, Kirkpatrick L and Rose III C, *Evidence. Practice Under the Rules*, United States of America: Aspen Publishers 2009
- Nagel H, *Encyclopaedia Britannica. Online Academic Edition*, Encyclopaedia Britannica Inc. 2013 (online)
- Nijboer J, *Strafrechtelijk bewijsrecht*, Nijmegen: Ars Aequi Libri 2011
- Parliamentary Assembly. Committee on Legal Affairs and Human Rights, *Report. Areas where the European Convention on Human Rights cannot be implemented*, Rapporteur Mr. Christos Pourgourides, Doc. 9730, 11 March 2003 (online)
- Parliamentary Assembly. Committee on Legal Affairs and Human Rights. *Report. Member States' duty to co-operate with the European Court of Human Rights*, Rapporteur Mr. Christos Pourgourides, Doc. 11183, 9 February 2007 (online)
- Pasqualucci J, *The Practice and Procedure of the Inter-American Court of Human Rights*, New York: Cambridge University Press 2013
- Pentassuglia G, *Minorities in international law. An introductory study*, Strasbourg: Council of Europe Publishing 2002
- Rainey B, Wicks E and Ovey C, Jacobs, White, and Ovey. *The European Convention on Human Rights*, New York: Oxford University Press 2014

- Robertson A, *Human rights in Europe: being an account of the European convention for the protection of human rights and fundamental freedoms signed in Rome on 4 November 1950, of the Protocols thereto and of the machinery created thereby: the European Commission of Human Rights and the European Court of Human Rights*, Manchester: Manchester University Press 1977
- Schabas W, *The European Convention on Human Rights. A Commentary*, New York: Oxford University Press 2015
- Schwartzenberg H, *Civiel bewijsrecht voor de rechtspraak*, Antwerp: Maklu-Uitgevers 2013
- Strong J (ed), *McCormick on Evidence (Volume 2)*, St. Paul, Minn.: West Group 1999
- Thornberry P, *Indigenous peoples and human rights*, Manchester: Manchester University Press 2002
- Thornberry P and Amor Martín Estébanez M, *Minority rights in Europe*, Strasbourg: Council of Europe Publishing 2004
- Vande Lanotte J and Haecck Y, *Handboek EVRM. Deel 1. Algemene beginselen*, Antwerp: Intersentia 2005
- Vermeulen M, *Enforced Disappearance. Determining State Responsibility under the International Convention for the Protection of All Persons from Enforced Disappearances* (PhD Thesis Utrecht University), Utrecht: Intersentia 2011
- Whitman J, *The Origins of Reasonable Doubt. Theoretical Roots of the Criminal Trial*, New Haven and London: Yale University Press 2008
- Wildhaber L, *The European Court of Human Rights / 1998-2006. History, Achievements, Reform*, Kehl: N.P. Engel 2006
- Wilkinson S, *Standards of Proof in International Humanitarian and Human Rights Fact-Finding and Inquiry Missions*, Geneva: Geneva Academy of International Humanitarian Law and Human Rights 2013

## II. Articles in journals and newspapers, case notes and contributions to edited volumes and blogs

- Abdel-Monem T, 'The European Court of Human Rights: Chechnya's Last Chance?', 28 *Vermont Law Review* (2003-2004), p. 237-297
- Allen R, 'The Restoration of *In re. Winship*: A Comment on Burdens of Persuasion in Criminal Cases after *Patterson v. New York*', 76 *Michigan Law Review* (1977-1978)
- Alter K, 'The Multiple Roles of International Courts and Tribunals: Enforcement, Dispute Settlement, Constitutional and Administrative Review', in: Dunoff J and Pollack M (eds), *Interdisciplinary Perspectives on International Law and International Relations. The State of the Art*, New York: Cambridge University Press 2013, p. 345-370
- Álvaro Paúl, 'In Search of the Standards of Proof Applied by the Inter-American Court of Human Rights', 55 *Revista Instituto Interamericano de Derechos Humanos* (2012), p. 57-102
- Ambrus M, 'The European Court of Human Rights and Standards of Proof in Religion Cases', 8 *Religion and Human Rights* (2013), p. 107-137
- Andenas M and Fairgrieve D, 'Intent on making mischief: seven ways of using comparative law', in: Monateri P (ed), *Methods of Comparative Law*, Cheltenham: Edward Elgar Publishing Limited 2012, p. 25-60
- Arabadjieva K, 'Challenging the school segregation of Roma children in Central and Eastern Europe', 20:1 *The International Journal of Human Rights* (2016), p. 33-54
- Arnardóttir O, 'Non-discrimination Under Article 14 ECHR: the Burden of Proof', *Scandinavian Studies In Law* (online)
- Arnardóttir O, 'Discrimination as a magnifying lens. Scope and ambit under Article 14 and Protocol No. 12', in: Brems E and Gerards J (eds), *Shaping Rights in the ECHR. The Role of the European Court of Human Rights in Determining the Scope of Human Rights*, New York: Cambridge University Press 2013, p. 330-349
- Auburn J, 'Burden and Standard of Proof', in: Malek H (ed) *Phipson on Evidence*, London: Thomson Reuters (Legal) Limited 2010, p. 149-186

- Baissus J, 'Common v. Continental: A Reaction to Mr. Evan Whitton's 1998 Murdoch Law School Address', 5 *Murdoch University Electronic Journal of Law* (1998)
- Barrett J, 'Chechnya's Last Hope? Enforced Disappearances and the European Court of Human Rights', 22 *Harvard Human Rights Journal* (2009), p. 133-143
- Bates E, 'The Birth of the European Convention on Human Rights – and the European Court of Human Rights', in: Christoffersen J and Madsen M (eds), *The European Court of Human Rights between Law and Politics*, New York: Oxford University Press 2011, p. 17-42
- Battjes H, 'In Search of a Fair Balance: The Absolute Character of the Prohibition of *Refoulement* under Article 3 ECHR Reassessed', 22 *Leiden Journal of International Law* (2009), p. 583-621
- Becket J, 'The Greek Case Before the European Human Rights Commission', 1 *Human Rights* (1970-1971), p. 91-117
- Bell M, 'Direct Discrimination', in: Schiek D, Waddington L and Bell M (eds), *Cases, Materials and Text on National, Supranational and International Non-discrimination Law*, Portland: Hart Publishing 2007, p. 185-322
- BGNNews.com, 'Yazidis fleeing ISIL beaten by Bulgarian police, freeze to death', 12 March 2015 (online)
- Bindman G, 'Proof and Evidence of Discrimination', in: Hepple B and Szyszczak E (eds), *Discrimination: The Limits of Law*, London: Mansell Publishing Limited 1992, p. 50-66
- Bonello G, 'Evidentiary Rules of the ECHR in Proceedings Relating to Articles 2, 3 and 14 – A Critique', 2 *Inter-American and European Human Rights Journal* (2009), p. 66-80
- Bonner D, 'Ireland v United Kingdom', 27 *International and Comparative Law Quarterly* (1978), p. 897-907
- Bos K and Wismans L, 'We worden harder gestraft omdat we niet wit zijn', *NRC Next* (1 July 2015)
- Bowling B and Phillips C, 'Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search', 70 *Modern Law Review* (2007), p. 936-961
- Breen D, 'Abuses at Europe's borders', *Forced Migration Review* (January 2016), p. 21-23
- Brems E, 'Sakir v Greece: Racist violence against an undocumented migrant', *Strasbourg Observers* (6 April 2016) (online)
- Breuker L, 'Waarheidsvinding, genocide en het Internationaal Gerechtshof', in: Crijns J, Van der Meij P and Ten Voorde J (eds), *De Waarde van Waarheid. Opstellen over Waarheid en Waarheidsvinding in het Strafrecht*, Den Haag: Boom Juridische Uitgevers 2008, p. 237-267
- Brower C, 'The Anatomy of Fact-Finding Before International Tribunals: an Analysis and a Proposal Concerning the Evaluation of Evidence', in: Lillich R (ed), *Fact-Finding Before International Tribunals*, Ardsley-on-Hudson, New York: Transnational Publishers, Inc. 1992, p. 147-151
- Buergeenthal T, 'Proceedings against Greece under the European Convention on Human Rights', 62 *American Journal of International Law* (1968), p. 441-450
- Buonomo F, 'Protocol 12 to the European Convention on Human Rights', 1 *European Yearbook of Minority Issues* (2001), p. 425-433
- Cahn C, 'The Elephant in the Room: On Not Tackling Systemic Racial Discrimination at the European Court of Human Rights', 4 *European Anti-discrimination Law Review* (2006), p. 13-20
- Çali B, 'The purposes of the European Human Rights System: one or many?', 3 *European Human Rights Law Review* (2008), p. 299-306
- Chevalier-Watts J, 'The Phenomena of Enforced Disappearances in Turkey and Chechnya: Strasbourg's Noble Cause?', 11 *Human Rights Review* (2010), p. 469-489
- Christoffersen J, 'Individual and Constitutional Justice: Can the Power Balance of Adjudication be Reversed?', in: Christoffersen J and Madsen M (eds), *The European Court of Human Rights between Law and Politics*, New York: Oxford University Press 2011, p. 181-203
- Cichowski R, 'Civil Society and the European Court of Human Rights', in: Christoffersen J and Madsen M (eds), *The European Court of Human Rights between Law and Politics*, New York: Oxford University Press 2011, p. 77-97
- Clermont K, 'Procedure's Magical Number Three: Psychological Bases for Standards of Decision', 72 *Cornell Law Review* (1986-1987), p. 1115-1156

- Clermont K and Sherwin E, 'A Comparative View of Standards of Proof', 50 *American Journal of Comparative Law* (2002)
- Cocoza J and Steadman H, 'The Failure of Psychiatric Predictions of Dangerousness: Clear and Convincing Evidence', 29 *Rutgers Law Review* (1975-1976), p. 1084-1101
- Cohn E, 'Torture in the International Community – Problems of Definition and Limitation – The Case of Northern-Ireland', 11 *Case Western Reserve Journal of International Law* (1979), p. 159-185
- 'Combatting Racial Violence: A Legislative Proposal', 101 *Harvard Law Review* (1987-1988), p. 1270-1286 [Author Unknown]
- Dancygier R and Laitin D, 'Immigration into Europe: Economic Discrimination, Violence, and Public Policy', 17 *Annual Review of Political Science* (2014), p. 43-64 (online)
- De Londras F, 'Saadi v. Italy', 102 *American Journal of International Law* (2008), p. 616-622
- Del Mar K, 'The International Court of Justice and standards of proof', in: Bannelier K, Christakis T and Heathcote S (eds), *The ICJ and the Evolution of International Law. The enduring impact of the Corfu Channel case*, London: Routledge 2011, p. 98-123
- Erdal U, 'Burden and standard of proof in proceedings under the European Convention', 26 *European Law Review: Supp (Human rights survey)* (2001), p. 68-85
- 'European Court of Human Rights Finds Bulgaria Liable for Failure to Investigate Racially Motivated Killings', 119 *Harvard Law Review* (2005-2006), p. 1907-1914 [author unknown]
- Evenson E, 'Reforms Ahead: Enlargement of the Council of Europe and the Future of the Strasbourg System', 1 *Human Rights Law Review* (2001), p. 219-242
- Fleischauer M, 'Teeth for a Paper Tiger: A Proposal to Add Enforceability to Florida's Hate Crimes Act', 17 *Florida State University Law Review* (1989-1990), p. 697-711
- Fredman S, 'Emerging from the Shadows: Substantive Equality and Article 14 of the European Convention on Human Rights', 16 *Human Rights Law Review* (2016), p. 273-301
- Freeman K and Farley A, 'A Model of Argumentation and Its Application to Legal Reasoning', 4 *Artificial Intelligence and Law* (1996), p. 163-197
- Frigessi di Rattalma M, 'NGOs before the European Court of Human Rights: Beyond *Amicus Curiae* Participation?', in: Treves T et al. (eds), *Civil Society, International Courts and Compliance Bodies*, The Hague: T.M.C. Asser Press 2005, p. 57-66
- Gadd D, 'Aggravating Racism and Elusive Motivation' 49 *British Journal of Criminology* (2009), p. 755-771
- Gattini A, 'Evidentiary Issues in the ICJ's Genocide Judgment', 5 *Journal of International Criminal Justice* (2007), p. 889-904
- Gerards J, 'The Application of Article 14 ECHR by the European Court of Human Rights', in: Niessen J and Chopin I (eds), *The Development of Legal Instruments to Combat Racism in a Diverse Europe*, Leiden: Martinus Nijhoff Publishers 2004, p. 3-60
- Gerards J, 'Judicial Deliberations in the European Court of Human Rights', in: Huls N, Adams M and Bomhoff J (eds), *The Legitimacy of Highest Courts' Rulings. Judicial Deliberations and Beyond*, The Hague: T.M.C. Asser Press 2009, p. 407-436
- Gerards J and Senden H, 'The structure of fundamental rights and the European Court of Human Rights', 7 *International Journal of Constitutional Law* (2009), p. 619-653
- Gerards J, case note on: ECtHR 10 March 2011, 2700/10, EHRC Cases 2011/84 (*Kiyutin/Russia*)
- Gerards J, 'The Prism of Fundamental Rights', 8 *European Constitutional Law Review* (2012), p. 173-202
- Gerards J, 'The Discrimination Grounds of Article 14 of the European Convention on Human Rights', 13 *Human Rights Law Review* (2013), p. 99-124
- Gerards J, 'The scope of ECHR Rights and institutional concerns. The relationship between proliferation of rights and the case load of the ECtHR', in: Brems E and Gerards J (eds), *Shaping Rights in the ECHR. The Role of the European Court of Human Rights in Determining the Scope of Human Rights*, New York: Cambridge University Press 2013, p. 84-105
- Gilbert G, 'The Legal Protection Accorded to Minority Groups in Europe', 23 *Netherlands Yearbook of International Law* (1992), p. 67-104
- Gilbert G, 'The Council of Europe and Minority Rights', 18 *Human Rights Quarterly* (1996), p. 160-189

- Goedertier G, 'Artikel 14. Verbod van discriminatie', in: Vande Lanotte J and Haeck Y (eds), *Handboek EVRM. Deel 2. Artikelsgewijze Commentaar. Volume II*, Antwerp: Intersentia 2004
- Goldston J, 'Race discrimination in Europe: problems and prospects', 5 *European Human Rights Law Review* (1999), p. 462-483
- Greer S, 'What's Wrong with the European Convention on Human Rights?', 30 *Human Rights Quarterly* 2008, p. 680-702
- Greer S and Wildhaber L, 'Revisiting the Debate about 'constitutionalising' the European Court of Human Rights', 12 *Human Rights Law Review* (2012), p. 655-687
- Grossman N, 'The Normative Legitimacy of International Courts', 86 *Temple Law Review* (2013), p. 61-106
- Hablous G, 'COC: incidenten LHBT-vluchtelingen lopen uit de hand', *Volkskrant* (7 February 2016) (online)
- Harmsen R, 'The European Convention on Human Rights after Enlargement', 5 *The International Journal of Human Rights* (2001), p. 18-43
- Harvey P, 'Third Party Interventions before the ECtHR: A Rough Guide', *Strasbourg Observers* (24 February 2015) (online)
- Helfer L, 'Consensus, Coherence and the European Convention on Human Rights', 26 *Cornell International Law Journal* (1993), p. 133-165
- Hemmens C, Scarborough K and Del Carmen R, 'Grave Doubts about "Reasonable Doubt": Confusion in State and Federal Courts', 25 *Journal of Criminal Justice* (1997), p. 231-254
- 'Hungary closes border with Serbia and starts building fence to bar migrants', *The Guardian* (17 June 2015) (online).
- Iganski P, 'Hate Crimes Hurt More', in: Perry B (ed), *Hate and Bias Crime. A Reader*, New York: Routledge 2003, p. 131-137
- Jorritsma E, 'Aanval op azc Woerden: incident of begin trend?', *nrc.nl* (12 October 2015) (online)
- Kaleck W and Terwindt C, 'Non-Governmental Organisation Fact-Work: Not Only a Technical Problem', in: Bergsmo M (ed), *Quality Control in Fact-Finding*, Florence: Torkel Opsahl Academic EPublisher 2013, p. 403-426
- Keller H and Heri C, 'Enforced Disappearance and the European Court of Human Rights. A 'Wall of Silence, Fact-Finding Difficulties and States as 'Subversive Objectors'', 12 *Journal of International Criminal Justice* (2014), p. 735-750
- Kinsch P, 'On the uncertainties surrounding the standard of proof in proceedings before international courts and tribunals', in: Venturini G and Bariatti S (eds), *Diritti Individuali E Giustizia Internazionale/Individual Rights and International Justice/Droits Individuels et Justice Internationale. Liber Fausto Pocar*, Milano: Giuffrè Editore 2009, p. 427-442
- Kooijman H, 'Bulgarije bewaakt angstvallig zijn grenzen. 'Ga er niet heen, je wordt vermoord'', 139/46 *De Groene Amsterdammer* (12 November 2015), p. 14-17
- Koroteev K, 'Legal Remedies for Human Rights Violations in the Armed Conflict in Chechnya: The Approach of the European Court of Human Rights in Context', 1 *International Humanitarian Legal Studies* (2010), p. 275-303
- Krüger H, 'Gathering Evidence', in: De Slavia M and Villiger M (eds), *The Birth of European Human Rights Law. L'écllosion du Droit européen des Droits de l'Homme* (Liber Amicorum Carl Aage Nørgaard), Baden-Baden: Nomos Verlagsgesellschaft 1998, p. 249-259
- The Law Commission (LAW COM No 325), *Expert Evidence in Criminal Proceedings in England and Wales*, London: Crown copyright 2011
- Langendorff G, 'Brexit wakkert 'explosie van haat' aan', *Algemeen Dagblad* (29 July 2016) (online)
- Lawrence F, 'Racial violence on a 'small island': bias crime in a Multicultural Society', in: Iganski P (ed), *The Hate Debate. Should Hate Be Punished as a Crime?*, London: Profile Books Ltd/Institute for Jewish Policy Research 2002, p. 36-53
- Leach P, 'The Chechen conflict: analysing the oversight of the European Court of Human Rights', 6 *European Human Rights Law Review* (2008), p. 732-761
- Leach P, Paraskeva C and Uzelac G, 'Human Rights Fact-Finding. The European Court of Human Rights at Crossroads', 28 *Netherlands Quarterly of Human Rights* (2010), p. 41-77
- Levin B, 'Hate Crimes. Worse by Definition', 15 *Journal of Contemporary Criminal Justice* (1999), p. 6-21

- Lezertua M and Forde A, 'The Commissioner for Human Rights', in: Kleinsorge T (ed), *Council of Europe*, Alphen aan de Rijn: Kluwer Law International 2010, p. 114-124
- Londono P, 'Developing Human Rights Principles in Cases of Gender-Based Violence: *Opuz v. Turkey* in the European Court of Human Rights', 9 *Human Rights Law Review* (2009), p. 657-667
- Loucaides L, 'Standards of Proof in Proceedings under the European Convention of Human rights', in: 46 *Présence du droit public et des droits de l'homme. Mélanges offerts à Jacques Velu* (1992), p. 1431-1443
- Mačkić J, 'Proving the Invisible: Addressing Evidentiary Issues in Cases of Presumed Discriminatory Abuse against Roma before the European Court of Human Rights through *V.C. v. Slovakia*', in: Goodwin M and De Hert P (eds), *European Roma Integration Efforts – A Snapshot*, Brussels: Brussels University Press 2013, p. 51-75
- Mačkić J, case note on: ECtHR 25 June 2013, 6978/08, *EHRC Cases 2013/192 (Gheorghe Cobzaru/Romania)*
- Mačkić J, case note on: ECtHR 12 May 2015, 73235/12, *EHRC Cases 2015/155 (Identoba a.o./Georgia)*
- Mačkić J, 'The European Court of Human Rights and Discriminatory Violence Complaints', in: Schweppe J and Walters M (eds), *The Globalization of Hate. Internationalizing Hate Crime?*, Oxford: Oxford University Press 2016, p. 233-246
- Malek H, 'Introduction', in: Malek H (ed) *Phipson on Evidence*, London: Thomson Reuters (Legal) Limited 2010, p. 1-51
- Maliszewska-Nienartowicz J, 'Direct and Indirect Discrimination in European Union Law – How to Draw a Dividing Line?', III (1) *International Journal of Social Sciences* (2014), p. 41-55
- Malloy T, 'The Title and the Preamble', in: Weller M (ed.), *The Rights of Minorities in Europe. A Commentary on the European Framework Convention for the Protection of National Minorities*, New York: Oxford University Press 2005, p. 49-73
- Mason G and Dyer A, 'A Negation of Australia's Fundamental Values': Sentencing Prejudice-Motivated Crime', 36 *Melbourne University Law Review* (2012-2013), p. 871-914
- McBaine J, 'Burden of Proof: Degrees of Belief', 32 *California Law Review* (1944), p. 242-268
- Mijs J, 'Populisme wordt gevoed door sociale uitsluiting', *Volkscrant* (26 March 2016) (online)
- Morano A, 'A Reexamination of the Development of the Reasonable Doubt Rule', 55 *Boston University Law Review* (1975), p. 507-528
- Morsch J, 'The Problem of Motive in Hate Crimes: the Argument against Presumptions of Racial Motivation', 82 *Journal of Criminal Law & Criminology* (1991-1992), p. 659-689
- Möschel M, 'Is the European Court of Human Rights' Case Law on Anti-Roma Violence 'Beyond Reasonable Doubt'?', 12 *Human Rights Law Review* (2012), p. 479-507
- Mowbray A, 'Duties of Investigation under the European Convention on Human Rights', 51 *International and Comparative Law Quarterly* (2002), p. 437-448
- Mulrine T, 'Reasonable Doubt: How in the World Is It Defined?', 12 *American University Journal of International Law and Policy* (1997), p. 195-225
- Nieuwenhuis A, 'The Concept of Pluralism in the Case-law of the European Court of Human Rights', 3 *European Constitutional Law Review* (2007), p. 367-384
- O'Boyle M, 'Torture and Emergency Powers under the ECHR: *Ireland v. the United Kingdom*', 71 *American Journal of International Law* (1977), p. 674-706
- O'Boyle M and Brady N, 'Investigatory powers of the European Court of Human Rights', in: Chernishova O and Lobov M (eds), *Russia and the European Court of Human Rights: A Decade of Change. Essays in honour of Anatoly Kovler, Judge of the European Court of Human Rights in 1999-2012*, Oisterwijk: Wolf Legal Publishers 2013, p. 121-141
- O'Connell R, 'Cinderella comes to the Ball: Art 14 and the right to non-discrimination in the ECHR', 29 *Legal Studies* (2009), p. 211-229
- O'Nions H, 'What Lies Beneath: Exploring Links Between Asylum Policy and Hate Crime in the UK', 31 *Liverpool Law Rev* (2010), p. 233-257
- Perry B, 'Counting – and Countering – Hate Crime in Europe', 18 *European Journal of Crime, Criminal Law and Criminal Justice* (2010), p. 349-367

- Phillips N, 'The Prosecution of Hate Crimes. The Limitations of the Hate Crime Typology', 24 *Journal of Interpersonal Violence* (2009), p. 883-905
- Popp M, 'Europe's Deadly Borders: An Inside Look at EU's Shameful Immigration Policy', *Spiegel Online International* (11 September 2014) (online)
- Ray L, Smith D and Wastell L, 'Shame, Rage and Racist Violence' 44 *British Journal of Criminology* (2004), p. 350-368
- Reidy A, Hampson F and Boyle K, 'Gross Violations of Human Rights: Invoking the European Convention on Human Rights in the Case of Turkey', 15 *Netherlands Quarterly of Human Rights* (1997), p. 161-173
- Ringelheim J, 'Minority Rights in a Time of Multiculturalism – The Evolving Scope of the Framework Convention on the Protection of National Minorities', 10 *Human Rights Law Review* (2010), p. 99-129
- Robertson G, 'Human Rights Fact-Finding: Some Legal and Ethical Dilemmas', 3 *University College London Human Rights Review* 2010, p. 15-43
- Rogge K, 'Fact-Finding', in: Macdonald R et al. (eds), *The European System for the Protection of Human Rights*, Dordrecht: Martinus Nijhoff Publishers 1993
- Rubio-Marín R and Möschel M, 'Anti-Discrimination Exceptionalism: Racist Violence before the ECtHR and the Holocaust Prism', 26 *European Journal Of International Law* (2015), p. 881-899
- Ryssdal R, 'The coming of age of the European Convention on Human Rights', 1 *European Human Rights Law Review* (1996), p. 18-29
- Sadeghi K, 'The European Court of Human Rights: The Problematic Nature of the Court's Reliance on Secondary Sources for Fact-finding', 25 *Connecticut Journal of International Law* (2009-2010), p. 127-151
- Sandland R, 'Developing a Jurisprudence of Difference: The Protection of the Human Rights of Travelling Peoples by the European Court of Human Rights', 8 *Human Rights Law Review* (2008), p. 475-516
- Schiek D, 'Indirect Discrimination', in: Schiek D, Waddington L and Bell M (eds), *Cases, Materials and Text on National, Supranational and International Non-discrimination Law*, Portland: Hart Publishing 2007, p. 323-475
- Shapiro B, '"To a Moral Certainty": Theories of Knowledge and Anglo-American Juries 1600-1850', 38 *Hastings Law Journal* (1986-1987), p. 153-193
- Shelton D, 'The participation of nongovernmental organizations in international judicial proceedings', 88 *American Journal of International Law* (1994), p. 611-642
- Sim D, 'Fortress Europe: Hungary builds fence to stop migrants crossing into the EU', *International Business Times* (5 August 2015) (online)
- Smet S, 'The 'absolute' prohibition of torture and inhuman and degrading treatment in Article 3 ECHR. Truly a question of scope only?', in: Brems E and Gerards J (eds), *Shaping rights in the ECHR. The Role of the European Court of Human Rights in Determining the Scope of Human Rights*, New York: Cambridge University Press 2014, p. 273-293
- Smith M, 'The Adjudicatory fact-finding tools of the European Court of Human Rights', 2 *European Human Rights Law Review* (2009), p. 206-228
- Spielmann D, *Allowing the Right Margin the European Court of Human Rights and the National Margin of Appreciation Doctrine: Waiver or Subsidiarity of European Review?*, Cambridge: Centre for European Legal Studies 2012 (online)
- Syggelos Y, 'Nationalism versus European integration: the case of ATAKA', 43 *East European Quarterly* (2015), p. 163-188 (online)
- Taruffo M, 'Rethinking the Standards of Proof', 51 *American Journal of Comparative Law* (2003), p. 659-677
- Tasch B and Nudelman M, 'This map shows how much the refugee crisis is dividing Europe', *Business Insider UK* (1 March 2016) (online)
- Tatchell P, 'Some people are more equal than others', in: Iganski P (ed), *The Hate Debate. Should Hate Be Punished as a Crime?*, London: Profile Books Ltd/Institute for Jewish Policy Research 2002, p. 54-70

- Telalian M, 'European Framework Convention for the Protection of National Minorities and Its Personal Scope of Application', in: Alfredsson G and Stavropoulou M (eds), *Justice Pending: Indigenous Peoples and Other Good Causes*, The Hague: Martinus Nijhoff Publishers 2002, p. 117-135
- Thayer J, 'The burden of proof', 4 *Harvard Law Review* (1890-1891), p. 45-69
- Thienel T, 'The Burden and Standard of Proof in the European Court of Human Rights', 50 *German Yearbook of International Law* (2007), p. 543-588
- Vajić N, 'Some Concluding Remarks on NGOs and the European Court of Human Rights', in: Treves T et al. (eds), *Civil Society, International Courts and Compliance Bodies*, The Hague: T.M.C. Asser Press 2005, p. 93-104
- Van den Bogaert S, 'Roma Segregation in Education: Direct or Indirect Discrimination? An Analysis of the Parallels and Differences between Council Directive 2000/43/EC and Recent ECtHR Case Law on Roma Educational Matters', 71 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (2011), p. 719-753
- Van den Eynde L, 'An Empirical Look At the Amicus Curiae Practice of Human Rights NGOs Before the European Court of Human Rights', 31/3 *Netherlands Quarterly of Human Rights* (2013), p. 271-313
- Van Raalte J, 'In deze landen maakt rechts-populisme zijn opmars', *Volkskrant* (23 May 2016) (online)
- Van der Velde J, case note on: ECtHR 28 July 1999, 34884/97, *EHRC Cases* 1999/1 (*Bottazzi/Italy*)
- Van der Wilt H, case note on: ECtHR 11 April 2000, 32357/96, *EHRC Cases* 2000/48 (*Sevtaş Veznedaroğlu/Turkey*)
- Versi M, 'Brexit has given voice to racism – and too many are complicit', *The Guardian* (27 June 2016) (online)
- Voeten E, 'Politics, Judicial Behaviour, and Institutional Design', in: Christoffersen J and Madsen M (eds), *The European Court of Human Rights between Law and Politics*, New York: Oxford University Press 2011, p. 61-76
- Weissbrodt D, 'International Factfinding in Regard to Torture', 57 *Nordic Journal of International Law* (1988), p. 151-196
- Weissbrodt D and Bergquist A, 'Extraordinary Rendition: A Human Rights Analysis', 19 *Harvard Human Rights Journal* (2006), p. 123-160
- Weller M, 'Preface', in: Weller M (ed), *The Rights of Minorities in Europe. A Commentary on the European Framework Convention for the Protection of National Minorities*, New York: Oxford University Press 2005, p. vii-x
- Wolfe L and Copeland L, 'Violence against Women as Bias-Motivated Hate Crime: Defining the Issues in the USA', in: Davies M (ed), *Women and Violence*, London: Zed Books 1994, p. 200-213



## Table of Cases

### I. European Commission of Human Rights

EcomHR 5 November 1969, 3321/67 (*Denmark/Greece*); 3322/67 (*Norway/Greece*); 3323/67 (*Sweden/Greece*); 3344/67 (*Netherlands/Greece*), published in: 'The Greek Case', 12 *Yearbook of the European Convention on Human Rights* (1972)

EcomHR 26 May 1975, 6780/74 and 6950/75 (*Cyprus/Turkey*) (Admissibility decision)

EcomHR 10 July 1978, 8007/77 (*Cyprus/Turkey*) (Admissibility decision)

### II. European Court of Human Rights

#### *Judgments*

ECtHR 23 July 1968, 1474/62, 1677/62, 1691/62, 1769/63, 1994/63 and 2126/64 (*Case "relating to certain aspects of the laws on the use of languages in education in Belgium"/Belgium (Belgian Linguistic case) (Merits)*) (GC)

ECtHR 7 December 1976, 5095/71, 5920/72, 5926/72 (*Kjeldsen, Busk Madsen and Pedersen/Denmark*)

ECtHR 18 January 1978, 5310/71 (*Ireland/United Kingdom*) (GC)

ECtHR 7 October 1988, 10519/83 (*Salabiaku/France*)

ECtHR 7 July 1989, 14038/88 (*Soering/United Kingdom*) (GC)

ECtHR 19 December 1989, 10964/84 (*Brozicek/Italy*) (GC)

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ECtHR 22 September 1993, 15473/89 (*Klaas/Germany*)

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ECtHR 8 July 1999, 23763/94 (*Tanrikulu/Turkey*) (GC)

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ECtHR 28 March 2000, 22535/93 (*Mahmut Kaya/Turkey*)

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 ECtHR 14 November 2000, 24396/94 *Taş v Turkey* (2000)  
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 ECtHR 22 November 2005, 38595/97 (*Kakoulli/Turkey*)  
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- ECtHR 13 December 2005, 55762/00 and 55974/00 (*Timishev/Russia*)
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- ECtHR 16 February 2006, 43233/98 (*Osman/Bulgaria*)
- ECtHR 21 February 2006, 52390/99 (*Şeker/Turkey*)
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- ECtHR 11 April 2006, 52392/99 (*Uçar/Turkey*)
- ECtHR 20 June 2006, 17209/02 (*Zarb Adami/Malta*)
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- ECtHR 27 July 2006, 69481/01 (*Bazorkina/Russia*)
- ECtHR 19 October 2006, 68188/01 (*Diril/Turkey*)
- ECtHR 19 October 2006, 56154/00 (*Selim Yıldırım a.o./Turkey*)
- ECtHR 26 October 2006, 53157/99, 53247/99, 53695/00 and 56850/00 (*Ledyayeva a.o./Russia*)
- ECtHR 9 November 2006, 7615/02 (*Imakayeva/Russia*)
- ECtHR 9 November 2006, 69480/01 (*Luluyev a.o./Russia*)
- ECtHR 20 February 2007, 39452/98 (*Gürü Toprak/Turkey*)
- ECtHR 26 April 2007, 57885/00 (*Gergely/Romania*) (Striking out)
- ECtHR 26 April 2007, 57884/00 (*Kalanyos a.o./Romania*) (Striking Out)
- ECtHR 3 May 2007, 71156/01 (*Case of 97 members of the Gldani Congregation of Jehovah's Witnesses and 4 Others/Georgia*)
- ECtHR 15 May 2007, 52391/99 (*Ramsahai a.o./The Netherlands*) (GC)
- ECtHR 24 May 2007, 17060/03 (*Zelilof/Greece*)
- ECtHR 31 May 2007, 40116/02 (*Šečić/Croatia*)
- ECtHR 7 June 2007, 38411/02 (*Garabayev/Russia*)
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 ECtHR 6 March 2012, 54415/09 (*Deari a.o./The former Yugoslav Republic of Macedonia*)

### III. Court of Justice of the European Union

CJEU 9 February 1999, C-167/97 (*Regina/Secretary of State for Employment, ex parte Nicole Seymour-Smith and Laura Perez*) ECR 1999 I-00623  
 CJEU 9 September 2003, C-25/02 (*Katharina Rinke/Ärztchamber Hamburg*), [2003] ECR I-08349

### IV. International Court of Justice

ICJ 9 April 1949, I.C.J. Reports 1949, p. 4 (*Corfu Channel (United Kingdom/Albania)*) (Merits)  
 ICJ 17 November 1953, I.C.J. reports 1953, p. 52 (*Minquiers and Ecrehos Case (France/United Kingdom)*)  
 ICJ 26 February 2007, I.C.J. Reports 2007, p. 43 (*Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina/Serbia and Montenegro)*)  
 ICJ 3 February 2015, I.C.J. Reports 2015 (*Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia/Serbia)*), separate opinion of judge Gaja

### V. Inter-American Court of Human Rights

IACtHR 29 July 1988, (Ser. C) No. 4 (1988) (*Velásquez Rodríguez/Honduras*) (Merits)  
 IACtHR 4 September 1998, Series C No. 41 (*Castillo-Petruzzi a.o./Peru*) (Preliminary Objections)  
 IACtHR 29 November 2006, Series C No. 162 (*Case of La Cantuta/Perú*) (Merits, Reparations and Costs)  
 IACtHR 24 October 2012, (Ser. C.) No. 251 (*Nadege Dorzema et al./Dominican Republic*) (Merits, Reparations and Costs)

### VI. National courts

#### *Australia*

*Director of Public Prosecutions (Vic) v. RSP*, [2010] VSC 128 (31 March 2010)  
*R. v. Winefield* [2011] NSWSC 337 (20 April 2011)

#### *United Kingdom*

House of Lords (United Kingdom) 17 February 2000, *R. v. Secretary of State for Employment Ex. p. Seymour-Smith (No. 2)*, [2000] UKHL 12; [2000] 1 All ER 857; [2000] 1 WLR 435  
 House of Lords (United Kingdom) 9 December 2004, *R. (on the application of the European Roma Rights Centre) v. Immigration Officer, Prague Airport*, [2004] UKHL 55  
 Court of Appeal (Criminal Division) (United Kingdom) 12 October 2009, *R. v. Majid (Abdul)*, [2009] EWCA Crim 2563

#### *United States of America*

United States Court of Appeals, Tenth Circuit, 25 August 1989, *U.S./Lane*, 883 F.2d 1484 (10th Cir. 1989)  
 United States Court of Appeals, Sixth Circuit, 28 May 1991, *United States/Gresser*, 935 F.2d 96 (6th Cir. 1991)  
 Supreme Court (United States) 8 March 1971, *Willie S. Griggs et al. Petitioners/Duke Power Co.*, 401 U.S. 424 (1971)  
 Supreme Court (United States) 14 May 1973, *McDonnell Douglas Corp./Green*, 411 U.S. 792 (1973)

## Curriculum Vitae

Jasmina Mačkić was born in Čapljina, Bosnia and Herzegovina, on 27 April 1984. In September 1993, she fled war in Bosnia and Herzegovina together with her parents and sister and brother. She attended the Alfrink College Zoetermeer, The Netherlands, where she graduated in 2003. She finished her Masters in Criminal law and criminal procedure (2008) and European law (2009) in Leiden. After her graduation she taught the course 'European Convention on Human Rights' at the Europa Institute in Leiden and worked for the Council of State of the Netherlands. In 2010 she has been awarded a Mozaïek subsidy from the Netherlands Organisation for Scientific Research (NWO) to carry out PhD research at the Europa Institute in Leiden. During her research period, she has conducted a two-month internship in Strasbourg at the Council of Europe's Roma Support Team, a body within the Council of Europe dedicated to a variety of issues concerning the Roma. Additionally, she stayed for five months as a Visiting Research Scholar at the University of Michigan Law School in Ann Arbor in 2013. Between September 2015 and December 2016, she has been working as a lecturer for the Institute of Criminal Law and Criminology, the Moot Court Department (both at Leiden Law School) and the University of Applied Sciences in Leiden. Since January 2017 she has been working as a lecturer and researcher at the Europa Institute at Leiden Law School.

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2016 and 2017:

- MI-258 J.C.W. Gooren, *Een overheid op drift* (diss. Leiden), Zutphen: Wöhrmann 2015, ISBN 978 94 6203 973 5
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- MI-261 C.G. Breedveld-de Voogd, A.G. Castermans, M.W. Knigge, T. van der Linden & H.A. ten Oever (red.), *Core Concepts in the Dutch Civil Code. Continuously in Motion*, BWKJ nr. 30, Deventer: Kluwer 2016, ISBN 978 90 1313 725 5
- MI-262 P.W. den Hollander, *De relativiteit van wettelijke normen*, (diss. Leiden), Den Haag: Boom Juridische uitgevers 2016, ISBN 978 94 6290 235 0
- MI-263 W. Wels, *Dead body management in armed conflict: paradoxes in trying to do justice to the dead*, (Jongbloed scriptieprijs 2015), Den Haag: Jongbloed 2015, ISBN 979 70 9003 825 9
- MI-264 E.A. Fredericks, *Contractual Capacity in Private International Law*, (diss. Leiden), Zutphen: Wöhrmann 2016
- MI-265 J.H. Crijns, B.J.G. Leeuw & H.T. Wermink, *Pre-trial detention in the Netherlands: legal principles versus practical reality*, Research Report, Den Haag: Eleven International Publishing (Bju) 2016, ISBN 978 94 6236 687 9
- MI-266 B.E.E.M. Cooreman, *Addressing global environmental concerns through trade measures: Extra-territoriality under WTO law from a comparative perspective*, (diss. Leiden), Zutphen: Wöhrmann 2016
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- MI-268 J.G.H. Altena, *Het legaliteitsbeginsel en de doorwerking van Europees recht in het Nederlandse materiële strafrecht*, (diss. Leiden), Deventer: Wolters Kluwer 2016, ISBN 978 90 1313 885 6
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- MI-274 E.J.M. Vergeer, *Regeldruk vanuit een ander perspectief. Onderzoek naar de beleving van deregulering bij ondernemers*, (diss. Leiden)
- MI-275 J.J. Oerlemans, *Investigating Cybercrime*, (diss. Leiden), Amsterdam: Amsterdam University Press 2017, ISBN 978 90 8555 109 6
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- MI-280 J. Tegelaar, *Exit Peter Paul? Divergente toezichthoudersaansprakelijkheid in de Europese Unie voor falend financieel toezicht, gezien vanuit het Europeesrechtelijke beginsel van effectieve rechtsbescherming*, (Jongbloed scriptieprijs 2016), Den Haag: Jongbloed 2017, ISBN 978 90 8959 129 6

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