



# INTERNATIONAL LEGAL MATERIALS

---

---

## FEATURING:

646

United States Supreme Court: *Boumediene v. Bush*  
*Introductory Note by Julian Davis Mortenson*

705

United States Supreme Court: *Munaf v. Geren*  
*Introductory Note by Stephen I. Vladeck*

723

International Court of Justice: *Interpretation of the Judgment in Avena*  
*Introductory Note by Chiara Giorgetti*

740

International Criminal Tribunal for Rwanda: *Kanyarukiga- Request for Referral*  
*Introductory Note by Ruth Frölich*

766

Supreme Court of Israel: *Anonymous v. Israel*  
*Introductory Note by Scott Lyons*

801

United States Court of Appeals for the 11th Circuit: *Gandara v. Bennett*  
*Introductory Note by Ronald J. Bettauer*

814

United Nations Security Council Resolution 1822  
*Introductory Note by David P. Stewart*

824

United Nations Security Council Resolution 1820  
*Introductory Note by Marianne Mollmann*

829

International Criminal Court: *Application for Warrant of Arrest Against Al Bashir*  
*Introductory Note by William Slomanson*

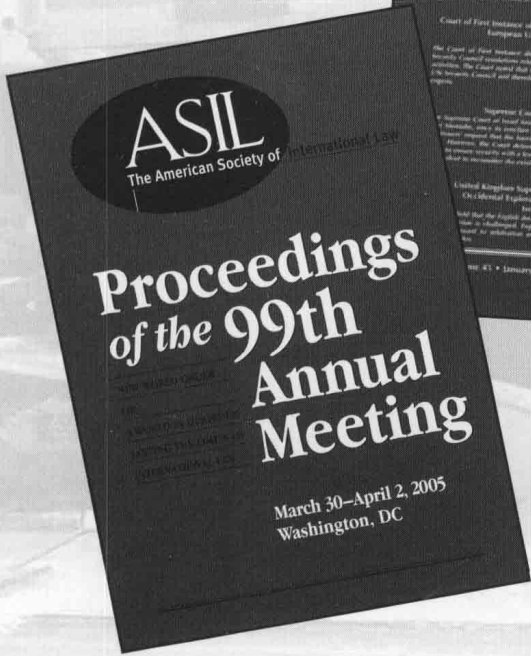
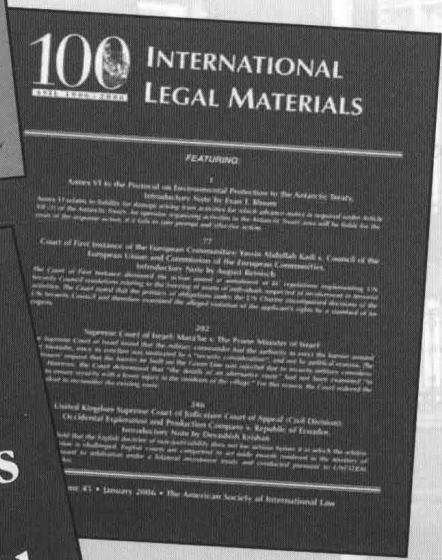
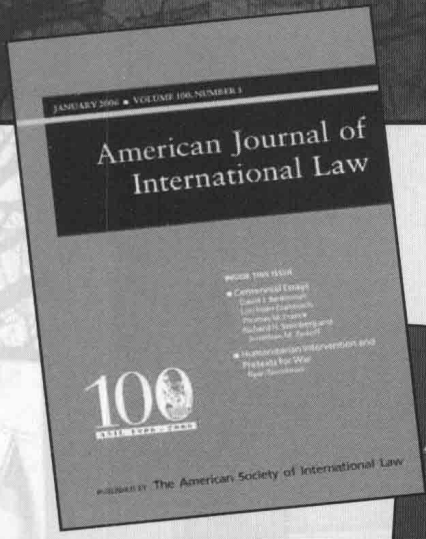
833

International Court of Justice: *Malaysia v. Singapore*  
*Introductory Note by David A. Colson and Brian J. Vohrer*



*Your Resource For  
The Latest And Best  
In International Law*

# THE AMERICAN SOCIETY OF INTERNATIONAL LAW



SINCE 1906, THE ASIL HAS KEPT INDIVIDUALS AND INSTITUTIONS AROUND THE WORLD UP-TO-DATE WITH THE BEST INFORMATION ON INTERNATIONAL LAW.

THROUGH ITS MEMBERSHIP PROGRAM, FLAGSHIP PUBLICATIONS, ELECTRONIC INFORMATION BULLETINS, AND RENOWNED MEETINGS AND NETWORKING OPPORTUNITIES, THE ASIL LEADS THE FIELD.

TO LEARN MORE, VISIT [www.asil.org](http://www.asil.org).

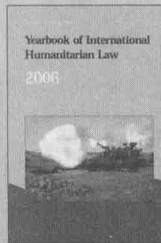
# Cambridge Law: Your Source for The Best and Latest Law Books

## Yearbook of International Humanitarian Law

Volume 9: 2006

**T. McCormack and  
J. K. Kleffner**

*Yearbook of International Humanitarian Law*  
\$240.00: Hardback: 978-9-067-04269-7: 700 pp.



## Netherlands Yearbook of International Law

Volume 38: 2007

**I. F. Dekker and  
P. A. Nollkaemper**

*Netherlands Yearbook of International Law*  
\$170.00: Hardback: 978-9-067-04268-0: 780 pp.



## *Bilateral and Regional Trade Agreements*

**By Simon Lester and  
Bryan Mercurio**

As the Doha Development Round trade negotiations have stalled, bilateral and regional free trade agreements have become an important alternative. These agreements have proliferated in recent years, and now all of the major trading countries are engaging in serious bilateral and regional trade negotiations with multiple trading partners. Together, these two volumes provide a comprehensive study of recent bilateral and regional trade agreements.



### 2-Volume Set

\$260.00: 2 Hardback books: 978-0-521-49430-4: 712 pp.

### Case Studies

\$150.00: Hardback: 978-0-521-87828-9: 248 pp.

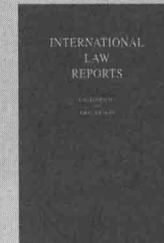
### Commentary and Analysis

\$170.00: Hardback: 978-0-521-87827-2: 464 pp.

## *International Law Reports*

**Elihu Lauterpacht and  
Christopher J. Greenwood**  
in association with  
**Andrew Oppenheimer**  
Assisted by **Karen Lee**

The *International Law Reports* is the only publication in the world wholly devoted to the regular and systematic reporting in English of decisions of international courts and arbitrators as well as judgments of national courts.



### Volume 135

\$245.00: Hb: 978-0-521-87924-8: 700 pp.

### Volume 134

\$245.00: Hb: 978-0-521-87923-1: 700 pp.

### Complete Set: Volumes 1-133

\$17,678.00: Hb: 978-0-521-46926-5: 92,018 pp.

For more information on current and previous print volumes, please visit our website at

[www.cambridge.org/us/law](http://www.cambridge.org/us/law)

## *International Convention on the Settlement of Investment Disputes Reports*

**By Rosemary Rayfuse, James Crawford and Karen Lee**

The *ICSID Reports* contain decisions rendered by arbitral tribunals and ad hoc committees set up within the framework of the Centre established pursuant to the ICSID Convention and other decisions, whether judicial or arbitral, relating to such proceedings. These reports will be an invaluable practical tool for lawyers working on international investment issues and in international arbitration.

### Set of Twelve Volumes

\$3,100.00: 12 Hardback books: 978-0-521-62464-0: 2,192 pp.

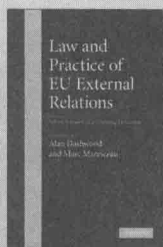
### Volume 13

\$360.00: Hb: 978-0-521-89987-1: 598 pp.

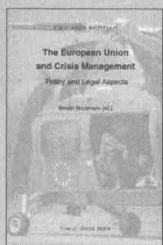
Prices subject to change.

# Cambridge Law: Your Source for The Best and Latest Law Books

**Law and Practice of EU External Relations**  
Salient Features of a Changing Landscape  
**Alan Dashwood and Marc Maresceau**  
\$130.00: Hardback: 978-0-521-89923-9: 512 pp.



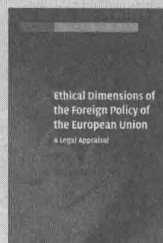
**The European Union and Crisis Management**  
Policy and Legal Aspects  
**Steven Blockmans**  
\$130.00: Hardback: 978-9-067-04286-4: 400 pp.



**Environmental Liability and Ecological Damage In European Law**  
**Monika Hinteregger**  
*The Common Core of European Private Law*  
\$180.00: Hardback: 978-0-521-88997-1: 760 pp.



**Ethical Dimensions of the Foreign Policy of the European Union**  
A Legal Appraisal  
**Urfan Khaliq**  
*Cambridge Studies in European Law and Policy*  
\$130.00: Hardback: 978-0-521-87075-7: 544 pp.



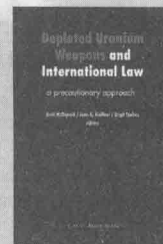
**Dividing Lines between the European Union and Its Member States**  
The Impact of the Treaty of Lisbon  
**Stephen C. Sieberson**  
\$100.00: Hardback: 978-9-067-04284-0: 320 pp.



**Common Legal Framework for Takeover Bids in Europe**  
Volume 1  
**Dirk Van Gerven**  
*Law Practitioner Series*  
\$170.00: Hardback: 978-0-521-51666-2: 480 pp.



**Depleted Uranium Weapons and International Law**  
A Precautionary Approach  
**Avril McDonald, Jann K. Kleffner and Brigit C. A. Toebes**



This work provides an in-depth analysis of the international legal aspects of the use of depleted uranium (DU) ammunition and armor. The book also takes as a starting point a precautionary approach in light of the considerable remaining scientific uncertainties. It examines various principles and rules of international law, which would be at play if the health and environmental concerns regarding the use of DU were to materialize.  
\$100.00: Hardback: 978-9-067-04265-9: 340 pp.

**Negotiation and the Global Information Economy**  
**J. P. Singh**



This book explores the conditions under which negotiations matter and the ways in which diplomacy is evolving in the global commercial arena. J. P. Singh argues that where there is diffusion or decentralization of power among global actors, diplomacy can be effective in allowing the adjustment of positions so that mutual gains will result. In contrast, when there is a concentration of power, outcomes tend to benefit the strong. There will be little alteration in perception of interest, and coercion by strong powers is common. Singh's work suggests that there are possibilities for transformational problem-solving through multilateral diplomacy. Empirically, the text examines the most important information-age trade issues.  
\$99.00: Hardback: 978-0-521-51531-3: 392 pp.  
\$38.99: Paperback: 978-0-521-73108-9

Prices subject to change.

# Annotated Leading Cases of International Criminal Tribunals



*Annotated Leading Cases of International Criminal Tribunals* provides you with the full text of **the most important decisions, including concurring, separate and dissenting opinions** of the ICTY, ICTR, The Special Court for Sierra Leone, The Special Panels for Serious Crimes of Timor-Leste and the ICC.

- » Browse and consult all judgments of the international criminal tribunals and courts online
- » Easy search options:
  - › court or tribunal
  - › case number
  - › accused
  - › keyword
  - › date or period
  - › annotation author
  - › full-text
- » Easy refining of your search criteria
- » Commented by distinguished experts in the field of international criminal law
- » Decisions and commentaries downloadable in pdf-format

If you wish to subscribe please visit [www.annotatedleadingcases.com](http://www.annotatedleadingcases.com)  
If you would like a one-month trial access, please send your request to [annotatedleadingcases@intersentia.be](mailto:annotatedleadingcases@intersentia.be)

**[www.annotatedleadingcases.com](http://www.annotatedleadingcases.com)**



Groenstraat 31  
BE-2640 Mortsel  
Belgium

T +32 3 680 15 50  
F +32 3 658 71 21

[www.intersentia.com](http://www.intersentia.com)  
[mail@intersentia.be](mailto:mail@intersentia.be)

International Legal Research will  
**NEVER** be the Same!

The United Nations and HeinOnline have  
joined forces to bring you the...

---

# United Nations Law Collection

---

Exact digital replica of the original  
collection, *never before offered!*

First Release will contain 14 titles, including:

- United Nations Treaty Series
- Reports of International Arbitral Awards
- United Nations International Court of Justice,  
Reports of Judgements Advisory Opinions and Orders

\*Special pricing available to those who  
subscribe prior to January 1, 2009

Call 1-800-828-7571 or e-mail  
[marketing@wshein.com](mailto:marketing@wshein.com) to subscribe today!



1285 Main Street, Buffalo, NY 14209-1987 - Fax (716) 883-8100

[wshein.com](http://wshein.com) - [heinonline.org](http://heinonline.org) - [marketing@wshein.com](mailto:marketing@wshein.com)

ASIL 103rd Annual Meeting

# International Law as Law

March 25-28, 2009

Washington DC

With a century of tradition and experience behind it, ASIL's Annual Meeting has become the most important gathering in the field of international law. More than 1,000 practitioners, academics, and students travel to Washington, DC each spring from all over the world to debate and discuss the latest developments in their field.

## 2009 Annual Meeting Theme Statement:

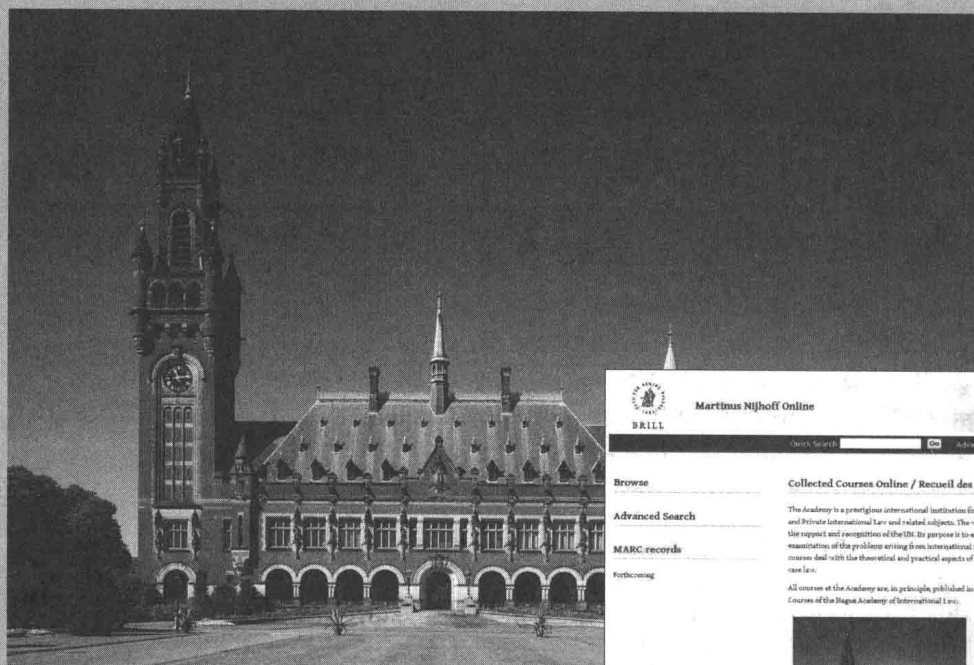
While 2008 is destined to be a year shaped by political and foreign policy debates, the 2009 Annual Meeting of the American Society of International Law presents a time for us to step back and renew our focus on International Law as Law.

The international legal system is unique. Like domestic law, international law is created, implemented, and enforced - but in a manner that is distinct, varied, and constantly evolving. Understanding how international law functions as law today requires an examination of the nature of the actors in the international legal system and the changing ways in which they interact with one another. These developments are challenging and transforming traditional visions of international law, sparking new and renewed theoretical and practical debates.

The 2009 Annual Meeting will present a broad range of perspectives on the creation, implementation, enforcement, and critique of international law today. We will examine the changing character of fundamental aspects of the international legal system, including the sources of international law, the role of states and their constituent branches of government in generating and implementing international obligations (including the role of domestic courts in enforcing treaty obligations), the law-making and law executing functions of international organizations, and the role of non-state actors (including civil society, individuals, and businesses) as creators, enforcers, and subjects of international law. We will also examine developments in substantive law and innovations in techniques for achieving compliance.



# Recueil des cours de l'Académie de la Haye en ligne / The Hague Academy Collected Courses Online



Brill is delighted to announce the launch of *The Hague Academy Collected Courses Online / Recueil des Cours de l'Académie de la Haye en ligne*, opening up online access to over 80 years of the history of international law to students and researchers around the world.

The Hague Academy of International Law is a centre for high-level education in public and private international law. The Academy's scientific body, the Curatorium, calls upon foremost specialists, including academics, practitioners, diplomats, and other leading experts from all over the world, to deliver courses to an international audience in

English or French. The courses are published in the *Collected Courses of the Hague Academy of International Law*, which are the most important encyclopaedic publications on private and public international law.

## KEY FEATURES

- Essential online resource for law libraries
- Over 320 volumes
- Content of new courses added to the online edition throughout the year
- Online edition is fully searchable and bilingual

## Annual Subscription Prices

	Unlimited Site License	Limited Site License (3 concurrent users)
<i>Libraries with a standing order to the print edition:</i>	• List price EUR 2900.- / US\$ 4320.-	• List price EUR 1930.- / US\$ 2880.-
<i>Libraries with no print holdings:</i>	• List price EUR 3460.- / US\$ 5150.-	• List price EUR 2300.- / US\$ 3430.-



BRILL

For further details and for additional pricing options, including consortia pricing or outright purchase options, please contact [sales@brill.nl](mailto:sales@brill.nl).

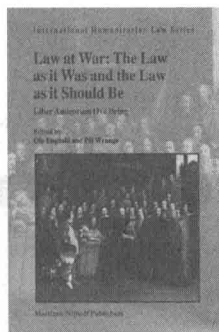


MARTINUS  
**NIJHOFF**  
PUBLISHERS



## Law at War: The Law as it Was and the Law as it Should Be *Liber Amicorum Ove Bring*

Edited by Ola Engdahl and Pål Wrangé

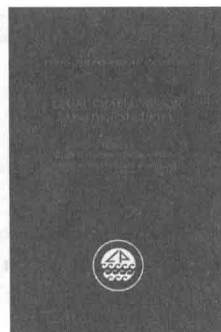


- August 2008
- ISBN 978 90 04 17016 2
- *Hardback* (xii, 332 pp.)
- List price EUR 125.- / US\$ 200.-
- International Humanitarian Law Series, 22

This collection brings together insights from a former UN Legal Counsel, a former Executive Chairman of UNMOVIC, present and former judges of the European Court of Justice, the International Criminal Tribunal for the former Yugoslavia and the International Tribunal for the Law of the Sea, one present and one former member of the International Law Commission, as well as law professors and practitioners, from all Nordic countries, Germany and Australia. Together they form a highly challenging mosaic of perspectives on topical issues like cluster munitions, targeting, human rights in peace operations and the purposes of sentencing in international tribunals.

## Legal Challenges in Maritime Security

Edited by Myron H. Nordquist, Rüdiger Wolfrum, John Norton Moore and Ronán Long



- June 2008
- ISBN 978 90 04 16427 7
- *Hardback + CD-rom* (xviii, 594 pp.)
- List price EUR 145.- / US\$ 216.-
- Center for Oceans Law and Policy, 12

One unique feature of this volume is that many of the contributions are by operational commanders with first-hand experience of the practical law enforcement problems involved in minimizing disruption to legitimate trade and business. This collection will appeal to all concerned with maritime security and the protection of vital international trade by sea. The CD accompanying the volume includes important documents such as the UN Convention on the Law of the Sea as well many PowerPoint presentations from the thirty-first annual Virginia conference held in Heidelberg, Germany, May 24-26, 2007.



BRILL

MARTINUS  
NIJHOFF  
PUBLISHERS

# International Criminal Law, 3rd edition

Edited by M. Cherif Bassiouni

• SET PRICE: 3 Volumes EUR 385.- / US\$ 385.-

The definitive treatise on international criminal law, M. Cherif Bassiouni's unique 3-volume collection is now in its third edition. Written by more than 50 outstanding authorities from 19 countries, it covers the entire field, from the theory of what makes a crime "international" to the step-by-step conduct of an international prosecution. Its in-depth coverage includes:

- analysis of the doctrinal basis of international criminal law
- the historical development of international criminal law and policy
- detailed treatment of 16 crimes that have been given international jurisdiction, including torture, genocide, war crimes, and crimes against humanity
- issues of immunity and jurisdiction
- judicial assistance
- recognition of foreign penal judgments
- extradition and transfer of prisoners
- taking evidence abroad
- seizure of foreign assets
- international criminal tribunals procedure
- international criminal prosecutions in domestic courts and a great deal more. Attention is paid throughout the presentation to the complex cultural and regional issues that often arise in this field of practice.

This new third edition has been thoroughly revised, making it the most current and comprehensive treatment available of this major area of international law theory and practice.

M. Cherif Bassiouni is Professor of Law at DePaul University. He was a driving force behind the establishment of the ICC, having advocated it worldwide for the last 30 years. In 1998, he served as Chairman of the Drafting Committee of the United Nations Diplomatic Conference on the Establishment of an International Criminal Court. Prior to that, from 1996 to 1998, he served as Vice-Chairman of the Preparatory Committee on the Establishment of an International Criminal Court and, in 1995, as Vice Chairman of the ad hoc Committee on an International Criminal Court.

## Volume 1 - Sources, Subjects and Contents

- August 2008
- ISBN 978 90 04 16532 8
- *Hardback* (1130 pp.)
- List price EUR 170.- / US\$ 170.-
- International Criminal Law, 3rd edition, 1

### TABLE OF CONTENTS

Part I
Chapter 1: Sources and Subjects
Chapter 2: Contents
Part II
Chapter 3: The Crime Against Peace and Aggression
Chapter 4: War Crimes, Crimes Against Humanity and Genocide
Chapter 5: Crimes Against Fundamental Human Rights
Chapter 6: Crimes of Terror-Violence
Chapter 7: Crimes Against Social Interest

## Volume 2 - Multilateral and Bilateral Enforcement Mechanisms

- September 2008
- ISBN 978 90 04 16531 1
- *Hardback* (750 pp.)
- List price EUR 170.- / US\$ 170.-
- International Criminal Law, 3rd edition, 2

### TABLE OF CONTENTS

Chapter 1: Policies and Modalities
Chapter 2: Jurisdiction
Chapter 3: Extradition
Chapter 4: Judicial Assistance and Mutual Cooperation in Penal Matters
Chapter 5: Recognition of Foreign Penal Judgments, Transfer of Criminal Proceedings, and Execution of Foreign Penal Sentences

## Volume 3 - International Enforcement

- September 2008
- ISBN 978 90 04 16530 4
- *Hardback* (750 pp.)
- List price EUR 170.- / US\$ 170.-
- International Criminal Law, 3rd edition, 3

### TABLE OF CONTENTS

Chapter 1: History of International Investigations and Prosecutions
Chapter 2: International Criminal Tribunals and Mixed Model Tribunals
Chapter 3: National Prosecutions for International Crimes
Chapter 4: Contemporary Issues in International Criminal Law Doctrine and Practice

# Aspen Publishers' International Law Titles

## NOW AVAILABLE

**International Intellectual Property in an Integrated World Economy**  
Frederick M. Abbott, Thomas Cottier, and Francis Gurry

**International Civil Litigation in United States Courts, 4E**  
Gary B. Born and Peter B. Rutledge

**Foreign Relations Law Cases and Materials, 2E**  
Curtis A. Bradley and Jack L. Goldsmith

**International Environmental Law and Policy, 2E**  
Edith Brown Weiss, Stephen C. McCaffrey, Daniel Barstow Magraw, and A. Dan Tarlock

**International Law, 5E**  
Barry E. Carter, Phillip R. Trimble, and Allen S. Weiner

**International Business Transactions Problems, Cases, and Materials**  
Daniel C. K. Chow and Thomas J. Schoenbaum

**International Law Norms, Actors, Process A Problem-Oriented Approach, 2E**  
Jeffrey L. Dunoff, Steven R. Ratner, and David Wippman

**Counterterrorism Law**  
Stephen Dycus, William C. Banks, and Peter Raven-Hansen

**National Security Law, 4E**  
Stephen Dycus, Arthur L. Berney, William C. Banks, and Peter Raven-Hansen

**Global Perspectives on Counterterrorism**  
Amos N. Guiora

**United States and International Sales, Lease, and Licensing Law Cases and Problems**  
Bryan D. Hull

**International Human Rights Problems of Law, Policy, and Practice, 4E**  
Richard B. Lillich, Hurst Hannum, S. James Anaya, and Dinah L. Shelton

**Introduction to United States International Taxation, 5E\***  
Paul R. McDaniel, Hugh J. Ault, and James R. Repetti

## AVAILABLE IN 2008

**International Trade Law Problems, Cases, and Materials**  
Daniel C. K. Chow and Thomas J. Schoenbaum

**Terrorism Primer**  
Amos N. Guiora

**International Law, 5E\*\***  
Mark W. Janis

**The International Lawyer's Guide to Legal Analysis and Communication in the United States**  
Deborah B. McGregor and Cynthia M. Adams

**International Sales Law and Arbitration Problems, Cases and Commentary**  
Joseph F. Morrissey and Jack M. Graves

**Legal Reasoning, Research, and Writing for International Graduate Students, 2E\*\***  
Nadia E. Nedzel

**Transnational and International Criminal Law\***  
David Stewart, David Luban, and Julie O'Sullivan

**International Criminal Law The Essentials**  
Elizabeth Van Schaack and Ronald C. Slye

## AVAILABLE IN 2009

**International Human Rights and Indigenous Peoples**  
S. James Anaya

## KLUWER LAW INTERNATIONAL TITLES

**Fundamental International Business Transactions**  
Ronald A. Brand

**Uniform Application of the International Sales Law Understanding Uniformity, the Global Jurisconsultorium and Examination and Notification Provisions**  
Camilla Baasch Andersen

**Theory and Practice of International and Internationalized Criminal Proceedings**  
Geert-Jan Knoops

**Private Dispute Resolution in International Business Negotiation, Mediation, Arbitration**  
Klaus P. Berger

**Foreign Investment Disputes Cases, Materials, and Commentary**  
Raymond Doak Bishop, James Crawford, and Michael Reisman

**Comparative International Commercial Arbitration**  
Dr. Julian D. M. Lew, Loukas A. Mistelis, and Dr. Stefan Kröll

**The Rule of Law in Japan A Comparative Analysis**  
Carl F. Goodman

**Scott on Outsourcing Law and Practice**  
Michael D. Scott

\*New Edition available in 2009 \*\*Previous Edition is currently available

## ASPEN PUBLISHERS PROUDLY PRESENTS...

### LAW ACROSS BORDERS

*Law Across Borders*, a new series by Aspen Publishers, is being offered to professors who want to introduce an international perspective into their courses easily and confidently.

These brief paperbacks, 150-250 pages in length, will center around a single high-interest problem of international significance as it pertains to a specific course area. The problem orientation will offer a framework for asking fundamental questions and teaching students how to think about international law issues. Each title in the series will be accompanied by Professor's Notes that explain how the author uses his or her materials in their class.

#### New Titles Available in 2009:

Plea Bargaining Across Borders  
Civil Procedure  
Jenia I. Turner

Climate Change and Property Rights  
Hari Osofsky and Wil Burns

Constitutional Law  
Regulation of Abortion  
Colin B. Picker

#### For more information:

Call: 800.950.5259 | Fax: 800.915.3450 | Email: [legaledu@wolterskluwer.com](mailto:legaledu@wolterskluwer.com)

Visit: <http://lawschool.aspenpublishers.com>

The Justis logo features the word "Justis" in a serif font, with a stylized graphic of three overlapping circles above the letter 'i'.

# The International Law Reports Online

## New from Fall 2008

- ▶ Full coverage from 1919 to the most current rulings
- ▶ Full cross-linking and cross-referencing
- ▶ Full advanced search capabilities
- ▶ Cases in English from international and national courts worldwide

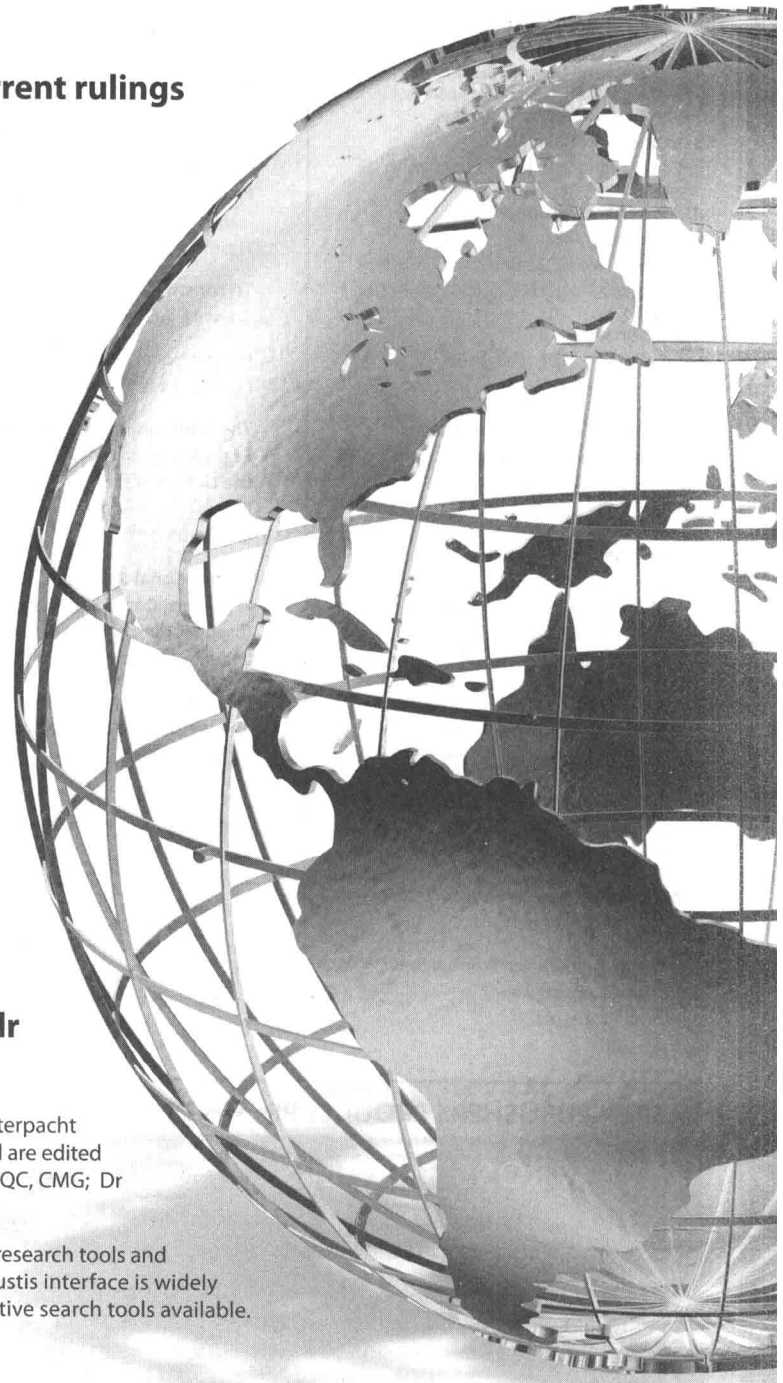
From Fall 2008 for the **first time ever** the full archive of the International Law Reports will be available in a fully searchable form online via the award-winning Justis platform.

The International Law Reports Online is a must for all practitioners and academics specialising in international law and is the only database in the world devoted to the regular and systematic reporting of decisions on points of international law from every relevant jurisdiction – international and national.

For more information on **International Law Reports Online**, please visit [www.justis.com/ilr](http://www.justis.com/ilr) or email [sales@justis.com](mailto:sales@justis.com)

Cases reported in the International Law Reports are prepared at the Lauterpacht Research Centre for International Law at the University of Cambridge and are edited by: Sir Elihu Lauterpacht, CBE, QC; Professor Christopher J. Greenwood, QC, CMG; Dr Andrew G. Oppenheimer; and Ms Karen Lee.

Justis Publishing Limited is an independent provider of electronic legal research tools and services, and has pioneered electronic legal research since 1986. The Justis interface is widely regarded by practitioners and academics alike as one of the most intuitive search tools available.



**CAMBRIDGE**  
UNIVERSITY PRESS

**JUSTIS**  
PUBLISHING

## Foreword

From its beginning, the Society established as one of its primary functions the regular collection, publication, and dissemination of important international legal materials. These materials were first published as a section of the *American Journal of International Law*, and since the 1960s as the current stand-alone *International Legal Materials* publication. The publication met a critical need in that earlier era—when access to primary source legal materials was limited. Today, access to information is no longer a problem. Indeed, our challenge is too much information. And therein we find a continuing mission for *International Legal Materials*.

The dramatic growth in the international legal field makes it nearly impossible for scholars and practitioners—let alone the general public—to keep abreast of the most important international legal developments. Fortunately they can rely on our staff and Editorial Advisory Committee to sift through the vast array of documents, identify those that are truly significant, and highlight them in *International Legal Materials* and our bi-monthly electronic bulletin, *International Law in Brief*. The Society's periodic *ASIL Insights* provide additional analysis of particularly high-profile developments.

Beginning in 2007, we have been supplementing all documents published in *International Legal Materials* with an introductory note from one of the many experts ASIL counts among its members. These notes provide summaries of the documents and key insights into their significance. In this volume we feature notes by Julian Davis Mortenson, Stephen I. Vladeck, Chiara Giorgetti, Ruth Frölich, Scott Lyons, Ronald J. Bettauer, David P. Stewart, William Slomanson, Marianne Mollmann, David Colson and Brian Vohrer. We are extremely grateful to these authors, and we are confident that you will value their contributions as well.

Please send us your comments and suggestions as we continue our efforts to meet the evolving needs of the international legal community.

Sincerely,

Elizabeth Andersen  
Chair  
Editorial Advisory Committee  
*International Legal Materials*

# INTERNATIONAL LEGAL MATERIALS®

## Statement of Editorial Policy

*International Legal Materials* is a core publication of The American Society of International Law that reproduces texts of documents reflecting the broad scope and evolution of international law. The range of covered subjects has expanded from traditional topics such as international organizations, jurisdiction, and international trade to include developments in fields such as intellectual property, environmental law, nuclear non-proliferation, human rights, and international criminal law.

*International Legal Materials* serves as both a bi-monthly information service and a widely recognized archive of international law documents for a diverse, global community of legal scholars, government officials, private practitioners and institutions sharing a common interest in international law. To meet the varied demands of such a readership, documents are selected from world-wide sources on the basis of their present and future legal significance.

*International Legal Materials* is prepared for publication in Washington, D.C. with both the advice of the Editorial Advisory Committee and the assistance of Corresponding Editors around the world. In order to reproduce the texts of selected documents under tight production schedules, the best available source is used, whether electronic or printed.

Readers are invited to send comments to:

Djurdja Lazić  
Managing Editor, *International Legal Materials*  
The American Society of International Law  
2223 Massachusetts Avenue, NW  
Washington, DC 20008-2864

## Subscription Information

*International Legal Materials* (ISSN 0020-7829) is published bi-monthly (in January, March, May, July, September and November) by The American Society of International Law, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864.

For 2008 subscriptions, the rate for Society members in the U.S. is \$150; outside the U.S., \$215 (airmail delivery). The rate for non-members of the Society is \$255; outside the U.S., \$315 (airmail delivery). Subscriptions are on an anniversary basis of twelve months starting from start of subscription.

## Back Issues and Indices

ILM Volumes 1-42 (1962-2003) are available from William S. Hein & Co., 1285 Main Street, Buffalo, NY 14209-1987, toll-free (800) 828-7571, <http://www.wshein.com>. Hein's prices for back issues vary according to the ILM volume.

Both an annual table of contents and an annual index are carried in the November issue of each volume. Decennial Indices for *International Legal Materials* are available from Hein for the following periods: 1962-1969, 1970-1979, and 1980-1989.

ILM is also indexed by ABC POL SCI, IBZ-International Bibliography of Periodical Literature, Marine Affairs Bibliography, and Public Affairs Information Service.

## Online Access and Microfiche

*International Legal Materials* is available online through:

LEXIS/NEXIS — <http://www.lexis-nexis.com>

Westlaw — <http://www.westlaw.com>

Complete and odd volumes of *International Legal Materials* are available on microfiche from William S. Hein & Company, 1285 Main Street, Buffalo, NY 14209-1987, toll-free (800) 828-7571, <http://www.wshein.com>

## ILM Tables of Contents — Online

Recent ILM Tables of Contents are stored at The American Society of International Law website, <http://www.asil.org>. The Society's search engine can also be used to find the ILM citation of recently reproduced documents.

## Change of Address, Claims and Correspondence

Please inform the ASIL Service Center of a change of address in writing at least 60 days prior to moving in order to assure uninterrupted receipt of ILM. Your post office will not automatically forward your subscription. Claims for undelivered issues must be made in writing within three months of the publication date, which is available online at <http://www.asil.org/claims.htm>.

All correspondence regarding subscriptions and claims should be addressed to:

ASIL Service Center  
Association Headquarters  
Telephone: (856) 380-6810  
FAX (202) 986-4234  
<http://www.asil.org>, or e-mail: [services@asil.org](mailto:services@asil.org)

## Advertising

Inquiries about advertising rates and specifications should be directed to the Marketing Manager at the above address, phone or fax (but not e-mail address).

## Authorization to Photocopy

Authorization to photocopy items for internal or personal use (beyond that permitted by Sections 107 and 108 of the U.S. Copyright Law), or for the internal or personal use of specific clients, is granted by The American Society of International Law for users registered with the Copyright Clearance Center (CCC) Transactional Reporting Service, provided that the base fee of \$10 per copy, plus 25¢ per page, is paid directly to CCC, 222 Rosewood Drive, Danvers, MA 01923-4510, <http://www.copyright.com>

For those organizations that have been granted a photocopy license by CCC, a separate system of payment has been arranged. The fee code for users of the Transactional Reporting Service is: 0020-7829/98 \$10.00 + .25.

For academic course reprints, please contact the ILM Office at 2223 Mass. Ave., NW, Washington, DC 20008-2864.

---

Periodicals postage paid at Washington, DC and additional mailing offices. POSTMASTER: Send address changes and returns to ILM, 2223 Massachusetts Avenue, NW, Washington, DC 20008-2864. Return postage guaranteed.

## Guidelines for Submission of Documents

The ILM Office welcomes any effort to bring suitable documents to the Office's attention. Electronic files or web links are required for publication, although printed texts can be used for initial deliberations regarding republication.

The authenticity (*i.e.* official version status) of submitted documents must be easily verifiable. This is facilitated by submitting files or print versions which are clearly attributable to the original source, or by providing links to documents on the original source's official website.

If the official version of a document is not available in English, an unofficial translation is acceptable. The original text must accompany such a translation.

## Introductory Notes

Introductory Notes are brief articles from one to three pages in length which are intended to provide background information for a document reproduced in ILM.

For example, an Introductory Note for a treaty might include a short history of the negotiations, the dates of signature and entry into force. An Introductory Note for legislation would give its history and international significance, while one for judicial proceedings would provide the background of the case.

The views of authors in Introductory Notes are their own and do not necessarily reflect those of either the American Society of International Law or the Managing Editor.

## Acceptance of Materials and Corrections

Print submissions cannot be returned. Translators and others submitting material will be notified of the acceptance of their document for publication.

Once a translation or Introductory Note has been accepted for reproduction, The American Society of International Law will send a publication agreement to the author.

Translators and Introductory Note Authors shall be acknowledged in *International Legal Materials*.

In some cases minor editorial or typographical alterations may be made without contacting the author or translator. Major corrections will be sent to the author or translator for approval. Corrected Introductory Notes or translations must be returned within the time specified.

## Contributions and Correspondence

Please address all correspondence to:

Djordja Lazić  
Managing Editor, *International Legal Materials*  
2223 Massachusetts Avenue, NW  
Washington, DC 20008-2864

Telephone: (202) 939-6000

FAX: (202) 797-7133

e-mail: dlazic@asil.org

### *International Law In Brief*

The Attorney-Editors of *International Legal Materials* also publish the e-mail newsletter *International Law In Brief*, which contains objective abstracts of recently released documents pertinent to international law.

Documents abstracted in *International Law In Brief* are later considered for reproduction in *International Legal Materials*.

A complete *International Law In Brief* archive is located at The American Society of International Law website (<http://www.asil.org>). A search engine provides an easy way to find abstracts of specific documents.

---

The *International Law In Brief* publication is free, but has an independent subscription.

To subscribe, go to the registration website at:

<http://www.asil.org/subscribeelectronic.cfm>

For further information, please contact:

Djordja Lazić at [dlazic@asil.org](mailto:dlazic@asil.org)



## Managing Editor

Djurđja Lazić

## Editorial Advisory Committee

Elizabeth Andersen, *Chair*  
Evan T. Bloom  
Christina M. Cerna  
John R. Crook  
Jane Dalton  
Anne Joyce  
Nancy L. Perkins

Rafael Porrata-Doria  
David Stewart  
Charles Owen Verrill  
Jeffrey Walker  
Bruce Zagaris  
Nassib G. Ziadé  
*Members Emeriti*  
John Lawrence Hargrove

## ILM Corresponding Editors

Judge Leslie Alden (Int'l Ass'n Women Judges)  
Evelina Teubal Alhadeff (Mercosur, Argentina)  
Don Anton (Int'l Env., LOS)  
David J. Attard (Malta)  
Paolo Bargiacchi (Int'l Hegemonic Law)  
Welber Barral (Brazil, Int'l Trade)  
Delroy Beckford (Trade Remedies)  
Jean-François Bellis (European Communities)  
Charles H. Brower, II (Pub. Int'l, Arbitration)  
Gian Luca Burci (Int'l Health)  
William E. Butler (CIS)  
David JA Cairns (Investment Arbitration)  
James H. Carter (U.S. Second Circuit)  
Elizabeth Chien Hale (IP)  
Sudhir Chopra (India)  
Carl Q. Christol (Communications, Outer Space)  
Nivoi Christopoulou (European Union)  
John P. Cogan, Jr. (U.S. Fifth Circuit)  
Alice De Jonge (Multinational Corp. Resp.)  
Melaku Geboye Desta (AU, Agriculture, WTO)  
Christian De Vos (Human Rights)  
Janelle Diller (Int'l Labor Law)  
John R. Dugard (Southern Africa)  
Metem Erdem (Int'l Env., Turkey)  
Stephanie Farrior (Int'l Hum. Rights)  
Gustavo Ferreira Ribeiro (Brazil, Int'l Economic Law)  
Richard I. Fine (U.S. Ninth Circuit)  
Kimberly Gahan (Nat'l Security)  
Hannah R. Garry (Int'l Human Rights)  
Giacomo Gattinara (E.U.)  
Dencho G. Georgiev (Bulgaria)  
Chiara Giorgetti (Int'l Env.)  
Maria Gavouneli (Greece, Cyprus, LOS)  
Kevin R. Gray (Int'l Trade and Environment)  
Dermot Groome (Int'l Humanitarian)  
Moritaka Hayashi (LOS, Int'l Fisheries Law)  
Eckhard Hellbeck (Int'l Dis. Res.)  
Jean-Marie Henckaerts (Int'l Humanitarian Law)  
Cecil Hunt (Anti-Bribery Laws and Regulations)  
Larry D. Johnson (Int'l Atomic Energy Agency)  
Sami Kallel (Maghreb)  
Mark Kantor (Int'l Bus., Int'l Arbitration)  
Susan L. Karamanian (Investment, Arbitration)  
Nicholas Karambelas (Commercial Treaties, LOS)  
Kenneth Klein (Int'l Taxation)  
Christina Knahr (Int'l Investment Arbitration)  
Artur Kowalski (Poland, Pub. Int'l)  
Jeffrey D. Kovar (Pub. and Private Int'l Law)  
Karin Landgren (Children)  
Arnold H. Leibowitz (Immigration)  
Frankie F.L. Leung (Hong Kong)  
John Linarelli (Int'l Public Procurement)  
Keith N. Loken (Int'l Econ. Law)  
Jim Lynch (Int'l Tax)  
Pedro J. Martinez-Fraga (Int'l Litigation)  
Andrew Mitchell (WTO)  
Saira Mohamed (Int'l Human Rights)  
Jason Morgan-Foster (ICJ, ILC)  
Daryl A. Mundis (ICC, ICTR, ICTY)  
Boldizsár Nagy (Hungary)  
Michael O'Boyle (European Court of Human Rights)  
Jason Palmer (Pub. Int'l)  
Eric Pelofsky (Int'l Orgs.)  
Fabrizio Pagani (OECD)  
John R. Pate (Andean Community of Nations)  
T. Michael Peay (Pub. Int'l)  
Hernan Perez-Loose (Int'l Investment)  
Ryan Phair (Pub. Int'l)  
Shawn Pompian (Int'l Trade)  
Charles H. Poncet (Switzerland)  
Amelia B. Porges (WTO)  
Norman Printer (Int'l Humanitarian)  
Vikram Raghavan (World Bank)  
Heiko Recktenwald (German, WIPO)  
August Reinisch (European Law)  
Kenneth M. Rosen (Reg. Int'l Bus.)  
Timothy Rudy (OAS)  
Ewa Sakiewicz-Munnerlyn (Poland)  
Gerald S. Schatz (Bio-Medical Ethics/Health)  
Richard F. Scott (International Energy Agency)  
Jeremy Sharpe (Int'l Dis. Res.)  
William Slomanson (Pub. Int'l)  
Henri Smets (Int'l Env. Law, OECD)  
Stefaan Smis (Belgium)  
Brigitte Stern (France)  
Sompong Sucharitkul (Southeast Asia and the Pacific)  
Jiri Toman (Law of War)  
Antônio Augusto Cançado Trindade (Brazil, IACHR)  
Alexander Umole (Nigeria, IBT)  
Kim Van der Borgh (Belgium)  
Jorge A. Vargas (Mexico)  
Manuel E. Ventura-Robles (IACHR)  
Thomas W. Walde (Energy Law, Int'l Investment)  
Rebecca M.M. Wallace (United Kingdom)  
John Wilson (Private Int'l Law)  
Rick Wilson (Human Rights)  
Anthony Winer (Caspian Sea, Corruption)  
Yozo Yokota (Japan)  
Simon Young (Money Laundering)  
Alberto Zuppi (Int'l Crim.)

# INTERNATIONAL LEGAL MATERIALS

Volume 47 — No. 5 — 2008

— Contents —

United States Supreme Court: <i>Boumediene v. Bush</i> Introductory Note by Julian Davis Mortenson .....	647
United States Supreme Court: <i>Munaf v. Geren</i> Introductory Note by Stephen I. Vladeck .....	705
International Court of Justice: Request for Interpretation of the Judgment in Case Concerning <i>Avena and other Mexican Nationals</i> Introductory Note by Chiara Giorgetti .....	723
International Criminal Tribunal for Rwanda: <i>Prosecutor v. Kanyarukiga</i> —Decision on Prosecutor’s Request for Referral to the Republic of Rwanda Introductory Note by Ruth Frölich .....	740
Supreme Court of Israel: <i>Anonymous v. Israel</i> Introductory Note by Scott Lyons .....	766
United States Court of Appeals for the 11th Circuit: <i>Gandara v. Bennett</i> Introductory Note by Ronald J. Bettauer .....	801
United Nations Security Council Resolution 1822 Introductory Note by David P. Stewart .....	814
United Nations Security Council Resolution 1820 Introductory Note by Marianne Mollmann .....	824

## OTHER DOCUMENTS OF NOTE

International Criminal Court: Summary of the Prosecutor’s Application for Warrant of Arrest Against Omar Hassan Ahmad Al Bashir Introductory Note by William Slomanson .....	829
International Court of Justice: Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) Introductory Note by David A. Colson and Brian J. Vohrer .....	833

<b>BRIEFLY NOTED</b> .....	836
----------------------------	-----

VOLUME 47 — NUMBER 5