Table of Cases

Note on ordering: Cases are ordered alphabetically if cited with case names, otherwise the order is chronological.

INTERNATIONAL CASES

I Permanent Court of International Justice (PCIJ)

Case concerning certain German interests in Polish Upper Silesia, Merits, PCIJ Series A, No. 7, 1926, p. 46
Case of the S.S. ‘Lotus’, Judgment, Series A No. 10, pp. 10, 166
Case of the S.S. ‘Wimbledon’, Judgment, Series A No. 1, p. 166

II International Court of Justice (ICJ)

Aerial Incident of 10 August 1999 (Pakistan v. India), Jurisdiction of the Court, I.C.J. Reports 2000, pp. 12, 98
Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004, pp. 12, 350
Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Separate Opinion of Judge Bula-Bula, I.C.J. Reports 2002, pp. 100, 47
East Timor (Portugal v. Australia), Judgment, I.C.J. Reports 1995, p. 90
Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening), Judgment, I.C.J. Reports 2012, pp. 99, 365
Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019, pp. 95, 365
North Sea Continental Shelf cases (Federal Republic of Germany/ Denmark; Federal Republic of Germany/Netherlands), I.C.J. Reports 1969, pp. 3, 229
Right of Passage over Indian Territory (Merits), Judgment 12 April 1960, I.C.J. Reports 6, p. 99

III Permanent Court of Arbitration (PCA)
Chevron Corporation and Texaco Corporation v. The Republic of Ecuador, Case No. 2009–23, Second Partial Award on Track II, 30 August 2018, p. 79
Swissbourgh Diamond Mines and Others v. the Kingdom of Lesotho, Case-2013–29, Partial Final Award on Merits and Jurisdiction, 18 April 2016, p. 223

IV European Court of Human Rights (ECtHR)
Al-Skeini & Others v. UK (Appl. No. 55721/07), Judgment (Grand Chamber), 7 July 2011, p. 151
Chevron v. France (Appl. No. 49636/99), Judgment (Second Section), 13 February 2003, p. 142
Islamic Republic of Iran Shipping Lines v. Turkey (Appl. No.40998/98), Judgment of 13 December 2007, p. 81
Jaloud v. The Netherlands (Appl. No. 47708/08), Judgment (Grand Chamber), 20 November 2014, p. 151
Kalinic´ and Bilbija v. Bosnia and Herzegovina (Appl. Nos. 45541/04 and 16587/07), Admissibility Decision (Fourth Section), 13 May 2008, p. 280
Sejdic´ and Finci v. Bosnia and Herzegovina (Appl. Nos. 27996/06 and 34836/06), Judgment (Grand Chamber), 22 December 2009, ECHR 2009-VI, 273, pp. 282, 283
Šlaku v. Bosnia and Herzegovina (Appl. No. 56666/12), Judgment (Fifth Section), 26 May 2016, p. 282
Zornic´ v. Bosnia and Herzegovina (Appl. No. 3681/06), Judgment (Fourth Section), 15 July 2014, pp. 282, 283
Table of Cases

V Court of Justice of the European Union (CJEU)

A. K. and Others v. Sąd Najwyższy, Joined Cases C-585/18, C-624/18 and C-625/18 [2019], ECLI:EU:C:2019:982, p. 273


Council of the European Union v. Front populaire pour la libération de la saugia-el-hamra et du rio de oro (Front Polisario), Case C-104/16 [2016] ECLI:EU:C:2016:973, p. 145

EEC Seed Crushers’ and Oil Processors’ Federation (FEDIOL) v. Commission of the European Communities, Case 191/82 [1983] ECR 2913, p. 145


European Commission v. Republic of Poland, Case C-192/18 [2019], ECLI:EU:2019:924, p. 273

European Commission v. Republic of Poland, Case C-619/18 [2019], ECLI:EU:C:2019:531, p. 273


VI African Commission on Human and Peoples’ Rights (ACHPR)

Luke Munyandu Tembai and Benjamin John Freeth (represented by Norman Tjombe) v. Angola and Thirteen Others, Communication 409/12, p. 226
NATIONAL CASES

I Bosnia and Herzegovina

Constitutional Court
Decision No. U 9/00, 3 November 2000, p. 281
Decision No. U 26/01, 28 September 2001, p. 281
Decision No. U 42/01, 26 March 2004, p. 282
Decision on Admissibility, U 5/04, 27 January 2006, p. 279

II Canada

Supreme Court
Canada (Prime Minister) v. Khadr [2010] 1 SCR 44, p. 143
Operation Dismantle [1985] 1 SCR 441, p. 143
Reference re Secession of Quebec [1998] 2 SCR 217, p. 365

III Columbia

Constitutional Court
Case C-358/96, p. 147
Case C-379/96, p. 147
Case SU-039/97, p. 73
Case C-252/19 (LAT-445), p. 147, 344

IV France

1 Conseil constitutionnel
Decision no. 74–54 DC, 15 January 1975 – Voluntary Interruption of Pregnancy Act, p. 164
Decision no. 78–93 DC, 29 April 1978 – Loi autorisant l’augmentation de la quote-part de la France au Fonds monétaire international, p. 175
Decision no. 92–308 DC, 9 April 1992 – Treaty on European Union (Maastricht I), pp. 169, 179
Decision no. 97–394 DC, 31 December 1997 – Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related instruments, p. 171
Decision no. 98–408 DC, 22 January 1999 – Treaty laying down the Statute of the International Criminal Court, pp. 175, 176
Decision no. 2012–653 DC, 9 August 2012 – Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, p. 173

2 Conseil d’État

No. 255905, 10 April 2003, p. 142
No. 292539, 17 April 2006, p. 142
No. 321470, 15 October 2008, p. 142

V Germany

1 Federal Constitutional Court

BVerfGE 4, 157 – Saarstatut, p. 142
BVerfGE 16, 27 – Iranische Botschaft, p. 81
BVerfGE 55, 349 – Hess, p. 218
<table>
<thead>
<tr>
<th>Case Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>BVerfGE 66, 39 – Nachrüstung, p. 142</td>
</tr>
<tr>
<td>BVerfGE 117, 141 – Immunität Argentiniens, p. 81</td>
</tr>
<tr>
<td>BVerfGE 123, 267 – Lissabon, p. 149</td>
</tr>
<tr>
<td>BVerfG, 19 May 2020, 1 BvR 2835/17 – BND, p. 136</td>
</tr>
</tbody>
</table>

2 Higher Administrative Court for North Rhine-Westphalia

*Bin Ali Jaber v. Germany*, Judgment, 19 March 2019, 4 A 1361/15, pp. 15, 130

VI Ghana

**Supreme Court**

*Banful v. Attorney General and Another, (J1/7/2016) [2017] GHASC21* (22 June 2017), p. 348

VII Greece

**Supreme Court**


VIII India

1 **Supreme Court**

*Bommai v. Union of India* [1994] 2 SCR 644, p. 143

*Hans Muller of Nurenburg v. Superintendent, Presidency Jail, Calcutta*, 1955 Indlaw SC 8, pp. 96, 97, 102

*Maganbhai Ishwarbhai Patel v. Union of India*, 1969 SCR (3) 254, p. 93

*Maneka Gandhi v. Union of India*, 1978 Indlaw SC 212, p. 92

*Marie-Emmanuelle v. Union of India*, 2016 Indlaw SC 321, pp. 96, 97, 98


*Re: The Berubari Union and Exchange of Enclaves, 1959* Indlaw SC 294, pp. 103, 104


*Rosiline George v. Union of India* 1993 Indlaw SC 1535, p. 96

*State of Gujarat v. Vora Fiddali Badruddin Mithibarwala*, 1964 Indlaw SC 357, pp. 90, 95, 96, 102, 106
Table of Cases

State of Rajasthan v. Union of India [1977] (3) SCC 5, p. 143
Vishaka v. State of Rajasthan And Others, 1997 Indlaw SC 2304, pp. 92, 93

2 Delhi High Court
Lennox James Ellis v. Union of India, 2019 Indlaw Del 14, p. 98

IX Ireland

Supreme Court
Crotty v. An Taoiseach [1987] IR 713, Finlay CJ, 767, p. 149

X Israel

Supreme Court
Adala v. Commander of Central Command, HCJ 3799/02, p. 143
Baransa v. Commander of Central Command, HCJ, 554/81, p. 143
Hilman v. Minister of Internal Security, HCJ, 3123/99, p. 143
Ressler v. Minister of Defense, HCJ 910/86, p. 143
Segal v. Minister of Interior, HCJ 217/80, p. 143
Shiran v. Broadcasting Authority, HCJ 1/81, p. 143

XI Italy

1 Constitutional Court
4 July 1963, decision No. 135/1963, p. 145
15 June 1979, decision No. 54/1979, p. 145
8 April 1987, decision No. 128/1987, p. 145
22 October 2014, decision No. 238/2014, pp. 13, 145, 153, 154, 155, 157, 158, 357

2 Administrative Supreme Court
11 May 1966, No. 344, p. 142
3 August 2000, No. 530, p. 142
29 July 2008, No. 3992, p. 142
Table of Cases

3 Supreme Court of Cassation
5 June 2002, No. 8157 – Markovic, p. 142
25 June 2019, No. 21995, p. 155

4 Tribunal of Rome
Società Fincantieri, 10 October 1991, p. 142

5 Tribunal of Florence
Simoncioni, Order 23 March 2015, p. 154
Simoncioni, No. 2469, 6 July 2015, p. 154

6 Tribunal of Ragusa
Barker e altri, 14 April 1984 (Pres. Ventura, Est. Firrincieli), p. 142

XII Netherlands
1 Supreme Court (Hoge Raad)
Urgenda, Case 19/oo135, 20 December 2019, p. 146

2 The Hague Court of Appeal
Urgenda, Case 200.178.245/01, 9 October 2018, p. 146

3 The Hague District Court
Urgenda Foundation, case C/09/456689/HA ZA 13–1396, 24 June 2015, p. 146

XIII Russia

Constitutional Court
Chechnya judgment of 31 July 1995, p. 144
XIV  Singapore

Supreme Court (sitting as Court of Appeal)
Swissbourgh Diamond Mining Company and Others v. the Kingdom of Lesotho, 27 November 2018, p. 223

XV  South Africa

1  Constitutional Court

Kaunda and Others v. the President of the Republic of South Africa and Others 2005 (4) SA 235 (CC), pp. 144, 217, 218, 224
Law Society of South Africa and Others v. President of the Republic of South Africa and Others 2019 (3) BCLR 329 (CC), pp. 146, 147, 215, 219, 222, 223, 224, 225, 226, 227, 358
Mohamed v. President of the Republic of South Africa 2001 (3) SA 893 (CC), pp. 219, 221, 237
President of the Republic of South Africa and Others v. South African Rugby Football Union and Others 2000 (1) SA 1 (CC), p. 219
The Government of the Republic of Zimbabwe v. Louis Karel Fick and Others, Case CCT 101/12 [2013] (10) BCLR 1103 (CC), p. 228
The President of the Republic of South Africa and Another v. Hugo 1997 (4) SA 1 (CC), pp. 217, 219
Von Abo v. the President of the Republic of South Africa 2009 (5) SA 345 (CC), p. 219

2  Supreme Court of Appeal

Minister of Justice and Others v. South African Litigation Centre and Others 2016 (3) SA 317 (SCA), p. 234
Van Zyl and Others v. the Government of the Republic of South Africa and Others 2008 (3) SA 294 (SCA), p. 222

3  High Court (Gauteng Division, Pretoria)

Democratic Alliance v. Minister of International Relations and Cooperation and Others 2017 (3) SA 212 (GP), pp. 55, 149, 215, 235, 236
Democratic Alliance v. Minister of International Relations and Co-operation and Others 2018 (6) SA 109 (GP), pp. 215, 231
Table of Cases

Von Abo v. the Government of the Republic of South Africa and Others 2010 (3) SA 269 (T), p. 219

4 High Court (Transvaal Provincial Division)

5 High Court (Western Cape Division, Cape Town)

XVI United Kingdom

1 Supreme Court
Belhaj & Rahmatullah (No 1) v. Straw & Ors [2017] UKSC 3, pp. 144, 152

2 House of Lords
CCSU v. Minister for the Civil Service [1984] UKHL 9, p. 144
Lubbe [2000] 4 All ER 268 (UKHL), p. 152

3 England and Wales Court of Appeals, Civil Division
Blackburn v. Attorney General [1971] 2 All ER 1380, p. 148

4 England and Wales High Court, Queen’s Bench Division
High Commissioner for Pakistan in the United Kingdom v. Prince Muffakham Jah, [2019] EWHC 2551 (Ch), p. 86
### 5 Court of Chancery


### XVII United States

#### 1 Supreme Court

Aramco, 499 US 244 (1991), p. 151  
Boumediene, 553 US 722 (2008), p. 143  
Jam, 586 US (2019), p. 156  
*Made in the USA Foundation v. United States*, 242 F 3d 1300 (11th Cir. 2001), cert. denied, 534 US 1039 (2001), pp. 34, 41  
Medellín v. Texas, 552 US 491 (2008), pp. 155, 244  
Rasul, 542 US 466 (2004), p. 143  
RJR Nabisco, 579 US (2016), p. 156  
2 Court of Appeals, Second Circuit

Vilar, 729 F.3d 62 (30 August 2013), pp. 145, 151

3 Court of Appeals, Fourth Circuit

Al Shimari v. CACI Premier Tech, Inc (Al Shimari IV), 840 F.3d 147, 151 (4th Cir. 2016), p. 143

4 District Court for the Northern District of Alabama

Made in the USA Foundation, 56 F.Supp.2d 1226 (ND Ala 1999), p. 148