

## 2010 SUBJECT INDEX

(Volume 59, parts 1 to 4)

(Covering articles, shorter articles, comments and notes, ICJ cases and current developments; page numbers in bold type indicate articles or the first page of a main entry)

- Antitrust *see* Competition  
Arbitration, *see* International Arbitration  
Argentina  
    Financial crises, **325**  
Armed conflict  
    Darfur, 206  
    Deployment of troops overseas,  
        UK, **814**  
    Georgia, **129**  
    ICRC guidance, **180**  
        Direct participation, 187  
        Irregular forces, 183  
        Non-State groups, 186  
    *Jihad*, **413**  
    *Jus ad bellum*  
        Islamic rules, 421  
        Non-State entities, 131  
    Use of force, UK, 820  
Asylum  
    Role of ECJ, 288  
Australia  
    Constitution, influence of German state-  
        Theory, **669**  
    Freedom from fear, 558  
Canada  
    Freedom from fear, 555  
Caribbean Court of Justice, **761**  
    Contempt, 777  
    Judicial review, 774  
    Private entities, 766  
    Remedies, 775  
    Standard of proof, 770  
    State sovereignty, 773  
Child abduction  
    *Ne exeat* order, **1158**  
China  
    Criminal Procedure, **1099**  
    Socialist law, 1102  
Climate change  
    Copenhagen Accord, **824**  
    EU policy, **1129**  
Company law  
    Freedom of establishment, **303**  
Competition law  
    Antitrust damages actions, **39**  
        Passing on, 42  
    Enforcement, 496  
    EU policy, **489**  
    Conflict of laws, *see* Private International Law  
Constitutional law  
    German state-theory, **669**  
Contract  
    Avoidance for fundamental breach, **911**  
    Promise, **461**  
Criminal jurisdiction  
    Police and judicial cooperation, 298  
Credit rating agencies, **701**  
Criminal law  
    Indirect perpetration, 215  
    Jurisdiction of ICJ, **895**  
        Evidence and proof, 904  
        Immunities from national jurisdiction,  
            898  
        Individual criminal liability, 900  
    Negligence, liability, **1**  
    Procedure, China, **1099**  
Environment  
    EU policy, **1129**  
European Convention on Human Rights  
    Freedom from fear, 551  
    Peaceful enjoyment of possessions, **1055**  
        Compensation, 1065  
European Court of Human Rights  
    Enforcement jurisdiction, high seas, **867**  
    State succession, **845**  
European Court of Justice  
    Area of freedom, security and  
        justice, **255**  
    Accelerated and urgency procedures,  
        272  
    Asylum, 288  
    Criminal matters, cooperation, 298  
    EFTA Court, relationship with, 749  
    Freedom of establishment, **303**  
        Judicial cooperation in civil matters,  
            282  
    Procedural limitations, 261  
European Free Trade Association  
    Court, **731**  
        Relationship with ECJ, 749  
European Union  
    Antitrust damages actions, **39**  
        Jurisdiction, 56  
    Common Foreign and Security  
        Policy, 487  
    Competition policy, **489**

*International and Comparative Law Quarterly*

- Credit Rating Agencies, **701**
- Defence policy, 488
- Divorce law, harmonization, 1143
- Environment policy, **1129**
- External relations, **481**
- Fact finding mission on Georgia conflict, 129
- Family law, **1021**
  - Jurisdiction, 1030
- Freedom of establishment, **303**
- Parental responsibility, **505**
- Evidence
  - Criminal law, ICJ, 904
- Expropriation
  - European Convention on Human Rights, **1055**
- Family law
  - Divorce law, harmonization, **1143**
  - EU policy, **1021**
    - Jurisdiction, 1030
  - Free movement in parental responsibility matters, **505**
  - Marital property agreements, **571**
- France
  - Anti-suit injunctions, 523
  - Forum conveniens*, 519
- Negligence, criminal liability, 6
- Freedom from fear, **543**
- Genocide
  - Darfur, 217
- Georgia
  - Armed Conflict, **129**
- Germany
  - Marital property agreements, 575
  - Promise, 463
- Global financial crisis
  - Credit rating agencies, **701**
  - International investment law, **325**
- Global warming, *see* Climate Change
- Harmonization
  - Divorce law, **1143**
  - Documents, **65**
    - Reception, 70
    - Transplant effect, 78
- Human rights
  - Piracy, 152
- Humanitarian operations
  - Red Crystal, 171
  - Personnel, protection, 177
- India
  - Harmonized documents, 70
- International arbitration
  - Harmonized documents, 66
  - Reception, 70
- International Centre for the Settlement of Investment Disputes
  - Arbitration, 382
- International Committee of the Red Cross
  - Red Crystal, 171
  - Interpretive Guidance, **180**
- International Court of Justice
  - Criminal jurisdiction, **895**
  - Mutual assistance in criminal matters, **193**
- International Covenant on Civil and Political Rights
  - Freedom from fear, 553
- International Criminal Court
  - Arrest warrant, President of Sudan, **205**
  - Residency, UK, 810
  - Retrospective legislation, UK, **803**
- International investment law
  - Global financial crisis, **325**
- International trade
  - Trade remedies, **625**
- Investment treaties *see* also Bilateral Investment Treaties
- Islamic jurisprudence
  - Jihad*, 414
- Judicial independence, **671**
- Judicial review
  - Caribbean Court of Justice, 775
- Maritime transport, *see* Shipping
- Matrimonial Property
  - Marital property agreements, **571**
- Mutual assistance in criminal matters
  - ICJ judgment, **193**
- North American Free Trade Agreement
  - Arbitration, 378
- Piracy
  - Law enforcement and human rights, **141**
- Private international law
  - Anti-suit injunctions, 523
  - Forum conveniens*, 519
  - Forum non conveniens*, 1030
  - Harmonized documents, **65**
    - Arbitration, 66
  - Libel tourism, **25**
  - Jurisdiction, 56
- Promise, **461**
  - Donation, 475
  - Firm offer, 464
  - Option, 466
  - Renunciation, 472
  - Reward, 470
- Property
  - Peaceful enjoyment, **1055**
- Public international law
  - Justiciability, application of principle, **981**
  - Non-State entities, 131

## Subject Index

- Persistent objector theory, **779**
- Soft law, **605**
- Sale of Goods
  - Avoidance for fundamental breach of contract, **911**
- Scotland
  - Promise, **463**
- Sea, law of
  - Enforcement jurisdiction, **867**
  - Piracy, law enforcement, **141**
- Socialist law, 1102
- Soft law
  - International, **605**
- South Africa
  - Freedom from fear, 556
- Sovereignty
  - Caribbean Court of Justice and, 773
- State succession
  - Human rights violations, **845**
- Sudan
  - ICC Arrest warrant, **205**
- Terrorism
  - Jihad*, **413**
- Tort
  - Libel tourism, **25**
  - Negligence, criminal liability, **1**
- Trusts
  - Marital property agreements, 601
- Truth Commissions, 83
- United Kingdom
  - Deployment of troops overseas, 814
  - Justiciability in UK courts, 990
  - Residency, 810
  - Retrospective legislation, **803**
  - Use of force, law before courts, 820
- United Nations
  - Counter-piracy resolutions, 145
  - Jihad*, 433
  - Personnel, legal protection, 177
  - Red Crystal, 171
  - Women and gender in peace agreements, **941**
- United States
  - Antitrust damages actions, **39**
  - Child abduction, **1158**
  - Freedom from fear, 554
  - Libel tourism, 32
- Women and gender
  - Peace agreements, **941**
- World Trade Organization
  - Case law, 404
  - Necessity, 89
  - Objectives, 92
  - Policy exceptions, 95
  - Reform, 106
  - Public hearings, **1079**
  - Standard of review, **441**
  - Trade remedies, **625**

## 2010 CASE INDEX

(Volume 59, parts 1 to 4)

A, Case C-523/07 (ECJ), [2009] ECR-I 2805	263, 505, 1033
A v Secretary of State for the Home Department, (Belmarsh Detainees Case) [2004] UKHL 56; [2005] 2 AC 68	985
A v The Secretary of State for the Home Department (No. 2) [2005] UKHL 71, [2006] 2 AC 221	1016
A v UK, App. No. 3455/05, (2009) 49 EHRR 29	989
A v T (Ancillary Relief: Cultural Factors) [2004] EWHC 471 (Fam)	579
AAPL v Sri Lanka (Asian Agricultural Products Ltd v Sri Lanka), Award of 27.6.90, ICSID Case No. ARB/87/3	375
Abbott v Abbott, 130 S. Ct. 1983 (2010)	1158
Abdallah v Sarsour WL 1134034, Vir C Ct, 20.3.06	579
ACT Group Litigation, Case C-374/04, [2006] I-11673	746
AD and OD v UK, App. No. 28680/06, (2010) 51 EHRR 8	989
Adler v Secretary-General of the UN, Judgment No 267, UN Doc AT/DEC/267	775
Advocaten voor de Wereld, Case C-303/05, [2007] ECR I-3633	298
Aer Lingus Group v Commission, Case T-411/07, pending	503
Agbaje v Akinnoye-Agbaje [2010] UKSC 13	1033
Agent Orange Product Liability Litigation, In re, the Vietnam Association for Victims of Agent Orange/Dioxin, et al v Dow Chemical Co et al, 373 F Supp 2d 7 (2005)	780
AGIP SpA v People's Republic of the Congo, Award of 30.11.79, ICSID Case No. ARB/77/1	402
Aguas del Tunari, SA v Republic of Bolivia ICSID Case No. ARB/02/3	382
Ahokainen, Case C-434/04, [2006] ECR I-9171	755
Air France v Commission, Case T-358/94, [1996] ECR II-2109	490
Air France v Saks, 470 US 392, 404 (1985)	1160
Airtours v Commission, Case T-342/99, [2002] ECR II-2585	497
AJ v F J, [2005] CSIH 36, 2005 SC 428	1163
Akileh v Elchahal, 666 So Ed 246, 247, F D Ct App 1996	579
Aksionairnoye Obschestvo A. M. Luther v James Sagor & Co [1921] 3 KB 532	987
Aksoy v Turkey (1996) 23 EHRR 553	879
Al-Jedda v Secretary of State for Defence [2007] UKHL 58	152
Al-Jedda v Secretary of State for Defence (Al Jedda No. 2) [2009] EWHC 397 QB)	1007
Al-Jedda v Secretary of State for the Home Department [2010] EWCA Civ 212	1009
Al-Saadoon and Mufdhi v UK ECtHR, Appl. No 61498/08, Admissibility Decision 30.6.09	154
Albany, Case C-67/96, [1999] ECR I-5751	747
Allianz SpA v West Tankers Inc, Case C-185/07, [2009] 1 AC 1138	286, 519
Alpine Investment BV v Minister van Financiën, Case C-384/93, [1995] ECR I-1141	311
Amato Gauci v Malta (App No 47045/06) (2009)	1076
Amco v Indonesia, Decision on Annulment of 16.5.86, ICSID Case NoARB/81/1	393
AMINOIL Award 1983	345
Amministrazione delle Finanze dello Stato v San Giorgio, Case 199/82, [1983] ECR 3595	54
Amurta, Case C-379/05, [2007] I-9569	756
Amuur v France (1996) 22 EHRR 533	871
Andersson, Case C-321/97, [1999] ECR I-3551	752
Andrejeva v Latvia, App No 55707/00, ECtHR 18.2.09	861
Andrews v DPP [1937] AC 576	1

*International and Comparative Law Quarterly*

Apostolides, Case C-420/07, judgment, 28.4.09	285
Apostilides v Orams [2010] EWCA Civ 9	995
Application of Adams, In re, ex rel. Naik, 363 F.Supp.2d 1025 (2005)	1163
Application of Adan, In re, 437 F.3d 381, (3rd Cir 2006)	1163
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro), [2007] ICJ Rep 43	222, 903
Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v Russia), ICJ, 2008	129
Arar v Ashcroft, 585 F 3d 559 (2d Cir 2009)	1007
Archer Daniels Midland Company and Tate & Lyle Ingredients Americas, Inc v The United Mexican States, ICSID Case No ARB(AF)/04/05, 21.11.07	353
Argentina—Footwear (EC), WTO Panel Report; Appellate Body Report	634
Armed Activities on the Territory of the Congo (Dem. Rep. Congo v Uganda) [2005] ICJ Rep	185
Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v Belgium) (Judgment) [2002] ICJ Rep 3	144, 201, 209, 895
Arthur's Application, Re [2010] NIQB 75	984
ASML, Case C-283/05, [2006] ECR I-12041	263
Assanidze v Georgia, App No 71'503/01, (2004) EHRR-II	871
Assenov v Bulgaria (1988) 8 EHRR 3264	880
Associated Provincial Picture Houses v Wednesbury Corporation [1948] 1 KB 223	991
Asylum case (Columbia v Peru) [1950] ICJ Rep 266	785
Attorney-General v Nissan, [1970] AC 179	982
Australia-Measures Affecting Importation of Salmon, Appellate Body Report, 6.11.98, WT/DS18/AB/R	445
Austro-German Customs Union Case PCIJ Rep, Series A/B No 41 (1931)	774
Avena and Other Mexican Nationals, Case concerning (Mexico v USA) [2004] ICJ Rep 12	767, 908
AY Bank Ltd v Bosnia and Herzegovina and Others [2006] EWHC 830 (Ch)	992
Aziz v Aziz 488 NY S 2d 123 (NY S Ct 1985)	579
Azurix Corp v The Argentine Republic, ICSID Case No AB/01/12, Award, 14.7.06	350
B v B [2008] ScotSC 39	1039
Baars, Case C-251/98, [2000] ECR I-2787	309
Baker Marina v Danos & Curole (2001) 7 NWLR 337	77
Balfour v Balfour 2 KB [1919] 571	581
Balmer-Schafroth and others v Switzerland, Appl no 22110/93, Judgment, 26.8.97, ECHR Rep 1997-IV, 25 EHRR 598	622
Banković v Belgium and others (2001) 11 BHRC 435	154, 870
Baran v Beaty 526 F.3d 1340 (11 <sup>th</sup> Cir.2008)	1167
Barcelona Traction, Light and Power Company, Limited [1970] ICJ Rep3	346
Baustahlgewebe v Commission, Case C-185/95 P, [1998] ECR I-8417	283
Baxter v Baxter, 423 F.3d 363 (3rd Cir 2005)	1166
Bayer v Commission, Case T-41/96, [2000] ECR II-3383; on appeal, Bundesverband der Arzneimittel Importeure v Bayer & Commission, Cases C-2 & 3/01P, [2004] ECR I-23	495
Behrami v France (2007) 45 EHRR SE 10	156
Belgische Radio en Televisie v SV SABAM and NV Fonior, Case 127/73, [1974] ECR 51	52
Belgium v Spain, Case C-388/95, [2000] ECR I-3146	267
Bellio F.Ili, Case C-286/02, [2004] ECR I-3465	754
Ben-Hur v Cauble 255 US 356 (1921)	49
Ben Khemais v Italy, ECtHR, Appl. No 246/07, Judgment, 24.2.09	167
Bendix Autolite Corp v Midwesco Enterprises Inc, 486 US 888 (1987)	567
Benvenuti & Bonfant v Congo, Award of 15.8.80, ICSID Case No. ARB/77/2	392
Berezovsky v Michaels [2000] 1 WLR 1004	29
Berezovsky v Russian Television and Radio Broadcasting Company, Vladimir Terluk, [2008] EWHC 1918 (QB)	986

*2010 Case Index*

Berger & Co v Gill and Duffus SA [1982] AC 382	932
Keyer v Third Avenue Railway Company, 244 NY 84 (1926)	565
BG Group Plc v Argentina, UNCITRAL Arbitration, 24.12.07	343
Bhatia International v Bulk Trading (2002) 4 SCC 105	75
Bier v Mines de Potasse, Case 21/76, [1976] ECR 1735	29
Bijelic v Montenegro and Serbia (Appl. No 11890/05) ECHR 11.6.09	845
Bilgin v Turkey (2002) 35 EHRR 39	552
Bin Mahfouz v Ehrenfeld [2005] EWHC 1156 (QB)	31
Biwater Gauff (Tanzania) Ltd v United Republic of Tanzania, ICSID Case No ARB/05/22, Procedural Order No. 5 of 2.2.07 ICSID Case No. ARB/05/22	387
Award, 24.7.08	344
Blackpool and Fylde Aero Club v Blackpool Borough Council [1990] 1 WLR 1195 (CA)	469
Blencoe v British Columbia (Human Rights Commission) [2000] 2 SCR 307	556
Blondin v Dubois (Blondin I) 189 F.3d 240 (2nd Cir. 1999)	1167
Bloom v American Swiss Watch Co (1915) AD 100	471
de Bloos, Case 14/76, [1976] ECR 1497	263
Boehringer Ingelheim II, Case C-348/04, [2007] ECR I-3391	749
Boehringer Mannheim v Commission, Case 7/72, [1972] ECR 1281	300
Bolbol, Case C-31/09, ECJ, pending	293
Bombay Gas Company v Mark Victor Mascarenhas [1998] 1 LJ 977	74
Bonaparte v Bonaparte [1892] P 402	1034
Bosman, Case C-415/93, [1995] ECR I-4921	310
Bosphorus Airways v Ireland, ECtHR, Appl. No 45036/98, Judgment, 30.6.05	157
Boundary Dispute between Dubai and Sharjah (Emirate of Dubai v Emirate of Sharjah), Arbital Award of 19.10.81, ILR Vol 91, 543	436
Boundary Dispute concerning the Taba Area (Egypt v Israel) 27 ILM (1988) 1421	436
Bourquain, Case C-297/07, ECJ, judgment, 11.12.08	300
Bowes v Shand (1877) 2 App Cas 455	915
Boys v Chaplin [1971] AC 356	27
Bozano v France (1986) 9 EHRR 297	551, 871
Brasserie du Pêcheur SA v Bundesrepublik Deutschland and The Queen v Secretary of State for Transport, ex parte: Factortame Ltd and others, Joined Cases 46 & 48/93, [1996] ECR I-1029	53, 738, 777
Brazil—Aircraft, WTO Decision by the Arbitrators	650
Brazil—Desiccated Coconut, WTO Appellate Body Report	650
Brazil: Export Financing Programme for Aircraft, WTO Doc WT/DS46/AB/R adopted 20.8.99	1088
Brazil: Export Financing Programme for Aircraft. Recourse by Canada to Article 21.5 of the DSU—Report of the Appellate Body (21.7.00) WTO Doc WT/DS46/AB/RW	1087
Brezny and Brezny v Slovak Republic, App No 23131/93, EComHR 4.3.96	853
Bristol-Myers Squibb, Joined cases C-427/93, C-429/93 and C-436/93, [1996] ECR I-3457	748
British Aggregates Association v Commission, Case C-487/06 P, [2008] ECR I-10505	1134
British Airways v Commission, Case C-95/04P, [2007] ECR I-2331	490
British Airways Board v Laker Airways Ltd [1984] 1 QB 142	1000
British Sugar plc v NEI Power Projects Ltd (1998) 87 BLR 42	924
Brogan v UK, ECHR Series A No 145; (1988) 11 EHRR 117	879
Brokaw v Seatrain [1971] 2 QB 476	988
Broniowski v Poland, App No 31443/96, ECtHR 22.6.04	865, 1070
Brooker v Police [2007] NZSC 30	903
Brown v Government of Rwanda and the Secretary of State for the Home Department [2009] EWHC 770	804
Brunswick Corp v Pueblo Bowl-O-Mat, Inc 429 US 477 (1977)	47
Buck v Attorney-General [1865] Ch. 745	1008
Bundesanstalt für den Güterfernverkehr v Gebrüder Reiff, Case C-185/91, [1993] ECR I-5801	492
Bunge Corp v Tradax Export SA [1981] 1 WLR 711	934

*International and Comparative Law Quarterly*

Burda, Case C-284/06, [2008] ECR I-4571	756
Bush v Bush [2008] EWCA Civ 865	1040
Butler v Butler [1998] 1 WLR 1208	1036
Buttes Gas & Oil Co v Hammer (No.3) [1982] AC 888	984
C, Case C-435/06, [2007] ECR I-10141	263
C and C, Re [2005] NIFam 3	1039
C v C, [1989] 1 WLR 654	1163
Campaign for Nuclear Disarmament v The Prime Minister [2002] EWHC 2777	820
Canada: Certain Measures Affecting the Automobile Industry, WTO Doc WT1DS139/AB/R, WT/DS142/AB/R (31.5.00)	1092
Canada—Patent Term, WTO Appellate Body Report	650
Candolin, Case C-537/03, [2005] ECR I-5745	749
Cargill UK Ltd v Continental UK Ltd [1989] 2 Lloyd's Rep 290	915
Carlill v Carbolic Small Ball Co [1893] 1 QB 256 (CA)	471
Carmichele v Minister of Safety and Security 2001 (4) SA 938 (CC)	558
Cartagena Protocol, Opinion 2/00, [2001] ECR I-9713	482
Cartesio Oktat Szolátató bt, Case C-210/06, [2008] ECR I-9641	304
Centro-Com, Case C-124/95, [1997] ECR I-81	485
Centros Ltd v Erhvervs-og Selskabsstyrelsen, Case C-127/97, [1999] ECR, I-1459	303
Certain Criminal Proceedings in France (Republic of Congo v France), ICJ	194, 205
Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v France), ICJ, Judgment, 4.6.08 [2008] ICJ Rep	193, 209, 899
CEVA Santé Animale & Pharmacia Entreprises v Commission, Cases T-344 & 345/00, [2003] ECR II-229	499
Chahal v UK (1996) 23 EHRR 413	161, 290
Chandler v DPP [1964] AC 736	815, 1006
Chaoulli v Quebec (Attorney General) [2005] 1 SCR 791	555
Charman v Charman [2007] EWCA Civ 503	571
Chile—Price Band System, WTO Panel Report	649
Chile: Price Band System Appellate Body Report (23.1002), WTO Doc WT/DS207/AB/R, [150]	1082
China—Auto Parts, WTO Panel Report	649
China—Intellectual Property Rights, WTO Panel Report	649
China Navigation Co Ltd v Attorney General [1932] 2 KB 197	815
Chongwe v Zambia, UN HRC, Communication 821/1998	554
Chovancik v Slovakia, App No 54996/00, ECtHR 17.6.03	859
Christian Education South Africa v Minister of Education 2000 (4) SA 757 (CC)	558
Clearstream Banking & Clearstream International v Commission, Case T-301/04, Judgment, 9.9.09	494
CME Czech Republic BV v Czech Republic, UNCITRAL, Final Award 14.3.03	792
CMS Gas Transmission Company v Argentine Republic, ICSID Case No ARB/01/8, Award, 12.5.05	333
Annulment award, 25.9.07	328
Coats Holdings & JP Coats v Commission, Case T-36/05, [2007] ECR II-110	494
Cobbe v YRML [2008] UKHL 55, [2008] 1 WLR 1752	581
Coleman v Power [2004] HCA 39	563
Comet v Produktschap voor Siergewassen, Case 45/76, [1976] ECR 2043	54
Commission v Austria [2006], Case C-102/06, ECR I-111	291
Commission v Austria, Case C-205/06, Judgment, 3.3.09	486
Commission v Belgium, Case C-522/04, [2007] ECR I-5701	754
Commission v Camar & Tico, Case C-312/00P, [2002] ECR I-11355	499
Commission v Council (ERTA), Case 22/70, [1971] ECR 263	505
Commission v Council, Case C-25/94, (FAO), [1996] ECR I-1469	485
Commission v Council, Case C-94/03, [2006] ECR I-1	482
Commission v Council (re: Energy Star Agreement), Case C-281/01, [2002] ECR I-12049	482
Commission v Council, Case C-176/03, [2005] ECR I-7879	502, 1139
Commission v Council, Case C-440/05, [2007] ECR I-9097	502, 1139

*2010 Case Index*

Commission v Council, Case C-91/05, [2008] ECR I-3651	483
Commission v Denmark, Case C-192/01, [2003] ECR I-9693	747
Commission v Finland, Case C-118/07, Judgment, 19.11.09	486
Commission v France, Case C-265/95, [1997] ECR I-6959	267
Commission v France, Case C-121/07, [2008] ECR I-9159	1139
Commission v Ireland, Case C-494/01, [2005] ECR I-3331	1136
Commission v Ireland, Case C-459/03, (Mox Plant), [2006] ECR I-4635	484
Commission v Ireland, Case C-216/05, [2006] ECR I-10787	1137
Commission v Ireland, C-427/07, Judgment 16.7.09	1138
Commission v Italy, Case 52/75, [1976] ECR 277	267
Commission v Italy, Case C-304/05, [2007] ECR I-7495	1134
Commission v Italy, Case C-337/05, [2008] ECR I-2173	489
Commission v Italy, Case C-157/06, [2008] ECR I-7313	489
Commission v Italy, Case C-503/06 R, 27.2.07, [2007] ECR I-19	1140
Commission v Italy, Case C-540/07, Judgment, 19.11.09	754
Commission v Italy, Case C-573/08, Order 10.12.09	1140
Commission v Luxembourg, Case C-266/03, [2005] ECR I-4805	485
Commission v Malta, Case C-76/08, Order 24.4.08, [2008] ECR I-64	1140
Commission v the Netherlands, Case C-41/02, [2004] ECR I-11375	755
Commission v the Netherlands, C-521/07, Judgment, 11.6.09	754
Commission v Poland, C-193/07 R, Order, 18.4.07	1140
Commission v Poland, C-193/07, Order, 25.8.07	1140
Commission v Poland, Case C-193/07 RII, Order, 25.1.08	1140
Commission v Portugal, Case C-345/05, [2006] ECR I-10633	754
Commission v Portugal, Case C-265/06, [2008] ECR I-2245	755
Commission v Schneider Electric, Case C-440/07P, Judgment, 16.7.09	500
Commission v Spain, C-526/07, Judgment, 6.10.09	754
Commission v Spain, C-153/08, Judgment, 6.10.09	754
Commission v Sweden, Case C-104/06, [2007] ECR I-671	754
Commission v Sweden, Case C-249/06, Judgment, 3.3.09	486
Commission v Sweden, Case C-246/07, Opinion, 1.10.09	485
Commission v United Kingdom, Case C-222/94, [1996] ECR I-4025	755
Commission v United Kingdom, Case C-455/04, [2006] ECR I-32	291
Commission v United Kingdom, Case C-356/08, Judgment, 30.4.09	291
Commonwealth Edison v Allis-Chalmers Mfg Co. 315 F 2d 564 (7th Cir 1963)	46
Compagnie Commerciale Sucres et Denrées v C Czarnikow Ltd (The Naxos) [1990] 1 WLR 1337	931
Compagnie Maritime Belge v Commission, Cases C-395 & 396/96P, [2000] ECR II-1365	493
Compagnie Royale Asturienne des Mines & Rhein zinc v Commission, Cases 29 & 30/83, [1984] ECR 1679	494
Compagnie de Saint-Gobain v Commission, Case T-73/09, pending	496
Compañía del Desarrollo de Santa Elena, SA v Republic of Costa Rica, Award of 17.2.00, ICSID Case No. ARB/96/1	395
Continental Casualty Company v Argentine Republic, ICSID Case No ARB/03/9, Award, 5.9.08	328
Continental Shelf (Tunisia/Libyan Arab Jamahiriya) ICJ Rep1982, 18	436
Continental TV, Inc v GTE Sylvania Inc 433 US 36 (1977)	47
Corfu Channel Judgment (UK v Albania), ICJ (1948); Merits [1949] ICJ Rep 4	608, 817, 878, 895
Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374	987
Courage Ltd v Crehan, Case 453/99, ECR [2001] I-6297	51, 490
Criminal proceedings against A, Case E-1/07, [2007] EFTA Ct Rep 245	739
Criminal proceedings against Keck & Mithouard, Cases C-267 & 268/91, [1993] ECR I-6097	492
Criminal proceedings against Meng, Case C-2/91, [1993] ECR I-5751	492
Criminal proceedings against Ohra Schadeverzekeringen, Case C-245/91, [1993] ECR I-5851	492



*International and Comparative Law Quarterly*

Croll v Croll, 229 F.3d 133 (2000)	1158
Crossley v Crossley [2007] EWCA Civ 1491	571
Croudace Construction Ltd v Cawoods Concrete Products Ltd [1978] 2 Lloyd's Rep 55	924
Cyprus v Turkey App No 25781/94(2001) 35 EHRR 731	154, 552, 870
Czech Republic v CME Czech Republic BV (2003) 42 I.L.M. 919	998
D, Re (A Child) (Abduction: Rights of Custody) [2006] UKHL 51, [2007] 1 AC 619	1163
Dajani v Dajani 204 Cal App 3d 1387 (1988)	579
Dansk Rørindustri and Others v Commission, Cases C-189/02 P, C-202/02 P, C-205/02 P – C-208/02 P & C-213/02 P, [2005] ECR I-5425	299
Darvarmanesh v Gharacholou 2005 WL 1684050, Tenn Ct App 2.3.05	579
Dassonville, Case 8/74, [1974] ECR 873	310
David S v Zamira S, 151 Misc.2d 630, 574 N.Y.S.2d 429 (1991)	1159
de Agostini, Joined Cases C-34-36/95, [1997] ECR I-3843	746
de Dampierre v de Dampierre [1988] AC 92	1030
De Jong, Baljet and van den Brink, ECHR Series A No 77; (1986) 8 EHRR 20	879
Delgado Paez v Columbia, UN HRC, 2.7.90, No 195/85	554
Demirel v Stadt Schwabisch Gmünd, Case 12/86, [1987] ECR 3719	507
Denkavit, Case C-170/05, [2006] ECR I-11949	746
Diallo, Case Concerning Ahmadou Sadio (Guinea v Congo) (Preliminary Objections) [2007] ICJ Rep 103	346
Djurgården-Lilla Värtans Miljöskyddsförening, Case C-263/08, judgment of 15.10.09	1138
Dombrowicz v Gray [2001] ScotCS 103	1034
Domingues v United States (IACComm HR) Report No 62/02	780
Dow Jones & Co Inc v Gutnick (2003) 210 CLR 575	30
Downer-Hill Joint Venture v Government of Fiji [2005] 1 NZLR 554	81
Downs Investment Pty Ltd v Perwaja Steel Sdn Bhd, Sup. Ct Queensland, 12.10.01	931
DPOP v Duffy (Connaught Oil cases) [2009] IEHC 208	501
DPP v Durrigan & Doran (Connaught Oil cases)	501
DPP v Flanagan and ors (Connaught Oil cases)	501
DPP v Manning (Connaught Oil cases), 9.2.07	501
DPP v Majewski [1977] AC 443	22
Drennan v Star Paving Company 333 P 2d 757 (Cal 1958)	465
Drozd and Janousek v France and Spain, ECHR Series A No 240 (1999)	870
Duke of Brunswick v Harmer (1849) 14 QB 185	26
Dumortier Freres SA and Others v Council of the European Communities (Maize Gritz Cases), Joined Cases 64 & 113/76, 239/78, 27–28 & 45/79, [1979] ECR 3091	52
Duncan v Cammell, Laird & Co [1942] AC 264	905
Dunn, Re Judicial Review [2010] NIQB 54	1018
East African Asians v United Kingdom (1981) 3 EHRR 76	551
Ebrahimi award (Iran–US Claims Tribunal), 1994	346
Eco Swiss China Time v Benetton International, Case C-126/97, [1999] ECR I-3055	490
ED v SGD [2001] ScotCS 155	1034
Edwards v Malta (App No 17647/04) (2006)	1076
Ehrenfeld v Mahfouz 9 NY 3d 501; 881 NE 2d 830; 851 NYS 2d 381 (2007)	32
Einarsson, Case E-1/01, [2002] EFTA Ct Rep 1	737
El Al Israel Airlines, Ltd v Tsui Yuan Tseng, 525 US 155 (1999)	1160
Electronica Sicvla SpA, Case concerning (USA v Italy) [1989] ICJ 15	355
Elgafaji, Case C-465/07, judgment, 17.2.09	291
Ella v Ella [2007] EWCA Civ 99	579, 1038
Empresa Nacional de Telecomunicaciones SA v Deutsche Bank AG [2009] EWHC 2579 (QB)	995
Enron Corporation Ponderosa Assets LP v Argentine Republic, ICSID Case No ARB/01/3, Award, 22.5.07	333
Entick v Carrington (1765) 19 Howell's State Trials 1029	1010
Errington v Errington [1952] 1 KB 290 (CA)	471
ESA v Liechtenstein, Case E-5/06, [2007] EFTA Ct Rep 296	744
ESA v Norway ('Kellogg's'), Case E-3/00, [2000–2001] EFTA Ct Rep 73	747
ESA v Norway ('Postdoc'), Case E-1/02, [2003] EFTA Ct Rep 1	745

*2010 Case Index*

ESA v Norway, Case E-1/05, [2005] EFTA Ct Rep 234	749
ESA v Norway, Case E-2/06, [2007] EFTA Ct Rep 164	742
ESJ A Minor, Re [2008] NIFam 6	1039
Ethyl Corporation v The Government of Canada (NAFTA claim)	395
Eurofood, Case C-341/04, [2006] ECR I-3813	263, 284
European Communities—Measures Affecting Asbestos and Products Containing Asbestos Communication from the Appellate Body, 8.11.00, WT/DS135/9	405
Report of the Appellate Body, 12.3.01, WT/DS135/AB/R	405, 445
European Communities—Measures Affecting the Approval and Marketing of Biotech Products – Report of the panel, 29.9.06, WT/DS291/R, WT/DS292/R, WT/DS293/	405, 456
European Communities—Computer Equipment, WTO Appellate Body Report	649
European Communities—Measures Concerning Meat and Meat Products (EC Hormones I), Appellate Body Report, 13.2.98 WT/DS26/AB/R	441, 622, 650, 1092
Decision by the Arbitrators	650
European Communities—Measures Affecting the Importation of Certain Poultry Products, Appellate Body Report, 23.7.98, WT/DS69/AB/R	446
European Communities: Regime for the Importation, Sale and Distribution of Bananas—Second Recourse to Article 21.5 of the DSU by Ecuador Annex IV—Report of the Appellate Body (26.11.08) WTO Doc: WT2DS27/ AB/RW2/ECU and WT/DS27/AB/RW/USA	1085
European Communities—Sardines, WTO Panel Report	650
Appellate Body Report	650
Appellate Body Report	649
European Court of Justice. Opinion 1/91 (EEA Court), [1991] ECR I-6079	733
European Court of Justice. Opinion 1/92 (EEA Agreement), [1992] ECR I-2821	735
Europemballage and Continental Can v Commission, Case 6/72, [1973] ECR 215	490
EVT Company v Serbia, App No 23027/04, ECtHR 19.9.06	860
Exxon Mobil v Allpath Services, Inc 125 U.S. 2511 (2005)	49
F v F [1995] 2 FLR 45	579
Fachverband der Buch- und Medienwirtschaft v LIBRO Handelsgesellschaft, Case C-531/07, judgment, 30.4.09	492
Factory at Chorzów, Case Concerning the (Germany v Poland) [1928] PCIJ Rep Series A No 13	345
Fawcett v McRoberts 326 F.3d 491 (4th Cir 2003)	1159
Fédération nationale de la coopération bétail et viande v Commission [2006] ECR II-4987	490
Ferreira v Levin NO 1996 (1) SA 984 (CC)	557
Ferring, Case C-53/00, [2001] ECR I-9067	749
Fidium Finanz, Case C-452/04, [2006] ECR I-9521	755
Finanger, Case E-1/99, [1999] EFTA Ct Rep 119	749
Fischback and Friedricy cases (Germany-Venezuela Mixed Claims Commission) (1903) 10 RIAA 388	786
Fisheries case (UK v Norway) [1951] ICJ Rep 116	785
Fisheries jurisdiction case (UK v Iceland) [1974] ICJ Rep 175	786
Fleri Soler and Camilleri v Malta (App No 35349/05) (2006)	1076
Foakes v Beer (1884) 9 App Cas 605 (HL)	474
Fokus Bank, Case E-1/04, [2004] EFTA Ct Rep 11	742
Food Corporation of India v Mardestine Compania Naviera AIR 1977 Ker 108	73
Foxman v Foxman, CA 5271/92, [1992]-3(D), 4	1163
France v UK, Case 141/78, [1979] ECR 2923	267
Francovich and Bonifaci v Italy, Joined Cases 6 & 9/90, [1991] ECR I-5357	53, 738, 776
Free City of Danzig case, PCIJ Rep Series A/B No 65	900
Fresh Marine v Commission, Case T-178/98, [2000] ECR II-3331	499
Friedrich v Friedrich, 78 F.3d 1060, 1069 (6th Cir 1996)	1167
Frontier dispute, case concerning, (Burkina Faso v Mali) [1986] ICJ Rep 565	797
Furnes v Reeves 362 F.3d 702 (11th Cir 2004)	1159

*International and Comparative Law Quarterly*

Gabcikovo–Nagymaros Project (Hungary/Slovakia) (Judgment) [1997] ICJ Rep 7	338, 621, 650, 866
Gadd v Gadd [1984] 1 WLR 1435	1030
Gaffney v Gaffney [1975] IR 133	1036
Gambazzi, Case C-394/07, ECJ, judgment 2.4.09	285
Gambra et al. v International Lease Finance Corporation et al. 377 F Supp 2d. 810 (2005 CD Cal)	520
Gamogab v Akiba [2007] FCAFC 74 (18.707)	985
Gasparini and Others, Case C-467/04, [2006] ECR I-9199	300
Gasperetz v Slovak Republic, App No. 26962/95, EComm Hr 6.9.95	859
Gasser GmbH v MISAT Srl, Case C-116/02, [2003] ECR I-14693	286, 511
Gebhard, Case C-55/94, [1995] ECR I-4165	310
Gebremedhin [Gaberamadhien] v France, ECtHR, Appl. No 25389/05, Judgment, 26.4.07	167
Gebruder Metelmann GmbH & Co KG v NBR (London) Ltd [1984] 1 Lloyd's Rep 614	931
General Motors Continental v Commission, Case 26/75, [1975] ECR 1367	495
Gestoras Pro Amnistía and Others v Council, C-354/04, [2007] ECR I-1579	266
GB-INNO-BM v Association des détaillants en tabac (ATAB), Case 13/77, [1977] ECR 2115	490
Ghigo v Malta (App No 31122/05) (2006)	1076
Gibbs Mew v Gemmell [1998] 1 EGLR 43 (CA)	500
Glamis Gold Ltd v United States, Award of 8.6.09	381
Glasgow Corporation v Central Land Board [1956] SC 1	905
GlaxoSmithKline Services v Commission, Case T-168/01, [2006] ECR II-2969	495
GlaxoSmithKline Services Unlimited v Commission and Commission v GlaxoSmithKline Services Unlimited, Cases C-501, 513, 515 & 519/06P, judgment, 6.10.09	496
Gonzales v Gutierrez 311 F.3d 942 (9th Cir. 2002)	1159
Goshawk Dedicated v Life Receivables [2009] IESC 7	1038
Gosselin v Quebec (Attorney General) [2002] 4 SCR 429	555
Government of India v Taylor [1955] AC 491	988
Gözütok and Brügge, Joined Cases C-187/01 & C-385/01, [2003] ECR I-1345	300
Grand River Enterprises Six Nations Ltd et al v United States (UNCITRAL, pending)	780
Gregg v Scott [2005] UKHL 2, [2005] 2 AC 176	17
Grimme, Case C-351/08, judgment, 12.11.09	759
Guisset v France (2002) 34 EHRR 47	989
Gurung v Secretary of State for the Home Department [2002] UKIAT 04870	812
HA v MB (Brussels II Revised:Article (11)7 Application) [2007] EWHC 2016 (Fam)	511
Habibi-Fahnrich v Fahnrich WL 507388, NY S Ct, 10.7.95	579
Hadadi v Hadadi, Case C-168/08, ECJ, 16.7.09	1033
Hadley v Baxendale	924
Haitian Center for Human Rights v United States, Case 10.675, Report No 51/96, IACommHR	868
Hamilton v Lochrane (1899) 1 F 478 (CSIH)	467
Handelskwekerij G J Bier BV v Mines de potasse d'Alsace SA, Case 21/76, [1976] ECR 1735	57
Handyside v UK (App No 5493/72) (1976) Series A No 24	1065
Hanover Shoe v United Shoe Machinery Corp 392 US 481 (1968)	46
Hansson v Hamel and Horley Ltd [1922] 2 AC 36	932
Harisades v Shaughnessy, 342 US 580, 589 (1952)	1007
Hartman, In the Case Against, ICTY, Judgment on Allegations of Contempt, 14.9.09	1095
Harvela Investments Ltd v Royal Trust Co of Canada [1986] AC 207	468
Hendrikman and Feyen, Case C-78/95, [1996] I-4943	283
Hicks v Ruddock [2007] FCA 299	985
H.J. Banks & Co. Ltd v British Coal Corporation, Case 390/98, [1994] ECR I-1209	53
HM Treasury v Ahmed [2010] UKSC 2	1000
Hoffmann, Case 145/86, [1988] ECR 645	283
Höfner v Mactrottron, Case C-41/90, [1991] ECR I-1979	492
Holmes v Holmes [1989] Fam 47	1033

*2010 Case Index*

Hongkong Fir Shipping Co Ltd v Kawasaki Kisen Kaisha [1962] 2 QB 26	917
Horgan v An Taoiseach, 132 ILR 407	1005
Hunter v General Accident Corp 1909 SC 344 (CSIH), aff'd 1909 SC (HL Sc) 30	472
Hunter v Hunter (1904) 7 F 136 (CSIH)	472
Huntington v Attrill [1893] AC 150	988
Hutten-Czapska v Poland (App No 35014/97) ECHR 2006-VIII	1074
Hyman v Hyman [1929] AC 601	571
I, Re (A Child)(Contact Application: Jurisdiction) [2009] UKSC 10, [2009] 3WLR 1299	509, 1039
IB v The Queen [2009] EWCA Crim 2575	502
Ikimi v Ikimi [2001] EWCA Civ 873, [2002] Fam 72	1036
Ilaşcu v Moldova and Russia, App No 48787/99 (2004) 40 EHRR 1030	157, 870
Illinois Brick Co v Illinois 431 US 720 (1977)	46
ILO, Convention No 170, Opinion 2/91, [1993] ECR I-1061	485
Import Prohibition of Certain Shrimp and Shrimp Products—Report of the Appellate Body, WTO United States, 12.10.98, WT/DS58/AB/R	351
Independent Jamaica Council for Human Rights v Marshall-Burnett [2005] UKPC 3	763
India—Patents, WTO Appellate Body Report	649
Information under Art.9 of OSPAR Convention (Ireland /UK) PCA (Final Award, 2.7.03) 30	608
Intel v Commission, Case T-286/09 (pending)	494
International status of South-West Africa (Advisory Opinion) ICJ Rep 1950 128	241
Internationale Handelsgesellschaft, Case 11/70, [1970] ECR 1125	1146
Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie, Case Concerning Questions of (Libya v UK and Libya v USA) ICJ Rep 1998, 115	436
Ipek v Turkey, ECtHR, App No 2560/94, 17.5.04	552
Iran v US, Case A/15 (Award No. 63-A/15-FT), 2 Iran-US CTR 40	379
Ireks-Arkady GmbH v Council and Commission of the European Communities (Quellmehl Cases), Case 238/78, [1979] ECR 2955	52
Ish-Shalom v. Wittman, 797 NY S.2d 111, N.Y.A.D. 2 Dept., 2005	1159
Islamic Republic of Iran v Barakat Galleries [2007] EWCA Civ 1374; [2009] QB 22	982
Issa v Turkey (2004) 41 EHRR 567	154
Istituto Chimioterapico Italiano & Commercial Solvents Corporation v Commission, Cases 6 & 7/73, [1974] ECR 223	490
J, Re (A Child) (Custody Rights: Jurisdiction)[2005] UKHL 40, [2006] 1 AC 80	512
Miss J v Dr P [2007] EWHC 704 (Fam)	1039
JA v Czech Republic, App No 22926/93, EComm HR, 7.4.94	859
Jabari v Turkey (2000) 9 BHRC 1	167
Jahn v Germany (App No 46720/99; 72203/01; 72552/01) ECHR 2005-VI (GC)	1071
Jameel (Yousef) v Dow Jones & Co Inc [2005] QB 946	29
James v UK (App No 8793/79) (1986) Series A No 98	1055
Janakakis-Kostun v Janakakis, 6 S.W.3d 843, 849 (Kentucky)	1159
Japan—Measures Affecting Agricultural Products (Japan-Varietals) Panel Report, 27.10.98, WT/DS76/R	448
Japan—Measures Affecting the Importation of Apples (Japan-Apples), Panel Report, 15.7.03, WT/DS245/R	448
Appellate Body Report, 10.12.03, WT/DS245/AB/R	448
Japan: Taxes on Alcoholic Beverages—Report of the Appellate Body (4.10.96) WTO Doc WT1DS8/AB/R, WTO/DS10/AB/R, WT/DS11/AB/R	649, 1092
Jasinskij v Lithuania, App No 38985/97, ECommHR 9.9.98	858
Jayawardene v Sri Lanka, UN HRC, Communication 916/2000	554
Jégo-Quéré v Commission, Case T-177/01, [2002] ECR II-2365, superseding Commission v Jégo-Quééré, Case C-263/02 P, [2004] ECR I-3425	265
Jevromovic v Serbia, App No 31092/05, ECtHR 17.7.07	860
JH Rayner (Mincing Lane) Ltd v Department of Trade and Industry [1990] 2 AC 418	996
JKN v JCN [2010] EWHC 843 (Fam)	1038
Johann Luhrs v Hauptzollamt Hamburg-Jonas, ECJ Case 78/77 of 1978	775

*International and Comparative Law Quarterly*

John Fairfax Publications Pty Ltd v Ryde Local Court [2005] NSWCA 101	564
Johnson v CARICAD [2009] CCJ 3 (OJ)	762
Jorgić v Germany [2007 ] ECHR 583	806
Joscelin v Shelton (1557) 3 Leon 4 (QB)	477
Joy v North, 692 F.2d 894	1090
Just, Hans v Danish Ministry for Fiscal Affairs, Case 68/79 [1980] ECR 501	54
Re K (Children) (Rights of Custody: Spain) [2009] EWCA Civ 986	511
K v K (Ancillary Relief; Prenuptial Agreement) [2003] 1 FLR 120	579
Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities, Joined Cases C-402/05 P and C-415/05 P, [2008] ECR I-6351	152, 481
Kafkaris v Cyprus [2008] ECHR 143	809
Kamer van Koophandel en Fabriken voor Amsterdam v Inspire Art Ltd, Case C-167/01 [2003] ECR I-10155	303
Kamma v Netherlands (1974) 18 YB 300	551
Kano State Urban Development Board v FANZ Limited (1986) 5 NWLR (Part 39) 1	77
Kano State Urban Development Board v FANZ Limited (1990) 4 NWLR (Part 142) 1	77
Karlsson, E-4/01, [2002] EFTA Ct Rep 248	738
Karsales (Harrow) Ltd v Wallis [1956] 1 WLR 936	916
Kasikili/Sedudu Island (Botswana/Namibia) (Judgment) [1999] ICJ Rep 1045	623
Katikaridis v Greece (App No 19385/92) ECHR 1996-V 1673	1077
Kaunda v Republic of South Africa, (CCT 23/04), 2005 (4) SA 235 (CC)	1002
Keck and Mithouard, Joined cases C-267 & 268/91, [1993] ECR I-6097	311
Keeton v Hustler Magazine, Inc 465 US 770; 104 S Ct 1473; 79 L Ed 2d 790 (S Ct 1984)	27
Keller Holding, Case C-471/04, [2006] ECR I-2107	754
Keogh v Chicago & NW Ry 245 US 531 (1918)	46
Kill v Hollister, 1 Wils. 129, 95 ER 532	67
King v Lewis [2004] EWCA Civ 1329	29
Klinge, III LRTWC 1	809
Klockner v Cameroon, ICSID Case NoARB/81/2, Award of 21.10.83,	393
Decision on Annulment of 3 May 1985	393
KME Germany v Commission, Case T-127/04, judgment, 6.5.09	496
Koi, Wan Kuok v Portugal, CCPR-OP-3/CCPR-OP-2/CCPR-OP-5-2-B, 22.10.01	863
Konecny v Czech Republic, Appl nos 47269/99, 64656/01; 65002/01, ECHR 26.10.04	853
Kononov v Latvia [2010] ECHR 667	806
Korea National Insurance Corporation v Allianz Global Corporate & Speciality AG, [2008] EWCA Civ 1355	1006
Korea—Procurement, WTO Panel Report	650
Kozacıoğlu v Turkey (App No 2334/03) (2009)	1077
Kozłowski, order 22.2.08; judgment, Case C-66/08, [2008] ECR I-6041	273
Kreng v Kreng [1999] 1 FLR 969	1038
Kretzinger, Case C-288/05, [2007] ECR I-6441	300
Krippendorf v Hyde 110 US 276, 283 (1884)	1096
Krombach v Bamberski, Case C-7/98, [2000] I-1935	282, 1051
Kuchar and Stis v Czech Republic, App No 37527/97, ECtHR 23.5.00	859
Kupferberg, Case 104/81, [1982] ECR 3641	733
Kurt v Turkey (1999) 27 EHRR 373	551
Kuwait Airways Corporation v Iraq Airways Corporation [2002] 2 AC 883	982
Kwok-Fung, Yuen v Hong Kong SAR [2001] 3 NZLR 463	896
Laboratoires Pharmaceutiques Bergaderm and anor v Commission, Case C-352/98P, [2000] ECR I-5291	499
Ladbroke, Case E-3/06, [2007] EFTA Ct Rep 86	749
LaGrand case (Germany v USA) [2001] ICJ Rep 466	767, 908
Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visseri, Case C-127/02, [2004] ECR I-7405	1134
Lasteyrie du Saillant, Case C-9/02, [2004] ECR I-2409	306
Lechouritou and Others, Case C-292/05, [2007] ECR I-1519	263

*2010 Case Index*

Leffler, Case C-443/03, [2005] ECR I-9611	263
Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, [2004] ICJ Rep 131	136, 155, 185, 205, 335
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (Advisory Opinion) 1970 ICJ Rep 16	213
Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion) [1996] ICJ Rep 226	192, 617, 782
Leon v Leon [1967] P 275	511
Lep Air Services Ltd v Rolloswin Investments [1973] AC 331	912
Lepojic v Serbia, App No 13909/05, ECtHR 31.3.09	860
Leung Kwok Hung v Hong Kong SAR [2005] HXCFA 40	903
Lewis v Attorney General of Jamaica [2001] 2 AC 50 (PC)	1018
LG&E Energy Corp, LG&E Capital Corp, LG&E International Inc v Argentine Republic, ICSID Case No ARB/02/1, Award, 3.10.06	331, 375
Libyan Arab Foreign Investment Company v Republic of Burundi, Ad Hoc Arbitration, 96 ILR 279	338
Liga Portuguesa, Case C-42/07, ECJ, judgment 8.9.08	749
Limburgse Vinyl Maatschappij and Others v Commission, Joined Cases C-238/99 P, C-244/99 P, C-245/99 P, C-247/99 P, C-250/99 P -C-252/99 P & C-254/99 P, [2002] ECR I-8375	300
Linton v The Attorney General (AB) 2009	766
Lithgow v UK (App No 9006/80; 9262/81; 9263/81; 9265/81; 9266/81; 9313/81; 9405/81) (1986) Series A No 102	1055
LK v K (No 3) [2007] EWHC 3281 (Fam)	1040
Lloyd's Register of Shipping v Campenon Bernard, Case 439/93, [1995] ECR I-961	57
LO, Case E-8/00, [2002] EFTA Ct Rep 114	748
Lopez v Uruguay, UN HRC, 29.7.81, CCPR/C/13/D/52/1979	155
Lopez and Lopez Lizazo, Case C-68/07, [2007] ECR I-10403	263
L'Oréal, Joined cases E-9/07 and E-10/07, [2008] EFTA Ct Rep 258	733
SS Lotus case (France v Turkey) PCIJ Rep Series A No 10	795, 898
Ludwigs-Apotheke, Case C-143/06, [2007] ECR I-9623	755
Lugano Convention, Opinion 1/03, [2006] ECR I-1145	482, 506
Lukanov v Bulgaria (1997) EHRR II 543	876
Luzon Hydro v Transfield Philippines CA-GR Special Proceedings No 94318 filed 28.4.06	77
Lynn v Bruce 2 H Bl 317 (CP)	474
M v M (Prenuptial Agreement) [2002] 1 FLR 654	579
M v M [2007] EWHC 1404 (Fam)	1033
McA v McA [2000] IEHC 6, [2000] 1 IR 457	1035
McFarlane v McFarlane [2006] UKHL 24; [2006] 2 AC 618	589, 1036
McG v W [1999] IEHC 77, [2000] 1 IR 96	1029
McKerr, Re [2004] UKHL 12, [2004] 1 WLR 807	996
MacLeod v MacLeod [2008] UKPC 64	572
Maglite, Case E-2/97, [1997] EFTA Ct Rep 129	740
Maharaj, His Holiness Sant Baba Jeet Singh Ji v Eastern Media Group and Hardeel Singh [2010] EWHC 1294 (QB)	986
Malone v UK ECHR Series A No 82; (1984) 7 EHRR 14	872
Mamatkulov and Askarov v Turkey (2005) 41 EHRR 494	166
Manfredi v Lloyd Adriatico Assicurazioni, Cases C-295 etc/04, [2006] ECR I-6619	497
Marchiori v The Environment Agency and Others [2002] EWCA Civ 3	986
Marckx v Belgium (App No 6833/74) (1977) Series A No 31	1065
Maredelanto Cia Naviera SA v Bergbau-Handels GmbH (The Mihalis Angelos) [1971] 1 QB 64	917
Maritime Delimitation in the Black Sea, Case concerning (Romania v Ukraine) (Merits) 2.2.09	906

*International and Comparative Law Quarterly*

Maritime Delimitation and Territorial Questions, case concerning, (Qatar v Bahrain)	
[1994] ICJ Rep 120; [2001] ICJ. Rep 40	436, 874
Mark v Mark [2005] UKHL 42, [2006] 1 AC 98	1032
Marks & Spencer plc v HM Inspector of Taxes, Case C-446/03, [2005] ECR I-10837	306
Marleasing, Case C106/89, [1990] ECR I-4135	739
Marriage of Resina, In the [1991] FamCA 33	1163
Marseille Fret, Case C-24/02, [2002] ECR I-3383	264
Matijasevic v Serbia, App No 23027/04, ECHR 19.9.06	853
Mattel/Lego, Joined cases E-8/94 and E-9/94, [1994–1995] EFTA Ct Rep 115	749
Matter of Greiff, 92 NY 2d 341, 344, 680 NYS 2d 894, 703 N E2d 752 [1998]	588
Matthews v UK, ECtHR, Appl. No 24833/94, Judgement, 18.1.99	157
Mavrommatis Palestine Concessions (Greece v UK) PCIJ Rep 1924 Series A, No 2, 12	767
Mbasogo v Logo Ltd and Others [2005] EWHC 2034	982
MC v Bulgaria (2005) 40 EHRR 20	561
Measures Affecting the Cross-Border Supply of Gambling and Betting Services—Report of the Panel (WTO United States), 10.11.04, WT/DS285/R	359
Measures Affecting Imports of Fresh, Chilled and Frozen Beef—Report of the Appellate Body (11.12.00) (WTO Korea) WT/DS161/AB/R, WT/DS169/AB/R	338
Medvedyev v France, ECtHR, Appl. No 3394/03, Judgment, 10.7.08; GC, 29.3.10	154, 867
Mellacher v Austria (App No 10522/83; 11011/84; 11070/84) (1989) Series A No 169	1073
Memel Territory, Interpretation of the Statute, PCIJ Rep Series A/B No 49	901
Mentes v Turkey (1997) 26 EHRR 595	551
Metalclad Corporation v United Mexican States (NAFTA claim)	395
Metalclad, judicial review of arbitral award, British Columbia Supreme Court, 2.5.01	327
Methanex Corporation v. United States	
Tribunal Decision on Petitions from 3rd Persons to Intervene as Amici Curiae, 15.1.01	378
Final Award, 9.8.05	379
Metock [2008], Case C-127/08, ECR I-06241	273
Mexico: Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States: Recourse to Article 21.5 of the DSU by the United States—Report of the Appellate Body (22.10.01) WTO Doc WT/DS132/AB/RW	1087
Microsoft v Commission, Case T-201/04, [2007] ECR II-3601	493
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v USA)	
[1984] ICJ Rep 14	133, 334, 617
[1986] ICJ Rep 4	198
Military and Paramilitary Activities (Nicaragua v US)	
Miraglia, Case C-469/03, [2005] ECR I-2009	300
Miller v Miller [2006] UKHL 24	585, 1036
Mills v The Queen [1986] 1 SCR 863	555
Mist v R [2005] NZSC 77	987
Monsanto Agricultura, Case C-236/01, [2003] ECR I-8105	753
Moore v Moore [2007] EWCA Civ 361	1038
Mousa, Ali Zaka v Secretary of State for Defence, [2010] EWHC 1823	1015
Mozes v Mozes, 239 F.3d 1067 (9th Cir.2001)	1166
MTD Equity Sdn. Bhd. and MTD Chile SA v Republic of Chile, Award of 24.5.04, ICSID Case No. ARB/01/7	395
Munro v Munro [2007] EWHC 3315 (Fam)	1034
Mutual Assistance in Criminal Matters, Certain Questions (Djibouti v France) [2008] ICJ Rep 177	908
M/V Saiga (No 2) Case, ITLOS 38 ILM 1323 (1999)	338, 878
Mytilineos v State Union of Serbia and Montenegro, 8.9.06	856
MyTravel Group v Commission, Case T-212/03, [2008] ECR II-1967	499
Nadarajan M v Sandra W., 2002 WL 31586632 (2nd Dist. Cal 2002, unreported)	1159
The Netherlands and van der Wal v Commission, Joined Cases C-174/98 P and C-189/98 P, [2000] ECR I-1	283
New Brunswick (Minister of Health and Community Service) v G (J) [1999] 3 SCR 46	556
Nille, Case E-5/96, [1997] EFTA Ct Rep 30	746
NML Capital Ltd v Argentina [2009] EWHC 110 (Comm), [2009] 2 WLR 1332	1006

## 2010 Case Index

Norris v Government of the United States of America [2008] UKHL 16, [2008] 1 AC 920	503
North Sea Continental Shelf Cases [1969] ICJ Rep 3, 38	143, 781
Norway v ESA, Case E-6/98, [1999] EFTA Ct Rep 74	741
Norwegian Bankers' Association, Case E-4/97, [1999] EFTA Ct Rep 1	749
Nuclear Tests case (Australia v France) [1974] ICJ Rep	785, 836
Obligation to Prosecute or Extradite, Case Concerning Questions relating to (Belgium v Senegal) (Provisional Measures) 28.5.99	908
Öcalan v. Turkey, ECtHR, Appl. No 46221/99, chamber judgment, 12.3.03; GC, 12.5.05	154, 870
O'Callaghan v The Commissioners of Public Works (1995) ILRM 364	1062
Odatalla v Odatalla 810 A.2d 93, NJ S Ct 2002	579
Ohio Valley Electric Corp v General Electric Co 244 F Supp 914 (SDNY 1965)	46
Oil Platforms (Iran v USA) [1996] ICJ Rep (II) 815	198
Oil Platforms (Iran v USA) [2003] ICJ Rep 90	353
O'K v A [2008] IEHC 243	1030
O'Neill v Phillips [1999] 1 WLR 1092	590
Oneryildiz v Turkey, Appl No 48939/00) ECHR 2004-XII	850
ONG v Saw Pipes (2003) 5 SCC 705	75
Opel Austria, Case T-115/94, [1997] ECR II-39	751
Operation Dismantle [1985] 1 SCR 441	1018
Oppenheimer v Cattermole [1967] AC 249	987
Ospelt, Case C-452/01, [2003] ECR I-9743	754
Owusu v Jackson, Case C-281/02, [2005] ECR I-1383; [2005] QB 801	29, 287, 510, 519, 1038
Oy Liikenne, Case C-172/99, [2001] ECR I-745	753
P v S, Case C-13/94, [1996] ECR I-2143	756
Papachelas v Greece (App No 31423/96) ECHR 1999-II 1	1077
Paranova, Case E-3/02, [2003] EFTA Ct Rep 101	748
Parentage of C.A.M.A., In re, 103 Wash. App. 1032 (2000)	1163
Parkerings-Compagniet AS v Republic of Lithuania, Award of 11.9.07, ICSID Case No. ARB/05/8	395
Parliament v Commission, Case C-403/05, [2007] ECR I-9045	485
Pelladoah v Netherlands, ECtHR, Series A No 297-B	283
Pennell v San Jose 485 US 1, 22–23 (1988)	1057
Peter Buchanan Ltd v McVey [1955] AC 516	988
Petrosian, Case C-19/08, judgment, 29.1.09	291
Photo Production Ltd v Securicor Transport Ltd [1980] AC 827	912
Piazza, Case E-10/04, [2005] EFTA Ct. Rep. 76	743
Piero Foresti, Laura de Carli and others v Republic of South Africa, ICSID Case No. ARB(AF)/07/01	410
In Re Piracy Jure Gentium [1934] AC 586	143
PK et al v Spain Decision (21.11.08) UN Doc CAT/C/41/D/323/2007	154
Plaumann v Commission, Case 25/62, [1963] ECR 95	265, 1138
Poitrimol v France, ECtHR, Series A No 277-A	283
Poland v Commission and Estonia v Commission Cases T-183/07 and T-263/07, Judgments of 23.9.09, not yet reported (under appeal as Case C-504/09 P and Case C-505/09 P)	1133
Polish Upper Silesia and Free Zones of Upper Savoy, PCIJ	200
Polydor, Case 270/80, [1982] ECR 329	733
Pope & Talbot v Canada, UNCITRAL Arbitration Award, 10.4.01	327
Portugal v Council, Case C-149/96, [1999] ECR I-8395	734
PPU Detiček, Case C-403/09, judgment, 23.12.09	263
PPU Inga Rinau, Case C-195/08, [2008] ECR I-5271	505
PPU Kadzoev, Case C-357/09, judgment, 30.11.09	279
PPU Leymann and Pustovarov, Case C-388/08, judgment, 1.12.08	280
PPU Rinau. C-195/08, [2008] ECR I-5271	263
PPU Santesteban Goicoechea, Case C-296/08, [2008] ECR I-6307	280



*International and Comparative Law Quarterly*

Pretty v Director of Public Prosecutions and Secretary of State for the Home Department [2001] UKHL 61; [2002] 1 AC 800 23	552
Prosecutor v Omar Hassan Ahmad Al Bashir, ICC-02/05-01/09	206
Prosecutor v Beqa Beqaj Case No IT-03-66-T-R77	777
Prosecutor v Delalić, Mucić, Delić and Landžo, Judgment, IT-96-21-A, 20.2.01	808
Prosecutor v Erdemović, IT-96-22-A, ICTY Appeal Chamber Judgment, 7.10.97	529
Prosecutor v Bahar Idriss Abu Garda, ICC-02/05-02/09	208
Prosecutor v Jean-Pierre Bemba Gombo, ICC-01/05 -01/08	208, 808
Prosecutor v Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman, ICC-02/05-01/07	208
Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui, ICC-01/04-01/07	208
Prosecutor v Kayishema and Ruzindana, Judgment, ICTR-95-1-t, 21.5.99	812
Prosecutor v Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen, ICC-02/04-01/05	208
Prosecutor v Milošević (IT-02-54-PT), IT-99-37, 24 May 1999; Decision on Preliminary Motions, 8.11.01	211, 213
Prosecutor v Norman SCSL-2004-14-AR72-E, 31.5.04	808
Prosecutor v Tadić Case No IT-94-1-A-R77	185, 777, 807
Prosecutor v Taylor (SCSL-2003-01-I), Decision on Immunity from Jurisdiction, 31.5.04	211
Provimi Ltd v Aventis Animal Nutrition SA [2003] 2 All ER (Comm) 683	54
PT, Asuransi Jasa Indonesia (Persero) v Dexia Bank SA [2007] 1 SLR 597	82
Public Committee Against Torture in Israel v Government of Israel, HCJ 769/02, 13.12.06	185
Publisher Industries Inc v Cohen 733 F. 2d 1059 (1984)	1095
Pulp Mills (Judgment of 20.4.10)	906
Pupino, Case C-105/03, [2005] ECR I-5285	268
The Queen v HM Treasury and Commissioners of Inland Revenue, ex parte Daily Mail and General Trust plc, Case 81/87, [1988] ECR 5483	305
R, Re [2003] EWHC 1968 (Fam)	1034
R v Balfour Beatty [2006] EWCA Crim 1586	4
R-v-Beckingham < <a href="http://www.corporateaccountability.org/manslaughter/cases/acqcases/3.htm">http://www.corporateaccountability.org/manslaughter/cases/acqcases/ 3.htm</a> >	9
R v Blaue [1975] 1 WLR 1411	19
R v Bow Street Metropolitan Stipendiary Magistrate and Others, Ex Parte Pinochet (No. 3) [1999] 2 All ER 97	214
R v Charget Ltd (trading as Contract Services) [2008] UKHL 73, [2008] 1 WLR 1	5
R v Church [1966] 1 QB 59	1
R v Clarke (1927) 40 CLR 227 (HCA)	471
R v Cox [2004] EWCA Crim 282, [2004] 2 CrAppR (S) 54	4
R v Dean and Bolden [1998] 2 Cr App R 171	160
R v Dodd (1874) 2 NZCA 598	899
R v Evans [2007] 1 CrAppR (S) 555 (89)	23
R v Goodwin [2006] EWCA Crim 3184; [2006] 1 WLR 546	3
R v Horseferry Road Magistrates Court Ex p. Bennett (No.1), [1994] 1 AC 42	996
R v Jones (Margaret) [2006] UKHL 16; [2007] 1 AC 136	804, 903, 1003
R v Kennedy (No 2) [2007] UKHL 38; [2007] 3 WLR 612	12
R v Knüller [1973] AC	435
R v Misra [2004] EWCA Crim 2375; [2005] 1 CrAppR 21	2
R v Morgentaler [1988] 1 SCR 30	555
R v Newbury and Jones [1977] AC 500	1
R v O'Connor [1995] 4 SCR 411	555
R v Poel [2006] EWCA Crim 3186	23
R v Porter [2008] EWCA Crim 1271	4
R v Prime Minister, ex parte Campaign for Nuclear Disarmament [2002] EWHC 2777	992
R v R [1992] 1 AC 599	590
R v Richards [2008] EWCA Crim 1427	4
R v Sawoniuk (2001) 2 Cr App R 220	805

*2010 Case Index*

R v Secretary of State for Foreign & Commonwealth Affairs, ex parte Everett [1989] QB 811	987
R v Secretary of State for Foreign Affairs ex parte Rees-Mogg [1994] QB 552	987
R v Secretary of State for the Home Department, Ex parte Launder (No 2) [1998] QB 994	993
R v Secretary of State for Transport ex parte Factortame Ltd Joined Cases C-46/93 and C-48/93 [1996] ECR I-1029	777
R v Shayler, [2002] UKHL 11; [2003] 1 AC 247	1011
R v Whittle, Allison & Brammar [2008] EWCA 2560	501
R (Abbasi) v Secretary of State for Foreign and Commonwealth Affairs [2002] EWCA Civ 1598	987
R (Al-Haq) v Secretary of State for Foreign & Commonwealth Affairs [2009] EWHC 1910 (Admin)	982
R (Al-Jedda) v Secretary of State for Defence [2007] UKHL 58; [2008] 1 AC 332	995
R (Al-Rawi) v Secretary of State for Foreign and Commonwealth Affairs [2006] EWHC 972 (Admin); [2006] EWCA Civ 1279, [2008] QB 289	1003
R (Al Saadoon) v Secretary of State for Defence [2009] EWCA Civ 7	155
R (Al-Skeini) v Secretary of State for Defence [2007] UKHL 26, [20087] 1 AC 153	154, 821, 1008
R (Al-Sweady) v Secretary of State for Defence [2009] EWHC 2387 (Admin)	1015
R(B) v Secretary of State for Foreign and Commonwealth Affairs [2004] EWCA Civ 1344	161
R (Bancoult) v Secretary of for Foreign and Commonwealth Affairs [2008] UKHL 61	987
R (Binyam Mohamed) v Secretary of State for Foreign and Commonwealth Affairs [2009] EWHC 152, [2009] 1 WLR 2653	1013
R (Binyam Mohamed) v Secretary of State for Foreign and Commonwealth Affairs [2010] EWCA Civ 65, [2010] 3 WLR 554	1014
R (C) v Upper Tribunal [2010] EWCA Civ 859	1016
R (Corner House Research) v Director of the Serious Fraud Office [2008] UKHL 60, [2009] 1 AC 756	997
R (European Roma Rights Centre) v Immigration Officer at Prague Airport [2004] UKHL 55	153
R (Evans) v Secretary of State for Defence [2010] EWHC 1445 (Admin)	982
R (Gentle) v The Prime Minister [2008] UKHL 20	821
R (Greenpeace Ltd) v Secretary of State for Trade and Industry, [2007] EWHC 311	988
R (Hilali) v Westminster Magistrates' Court, [2008] EWHC 2892	1001
R (KTHV and CTA) v Secretary of State for Transport and Republic of Cyprus [2010] EWCA Civ 1093	996
R (Nuclear Information Service) v Secretary of State for Defence (unreported)	1011
R (Saeedi) v Secretary of State for Home Department [2010] EHC 705 (Admin)	982
R (Smith) v Oxfordshire Assistant Deputy Coroner [2009] EWCA Civ 441	821
R (SRM Global Master Fund LP) v Treasury Commissioner [2009] EWCA Civ 788	1069
R (Ullah) v Special Adjudicator [2004] UKHL 26; [2004] 2 AC 323	166, 553
R (Wheeler) v Office of the Prime Minister [2008] EWHC 1409 (Admin)	490, 985
Radmacher v Granatino [2009] EWCA Civ 649	571
Radovici and Stănescu v Romania (App No 68479/01, 71351/01 and 71352/01) (2006)	1075
Raffinerie Mediterranee (ERG) SpA, Polimeri Europa SpA and Syndial SpA v Ministero dello Sviluppo economic, ECJ Case C-378/08, judgment of 9.3.10	1135
Rainford-Towning, Case E-3/98, [1998] EFTA Ct Rep 205	741
Ramji Dayawala v Invest Import AIR 1981 SC 2085	72
Rasul v Bush, 542 US 466 (2004)	1000
RB (Algeria) v Home Secretary [2009] UKHL 10, [2009] 2 WLR 512	162, 1006
Rechberger, Case C-140/97, [1999] ECR I-3499	750
Red Sea Insurance Co. Ltd v Bouygues SA [1995] 1 AC 190	27
Reisch Montage, Case C-103/05, [2006] ECR I-6827	263
Renusagar v General Electric AIR 1994 SC 860	73
Republic of Argentina v NML Capital Limited [2010] EWCA Civ 41	1006
Republic of Croatia v Republic of Serbia [2009] EWHC 1599 (Ch)	999

*International and Comparative Law Quarterly*

Republic of Ecuador v Occidental Exploration & Production Co [2005] EWCA Civ 1116, [2006] QB 432	997
Republic of Serbia v ImageSat International NV [2009] EWHC 2853 (Comm)	856, 983
Request for Interpretation (Mexico v USA) Judgment, 19.1.09	908
Reservations to the Convention on the Prevention and Punishment of Genocide (Advisory Opinion), 1951 ICJ Rep 15	214
Restamark, Case E-1/95, [1994–1995] EFTA Ct Rep 35	736
Rewe v Landwirtschaftskammer fuer das Saarland [1976] ECR 1989	54, 1138
Richco International Ltd v Bunge & Co Ltd (The New Prosper) [1991] 2 Lloyd's Rep 93	915
Rights of Passage Case, ICJ	195
Rigopoulos v Spain, ECtHR, App No 37388/97, 12.1.99	154, 868
Roach & Pinkerton v United States Res No 3/87, Case 9647 (United States, IAComm HR Annual Report 1986-87)	787
Rodriguez v British Columbia (Attorney General) [1993] 3 SCR 519	555
Roth GmbH v Secretary of State for Home Department [2002] EWCA Civ 158	985
Rouard, Case C-462/06. [2008] ECR I-3965	263
RTE & ITP v Commission (Magill), Cases C-241 & 242/91P, [1995] ECR I-743	493
RV Ward Ltd v Bignall [1967] 1 QB 532	912
S v Baloyi 2000 (2) SA 425 (CC)	558
S v D [2006] ScotSC 53	1039
S v S (Divorce: Staying Proceedings) [1997] 2 FLR 100	579, 1030
Saadi v Italy, ECtHR, Appl. No 37201/06, 28.2.08	161, 290
Säger, Case C-76/90, [1991] ECR I-4221	310
Salahadin Abdulla & Others, Joined Cases C-175, 176, 178 & 179/08, judgment, 2.3.10	291
Sale v Haitian Centres Council, 509 US Reports 155	153
Saluka Investments BV v Czech Republic, UNCITRAL Arbitration, Partial Award, 17.3.06	351
Saramati v France, Germany and Norway (2007) 45 EHRR SE10	156
Sarei v Rio Tinto, No. 02-56256, 487 F.3d (12.4.07)	985
SCB v United Kingdom, ECHR 19.6.01	880
Schneider Electric v Commission, Case T-77/02, [2002] ECR II-4201	497
Case T-351/03, [2007] ECR II-2237	499
Sciarrotta and Guarino v Italy (2002) 35 EHRR 12	989
Scordino v Italy (App No 36813/97) ECHR 2006-V	1068
SD Myers v Canada, UNCITRAL Arbitration, 13.11.00	327, 395
Secretary of State for the Home Department v Rehman, [2001] UKHL 47, [2003] 1 AC 153	1004
Segi and Others v Council, Case C-355/04 P, [2007] ECR I-1657	266
Sempra Energy International v Argentine Republic, ICSID Case No ARB/02/16, Award, 28.9.07	333
Salah Sheekh v the Netherlands, ECtHR, judgment, 11.1.07, Appl. no 1948/04	294
Sandoz, Case 174/82, [1983] ECR 2445	747
Schemmer v Property Resources Ltd. [1975] Ch 273	988
Secretary of State for the Home Department v AF [2010] EWHC 42 (Admin)	1012
Secretary of State for the Home Department v F [2009] UKHL 28; [2009] 3 WLR 7	1012
Secretary of State for the Home Department v Pankina [2010] EWCA Civ 719	984
Re Selectmove [1995] 1 WLR 474 (CA)	474
Sellers v Maritime Safety Inspector [1999] 2 NZLR 44	897
SGL Carbon v Commission, Case C-308/04 P, [2006] ECR I-5977	300
SGS Societe de Surveillance v Republic of the Philippines, ICSID Case No ARB/02/6, Decision on Jurisdiction, 29.1.04	350
Shadwell v Shadwell [1860] 9 CBNS 159, 142 ER, 3 LT 628 (CP)	477
Shaban v Shaban, 88 Cal App 4d 398 (2001)	579
Shalit v Coppe, 182 F.3d 1124 (9th Cir 1999)	1166
Shaw v DPP [1962] AC 220	903
Shevill v Presse Alliance SA, Case C-68/93, [1995] ECR I-415	28, 57
Shuttle Packaging Systems v Tsonakis, Fed DC Michigan, 17.12.01	930
SIAT Di Del Ferro v Tradax Overseas SA [1980] 1 Lloyd's Rep 53	932

## 2010 Case Index

Siderman de Blake v Argentina, US Court of Appeals 9 <sup>th</sup> Circuit, 965 F 2d 699 (1992)	779
Silhouette, Case C-355/96, [1998] ECR I-4799	740
Siliadin v France (2005) 43 EHRR 16	561
Simunek v Czech Republic, CCPR/C/54/D/516/1992, 31.7.95	863
Skodakova v Czech Republic, App No 71551/01, ECtHR 21.12.04	859
Societe Comateb v Directeur General Des Douanes et Droits Indirects, Case 192/95, [1997] ECR I-165	53
Soering v UK (1989) 11 EHRR 439	166
Soldatenko v Ukraine, Appl. No 2440/07, Judgment, 23.10.08	165
Soltes v Czech Republic and Slovak Republic CCPR-OP-5-2-b/CCPR-OP-2, 28.10.05	863
Somafer v Saar-Ferngas, Case 33/78, [1978] ECR 2183	57
Sonderup v Tondelli, [2001] (1) SA 1171	1163
Sot. Lééelos Kai Sia v Glaxosmithkline Farmakeftikon Proionton, Cases C-468 06 etc, [2008] ECR I-7139	495
Soulsbury v Soulsbury [2007] EWCA Civ 969	571
South West Africa case (Second phase) (Ethiopia v South Africa, Liberia v South Africa) [1966] ICJ Rep	785
Sovtransavto Holding v Ukraine, App No 48553/99, ECtHR 25.7.02	865
Spain v United Kingdom, Case C-145/04, [2006] ECR I-7917	267
Sporrong and Lönnroth v Sweden (App No 7151/75; 7152/75) (1980) (EComHR)	1066
Sporrong and Lönnroth v Sweden (App No 7151/75; 7152/75) (1982) Series A No 52	1055
SS Wimbledon, Case of the PCIJ Rep, Series A No 1, 25 (1923)	774
Stack v Dowden [2007] UKHL 17	581
Standards for Reformulated Gasoline—Report of the Appellate Body (WTO United States), 20.5.96, WT/DS2/9, 23	358
Staubitz-Schreiber, Case C-1/04, [2006] ECR I-701	263
Stichting Greenpeace Council (Greenpeace International) and Others v Commission, Case C-321/95 P, [1998] ECR I-6651	1138
Stichting Natuur en Milieu, Case C-266/09, OJ 2009 C 267/26	1137
Stone v Macdonald 1979 SC 363	467
Strong v Dubin 48 A.D.3d 232, 851 NYS 2d 428, 2008 NY Slip Op. 01021 SC, Appellate Division, First Department, New York	588
Sudbrook Trading Estate Ltd v Eggleton [1983] 1 AC 444	467
Suez, Sociedad General de Aguas de Barcelona SA, & Vivendi Universal SA v Argentine, Order in Response to a Petition for Transparency and Participation as Amicus Curiae, 19.5.05, ICSID Case No. ARB/03/19	383
Order in Response to a Petition by 5 NGOs for Permission to Make an Amicus Curiae Submission, 12.2.07	385
Sulko v Slovak Republic, App No 26962/95, ECommHR 6.9.91	859
Sumitomo Shoji America, Inc, v Avagliano, 457 US 176 (1982)	1160
Sundaram Finance v NEPC India AIR 1999 SC 565	74
Sundelind Lopez v Lopez Lizaro, Case C-68/07, [2007] ECR I-10403	1038
Suresh v Canada (Minister of Citizenship and Immigration) [2002] 1 SCR 3	163
Sützen, Case C-13/95, [1997] ECR I-1259	751
Sveinbjörnsdóttir, Case E-9/97, [1998] EFTA Ct Rep 95	737
Syndicat national du commerce extérieur des céréales et autres v ONIC, Case 34/70, [1970] ECR 1233	1146
Synetairismos Farmakopoion Aitolias & Akarnanias (Syfait) v GlaxoSmithKline, Case C-53/03, [2005] ECR I-4609	495
Szmora and Hlavsova v Czech Republic, App No 23122/93, ECommHR 7.4.94	859
Tanis v Turkey, ECtHR, App No 65899/01, 2.8.05	552
Tasaruff Mevduati Sigorta Fonu v Demirel [2006] EWHC 3354 (Ch)	983
Taxes on Alcoholic Beverages—Report of the Appellate Body WTO Japan, 4.10.96, WT/DS11/AB/R	358
TCL v Caribbean Community [2009] CCJ 5 (OJ)	776
TCL & TGI v Guyana [2009] CCJ 1 (OJ)	767
Tecnicas Medioambientales TECMED SA v Mexico, Award of 29.5.03, ICSID Case No. ARB (AF)/00/2	395

*International and Comparative Law Quarterly*

Temple of Preahy Vihear (Cambodia v Thailand, ICJ Rep (1962) 31	874
Tessili, Case 12/76, [1976] ECR 1473	263
Thailand-Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland, 5.4.01, WT/DS122/AB/R	444
Thomson v Thomson [1994] 3 SCR 551, 589, 590, 119 D.L.R. (4th) 253	1163
Thorne v Majors [2009] UKHL 18	581
TOPCO v Libya, 17 ILM 3, 27–31 (1974)	345
Total Gas Marketing Ltd v Arco British Ltd and Others, [1998] 2 Lloyd's Rep 209	600
Tractor Export v Tarapore and Co AIR 1971 SC 1	72
Transco plc v HM Advocate 2005 SLT 211, 2005 SCCR 117	4
Transfield Shipping Inc v Mercator Shipping Inc (The Achillesa) [2008] UKHL 48; [2009] 1 AC 61	912
Trinidad Cement Ltd v The Caribbean Community [2009] CCI 2 (OJ)	766
Tsomsos and Others v Greece (App No 20680/92) ECHR 1996-V 1699	1077
Turanský, Case C-491/07, ECJ, judgment, 22.12.08	300
Turkey—Textiles, WTO Panel Report	650
Appellate Body Report	656
Turner v Grovit, Case C-159/02, [2004] ECR I-3565	286, 519
TW v Malta, App No 25644/94, (1999) 29 EHRR 185	879
Überseering BV v Nordic Construction Baumanagement GmbH [NCC], Case C-208/00 [2002] ECR I-9919	303
Re Union Carbide Corp Gas Plant Disaster at Bhopal, India in Dec 1984, 809 F.2d 195 (2nd Cir 1987)	523
Unión de Pequeños Agricultores (UPA) v Council, Case C-50/00P, [2002] ECR I-6677	1138
United Brands v Commission, Case 27/76, [1978] ECR 207	490
United Kingdom v Council, Case C-77/05, [2007] ECR I-11459	271
United Kingdom v Council, Case C-137/05, [2007] ECR I-11593	271
United Postal Service of America Inc v Canada, ICSID Arbitration, Decision on Petitions for Intervention and Participation as Amicus Curiae, 17.10.01	381
Award on the Merits, 24.5.07	354
Final Award, 11.6.07	381
United States-Anti-Dumping Measures on Hot-Rolled Steel Products from Japan (US-Hot-Rolled Steel) Panel Report, 23.8.01, WT/DS184/R	444
Appellate Body Report, 14.11.08, WT/DS320/AB/R	441
United States—Carbon Steel, WTO Appellate Body Report	649
United States: Continued Existence and Application of Zeroing Methodology. Annex IV. Procedural Ruling—Report of the Appellate Body (4.2.09)	1085
WTO Doc.WT/DS350/AB/R [2]	1085
United States—Continued Suspension of Obligations in the EC-Hormones Dispute (EC-Hormones II) Panel Report, 31.3.08. WT/DS320/R	451, 1084
United States—Countervailing Duty Investigation on Dynamic Random Access Memory Semiconductors (DRAMs) from Korea, 20.7.05, WT/DS296/AB/R	447
United States—Gambling, WTO Panel Report	649
United States Gasoline, WTO Appellate Body Report	649
United States—Import Prohibition of Certain Shrimp and Shrimp Products (Shrimp-Turtle Case)—Report of the Appellate Body, 12.10.98	404, 621, 1082
WT/DS58/AB/R [108]	404, 621, 1082
United States—Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom—Report of the Appellate Body, 10.5.00, WT/DS138/AB/R [39]	405, 1082
United States—Line Pipe, WTO Panel Report and Appellate Body Report	657
United States: Measures Affecting the Cross-Border Supply of Gambling and Betting Services—Report of the Appellate Body (7.4.05), WTO Doc WT/DS285/AB/R	1088
United States—Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products: Request for Consultations by Mexico, WT/DS381/1, G/L/858, G/TBT/D/32, 28.10.08	654

*2010 Case Index*

United States—Offset Act (Byrd Amendment), WTO Appellate Body Report	650
United States—Section 110(5) of US Copyright Act—Report of the panel, 15.6.00, WT/DS160/R	398
United States—Softwood Lumber, WTO Appellate Body Report	649
United States—Steel Safeguards WTO Appellate Body Report	637
United States: Subsidies on Upland Cotton—Report of the Appellate Body (3.3.05), WTO Doc WT/DS267/AB/R	1096
United States—Wheat Gluten, WTO	636
United States v British Airways, plea agreement, District Court, District of Columbia, 23.8.07	502
United States v Gonzalez, 776 f 2d (11 Circuit, 1985) 936	875
Urbárska Obec Trenčianske Biskupice v Slovakia (App No 74258/01) (2007)	1072
Valero Marketing & Supply Co v Greeni Oy, US Fed DC (NJ) 15.6.05	934
V.A.M. v Serbia, App No 39177/05, ECtHR, 21.9.07	860
Van den Boogaard v Laumen, Case C-220/95, [1997] ECR I-1147	1041
Van Esbroeck, Case C-436/04, [2006] ECR I-2333	300
van Eycke v ASPA, Case 267/86, [1988] ECR 4769	492
Van Geyselhem v Belgium, ECtHR, No 26103/95	283
Van Straaten, Case C-150/05, [2006] ECR I-9327	300
Venture Global v Satyam AIR 2008 SC 1061; (2008) 4 SCC 190	76
Vereniging van Vlaamse Reisebureaus v Sociale Dienst van de Plaatselijke en Gewestelijke Overheidsdiensten, Case 311/85, [1987] ECR 3801	492
Vestergaard Frandsen A/S & Ors v Bestnet Europe Ltd & Ors [2009] EWHC 1456 (Ch)	1095
Vienna Convention on Consular Relations (Paraguay v USA) [1998] ICJ Rep	248
Viking Line, C-438/05, [2007] ECR I-10779	748
Vincenzo Manfredi v Lloyd Adriatico Assicurazioni SpA, Case C-295/04, ECR [2006] I-06619	51
von Colson, Case 14/83, [1984] ECR 1891	739
von Maltzan v Germany, Appl. No 71916/01, ECtHR 2.3.05	860
W v W [1993] 2 IR 476	1029
W (Algeria) v Secretary of State for the Home Department [2010] EWCA Civ 898	1006
Walsh v Walsh 221 F.3d 204 (1st Cir. 2000)	1167
Walton v Walton (1994 unreported)	597
Warbecq, Case C-555/03, [2004] ECR I-6041	264
Wassink v The Netherlands, ECHR Series A No 185 (1990)	876
Weiss und Partner, Case C-14/07, [2008] ECR I-3367	263
Welsh v Lewis 740 NY S.2d 3355, NYAD 2 Dept., 2002	1159
Wermuth v Wermuth (No 1) [2002] EWHC 3049 (Fam)	1040
Wermuth v Wermuth (No 2) [2003] EWCA Civ 50	1040
Western Sahara Case, Advisory Opinion, ICJ Rep 1975 12	436
Westland's Helicopters Ltd v Arab Organisation for Industrialisation [1995] QB 282	996
Whallon v Lynn, 230 F.3d 4540 (1st Cir 2000)	1163
White v White [2000] UKHL 54; [2001] 1 AC 596	585
White v White, 71 AD 3d 473, 898 NY S.2d 8, (2010)	1159
Wicks v Wicks [1998] 3 WLR 277	594
Wilkinson v Kitzinger [2006] EWHC 2022 (Fam)	1035
Williamson v Williamson [2009] ScotSC 18	1034
Winnipeg Child and Family Services v KLW [2000] 2 SCR 519	556
Wolzenburg, ECJ Case C-123/08, judgment, 6.10.09	275
World Duty Free v The Republic of Kenya, ICSID, 4.10.06	393
WTO, Opinion 1/94, [1994] ECR I-5267	485
X v Ireland (1973) 16 YB 388	552
X v United Kingdom (1981) 4 EHRR 188	551
Xhavara v Italy and Albania, ECtHR, Appl. No 39473/98, 11.1.01	154, 871
Y v Secretary of State for the Home Department, SIAC Appeal No: SC/36/2005, 24.8.06	162
Yamanouchi Pharmaceutical, Case C-110/95, [1997] ECR I-3251	751
YNR v NM [2005] IEHC 335, [2005] 4 IR 552	1029

*International and Comparative Law Quarterly*

Young, James & Webster v UK, Appl No. 7601/76, 7806/77, (1981) 4 EHRR 38	411
Zahn v International Paper Co 414 US 291 (1973)	49
Zammit and Others v Malta (App No 16756/90) (1989) 68 DR 312	1076

**European Commission Competition Cases**

Decision 2000/276 (Airtours/First Choice) OJ 2000 L93/1	497
Decision 2001/791 (Glaxo Wellcome) OJ 2001 L302/1	495
Decision 2004/275 (Schneider/Legrand) OJ 2004 L101/1	497
Case COMP/37.792 (Microsoft), decisions of 12.7.06 and 27.2.08	496
Decision 2007/53 (Microsoft) OJ 2007 L32/23	493
Case COMP/39.326 (E.ON Energie), decision, 30.1.08	497
Case COMP/38.823 (Lifts and Escalators) OJ 2008 C75/19	497
Case COMP/39.406 (Marine Hoses) OJ 2009 C168/6	501
Case COMP/37.990 (Intel), OJ 2009 C227/13	494
Case COMP/39.401 (E.ON/GDF) OJ 2009 C248/5	497
Case COMP/39.125 (Automotive Glass) OJ 2009 C173/13	496
Case COMP/39.530 (Microsoft (Typing)), OJ 2009 C242/20	493

**European Commission Merger Cases**

Case M.4439 Aer Lingus/Ryanair, 27.6.07	503
Case M.5278 Banque Fédérative du Crédit Mutuel/Citibank Private Banking Germany, Decision, 28.8.08	503
Case M.5296 Deutsche Bank/ABN Amro Assets, 1.10.08	503
Case M.5360 RBSK Group/DZ Bank Group/RZB Group/HVB Banca Pentru Locuinte, 3.12.08	503
Case M.5384 BNP Paribas/Fortis, 3.12.08	503
Case M.5363 Banco Santander/Bradford and Bingley Assets, 17.12.08	503
Case M.5228 Rabobank/Bank Gospodarki Żywnościowej, 11.2.09	503
Case M.5605 Crédit Mutuel/Monabanq, 8.9.09	503
Case M.5660 Royal Bank of Scotland/Deutsche Bank/Spin Holdco), 10.12.09	503
Case M.5720 Bayerische Landesbank/Banque LBLux, 16.12.09	503

**ICC Arbitration Cases**

ICC Arbitration No 8128 of 1995 (time notice and fundamental breach)	931
ICC Arbitration No 8786 of January 1997 (seasonal products – time provision of essence)	
ICC Arbitration No 9978, March 1999 (when late performance becomes non-performance)	931
Ukraine Arbitration 5 July 2005 (failure to present transport documents in time)	931

**Austrian Courts**

Oberster Gerichtshof [OGH] 5.2.1992, 2 Ob 596.91 (child abduction)	1163
Oberster Gerichtshot, 21.3.00 (CISG does not treat delivery of <i>aliud</i> as non-delivery)	927
OLG Linz 23.1.06 (loss of economic benefit bargained for by the contract)	918

**Belgian Courts**

Grondwettelijk Hof, Arrest Nr 58/2009, 19.3.09 (Sleeckx t/ Vlaamse Gewest)	490
--	-----

**Czech Courts**

Pl. ÚS 19/08 ze dne 26. listopadu 2008 (Lisabonská smlouva)	490
Pl. ÚS 29/09 ze dne 3. listopadu 2009 (Lisabonská smlouva II)	490

**Danish Courts**

Østre Landsret, Hausgaard mod Statsminister & Udenrigsminister, dom af 28.10.09	490
---	-----

**Egyptian Courts**

Decision in Constitutional Case No 84 for the judicial year 19, 6.11.99	77
---	----

## 2010 Case Index

### French Courts

Compagnie l'Alliance v Prunier, Dalloz, 1843.I.343	67
Cass Crim, 25.4.67, Gaz Pal, 1967, I, 343 (driver/bicycle accident)	12
1974 Bull Crim 115 (Cinq-Sept nightclub fire)	9
Cass Crim, 20.11.96; Bull Crim No 417 (doctor's negligence reduces chance of survival)	17
TC Toulouse, 19.2.97, Gaz Pal 1997, I, 396, note Riera (thèrmes de Barbotan)	14
CA Limoges, 4 June 1997 BICC 1997. 1262. (drug dealer supplier)	12
CA Grenoble, 23 May 1996; JCP 1996. IV 2228 (child drowned in lake)	13
TGI Colmar, 14.3.97, Gaz Pal 1998, I, 267; CA, Colmar, 9.4.98, Gaz Pal 2001, I, 665; Cass Crim, 23.5.00, Gaz Pal 2001, I, 687 (plane accident at Mulhouse-Habsheim)	9
Norbert Beault, Bull Crim 1999 No 197	22
Cass Crim, 5.9.00: Bull No 262 (care of patient passed to trainee)	17
CA Rennes, 19.9.00, Gaz Pal 2000, 2, 2361 (no warning sign by precipice)	17
CA Paris, 4.12.00. Gaz Pal 2001, I, 115, note S Petit (concrete fell from a travelling crane)	15
CA Lyon, 28.6.01, Gaz Pal 2001, 2, 1140 (pupils drowned in gorge)	17
Cass Crim, 25.8.01, Bull Crim No 188 (driving at excessive speed)	16
Cass Crim, 18.6.02: Bull No 138 (failure to ban traffic during procession)	17
Cass Civ 1ère, 19.11.02, JCP 2002 II. 10201 (Banque Worms v Epoux Brachot)	524
Cass Crim, 11 February 2003: Bull No 28; Cass Crim, 11.1.05 (failure to enforce H&S)	18
Cass Crim, 29.4.03: pourvoi No 01-88.592 (heavy lorry crash)	16
Cass Crim, 2.12.03: Bull Crim No 231, JCP 2004. IV. 1106 (child crushed under large pipe)	17
Cass 1ère civ. 30.6.04, Rev crit DIP (2004) 815 (Stoltzenberg)	524
Cass Crim, 5.10.04: Bull No 230 (driver blinded by sun)	16
Cass Civ, 23.5.06 (Prieur v de Montenach)	522
Cass Civ 1ère 22.5.07, D 2007 AJ 1596 (Fercométal)	522
Cass Civ 1ère, 4.7.07, no 04-15.367 (availability of declaratory relief)	521
Paris, 1ère chambre C, 6.3.08, JDI 2009, 171 (Flash Airlines)	520
Cass Civ 2ème, 30.4.09, Bull civ II no 107	520
Tribunal de Grande Instance de Versailles, 0307960961, 27.3.08; Cour d'Appel de Versailles, 28.5.09 (summons on President and other officials of Djibouti)	194
Cass Civ 1ère, 14.10.09, no 08-16369, (Zone Brands International INC v In Zone Brands Europe)	523

### German Courts

BVerfGE 24, 367, 421 (1968) (Hamburg Flood Control Case)	1063
OLG Düsseldorf, 18.11.93, (no fundamental breach if performance objectively possible)	931
OLG Frankfurt, 18.1.94, (buyer should claim price reduction or damages or both)	920
Bundesgerichtshof, 3.3.96, (CISG does not treat delivery of <i>aliud</i> as non-delivery)	927
Bundesgerichtshof, 3.4.96, Cobalt Sulphate case	932
LG Oldenburg, 27.3.96 (short delay not fundamental breach)	931
Bundesgerichtshof, [1997] NJW 192 (matrimonial property agreement so not to divorce)	583
OLG Koblenz, 31.1.97, (prospect of cure to be considered)	929
OLG Hamburg, 28.2.97, (time of delivery an essential term in a CIF contract)	932
OLG Düsseldorf, 24.4.97 (buyer's delivery preferences should be apparent)	926
Bundesverfassungsgericht, 18.7.1997, 2 BvR 1126/97 (child abduction)	1163
Bundesgerichtshof, 24.3.99, (absence of fault does not exempt non-performing party)	925
LG München, 6.4.00 (time provision may be of essence of contract)	931
Bundesverfassungsgericht, 2001 (BGH to give regard to protection of weaker parties)	591
OLG Stuttgart, 12.3.01 (decisive)	920
OLG Hamm, 12.11.01 (inappropriate to require a time notice)	931
Bundesgerichtshof, NJW 2002, 363 (online sale, commitment to sell to highest bidder)	468
LG München, 27.2.02, (avoidance for fundamental breach)	921
OLG München, 1.7.02 (non-compliance not deemed to be fundamental breach)	930
OLG Köln, 14.10.02, (buyer should claim price reduction or damages or both)	920



*International and Comparative Law Quarterly*

Mannheim District Court, 11.7.03, Cases 7 O 326/02, [2004] GRUR 182 (damage claims by victims of international vitamins cartel)	54
Bundesgerichtshof, [2004] NJW 940 (court to investigate if spouse is in inferior bargaining position)	592
Mainz District Court, 15.1.04, Cases 12 HK.O 52/02, 12 HK.O 55/02; 2 HK.O 56/02 [2004] NJW-RR 478 (damage claims by victims of international vitamins cartel)	54
OLG Düsseldorf 23.1.04 (buyer should claim price reduction or damages or both)	920
Karlsruhe Court of Appeal, 28.1.04, Case 6 U 183/03, [2004] WuW DER 1229 (damage claims by victims of international vitamins cartel)	54
OLG Düsseldorf, 21.4.04 (time provision may be of essence of contract)	931
OLG Düsseldorf, 22.7.04 (time notice and fundamental breach)	931
Bundesverfassungsgericht, 18.7.05, 2 BvR 2236/04, Deutsches Verwaltungsblatt 2005, 1119–1128 (annulment of law implementing Framework Decision on the European arrest warrant)	267
Bundesgerichtshof, BGH JZ 2005, 464; NJW 2005, 53 (seller makes offer, buyer makes acceptance, when he submits highest bid)	468
Bundesgerichtshof, [2005] NJW 2386; BGH [2007] DNotZ 128 (matrimonial Agreement)	578
Bundesgerichtshof [2005] Zeitschrift für das gesamte Familienrecht 691 (marital agreement)	578
Bundesgerichtshof [2005] Zeitschrift für das gesamte Familienrecht 691; BGH [2008] NJW 1083 (waiver of rights to ancillary relief)	595
Bundesgerichtshof, [2005] NJW 1449 (marital property agreement then change of plan)	597
Bundesgerichtshof, [2006] NJW 2331 (marital property agreement, German and Brazilian partners)	579
Bundesgerichtshof, [2007] Zeitschrift für das gesamte Familienrecht 450 (marital property agreement, German and Russian partners)	579
Bundesgerichtshof, [2007] DNotZ 128 (marital property agreement German and Polish partners)	579
Bundesgerichtshof, [2008] NJW 1076 (marital property agreement)	579
Bundesgerichtshof, [2008] NJW 1080; [2007] NJW 2848 (marital property agreement, changing relationship)	601
OLG Hamburg, 25.1.08 (goods practically useless)	920
OLG Brandenburg, 18.11.08, (avoidance for fundamental breach)	921
Bundesgerichtshof, judgment, 28.5.09, Xa ZR 9/08 (LG Potsdam) (offer of reward to be viewed as consideration for the offeree's efforts)	470
BVerfG, 30.6.09 (Lissabon-Vertrag or Solange IV)	490
Bundesgerichtshof [2009] NJW 842 (BGB applied in favour of "paying party")	592
<b>Greek Courts</b>	
Samos (Liability for Torts, Case, Court of the Aegean Islands, Award of 24/27.7.56, 23 ILR 1956, 81)	866
Areios Pagos, 20.12.05 (annulment of law implementing Framework Decision on the European arrest warrant)	267
<b>Italian Courts</b>	
Corte costituzionale, 1980, (compensation must constitute serious relief)	1062
Tribunale di Padova, 25.2.04, (time notice to resolve uncertainty)	931
Tribunale di Padova, 31.3.04, (time notice to resolve uncertainty)	931
Tribunale di Padova, 11.1.05, (avoidance for fundamental breach)	921
<b>Latvian Courts</b>	
Satversmestiesa, 2009.gada 7. aprīļa spriedums lietā Nr 2008-35-1 (Lisabonas līgum)	490
<b>Netherlands Courts</b>	
Gerechtshof's Gravenhage, 23.4.03, (defect posing health risk)	922
Hague Court of Appeal, [2006] NIPR 101, 21.12.05, (divorce – Brussels II)	1028

## *2010 Case Index*

### **Polish Courts**

Trybunał Konstytucyjny, P 1/05, 27.4.05 (ZU 2005/4A/42, Dz U2005.77.680, 4.5.05)  
(provisions of criminal code implementing Framework Decision on the European  
arrest warrant violated Constitution) 267

### **Spanish Courts**

Audienca nacional, 20.9.05 (annulment of law implementing Framework Decision on the  
European arrest warrant) 267

### **Swiss Courts**

Bundesgericht (Switzerland) 15.9.00, (avoidance for fundamental breach) 921  
Handelsgericht Aargau, 5.11.02 (curable defect is decisive factor) 922  
Appellationsgericht Basel-Stadt, 22.8.03, (defect posing health risk) 922  
Tribunal Cantonal Valais, 27.4.07, (avoidance for fundamental breach) 921  
Tribunal Cantonal du Jura, 26.7.07, (avoidance for fundamental breach) 921  
District Court Zug, 30.8.07, (defect insufficient for fundamental breach) 922

# British Institute of International and Comparative Law

## ADVISORY COUNCIL

Mr Dapo Akande	The Rt Hon Lord Hoffmann
Judge David Anderson CMG	The Rt Hon Lord Hope of Craighead
Sir Christopher Bellamy KCMG QC	Mr Alan Jenkins
Sir Daniel Bethlehem KCMG QC	Judge Koen Lenaerts
Professor Alan Boyle	Sir Elihu Lauterpacht CBE QC
The Hon Sir Nicholas Bratza	The Hon Mr Justice Lloyd Jones
The Rt Hon Lord Justice Carnwath CVO	Mr John Louth
Ms Victoria Cochrane	The Rt Hon Chief Justice Beverley McLachlin
The Rt Hon Lord Collins of Mapesbury	The Rt Hon Lord Mance
Mr Tim Cowen	HE Judge Thomas Mensah
The Hon Mr Justice Cranston	The Rt Hon Lord Neill of Bladen QC
Professor James Crawford SC FBA	Sir Peter North CBE DCL FBA QC
Ms Clare Dyer	The Rt Hon Lord Phillips of Worth Maltravers
The Rt Hon Sir David Edward KCMG QC	The Rt Hon Lord Justice Richards
Professor Piet Eeckhout	Professor Jonathan Rickford CBE
Professor Malcolm Evans	Mr Joshua Rozenberg
Ms Helen Fletcher Rogers	The Rt Hon Sir Konrad Schiemann
Lady Fox CMG QC	The Rt Hon Lord Justice Sedley
Dr David Freestone	Advocate-General Eleanor Sharpston QC
Professor Sir Roy Goode CBE LLD FBA QC	Professor Malcolm Shaw QC
The Rt Hon Baroness Hale of Richmond	Judge Bruno Simma
Professor Jonathan Harris	Judge Christiaan Timmermans
Dame Rosalyn Higgins DBE QC	Mr Andrew Trollope QC
	Mr Stephen Walzer

# INTERNATIONAL & COMPARATIVE LAW QUARTERLY

VOLUME 60

PART 1

JANUARY 2011

## CURRENT DEVELOPMENTS: PUBLIC INTERNATIONAL LAW

### I. Recent Developments in International Law Regarding Nuclear Weapons

Dan H Joyner

### II. The United Kingdom and Parliamentary Scrutiny of Treaties: Recent Reforms

Jill Barrett

### III. Indigenous Peoples' Human Rights in Africa: The Pragmatic Revolution of the African Commission on Human and Peoples' Rights

Jérémie Gilbert

## CURRENT DEVELOPMENTS: INTERNATIONAL COURTS AND TRIBUNALS

### International Court of Justice, *Case Concerning The Dispute Regarding Navigational and Related Rights (Costa Rica v Nicaragua)* Judgment of 13 July 2009

Erik Bjorge

## BOOK REVIEWS

## BOOKS RECEIVED

Cambridge Journals Online

For further information about this journal  
please go to the journal website at:  
[journals.cambridge.org/ICLQ](http://journals.cambridge.org/ICLQ)



Mixed Sources

Product group from well-managed  
forests and other controlled sources  
[www.fsc.org](http://www.fsc.org) Cert no. TT-COC-002769  
© 1996 Forest Stewardship Council

CAMBRIDGE  
UNIVERSITY PRESS