International Law Research

Resources and Strategies

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Presentation at Notre Dame Law School, October 4, 2016
**Al-Dulimi ECHR Case:**

UN Sanctions and Human Rights

1. What sources of international law are cited as authority? As support? Any surprises?
2. How would you research the IL issues in the *Al-Dulimi* case?
3. How do you locate general IL sources?
4. How do you find other new (or old) cases, treaties, international topics, “gap” IL issues to write about?
5. How do you further your research and locate additional primary international law sources and commentary thereon?
6. How do you update your research?
7. How do you write and publish?
8. Where can you find help? (Toolkit/People)
Sources of International Law

• **ICJ Statute, Article 38(1)**
  • “International Conventions”/Treaties
  • “International Custom”/Customary International Law
• General Principles of Law
• Judicial Decisions
• “Teachings of Highly Qualified Publicists”/Scholarly Works
1. Al-Dulimi IL Sources

- Treaties: UN Charter Art. 103, ECHR Art. 6(1), ICCPR Art. 14, VCLT Art. 30, 53, 64
- Cases: ECtHR cases (Al-Jedda, Nada), ECJ/CJEU cases (Kadi I, Bosphorous), ICJ Lockerbie case
- “procedural safeguards under Article 14 ICCPR and Article 6 ECHR constitute *jus cogens* norms…a peremptory norm of general international law” – *due process*
- But
  - UNSC resolutions (1483, 1730, 1518); UNGA A/RES/68/178; UNSC Sanctions Committee decision
  - ILC Report, Yearbook, *Work of the International Law Commission*
  - UN Special Rapporteurs opinions/statements
  - Swiss domestic primary law (Constitution, ordinances, case-law)
2. Researching Al-Dulimi

**Primary Sources**
- Direct case history
- Cases citing
- Source authorities ([Case details](#))
- Hearings
- Counsel statements, interviews? (see e.g. Applicants Counsel, Jean-Cédric Michel, in [EJIL:Talk!](#) Comments section)

**Secondary Sources**
- Recent case (Judgment of 21 June 2016), so how to locate recent commentary?
  - SSRN/Legal Scholarship network (working papers; research papers)
  - Blog posts
  - Law journal online supplements, symposia, agora
  - Legal news, magazines
  - General, international news
  - Conference papers, presentations
  - Workshops, symposia
3. Locating IL Sources
“International Conventions”/
Treaties

- **Sources**
  - Stat.
  - U.S.T.
  - T.I.A.S.
  - U.N.T.S.
  - I.L.M.
  - L.N.T.S. & C.T.S
  - **EU, CoE (European Conventions), OAS, OHCHR (human rights)**

- **Databases/Websites**
  - [HeinOnline](#) (U.S., UN/LON, World Treaty Library, ILM, Bevans, etc.)
  - Lexis, Westlaw (ILM, UST)
  - [EISIL](#) (via ASIL)
  - [The Avalon Project](#) (Yale)
  - [Frequently-Cited Treaties](#)
  - [Status of Treaties](#) (MTDSG)
UNIVERSAL HUMAN RIGHTS INSTRUMENTS

In addition to the International Bill of Rights and the core human rights treaties, there are many other universal instruments relating to human rights. A non-exhaustive selection is listed below.

WORLD CONFERENCE ON HUMAN RIGHTS AND MILLENNIUM ASSEMBLY

- Vienna Declaration and Programme of Action
- United Nations Millennium Declaration

THE RIGHT OF SELF-DETERMINATION

- United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples
- General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"
- International Convention against the Recruitment, Use, Financing and Training of Mercenaries

RIGHTS OF INDIGENOUS PEOPLES AND MINORITIES

- Declaration on the Rights of Indigenous Peoples
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

PREVENTION OF DISCRIMINATION

- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities

Related links

- Charter of the United Nations
- The International Bill of Human Rights
- Universal Declaration of Human Rights 1948
- International Covenant on Economic, Social and Cultural Rights 1966
- International Covenant on Civil and Political Rights 1966
- Optional Protocol to the International Covenant on Civil and Political Rights
- Second Optional Protocol
Consolidated Treaty Series (CTS)
Treaty of Westphalia

Peace Treaty between the Holy Roman Emperor and the King of France and their respective Allies.

In the name of the most holy and individual Trinity. Be it known to all, and every one whom it may concern, or to whom in any manner it may belong. That for many Years past, Discord and Civil Divisions being stir'd up in the Roman Empire, which increased to such a degree, that not only all Germany, but also the neighbouring Kingdoms, and France particularly, have been involved in the Disorders of a long and cruel War: And in the first place, between the most Serene and most PUissant Prince and Lord, Ferdinand the Second, of famous Memory, elected Roman Emperor, always August, King of Germany, Hungary, Bohemia, Dalmatia, Croatia, Slavonia, Arch-Duke of Austria, Duke of Burgundy, Brabant, Styria, Carinthia, Carniola, Margrave of Moravia, Duke of Luxemburg, the higher and lower States, of Witttemburg and Tusc, Prince of Swabia, Count of Hapsburg, Tiro, kyburg and Gorizia, Marquises of the Sacred Roman Empire, Lord of Burgoyne, of the Higher and Lower Lusatia, of the Marquisate of Slavonia, of Port Noyon and Salines, with his Allies and Adherents on one side, and the most Serene, and the most PUissant Prince, Lewis the Thirteenth, most Christian King of France and Navarre, with his Allies and Adherents on the other side. And after their Discease, between the most Serene and most PUissant Prince and Lord, Ferdinand the Third, elected Roman Emperor, always August, King of Germany, Hungary, Bohemia, Dalmatia, Croatia, Slavonia, Arch-Duke of Austria, Duke of Burgundy, Brabant, Styria, Carinthia, Carniola, Margrave of Moravia, Duke of Luxemburg, of the Higher and Lower States, of Witttemburg and Tusc, Prince of Swabia, Count of Hapsburg, Tiro, Kyburg and Gorizia, Marquises of the Sacred Roman Empire, Burgoyne, the Higher and Lower Lusatia, Lord of the Marquisate of Slavonia, of Port Noyon and Salines, with his Allies and Adherents on the other side; and the most Serene and most PUissant Prince and Lord, Lewis the Fourteenth, most Christian King of France and Navarre, with his Allies and Adherents on the other side: from whence ensued great Effusion of Christian Blood, and the Desolation of several Provinces. It has at last happened, by the effect of Divine Goodness, seconded by the Endeavours of the most Serene Republick of Venice, who in this sad time, when all Christendom is intertitled, has not ceased to contribute its Counsels for the publick Welfare and Tranquility, so that on the side, and the other, they have form'd Thoughts of an universal Peace. And for this purpose, by a mutual Agreement and Covenant of both Parties, in the year of our Lord 1641 the 25th of December, N.S. or the 10th O.S. it was resolve'd at Hamburg, to hold an Assembly of Plenipotentiary Ambassadors, who should render themselves at Munster and Osnabrug in Westphalia the 11th of July, N.S. or the 1st of the said month O.S. in the year 1643. The Plenipotentiary Ambassadors on the one side, and the other, duly established, appearing at the prefite grent, and on the behalf of his Imperial Majesty, the most illustrious and most excellent Lord, Maximilian Count of Trautmannsdorf and Weinsberg, Baron of Geislingen, Neustadt, Neogenburg, and Toritzbach, Lord of Teinitz, Knight of the Golden Fleece, Privy Counsellor and Chamberlain to his Imperial Sacred Majesty, and Steward of his Household, the Lord John Lewis, Count of Nassau, Catzelebogen, Vlanden, and Dietz, Lord of Blietken, Privy Counsellor to the Emperor, and Knight of the Golden Fleece; Monsieur Isaac Voumances, Doctor of Law, Counsellor, and President in the Chamber of the most Serene Lord Arch-Duke Ferdinand Charles, and on the behalf of the most Christian King, the most eminently Prince and Lord, Henry of Orleans, Duke of Longevelle, and Estoultinque, Prince and sovereign Count of Neuschaflit, Count of Dunois and Tancinville, Heraldary Constable of Normandy. Gouvernor and Lieutenant-General of the same Province, Captain of the Cent Hommes d'Arms, and Knight of the King's Orders, &c. as also the most illustrious and most excellent Lords, Claude de Mesmes, Count d'Avaux, Commander of the said King's Orders, one of the Superintendents of the Finances, and Minister of the Kingdom of France &c. and abel Servien, Count la Riche de Aubers, also one of the Ministers of the Kingdom of France. And by the mediation and Interposition of the most illustrious and most excellent Ambassador and Senator of Venice, Aloysius Contarini Knight, who for the space of five years, or thereabouts, with great Diligence, and a Spirit infinitely impartial, has been incitd to be a Mediator in these Affairs. After having import'd the Divine Assistance, and receiv'd a reciprocal Communication of Letters, Commissions, and full Powers, the Copies of which are inserted at the end of this Treaty, in the presence and with the consent of the Electors of the Sacred Roman Empire, the other Princes and States, to the Glory of God, and the Benefit of the Christian World, the following Articles have been agreed on and consented to, and the same ran thus. I.
“International Custom”/Customary International Law

Sources

• “...as evidence of a general [State] practice accepted as law”

• State papers, diplomatic correspondence, executive decisions, judicial decisions, etc.

• *Sources of State Practice in International Law* (2d ed., 2014)

• International law journals & yearbooks (e.g. the *Swiss Review of International and European Law* has a regular section on “La pratique suisse en matière de droit international public »)

• Restatements?

Databases & Websites

• HeinOnline (FILRD has digests of U.S. practice, yearbooks of state practice of international law; *Foreign Relations of the United States* (FRUS))

Digests of U.S. Practice of IL

Via HeinOnline Foreign & International Legal Resource Database (FILRD)

• **Cumulative Digest of United States Practice in International Law, 1981-1988**
• **Digest of International Law (Moore)**
  Vols. 1-8 (1906-1906)
• **Digest of International Law (Hackworth)**
  Vols. 1-8 (1940-1944)
• **Digest of International Law of the United States (Wharton)**
  Vols. 1-3 (1887-1887)
• **Digest of International Law (Whiteman)**
“General Principles of Law”
“Judicial Decisions”
International Law Reports (ILR) (via Cambridge Law Reports and Justis)

Human rights — Right to enter country of nationality — Positive obligation on States to issue passports to nationals for repatriation — Intersection of United Nations Security Council resolutions with domestic human rights legislation — Standard of fairness to be observed by Minister of Foreign Affairs in refusing passports to Canadian nationals — Section 6(1) of Canadian Charter of Rights and Freedoms


Oxford Reports on International Law

**Oxford Reports on International Law (ORIL)**
- Oxford Reports on *International Law in Domestic Courts* (ILDC)
- Oxford Reports on *International Criminal Law*
- Oxford Reports on *International Human Rights Law*
- Oxford Reports on *International Courts of General Jurisdiction*
- Oxford Reports on *International Investment Claims*

**Oxford Investment Claims**
WorldLII: International Decisions

International Courts & Tribunals Collection

You are here: WorldLII > International Courts & Tribunals Collection

This collection is part of the International Law Library.

Browse and Search International Courts & Tribunals Databases

- Full Text  Title Only

Limit your search scope by either:

1. selecting from the following database groupings:

- All International Courts & Tribunals Databases
- All African Courts & Tribunals Databases
- All European Courts & Tribunals Databases
- All Human Rights Courts & Tribunals Databases
- All Trade Related Courts & Tribunals Databases

2. selecting individual databases: Update Status for International Decisions

- Caribbean Court of Justice Decisions 2001 - (Commander II)
- Central American Court of Justice Decisions 1993 - (WorldLII)
- Court of Justice of the Eastern and Southern Africa (ECSERA) Court of Justice Decisions 2001 - (WorldLII)
- Court of Arbitration for Sport 1997 - (WorldLII)
- Court of Justice of the Asian Community Decisions 1991 - (WorldLII)
- Court of Justice of the European Community (excluding the Court of First Instance) Decisions 1994 - (BAILII)
- Commission of the European Communities Decisions 2000 - (BAILII)
- East African Court of Justice 2002 - (BAILII)
- East African Court of Appeal 1992 - (BAILII)
- European Court of Human Rights Decisions 1996 - (BAILII)
- Extraordinary Chambers in the Courts of Cambodia 2005 - (WorldLII)
-
Decisions of International Courts & Tribunals
European Court of Human Rights (HUDOC)
European Human Rights Reports (EHRR) (via Westlaw)

Back to United Kingdom Cases: European Human Rights Reports

United Kingdom Cases: European Human Rights Reports (1)

Your search:

All of these terms: "economic sanctions" "targeted sanctions" "human rights"

1-1

Sort by: Relevance

Select all items | No items selected

1. Nada v Switzerland (10593/08)
Before the European Court of Human Rights | September 12, 2012 | (2013) 56 E.H.R.R. 18

The applicant was born in 1931 and has been living since 1970 in Campione d’Italia, which is an Italian enclave of about 1.6 square kilometers in the Province of Como (Lombardy), surrounded by the Swiss...

...situation in the present case concerned not general sanctions but targeted sanctions, which as such had a direct impact on the applicant...

...as long as the United Nations has not introduced a human rights protection mechanism... comparable or equivalent to that introduced in the...
U.S. Law Platforms (also Bloomberg Law)

Westlaw

- Word search or browse International Materials > Administrative Materials
- International Court of Justice (ICJ)
- Iran-United States Claims Tribunal
- ICTR/ICTY
- EU; European Human Rights Reports (EHRR)
- *International Legal Materials (ILM)*
- USTREATY
- ALR International
- Selected non-U.S. jurisdictions

Lexis Advance / Lexis.com*

- ICJ cases
- International human rights cases
- International law cases in U.S. courts
- ECHR; EUR-Lex European Union cases
- *International Legal Materials (ILM)*
- U.S. treaties on LEXIS
- Selected non-U.S. jurisdictions
Finding Tools

- Library catalog: WorldCat; PPL; ECLAS or FIND-eR
- Max Planck Encyclopedia of Public International Law (MPEPIL)
- Oxford Bibliographies on International Law
- Google Books, Google Scholar
- Law and Non-Law Journals databases; SSRN; Westlaw

Ebooks

- Oxford Scholarly Authorities in International Law
- Oxford Handbooks Online in Law
- Columbia International Affairs Online (CIAO)
- Recueil des cours
- HeinOnline
  - Legal Classics
  - History of International Law
1. Law and anthropology

2. Avoiding Kadi - Pre-emptive Compliance with Human Rights when Imposing Targeted Sanctions
Buszewski, Sintithou; Gott, Henner / In: German Yearbook of International Law, vol. 57 (2014), pag. 507-540 / 2015


5. Shahr-i Ahmadiyat, Bamyan-i Milli-i Murtadad - tahrim va hujjati-yi bashar
Asadi, Mahdad Faridh / Mu assasah-i Murtadab / va Pazhoohish hov-yi Hujjati-yi Shahri-i Danish / 1394 [2015]


7. Economic Sanctions and Human Rights: an Analysis of Competing Enforcement Strategies in Latin America - Sanções econômicas e direitos humanos: uma análise de estratégias de proteção competitivas entre os na América Latina
Camero, Cristiane de Andrade Lucena / In: Revista brasileira de política internacional, vol. 57, afl. 1, pag. 197-210 / 2014

8. UN Sanctions that safeguard, undermine, or both: Human Rights

9. The European Court of Human Rights on the UN Individual Counter-Terrorists Sanctions Regime: Safeguarding Convention Rights and Harmonising Conflicting Norms in Nada v. Switzerland

10. Internet censorship
Haerens, Margaret / Greenhaven Press, a part of Gale, Cengage Learning / 2014


14. No Universal Target: Distinguishing Between Terrorism and Human Rights Violations in Targeted Sanctions Regimes
Hersya, Elizabeth Clark / In: Brooklyn Journal of International Law, vol. 38, afl. 3, pag. 1231-1267 / 2013

Malloy, Michael P. / In: Boston University International Law Journal, vol. 31, afl. 1, pag. 75-123 / 2013
Letter dated 17 April 2014 from the Permanent Representatives of Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland to the United Nations addressed to the President of the Security Council

We, the undersigned representatives of Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland (the Group of Like-Minded States on Targeted Sanctions), are writing to you on the issue of Security Council sanctions. Our Group is strongly committed to the effective implementation of the Council’s sanctions regimes and closely follows the developments in the Al-Qaida and other sanctions regimes of the Council and the developments regarding United Nations sanctions at the level of national and regional courts. It is our belief that as long as national and regional courts consider United Nations sanctions to fall short of the minimum standards of due process, national authorities may find themselves legally unable to fully implement such sanctions at the national level. In that light, we would like to submit to Council members the attached paper entitled “Improving fair and clear procedures for a more effective United Nations sanctions system” (see annex).

We hope that the Security Council will find interest in our paper, in particular in the context of the upcoming consultations and negotiations in preparation for the adoption of a follow-up resolution to Council resolution 2083 (2012). We look forward to continuing and deepening the dialogue on this important matter with all members of the Council.
Human Rights

- **OHCHR/Universal Human Rights Index**

- **Inter-American Court of Human Rights Project**

- **Human Rights Library** (University of Minnesota)
  - **ECHR** (HUDOC, Terrorism Fact Sheet, etc.)
  - Research Guides: **ERG**: Human Rights; **UN Library**
4, 5. Jean Davis
“Astro” Law Librarian
Brooklyn Law School

Paper Topic Selection:
International and
Comparative (2016)

Paper Topic Development
International and
Comparative (2016)
6. New Developments/Recent Scholarship

- SSRN/Legal Scholarship Network
- ASIL Insights/AJIL Unbound/IL in Brief
- World News Sources (NYT, BBC, etc.)
European Court of Human Rights Rules Switzerland Violated Right to Fair Hearing in Implementing Security Council Resolution (June 21, 2016)

International Law in Brief

European Court of Human Rights Rules Switzerland Violated Right to Fair Hearing in Implementing Security Council Resolution (June 21, 2016)

Article

By: Aida Perez | July 7, 2016 - 3:48pm

On June 21, 2016, the European Court of Human Rights Grand Chamber held in Al-Qubin and Monteno Management Inc. v. Switzerland that in its implementation of Security Council Resolution 1483, Switzerland violated the applicants' right to a fair hearing under Article 6 of the European Convention on Human Rights. Resolution 1483 imposed an obligation on states to "freeze without delay" the financial assets of individuals or entities connected with the government of Saddam Hussein. Pursuant to this resolution, Switzerland froze the applicants' Swiss assets. The applicants challenged the government's actions in domestic courts, which dismissed the actions on the grounds that the government was bound by Security Council resolutions under Article 25 of the UN Charter. The applicants then lodged their complaint with the Court, arguing that the confiscation of their assets violated their right to a fair hearing. The government countered that it faced a conflict between its UN Charter obligations and its Convention obligations; that the conflict could not be resolved because there was no room to maneuver in the implementation of the Council's resolution, and that, pursuant to Article 103 of the UN Charter, its Charter obligations prevailed. The Court found that
Blogs

- Opinio Juris (and its Blog Roll)
- EJIL: Talk!
- ECHR Blog & Strasbourg Observers Blog
Twitter

@ECHR_Press

@OUPIntLaw

International Law Reporter  @IntLawReporter
7a. Writing Your Article/Citation Standards

The Bluebook

- Online (legalbluebook, rulebook app)
- B21, Rule 21 International Materials, Tables T3/4/5
- “new rules for citing materials from the International Monetary Fund and the International Criminal Court...simpler ways of citing United Nations documents” (20th ed., at VIII thanking ASIL for its help)
- Already Bluebook-compliant? (check Westlaw, Lexis, etc. law journal databases)

AJIL Style Guide (PDF)

- The Bluebook
- Chicago Manual of Style (online)
7b. Publishing Your Article

- Law Journals: Submissions & Rankings (W& L)
- ExpressO
- Writing Competitions & Awards (ILSA/OUP Deák)
- Publishing in Law Reviews & Journals (June Casey)
8. Beyond *Al-Dulumi*: Your IL Research Toolkit
Research Toolkit: Background Information & Bibliographies, I

Max Planck EPIL /MPEPIL—Online ("Sanctions")

Benchbook on International Law (ASIL)

Oxford Bibliographies Online: International Law ("Sanctions")
Research Toolkit:
Background Information & Bibliographies, II

Parry & Grant / Grant & Barker
Encyclopaedic Dictionary of International Law

Study Aids/Supplements (Online via Westlaw):
International Law

Peace Palace Library
(Catalogue, Research Guides, e-Alerts)
Research Toolkit:
Background Information & Bibliographies, III

- The Bluebook
- Cardiff Index to Legal Abbreviations
- Research Guides: ERG/FLG/GlobaLex/Guide to Law Online
Use Google & Wikipedia?
“Who you gonna call?”

• Ask for assistance locally first (students, faculty, librarians, etc.)
• Ask DAG (UN Library)
• Ask a Librarian (Law Library of Congress)
• ASIL New Professionals & International Legal Research Igs
• ASIL Mid-Year Research Forum
• International Law Students Association (ILSA)
• Network: Join ASIL, AALS, ABA meetings, International Law Weekend, listservs, etc.
Questions?

Remember: *Ask a Librarian!*

Thanks!

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