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Anna-Lena Svensson-McCarthy, *International Law of Human Rights and States of Exception - With Special Reference to the Travaux Préparatoires and Case-Law of the International Monitoring Organs* (The Hague/Boston/London, Martinus Nijhoff Publishers, 1998) (International Studies in Human Rights, vol. 54), pp. 49 and 721 (hereinafter referred to as Svensson-McCarthy, *The International Law of Human Rights and States of Exception*).²



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ACHPR, *Commission Nationale des Droits de l'Homme et des Libertés v. Chad*, Communication No. 74/92, decision adopted during the 18th Ordinary session, October 1995, para. 40 of the text of the decision as published at: <http://www.up.ac.za/chr/>

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Svensson-McCarthy, *The International Law of Human Rights and States of Exception*
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OAS doc. OEA/Ser.K/XVI/1.2, *Conferencia Especializada Interamericana sobre Derechos Humanos*, San José, Costa Rica, 7-22 de noviembre de 1969, *Actas y Documentos*, OAS, Washington D.C., p. 22. 25

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Council of Europe, *Collected Edition of the "Travaux Préparatoires" of the European Convention on Human Rights*, vol. III, 29

Committee of Experts, 2 February - 10 March 1950, pp. 190, 280 and 282

Council of Europe, *Consultative Assembly*, First Ordinary Session, 10 August - 8 September 1949, *TEXTS ADOPTED*, 30

Strasbourg, 1949, Recommendation 38 (Doc. 108), p. 50 (art. 6)

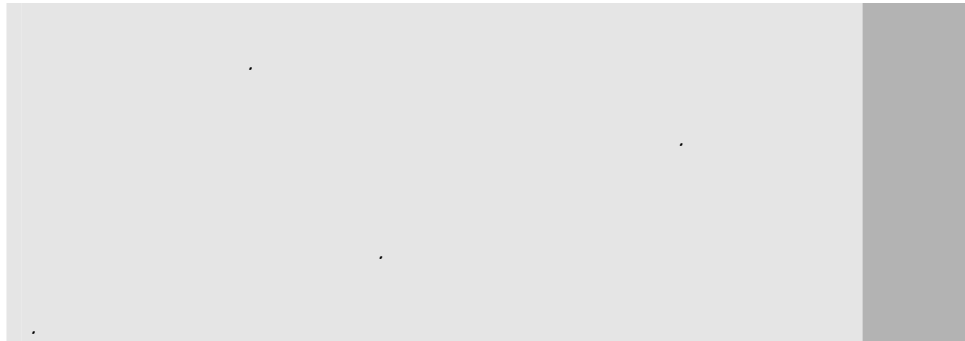
Council of Europe, *Collected Edition of the "Travaux Préparatoires" of the European Convention on Human Rights*, vol. IV, 31

Committee of Experts - Committee of Ministers Conference of Senior Officials, 30 March - June 1950; see, for example, p. 56 (Alternatives A and A/2) and pp. 56 and 58 (Alternatives B and B/2)

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I-A Court HR, Advisory Opinion OC-8-87, January 30, 1987, *Habeas Corpus in Emergency Situations* (arts. 27(2), 25(1) and 7(6) American Convention on Human Rights), Series A, No. 8, pp. 38-39, paras. 20-21

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I-A Court HR, Velásquez Rodríguez Case, judgment of July 29, 1988, Series C, No. 4, p. 146, para. 154. 58Ibid., p. 147, para.

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Eur. Court HR, Case of Ireland v. the United Kingdom, judgment of 18 January 1978, Series A, No. 25, pp. 78-79, para. 207. 59

60Ibid., p. 79, para. 207

.207 79

Eur. Court HR, Case of Brannigan and McBride v. the United Kingdom, judgment of 26 May 1996, Series A, No. 258-B, p. 49, 62
para. 43 at p. 50 and. Eur. Court HR, Case of Demir and Others v. Turkey, judgment of 23 September 1998, Reports 1998-VI, p. 2654, para.

Eur. Court HR, Lawless Case (Merits), judgment of 1 July 1961, Series A, No. 3, p. 56, para. 2 63

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Eur. Court HR, Case of Ireland v. the United Kingdom, judgment of 18 January 1978, Series A, No. 25, p. 78, para. 205

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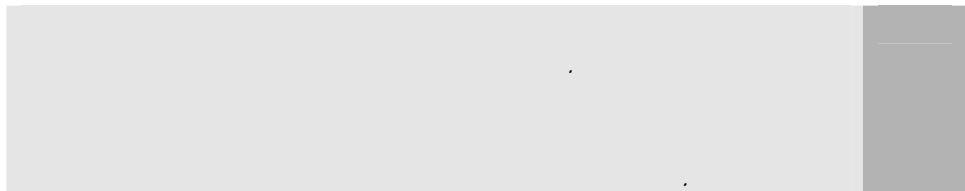
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Eur. Court HR, Case of Brannigan and McBride v. the United Kingdom, judgment of 26 May 1993, Series A, No. 258-B, p. 50, 70

.para. 47 71

Eur. Court HR, Case of Marshall v. the United Kingdom, decision of 10 July 2001 on the admissibility, see p. 7 of the unedited

version of the decision on the Court's web site: <http://hudoc.echr.coe.int> 72

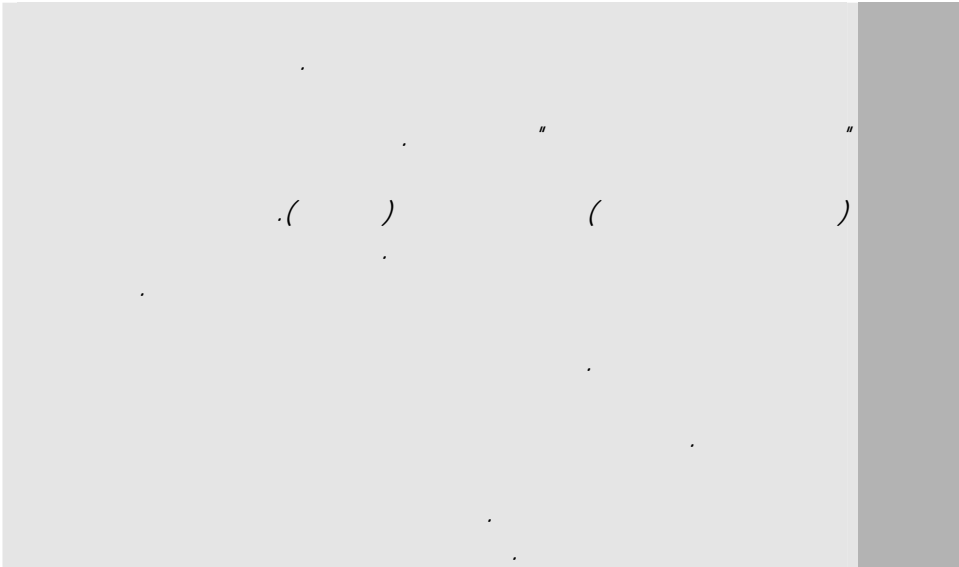
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Eur. Court HR, Case of Aksoy v. Turkey, judgment of 18 December 1996, Reports 1996-VI, p. 2281, para. 7

Eur. Court HR, Case of Sakik and Others v. Turkey, judgment of 26 November 1997, Reports 1997-VII, p. 2622, para. 39. 75

.76Ibid., loc. cit 76



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Eur. Court HR, Case of McCann and Others v. the United Kingdom, Series A, No. 324, p. 46, para. 148

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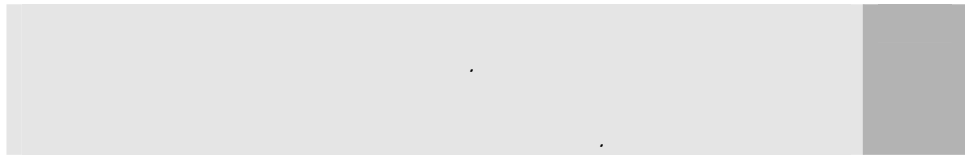
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.Eur. Court HR, Case of Kokkinakis v. Greece, judgment of 25 May 1993, Series A, No. 260-A, p. 22, para. 52 98
 .Eur. Court HR, Case of G. v. France, judgment of 27 September 1995, Series A, No. 325-B, p. 38, paras. 24-27 99
 .Eur. Court HR, Case of Welch v. the United Kingdom, judgment of 9 February 1995, Series A, No. 307-A, p. 14, para. 35 100

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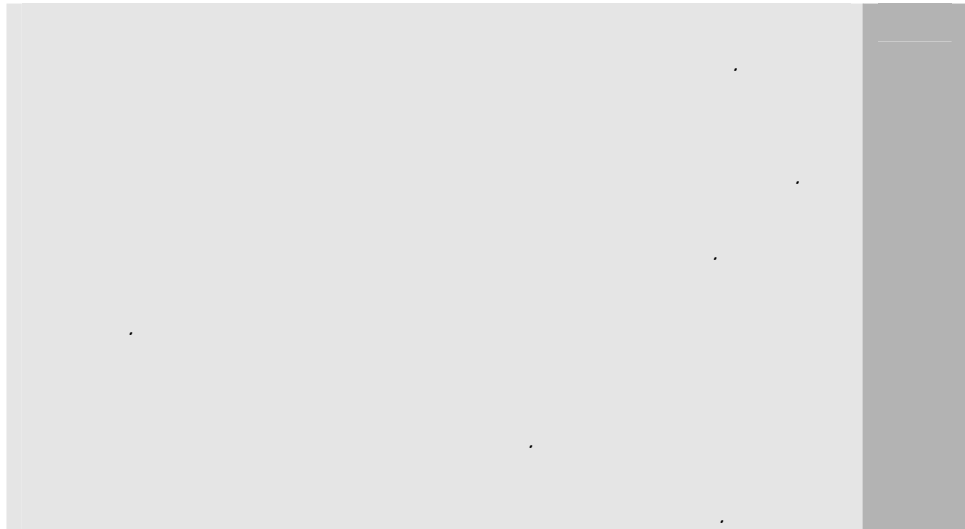
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Eur. Court HR, Case of Gradinger v. Austria, judgment of 23 October 1995, Series A, No. 328-C, p. 55, paras. 7-9. ¹⁰³
¹⁰⁴*Ibid.*, p. 55, para. 8
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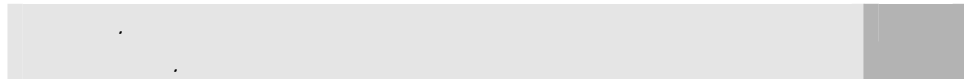
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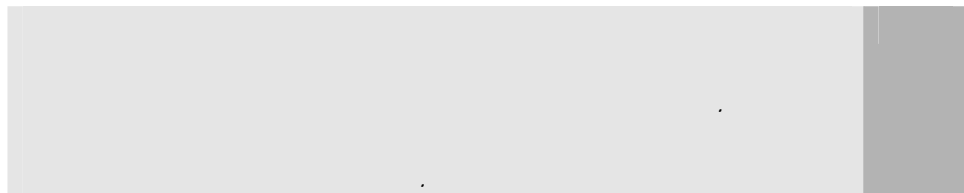
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A study about the situation of minor children of disappeared persons who were separated from their parents and who are claimed

by members of their legitimate families, in OAS doc. OEA/Ser.L/V/II.74, doc. 10, rev. 1, *Annual Report of the Inter-American*

Commission on Human Rights 1987-1988, p. 340

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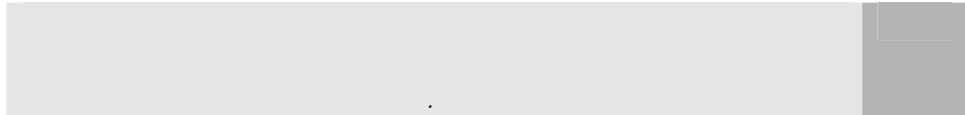
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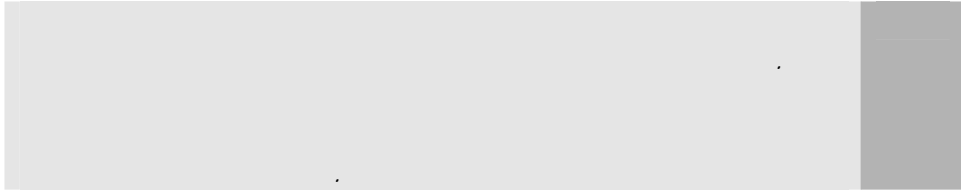
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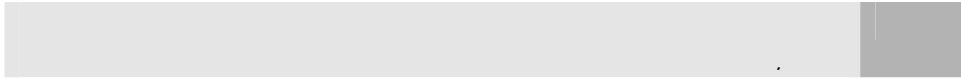
A study about the situation of minor children of disappeared persons who were separated from their parents and who are claimed by members of their legitimate families, in OAS doc. OEA/Ser.L/V/II.74, doc. 10, rev. 1, *Annual Report of the Inter-American Commission on Human Rights 1987-1988*, p. 340
208 () A/56/40 29

A study about the situation of minor children of disappeared persons who were separated from their parents and who are claimed by members of their legitimate families, in OAS doc. OEA/Ser.L/V/II.74, doc. 10, rev. 1, *Annual Report of the Inter-American Commission on Human Rights 1987-1988*, p. 340
Report No. 1/95, Case No. 11.006 v. Peru, 7 February 1995, in OAS doc. OEA/Ser.L/V/II.88, doc. 9 rev., *Annual Report of the Inter-American Commission on Human Rights 1994*, p. 101



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I-A Court HR, Castillo Petruzzi Case, judgment of May 30, 1999, Series C, No. 52, p. 182, para. 99 116
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 OAS doc. OEA/Ser.L/V/II.40, doc. 10, *Inter-American Commission on Human Rights - Third Report on the Situation of Human* 118
Rights in Chile (1977), p. 80, para. 8

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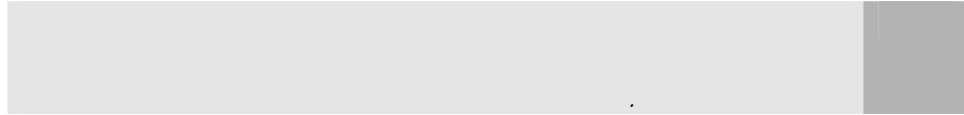
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OAS doc. OEA/Ser.K/XVI/1.2, *Conferencia Especializada Inter-Americana sobre Derechos Humanos*, San José, Costa Rica, 7-22 de noviembre de 1969, *Actas y Documentos*, p. 448

I-A Court HR, Advisory Opinion OC-8/87 of January 30, 1987, Habeas Corpus in Emergency Situations (arts. 27(2), 25(1) and 7(6) American Convention on Human Rights), Series A, No. 8, pp. 40-41, para. 25

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I-A Court HR, Advisory Opinion OC-9/87 of October 6, 1987, Judicial Guarantees in States of Emergency (arts. 27(2), 25 and 8 of the American Convention on Human Rights), Series A, No. 9, p. 33, para. 24

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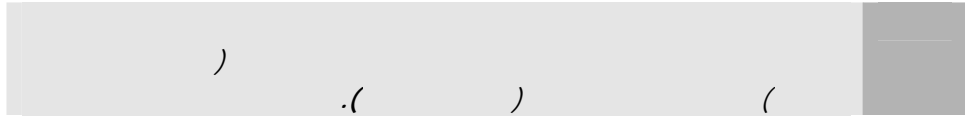
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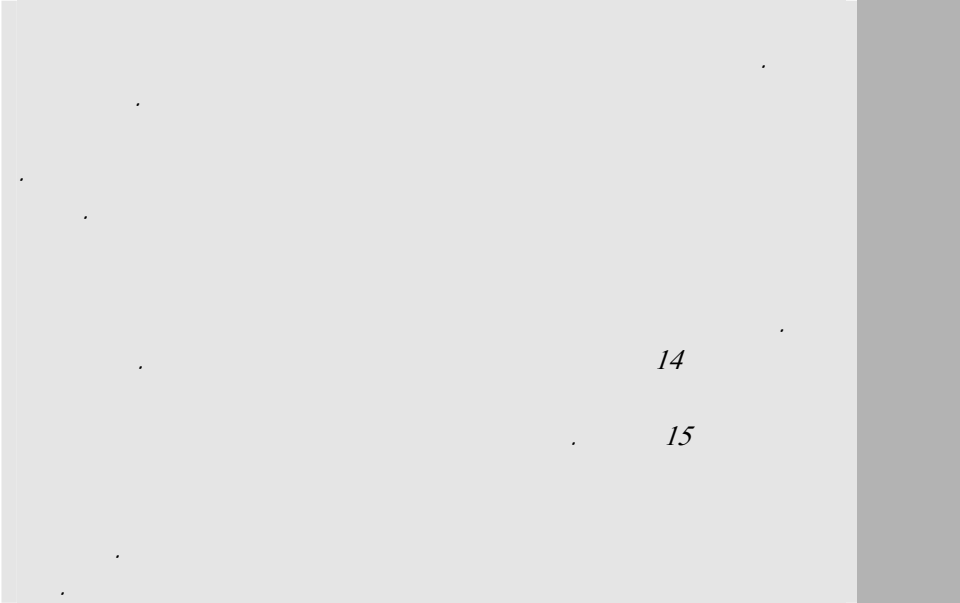
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I-A Court HR, Neira Alegria et al. Case, judgment of January 19, 1995, OAS doc. OAS/Ser.L/V/III.33, doc. 4, Annual Report of the Inter-American Court of Human Rights 1995, p. 60, para. 84

I-A Court HR, Suárez Rosero case, judgment of November 12, 1997, Series C, No. 35, pp 72-75, paras. 57-66



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I-A Court HR, Advisory Opinion OC-8/87, January 30, 1987, Habeas Corpus in Emergency Situations (arts. 27(2), 25(1) and 7(6)) 144

American Convention on Human Rights, Series A, No. 8, p. 39, para. 22 145

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Eur. Court HR, Case of Ireland v. the United Kingdom, judgment of 18 January 1978, Series A, No. 25, p. 79, para. 211 147

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Eur. Court HR, Case of Ireland v. the United Kingdom, judgment of 18 January 1978, Series A, No. 25, p. 79, para. 207; Eur. Court HR, Case of Brannigan and McBride v. the United Kingdom, judgment of 26 May 1993, Series A, No. 258-B, p. 49, para. 43; and Eur. Court HR, Case of Aksoy v. Turkey, Judgment of 18 December 1996, Reports 1996-VI, p. 2280, para. 68 148
Eur. Court HR, Case of Brannigan and McBride v. the United Kingdom, judgment of 26 May 1993, Series A, No. 258-B, pp. 49-50, para. 43; and Eur. Court HR, Case of Aksoy v. Turkey, Judgment of 18 December 1996, Reports 1996-VI, p. 2280, para. 68 149
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I-A Court HR, Advisory Opinion OC-9/87 of October 6, 1987, Judicial Guarantees in States of Emergency (arts. 27(2), 25 and 8 of the American Convention Human Rights), Series A, No. 9, p. 31, para. 152

I-A Court HR, Castillo Petruzzi et al. Case, judgment of May 30, 1999, Series C, No. 52, pp. 215-216, para. 186. 39 39 25 34 154

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(1) :

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(3) "

Eur. Court HR, Lawless Case (Merits), judgment of 1 July 1961, Series A, No. 3, p. 53, para. 15 157
 .14 52 158
 36 58 159
 160

				161 ^a	
162 ^a					"
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	15		"		1940
163					
2	() 11	1	() 10		
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164 ^a		/	"	"	"
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	166 ^a	"			
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				.5	
				.37	58
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					162
		38	37	59	58
					163
8					
					6
					<i>Eur. Court HR, Lawless Case, Series B, 1960-1961, pp. 113-156.</i>
					<i>Eur. Court HR, Case of Ireland v. the United Kingdom, judgment of 18 January 1978, Series A, Vol. 25, pp. 74-75, para. 196</i>
				.196	75
		.201	194	77	74
				.211	80
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 168ⁿ.1975 / 1971 /
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169ⁿ
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 170 48 " " "
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 171ⁿ
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172ⁿ 15
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.212	81	80	169
	.212	81	170
.214	82	81	171
	.220	83	172

173^a

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174^a

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176^a

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Eur. Court HR, Case of Brogan and Others v. the United Kingdom, judgment of 29 November 1988, Series A, No. 145-B, p. 32,

para. 58

Eur. Court HR, Case of Brannigan and McBride v. the United Kingdom, judgment of 26 May 1993, Series A, No. 258-B, pp. 51-

52, paras. 49-54

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179_n " "

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181_n " "

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	.60	54				179
	.64	62	56	55		180
.75	74	71	69	61		181
	.54	52				181

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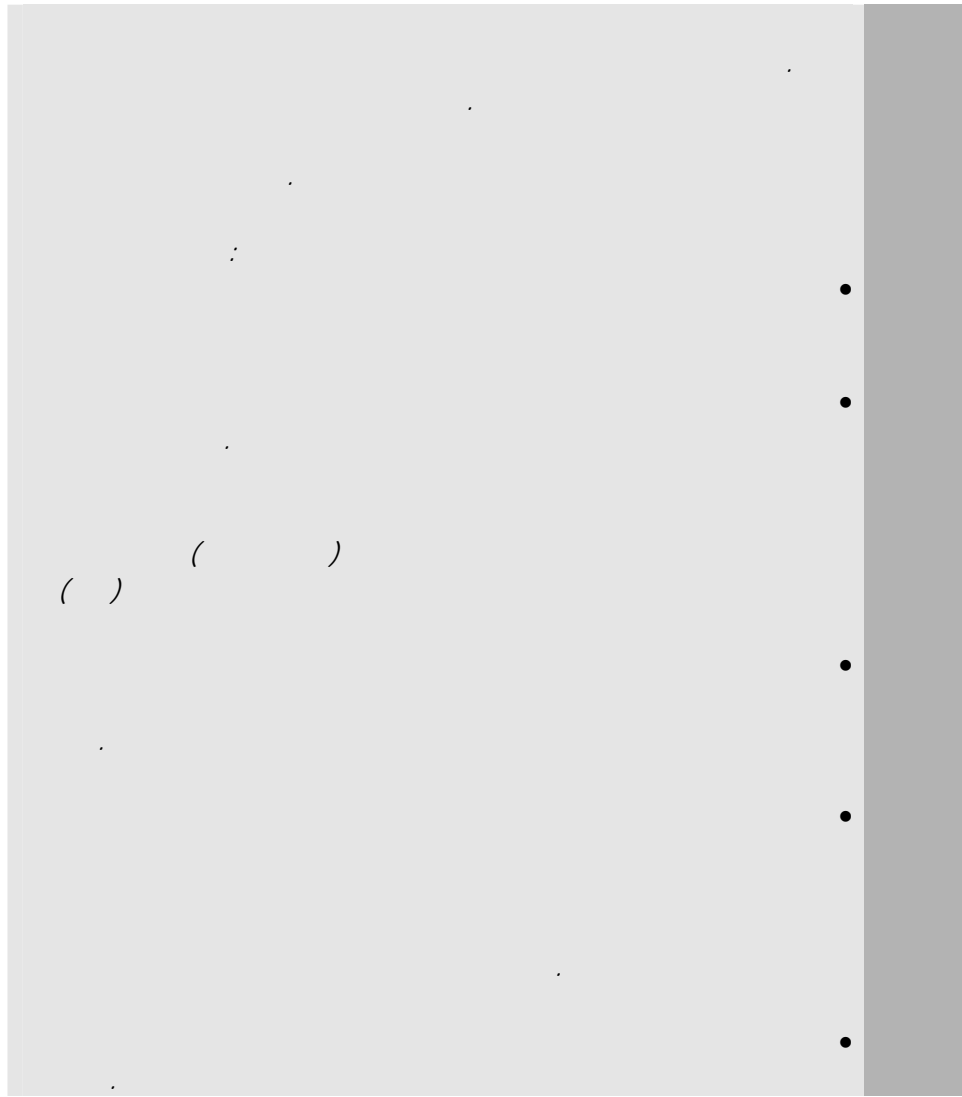
Eur. Court HR, Case of Marshall v. the United Kingdom, decision of 10 July 2001, pp. 7-8 of the text of the decision as published 182

on the Court’s web site <http://echr.coe.int> 183

.10 184

.11 10 185

Eur. Court HR, Aksoy v. Turkey, judgment of 18 December 1996, Reports 1996-VI, p. 2281, para. 71, and p. 2282, para. 77 186



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199	198 ^a	
200	200 ^a	
26	201 ^a	
26	26	
26		202 ^a 14
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204 ^a		203 ^a
13		
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			198
			199
	.2-10	133	200
			201
	.3-10	133	202
381	60	() A/52/40	203
.4	45	() A/56/40	204

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207" " 206"

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	.12	47	205	
	.15	62 61	206	
	.20	96	207	
<i>I-A Court HR, Castillo Petruzzi et al Case, judgment of May 30, 1999, Series C, No. 52, p. 162, para. 86.10</i>			208	
.43-86	40-86	36-86	171 170	209
		.5-86	160 159	210
		.30-86	168	211

-129

8 1 -130

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212ⁿ,

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214ⁿ

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Eur. Court HR, Case of Yalgin and Others v. Turkey, judgment of 25 September 2001, paras. 43-44 of the text of the judgment

published at <http://echr.coe.int>

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215_n

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.9 204 () A/56/40 223
.10 205 204 224
Eur. Court HR, Lawless Case (Merits), judgment of 1 July 1961, Series A, No. 3, p. 60, paras. 40-41. 225

226ⁿ " "

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227ⁿ " " 4 " " 15 1 4

" "

" "

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228ⁿ " "

229ⁿ " "

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230ⁿ " .1995

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Eur. Court HR, Case of Ireland v. the United Kingdom, judgment of 18 January 1978, 41 60 226
Series A, No. 25, p. 84, para. 222

Eur. Court HR, Case of Brannigan and McBride v. the United Kingdom, judgment of 26 May 1993, Series A, No. 258-B, p. 57, 227
para. 72

Eur. Court HR, Marshall case, decision on the admissibility of 10 July 2001, p. 11 of the decision as published at <http://echr.coe.int> 228

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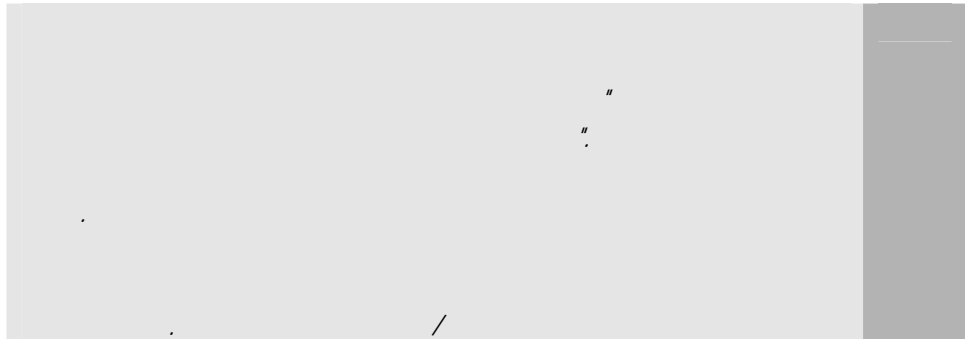
.8 231
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235"
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" 1973 / 5
" ...
" 237"



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	.228	86	234
.229	87	86	235
	.230	87	236
.231	88	87	237

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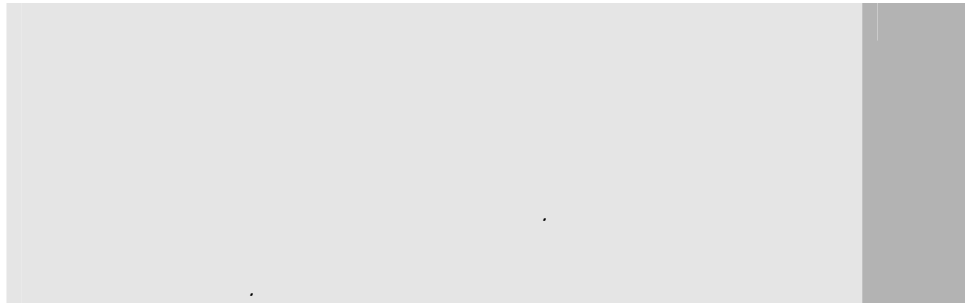
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