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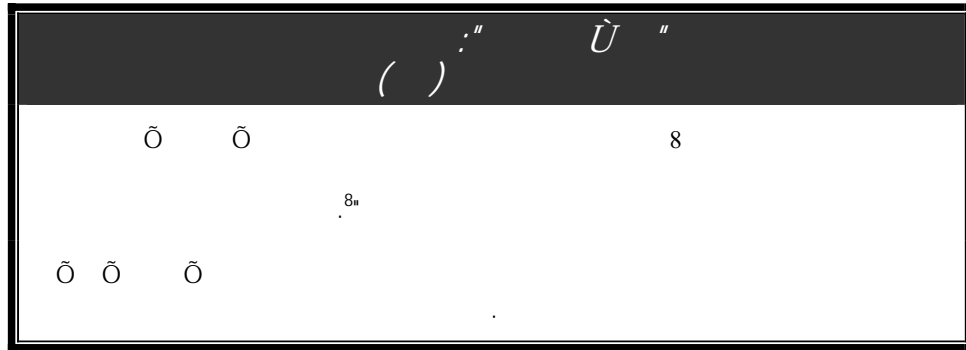
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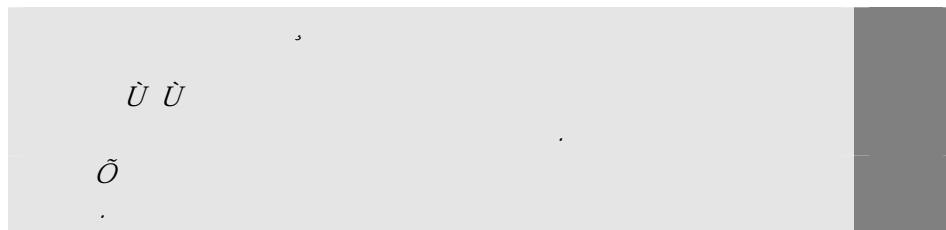


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.Eur. Court HR, Case of Botten v. Norway, judgment of 19 February 1996, reports 1996-I, p. 145, para. 53 9

.Eur. Court HR, Bricmont Case, judgment of 7 July 1989, Series A, No. 158, pp. 30-31, paras. 84-85 10

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Eur. Court HR, Golder Case v. the United Kingdom, judgment of 21 February 1975, Series A, No. 18, p. 18, para. 36 and p. 19, para. 40 atp. 20. 11

Eur. Court HR, Case of Campbell and Fell, judgment of 28 June 1984, Series A, No. 80, p. 46, para. 107 12
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Eur. Court HR, Case of Allan Jacobsson v. Sweden, judgment of 25 October 1989, Series A. No. 163, pp. 19-21, paras. 65-77 16
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Eur. Court HR, Case of Bulut v. Austria, judgment of 22 February 1996, Reports 1996-II, p. 359, para. 47 22
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Eur. Court HR, Case of Lobo Machado v. Portugal, judgment of 20 February 1996, Report 1996-I, para. 31 at p. 207 26
Eur. Court HR, Case of Brandstetter v. Austria, judgment of 28 August 1991, Series A, No. 211, pp. 27-28, para. 67; emphasis added. 26
Eur. Court HR, Case of Lobo Machado v. Portugal, judgment of 20 February 1996, Report 1996-I, pp. 206-207, paras. 31-32 27
Eur. Court HR, Case of Brandstetter v. Austria, judgment of 28 August 1991, Series A, No. 211, p. 28, para. 68 28

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 .ACHPR, *Media Rights Agenda (on behalf of Niran Malaolu) v. Nigeria, Communication No. 224/98* 44
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I-A Court HR, Castillo Petruzzi et al. case v. Peru, judgment of May 30, 1999, Series C, No. 52, p. 211, paras. 172-173 48
Eur. Court HR, Case of Bulut v. Austria, judgment of 22 February 1996, Reports 1996-II, p. 357, para. 40 48
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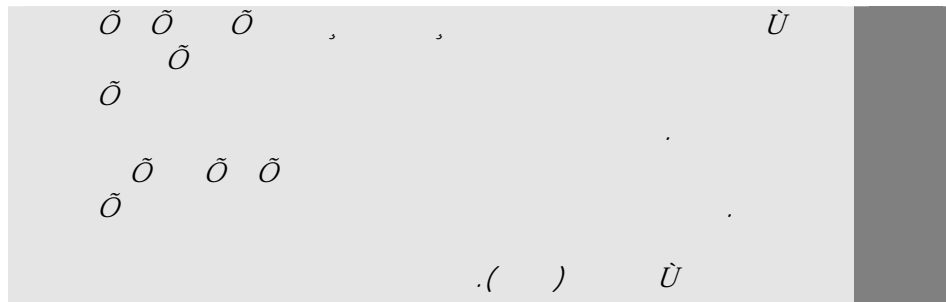
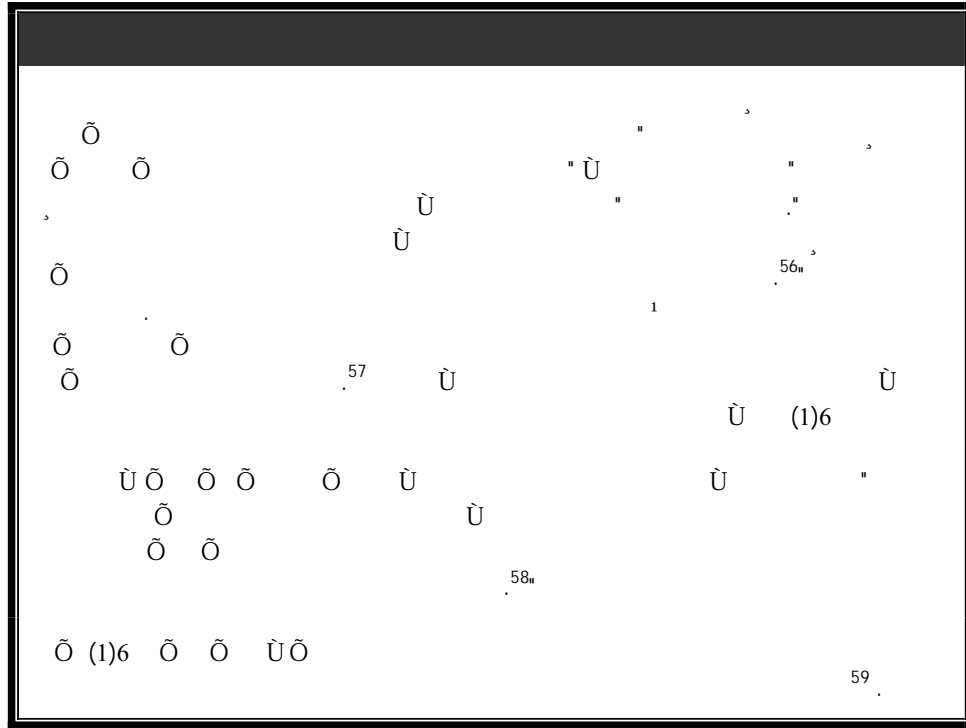
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.Eur. Court HR, Case of Axen v. Federal Republic of Germany, judgment of 8 December 1983, Series A, No. 72, p. 12, para. 28 51
.Eur. Court HR, Case of Weber v. Switzerland, judgment of 22 May 1990, Series A, No. 177, p. 20, para. 39 52
Eur. Court HR, Case of Pretto and Others v. Italy, judgment of 8 December 1983, Series A, No. 71, para. 27 at p. 13; emphasis 53
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Eur. Court HR, Sutter case v. Switzerland, judgment of 22 February 1984, Õ Õ ,28 Õ ,13 ,
Series A, No. 74, pp. 14-15, paras. 31-34.

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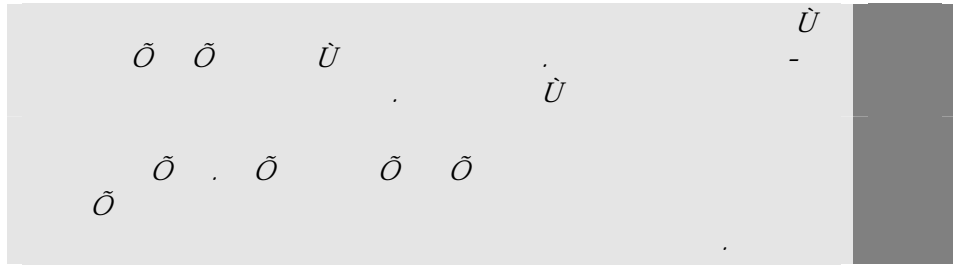
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Eur. Court HR, Vernillo Case v. France, judgment of 20 February 1991, Series A, No. 198, para. 30 at p. 13

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I-A Court HR, Suárez Rosero case v. Ecuador, judgment of November 1997, in OAS doc. OAS/Ser.L/V/III.39, doc. 5, 1997 Annual Report I-A Court HR, p.301, para. 83 read in conjunction with p. 292, para. 34.g and h. 93

I-A Court HR, Castillo Petrucci et al. case v. Peru, judgment of May 30, 1999, Series C, No. 52, pp. 203-204, paras. 146-149 read in conjunction with p. 202, para. 141. 94

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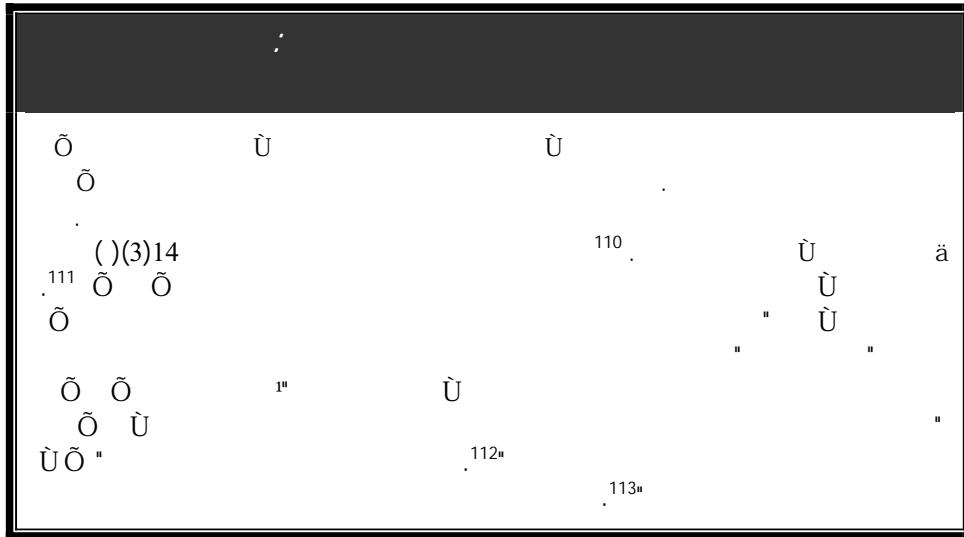
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 .Eur. Court HR, Case of *Quaranta v. Switzerland*, judgment of 24 May 1991, Series A, No. 205, p. 16, para. 27 120
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Eur. Court HR, Case of Granger v. the United Kingdom, judgment of 28 March 1991, Series A, No. 174, p. 17, para. 44; emphasis added. 124
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.Eur. Court HR, Case of Pakelli v. Federal Republic of Germany, judgment of 25 April 1983, Series A, No. 64, p. 18, para. 39 129
 .Eur. Court HR, Case of Artico v. Italy, judgment of 13 May 1980, Series A, No. 37, para. 35 at p. 18 130
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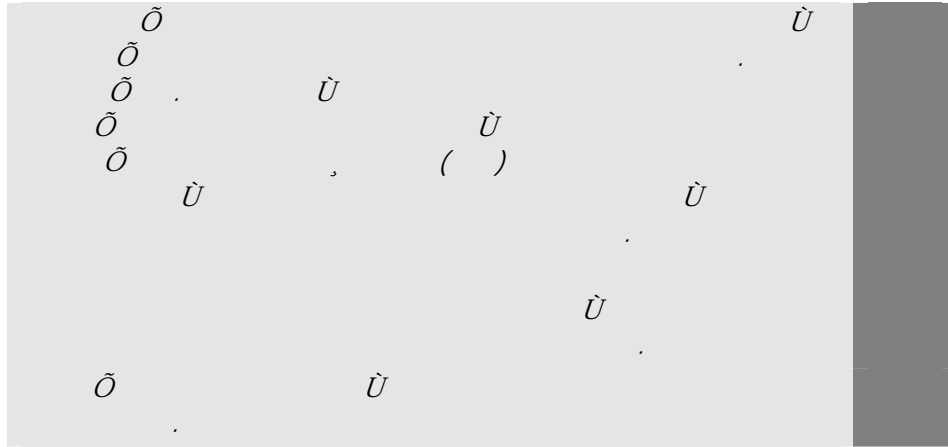
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I-A Court HR, Castillo Petruzzi et al. case v. Peru, judgment of May 30, 1999, Series C, No. 52, p. 210, paras. 167-168

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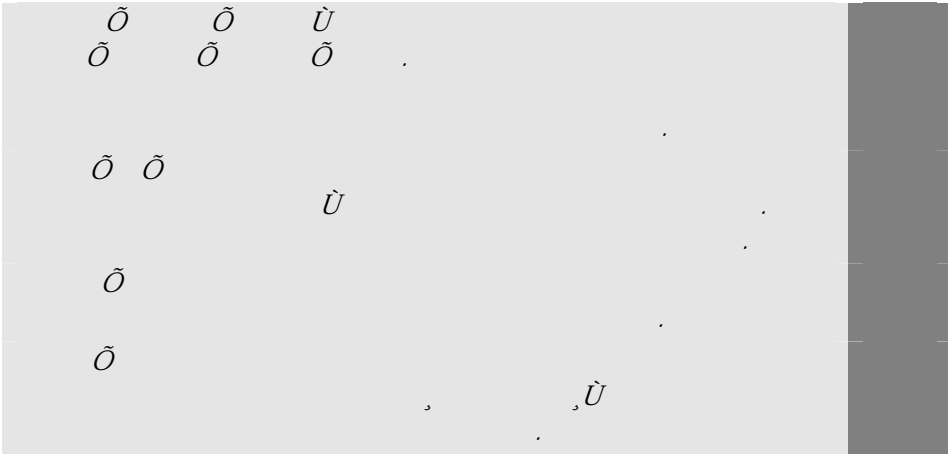
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.Eur. Court HR, Asch Case v. Austria, judgment of 26 April 1991, Series A, No. 203, p. 11, paras. 30-31
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.Eur. Court HR, Kostovski Case v. the Netherlands, judgment of 20 November 1989, Series A, No. 166, p. 20, para. 42 165
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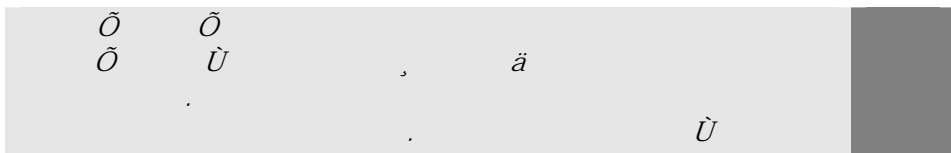
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Eur. Court HR, Case of Luedicke, Belkacem and Koç, judgment of 28 November 1978, Series A, No. 29, para. 40 at p. 17

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.Eur. Court HR, Case of García Ruiz v. Spain, judgment of 21 January 1999, Reports 1999-I, p. 97, para. 26

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Eur. Court HR, Case of Zoon v. the Netherlands, judgment of 7 December 2000, paras. 39-51 of the text of the judgment as
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188Communication No. 356/1989, *T. Collins v. Jamaica* (Views adopted on 25 <http://www.echr.coe.int>/published on the Court's web-site:
March 1993), in UN doc. *GAOR*, A/48/40 (vol. II), p. 89, para. 8.3.

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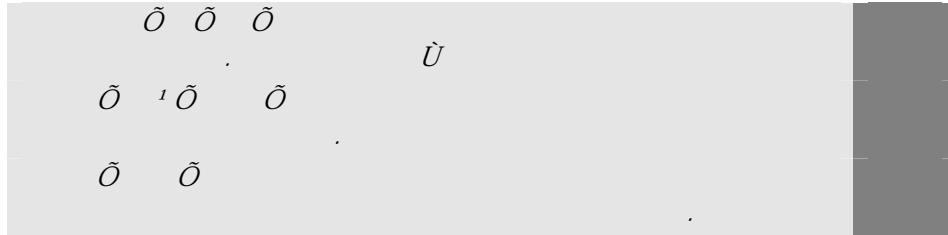
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ACHPR, *Forum of Conscience (on behalf of 24 soldiers) v. Sierra Leone*, Communication No. 223/98, decision adopted during the 28th Ordinary session, 23 October – 6 November 2000, para. 19 of the text of the decision published at

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<http://www1.umn.edu/humanrts/africa/comcases/223-98.html>.

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http://www1.umn.edu/humanrts/africa/comcases/105-93_128-94_130-94_152_96.html 194

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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. 52 195

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.Eur. Court HR, Case of G. v. France, judgment of 27 September 1995, Series A, No. 325-B, p. 38, paras. 24-26

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I-A Court HR, Loayza Tamayo Case v. Peru, judgment of September 17, 1977, OAS doc. OAS/Ser.L/V/III.39, doc. 5, 1997 Annual Report I-A Court HR, p. 213, para. 66. 201Ibid., pp. 213-215, paras. 66-77.

Eur. Court HR, Case of Gradinger v. Austria, judgment of 23 October 1995, Series A, No. 328-C, p. 66, para. 55

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Eur. Court HR, Case of Franz Fischer v. Austria, judgment of 29 May 2001; for the text see <http://hudoc.echr.coe.int>; and Eur. Court HR, Ponsetti and Chesnel v. France, decision of 14 September 1999, Reports 1999-VI.
Eur. Court HR, Case of Welch v. the United Kingdom, judgment of 9 February 1995, Series A, No. 307-A, p. 14, para. 35 213

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Eur. Court HR, Case of Tyrer v. the United Kingdom, judgment of 25 April 1978, Series A, No. 26, p. 7, para. 10 217

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Eur. Court HR, Case of Tolstoy Miloslavsky v. the United Kingdom, judgment of 13 July 1995, Series A, No. 316-B, para. 59 at p. 79. 226

ACHPR, Civil Liberties Organisation and Others v. Nigeria, Communication No. 218/98, decision adopted during the 29th Ordinary session, 23 April – 7 May 2001, para. 33 of the text of the decision as published at http://www1.umn.edu/humanrts/25_õ_50/1984_õ_õ_äfrica/comcases/218-98.html .1984 /

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ACHPR, *Constitutional Rights Project, (on behalf of Zamani Lekwot and six Others) v. Nigeria*, Communication No. 87/93,
http://www.up.ac.za/chr/ : 27-26 , 1994 /Ù

228
.28 , 229

230
ACHPR, *Forum of Conscience (on behalf of 24 soldiers) v. Sierra Leone*, Communication No. 223/98
: Õ Õ Õ Õ Õ Õ 19 Õ '2000 Õ/ Õ Õ 6 - Õ /Ù Õ 23 , Õ Õ
http://www1.umn.edu/humanrts/africa/comcases/223-98.html

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Eur. Court HR, Case of Tolstoy Miloslavsky v. the United Kingdom, judgment of 13 July 1995, Series A, No. 316-B, p. 79, para. 244
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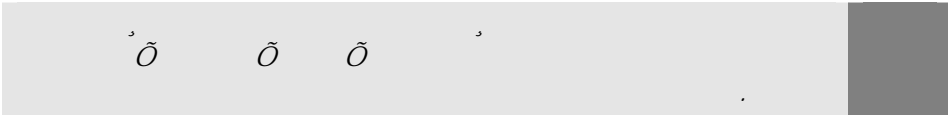
249"

Õ (1994 / 20 .4 ,123) Õ Õ Õ Õ 1988/328 246
 .4-10 ,18 ,() A/49/40 , 247
 achpr, civil Liberties Organisation and Others v. Nigeria, Communication No. 218/98, decision : Õ Õ Õ Õ 248
 adopted during the 29th Ordinary session 23 April - 7 May 2001, p. 3 of the decision as published at
<http://www1.umn.edu/humanrts/Africa/comcases/218-98.html>
 .I-A Court HR, Castillo Petruzzi et al. judgment of May 30, 1999, Series C, No. 52, pp. 196-197, paras. 129-134 249

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Eur. Court HR, Case of Çiraklar v. Turkey, judgment of 28 October 1998, Reports 1998-VII, pp. 3072-3074, paras. 37-41

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Õ Õ Õ (1992 /Û 28 .4 ,123) Û ,1987/263
. 12-5 ,20 ,() A/48/40 ,

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See e.g. ACHPR, Civil Liberties Organisation and Others v. Nigeria, Communication No. 218/98

<http://www1.umn.edu/humanrts/africa/comcases/218-98.html>

I-A Court HR, Castillo Petruzzi et al. case v. Peru, judgment of May 30, 1999, Series C, No. 52, p. 197, para. 131; emphasis
added. 256Ibid., para. 132.

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