The handle [http://hdl.handle.net/1887/66791](http://hdl.handle.net/1887/66791) holds various files of this Leiden University dissertation.

**Author:** Harwood, C.E.M.

**Title:** Navigating between principle and pragmatism: the roles and functions of atrocity-related United Nations Commissions of Inquiry in the international legal order

**Issue Date:** 2018-11-07
BIBLIOGRAPHY

International Instruments

Multilateral agreements

Charter of the United Nations 1945, 1 UNTS 16.
Convention (IV) respecting the Laws and Customs of War on Land 1907, with Annex of Regulations, TS 539.
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment 1984, 1465 UNTS 85.
Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field 1929, 118 LNTS 303.
Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 1949, 75 UNTS 31.
Convention on International Civil Aviation 1944, 15 UNTS 295.
Covenant of the League of Nations 1919, 34 LNTS.
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armies in the Field 1949, 75 UNTS 85.
Hague Convention for the Pacific Settlement of International Disputes 1907, TS 536.
International Covenant on Civil and Political Rights 1966, 999 UNTS 171.
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts 1977, 1125 UNTS 3.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts 1977, 1125 UNTS 609.


Statute of the Council of Europe 1949, ETS No. 001.

Transboundary Effects of Industrial Accidents 1992, 2105 UNTS 457.


Treaty of Versailles 1919, 225 Consol. TS 188.


**Bilateral agreements**


Agreement on the Gaza Strip and the Jericho Area 1994.


Compromis to the Agreement between the United States and Chile 1990.

Convention of Inquiry between Germany and the Netherlands 1921.

Convention of Inquiry in the *Tavignano, Camouna* and *Gaulois* cases between France and Italy 1912.

Exchange of Notes between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Denmark 1961.

St. Petersburg Declaration 1904.


Treaty for the Settlement of Disputes That May Occur between the United States of America and Chile 1914.

**Documents of International Conferences**


ICRC, *International Humanitarian Law and the challenges of contemporary armed conflicts*, 31st International Conference of the Red Cross and Red Crescent Movement, Geneva, 28 November to 1


International Conference of the Red Cross and Red Crescent, Strengthening compliance with international humanitarian law: Concluding Report, Doc. No. 32IC/15/19.2, October 2015.

Preliminary Peace Conference, 25 January 1919 (Minute No. 2).

United Nations Resolutions and Decisions

Security Council

UN Doc. S/2014/348, 22 May 2014 (Situation in the Syrian Arab Republic).

**General Assembly**

GA Res. 377 (V), UN Doc. A/RES/377(V), 3 November 1950.
GA Res. 1628 (XVI), UN Doc. A/RES/1628(XVI), 26 October 1961.
GA Res. 2329 (XXII), UN Doc. A/RES/2329(XXII), 18 December 1967.
GA Res. 2443 (XXIII), UN Doc. A/RES/2443(XXIII), 19 December 1968.
GA Res. 43/74, UN Doc. A/RES/43/74, 7 December 1988.
GA Res. 57/228, UN Doc. A/RES/57/228, 18 December 2002.
GA Res. 60/251, UN Doc. A/RES/60/251, 15 March 2006.
GA Res. 64/10, UN Doc. A/RES/64/10, 5 November 2009.

**Economic and Social Council**

ECOSOC Res. 5 (I), UN Doc. E/RES/5(I), 16 February 1946.
ECOSOC Res. 728F (XXVIII), UN Doc. E/RES/728(XXVIII), 30 July 1959.

Human Rights Council

HRC Res. 5/1, UN Doc. A/RES/HRC/5/1, 18 June 2007.
HRC Res. 14/1, UN Doc. A/RES/HRC/14/1, 2 June 2010.
HRC Res. S-16/1, UN Doc. A/RES/HRC/S-16/1, 29 April 2011.
HRC Res. S-17/1, UN Doc. A/RES/HRC/S-17/1, 22 August 2011.
HRC Res. S-18/1, UN Doc. A/RES/HRC/S-18/1, 2 December 2011.
HRC Res. 19/17, UN Doc. A/RES/HRC/19/17, 22 March 2012.
HRC Res. 19/18, UN Doc. A/RES/HRC/19/18, 22 March 2012.
HRC Res. S-19/1, UN Doc. A/RES/HRC/S-19/1, 4 June 2012.
HRC Res. 21/7, UN Doc. A/RES/HRC/21/7, 27 September 2012.
HRC Res. 21/26, UN Doc. A/RES/HRC/21/26, 28 September 2012.
HRC Res. 22/26, UN Doc. A/RES/HRC/22/26, 12 April 2013.
Draft resolutions


UN Commission on Human Rights


UNCHR Res. 6 (XXV), UN Doc. E/CN.4/RES/6(XXV), 4 March 1969.


United Nations Atrocity Inquiry Documents

Reports

*Detailed findings of the commission of inquiry on human rights in Eritrea*, UN Doc. A/HRC/32/CRP.1, 8 June 2016.


Report of the independent international factfinding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, UN Doc. A/HRC/22/63, 7 February 2013.


Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, UN Doc. A/HRC/15/21, 27 September 2010.


Other documents


Other Documents of the United Nations

Reports of the Secretary-General


252
**Report of the Secretary-General:** Progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, UN Doc. A/HRC/21/33, 21 September 2012.


**Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents that occurred in the Gaza Strip between 8 July 2014 and 26 August 2014,** UN Doc. S/2015/286, 27 April 2015.

**Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents that occurred in the Gaza Strip between 8 July 2014 and 26 August 2014,** UN Doc. S/2015/286, 27 April 2015.


**Reports of OHCHR and special procedures mandate holders**

Combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty, UN Doc. A/HRC/10/22, 29 May 2009.


**Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston;** the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt; the Representative of the Secretary-General on human rights of internally displaced persons, Walter Kälin; and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari: Mission to Lebanon and Israel, UN Doc. A/HRC/2/7, 2 October 2006.

**Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston,** A/HRC/14/24/Add.6, 28 May 2010.


Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, UN Doc. A/HRC/19/61, 18 January 2012.


UN High Commissioner for Human Rights, Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem: comprehensive review on the status of recommendations addressed to all parties since 2009, UN Doc. A/HRC/35/19, 12 June 2017.

UN High Commissioner for Human Rights, Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem, UN Doc. A/HRC/37/41, 19 March 2018.


254
Reports of other ad hoc bodies


Report of the Committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards, UN Doc. A/HRC/15/50, 23 September 2010.


Report of the Mission Dispatched by the Secretary-General to Investigate Allegations of the Use of Chemical Weapons in the Conflict Between the Islamic Republic of Iran and Iraq, UN Doc. S/17911, 12 March 1986.


**Internal Rules and Regulations**

*Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers*, UN Doc. DPKO/MD/03/00994 (undated).


**Declarations, principles and guidelines**


Secretary-General, *Draft Model Rules of procedure suggested by the Secretary-General of the UN for ad hoc bodies of the United Nations entrusted with studies of particular situations alleged to reveal a consistent pattern of violations of human rights*, UN Doc. E/CN.4/1021/Rev.1, 30 October 1970.


**Press releases and public information**


**Documents of Treaty Bodies**


CCPR, *Concluding observations on the fourth periodic report of Israel*, UN Doc. CCPR/C/ISR/CO/4, 21 November 2014.

CCPR, *Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session*, UN Doc. CCPR/C/TUR/CO/1, 13 November 2012.


*State communications*

Australia, *Replies to the List of issues (CCPR/C/AUS/Q/5) to be Taken Up in Connection with the Consideration of the Fifth Periodic Report of the Government of Australia*, UN Doc. CCPR/C/AUS/Q/5/Add.1, 5 February 2009.


*Miscellaneous*

*Joint Statement by the Secretary-General and the President of Sri Lanka*, UN Doc. SG/2151, 26 May 2009.


Letter dated 21 December 2006 from the Secretary-General addressed to the President of the General Assembly, UN Doc. A/ES-10/374, 22 December 2006.


Letter from the Permanent Representative of Israel to the President of the Human Rights Council, 30 January 2015.

Note by the President of the Security Council, UN Doc. S/26757, 16 November 1993.


Documents of Other International Bodies

League of Nations


Report of the Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties (1920) 14(1) AJIL 95-154.

African Union


Council of Europe


European Union


EU Council Decision 2008/901/CFSP.


League of Arab States

Organization of American States


International Committee of the Red Cross (ICRC)


International Humanitarian Fact-finding Commission (IHFFC)


Miscellaneous

North Atlantic Treaty Organization, Non-Binding Guidelines for Payments in Combat-Related Cases of Civilian Casualties or Damage to Civilian Property (2010).


Jurisprudence

International Court of Justice


Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion [2004] ICJ Reports 136.

Legality of the Use by a State of Nuclear Weapons in Armed Conflict (Request by WHO), Advisory Opinion [1996] ICJ Reports 66.


International Criminal Court


Prosecutor v. Jean-Pierre Bemba Gombo, ‘Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute’, ICC-01/05-01/08, PTC II, 15 June 2009.


Prosecutor v. Mathieu Ngudjolo Chui, ‘Judgment pursuant to article 74 of the Statute’, ICC-01/04-02/12, TC II, 18 December 2012.


Situation on Registered Vessels of the Union of the Comoros, the Hellenic Republic and the Kingdom of Cambodia, ‘Decision on Request of the Union of the Comoros to review the Prosecutor’s decision not to initiate an investigation: Partly Dissenting Opinion of Judge Peter Kovacs’, ICC-01/13-34-Anx, PTC I, 16 July 2015.


International Criminal Tribunal for Rwanda


International Criminal Tribunal for the former Yugoslavia


Prosecutor v. Furundija, 1T-95-17/1-T, Judgement, 10 December 1998.


Prosecutor v. Haradinaj and others, IT-04-84bis-T, Trial Judgement, 29 November 2012.


Other ad hoc criminal tribunals


European Court of Human Rights

Hassan v. United Kingdom, No. 29750/09, Judgment, Grand Chamber, 16 September 2014.


Khashiev and Akayeva v. Russia, No. 57942/00 and 57945/00, Judgment, 24 February 2005.


L.M. and others v. Russia, No. 40081/14, Judgment, 15 October 2015.


Salman v. Turkey, No. 21986/93, Merits and Just Satisfaction, Grand Chamber, [2000] ECHR 357.

Vasiliauskas v. Lithuania, No. 35343/05, Grand Chamber, Judgment, 20 October 2015.

Inter-American Court and Commission of Human Rights


IACtHR, Almonacid-Arellano and others v. Chile, Judgment (Preliminary Objections, Merits, Reparations and Costs), 26 September 2006.

IACtHR, Gomes Lund v. Brazil, Judgment (Preliminary Objections, Merits, Reparations, and Costs), 24 November 2010.

IACtHR, La Cantuta v. Perú, Judgment (Merits, Reparations and Costs), 29 November 2006.

IACtHR, Las Palmeras v. Colombia, Judgment (Preliminary Objections), 4 February 2000.

Domestic case law


**Domestic Legislation**

Alien Tort Statute 28 USC § 1350 (United States).

Royal Order No. 28 of 2011 (Bahrain).

Royal Commissions Act 1902 (Cth) (Australia).

Presidential Decree No. 13 of 7 September 2015 (Yemen).

**Documents and Statements by States**


Secondary Sources

Texts and book chapters


Kaufman, Zachary, ‘The United States’ Role in the Establishment of the United Nations International Tribunal for Rwanda’, in Phil Clark and Zachary Kaufman (eds), After Genocide:


**Journal articles**


283


Working papers


**Doctoral theses**


**Law blogs**


Non-governmental organisations


**News media**


Miscellaneous internet-based resources


CURRICULUM VITAE

Catherine Elizabeth Mary Harwood (Hastings, New Zealand, 11 February 1985) attended Palmerston North Girls’ High School, after which she took Bachelor of Laws (First Class Honours) and Bachelor of Arts (sociology) degrees at Victoria University of Wellington. Catherine took her LL.M. in Advanced Studies in Public International Law at Leiden University (cum laude). Catherine has been admitted to the Roll of Barristers and Solicitors of the High Court of New Zealand since 2009.

Since 2018, Catherine has been an associate legal officer in the Office of Legal Affairs, United Nations, at New York. From 2013 to 2018, Catherine was a Ph.D. candidate and lecturer at the Grotius Centre for International Legal Studies at Leiden Law School, Leiden University. In 2012, Catherine interned in Chambers at the International Criminal Court and at the International Bar Association’s Programme on the ICC. From 2009 to 2011, Catherine clerked for Hon. Justice Terence Arnold at the New Zealand Court of Appeal.