

Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie - (Libyan Arab ... Advisory Opinions and Orders, 1992)

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Notes: -

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THE AERIAL INCIDENT AT LOCKERBIE

While the EU courts have declined to address the underlying question of the lawfulness of the UNSC resolutions, under a proportionality test as applied in Tinnelly and Chahal, access to a court or some type of decision-making body is necessary even in cases involving national security and terrorism. From 2006 until 2011 he was editor-in-chief of the Netherlands Yearbook of International Law.

INTERNATIONAL DISPUTE SETTLEMENT

It follows from all the foregoing that the fight against international terrorism, more particularly the imposition of economic and financial sanctions, such as the freezing of funds, in respect of individuals and entities suspected of contributing to the funding of terrorism, cannot be made to refer to one of the objects which Articles 2 EC and 3 EC expressly entrust to the Community. The number of citations per page has doubled from the first to the last decade of our analysis with, on average, one citation for every five pages in the latter period. This characterisation will become even more pertinent in the remedies discussion of this memorandum chapter II.

Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libya Arab Jamahiriya v United States of America), Request for the Indication of Provisional Measures, Order of 14 April 1992, [1992] ICJ Rep 114

There has been heavy reliance on a security paradigm in response to state involvement in terrorism over the last decades. For example, if one needs to travel to receive necessary medical care. Even early PCIJ cases, long buried in precedential obscurity, are being resurrected to new life.

Separate Opinion of Judge BULA

It would have been criticized for ruling ultra petite. France, Germany and Norway, App.

Judicial Decisions on the Law of International Organizations

Judge Skubiszewski adopted a similar position in the East Timor Case.

Growing Complexity of the International Court of Justice's Self

The international community has patently failed to uphold the international rule of law and has lacked the will to insist upon compliance with international law.

Oxford Public International Law: Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie, Libyan Arab Jamahiriya v United Kingdom, Judgment, Preliminary Objections, ICJ GL No 88, [1998] ICJ Rep 9, ICGJ 76 (ICJ 1998), 27th February 1998, United Nations [UN]; International Court of Justice [ICJ]

See also the Charter of Paris of the OSCE, *ibid*, 409.

Judicial Decisions on the Law of International Organizations

Lauterpacht, « The Role of ad hoc Judges », in Increasing the Effectiveness of the International Court of Justice, 1997, p. For instance, he questioned whether there was a threat to the peace in 1992 when the Lockerbie bombing had occurred in 1988.

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