

# INTERNATIONAL LAW REPORTS

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36

EDITED

BY

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OF GRAY'S INN, BARRISTER-AT-LAW

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## PREFACE

THE first 344 pages of this volume contain the full English translations of the judgments given by the courts of Israel in the *Eichmann* case. Although extracts from these judgments have appeared elsewhere in English, this is the only publication in which they have been printed in full. The decision to publish the complete reports, notwithstanding their length, reflects the opinion that there should be some place in which scholars can study an unabridged English version of a case of such legal and historical significance and the conviction that that place is properly in the *International Law Reports*.

The English texts printed here are translations made in the Ministry of Justice of Israel from the Hebrew of the original reports. They have been closely examined and revised by Mr. P. Elman of that Ministry. I wish to express my gratitude to him for all his painstaking work and for the patience with which he has dealt with the numerous queries put to him. The clarity of the result will place all users of these *Reports* in his debt.

Readers will observe that the traditional mode of presentation of cases in the *International Law Reports*, in the form of division into "Facts" and "Held", has not been followed in relation to the *Eichmann* case. This is principally because I consider that, on the whole, in so far as it is possible to reproduce in these *Reports* the original text of a judgment, it is desirable to do so. So long as the *Reports* were not true reports, but in large part digests, it was reasonable to subject decisions to editorial dissection and reconstitution. But the concept of a "report" calls, in my understanding, for the maintenance of the integrity of the original judgments—though in some instances it may be both desirable and permissible to omit, subject to suitable indication, certain parts of them.

At the same time, in order to replace for the reader the assistance previously derived from the division of a case into "Facts" and "Held", each decision treated on the new basis will be accompanied by a summary. In the case of the *Eichmann* judgments, the summary is necessarily quite extensive. It has been prepared by Miss A. Munkman, LL.B. She has also been responsible for the bibliography attached to the case. I greatly appreciate the generous help which she has given.

This volume does not contain the usual List of Abbreviations. Instead, a Consolidated List of Abbreviations will be found in the separate volume containing the Consolidated Tables and Index for Volumes 1 to 35 of the series.

I am grateful to Dr. Maung Maung, Chief Justice of Burma, for the reports of the Burmese cases printed here and to Dr. Michael Akehurst for preparing the Administrative Tribunal decisions—as I am to Dr. Gillian White who, in addition to general editorial assistance (including the preparation of the Table of Treaties and

the Index), has also been responsible for the report of the second International Labour Organization Commission of Enquiry.

To Mrs. A. B. Lyons, who carries the main burden of seeing these *Reports* through the press; to Mrs. E. E. Jansen, who prepares the tables of cases; to Mrs. S. Rainbow, my secretary; to Messrs. Butterworth & Co., Ltd., the publishers, and Messrs. R. J. Acford Ltd., the printers—I tender my warmest thanks.

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*July 1968.*

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iv. On Enemy Subjects with regard to	
(a) Their Personal Status in the Territory of the Belligerent. <i>Persona standi in judicio</i> . . . . .	—
(b) Their Property and Other Rights . . . . .	—
v. On Enemy Merchant Ships in Port . . . . .	—
vi. On Neutral Persons and Property. The Right of Angary . . . . .	—
vii. Trading with the Enemy . . . . .	—
VI. ENEMY CHARACTER	
i. Of Individuals . . . . .	—
ii. Of Corporations . . . . .	—
iii. Of Ships . . . . .	—
iv. Of Goods . . . . .	—