

OXFORD

REMEDIES IN  
INTERNATIONAL  
HUMAN RIGHTS  
LAW

SECOND EDITION

DINAH SHELTON

# Remedies in International Human Rights Law

Second Edition

DINAH SHELTON

**OXFORD**  
UNIVERSITY PRESS

OXFORD

UNIVERSITY PRESS

Great Clarendon Street, Oxford OX2 6DP

Oxford University Press is a department of the University of Oxford.  
It furthers the University's objective of excellence in research, scholarship,  
and education by publishing worldwide in

Oxford New York

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New Delhi Shanghai Taipei Toronto

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Argentina Austria Brazil Chile Czech Republic France Greece  
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Published in the United States  
by Oxford University Press Inc., New York

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First published 2005

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British Library Cataloguing in Publication Data

Data available

Library of Congress Cataloging in Publication Data

Shelton, Dinah.

Remedies in international human rights law / Dinah Shelton. —2nd ed.  
p. cm.

Includes index.

ISBN 0-19-927008-2

1. Human rights. 2. Remedies (Law) I. Title.

K3240.S53 2005

341.4'8—dc22

2004030776

Typeset by Newgen Imaging Systems (P) Ltd., Chennai, India

Printed in Great Britain

on acid-free paper by

Biddles Ltd., King's Lynn

ISBN 0-19-927008-2 (Hbk.)

1 3 5 7 9 10 8 6 4 2

REMEDIES IN INTERNATIONAL  
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*For Chris, Philip and Elizabeth*

## *Preface to the Second Edition*

During the five years since the first edition of this book appeared, attention to its subject matter has substantially increased and there have been extraordinary developments in the remedial jurisprudence of national and international tribunals. States and numerous non-governmental organizations have participated in United Nations efforts to develop principles and guidelines on reparations for gross and systematic violations of human rights. The Rome Statute of the International Criminal Court, with its provisions for victim reparations, has entered into force. The International Law Commission completed its work on the law of state responsibility, including a chapter on reparations. The 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, convened in Durban by the United Nations, brought to the forefront demands for reparations for the transatlantic slave trade and colonialism. National courts increasingly hear claims for redress brought not only by victims of recent human rights abuses but also by those who have suffered from unrepaired historical injustices. Some national courts, in particular, those of South Africa and India, have made pioneering decisions on the justiciability and redress of violations of economic and social rights. The African Human Rights Commission and Inter-American Court have also addressed this topic. The UN Compensation Commission has almost completed its work on redress for injuries resulting from the Iraqi invasion of Kuwait. The case load of all human rights tribunals unceasingly increases, and has led the European Court of Human Rights fundamentally to change its practice on just satisfaction, after an invitation to do so by the Council of Europe's Committee of Ministers. This second edition aims to take into account these developments as well as the constructive remarks of readers and reviewers of the earlier version.

The book originally emerged from discussions about human rights complaint procedures in courses and seminars over a number of years. Students often asked what redress applicants can expect to receive as a result of presenting international claims. The question became a research project that turned into a law review article that evolved into the book. During the research and writing, many persons have assisted by providing materials, discussing issues and criticizing drafts. Without them the book could not have been completed. Barbara Fontana did the first seminar paper and law review comment on damages in the European human rights system in 1991. John Blakeley, Joseph Broussard, Willem Gravett, and Paul Simo provided valuable student assistance in preparing the first edition. I am particularly grateful to those in the various international organizations who answered endless questions and were patient and unstinting with their time. At the Council of Europe, my thanks go to Hans Christian Kruger, Herbert Petzold, Michael O'Boyle, Caroline Ravaud, and the judges of the European Court who discussed the procedures and approaches to remedies in the European system. In the Inter-American system, Jorge Taiana, Robert Goldman, Domingo Azcevedo, David Padilla, Elizabeth Abi-Mershed, Pablo

Sayaadra, and Christina Cerna were extremely helpful. Manuel E. Ventura-Robles was always responsive to requests for documents from the Inter-American Court. Emmanuel Dankwa, Isaac Nguema, Germain Baricako, and Julia Harrington at the African Commission assisted with information on developments in the African system. A special debt is owed to the late Richard Lillich who insisted that I write this book and to Alexandre Kiss who insisted that I finish it. Finally, I would like to express gratitude to the American Society of International Law, which awarded the first edition its Certificate of Merit in 2000.

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