Contents

Editor's Foreword ix
Acknowledgments xi

Chapter I. Defining the Problem 1
A. Introduction 1
B. The ILA Study 3
C. The Questiaux Report 21
D. Rossiter's Comparative Historical Study 23

Chapter II. Effects of Emergencies on Human Rights 29
A. Introduction 29
B. Changes in the Allocation of Powers 29
C. Violations of Non-Derogable Rights 35
D. Emergency Limitations on Other Fundamental Rights 36
E. Administrative Detention 38

Chapter III. Setting Standards 50
A. Introduction 50
B. Treaty Standards 51
   1. Severity 55
   2. Notification and Proclamation 58
   3. Good Faith Motivation 59
   4. Other International Obligations 59
   5. Proportionality 60
   6. Non-Discrimination 61
   7. Non-Derogable Rights 63
### C. The Search for General Standards

1. Efforts to Identify *Lex Lata*  
2. Treaty Interpretation  
3. Conclusions to General Studies and Comprehensive Standards  
4. Model Emergency Laws

### Chapter IV. The United Nations System: Treaty Organs

A. Introduction  
B. The Human Rights Committee  
C. The International Labour Organisation  
D. The Committee Against Torture

### Chapter V. The United Nations System: Non-Treaty Mechanisms

A. Introduction  
B. The Commission on Human Rights  
1. The Resolution 1503 Procedure  
2. *Ad Hoc* Investigations and Advisory Services  
   a. Chile  
   b. Equatorial Guinea  
   c. Guatemala  
   d. Bolivia  
   e. El Salvador  
   f. Poland  
   g. Afghanistan  
   h. Iran  
   i. Haiti  
   j. Inaction  
3. Theme Mechanisms  
   a. Working Group on Enforced or Involuntary Disappearances  
   b. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions  
   c. Special Rapporteur on Torture  
   d. Special Rapporteurs on Religious Intolerance and Mercenaries  
   e. Working Group on Arbitrary Detention
4. Special Sessions of the Commission 166
C. The Sub-Commission on Prevention of Discrimination and Protection of Minorities 168
1. Special Rapporteur on States of Emergency 168
2. Abstract Studies 173
D. United Nations Educational, Scientific and Cultural Organization 175
E. The Secretary-General and the Security Council 176

Chapter VI. Regional Systems 178
A. The Organization of American States 178
1. The Inter-American Commission on Human Rights 178
   a. Special Country Reports 178
   b. On-Site Visits 180
   c. Individual Complaints 185
   d. Annual Reports 188
2. The Inter-American Court of Human Rights 190
B. The Council of Europe 193
1. The European Commission of Human Rights 193
2. The European Court of Human Rights 201
3. The Committee of Ministers of the Council of Europe 203
4. The Parliamentary Assembly of the Council of Europe 204
C. The Future for Europe 205

Chapter VII. The Role of Non-Governmental Organizations 210
A. Introduction 210
B. The Role of the Press 212
C. The Roles of International and National NGOs 213
D. The International Committee of the Red Cross 218

Chapter VIII. Conclusion 223

Appendix. The Queensland Guidelines for Bodies Monitoring Respect for Human Rights During States of Emergency 227
Contents

Bibliography 233
Table of Cases 249
Index 253