TRANSITIONAL JURISPRUDENCE AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Justice, Politics and Rights

Edited by
ANTOINE BUYSE
MICHAEL HAMILTON
CONTENTS

Foreword vii
Ruti Teitel

Acknowledgements xi

1 Introduction 1
Michael Hamilton and Antoine Buyse

2 Transitional emergency jurisprudence: derogation and transition 24
Fionnuala Ní Aoláin

3 Rights and victims, martyrs and memories: the European Court of Human Rights and political transition in Northern Ireland 52
Kris Brown

4 Confronting the consequences of authoritarianism and conflict: the ECHR and transition 81
Christopher K. Lamont

5 Freedom of religion and democratic transition 103
James A. Sweeney

6 The truth, the past and the present: Article 10 ECHR and situations of transition 131
Antoine Buyse

7 Transition, political loyalties and the order of the state 151
Michael Hamilton

8 Transition, equality and non-discrimination 185
Anne Smith and Rory Ó Connell
9 Closing the door on restitution: the European Court of Human Rights 208
TOM ALLEN AND BENEDICT DOUGLAS

10 The Inter-American human rights system and transitional processes 239
DIEGO RODRÍGUEZ-PINZÓN

11 The ‘transitional’ jurisprudence of the African Commission on Human and Peoples’ Rights 267
GINA BEKKER

12 Conclusions 286
ANTOINE BUYSE AND MICHAEL HAMILTON

Index 301