

The Extraterritorial Application of The European Convention on Human Rights: A Study of the Case Law of the European Court of Human Rights

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Abstract

This article purports to examine the extraterritorial application of the European Convention on Human Rights. Many European States are parties to the European Convention on Human Rights but have committed human rights violations outside of their national boundaries. Instances include: military operations against terrorism, trans border arrests, targeted killings, unlawful detention of individuals in secret places and rendition.

In all these situations the State's actions occur or produce effects beyond the territory of the state performing them. The questions are: Do states owe obligations towards individuals located outside their territories? Is the European Convention on Human Rights applicable to such conducts?

This article elaborates the concept of state jurisdiction in the case law of the European Court of Human Rights. Its purpose to demonstrate that the notion of jurisdiction in the European Convention performs a distinct aim and must be interpreted in the light of the legal nature of the European Convention on Human Rights