

Barkhuysen, Tom, Michiel van Emmerik and Piet Hein van Kempen (eds). *The Execution of Strasbourg and Geneva Human Rights Decisions in the National Legal Order*. The Hague, Boston, London: Martinus Nijhoff Publishers, 1999. Pp. 384.

This impressive, almost 400-page volume is the result of a Leiden University symposium held in 1997. A range of contributions addresses the weighty problem of the actual follow-up to human rights decisions issued by the Strasbourg and Geneva institutions. The fact that this type of collection of essays almost inevitably entails some repetition does not really diminish the merit of a project devoting such broad coverage to an important aspect of current human rights protection. Rather, it implies that this volume is not intended to be read as a single unit. It will undoubtedly provide useful guidance on specific issues for both the interested practitioner and the scholar. The book starts out with contributions on some general aspects, among them one dealing with the fundamental problem that resulted from a condemnatory decision by international human rights organs on whether to allow the reopening of closed cases or to permit claims of damages against the delinquent state.

The second part addresses various conceptual issues from a public international law

perspective, including the legal consequences of an internationally wrongful act of a state against an individual, the actual and potential means of implementing decisions of Strasbourg organs, and the follow-up in relation to the views of the Geneva organs. While the following part brings together contributions on the implementation of Strasbourg decisions in Norway, Russia, Belgium, Spain and Austria, the three central parts of this collection focus on particular problems arising for the Dutch legal order. They address reopening and compensation as general means of execution, Dutch legal practice regarding execution and various aspects of execution in Dutch civil, administrative and criminal law.

This very strong leaning towards specific Dutch legal problems in relation to the implementation of human rights decisions makes the general title of this volume certainly somewhat misleading; one can only speculate as to the reasons for this. But this should not take away from the merits of this book, which amply demonstrates the many problems encountered by those who have won in Strasbourg or Geneva but who may still be considered convicted criminals or dishonest businessmen at home. In this context, the almost Kafkaesque story of Mr Reijndam in the *Dombo Beheer v. The Netherlands* case¹ provides a good illustration. It aptly demonstrates the predominance of the 'general' effects of Strasbourg and Geneva decisions — in the sense of law reform undertaken as a response in order to reach human rights conformity — over the 'special' effects, in the sense of 'doing justice' in individual cases.

In sum, Barkhuysen, van Emmerik, and van Kempen have made a valuable contribution with this volume to an important area of human rights law.

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¹ *Dombo Beheer v. The Netherlands*, ECHR (1993) Series A, No. 27.