



STUDIES IN INTERNATIONAL LAW

Counterterrorism

Democracy's Challenge

Edited by
Andrea Bianchi and Alexis Keller

B L O O M S B U R Y

Counterterrorism Democracys Challenge Studies In International Law V

Katja Samuel



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Counter-Terrorism Ana María Salinas de Frías, Katja Samuel, Nigel White, 2012-01-19 The responses of governments and international institutions to terrorism raise some of the most controversial issues of the twenty first century In particular attempts to balance the desire to achieve security with the safeguarding of human rights and other aspects of the rule of law have proved to be highly contentious This book is unique not only in terms of its multinational multidisciplinary nature but also due to its truly comprehensive approach It reviews and examines the interrelationship between the four principal elements of the international rule of law framework international human rights humanitarian criminal and refugee asylum law within in which counter terrorism responses should occur It focuses primarily on some of the most pressing emerging and or under researched issues and tensions These include policy choices associated with meeting security imperatives the tensions between the criminal justice or preventive approach to counter terrorism and the military approach the identification of lacunae within existing legal frameworks and tensions between executive judicial and legislative responses These matters are examined at the national regional and international levels The book addresses a wide spectrum of issues including analysis of key legal principles emergency and executive measures radicalization governmental and institutional impunity classification administration and treatment of battlefield detainees the use of lethal force forms of and treatment in detention non refoulement diplomatic assurances interrogation versus torture extraordinary rendition discrimination justice and reparations for victims of terrorist attacks and security responses mis use of military courts commissions and immigration tribunals judicial and institutional developed and emerging rule of law norms on terrorism non judicial oversight by means of democratic accountability and the identification and analysis of best practices including inter regional judicial and other forms of cooperation and developed practices for the handling and use of sensitive information Drawing together an impressive spectrum of legal and non legal national and institutional practitioner policy and academic expertise this book is an essential and comprehensive reference work on counter terrorism policy practice and law making

The Right to Liberty and Security versus Counter-Terrorism under International Law Shimels Sisay Belete, 2018-11-05 Particularly in the aftermath of the 9 11 terrorist attack the threat of terrorism however defined has been invoked as a common justification in the pursuit of remodelling policies laws and institutions both at the international and in the domestic politico legal showground The broader central theme that this book explores is the normative vibe under which the present day counterterrorism discourse is construed and sculpted in the legislative and institutional structures of an authoritarian state where the political power and government institutions are functioning under a single party monopolised system Presenting the Ethiopian legislative and institutional frameworks as a case study the book critically reflects on the extent that the international legal and or institutional counterterrorism response is sensitised in a manner lessening the risk of conflating authoritarian regime s unbearable reactions to citizens legitimate demands and resistances against its repression vis vis that

of its response to the common threat of international terrorism In particular the book ponders whether or not the range of the substantive and procedural aspects of the Ethiopian antiterrorism legislative and institutional frameworks are wrought to fit into the main objectives and standards that emanate from the pertinent international laws relating to terrorism and the international human rights law as well as the domestic constitutional law maxims **The OIC, the UN, and**

Counter-Terrorism Law-Making Katja Samuel, 2014-07-18 The increasingly transnational nature of terrorist activities compels the international community to strengthen the legal framework in which counter terrorism activities should occur at every level including that of intergovernmental organizations This unique timely and carefully researched monograph examines one such important yet generally under researched and poorly understood intergovernmental organization the Organization of Islamic Cooperation OIC formerly the Organization of the Islamic Conference In particular it analyses in depth its institutional counter terrorism law making practice and the relationship between resultant OIC law and comparable UN norms in furtherance of UN Global Counter Terrorism Strategy goals Furthermore it explores two common misassumptions regarding the OIC namely whether its internal institutional weaknesses mean that its law making practice is inconsequential at the intergovernmental level and whether its self declared Islamic objectives and nature are irrelevant to its institutional practice or are instead reflected within OIC law Where significant normative tensions are discerned between OIC law and UN law the monograph explores not only whether these may be explicable at least in part by the OIC s Islamic nature and objectives but also whether their corresponding institutional legal orders are conflicting or cooperative in nature and the resultant implications of these findings for international counter terrorism law and policy making This monograph is expected to appeal especially to national and intergovernmental counter terrorism practitioners and policy makers as well as to scholars concerned with the interaction between international and Islamic law norms From the Foreword by Professor Ben Saul The University of Sydney Dr Samuels book must be commended as an original and insightful contribution to international legal scholarship on the OIC Islamic law international law and counter terrorism It fills significant gaps in legal knowledge about the vast investment of international and regional effort that has gone into the global counter terrorism enterprise over many decades and which accelerated markedly after 9 11 The scope of the book is ambitious its subject matter is complex and its sources are many and diverse Dr Samuel has deployed an appropriate theoretical and empirical methodology harnessed an intricate knowledge of the field and brought a balanced judgement to bear to bring these issues to life Democracies at War Against Terrorism Samy Cohen, 2008-08-15 This book deals with the difficulty democracies face in conducting asymmetric warfare in highly populated areas without violating international humanitarian law On numerous occasions democratic nations have been singled out by human rights NGOs for the brutality of their modus operandi for their inadequate attention to the protection of civilian populations or for acts of abuse or torture on prisoners Why do they perpetrate these violations Do they do so intentionally or unintentionally Can democracies combat irregular armed groups

without violating international law When their population is under threat do they behave as non democracies would Does this type of war inevitably produce war crimes on a more or less massive scale **The University of New South Wales Law Journal** ,2003 **Countering Terrorism and Insurgency in the 21st Century** James J. F. Forest,2007 Since the dawn of the new millennium combating terrorism has become a primary focus of security professionals throughout the world This volume contributes to our understanding of the terrorist threat and how it can be defeated *Contemporary Terrorism and Insurgency* Michael Hough,George P. H. Kruys,Anton Du Plessis,2005 This volume consists of four individual contributions with a final summary 1 Revolutionary warfare and related concepts a conceptual framework Michael Hough 2 Twentieth century classical insurgency counter insurgency and counter terror George Kruys 3 Post Cold War 11 September 2001 insurgency and counter insurgency with specific reference to Iraq and Afghanistan George Kruys 4 Global and regional initiatives to combat terror **Evolution of U.S. Counterterrorism Policy** Yonah Alexander,Michael Kraft,2008 Using primary documents and analysis this two volume set completely breaks down U S counter terrorism policy both before and after 9 11 *Index to Legal Periodicals & Books* ,2006 *International Legal Materials* ,2007-03 *The Practice of the United Nations in Combating Terrorism from 1946 to 2008* Bibi van Ginkel,2010 Over the last thirty years the UN has shown an unmistakable interest in combating terrorism This book analyses the practice of the General Assembly and the Security Council in combating terrorism It answers the question whether these organs taking into account their powers and the constitutional and public international law limitations thereof best contribute to a universal anti terrorism policy In order to assess whether both organs are indeed fulfilling this purpose the analysis of the adopted counter terrorism measures of both the General Assembly and the Security Council focuses on their legality and legitimacy Whereas the measures adopted should clearly fall within the powers of the organs legality testing the legitimacy of these measures adds another layer of information with regard to the quality of these measures The analysis of the legitimacy of the anti terrorism measures is based on the theory of Thomas Franck who claims that a rule s legitimacy provides information on the pull to compliance of the measure Apart from this critical analysis of the legality and the legitimacy of more than 130 resolutions adopted by both UN organs this book offers an essential insight in the way the degree of legitimacy of certain measures can be improved and how the overall effectiveness of the counter terrorism policy of the UN can be strengthened *Peace Research Abstracts Journal* ,2006 *The State of the World's Refugees 2012* Office of the United Nations High Commissioner for Refugees,2012-05-31 This publication provides an accessible overview of key developments related to internal and cross border displacement of people throughout the world As well as analysing policy issues it provides a wealth of statistical tables graphs and maps *Contemporary Research on Terrorism* Paul Wilkinson,Alasdair M. Stewart,1987 *Toward a Grand Strategy Against Terrorism* Christopher Harmon,Andrew Pratt,Sebastian Gorka,2010-04-22 *Toward A Grand Strategy Against Terrorism* is a cohesive series of essays prepared by noted academics and counterterrorism practitioners within and

associated with the counterterrorism program of the George C Marshall European Center for Security Studies These chapters address both the use of military force and the employment of non military tools the role of international cooperation and the importance of the ideological contest Collectively they push toward a grand strategy against terrorism This volume makes the prudence and research and experience of the Program on Terrorism and Security Studies available to all who want to help in countering terrorism students those at military graduate schools private experts on security in the business world members of police forces and defense departments conflict resolution experts and many other sorts of practitioners seeking a sober and highly international approach **Extraordinary Renditions and the Protection of Human Rights** Manfred Nowak,Roland Schmidt,2010 **Encyclopedia of Genocide and Crimes Against Humanity** Dinah Shelton,2005 This volume covering entries I S presents information on those acts that fall within the definitions developed over the past century of crimes under international law war crimes genocide and crimes against humanity *Gulf Yearbook 2006-2007* Abdulaziz Sager,Christian Koch,Hasanain Tawfiq Ibrahim,2007 This is a well documented and analytical review of the most significant developments and interactions across the Gulf Cooperation Council GCC states and those of Iraq Iran and Yemen during the last twelve months It covers political economic and security developments within each of these nine countries and also explores the dynamics and scale of their relations at regional and international levels In parallel the Yearbook investigates the positions held by the main international powers towards the Gulf region while also covering key areas such as economic and social developments and the status of the media in the region *The Yale Journal of International Law* ,2005 **Terrorism, 2002-2004** Edward F. Mickolus,Susan L. Simmons,2006

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