



TERRORISM AND GLOBAL JUSTICE SERIES

DAVID SCHARIA

Judicial Review of National Security



Judicial Review Of National Security Terrorism And Global Justice Series

**Christian Walter, Silja Vöneky, Volker
Röben, Frank Schorkopf**



Judicial Review Of National Security Terrorism And Global Justice Series:

Judicial Review of National Security David Scharia, 2015 In recent years countries around the world introduced numerous national security programs and military campaigns Despite the complex legal questions they raise very few of these measures have been the subject of rigorous judicial review Nevertheless the absence of real time review has had an enormous effect on human rights rule of law and on national security The Supreme Court of Israel provides an excellent case study of a different approach which allows judges to assess military action in real time and to issue non binding results of their evaluation This raises the question How was the Court actually able to uphold this challenge In *Judicial Review of National Security* David Scharia explains how the Supreme Court of Israel developed unconventional judicial review tools and practices that allowed it to provide judicial guidance to the Executive in real time In this book he argues that courts could play a much more dominant role in reviewing national security and demonstrates the importance of intensive real time inter branch dialogue with the Executive as a tool used by the Israeli Court to provide such review This book aims to show that if one Supreme Court was able to provide rigorous judicial review of national security in real time then we should reconsider the conventional wisdom regarding the limits of judicial review of national security

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Top Ten Global Justice Law Review Articles 2007 Amos N Guiora, 2008-08-19 *Top Ten Global Justice Law Review Articles 2007* is a thorough and accessible review of the most salient the most controversial and the most illuminating essays on security law in the previous calendar year In this edition Professor Amos Guiora presents the ten most vital and pertinent law review articles from 2007 written by both scholars who have already gained international prominence as experts in security law as well as emerging voices in the security law debate These articles deal with issues of terrorism security law and the preservation of civil liberties in the post 9 11 world The chosen selections derive not just from the high quality and expertise of the articles authors but equally from the wide diversity of legal issues addressed by those authors Guiora combines the expertise of scholars from such accredited institutions as Harvard Stanford the U S Military Academy and the U S Department of Defense to provide a valuable resource for scholars and experts researching this important subject area This annual review provides researchers with more than just an authoritative discussion on the most prominent security debates of the day it also educates researchers on new issues that have received far too little attention in the press

and in academia These expert scholars and leaders tackle and give voice to these issues that range from cyberterror to detention of suspected terrorists to France's tightening of its civil liberties policy to new restrictions on religious philanthropy and beyond Together the vast knowledge and independent viewpoints represented by these ten authors make this volume of what will be an annual review within the Terrorism 2nd Series a valuable resource for individuals new to the realm of security law and for advanced researchers with a sophisticated understanding of the field Top Ten Global Justice Law Review Articles 2007 serves as a one stop guidebook on how both the U S and the world generally are currently waging the war on terror

The Role of Courts in Society Shimon Shetreet, 1988-01-01 Top Ten Global Justice Law Review Articles 2008 Amos Guiora, 2009-09-11 Top Ten Global Justice Law Review Articles 2008 is a thorough and accessible review of the most salient the most controversial and the most illuminating essays on security law in the previous calendar year In this edition Professor Amos Guiora presents the ten most vital and pertinent law review articles from 2008 written by both scholars who have already gained international prominence as experts in global justice as well as emerging voices in the realm of international criminal law and human rights These articles deal with issues of terrorism security law environmental law and the preservation of civil liberties in the post 9 11 world The chosen selections derive not just from the high quality and expertise of the articles authors but equally from the wide diversity of legal issues addressed by those authors Guiora combines the expertise of scholars from both eminent law schools and government agencies to provide a valuable resource for scholars and experts researching this important subject area This annual review provides researchers with more than just an authoritative discussion on the most prominent global justice debates of the day it also educates researchers on new issues that have received far too little attention in the press and in academia These expert scholars and leaders tackle and give voice to issues that range from the psychology of terrorism to the role of oil in the Sudanese genocide to the oppression of women in new Arab democracies to transnational environmental cooperation and beyond Together the vast knowledge and independent viewpoints represented by these ten authors make this volume a valuable resource for individuals new to the realm of global justice and for advanced researchers with a sophisticated understanding of the field Top Ten Global Justice Law Review Articles 2008 serves as a one stop guidebook on how both the U S and the world generally are currently grappling with fundamental principles of social and political life

Challenging Acts of International Organizations Before National Courts August Reinisch, 2010-09-09 As the Kadi hype following the 2008 European Court of Justice judgment demonstrated there are many problems associated with the judicial review of acts of international organizations This book is the first to present a broader overview of how acts of international organizations have been challenged before national courts It covers such diverse organizations as the United Nations its subsidiary organs such as the specialized international criminal courts for the former Yugoslavia and Rwanda the European Patent Office the European Schools EUROCONTROL OPEC and INTERPOL Building extensively on the case law of domestic courts the chapters highlight reoccurring legal issues in light of

four working hypotheses These relate to the nature of judicial review of the acts of international organizations its interdependence with domestic methods of incorporating international law the conditions of a human rights based review and the tension between the independent functioning of an organization and guaranteeing legal protection against its acts This approach ensures consistency among the book s chapters which each focus on a different organization Its conclusion brings the different findings together and analyses them in the light of the working hypotheses It also discusses whether attempts to secure a certain minimum level of legal protection against acts of international organizations through judicial review by national courts may contribute to securing greater accountability of international organizations

State of Criminal Justice 2006 Victor Streib,2007-03-30 **National Security, Public Health: Exceptions to Human Rights?** Myriam Feinberg,Laura Niada-Avshalom,Brigit Toebes,2017-10-02 The book deals with the complicated relationships between national security and human rights and between public health and human rights Its premise is the fact that national security and public health are both included in human rights instruments as exceptions to the human rights therein sanctioned yet they can arguably be considered as human rights themselves and be equally valuable The book therefore asks to what extent the protection of the individual could or should be overridden to enable the protection of the national security or public health of the general public Both practice and case law have shown that human rights risk being set aside when they clash with the protection of national security or public health Through theoretical analysis and practical examples the book addresses the conflicts that arise when the concepts of national security and public health are used and abused and other rights including freedom of speech procedural freedoms individual health are violated as a consequence It provides many interesting findings on the values that states are ready to protect and forego to ensure their safety which can contribute to the ongoing debate on the protection of human rights This book was originally published as a special issue of The International Journal of Human Rights

Human Security and Non-Citizens Alice Edwards,Carla Ferstman,2010-01-14 Can the concept of human security help to address the multiple challenges facing non citizens in a new global era **Top Ten Global Justice Law Review Articles 2008** Amos N. Guiora,2009 Top Ten Global Justice Law Review Articles 2008 is a thorough and accessible review of the most salient the most controversial and the most illuminating essays on security law in the previous calendar year In this edition Professor Amos Guiora presents the ten most vital and pertinent law review articles from 2008 written by both scholars who have already gained international prominence as experts in global justice as well as emerging voices in the realm of international criminal law and human rights These articles deal with issues of terrorism security law environmental law and the preservation of civil liberties in the post 9 11 world The chosen selections derive not just from the high quality and expertise of the articles authors but equally from the wide diversity of legal issues addressed by those authors Guiora combines the expertise of scholars from both eminent law schools and government agencies to provide a valuable resource for scholars and experts researching this important subject area

This annual review provides researchers with more than just an authoritative discussion on the most prominent global justice debates of the day it also educates researchers on new issues that have received far too little attention in the press and in academia These expert scholars and leaders tackle and give voice to issues that range from the psychology of terrorism to the role of oil in the Sudanese genocide to the oppression of women in new Arab democracies to transnational environmental cooperation and beyond Together the vast knowledge and independent viewpoints represented by these ten authors make this volume a valuable resource for individuals new to the realm of global justice and for advanced researchers with a sophisticated understanding of the field Top Ten Global Justice Law Review Articles 2008 serves as a one stop guidebook on how both the U S and the world generally are currently grappling with fundamental principles of social and political life

Terrorism as a Challenge for National and International Law: Security versus Liberty? Christian Walter, Silja Vöneky, Volker Röben, Frank Schorkopf, 2004-06-25 The events of 11 September 2001 have led to significant developments in international law with respect to combating terrorism by military and non military action The volume addresses the issues raised in a comprehensive manner It comprises country reports with analyses of the developments in a number of selected countries Based on these country reports the volume traces new developments in the definition of international terrorism deals with the issue of human rights protection under new anti terrorist legislation and examines the recent developments towards international military action against terrorism *Government's response to the public consultation on justice and security* Great Britain: Ministry of Justice, 2012-05-29 The consultation published as Cm 8194 ISBN 9780101819428 Dated May 2012

Ethics, Law and Justifying Targeted Killings Jack McDonald, 2016-08-05 This book examines the normative debates around the American use of targeted killings It questions whether the Obama administration's defence of its use of targeted killings is cohesive or hypocritical In doing so the book departs from the disciplinary purpose of international law constitutional law and the just war tradition and instead examines discipline specific defences of targeted killings to identify their requisite normative principles in order to compare these norms across disciplines The methodology used in this book means that it argues that targeted killings are only defensible as acts of war but it also highlights the normative role of accountability and responsibility in this defence In doing so it offers an argument that the use of pattern of life killings by the CIA falls outside the defence offered by the Obama administration but that this same type of targeting could be used by the military due to differing standards mechanisms of responsibility assignment in these organisations The book thus provides a way of investigating contemporary wars where the conduct of war lacks the traditional hallmarks of conventional warfare Furthermore by drawing attention to differing normative concepts that underpin competing interpretations of law and morality it provides a way of analysing contemporary political violence in an interdisciplinary fashion without seeking to displace single disciplinary study This book will be of much interest to students of military studies ethics of war foreign policy international security and IR

Accountability for Violations of International Humanitarian Law Jadranka

Petrovic,2015-06-26 International criminal adjudication together with the prosecution and appropriate punishment of offenders at a national level remains the most effective means of enforcing International Humanitarian Law This book considers the various issues emanating from present day breaches of norms of International Humanitarian Law IHL and the question of how impunity for such breaches can be tackled Honouring the work of Timothy McCormack Professor of International Law at the University of Melbourne and a world renowned expert on IHL and International Criminal Law contributors of the book explore the interplay between the rules governing accountability for violations of IHL and other areas of law that impact the prosecution of war crimes including international criminal law human rights law arms control law constitutional law and national criminal law In providing a contemporary consideration of the various issues emerging from present day breaches of norms of IHL especially in light of growing interest in fragmentation and normative pluralism this book will be of great use and interest to students and researchers in public international law international law and conflict studies

Human Dignity and Human Security in Times of Terrorism Christophe Paulussen,Martin Scheinin,2019-12-09 In this book it is explained that despite a current drop in the number of deaths terrorism should still be considered a serious and widespread problem However the responses to this phenomenon are often more problematic from a long term perspective With the human rights framework under serious pressure this edited volume offers a timely important and critical in depth analysis of human dignity and human security challenges in the lead up and in the responses to current forms of terrorism It aims to map how human dignity and human security can be secured and how law can constitute a source of trust at a time when Europe and the rest of the world continue to be plagued by terrorism The authors are both established names and upcoming talent in this fastchanging and exciting field of law They thoroughly analyse a variety of topical subjects in more conceptual chapters for example calling for the humanisation of the security discourse and in highly practical contributions in which for instance the Kafkaesque situation in which rendition and torture victim Abu Zubaydah still finds himself today is considered This book which focuses on but is not limited to the situation in Western countries aims to inspire not only academics through further theorisation on the sometimes elusive but important concepts of human dignity and human security but also practitioners working in the field of countering terrorism It will hopefully convince them even more that following a human rights approach will be indispensable in securing human dignity and human security for all Even or in fact especially in times of terrorism Christophe Paulussen is a Senior Researcher in the Research Department of the T M C Asser Instituut in The Hague The Netherlands and Martin Scheinin is Professor of International Law and Human Rights in the Department of Law of the European University Institute EUI in Florence Italy

Comparative, International, and Global Justice Cyndi Banks,James Baker,2015-09-23 Comparative International and Global Justice Perspectives from Criminology and Criminal Justice presents and critically assesses a wide range of topics relevant to criminology criminal justice and global justice The text is divided into three parts comparative criminal justice international

criminology and transnational and global criminology Within each field are located specific topics which the authors regard as contemporary and highly relevant and that will assist students in gaining a fuller appreciation of global justice issues Authors Cyndi Banks and James Baker address these complex global issues using a scholarly but accessible approach often using detailed case studies The discussion of each topic is a comprehensive contextualized account that explains the social context in which law and crime exist and engages with questions of explanation or interpretation The authors challenge students to gain knowledge of international and comparative criminal justice issues and think about them in a critical manner It has become difficult to ignore the global and international dimensions of criminal justice and criminology and this text aims to enhance criminal justice education by focusing on some of the issues engaging criminology worldwide and to prepare students for a future where fields of study like transnational crime are unexceptional

Gender, National Security and Counter-terrorism Margaret L. Satterthwaite, Jayne C. Huckerby, 2013 In the name of fighting terrorism countries have been invaded wars have been waged people have been detained rendered and tortured and campaigns for hearts and minds have been unleashed Human rights analyses of the counter terrorism measures implemented in the aftermath of 11 September 2001 have assumed that men suffer the most both numerically and in terms of the nature of rights violations endured This assumption has obscured the ways that women men and sexual minorities experience counter terrorism By integrating gender into a human rights analysis of counter terrorism and human rights into a gendered analysis of counter terrorism this volume aims to reverse this trend Through this variegated human rights lens the authors in this volume identify the spectrum and nature of rights violations arising in the context of gendered counter terrorism and national security practices Introduced with a foreword by Martin Scheinin former UN Special Rapporteur on Human Rights and Counter Terrorism the volume examines a wide range of gendered impacts of counter terrorism measures that have not been theorized in the leading texts on terrorism counter terrorism national security and human rights Gender National Security and Counter Terrorism will be of particular interest to scholars and students in the disciplines of Law Security Studies and Gender Studies

American National Security and Civil Liberties in an Era of Terrorism D. Cohen, J. Wells, 2004-04-16 In light of the ongoing war against terrorism can the United States maintain its dedication to protecting civil liberties without compromising security At stake is nothing less than the survival of ideas associated with the modern period of political philosophy the freedom of conscience the inviolable rights of the individual to privacy the constitutionally limited state as well as the more recent refinement of late modern liberalism multiculturalism Contributors evaluate the need to reassess the nation's public policies institutions as well as its very identity The struggle to persist as an open society in the age of terrorism will be the defining test of democracy in the Twenty first century

International Terrorism: Legal Challenges and Responses. A Report by the International Bar Association's Task Force on Terrorism IBA, 2021-11-15 As a response to recent global terrorist activities The International Bar Association IBA established a Task Force on International Terrorism which

has examined the problems of modern terrorism from the perspective of the rule of law and international law and practice In its recent report reproduced here The Task Force analyses the impact of recent terrorist events on international law and the response by both individual states and the international community It explores areas of law which need to be further developed and promotes the fundamental values underpinning the international legal system The report suggests means by which the international community can co operate to deter prevent and bring to justice the perpetrators of terrorist acts Published under the Transnational Publishers imprint Counter-Terrorism Ana Salinas de Frías, Katja Samuel, Nigel White, Nigel D. White, 2012-01-19 The response of governments to terrorism is one of the most controversial issues of the twenty first century Balancing the desire to achieve security with the safeguarding of human rights has proved to be highly contentious This book analyzes the international rule of law framework in which counter terrorism responses occur namely those of international human rights humanitarian criminal and refugee law It focuses on some of the most pressing emerging and or under researched issues and tensions including the policy choices associated with meeting security imperatives the tensions between the criminal justice approach to counter terrorism and the military approach the identification of lacunae within existing legal frameworks and tensions between executive judicial and legislative responses It addresses a wide range of issues such as an analysis of key legal principles emergency and executive measures radicalization governmental impunity classification administration and treatment of battlefield detainees extrajudicial and targeted killings forms of and treatment in detention non refoulement diplomatic assurances interrogation versus torture extraordinary rendition discrimination reparations for victims of terrorist attacks and security responses mis use of military and immigration tribunals judicial and institutional developed and emerging rule of law norms on terrorism non judicial oversight by means of democratic accountability significance of rule of law principles to non legal counter terrorist policy and the identification and analysis of best practices Drawing together an impressive spectrum of legal and non legal national and institutional practitioner policy and academic expertise this book is an unmissable reference work on all aspects of counter terrorism policy

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