

JONATHAN HAFETZ

# HABEAS CORPUS AFTER 9/11

Confronting America's New Global Detention System



# Habeas Corpus After 9 Or 11 Confronting Americas New Global Detention System

**Jeffrey L. Thomas**



## **Habeas Corpus After 9 Or 11 Confronting Americas New Global Detention System:**

**Habeas Corpus After 9/11** Jonathan Hafetz, 2011-01-04 This book is an examination of the rise of the U S run global detention system that emerged after 9 11 and the efforts to challenge it through habeas corpus a petition filed in court claiming unlawful imprisonment

**Habeas Corpus After 9/11** Jonathan Hafetz, 2012-08-20 Examines the rise of an American run global detention system including Guant anamo Bay Bagram Air Base in Afghanistan and secret CIA jails and discusses efforts that are being made to challenge this new prison system through habeas corpus

**The American Convention on Human Rights** Ludovic Hennebel, H  l  ne Tigroudja, 2022-01-21 This book offers a systematic commentary on the principal human rights treaty of the inter American system the American Convention on Human Rights The Convention was adopted in 1969 and has been ratified mostly by Latin American States with 23 States Parties The commentary provides an understanding of how the human rights protected by this treaty have been interpreted in the various cases examined by the protection bodies the Inter American Commission on Human Rights and the Inter American Court of Human Rights It also explains the workings of the protection system including the individual complaints mechanism

**Making Habeas Work** Eric M. Freedman, 2018-06-12 A reconsideration of the writ of habeas corpus casts new light on a range of current issues Habeas corpus the storied Great Writ of Liberty is a judicial order that requires government officials to produce a prisoner in court persuade an independent judge of the correctness of their claimed factual and legal justifications for the individual s imprisonment or else release the captive Frequently the officials resist being called to account Much of the history of the rule of law including the history being made today has emerged from the resulting clashes This book heavily based on primary sources from the colonial and early national periods and significant original research in the New Hampshire State Archives enriches our understanding of the past and draws lessons for the present Using dozens of previously unknown examples Professor Freedman shows how the writ of habeas corpus has been just one part of an intricate machinery for securing freedom under law and explores the lessons this history holds for some of today s most pressing problems including terrorism the Guantanamo Bay detentions immigration Brexit and domestic violence Exploring landmark cases of the past like that of John Peter Zenger from new angles and expanding the definition of habeas corpus from a formal one to a functional one Making Habeas Work brings to light the stories of many people previously overlooked like the free black woman Zipporah defendant in the case of the headless baby because their cases did not bear the label habeas corpus The resulting insights lead to forward thinking recommendations for strengthening the rule of law to insure that it endures into the future

**Habeas Corpus** Amanda L. Tyler, 2021 For nearly eight hundred years the writ of habeas corpus has limited the executive in the Anglo American legal tradition from imprisoning citizens and subjects with impunity The writ empowers the judiciary to determine whether an arrest has been made with just cause and where appropriate to award prisoners their freedom For this reason the eighteenth century jurist William Blackstone described the writ of habeas

corpus as a bulwark of our liberties and the English Habeas Corpus Act of 1679 as a second Magna Carta Amanda L Tyler traces the history of habeas corpus from its origins in English law to its spread throughout the world and its incorporation in the American constitutional framework giving special attention to its application at various flashpoints in recent history including during World War II and the War on Terror

**Scapegoating Islam** Jeffrey L. Thomas, 2015-09-15 Exploring the experience of Muslims in America following 9 11 this book assesses how anti Muslim bias within the U S government and the larger society undermines American security and democracy In the aftermath of the events of September 11 2001 Muslims in America have experienced discrimination and intolerance from the U S government and American citizens alike From religious and ethnic profiling to hate crimes intolerance against Muslims is being reinforced on multiple levels undercutting the Muslim community's engagement in American society This text is essential for understanding how the unjust treatment of American Muslims following September 11 has only served to alienate the Muslim community and further divide the United States Authored by an expert analyst of policy for 20 years this book explores the prejudice against Muslims and how the actions of the U S government continue to perpetuate fear and stereotypes within U S citizens The author posits that by respecting the civil rights of Muslims the government will lead by example in the acceptance of American Muslims improving homeland security along with the lives of Muslims living in the United States

**American Judicial Process** Pamela C. Corley, Artemus Ward, Wendy L. Martinek, 2015-09-25 This text is a general introduction to American judicial process The authors cover the major institutions actors and processes that comprise the U S legal system viewed from a political science perspective Grounding their presentation in empirical social science terms the authors identify popular myths about the structure and processes of American law and courts and then contrast those myths with what really takes place Three unique elements of this myth versus reality framework are incorporated into each of the topical chapters 1 Myth versus Reality boxes that lay out the topics each chapter covers using the myths about each topic contrasted with the corresponding realities 2 Pop Culture boxes that provide students with popular examples from film television and music that tie in to chapter topics and engage student interest 3 How Do We Know boxes that discuss the methods of social scientific inquiry and debunk common myths about the judiciary and legal system Unlike other textbooks American Judicial Process emphasizes how pop culture portrays and often distorts the judicial process and how social science research is brought to bear to provide an accurate picture of law and courts In addition a rich companion website will include PowerPoint lectures suggested topics for papers and projects a test bank of objective questions for use by instructors and downloadable artwork from the book Students will have access to annotated web links and videos flash cards of key terms and a glossary

**America's War on Terror** Jason Ralph, 2013-04-25 The US response to 9 11 was exceptional The war on terror challenged certain international norms as articulated in international law This book focuses on four specific areas US policy on the targeting prosecution detention and interrogation of suspected terrorists

**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 Rights and America's War on Terror* Satvinder S. Juss, 2018-10-25 This volume examines the success of the 9 11 attacks in undermining the cherished principles of Western democracy free speech and tolerance which were central to US values It is argued that this has led to the USA fighting disastrous wars in Afghanistan and Iraq and to sanctioning the use of torture and imprisonment without trial in Guantamo Bay extraordinary rendition surveillance and drone attacks At home it has resulted in restrictions of civil liberties and the growth of an ill affordable military and security apparatus In this collection the authors note the irony that the shocking destruction of the World Trade Center on 9 11 should become the justification for the relentless expansion of security agencies Yet this is a salutary illustration of how the security agencies in the USA have adopted faulty preconceptions which have become too embedded within the institution to be abandoned without loss of credibility and prestige The book presents a timely assessment of both the human rights costs of the war on terror and the methods used to wage and relentlessly continue that war It will be of interest to researchers academics practitioners and students in the fields of human rights law criminal justice criminology politics and international studies

**Liberal Democracies and the Torture of Their Citizens** Cynthia Banham, 2017-02-09 This book analyses and compares how the USA s liberal allies responded to the use of torture against their citizens after 9 11 Did they resist tolerate or support the Bush Administration s policies concerning the mistreatment of detainees when their own citizens were implicated and what were the reasons for their actions Australia the UK and Canada are liberal democracies sharing similar political cultures values and alliances with America yet they behaved differently when their citizens caught up in the War on Terror were tortured How states responded to citizens human rights claims and predicaments was shaped in part by demands for accountability placed on the executive government by domestic actors This book argues that civil society actors in particular were influenced by nuanced differences in their national political and legal

contexts that enabled or constrained human rights activism It maps the conditions under which individuals and groups were more or less likely to become engaged when fellow citizens were tortured focusing on national rights culture the domestic legal and political human rights framework and political opportunities      Habeas Corpus in Wartime Amanda L. Tyler,2017-11-01 This book is the most comprehensive account of the role of habeas corpus in wartime ever written It draws on a wealth of untapped resources to shed light on the political and legal understanding of habeas corpus that has unfolded over the course of Anglo American history The book traces the roots of the habeas privilege enshrined in the United States Constitution to England and then carries the story forward to document the profound influence of English law on early American law It then takes the story forward to document the understanding of the privilege and the role of suspension over the course of American history giving special attention to important historical episodes when the Constitution has come under great stress such as the Civil War Reconstruction World War II and the War on Terror The original historical materials presented have a great deal to contribute to modern debates over the scope of executive power to arrest and to the role of courts in wartime      **Corporate Ethics and the Architecture of Asylum** Jennifer Ferng,2025-09-10 Corporate Ethics and the Architecture of Asylum engages innovative perspectives to understand our contemporary crisis of forced displacement and detention practices in the Pacific Multinational contractors responsible for the construction and maintenance of regional processing centres in Papua New Guinea and Nauru have flourished as powerful historical actors exerting global dominance over the lives of asylum seekers wishing to come to Australia Transitioning from the policeman or security guard towards the subject of the asylum seeker this book contends that entanglements between architecture and law represent important epistemic models to interrogate how asylum can be understood and reconceptualised Proposing diverse forms of visual and textual evidence asylum is repositioned as a dynamic ever changing countermeasure against xenophobic sentiments around offshore processing Over six chapters Corporate Ethics examines how the regional processing centres of Manus Island and Nauru are deeply connected to the intellectual discourses of care environmental precarity human rights and sovereignty From Rembrandt's *De Nachtwacht* or *Night Watch* 1642 to recent advancements in artificial intelligence and legal testimonies picturing the future of asylum serves as a critical tool to resist state authoritarianism and the rise of corporate malfeasance in the built environment This book will be of interest to researchers and students of humanitarian architecture architectural history and Asia Pacific politics      *Security and Hospitality in Literature and Culture* Jeffrey Clapp,Emily Ridge,2015-10-05 With contributions from an international array of scholars this volume opens a dialogue between discourses of security and hospitality in modern and contemporary literature and culture The chapters in the volume span domestic spaces and detention camps the experience of migration and the phenomena of tourism interpersonal exchanges and cross cultural interventions The volume explores the multifarious ways in which subjects citizens communities and states negotiate the mutual and potentially exclusive desires to secure themselves and offer hospitality to others From the

individual's telephone and data to the threshold of the family home to the borders of the nation sites of securitization confound hospitality's injunction to openness gifting and refuge In demonstrating an interrelation between ongoing discussions of hospitality and the intensifying attention to security the book engages with a range of literary cultural and geopolitical contexts drawing on work from other disciplines including philosophy political science and sociology Further it defines a new interdisciplinary area of inquiry that resonates with current academic interests in world literature transnationalism and cosmopolitanism

*The Cambridge History of America and the World: Volume 4, 1945 to the Present* David C. Engerman, Max Paul Friedman, Melani McAlister, 2022-03-03 The fourth volume of The Cambridge History of America and the World examines the heights of American global power in the mid twentieth century and how challenges from at home and abroad altered the United States and its role in the world The second half of the twentieth century marked the pinnacle of American global power in economic political and cultural terms but even as it reached such heights the United States quickly faced new challenges to its power originating both domestically and internationally Highlighting cutting edge ideas from scholars from all over the world this volume anatomizes American power as well as the counters and alternatives to the American empire Topics include US economic and military power American culture overseas human rights and humanitarianism third world internationalism immigration communications technology and the Anthropocene

**The Oxford Handbook of Contemporary Middle Eastern and North African History** Jens Hanssen, Amal N.

Ghazal, 2020-11-30 The Oxford Handbook of Contemporary Middle Eastern and North African History critically examines the defining processes and structures of historical developments in North Africa and the Middle East over the past two centuries The Handbook pays particular attention to countries that have leapt out of the political shadows of dominant and better studied neighbours in the course of the unfolding uprisings in the Middle East and North Africa These dramatic and interconnected developments have exposed the dearth of informative analysis available in surveys and textbooks particularly on Tunisia Libya Yemen Bahrain and Syria

**The War in Court** Lisa Hajjar, 2024-08-13 How hundreds of lawyers mobilized to challenge the illegal treatment of prisoners captured in the war on terror and helped force an end to the US government's most odious policies In The War in Court sociologist Lisa Hajjar traces the fight against the US torture policy by lawyers who brought the war on terror into the courts Their victories though few and far between forced the government to change the way prisoners were treated and focused attention on state crimes perpetrated in the shadows If not for these lawyers and their allies US torture would have gone unchallenged because elected officials and the American public with a few exceptions did nothing to oppose it This war in court has been fought to defend the principle that there is no legal right to torture Told as a suspenseful high stakes story The War in Court clearly outlines why challenges to the torture policy had to be waged on the legal terrain and why hundreds of lawyers joined the fight Drawing on extensive interviews with key participants her own experiences reporting from Guantamo and her deep knowledge of international law and human rights Hajjar reveals how

the ongoing fight against torture has had transformative effects on the legal landscape in the United States and on a global scale

**These Truths** Jill Lepore, 2018-09-18 Nothing short of a masterpiece NPR Books A New York Times Bestseller and a Washington Post Notable Book of the Year In the most ambitious one volume American history in decades award winning historian Jill Lepore offers a magisterial account of the origins and rise of a divided nation Widely hailed for its sweeping sobering account of the American past New York Times Book Review Jill Lepore's one volume history of America places truth itself a devotion to facts proof and evidence at the center of the nation's history The American experiment rests on three ideas these truths Jefferson called them political equality natural rights and the sovereignty of the people But has the nation and democracy itself delivered on that promise These Truths tells this uniquely American story beginning in 1492 asking whether the course of events over more than five centuries has proven the nation's truths or belied them To answer that question Lepore wrestles with the state of American politics the legacy of slavery the persistence of inequality and the nature of technological change A nation born in contradiction will fight forever over the meaning of its history Lepore writes but engaging in that struggle by studying the past is part of the work of citizenship With These Truths Lepore has produced a book that will shape our view of American history for decades to come

**Rejection and Disaffiliation in Twenty-First Century American Immigration Narratives** Katie Daily, 2018-06-11 Rejection and Disaffiliation in Twenty First Century American Immigration Narratives examines changing attitudes about national sovereignty and affiliation Katie Daily delinks twenty first century American immigration narratives from 9 11 examining genre alterations within a scope of literary analysis that is wider than what post 9 11 allows What emerges is an understanding of the speed at which the rhetoric and aims of many twenty first century immigration narratives significantly depart from the traditions established post 1900 Daily investigates a recent trend in which novelists and filmmakers question what it means to be an immigrant in contemporary America and explores how these disaffiliation narratives challenge some of the most fundamental traditions in American literature and society

**Witnessing Torture** Alexandra S. Moore, Elizabeth Swanson, 2018-06-11 This book demonstrates a new interdisciplinary approach to life writing about torture that situates torture firmly within its socio political context as opposed to extending the long line of representations written in the idiom of the proverbial dark chamber By dismantling the rhetorical divide that typically separates survivors suffering from human rights workers expertise contributors engage with the personal professional and institutional dimensions of torture and redress Essays in this volume consider torture from diverse locations the Philippines Argentina Sudan and Guant namo among others From across the globe contributors witness both individual pain and institutional complicity the challenges of building communities of healing across linguistic and national divides and the role of the law art writing and teaching in representing and responding to torture



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