

Counterterrorism And The Comparative Law Of Investigative Detention

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Counter-Terrorism and International Law - Katja L.H. Samuel
2017-03-02

The articles and essays in this volume consider the problem of international terrorism from an international legal perspective. The articles address a range of issues starting with the dilemma of how to reach agreement on what constitutes terrorism and how to encapsulate this in a legitimate definition. The essays move on to examine the varied responses to terrorism by states and international organisations. These responses range from the suppression conventions of the Cold War, which were directed at criminalising and punishing various manifestations of terrorism, to more coercive, executive-led responses. Finally, the articles consider the role of the Security Council in developing legal regimes to combat terrorism, for example by the use of targeted sanctions, or by general legislative measures. An evaluation of the contribution of the sum of these measures to the goals of peace and security as embodied in the UN Charter is central to this collection.

Police Organization and Training - M.R. Haberfeld 2011-10-06
Criminal enterprises are growing in sophistication. Terrorism is an ongoing security threat. The general public is more knowledgeable about

legal matters. These developments, among others, necessitate new methods in police work--and in training new recruits and in-service officers. Given these challenges, improvements in training are a vital means of both staying ahead of lawbreakers and delivering the most effective services to the community. Police Organization and Training surveys innovations in law enforcement training in its evolution from military-style models toward continuing professional development, improved investigation methods, and overall best practices. International dispatches by training practitioners, academics, and other experts from the US, the UK, Canada, Germany, Hong Kong, and elsewhere emphasize blended education methods, competency-building curricula, program and policy development, and leadership concepts. These emerging paradigms and technologies, coupled with a clear focus on ethical issues, provide a lucid picture of the future of police training in both educational and law enforcement contexts. In addition, the book's training templates are not only instructive but also adaptable to different locales. Featured in the coverage: Simulation technology as a training tool, the Investigation Skill Education Program and the Professionalizing Investigation Program, redesigning specialized advanced criminal investigation and training, a

situation-oriented approach to addressing potentially dangerous situations, developments in United Nations peacekeeping training and combating modern piracy Police Organization and Training is a key resource for researcher sand policymakers in comparative criminal justice, police and public administration, and police training academies. It also has considerable utility as a classroom text in courses on policing and police administration. Includes a forward by Ronald K Noble, Secretary General of INTERPOL.

Can the principles of jus ad bellum and jus in bello be applied to the recently declared 'war on terrorism' ? - Gabriel Vockel
2007-01-07

Seminar paper from the year 2005 in the subject Law - Comparative Legal Systems, Comparative Law, grade: Merit 68 %, Coventry University (Coventry Business School), course: University Course: War, Law and Morality, 60 entries in the bibliography, language: English, abstract: Much water has swirled around the rocks of the “war on terrorism” in recent academic literature. Both political and strategic as well as legal analysts have delineated their views on how best the world community should tackle the phenomenon of terrorism. The clash of competing demands of civil liberties, international law and domestic security and whether or not violent responses to violence render both sides morally indistinguishable are only some of the difficult questions that the current debate is facing. It is often said, that the first casualty in “war” is the truth, and the second is law. While, in the present conflict, it might be an exaggeration to declare that silent leges inter arma, the law has certainly been used as an instrument by many in the debate, and its clarity has become increasingly obfuscated in the process.¹The discussions about the anti-terrorism-laws in the British House of Commons in the first months of 2005 are, again, highlighting the fact that very different views can be held as to how the laws, the government and the society should retort to terrorist threats. Such discussions, quite clearly, do not only occur in the domestic sphere but also on the international echelon. The numerous recent Security Council Resolutions issued during the debate revolving around terrorism are a case in point.

In this short paper we wish to firstly outline a few issues of a more general nature, drawing attention to some terminological particularities of the “war on terrorism” as well as some engaging moral aspects of the debate. Secondly, and being the main part of this paper, we will attempt to depict and analyse some of the aspects of both the “jus ad bellum” and the “jus in bello” in order to shed some light on the sometimes unclear legal situation regarding anti-terror measures. Methodologically, we will approach the core answer to the essay-question from two angles. One will consist of an investigation into selected prominent regulations and concepts of international law. The second will comprise the analysis of contemporary world experiences that might reflect a shift in the perception of international law on an international level. Certainly, we should keep in mind that we ought to avoid the temptation of muddying the water of clear analysis by deducing general insights from single cases.³However, in order to fully appreciate the impact of international law, the application to specific practical cases is indispensable.

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-à-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.

Judicial Review of National Security - David Scharia 2015

Here, 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.

Cyber Crime and Cyber Terrorism Investigator's Handbook - Babak Akhgar 2014-07-16

Cyber Crime and Cyber Terrorism Investigator's Handbook is a vital tool in the arsenal of today's computer programmers, students, and investigators. As computer networks become ubiquitous throughout the world, cyber crime, cyber terrorism, and cyber war have become some of the most concerning topics in today's security landscape. News stories about Stuxnet and PRISM have brought these activities into the public eye, and serve to show just how effective, controversial, and worrying these tactics can become. Cyber Crime and Cyber Terrorism Investigator's Handbook describes and analyzes many of the motivations, tools, and tactics behind cyber attacks and the defenses against them. With this book, you will learn about the technological and logistic framework of cyber crime, as well as the social and legal backgrounds of its prosecution and investigation. Whether you are a law enforcement professional, an IT specialist, a researcher, or a student, you will find valuable insight into the world of cyber crime and cyber warfare. Edited by experts in computer security, cyber investigations, and counter-terrorism, and with contributions from computer researchers, legal experts, and law enforcement professionals, Cyber Crime and Cyber Terrorism Investigator's Handbook will serve as your best reference to

the modern world of cyber crime. Written by experts in cyber crime, digital investigations, and counter-terrorism Learn the motivations, tools, and tactics used by cyber-attackers, computer security professionals, and investigators Keep up to date on current national and international law regarding cyber crime and cyber terrorism See just how significant cyber crime has become, and how important cyber law enforcement is in the modern world

Human Rights Watch Setting an Example? Counter-terrorism Measures in Spain - 2005

Cyberterrorism - Council of Europe 2007

Cyberterrorism and the misuse of Internet for terrorist purposes represents a serious threat, since many essential aspects of today's society are completely dependent upon the functioning of computer systems and the Internet. Further to the adoption by the Council of Europe of the Cybercrime Convention (2001) and the Convention on the Prevention of Terrorism (2005), its Committee of Experts on Terrorism (CODEXTER) has been studying this matter and surveying the situation in member states to evaluate whether existing legal instruments are sufficient to combat this emerging form of crime. This publication contains an expert report prepared by the Max Planck Institute, which evaluates the main problems that arise in the context of cyberterrorism and provides recommendations, together with reports on the situation in the member and observer states of the Council of Europe and the relevant Council of Europe conventions

Counterterrorism and Investigative Detention - Stigall, Dan E. 2021-09-10

Counterterrorism and Investigative Detention explores the practice of investigative detention of terrorist suspects in the legal systems of the United States, the United Kingdom, and France. In addition to illuminating the characteristics, capabilities, and limitations of various investigative detention regimes, this book examines ways in which international law and national security imperatives have served as vectors for change and convergence in these otherwise divergent legal

systems.

Human Rights-Compliant Counterterrorism - Jayson S. Lamchek
2018-12-20

A critical take on the convergence of human rights discourse with the counterterrorism agenda revealing its effects on developing countries.

Counter-terrorism and the Detention of Suspected Terrorists -
Claire Macken 2013-03-01

In a regional, national and global response to terrorism, the emphasis necessarily lies on preventing the next terrorist act. Yet, with prevention comes prediction: the need to identify and detain those considered likely to engage in a terrorist act in the future. The detention of 'suspected terrorists' is intended, therefore, to thwart a potential terrorist act recognising that retrospective action is of no consequence given the severity of terrorist crime. Although preventative steps against those reasonably suspected to have an intention to commit a terrorist act is sound counter-terrorism policy, a law allowing arbitrary arrest and detention is not. A State must carefully enact anti-terrorism laws to ensure that preventative detention does not wrongly accuse and grossly slander an innocent person, nor allow a terrorist to evade detection. This book examines whether the preventative detention of suspected terrorists in State counter-terrorism policy is consistent with the prohibitions on arbitrary arrest and detention in international human rights law. This examination is based on the 'principle of proportionality'; a principle underlying the prohibition on arbitrary arrest as universally protected in the Universal Declaration of Human Rights, and given effect to internationally in the International Covenant on Civil and Political Rights, and regionally in regional instruments including the European Convention on Human Rights. The book is written from a global counter-terrorism perspective, drawing particularly on examples of preventative detention from the UK, US and Australia, as well as jurisprudence from the ECHR.

Preventive Detention of Terror Suspects - Diane Webber 2016-01-08
Preventive detention as a counter-terrorism tool is fraught with conceptual and procedural problems and risks of misuse, excess and

abuse. Many have debated the inadequacies of the current legal frameworks for detention, and the need for finding the most appropriate legal model to govern detention of terror suspects that might serve as a global paradigm. This book offers a comprehensive and critical analysis of the detention of terror suspects under domestic criminal law, the law of armed conflict and international human rights law. The book looks comparatively at the law in a number of key jurisdictions including the USA, the UK, Israel, France, India, Australia and Canada and in turn compares this to preventive detention under the law of armed conflict and various human rights treaties. The book demonstrates that the procedures governing the use of preventive detention are deficient in each framework and that these deficiencies often have an adverse and serious impact on the human rights of detainees, thereby delegitimizing the use of preventive detention. Based on her investigation Diane Webber puts forward a new approach to preventive detention, setting out ten key minimum criteria drawn from international human rights principles and best practices from domestic laws. The minimum criteria are designed to cure the current flaws and deficiencies and provide a base line of guidance for the many countries that choose to use preventive detention, in a way that both respects human rights and maintains security.

Counterterrorism and the Comparative Law of Investigative Detention -
Dan E. Stigall 2009

"A must read and a breakthrough work ... The book makes clear the importance of comparing, learning from, and adapting legal systems to the ever-changing world, while maintaining the integrity of the Constitution. The subtlety of the book shows deep understanding of these legal regimes, something most legal analysts and policy makers from both systems sorely lack ... a most timely and valuable analysis."- Prof. Christopher L. Blakesley, University of Nevada, Las Vegas, and author of *Terrorism and Anti-Terrorism: A Normative and Practical Assessment* "A careful and authoritative account of the controversial practice of investigative detention as a tool for responding to terrorism in a post-September 11th world. Informed by an impressive knowledge of

American, British, and French law, Stigall's book reflects a distinctive comparative perspective. It deserves to be read not only by scholars and students in the field but also by policy makers on both sides of the Atlantic." - Prof. Stuart P. Green, Rutgers School of Law-Newark "Dan Stigall's analysis highlights the danger of dismissing a comparative approach, for he has most effectively used the British and French experience in discussing detention. While no regime has the answer (an illusion, at best), democratic nations can well learn from each other's successes and failures. Precisely for that reason, policy makers, jurists, and the concerned public owe Dan a collective thanks; in addressing the extraordinarily complicated issue of detention from a comparative perspective, he has truly bitten off a very large bite of a problematic apple. That he has done so is to our benefit; that he has done so successfully is to his credit. While we shall continue to struggle with the limits of detention and what legal paradigm is the "correct" one, we are the richer for Dan's book. It can serve as an effective "guide" as we continue to traverse the never-ending field of terrorism and counterterrorism." - Amos N. Guiora, Professor of Law, S. J. Quinney College of Law, University of Utah

Understanding International Counter Terrorism - A. Hunsicker 2006
Understanding of Operational Counter Terrorism is one serious effort to lay out a comprehensive strategy of how to deal with a whole gamut of possible terrorist incidents by using a language that any person or first responders like policemen, security personnel, firemen, paramedics, etc. can understand. This guide covers everything from bombings and hostage-taking, to NBC (Nuclear, Biological and Chemical) Terrorism, what needs to be done before, during, and after an event. This manual combines what minimally needs to be understood about Operational Counter-Terrorism by the government-level policy maker, while at the same time helping the personnel on the first responder level who are planning to cope with what must at least initially seem like an overwhelming attack. Terrorism is global and any part of this guide can easily be adapted and translated to any region, law and government in the world. This manual should make clear that the only way, to

effectively deal with terrorism is to have a thorough understanding of its present-day characteristics such as who is involved and what weapons and tactics are the terrorists likely to be using. The players on the Counter-Terrorism team need to take stock of what is in their tool boxes; what works and what is required; what new capabilities need to be developed in order to face not only today's terrorist, but also tomorrow's as well.

Criminal Law - Kent Roach 2015

Criminal Law by Kent Roach is one of the most highly regarded titles in Irwin Law's Essentials of Canadian Law series. Professor Roach's account of the current state of substantive criminal law in Canada has become essential reading not only in law schools but also among judges, practitioners, and others involved in the criminal justice system.

Counter-Terrorism and Beyond - Andrew Lynch 2010-06-10

This book considers the increasing trend towards a 'culture of control' in democratic countries. The post-9/11 counter-terrorism laws in nations such as the USA, the UK, Canada and Australia provide a stark demonstration of this trend. These laws share a focus on the pre-emption of crime, restrictions on the right to liberty of non-suspects, limited public access to information, and increased community surveillance. The laws derogate, in many respects, from the ordinary principles of the criminal justice system and fundamental human rights while also harnessing public institutions in the broader project of prevention and control. Distinctively, the contributors to this volume focus on the impact of these laws outside of the counter-terrorism context. The book draws together a range of experts in both public and criminal law, from Australia and overseas, to examine the effect of counter-terrorism laws on public institutions within democracies more broadly. Issues considered include changes to the role and functions of the courts, the expansion of executive discretion, the seepage of extraordinary powers and pre-emptive measures into other areas of the criminal law, and the interaction and overlap between intelligence and law enforcement agencies. Counter-Terrorism and Beyond: The Culture of Law and Justice After 9/11 will be of interest to students and scholars of criminal law,

criminology, comparative criminal justice, terrorism and national security, public law, human rights, governance and public policy.

Policing Terrorism - David Lowe 2015-08-28

Based primarily upon information from the UK Special Branch Counterterrorism Unit, *Policing Terrorism: Research Studies into Police Counterterrorism Investigations* takes you through the mechanics of a counterterrorism investigation. A combination of legal and empirical research, this entry in the *Advances in Police Theory and Practice* book series examines subjects that include surveillance, intelligence gathering, and informants. It also addresses practical obstacles in counterterrorist investigations. The first section of the book conducts a comparative study of laws governing terrorist investigations in the UK, US, Canada, and Australia. It compares the legal definition of terrorism in each country and how it has been incorporated into the statutes regarding terrorism—except in the case of the US, which has not established a definition of terrorism. The book locates similarities in the legal jurisdictions of cooperating countries and discusses how legal gaps can create difficulties for international cooperation. The second section contains empirical studies on practical aspects of terrorist investigations and the activities of terrorist organizations. It evaluates operational officers' discretion in using the powers granted to them and analyzes terrorist organizations' methods in radicalizing and recruiting people to their causes. It also explores the critical role of informants in gathering intelligence, covering a broad range of issues including integrity, risk assessment, ethics of handling informants, police interrogation of suspects, and the use of informants at trial. With many governments currently at a high threat level, increased international cooperation among counterterrorism agencies is imperative. *Policing Terrorism* presents several pathways to generating more effective cooperation. It provides you with information on factors that help or hurt cooperation while suggesting what can be done to improve current counterterrorist laws and practices.

Building Resilience Against Terrorism - 2011

Combating terrorism interagency framework and agency programs to address the overseas threat. -

Counterterrorism and the Comparative Law of Investigative Detention -

International Law, New Diplomacy and Counterterrorism - Steven J. Barela 2014-03-05

This interdisciplinary book explores how terrorism is meant to target a government's legitimacy, and advocates for sounder defensive measures when countering international attacks. The dramatic increase in global cooperation throughout the twentieth century—between international organisations and their state missions of diplomats, foreign officers, international civil servants, intelligence officers, military personnel, police investigators, judges, legislators, and financial regulators—has had a bearing on the shape and content of the domestic political order. The rules that govern all of these interactions, and the diplomats engaged to monitor and advocate for compliance, have undergone a mushrooming development following the conclusion of each world war. This dramatic growth is arguably the most significant change the international structure has experienced since the inception of the state-based system ushered in with the Peace of Westphalia in 1648. *International Law, New Diplomacy and Counterterrorism* explores the impact of this growth on domestic legitimacy through the integration of two disciplines: international law and political philosophy. Focusing particularly on the cross-border counterterrorism actions launched by the United States, the author investigates how civil societies have often turned to the standards of international law to understand and judge the legitimacy of their government's counterterrorism policies reaching across international borders. The book concludes that those who craft counterterrorism policies must be attentive to defending the target of legitimacy by being wholly mindful of the realms of legality, morality and efficacy when exercising force. This book will be of much interest to students of international law, diplomacy, counterterrorism, political philosophy, security studies and IR.

Counter-Terrorism Strategies in a Fragmented International Legal Order
- Larissa J. Herik 2013-07-18

An exploration of the relationship between different branches of international law and their applicability to terrorism.

International Law Documents Relating to Terrorism - Omer Elagab 2007

Since 9/11, terrorism has been at the forefront of global politics and international relations. This edition brings this comprehensive compilation of international law documents relating to terrorism up to date.

Terrorism - David Lowe 2018-03-09

Terrorism: Law and Policy provides a comprehensive socio-legal analysis of issues related to terrorist activity. Aimed at both undergraduate and postgraduate students, the book takes a comparative approach to the law related to terrorism in a number of states, mainly those in Europe, North America, Australia and New Zealand. Beginning with an examination of the background to various currently active terrorist groups, the book focuses on those groups which are currently active and which pose a threat to security, especially at the international level. The chapters take the reader through the legal definitions of terrorism contained in various states' statutory provisions and examine how the courts have interpreted terrorism in those states' jurisdictions. The main aim of any terrorist investigation is prevention and so the book examines the various statutory preventative measures that states have introduced and explores the legal issues surrounding surveillance, terrorism intelligence exchange, radicalisation, use of social media, quasi-criminal provisions, asset-freezing and the nexus between terrorist activity and organised crime. Bringing together a number of themes related to terrorism and security from a uniquely legal perspective, this book builds a comparative picture of the legal counter-terrorism interventions states are adopting to increase co-operation and adopt a more united approach in the face of the international terrorism threat.

Counter-Terrorism Strategies in a Fragmented International Legal Order - Larissa van den Herik 2013-07-18

Few events have influenced our global order as intensely as the events of September 11, 2001. At various levels in the past ten years, persistent attempts have been made to address the threat of terrorism, yet there is still urgent need for a joint and coherent application of a variety of regulations relating to international criminal justice co-operation, the use of force and international human rights law. In an important contribution to international discourse, Larissa van den Herik and Nico Schrijver examine the relationship between different branches of international law and their applicability to the problem of terrorism and counter-terrorism. Using a unique combination of academic perspectives, practitioners' insights and a comprehensive three-part approach, Counter-terrorism Strategies in a Fragmented International Legal Order offers sound policy recommendations alongside thorough analysis of the state of international law regarding terrorism and provides fresh insights against the backdrop of recent practice.

Comparative Counter-Terrorism Law - Kent Roach 2015-07-23
Terrorism law is as international as it is regionally distinct and as difficult to define as it is essential to address. Given recent pressures to harmonize terrorism laws from international organizations like the United Nations Security Council, the Financial Action Task Force, and the Council of Europe, this book presents readers with an up-to-date assessment of terrorism law across the globe. Covering twenty-two jurisdictions across six continents, the common framework used for each chapter facilitates national comparisons of a range of laws including relevant criminal, administrative, financial, secrecy, and military laws. Recognizing that similar laws may yield different outcomes when transplanted into new contexts, priority of place is given to examples of real-world application. Including a thematic introduction and conclusion, this book will help to establish comparative counter-terrorism law as an emerging discipline crossing the boundaries of domestic and international law.

Intelligence Community Legal Reference Book - United States.
Office of the Director of National Intelligence. Office of General Counsel 2007

Counterterrorism and Investigative Detention - Dan E. Stigall
2021-09-07

Counterterrorism and Investigative Detention explores the practice of investigative detention of terrorist suspects in the legal systems of the United States, the United Kingdom, and France. In addition to illuminating the characteristics, capabilities, and limitations of various investigative detention regimes, this book examines ways in which international law and national security imperatives have served as vectors for change and convergence in these otherwise divergent legal systems. The chapters include an examination of the way in which each country has experienced and confronted terrorism; an overview of each country's legal system; a detailed analysis of each country's counterterrorism laws; and a discussion of the ways in which international law has impacted their respective counterterrorism approaches. This book, therefore, is situated at the nexus of comparative law, international law, and national security, providing scholars and policymakers with insight into how different countries with contrasting legal traditions address a common national security threat. This compelling discussion of how different legal systems use their detention laws to address the threat of terrorism will be of interest to comparative lawyers, international lawyers, and national security professionals.

Domestic Counter-Terrorism in a Global World - Daniel Alati 2017-07-14

Although both Canada and the United Kingdom had experienced terrorism prior to the attacks of 9/11 and already had in place extensive provisions to deal with terrorism, the events of that day led to the enactment of new and expansive counter-terrorism legislation being enacted in both jurisdictions. This book explores these changes to counter-terrorism laws and policies in the United Kingdom and Canada in order to demonstrate that despite the force of international legal instruments, including the heavily scrutinized UN Security Council Resolution 1373, the evolution of counter-terrorism policies in different jurisdictions is best analysed and understood as a product of local institutional structures and cultures. The book compares legal and political structures and cultures within Canada and the United Kingdom.

It analyses variations in the evolution of post-9/11 counter-terrorism measures in the two jurisdictions and explores the domestic reasons for them. While focus is primarily geared towards security certificates and bail with recognizance/investigative hearings in Canada, and detention without trial, control orders and TPIMs in the United Kingdom, the use of secret evidence in the wider national security context (terrorist listing, civil litigation, criminal prosecutions, etc.) is also discussed. The book reveals how domestic structures and cultures, including the legal system, the relative stability of government, local human rights culture and geopolitical relationships all influence how counter-terrorism measures evolve. In this sense, the book utilizes a methodology that is both comparative and interdisciplinary by engaging in legal, political, historical and cultural analyses. This book will be particularly useful for target audiences in the fields of comparative law and criminal justice, counter-terrorism law, human rights law and international relations and politics.

Handbook on Criminal Justice Responses to Terrorism - 2010

Acknowledgements -- Introduction and legal context -- Key components of an effective criminal justice response to terrorism -- Criminal justice accountability and oversight mechanisms

Terrorism Within Comparative International Context - M.R. Haberfeld
2014-09-06

The introductory chapter of this book presents the concepts of the benefits inherent in the study of comparative approach for an effective counterterrorism response on the local law enforcement level and overviews the inception of the project. Throughout the twentieth century and into the twenty-first century, especially after the events of September 11, 2001, the legitimacy of law enforcement practices has been cited as a major concern for international criminal justice. As policing practitioners and scholars throughout the world shifted focus from a traditional reactive, crime control stance to the need for accountability mechanisms to ensure the support of citizenry in combating crime and terrorism, the democratization of policing was seen as the best mechanism for achieving long-term gains in public order at the same

time as protecting human rights. While the need to maintain human rights remains an important issue, balancing these concerns with the important public safety interests of societies is paramount.

Precursor Crimes of Terrorism - Clive Walker 2022-01-28

This illuminating book offers a timely assessment of the development and proliferation of precursor crimes of terrorism, exploring the functions and implications of these expanding offences in different jurisdictions. In response to new modes and sources of terrorism, attempts to pre-empt potential attacks through precursor offences have emerged. This book examines not only the meanings and effectiveness of this approach, but also the challenges posed to human rights and social and economic development. Featuring contributions from leading academic and practitioner experts in counter-terrorism law, the book covers the broad scope of activities tackled by these new legal interventions, including membership, collaboration, communications, training and financing. Taking a comparative approach that relies on extensive experience in various jurisdictions, including the UK and Spain, the chapters also discuss important related issues such as international cooperation, investigations and penology, offering insights into the context of policies and practices. Scholars and advanced students of criminal and human rights law with an interest in terrorism and terrorism offences will find this book essential reading. It will also benefit legal practitioners and policy makers in fields such as international criminal law cooperation and counter-terrorism.

Global Counter-Terrorist Financing and Soft Law - Doron Goldbarsht 2020-05-12

This highly topical book is an original contribution to the current literature on counter-terrorist financing, compliance and soft law. Specifically, the book focuses on Financial Action Task Force recommendations and counter-terrorism financing legislation. This thought-provoking investigation demonstrates that an understanding of the counter-terrorism financing regime can shed light on the departure from regular international law-making processes, and on the emerging forms of international governance in an era of globalisation. An

understanding of the regime's multi-layered approach shows how this can be replicated as a tool in the prevention and resolution of conflict and the promotion of international justice in areas such as human trafficking, drug trafficking, and weapons of mass destruction. This book will be an invaluable resource for those studying and researching in law, terrorism studies, criminal justice and finance, in particular comparative law and compliance with hard and soft law. It will also be relevant to policymakers and practitioners working in counter-terrorism.

Comparative Counter-Terrorism Law - Kent Roach 2015-07-23

This book provides a systematic overview of counter-terrorism laws in twenty-two jurisdictions representing the Americas, Asia, Africa, Europe, and Australia.

Counter-Terrorist Financing Law and Policy - Burke Uğur Başaranel 2019-04-09

Since the 9/11 attacks the world has witnessed the creation of both domestic and international legal instruments designed to disrupt and interdict the financial activities of terrorists. This book analyses the counter-terrorist financing law (CTF), policy and practice at the national level, focusing on Turkey. The work examines the limits and capabilities of CTF efforts on terrorism threats and determines the effectiveness of CTF efforts in Turkey, a country which has a pivotal role in terms of countering terrorism regionally and internationally. The Turkish case-study is supported by an empirical study involving 37 semi-structured interviews with CTF practitioners and law enforcement experts with different affiliations and backgrounds. The findings illustrate that Turkey's CTF system has not obtained an adequate level of effectiveness as a result of lack of proper implementation of its policy in the bureaucratic, legal and operational spheres. It is evident that the administrative and legal systems in Turkey are established according to the 'one-size-fits-all' international CTF standards and thus are compliant with the international CTF benchmarks, yet the interviews reveal significant challenges at the implementation level including lack of training and financial security, heavy handed bureaucracy, inadequate coordination and communication between international and national

levels. The book will be an invaluable resource for academics, students and policy-makers working in the areas of financial crime and terrorism.

Antiterrorism and Effective Death Penalty Act of 1996 - DIANE Publishing Company 1998-04-01

The complete text of P.L. 104-132 -- the Antiterrorism and Effective Death Penalty Act of 1996, which was intended to deter terrorism, and provide justice for victims for an effective death penalty. Includes: Habeas Corpus reform; justice for victims (mandatory victim restitution, assistance to victims of terrorism); international terrorism prohibitions; terrorist and criminal alien removal and exclusion (asylum procedures); nuclear, biological, and chemical weapons restrictions; implementation of plastic explosives convention; criminal law modifications to counter terrorism (crimes and penalties, criminal procedures); and assistance to law enforcement.

The Fundamentals of Counterterrorism Law - Lynne Zusman 2014

The newest title to focus on a relevant and recurring topic, *The Fundamentals of Counterterrorism Law* dives into the basic legal framework surrounding the many parts of dealing with terrorism - covering such critical topics of international investigations, national security law, ethics, privatization, drones, cyberterrorism and much more. Written by admirable and experts in the field of terrorism, these authors offer an astounding view into the current laws and justification for the governmental responses stemming from the September 11, 2001 attacks.

Safety, Liberty, and Islamist Terrorism - Gary James Schmitt 2010

"*Safety, Liberty, and Islamist Terrorism* is a rare thing: a genuinely enlightening and helpful book on counterterrorism. Through a careful comparative examination of the counterterrorism practices of four European constitutional democracies (France, Germany, the United Kingdom, and Spain), it explodes the myth that U.S. counterterrorism practices are unduly aggressive or violative of global due process norms. This outstanding volume will be invaluable to counterterrorism policymakers and comparativist scholars around the world." Jack Goldsmith, professor, Harvard Law School, and author of *The Terror*

Presidency: Law and Judgment Inside the Bush Administration "This is an illuminating and invaluable study, well-researched and well-written. The comparisons between American and European counterterrorism methods will surprise many. And, in the end, the study offers reason for optimism. The system on both sides of the Atlantic has worked pretty well, protecting our rights as well as our security." Robert Kagan, senior associate, Carnegie Endowment for International Peace, and author of *Of Paradise and Power: America and Europe in the New World Order* "Subtly argued, consistently judicious, and fascinating both in its details and in the broader comparison it draws between Europe and our own situation, this is an indispensable volume for anyone seeking to understand the varying responses of open societies to the hidden dangers in their midst." Gabriel Schoenfeld, senior fellow, Hudson Institute, and author of *Necessary Secrets: National Security, the Media, and the Rule of Law* "Safety, Liberty, and Islamist Terrorism: American and European Approaches to Domestic Counterterrorism is the most thorough and useful comparative study of European and American counterterrorism regimes I have read. It offers not merely an excellent overview of the similarities and differences between contemporary Western counterterrorism approaches but a careful account of the political development of those approaches and a savvy understanding of their attractions and vulnerabilities. Those inclined to criticize European governments as uniformly soft on terrorism will find it surprising, as will those inclined to admire Europe's law enforcement-oriented terrorism regimes. This is a book that will complicate even the most sophisticated understanding of the transatlantic divide over terrorism." Benjamin Wittes, senior fellow, Brookings Institution, and author of *Law and the Long War: The Future of Justice in the Age of Terror* The terrorist attacks of September 11, 2001, produced a revolution in domestic security in the United States. The Bush administration responded quickly by aggressively enforcing existing laws, sponsoring new legislation, overhauling domestic intelligence, and employing the president's executive power in ways that drew criticism from civil libertarians on both the Left and Right. Many hoped that the succeeding administration

would adopt a more "European" approach to domestic security, an approach typically understood to be more compatible with the rule of law and friendlier to civil liberties. But Europe has suffered major terrorist attacks as well—in Madrid in 2004 and London in 2005—and terrorist plots continue to plague America's European allies. Has this shared experience engendered a common approach to domestic security, or, as many believe, is there a transatlantic divide in counterterrorism strategy? In *Safety, Liberty, and Islamist Terrorism: American and European Approaches to Domestic Counterterrorism*, Gary J. Schmitt leads a group of security and intelligence experts in analyzing the domestic counterterrorism regimes of the United Kingdom, France, Spain, Germany, and the United States. The authors' in-depth analysis provides a unique window into the similarities and differences among the counterterrorism efforts of these major democracies and explores the possibilities (and limitations) of applying one country's lessons to another. *Safety, Liberty, and Islamist Terrorism* concludes with a broad assessment of the changes made to U.S. counterterrorism strategy since 9/11 in comparison with current European laws, institutions, and practices, and with policies instituted during past American domestic security crises. The analysis uncovers evidence of a shared strategic imperative: preemption. For the United States, preemption occurs both at home and on battlefields abroad, while for Europe, preemption is primarily a domestic affair, often resulting in laws that allow more aggressive policing of terrorist activity than occurs in the United States. The comparison also yields insights about how the transatlantic community has balanced the need to address the jihadist threat with maintaining civic order at home. Although no country has a perfect record, Schmitt contends that changes made to domestic security policy in response to the terrorist threat have not undermined the United States and Europe's shared commitment to democracy and liberty. "Certainly, tradeoffs have been made between individual liberties and domestic security," Schmitt writes. "But if we take the broad view, we are struck by how minimal those intrusions on our liberties have been, given the threat we face."

Investigating Terrorism - John Pearse 2015-01-05

Investigating Terrorism takes a look behind the closed doors of terrorist cases. Major players from the world of counter-terrorism, including politicians, lawyers, psychologists and police, offer analyses of recent terror attacks and share their knowledge of terrorist behaviour. Deals with legal, psychological and practical issues surrounding how to deal with a real life 'ticking bomb' scenario. Provides an insight into the most recent police model for interviewing witnesses, victims and suspects. Contains the latest analyses of recent terrorist attacks including the recent Norwegian tragedy carried out by terrorist Anders Breivik. Contains the views of major players in the world of counter-terrorism, including Lord Carlile, the former HMG's Independent Reviewer of Terrorist legislation, and Peter Clarke, the recently retired Head of Terrorist Investigations for the UK. Incorporates recently-released findings from studies commissioned by New Scotland Yard to study the effectiveness of police interviews with terrorist suspects. Includes chapters discussing the context in which people become suicide bombers.

The Rule of Law in an Era of Change - George J. Andreopoulos 2018-07-16

This forward-thinking volume examines the rule of law from a global perspective, in the context of a growing array of transnational challenges and threats. As the United Nations (UN) notes, the rule of law constitutes the basis "on which fair and just societies are built." The contributions to this volume provide insights to several emerging debates about what the rule of law means in the modern era of warfare and of massive and systematic human rights violations that call for robust and transparent accountability mechanisms and processes. The authors of this work examine several controversial topics, including: -The growing use of drones, and the morality of long distance use -The UN Security Council's evolving counterterrorism policies and practices -Victims' Rights and the effort to provide meaning and justice to victims and survivors of terrorism - The relationship between the International Criminal Court (ICC) and Truth and Reconciliation Commissions (TRCs) -The effectiveness of the international criminal justice process overall, with an

eye to procedural fairness and justice. This timely work will be of interest to researchers in criminal justice, particularly with a focus on counter-

terrorism and international justice, as well as international law, human rights, and international studies.