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Civil Liability in Europe for Terrorism-Related Risk

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Transnational Terrorism and State Accountability Vincent-Joël Proulx, 2012-11-05 Every State has an obligation to prevent terrorist attacks emanating from its territory This proposition stems from various multilateral agreements and UN Security Council resolutions This study exhaustively addresses the scope of this obligation of prevention and the legal consequences flowing from its violation so as to provide greater clarity on governments counterterrorism duties and to enhance State accountability for preventable wrongs It defines the contents and contours of the obligation while placing critical emphasis on the mechanics of State responsibility Whether obscured by new technologies like the Internet the sophisticated cellular structure of some terrorist organisations or convoluted political realities the level of governmental involvement in terrorist activities is no longer readily discernible in every instance Furthermore the prospect of governments waging surrogate warfare through proxies also poses intractable challenges to the mechanism of attribution in the context of State responsibility This monograph sets out the shortcomings of the extant scheme of State responsibility while identifying a paradigm shift towards more indirect modes of accountability under international law a trend corroborated by recent State and institutional practice Drawing on varied legal and theoretical influences the study devises and prescriptively argues for the implementation of a strict liability inspired model grounded in the logic of indirect responsibility with a view to enhancing State compliance with counterterrorism obligations This shifts the policy focus squarely to prevention while promoting multilateralism and transnational cooperation Ultimately the legal and policy sensibilities underlying the book converge into a new theory of prevention in counterterrorism contexts From the Foreword by Judge Bruno Simma International Court of Justice Even if one might disagree with the bases on which the author constructs his argument the execution of the argument is solid and thorough The coverage of the major policy arguments and the available legal source materials is equally impressive Moreover the author's positions are genuinely progressive and present a fairly innovative solution in the form of a strict liability mechanism It behoves all scholars and practitioners of international law with an interest in combating international terrorism to consider the proposals outlined in this book *Transnational Terrorism and State Accountability* by Vincent Joël Proulx has been awarded the 2014 Myres McDougal Prize for best book in Law Science and Policy from the Society of Policy Scientists

State Responsibility for International Terrorism Kimberley N. Trapp, 2011-06-02 The rules of state responsibility have an important but under utilized role to play in the terrorism context They determine both whether a breach of primary obligations has occurred through the rules of attribution and the consequences which flow from that breach including the possible adoption of responsive measures by injured states This book explores the substantive international legal obligations and rules of state responsibility applicable to international terrorism and examines the problems and prospects for effectively holding states responsible for internationally wrongful acts related to terrorism In particular it analyses the way in which the implementation of state responsibility for international terrorism may be affected

by the self determination debate any applicable *lex specialis* including the *jus in bello* and sub systems of international law such as the WTO as well as the interaction between determinations of individual criminal responsibility and the implementation of state responsibility The international community has responded to the threat of international terrorism both through a security *jus ad bellum* paradigm and by creating an international criminal law framework to address the conduct of non state terrorist actors The secondary rules of state responsibility analysed in this book cut across both approaches as they apply whether states breaching their primary obligations relating to terrorism through participation in or a failure to prevent or punish terrorism While this book identifies a number of problems in implementing state responsibility for international terrorism it also highlights the prospects for the rules of state responsibility to make a crucial contribution to maintaining respect for obligations which lie at the very foundations of the contemporary international legal order and to restoring the relationships between states if those obligations are breached

International Criminal Law Roger O'Keefe, 2015-06-04 International Criminal Law provides a comprehensive overview of an increasingly integral part of public international law It complements the usual accounts of the substantive law of those international crimes tried to date before international criminal courts and of the institutional law of those courts with in depth analyses of fundamental formal juridical concepts such as an international crime and an international criminal court with detailed examinations of the many international crimes provided for by way of multilateral treaty and of the attendant obligations and rights of states parties and with sustained attention to the implementation of international criminal law at the national level Direct concise and precise International Criminal Law should prove a valuable resource for scholars and practitioners of the discipline of international criminal law , Citizenship in a Connected Canada Elizabeth Dubois, Florian Martin-Bariteau, 2020-11-10

No detailed description available for Citizenship in a Connected Canada **Moral Accountability and International Criminal Law** Kirsten Fisher, 2013-03 In the past couple of decades an autonomous international system of law has aggressively developed to deal with individual criminal responsibility for the most heinous of crimes However the development and application of the international criminal system is mired in criticism and concern While international criminal law is playing an increasingly important role in global politics and issues of global security normative theory has not kept pace with the advancements in this area of law This book examines international criminal law ICL from a normative perspective setting out how individuals ought to be held accountable to the world for their contribution to atrocity In addition to addressing the normative basis for ICL the book provides criteria for determining the kinds of actions that should be addressed through international criminal law It asks and answers how individual responsibility can be determined in the context of collectively perpetrated political crimes and whether an international criminal justice system can claim universality in a culturally plural world The book scrutinizes the function of ICL and finally considers how the goals and purpose of international law can be best institutionally supported **The OIC, the UN, and Counter-Terrorism**

Law-Making Katja Samuel, 2014-07-18 The increasingly transnational nature of terrorist activities compels the international community to strengthen the legal framework in which counter terrorism activities should occur at every level including that of intergovernmental organizations This unique timely and carefully researched monograph examines one such important yet generally under researched and poorly understood intergovernmental organization the Organization of Islamic Cooperation OIC formerly the Organization of the Islamic Conference In particular it analyses in depth its institutional counter terrorism law making practice and the relationship between resultant OIC law and comparable UN norms in furtherance of UN Global Counter Terrorism Strategy goals Furthermore it explores two common mis assumptions regarding the OIC namely whether its internal institutional weaknesses mean that its law making practice is inconsequential at the intergovernmental level and whether its self declared Islamic objectives and nature are irrelevant to its institutional practice or are instead reflected within OIC law Where significant normative tensions are discerned between OIC law and UN law the monograph explores not only whether these may be explicable at least in part by the OIC s Islamic nature and objectives but also whether their corresponding institutional legal orders are conflicting or cooperative in nature and the resultant implications of these findings for international counter terrorism law and policy making This monograph is expected to appeal especially to national and intergovernmental counter terrorism practitioners and policy makers as well as to scholars concerned with the interaction between international and Islamic law norms From the Foreword by Professor Ben Saul The University of Sydney Dr Samuels book must be commended as an original and insightful contribution to international legal scholarship on the OIC Islamic law international law and counter terrorism It fills significant gaps in legal knowledge about the vast investment of international and regional effort that has gone into the global counter terrorism enterprise over many decades and which accelerated markedly after 9 11 The scope of the book is ambitious its subject matter is complex and its sources are many and diverse Dr Samuel has deployed an appropriate theoretical and empirical methodology harnessed an intricate knowledge of the field and brought a balanced judgement to bear to bring these issues to life *Negotiating Responsibility in the Criminal Justice System* Jack B. Kamerman, 1998 With this collection of essays Jack Kamerman presents the first sustained examination of one of the underpinnings of the operation of the criminal justice system the issue of responsibility for actions and as a consequence the issue of accountability Unique in the breadth of its approach this volume examines the issue of responsibility from the perspectives of criminal justice professionals sociologists philosophers and public administrators from four countries Attacking the problem on various levels the essayists look first at the assumptions made by criminal justice institutions regarding offender responsibility then turn to the views of offenders on the causes of their own actions and to the consequences of offenders either accepting or denying responsibility These scholars also examine the social and psychological circumstances under which people in general accept or deny responsibility for what they do thus providing the basis for understanding the process of social distance as a major precondition for people to commit atrocities without seeing

themselves as responsible Understanding the circumstances under which people either distance themselves from or embrace responsibility enables criminologists to make grounded recommendations for reordering responsibility in the criminal justice system and more generally for restoring a sense of responsibility to organizations occupations and society The substantive vehicle for this analysis of accountability and responsibility is the relationship between criminal justice institutions and the offenders who are under institutional control Aside from Kamerman the contributors are William C Collins Charles Fethé Gilbert Geis Robert J Kelly Alison Liebling Jess Maghan Mark Harrison Moore Paul Neurath John Rakis William Rentzmann and Jose E Sanchez

The Wiley-Blackwell Companion to Political Sociology Edwin Amenta, Kate Nash, Alan Scott, 2016-09-26 The Wiley Blackwell Companion to Political Sociology is a complete reference guide reflecting the scope and quality of the discipline and highlighting emerging topics in the field Global in focus offering up to date topics from an interdisciplinary international set of scholars addressing key issues concerning globalization social movements and citizenship The majority of chapters are new including those on environmental politics international terrorism security corruption and human rights Revises and updates all previously published chapters to include new themes and topics in political sociology Provides an overview of scholarship in the field with chapters working independently and collectively to examine the full range of contributions to political sociology Offers a challenging yet accessible and complete reference guide for students and scholars

Human Rights Michael E. Goodhart, 2016 Human Rights Politics and Practice is the most complete most topical and most student friendly introduction to human rights Bringing together a range of international experts including political scientists philosophers lawyers and policy makers the book provides students with a broad range of perspectives on the theoretical and practical issues in this constantly evolving field In addition to in depth theoretical content the book also features unrivalled coverage of human rights issues in practice with a wide range of case studies to explore concrete examples from around the world The third edition has been brought fully up to date with the most recent events and latest research developments in the area Two new chapters have been added one on religion and human rights and one on sexual orientation and gender issues and human rights introducing students to these important topics and expanding the theoretical and practical discussion of issues of universalism and relativism The new edition also features a range of carefully developed pedagogical features to aid student learning encourage critical analysis and challenge students to question their own assumptions The book is accompanied by an Online Resource Centre to enhance students learning and provide valuable support for lecturers For students Revise key terms with a flashcard glossary Take your learning further with links to key human rights documents Use carefully selected web links as a first step towards independent research For registered lecturers Enhance your seminars with a specially developed active learning exercise Use adaptable PowerPoint slides as the basis for lecture presentations or as handouts in class Save time preparing assessments with a fully updated test bank of questions

Risk Perception, Culture, and Legal Change Matteo Ferrari, 2016-03-23 This study explores the

reasons behind the different responses of the legal systems of Europe Japan and the USA in coping with BSE one of the major food safety crises in recent years Making reference to the most recent advances on risk perception that cognitive and social sciences such as legal anthropology and sociology of law have experimented with Risk Perception Culture and Legal Change examines the role that culture plays in moulding the process of legal change Attention is focused on the regulative frameworks implemented to guarantee the safety of the food chain against the BSE menace and on the liability responses sketched to compensate the victims of mad cow disease showing how both these elements have been influenced by the cultural context within which they are situated

Intervention in Civil Wars Chiara Redaelli, 2021-02-25 This book investigates the extent to which traditional international law regulating foreign interventions in internal conflicts has been affected by the human rights paradigm Since the adoption of the Charter of the United Nations foreign armed interventions in internal conflicts have turned into a common practice At first sight it might seem that state practice has developed in a chaotic fashion however on closer examination specific patterns emerge The book charts these patterns by examining the traditional doctrines of intervention and testing them against state practise The book has two aims Firstly it seeks to clarify the current legal framework regulating interventions in internal conflicts Secondly it plots the emergence of new trends and investigates whether they are becoming part of positive international law By taking this dual focus it offers the first truly comprehensive examination of foreign interventions in internal conflicts

Terrorism and the US Drone Attacks in Pakistan Imdad Ullah, 2021-03-29 This book analyses the US drone attacks against terrorists in Pakistan to assess whether the pre-emptive use of combat drones to kill terrorists is ever legally justified Exploring the doctrinal discourse of pre-emption vis-à-vis the US drone attacks against terrorists in Pakistan the book shows that the debate surrounding this discourse encapsulates crucial tensions between the permission and limits of the right of self-defence Drawing from the long history of God-given and man-made laws of war this book employs positivism as a legal frame to explore and explain the doctrine of pre-emption and analyses the doctrine of the state's rights to self-defence as it stretches into pre-emptive or preventive use of force The book investigates why the US chose the recourse to pre-emption through the use of combat drones in the war on terror and whether there is a potential future for the pre-emption of terrorism through combat drones The author argues that the policy to kill first is easy to adopt however any disregard for the web of legal requirements surrounding the policy has the potential to undercut the legal claims of an armed act The book enables the framing and analysis of such controversies in legal terms as opposed to a choice between law and policy An examination of the legal dilemma concerning drone warfare this book will be of interest to academics in the fields of international relations Asian politics South Asian studies and security studies in particular global security law new wars and emerging technologies of warfare

The Best Books for Academic Libraries: Political science, law, education, 2002 Books recommended for undergraduate and college libraries listed by Library of Congress Classification Numbers

Terror and Violence Andrew Strathern, Pamela J. Stewart, Neil L.

Whitehead,2005-11-20 What is terror What are its roots and its results and what part does it play in human experience and history This volume offers a number of timely and original anthropological insights into the ways in which acts of terror and reactions to those acts impact on the lives of virtually everyone in the world today as perpetrators victims or witnesses As the contributors to this volume demonstrate what we have come to regard as acts of terror whether politically motivated or state sanctioned have assumed many different forms and provoked widely differing responses throughout the world At a deeper level the contributors explore the work of the imagination in extreme contexts of danger such as those of terror and terrorism By stressing the role of the imagination and its role in amplifying the effects of experience this collection brings together a coherent set of analyses that offer innovative and unexpected ways of understanding a major global problem of contemporary life

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

Preventive Justice and the Power of Policy Transfer J. Ogg,2015-05-25 As policy makers look first and easily for existing policy solutions which could be adapted from elsewhere policy transfer becomes increasingly central to policy development This book explores whether policy transfer in everyday policy making may be unintentionally creating a system of preventive justice

International Law Sanford Silverburg,2018-04-19 This book offers diverse multinational perspectives on traditional and emergent issues in the practice and study of international law It deals with the evolving foundations of international law and covers a wide range of issues that link international politics to international law

The SAGE Encyclopedia of Terrorism, Second Edition Gus

Martin, 2011-06-15 Six years after publication of the first edition of the best selling Encyclopedia of Terrorism much has changed on the national security scene Despite the dark promises of Osama bin Laden following the 9 11 attacks the United States has not experienced any major domestic terror incidents Al Qaeda itself is believed to be a severely crippled organization But while U S wars in Afghanistan and Iraq not to mention the arrival of the Obama administration a new balance of power within Congress and an increasingly fragile economic picture have significantly affected the national security picture the threat of economic chaos and massive loss of life due to terror attacks has not abated Indeed in July 2008 analysts pointed out that even a relatively small terrorist organization could present a dire threat with some experts arguing that a biological chemical or even nuclear attack on a major U S city is all but inevitable In this highly charged rapidly shifting environment we are pleased to present the The SAGE Encyclopedia of Terrorism Second Edition a thoroughly updated and expanded edition of the original highly regarded reference work Nearly 100 000 words of new material will be added along with fully updated original entries and expanded coverage New introductory essays will explore the impact of terrorism on economics public health religion and even pop culture Ethical issues such as the role of torture in interrogations competing notions of security versus liberty and the debates over FISA legislation and Guantanamo Bay will also be covered Two dozen entries on significant recent events such as the London bombings Chechen attacks on Russian interests and the rescue of Ingrid Bettancourt and some 60 additional new entries will restore the work as an up to the minute natural first stop for researchers

Lawyers and the Rule of Law Andrew Boon, 2022-10-20 This book examines lawyers contributions to creating and maintaining the rule of law one of the pillars of a liberal democracy It moves from the European Enlightenment to the modern day exploring the role of judges government lawyers and private practitioners in creating defining and being defined by the demands of modern society The book is divided into 4 parts representing the big themes The first part considers lawyers contribution to the growth of constitutionalism the second the formulation of roles and identities and the third the formation of values The fourth part focuses on the challenges faced by lawyers and the rule of law in the past 50 years the neoliberal period and how they challenge both conceptions of lawyers and the rule of law Each part is illustrated by defining events from the execution of Charles I through the Nuremberg Trials to the insurrection by supporters of Donald Trump in January 2021 Although the focus is on England and Wales parallel developments in other jurisdictions Australia Canada New Zealand and the USA are considered This allows analysis of lawyers historical and contemporary engagement with the rule of law in jurisdictional systems based on the Common Law Each chapter is thematic but the passage through the book is broadly chronological

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