

Cambridge University Press

978-1-107-01467-1 - Global Anti-Terrorism Law and Policy: Second Edition

Edited by Victor V. Ramraj, Michael Hor, Kent Roach and George Williams

Frontmatter

[More information](#)

GLOBAL ANTI-TERRORISM LAW AND POLICY

Preventing acts of terrorism remains one of the major tasks of domestic governments and regional and international organisations. As terrorism transcends borders, so anti-terrorism law must cross the boundaries of domestic, regional and international law. It also crosses traditional disciplinary boundaries between administrative, constitutional, criminal, financial, immigration, international and military law, as well as the law of war. This second edition provides a comprehensive resource on how domestic, regional and international responses to terrorism have developed since 2001. Chapters that focus on a particular country or region in the Americas, Europe, Africa and Asia are complemented by overarching thematic chapters that take a comparative approach to particular aspects of anti-terrorism law and policy.

VICTOR V. RAMRAJ is an associate professor and Vice-Dean (Academic Affairs) at the Faculty of Law, National University of Singapore. His research focuses on comparative constitutional law, emergency powers, transnational law and legal theory.

MICHAEL HOR is a professor at the Faculty of Law, National University of Singapore, where he teaches and writes about criminal law, criminal procedure and constitutional due process.

KENT ROACH is a professor of Law at the University of Toronto, where he holds the Prichard-Wilson Chair in Law and Public Policy. He has served on terrorism-related commissions and task forces and is the author of *The 9/11 Effect: Comparative Counter-Terrorism*.

GEORGE WILLIAMS is the Anthony Mason Professor, a Scientia Professor and the Foundation Director of the Gilbert + Tobin Centre of Public Law at the Faculty of Law, University of New South Wales. As an Australian Research Council Laureate Fellow, he is engaged in a five-year international project on anti-terror laws and democracy.

Cambridge University Press

978-1-107-01467-1 - Global Anti-Terrorism Law and Policy: Second Edition

Edited by Victor V. Ramraj, Michael Hor, Kent Roach and George Williams

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-01467-1 - Global Anti-Terrorism Law and Policy: Second Edition

Edited by Victor V. Ramraj, Michael Hor, Kent Roach and George Williams

Frontmatter

[More information](#)

GLOBAL ANTI-TERRORISM LAW AND POLICY

SECOND EDITION

Edited by

VICTOR V. RAMRAJ

MICHAEL HOR

KENT ROACH

AND

GEORGE WILLIAMS



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press

978-1-107-01467-1 - Global Anti-Terrorism Law and Policy: Second Edition

Edited by Victor V. Ramraj, Michael Hor, Kent Roach and George Williams

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Tokyo, Mexico City

Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9781107014671

© Cambridge University Press 2012

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without the written
permission of Cambridge University Press.

First edition published 2005
Second edition published 2012

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Global anti-terrorism law and policy / [edited by] Victor V. Ramraj... [et al.]. – 2nd edn
p. cm.

Includes index.

ISBN 978-1-107-01467-1 (hardback)

1. Terrorism – Prevention – Government policy. 2. National security – Law and
legislation. 3. War and emergency legislation. I. Ramraj, Victor Vridar, 1968– II. Title.
HV6431.G549 2012
363.325'1561–dc23 2011041576

ISBN 978-1-107-01467-1 Hardback

Cambridge University Press has no responsibility for the persistence or
accuracy of URLs for external or third-party internet websites referred to in
this publication, and does not guarantee that any content on such websites is,
or will remain, accurate or appropriate.

CONTENTS

<i>List of Contributors</i>	<i>page viii</i>
<i>Acknowledgements</i>	<i>x</i>
1 Introduction	1
KENT ROACH, MICHAEL HOR, VICTOR V. RAMRAJ AND GEORGE WILLIAMS	
PART I Transnational perspectives	17
2 The United Nations Security Council, terrorism and the rule of law	19
C. H. POWELL	
3 The impossibility of global anti-terrorism law?	44
VICTOR V. RAMRAJ	
4 Transplantation	67
LAURA K. DONOHUE	
PART II Cross-cutting themes	89
5 The criminal law and its less restrained alternatives	91
KENT ROACH	
6 Anti-terrorism laws: balancing national security and a fair hearing	122
NICOLA MCGARRITY AND EDWARD SANTOW	
7 Legislating anti-terrorism: observations on form and process	151
ANDREW LYNCH	
8 The financial war on terrorism	183
KEVIN E. DAVIS	

9	Our responsibility to respect the rights of others: legality and humanity	208
	COLIN HARVEY	
10	‘Prevent’ responses to jihadi extremism	242
	CLIVE WALKER AND JAVAID REHMAN	
	PART III Anti-terrorism law and policy in Asia	269
11	Singapore’s anti-terrorism laws: reality and rhetoric	271
	MICHAEL HOR	
12	Anti-terrorism efforts in Indonesia	290
	HIKMAHANTO JUWANA	
13	The Human Security Act and the IHL Law of the Philippines: of security and insecurity	310
	H. HARRY L. ROQUE, JR.	
14	Responses to terrorism in China	334
	FU HUALING	
15	Security laws for Hong Kong	357
	SIMON N. M. YOUNG	
16	Japan’s response to terrorism post-9/11	390
	MARK FENWICK	
17	Mapping anti-terror legal regimes in India	420
	UJJWAL KUMAR SINGH	
	PART IV Anti-terrorism law and policy in the West	447
18	The United States a decade after 9/11	449
	WILLIAM C. BANKS	
19	UK counter-terror law post-9/11: initial acceptance of extraordinary measures and the partial return to human rights norms	481
	HELEN FENWICK AND GAVIN PHILLIPSON	
20	Canada’s response to terrorism	514
	KENT ROACH	
21	Anti-terror legislation in Australia and New Zealand	541
	GEORGE WILLIAMS	

Cambridge University Press
978-1-107-01467-1 - Global Anti-Terrorism Law and Policy: Second Edition
Edited by Victor V. Ramraj, Michael Hor, Kent Roach and George Williams
Frontmatter
[More information](#)

CONTENTS vii

PART V Anti-terrorism measures in the Middle East and Africa	571
22 Terrorism and governance in South Africa and Eastern Africa	573
CHRIS OXTOBY AND C. H. POWELL	
23 Israel’s anti-terrorism law: past, present and future	597
DAPHNE BARAK-EREZ	
24 Rocks, hard places and human rights: anti-terrorism law and policy in Arab states	621
LYNN WELCHMAN	
<i>Index</i>	655

Cambridge University Press

978-1-107-01467-1 - Global Anti-Terrorism Law and Policy: Second Edition

Edited by Victor V. Ramraj, Michael Hor, Kent Roach and George Williams

Frontmatter

[More information](#)

CONTRIBUTORS

WILLIAM C. BANKS

Director, Institute for National Security and Counterterrorism, Syracuse University

DAPHNE BARAK-EREZ

Professor of Law and the Stewart and Judy Colton Chair for Law and Security, Tel-Aviv University

KEVIN E. DAVIS

Beller Family Professor of Business Law, New York University School of Law

LAURA K. DONOHUE

Associate Professor, Georgetown University Law Centre

MARK FENWICK

Associate Professor, Faculty of Law, Kyushu University

HELEN FENWICK

Professor of Law, University of Durham

COLIN HARVEY

Professor and Head of School, School of Law, Queens University, Belfast

FU HUALING

Professor, Faculty of Law, University of Hong Kong

HIKMAHANTO JUWANA

Professor, Faculty of Law, University of Indonesia

MICHAEL HOR

Professor, Faculty of Law, National University of Singapore

ANDREW LYNCH

Associate Professor, Faculty of Law, University of New South Wales

LIST OF CONTRIBUTORS

ix

- NICOLA MCGARRITY
Faculty of Law, University of New South Wales
- GAVIN PHILLIPSON
Professor of Law, University of Durham
- C. H. POWELL
Senior Lecturer, Department of Public Law, University of Cape Town
- VICTOR V. RAMRAJ
Associate Professor, Faculty of Law, National University of Singapore
- JAVAID REHMAN
Professor, Brunel Law School
- KENT ROACH
Professor of Law and Prichard-Wilson Chair in Law and Public Policy,
University of Toronto
- H. HARRY L. ROQUE, JR.
Associate Professor, College of Law, University of Philippines
- EDWARD SANTOW
Faculty of Law, University of New South Wales
- UJJWAL KUMAR SINGH
Professor, Department of Political Science, Delhi University
- CLIVE WALKER
Professor, School of Law, University of Leeds
- GEORGE WILLIAMS
Anthony Mason Professor, Faculty of Law, University of New South
Wales
- CHRIS OXTOBY
Research Associate, Democratic Governance and Rights Unit, University
of Cape Town
- LYNN WELCHMAN
Professor, School of Law, SOAS, London
- SIMON N. M. YOUNG
Associate Professor, Faculty of Law, University of Hong Kong

Cambridge University Press

978-1-107-01467-1 - Global Anti-Terrorism Law and Policy: Second Edition

Edited by Victor V. Ramraj, Michael Hor, Kent Roach and George Williams

Frontmatter

[More information](#)

ACKNOWLEDGEMENTS

The editors owe a continuing debt of gratitude to Jenna Ng Pei Suin and R. Rueban Balasubramaniam, and especially to Tecla Mapota, Abhinav Bhatt and Elizabeth Chua for their hard work on and dedication to the first edition of this book. Thanks are also due to Keiran Hardy for his research assistance with this second edition, and to Kate Ollerenshaw, our copyeditor, for her keen eye for detail. We are grateful to the Faculties of Law at the University of Toronto, the National University of Singapore and the University of New South Wales and their respective Deans for funding that allowed the editors to work together over a number of years in preparing the previous and current editions of this book and the introduction. We are also extremely grateful to the National University of Singapore and the Australian Research Council for providing the generous grant which made the two editions and the symposia that inspired them possible.